

FEDERAL ELECTION COMMISSION

THIS IS THE BEGINNING OF MIR # 30 11 Marge 3 3117 DATE FILMED 2/27/9/ CAMERA NO. 4 CAMERAMAN AS

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: September 11, 1989

ANALYST: Andrew J. Dodson

I. COMMITTEE:

Majority Congress Committee (C00078410) Robert N. Reeves, Treasurer P.O. Box 70193 Washington, DC 20024

II. RELEVANT STATUTE:

2 U.S.C. §441a(f) 2 U.S.C. §441b(a) 11 CFR 102.5(a)

III. BACKGROUND:

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Receipt of Apparent Excessive Contributions and Receipt of Impermissible Funds from Unregistered Organizations

The Majority Congress Committee ("the PAC") disclosed apparent excessive contributions totalling \$45,750 from eighteen (18) committees and one (1) individual during calendar year 1987. The PCC also disclosed the receipt of \$3,750 in apparent impermissible funds from four (4) unregistered organizations during the same period (see Chart and Attachments).

Schedule A of the PAC's 1988 April Monthly Report disclosed that the PAC received a \$400,000 transfer from the Wright Appreciation Fund on March 30, 19881/; however, no supporting Memorandum Schedules A were provided (Attachment 2). In response to a Request for Additional Information ("RFAI") and Second Notice, the PAC filed an amended 1988 April Monthly Report on July 1, 1988 which disclosed that the PAC may have received apparent excessive contributions totalling \$45,750 from eighteen (18) committees and one (1) individual and \$3,750 in apparent impermissible funds from four (4) unregistered organizations (Attachment 3). All of the apparent excessive and impermissible funds were received by the Fundraiser between September 22, 1987 and December 17, 1987.

 $[\]frac{1}{}$ The Wright Appreciation Fund ("the Fundraiser") is a joint fundraising committee that was established by the PAC and the Congressman Wright Appreciation Committee ("the PCC") which is the principal campaign committee of Congressman James C. Wright, Jr.

NAJORITY CONGRES COMMITTEE Reports Analysis ogc Referral Page 2

> On August 3, 1988, the Reports Analysis Division ("RAO") analyst sent an RFAI that referenced the 1988 Amended April Monthly Report dated July 1, 1988 (Attachment 4). The RFAI noted the receipt of apparent excessive contributions and requested that the PAC refund the excessive amounts to the donors or, with the donors' consent, transfer the funds to an account used for non-federal activity. The RFAI also noted the receipt of contributions from unregistered organizations and advised the PAC to clarify whether or not the contributions were permissible under 11 CFR 102.5(a). The RFAI further advised the PAC to either refund any impermissible funds to the donors or transfer the funds, with the donors' consent, to an account not used to influence federal elections.

> On August 16, 1988, the RAD analyst received a call from Ms. Deanna Reeves, the PAC's Assistant Treasurer. Ms. Reeves stated that a response to the RFAI would be forwarded as soon as possible (Attachment 5).

> The PAC filed a letter on August 18, 1988, which stated that it was working on an answer to the inquiry. It also stated that it had been brought to the PAC's attention that the contribution from the Association of Trial Lawyers of America Political Action Committee in the amount of \$10,000 should have been designated in its entirety as a contribution to the PCC (Attachment 6). A Second Notice was sent on August 25, 1988, noting the PAC's response of August 18, 1988 (Attachment 7).

> On September 9, 1988, the Commission received the PAC's response (Attachment 8). In a cover letter to the response, Ms. Reeves stated that "...we are forwarding the attached revised Schedule A..." and "...a copy of the letter to the Commission from the Wright Appreciation Committee which answers the questions raised in your letter to us...". The response included photocopies of three (3) checks dated August 31, 1988, totalling \$4,000, from the Fundraiser to three (3) unregistered committees.²/ The portion of the Contributions that was originally allocated to the PAC totalled \$3,000. The response also included amended schedules showing a reattribution of all of the other contributions questioned in the August 3, 1988 RFAI.

 $[\]frac{2}{1}$ It does not appear that the PAC transferred the contributions from the unregistered organizations to the Fundraiser prior to the refunds made by the Fundraiser to these unregistered organizations.

NAJORITY CONGRES COMMITTEE REPORTS ANALYSIS OGC REFERRAL PAGE 3

> On September 28, 1988, the RAD analyst sent an RFAI to the PAC that referenced the 1988 Amended April Monthly Report filed September 9, 1988 (Attachment 9). The RFAI noted that the amended report reduced the PAC's gross receipts by approximately \$43,750 without showing a corresponding reduction in the net amount received from the Fundraiser. The RFAI requested a further explanation of the transactions in this amended report.

> On October 11, 1988, the PAC filed a letter that stated that an amendment would be ready by early November (Attachment 10). A Second Notice was sent on October 20, 1988 which acknowledged receipt of the letter (Attachment 11). On November 2, 1988, another letter was filed stating that the PAC would file an amendment soon (Attachment 12).

> The PAC filed an additional amendment to the 1988 April Monthly Report on November 16, 1988. This amendment did not provide any information regarding the apparent excessive and impermissible contributions (Attachment 13).

> On December 9, 1988, the RAD analyst called the PAC treasurer, Mr. Robert N. Reeves, and discussed the response to the RFAI of September 28, 1988 (Attachment 14). The RAD analyst stated that the response was incomplete because it failed to show a transfer of the excessive contributions from the PAC to the Fundraiser. Mr. Reeves stated that he was unaware that a transfer had not taken place and that he would attempt to resolve the situation.

On January 23, 1989, the RAD analyst and the Chief of the Unauthorized Branch ("Branch Chief") met with Robert and Deanna Reeves to discuss the response to the RFAI of September 28, 1988 (Attachment 15). The Branch Chief stated that the PAC needed to make a physical transfer to the Fundraiser of the apparent excessive contributions. Mr. Reeves stated that he would discuss the matter with the Fundraiser and file an amended report.

On January 25, 1989, the RAD analyst received a call from Ms. Reeves. She stated that she intended to transfer the apparent excessive contributions from the PAC to the Fundraiser. She agreed to file with the Commission a copy of the transfer check as proof of the transaction (Attachment 16).

On January 31, 1989, the PAC filed an amendment to the 1988 April Monthly Report (Attachment 17). In a cover letter to the report, Ms. Reeves stated that "we are enclosing a copy of our check to the Wright Appreciation

MAJORITY CONGRES COMMITTEE REPORTS ANALYSIS OGC REFERRAL PAGE 4

Fund in the amount of \$46,750 dated January 25, 1989. This reduces the \$400,000 transfer we received from the Fund by said amount." A copy of the \$46,750 check from the PAC to the Fundraiser was included in the response. The transfer was itemized on Schedule B of the PAC's 1989 February Monthly Report (Attachment 18).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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PAGE 1 OF 4

NAME OF CONTRIBUTOR!	AMOUNT OF CONTRIBUTION	RECEIPT DATE <u>2</u> /	APPARENT EXCESSIVE AMOUNT	AMOUNT TRANSFERRED OUT	REFUND OR TRANSFER OUT DATE	ATTACHMENTS
L.F. Rooney III	\$5,250	11/19/87	\$ 250**			3-2
Engineers Political Education Committee (EPEC)/International Union of Operating Engineers (C00029504)	\$3,750 \$3,750	10/15/87 10/15/87	\$2,500	\$2,500	1/25/89	3-3, 17
National Rural Letter Carriers Association Political Action Commaittee (CO0072025)	\$7,500	10/16/87	\$2,500	\$2,500	1/25/89	3-4, 17
Sheet Metal Workers International Association Political Action League (PAL) (CO0007542)	\$3,750 \$3,750	11/09/87 11/09/87	\$2,500	\$2,500	1/25/89	3-5, 17
Build Political Action Commuttee of the National Association of Home Builders (CO0000901)	\$3,750 \$3,550	11/12/87 11/12/87	\$2,500	\$2,500	1/25/89	3-6, 17
Texas Air Corporation Political Action Committee (TAC PAC) (C00101766)	\$7,500	11/09/87	\$2,500	\$2,500	1/25/89	3-6, 17

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PAGE 2 OF 4

AMOUNT REFUND OR AMOUNT OF RECEIPT APPARENT TRANSFERRED TRANSFER NAME OF CONTRIBUTOR! DATE2/ CONTRIBUTION OUT OUT DATE EXCESSIVE AMOUNT ATTACHMENTS American Telephone & Telegraph \$7,500 11/19/87 \$2,500 \$2,500 1/25/89 3-7, 17 Company Inc. P A C (AT&T PAC) (CO0185124) Coastal Corporation Employee \$7,500 11/19/87 \$2,500 \$2,500 1/25/89 3-8, 17 Action Fund (C00091702) Democratic Republican Independent \$3,750 11/19/87 \$2,500 1/25/89 \$2,500 3-8, 17 Voter Education Committee \$3,750 11/19/87 (CO0032979) 11/19/87 Federal Express Corporation \$3,750 \$2,500 \$2,500 1/25/89 3-8, 17 Political Action Committee 11/19/87 \$3,750 "FEPAC" (C00068692) LTV Corporation Active \$ 375 11/19/87 3-9 Citizenship Campaign3/ (C00008953) LTV Aerospace and Defense Company 11/19/87 \$5,250 3-10 Active Citizenship Campaign3/ (CO0112193)

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PAGE 3 OF 4

AMOUNT REFUND OR TRANSFER AMOUNT OF RECEIPT APPARENT TRANSFERRED NAME OF CONTRIBUTOR1/ CONTRIBUTION DATE2/ EXCESSIVE AMOUNT OUT OUT DATE ATTACHMENTS LTV Energy Products Company \$ 375 11/19/87 3-10 Active Citizenship Campaign3/ (CO0112441) LTV Steel Active Citizenship Campaign³/ (C00034181) \$1,500 11/19/87 \$2,500 \$2,500 1/25/89 3-10, 17 3-11, 3-14, Association of Trial Lawyers \$5,000 2/07/87 1/25/89 \$7,5005/ 11/24/87 \$7,500 \$7,500 17 of America Political Action Committee (C00024521) Tesco Div. of Texas Utilities Electric Co. PAC4/ (CO0079483) 3-12 11/19/87 \$3,750 11/19/87 3-12 Texas Utilities Co/Texas Utilities \$1,500 Electric Co. and Service Companies Energy Employees PAC4/ (C00079459) 3-13 Texas Utilities Electric-Tugco \$1,500 11/19/87 \$1,750** Division Political Action Committee4/ (C00174177)

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PAGE 4 OF 4

AMOUNT REFUND OR AMOUNT OF RECEIPT APPARENT TRANSFERRED TRANSFER NAME OF CONTRIBUTOR! / DATE2/ CONTRIBUTION EXCESSIVE AMOUNT OUT OUT DATE ATTACHMENTS Commodity Futures Political Fund \$3,750 11/24/87 \$6,250 \$1,250 1/25/89 3-14, 3-15, of the Chicago Mercantile \$3,750 11/24/87 1/25/89 \$2,500 17 Exchange (C00076299) \$3,750 11/24/87 \$2,500 1/25/89 American Airlines Political Action \$7,500 12/11/87 \$2,500 \$2,500 1/25/89 3-16, 17 Committee (C00107300 Textron Inc. Political Action \$7,500 12/17/87 \$2,500 1/25/89 \$2,500 3-17, 17 Committee (C00123612)

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APPARENT IMPERMISSIBLE CONTRIBUTIONS CHART

NAME OF CONTRIBUTOR	AMOUNT OF CONTRIBUTION	RECEIPT DATE	APPARENT IMPERMISSIBLE AMOUNT	AMOUNT TRANSFERRED OUT	REFUND OR TRANSFER OUT DATE	ATTACHMENTS
Gadaden County Democratic Executive Committee	\$ 750	9/22/87	\$ 750	\$ 750	8/31/88 refund 1/25/89 transfer-out	3-18, 8-5, 17
Commuttee For a Better Boston	\$1,500	11/19/87	\$1,500	\$1,500	8/31/88 refund 1/25/89 transfer-out	3-19, 8-6, 17
Texas Rural Water PAC	\$ 750	11/19/87	\$ 750	\$ 750	8/31/88 refund 1/25/89 transfer-out	3-20, 8-7, 17
Texas Independent Nursing Home Association	\$ 750	11/19/87	\$ 750**			3-21

FOOTNOTES FOR CHART

 $\frac{1}{1}$ The names of the committees are the registered names.

2/ The "Receipt Date" is the date of receipt by the Fundraiser. All of the contributions, except the \$5,000 contributed by the Association of Trial Lawyers of America Political Action Committee, were transferred by the Fundraiser to the PAC on March 30, 1988.

 $\frac{3}{1}$ These committees are affiliated and share one contribution limit.

4/ Ibid.

5/ Although the Amended April Monthly Report, dated August 16, 1988, stated that this contribution should have been designated in its entirety to the PCC, the response dated September 7, 1988 stated that the contribution was reattributed.

6/ The PAC has not been notified that those contributors noted with a double asterisk made apparent excessive or impermissible contributions.

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1987-1988

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

COMMITTEE	DOCUMENT		RECEIPTS	DISBURSEMENTS	COVERAGE DATES	• OF MICROPILM PAGES LOCATION OF FILER
	Y CONGRESS COMMITTEE				ID 000078410 NON-	PARTY QUALIFIED
	RGANIZATION: NONE STATEMENT OF ORGANIZATI	ION - AMENDMENT			29JAN87	1 87888/330/0023
	STATEMENT OF ORGANIZATI	ION - AMENDMENT			23FEB87	1 87H8E/332/1311
	FEBRUARY MONTHLY		1,513	10,969	1JAN87 -31JAN87	6 87H8E/332/1264
	FEBRUARY MONTHLY	- AMENDMENT	-	-	1JAN87 -31JAN87	2 87280/495/3858
	REQUEST FOR ADDITIONAL	INFURMATION	10 010	6 000	1JAN87 ~31JAN87 178887 ~2878887	2 87FBC/494/1050
	MARCH MONTHLY March Monthly	- AMENDMENT	10,012	6,909	1FEB87 -20FEB87	6 87H8E/332/3211 1 87FEC/493/4120
	REQUEST FOR ADDITIONAL				1FEB87 -28FEB87	2 877EC/494/1048
	APRIL MONTHLY		2,693	5,885	1MAR87 -31MAR87	5 87H8E/333/0709
	APRIL MONTHLY	- AMENDMENT	-	-	1MA287 -31MA287	1 8728C/495/4137
	REQUEST FOR ADDITIONAL	INFORMATION			1MAR87 -31MAR87	2 87FEC/494/1046
	HAY MONTHLY		2,485	11,185	1APR87 -30APR87	7 87HBE/333/1701
	MAY MONTHLY	- AMENDMENT	-	-	1APR87 -30APR87	1 07FEC/495/4136
	REQUEST FOR ADDITIONAL	INFORMATION			1APR87 -30APR87	2 87FEC/494/1044
	JUNE MONTHLY		440	11,219	1HAY87 -31HAY87	5 87HSE/333/2834
	JUNE MONTHLY	- AMENDHENT	-	-	1MAY87 -31MAY87	1 877EC/495/4125 2 877EC/494/1042
	REQUEST FOR ADDITIONAL	INFURMATION	1 307	9.036	1HAY87 -31HAY87 1JUN87 -30 JUN87	6 87H8E/334/0548
	JULY MONTHLY July Monthly	- AMENDMENT	1,397	9,038	1JUN87 -30JUN87	1 .8723C/495/4134
	REQUEST FOR ADDITIONAL				1JUN87 -30JUN87	2 87FEC/494/1040
	AUGUST MONTHLY		366	19,308	1JUL87 -31JUL87	6 87HSE/338/0026
	AUGUST MONTHLY	- AMENDHENT	-	-	1JUL87 -31JUL87	1 872EC/495/4183
	REQUEST FOR ADDITIONAL	INFORMATION			1JUL87 -31JUL87	2 872EC/494/1038
	SEPTEMBER MONTHLY		316	2,469	1AU887 -31AU887	4 87HSE/338/2169
	OCTOBER MONTHLY		259	5,697	182787 -3082787	6 87H82/338/3361
	OCTOBER MONTHLY	- AMENDMENT		-	152P87 -3082P87	1 87PEC/495/4132
	REQUEST FOR ADDITIONAL	INFORMATION	273	3,471	18EP87 -308EP87 10CT87 -310CT87	2 872EC/495/0663 4 87HSE/339/1298
	NOVEMBER MONTHLY December Monthly		238	4,198	1NOV87 -30NOV87	4 87881/339/2211
	YEAR-END		205	12,310	10EC87 -310EC87	6 88H5E/341/0002
1988	MISCELLANEOUS REPORT	TO FEC			18AUG88	3 COFEC/542/1301
	FEBRUARY MONTHLY		210	5,237	1JANBB -31JANBB	4 SCHSE/344/3015
	MARCH MONTHLY		1,211	2,059	1FEB88 -29FEB88	5 88H8E/345/4126
	APRIL MONTHLY		405,117	20,794	1HAR88 -31MAR88	7 88882/349/1435
	APRIL MONTHLY	- AMENDMENT	-		3MAR88 -31MAR88	2 88FEC/526/4759
	APRIL MONTHLY	- AMENDMENT			1MAR88 -31MAR88	164 88H8E/352/1226 165 88H8E/359/2827
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	APRIL MONTHLY	- AMENDMENT			1MAR88 -31MAR88	11 88HSE/369/1677
	APRIL MONTHLY	- AMENDMENT			1HAR88 -31MAR88	4 89FEC/382/0035
	REQUEST FOR ADDITIONAL REQUEST FOR ADDITIONAL	INFORMATION			3MAR88 -31MAR88 3MAR88 -31MAR88	1 88FEC/524/2090 2 88FEC/528/0689

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FEDERAL ELECTION COMMISSION 1987-1988

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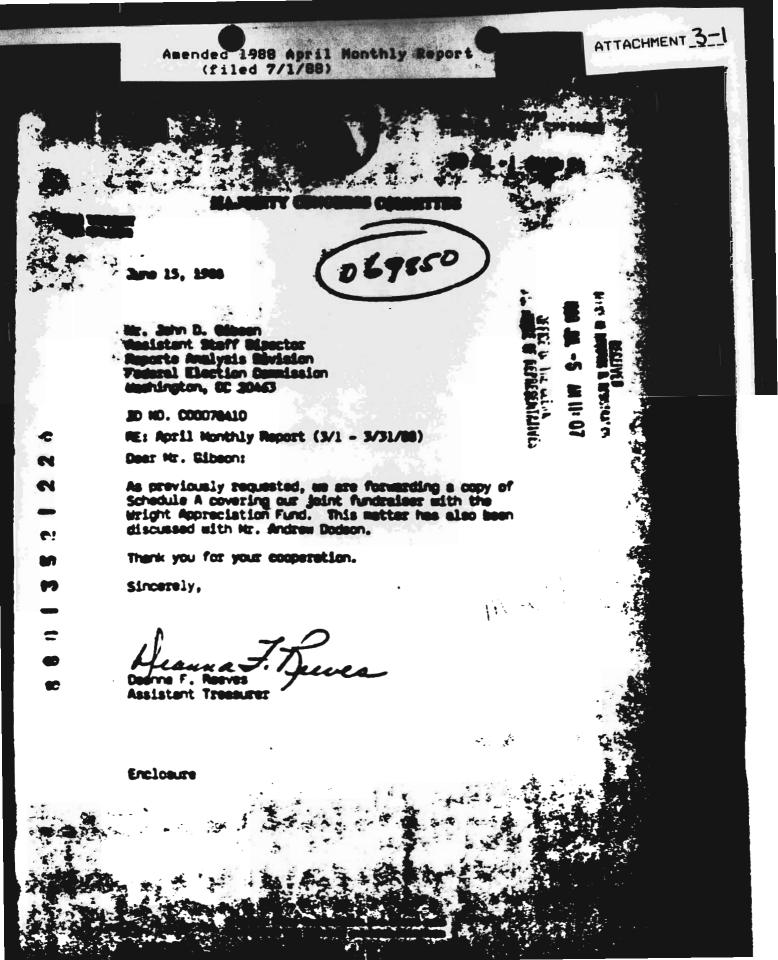
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	JUNE MONTHLY		1,784	27,941	1MAY88 -31MAY88	5 88H8E/351/5256
	JULY MONTHLY		0	28,660	1JUN88 -14JUN88	5 89H8E/351/526
	JULY MONTHLY	- AMENDMENT	1,768	35,773	1JUN88 -30JUN88	5 88HSE/357/219
	AUGUST MONTHLY		2,784	20,247	1JUL88 -31JUL88	8 88HSE/358/027
	SEPTEMBER MONTHLY		1,433	7,695	1AU688 -31AU688	5 88HSE/360/102
	OCTOBER MONTHLY		1,476	235,362	182788 -3082788	12 88HSE/361/082
	PRE-GENERAL		155,323	89,261	10CT88 -190CT88	8 88HSE/365/453
	PRE-GENERAL	- AMENDMENT	_		10CT88 -190CT88	1 BBFEC/575/021
	REQUEST FOR ADDITIONAL	INFORMAT ION			10CT88 -190CT88	1 80FEC/565/215
	REQUEST FOR ADDITIONAL	INFORMATION 2ND			10CT88 -190CT88	2 88FEC/569/460
	POST-GENERAL		6,112	76,626	200CT88 -28NOV88	10 88HSE/369/347
	POST-GENERAL	- AMENDMENT		_	200CT88 -28NOV88	2 89881/375/230
	YEAR-END		553	8,768	29NOV88 -31DEC88	11 89H6E/375/241
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ALL REPORTS HAVE BEEN REVIEWED: ENDING CASH AS OF 12/31/88: \$68,707 DEBTS OWED TO THE COMMITTEE: 0 DEBTS OWED BY THE COMMITTEE: 0

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- Martin Martin Amended 19 April Monthly Report (filed 7/1/88)

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Amended 19 April Monthly Report (filed 1/88)

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Amended 1988 April Monthly Report (filed 70088)

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FEDERAL ELECTION COMMISSION

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WASHINGTON, D.C. 20463

ALIG 3 1988

Robert N. Reeves, Treasurer Majority Congress Committee P.O. Box 70193 Washington, DC 20024

Identification Number: C00078410

Reference: Amended April Monthly Report (3/1/88-3/31/88, dated 7/1/88)

Dear Mr. Reeves:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or person in excess of \$5,000 per calendar year. (2 U.S.C. §441a(f)) and 11 CFR 110.1(d))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeds the limits, you should either refund to the donor the amount in excess of \$5,000 or, if appropriate, seek reattribution of the contribution pursuant to 11 CFR 110.1(k). Alternatively, if you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. You may wish to seek a written authorization (either before or after the transfer-out) from the donor for any transfer-out to protect the donor's interests. (11 CFR 103.3(b) and 110.1(k))

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In the best interests of the committee, all refunds, reattributions and transfers-out should be made within sixty days of the treasurer's receipt of the contribution. See 11 CFR 103.3(b). Refunds and transfers-out should be disclosed on a supporting Schedule B for Line 26 or 20 of the report covering the period during which they are made. Reattributions are reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received.

page 2 of 3

Although the Commission may take further legal steps regarding the acceptance of an excessive contribution(s), prompt action by you to refund, seek reattribution and/or transfer-out the excessive amount will be taken into consideration.

-Schedule A of your report (pertinent portion(s) a contribution(s) attached) discloses from an organization(s) which is not a political committee registered with the Commission. Under 11 CFR 102.5(b), organizations which are not political committees under the Act must either: 1) establish a separate account which contains only those funds permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If your committee does not finance non-federal activity, the receipt of the referenced contribution(s) may violate the limitations and prohibitions of the Act. (2 U.S.C. §§441a(f) and 441b) If your committee engages in both federal and non-federal activity, either through a separate non-federal account, or one account that finances activity in connection with both federal and non-federal elections, your committee may be in violation of 11 CFR 102.5(a).

Please clarify whether the contribution(s) received from the referenced organization(s) is permissible. To the extent that your committee has received funds which are not permissible, the Commission recommends that you refund the impermissible amount(s) to the donor(s) in accordance with 11 CFR 103.3(b). Alternatively, if you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. You may wish to seek a written authorization (either before or after the transfer-out) from the donor for any transfer-out to protect the donor's interests.

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. Refunds and transfers-out should be disclosed on a supporting Schedule B for Line 26 or 20 of the report covering the period during which they are made.

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information.

Although the Commission may take further legal steps concerning the acceptance of prohibited contributions, prompt action by your committee in refunding or transferring-out the amounts will be taken into consideration.

-Schedule A supporting Line 12 of your report discloses incorrect aggregate year-to-date totals for contributions received from individuals and political committees. Please amend your report by providing the aggregate year-to-date figures (1987) for contributions received by your committee, not by the joint fundraiser.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

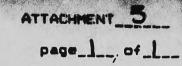
Sincerely,

ATTACHMENT

page 3 of 3

Andrew Dodson Reports Analyst Reports Analysis Division

TELECON



ANALYST:	Andrew Dodson
CONVERSATION WITH:	Deanna F. Reeves
COMMITTEE:	Majority Congress Committee
DATE:	8/16/88 .
SUBJECT(S):	Request For Additional Information referencing the Amended April Monthly Report (3/1/88 - 3/31/88, dated 7/1/88)

Ms. Reeves called today and stated that a response to the RFAI referencing the Amended April Monthly Report would be forwarded as soon as possible.

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page 1 of 2

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MAJORITY CONGRESS COMMITTEE

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August 16, 1988

Mr. Andrew Dodson, Reports Analyst Reports Analysis Division Federal Election Commission Washington, DC 20463

I.D. #C00078410

Re: Amended April Monthly Report (3/1-3/31/88, dated 7/1/88)

Dear Mr. Dodson,

This will confirm our telephone conversation of this date with reference to your inquiry dated August 3, 1988. Due to the fact that mail from our P.J. Box in Washington, DC has to be forwarded to me here in Dallas, I received your letter on the 15th of August and usually cannot meet your deadline of 15 days after date of letter. As I explained, Mrs. Youngblood and I are working on an answer to your inquiry and I ar forwarding a copy of her letter to the Commission with reference to the contribution from the ATLA PAC (Association of Trial Lawyers of America Political Action Committee), which is self explanatory.

Thank you for you assistance.

Sincerely your,

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Deanna F. Reeves Assistant Treasurer

Enclosure

P & BUS 70303 WARHINGTON & C. 20004 6803 PAID FMB 01 THE RAIGHTY COMMEND CURINTYEE

WRIGHT APPRECIATION COMMITTEE

Post Office Des 1413 : Fort Worth, Trans 76101

August 11, 1988

Re: Congressman Wright Appreciation Committee Year End Report (7/1/87-12/31/87) ID #CO0012427

ATTACHMENT 6

page 2 of 2

Wright Appreciation cond Year End Peport (7/1/57-12/31/87) TD (6000100007

Federal Election Commission Attention: Linds Tangney Reports Analysis Division Washington, D.C. 20463

Dear Ms. Taugney:

Please refer to our June 30, 1985 letter and attached Memorandum Schedule A showing redesignations of contributions received by the Wright Appreciation Fund during the Year 1987 as a result of our joint fundraiser for the Congressman Wright Appreciation Committee and the Majority Congress Committee.

It has been called to our attention that the contribution received from ATLA PAC (Association of Trial Lawyer: of America Political Action Committee), 1050-31st Street, N.W., Washington, D.C. 20007, dated 11/24/87 in the smount of \$10,000 should have been designated in its entirety as a contribution to the Congressman Wright Appreciation Committee, \$5,000 each for the Primary and General Fluctions. It would be appreciated if you would amend page 19, line number 11c, Schedule A of our Memorandum submitted on June 30, 1988 to indicate this, and no contribution to the Majority Congress Committee, as a contribution had previously been made to the Majority Congress Committee by the ATLA PAC.

Sincer / ... martani Che Lar pric Younght Assistant Treasurer

cc: Clerk, U.S. House of Repression Office of Records & Registration 1036 Longworth House Office Sollying Washington, D.C. 20515 Office of uncestory of State Disclores 117ing Division P. C. T. - 1/570 Austin, Texar 78711 ATLA-PAC

Majority Congress Committee

FEDERAL ELECTION COMMISSION

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August 25, 1968

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ATTACHMENT

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page of I

Robert W. Reeves, Treasurer Majority Congress Committee P.O. Box 70193 Washington, DC 20024

Identification Number: C00078410

Reference: Amended April Nonthly Report (3/1/88-3/31/88, dated 7/1/88)

Dear Mr. Reeves:

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On Aukgust 3, 1988 you were notified that a review of the above-referenced report(s) raised questions as to specific contributions and/or expenditures, and the reporting of certain information required by the Pederal Election Campaign Act.

The Commission is in receipt of your letter dated Asyust 16, 1988. Please be advised that if the information requested by the Commission is not received within fifteen (15) days from the date of this notice, the Commission may choose to imitiate audit or legal enforcement action.

 If you should have any questions related to this matter, please contact Andrew Dodson on our toll-free number (800) 424 9530 or our local number (202) 376-2480.

Sincerely,

How

John D. Gibson Assistant Staff Director Reports Analysis Division

NAJORITY CONGRESS CONSTITUTE

ded 1988 April Monthly (filed 9/9/88) ATTACHMENT 8-1

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September 7, 1988

A

Mr. John D. Gibson Assistant Staff Director Reports Analysis Division Federal Election Commission Washington, DC 20463

Re: ID #C00078410 Amended April Nonthly Report (3/1 - 3/31/88, deted 7/1/88)

Dear Mr. Gibson,

With reference to the above, and as discussed with Mr. Andrew Dodson, we are ferwarding the attached revised Schedule A which will replace the Schedule A previously submitted.

We are also attaching a copy of the letter to the Commission from the Wright Appreciation Committee which answers the questions raised in your letter to us dated August 3, 1988.

Sincerely,

Deanna F. Reeves/ Assistant Treesurer

Enclosure

P. G. BOK 70000 WARETHOTOF, S. C. BOOMS COM PAID FOR ST THE HAPODITY CONFIDENCE COMMITTEE

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RECEIVED

WRIGHT 1 MAGO

Post Office Box 1413 : 1 Fort Worth. Texas 76101

August 31, 1968

ALL STATE CONTINUE Re: CONCRESSMAN WRICHT AP -9 M 1: 30 FEC ID #C00012427

LIS HOLE OF RELIEVES WRICHT APPRECIATION FUND FEC 10 #C000222307 (Amended Year End Report 12/31/87,

Federal Election Commission Attention: Linda Tangney, Reports Analyst Reports Analysis Division Washington, D.C. 20463

Dear Ms. Tangney:

Reference your letter to our Committee dated August 3, 1988, please accept this letter and the attached Nemorandum Schedules A as an amendment to our report.

Following is an itemization of questions raised in both your letter and the letter from Andrew Dodson to the Majority Congress Committee (FEC ID #C00078410) of the same date:

1. You will note that the aggregate year-to-date totals for each contributor reflect only the portion of the contribution allocated to our committee.

2. Re the contribution received from Gadaden County Democratic Executive Committee and originally reported on Page 1, Line 12c in the amount of \$1,000 has been refunded to them, since it has been determined that they are not a political committee registered with the Federal Election Counission (photocopy of refund check attached).

3. Contributions from Engineers Political Education Committee originally reported on Items C & D, Page 2, line llc have been resttribute so that their contributions do not now exceed the limits.

4. Contribution from MLCA Political Action Completion, on Item 5, page 3, Line 12c has been resttributed so that this a less not noy succed the 1964to. 9.11

5. Contributions received from Shoet Metal Mothers & Association Political Action League reported on Itoms 7 & C. lic have been resttributed so that these contributions do not now (the limits.

Amended 1988 April Monthly Report (filed 9/9/88) ATTACHMENT 8-3

6. Contribution received from Texas Air Corporation Political Action Committee, reported on Item A, page 8, Line 11c has been restributed so that this contribution does not now exceed the limits.

7. Contributions received from Build Political Action Committee of the National Association of Nome Builders, reported on Items F & G, page 8. Line lic have now been restributed so that these contributions do not now exceed the limits.

8. Contribution received from Committee for a Better Boston, reported on Item G, page 10, Line 11c has been refunded to them, since it has been determined that they are not a political committee registered with the Federal Flection Commission (photocopy of refund check attached).

9. Contribution received from AT&T PAC, reported on Item F, page 12, line lic has been resttributed no that this contribution does not now exceed the limits.

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10. Contribution received from Goastal Employee Action Fund, reported on Item D. page 14. Line lle has been reattributed so that this contribution does not now exceed the limits.

11. Contributions received from DRIVE Political Fund, reported on Item E, page 14, line lic have been reattributed so that these contributions do not not exceed the limits.

12. Contributions received from Federal Express Political Action Committee, reported on Item 6, page 14, Line 11c have been reattributed so that these contributions do not now exceed the limits.

13. Contribution received from LTV Aerospace and Defense Company Active Citizenship Campaign, reported on Item A, page 16, Lime 11c has been reattributed so that the contribution does not now exceed the limits.

14. Contribution received from Texas Bural Water PAC, reported on Item E, page 17. Line 11c has been refunded, since it has been determined that they are not a political committee registered with the Federal Election Commission (photocopy of refund check attached).

15. Contribution received from Commodity Putures Political Pund. reported on Itom A, page 19, line 11c has been restributed so that this contribution does not now exceed the limits.

16. Contribution received from ALLA PAC (Association of Trial Lowyour of America Political Action Committee) has been restributed so that this arcontribution does not now exceed the limits.

17. Contributions received from Cosmodity Futures Political Fund, reported on Items C & D, page 20, Line lic have been reartributed on that these contributions do not now exceed the limits.

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Amended 1988 April Monthly Rep (filed 9/9/88)

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18. Contribution serviced from American Aistines Political Action Committee, reported on Item D. page 24. Line He has been reallributed as that this contribution down not now exceed the limits.

19. There was a question as to whether Equitable Life Assurance Society Political Action Committee, reported on item C, page 25. Line lic was a political committee registered with the Federal Election Commission. Please be advised that there has been a name change since this contribution was received. They are now registered with the Commission as "Equitable Financial Services Political Action Committee (A.K.A. Equi PAC)" and their PEC ID number is CO0161901.

20. There was a question as to whether Grace Good Government Fund reported on Item B, page 27, Line llc was a political committee registered with the Federal Election Commission. Please be advised that there has been a name change since this contribution was received. They are now registered with the Commission as "GRACE PAC" and their FEC ID number is CO041996.

21. Contribution received from Textrem Political Action Committee, reported on Item F. page 27, Line 11c has been resttributed as that this conribution does not now exceed the limits.

Please accept this letter and attachment (Memorandum Schedule A) as an amendment to our report for this period and substitute it for the report previously submitted.

Sincerely,

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Marjorle Youngylood Assistant Treasurer

cc: Clerk, U.S. House of Representatives Office of Records and Registration 1036 Longworth House Office Building Nashington, D. C. 20515

Office of Secretary of State Disclosure Filing Division P. O. Box 12070 Austin, Texas 78711

Majority Congress Committee

ATTACHMENT 5-5 ded 1988 April Monthly Re (filed 9/9/88) 275 TC THE Gadadan County Democratic Executive Committee \$ 1,000.00 10-034.0000 CENTRA . . . Refund of contribution WRIGHT APPRECIATION FUND [Committee not registered with Federal 2 Election Commission] ma -0003327-#000275# #111900659#

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ATTACHMENT

FEDERAL ELECTION COMMISSION

RO-2



WASHINGTON, D.C. 20463

Robert N. Reeves, Treasurer Majority Congress Committee P.O. Box 70193 Washington, DC 20024 SEP 28 1

Identification Number: C00078410

Reference: Amended April Monthly Report (3/1/88-3/31/88 - dated 9/9/88)

Dear Mr. Reeves:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report discloses contributions from political committees which have been reduced through reattribution to levels permissible under the Act (pertinent portions attached). The reduction amounts to approximately \$43,750 in gross receipts. However, it appears that there has not been a corresponding reduction in the net amount transferred from the Wright Appreciation Fund. Please provide an explanation for this transaction.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Andrew Dodson Reports Analyst Reports Analysis Division

ATTACHMENT 10

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NAJORITY CONGRESS CONDETTES

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Mr. Andrew Dodson, Reports Analyst Reports Analysis Division Federal Election Commission Washington, DC 20463

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ID No. C00078410

RE: Amended Monthly Report for April (3/1 -3/31/88 dated 9/9/88)

Dear Mr. Dodson,

We are in receipt of your inquiry dated September 28, 1988, in the above referenced matter.

I am informed by Mrs. Marge Youngblood that the final division of funds is now being worked on and should be ready for submission by the first of Movember. Sincerely,

Deanna F. Reeves Assistant Treasurer

ATTACHMENT 11 page | of |



FEDERAL ELECTION COMMISSION

20-3

October 20, 1988

Robert H. Reeves, Treasurer Majority Congress Committee P.O. Box 70193 Washington, DC 20024

Identification Number: C00078410

Reference: Amended April Monthly Report (3/1/88-3/31/88) dated 9/9/88

Dear Mr. Reeves:

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On September 28, 1988 you were notified that a review of the above-referenced report(s) raised questions as to specific contributions and/or expenditures, and the reporting of certain information required by the Federal Election Campaign Act.

The Commission is in receipt of your letter dated October 11, 1988. Please be advised that if the information requested by the Commission is not received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Andrew Dodson on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

1 Allon

John D. Gibson Assistant Staff Director Reports Analysis Division



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MAJORITY CONCERSE CONCERTER

November 1, 1988

Mr. John D. Gibson Assistent Staff Director Reports Analysis Division Federal Election Commission Washington, DC 20463

RE: Amended April Monthly Report (3/1 - 3/31/88) dated 9/9/88 I.D. No. C00078410

Dear Mr. Gibson,

We received, on October 28th, your letter on the above referenced report dated October 20, 1988.

As stated in our letter of October 6th, and after talking with Mrs. Marge Youngblood this morning, the information you have requested is being finalized for submission to the Commission this week.

Sincerely,

Deanna F. Reeves / Assistant Treasurer

November 11, 1988

Wr. John D. Eibsen Assistant Staff Director Reports Analysis Division Federal Election Commission Washington, DC 20463

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RE: Amended April Monthly Report (3/1 - 3/31/88 deted 9/9/88 I.D. Mo. C00076410

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Bear Mr. Gibson,

We are, today, in receipt of the anchood revised information from the Wright Approxiation Committee.

Please note the last peragraph on the Record of Distribution of Receipts and Expenditures of Joint Fundraiser for 1987 and from Jenuary 1 through October 13, 1988. When we are in persipt of the final year-end Figures, we will report same to the Commission.

Sincerely,

Deshna F. Roeves Assistant Treesurer

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Inventor 10, 1988

Record of Distribution of Receipts of Joint Pundraiser hald by Wright & Gistion Fund for calendar year 1907 and the period from January 1 through Outsbur 13, 1968

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page 3_ of 3

•	Congresses Wright Appreciation Counittee	Comittee	Totals
Contributions Received from EMDIVIDUALS (11a)	\$619,773.35	\$356,230.00	9478.051.94
Contributions Received from Political Party Counittoos (11b)	300.00	1,50000	2,000.00
Contributions Reseived from POLITICAL ACTION CONMITTEES (11c)		579. CT-75	576.275.66
Totals	308,742.36	730, 361,34	1,056,527.00
Operating Expenditures Pundo Transferred	92,003.42	224,000.00	729,000.00
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ANALYST:	Andrew Dodson	
CONVERSATION WITH:	Robert Reeves	
COMMITTEE:	Majority Congress Committee	
DATE:	December 9, 1988	
SUBJECT(S):	Amended April Monthly Report (3/1/88 - 3/31/88,	filed 9/9/88) ·

I spoke to Mr. Reeves today and discussed the responses to the RFAI of September 28; 1988. I stated that the response was incomplete because it failed to show a transfer of funds from the Majority Congress Committee to the Wright Appreciation Fund. I stated that the transfer of funds should correspond to the reattribution of contributions disclosed in the Amended April Monthly Report dated September 9, 1988. Mr. Reeves stated that he was unaware that such a transfer had not taken place and that he would contact Ms. Youngblood to clarify the situation. Mr. Reeves stated that either he or Ms. Youngblood would contact me concerning this matter.

MEETING

ATTACHMENT 15

page ____ of ____

ANALYST: Andrew Dodson and Lisa Stolaruk

CONVERSATION WITH: Robert N. Reeves and Deanna F. Reeves Treasurer and Assistant Treasurer of the Majority Congress Committee

DATE: January 23, 1989

SUBJECT: Excessive Contributions and Impermissible Funds received by the Majority Congress Committee

We met today with Robert and Deanna Reeves and discussed the excessive contributions disclosed on the Amended April Monthly Report filed July 1, 1988. Mr. Reeves stated that he had been informed that future transfers from the Wright Appreciation Fund would be reduced by the amount of the excessive contribution. Mr. Reeves then asked if this action would be an adequate response to the questions raised by the Commission. Ms. Stolaruk stated that such a response would not be adequate and explained that a physical transfer of funds would be required. Mr. and Ms. Reeves stated that they understood the necessity of transferring the excessive funds. They also stated that they would discuss this information with the Wright Appreciation Fund and file an amended report.

TELECON

ATTACH

page 1 of 1

ANALYST:	Andrew Dodson
CONVERSATION WITH:	Deanna F. Reeves
COMMITTEE:	Majority Congress Committee
DATE:	1/25/89
SUBJECT(S):	Transfer of Excessive Contributions

I spoke today with Ms. Reeves and she stated that she intended to transfer the excessive contributions from the Majority Congress Committee to the Wright Appreciation Fund. I requested that she send the Commission a copy of the transfer check as proof of the transaction.

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ATTACHMENT_17_



PEGERAL ELECTION CONTINSTON

MAJORITY CONGRESS COMMITTEE

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January 25, 1989

Mr. Andrew Dodson, Reports Analyst Reports Analysis Division Federal Election Commission Washington, D. C. 20465

RE: Amended April Monthly Report (3/1-3/31/88 dated 9/7/88) Identification #CDD07841D

Dear Mr. Dodson,

We appreciate your taking the time to meet with us this past Monday. Your advice was very helpful.

Pursuant to our phone conversation of today, we are enclosing a copy of our check to the Wright Appreciation Fund in the amount of \$46,750 dated January 25, 1989. This reduces the \$400,000 transfer we received from the Fund by said amount. To comply with contribution levels permissible under the Act, the amount of \$43,750 was reduced through reattribution and the amount of \$3,000 was returned due to non-registered PACS.

we appreciate all the help you have given us.

·interely,

Keranna - igenes.

Deanna F. Reeves Assistant Treasurer

Enclosure (3)

: Clerk of the House Vrat-Shid Report

> P. 15. 3-15, 7019-1 W. WHENELLEN, LI & JOHL & OHL & 15.155.5-08. WY 1007 N.6-108277 4-099-80 6-098-82751-1

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P. O. BOX 70193 WASHINGTON, D.C. 20024-8			
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ATTACHMENT 17

WRIGHT APPRECIATION COMMITTEE

Post Office Box 1413 D Fort Worth, Tenes 76101 January 26, 1969

> Re: Wright Appreciation Fund FEC #C000222307 060688

Record of Disbribution of Receipts of Joint Pundreiser hold by Wright Approvation Fund for calendar years 1987 and 1988.

	Attribution to Congressmen Wright Appreciation Counittee	Attribution to Nejority Congre Conmittee	Totale
Contributions Received from INDIVIDUALS (11a)	\$119,773.35	\$358,278.59	\$478,051.94
Contributions Received from Political Party Coumittees (11b)	500.00	1,500.00	3,000.00
Contributions Received from POLITICAL ACTION CONSTITUES (11c)	198,468.91		578,275.66
Total	318,742.25	379,806.75	1,058,327.60
Operating Expenditures	106,403.42	248,274.64	354,678.06
Total to be transferred	212,338.84	491,310.70	703,649.54
Total previously transferred	166,000.00	\$\$4,000.00	720,000.00
Refunded to Wright Apprecia- tion Fund	-0-	46,750.00	46.750.00
Balance	46,338.84	- 15,939.30 (c	opy of check at

WASHINGTON, D.C. \$5054-5155	2076
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Mright Appreciation Fund P.O. Box 1413 Ft. Worth, TX 76101			Annual of Seal
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FEDERAL ELECTION COMMISSION

RQ-2

SEP 1 3 1980

Robert N. Reeves, Treasurer Najority Congress Committee P.O. Box 70193 Washington, DC 20024

Identification Number: C00078410

Reference: March Monthly Report (2/1/89-2/28/89)

Dear Mr. Reeves:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or person in excess of \$5,000 per calendar year. (2 U.S.C. §44la(f)) and ll CFR 110.1(d))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeds the limits, you should either refund to the donor the amount in excess of \$5,000 or, if appropriate, seek reattribution of the contribution pursuant to 11 CFR 110.1(k). Alternatively, if you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. You may wish to seek a written authorization (either before or after the transfer-out) from the donor for any transfer-out to protect the donor's interests. (11 CFR 103.3(b) and 110.1(k))

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In the best interests of the committee, all refunds, reattributions and transfers-out should be made within sixty days of the treasurer's receipt of the contribution. See 11 CFR 103.3(b). Refunds and transfers-out should be disclosed on a supporting

Schedule B for Line 26 or 20 of the report covering the period during which they are made. Reattributions are reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received.

Although the Commission may take further legal steps regarding the acceptance of an excessive contribution(s), prompt action by you to refund, seek reattribution and/or transfer-out the excessive amount will be taken into consideration.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Andrew Dodson Reports Analyst Reports Analysis Division

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MAJORITY CONGRESS CONVETTEE			
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MAJORITY CONGRESS COMMITTEE	From 1/1		1. 1/89	
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	Total This Parts	d Cater	the line los	
1. CONTRIBUTIONS (other than loans) FROM: (a) Individuals/Persons Other Than Political Committees				
(i) Nemized (use Schedule A)	\$ _2,000.00	1	2.000.00	
(ii) Uniternized	-0-		-0-	
(iii) Total of contributions from individuals (b) Political Party Committees	\$ 2,000.00	-+5	2.000.00	
(c) Other Political Committees (such as PACs)	-0-	1	-0-	
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c)).	\$ 2.000.0		2.000.00	
2. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	-0+		-0-	
3. ALL LOANS RECEIVED	-0-		-0-	
4. LOAN REPAYMENTS RECEIVED	-0-		-0-	
S. OFFSETS TO OPERATING EXPENDITURES (Rolunda, Robuston, etc.)				
8. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL GANDIDATES	-0-		-0-	
AND OTHER POLITICAL COMMITTEES	-0-		-0-	
7. OTHER RECEIPTS (Dividends.interest. etc.)	\$ 325.4	9 \$	325.49	
8. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	\$ 2,325.4	9 \$	2,325.49	
IL DIGOUNDEMENTS				
9. OPERATING EXPENDITURES	\$ 1,888.9	1 5	1,888.91	
0. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	\$ 62,68". 4	11 5	62,689.30	
1. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	-()-		-0-	
2. INDEPENDENT EXPENDITURES (use Schedule E)	-0-		-0-	
2. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F).	-()-		-0-	
4. LOAN REPAYMENTS MADE	-0-		-0-	
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IS. REFUNDS OF CONTRIBUTIONS TO:				
(a) Individuals/Persons Other Than Political Committees	-0-	-	-0-	
(b) Political Party Committees (c) Other Political Committees (such as PACs)	-0-	t i	-0-	-
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))	-0-	t.	-0-	
7. OTHER DIBBURSEMENTS	-0-		-0-	
29. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d)				-
and 27)	\$ 64,578.2	1 5	64.578.21	-
IL NET CONTREPUTIONS OF STATING EXPENDITURES	\$ 2,000.0		2,000.00	
TOTAL CONTRACT TOTAL Inter the base of the state	-0-		-0-	
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10. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))	\$ 2,000.0			
29. TOTAL CONTRIBUTIONS (other then isons)(from Line 11(d)). 30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d)) 31. NET CONTRIBUTIONS (other then isons)(subtract Line 30 from .*8) 19. TOTAL OPERATING EXPENDITURES (from Line 19) 19. OPPOETS TO OPERATING EXPENDITURES (from Line 19)				

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TWINDING PRODUCTION AUTOCIDED COMMITTEE.	317,338.84	3.25	. *
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(a) Made or Guaranteed by the Candidate	-	A CONTRACT OF	
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OFFSETS TO OPERATING EXPENDITURES (Palanda, Palasta, etc.)	27.78	20	1
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TRANSPERS TO OTHER AUTHORIZED COMPLETINGS.	A Carlo Start	46,750.4	7
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(a) Individuals Parsons Cither Than Publical Generalizate	5.000.00		<u> </u>
(b) Publical Party Committees			<u>.</u>
(4) TOTAL CONTRADUTION REPLACE (and Stat. (4) and (4)			-
	9,000,00		
	54.70	54.6	
TOTAL DISOL/FORMEDITS (add 17, 16, 10(4), State) and Stj.	404,125.80	404,125.0	
BL CASH SUBMARY			
		3,673.02	7
. TOTAL RECEIPTS THIS PERIOD (Nem Line 16)			-ſ
	• •	09,269.14	
SUBTOTAL (add Line 28 and Line 34)	· · · · · • • •	22,942.16	
TOTAL DISSURGEMENTS THIS PERIOD (from Line 20).		04,125.80	1
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Federal Election Commission Secretary of the Senate Clark of the House of Federal Election Com		James C. Hright	, Jr.		ito Protestatian
1 Maintain of Construction of Co		1236 Longaceth	Building	1397 SEP 21	PH 1: 12
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1 Incredy designate the following named political committee as my Principal Cerrystep Committee for the			DESIGNATION OF PRINCH	PAL CAMPAIGN COMMITTEE	
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DESIGNATION OF PRINCIPAL CAMPAIEN COMMITTEE

6. I hereby designate the following named political committee as my Principal Company Con	unites for the dection(s)
HOTE: This designation should be first with the assumption office listed being	(Anter efilesten)
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Mright Appreciation Committee M Address (runter and street) P.O. Box 1413	2 2 7 4
Hart Morth, Tusas 76101	

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundhalating Representatives)

I hereby authorize the following nemed committee, which is NOT my principal comparison committee, to receive and expand fun on behalf of my conditiony.

NOTE: This designation should be filed with the principal companys of

(a) Name of Committee (in tall)

Wright Appreciation Fund

(b) Address (number and street)

P.O. Box 1413

(c) City. State and ZP Code

whington, DC 20485

Fort North, Tuxas 76101

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Ally Wright	Date September 15, 1987

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n Cay and and 29 Com Fort Worth, Testas 76101		THE STATEMENT AN AME
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(a) This committee is a superste supregated	tend.	
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Hame of Any Connected Constantion or Additional Committee	Uniting Address and	Retartant
	and the second second	A Second
Mright Appreciation Committee	T.O. Box 1413 Port North, Texas 76101	Joint fund
Wright Appreciation Committee Majority Congress Committee	Port North, Texas 76101 P.O. Box 70193	participa
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FEDERAL ELECTION COMMISSION Review index - (R) (87 88)

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48. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

Majonity Congress Committee - PAC



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

FIRST GENERAL COUNSEL'S REPORT

RAD Referrals 89L-36a & 89L-36b STAFF MEMBER: Elizabeth Campbell

SENSITIVE

SOURCE: INTERNALLY GENERATED

RESPONDENTS:

Congressman Wright Appreciation Committee and Henry Kerry, as treasurer

Majority Congress Committee and Robert N. Reeves, as treasurer

Wright Appreciation Fund and Craig Raupe, as treasurer

RELEVANT STATUTES:

2 U.S.C. \$ 434(b) 2 U.S.C. \$ 441a(a) 2 U.S.C. \$ 441a(f) 2 U.S.C. \$ 441b 11 C.F.R. \$ 100.5 11 C.F.R. \$ 102.5 11 C.F.R. \$ 102.17 11 C.F.R. \$ 103.3(b) 11 C.F.R. \$ 110.1(b) 11 C.F.R. \$ 110.3(a)

Disclosure Reports

I. GENERATION OF MATTER

FEDERAL AGENCIES CHECKED:

INTERNAL REPORTS CHECKED:

This matter was referred to the Office of the General Counsel by the Reports Analysis Division ("RAD") through two separate but related RAD referrals, one concerning the Congressman Wright Appreciation Committee and one concerning the Majority Congress Committee. RAD discovered apparent impermissible and excessive contributions transferred to the two committees by their joint fundraising committee, the Wright Appreciation Fund. The Wright Appreciation Fund was not referred to the Office of the General Counsel as a respondent, but after a review of the referral materials this office concludes that the Wright Appreciation Fund should also be named as a respondent.

2 -

The Congressman Wright Appreciation Committee is the principal campaign committee for former U.S. Representative Jim Wright. The Majority Congress Committee is an unauthorized political committee. The Wright Appreciation Fund registered with the Commission on September 15, 1987 as a joint fundraising committee, with the Congressman Wright Appreciation Committee and the Majority Congress Committee as participating committees pursuant to 11 C.F.R. § 102.17. The Wright Appreciation Fund is also an authorized committee of the Congressman Wright Appreciation Committee. See 11 C.F.R. § 102.17(a).

II. FACTUAL AND LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended (the "Act"), states that an individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office, or his authorized political committees, in excess of \$1,000.00 per election. 2 U.S.C. § 441a(a). No multicandidate committee shall make contributions to any candidate or his authorized committees which, in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(a)(2). Contributions to any other political committee, by either an individual or a political committee, shall not exceed \$5,000.00

per calendar year. 2 U.S.C. § 441a(a). The Act further provides that no candidate or political committee may knowingly accept any contribution in excess of these limits. 2 U.S.C. § 441a(f).

- 3 -

The treasurer of a political committee has the responsibility for determining the legality of any contributions received by the committee. In the case of excessive contributions, the treasurer has sixty (60) days from the date of receipt to obtain a reattribution or redesignation of the contribution to cure the illegality. 11 C.F.R. §§ 103.3(b) and 110.1(b). Excessive contributions not reattributed or redesignated must be refunded to the contributor within sixty days. 11 C.F.R. § 103.3(b).

The Commission regulations provide that organizations, including a party committee, which qualify as a political committee under the Act must register with the Commission. 11 C.F.R. § 100.5. Organizations qualifying as political committees must establish a separate account for federal activity which includes only funds subject to the limitations and prohibitions of the Act. 11 C.F.R. § 102.5(a). Organizations that are not political committees must either establish a separate account for federal activity or demonstrate that contributions made to federal committees did not include any funds prohibited under the Act. 11 C.F.R. § 102.5(b). The Act prohibits corporate and labor union contributions. 2 U.S.C. § 441b.

A political committee is required to report all contributions and itemize those which, in the aggregate, exceed

\$200.00 in a calendar year, together with the date and amount of any such receipts. 2 U.S.C. \$ 434(b).

Congressman Wright Appreciation Committee (the "PCC") B . The Wright Appreciation Fund (the "Fundraiser") was created as a joint fundraising effort for the Congressman Wright Appreciation Committee (the "PCC") and the Majority Congress Committee (the "PAC"). The PCC received a transfer-in from the Fundraiser on October 7, 1988. On November 11, 1988, the PCC filed an itemized Schedule A to support this transfer-in. Included in the transfer-in were excessive contributions from three (3) non-multicandidate committees. These three committees each made primary election contributions of \$1,250.00 and general election contributions of \$3,750.00, resulting in excessives of \$250.00 per committee in the primary and \$2,750.00 per committee in the general election, for a total of \$9,000.00 in excessive contributions for all three committees. According to the PCC's reports filed with the Commission, the primary election contributions were made on January 22, 1988 and the general election contributions were made on October 13, 1988. However, this needs to be verified by the PCC because the general election contributions were reported to have been transferred-in to the PCC by the Fundraiser on October 7, 1988.

In response to RAD's February 28, 1989 Request For Additional Information ("RFAI") concerning the excessive contributions by the three committees, the PCC maintained it was unaware that the committees were not multicandidate committees.

However, the three committees were the principal campaign committees of U.S. Representatives Berman, Levine, and Waxman. On March 22, 1989, more than sixty days after receipt of the contributions, the PCC refunded the excessive contributions by sending checks for \$3,000.00 to each of the three committees. Thus, it appears that the PCC knowingly accepted excessive contributions in violation of 2 U.S.C. § 441a(f).

C. Majority Congress Committee (the "PAC")

On March 30, 1988, the PAC received a transfer-in from the Fundraiser which included \$45,750.00 in excessive contributions from twenty (20) political committees and one (1) individual, and \$3,750.00 apparently impermissible funds from four (4) unregistered organizations. All of these apparently impermissible and excessive contributions were received by the Fundraiser between September 22, 1987 and December 17, 1987. The PAC reported the transfer-in in its 1988 April quarterly report but failed to include an itemized Schedule A as required by 11 C.F.R. § 102.17(c)(8)(i)(B) and 2 U.S.C. § 434(b). An amended report, filed on July 5, 1988, included itemization of receipts from the Fundraiser and disclosed what RAD later determined were excessive contributions from twenty committees and one individual, and contributions from four unregistered organizations.

Only two of the contributions from unregistered organizations raise a question of possible violations of 2 U.S.C. § 441b. One is from Massachusetts where corporate contributions

- 5 -

are prohibited but union contributions are both permitted and unlimited under state law. The second is from an unregistered organization in Florida, where limited corporate and union contributions are permitted. The other two committees are from Texas, where corporate and labor union contributions are prohibited.

Although the PAC had already received the excessive and apparent impermissible funds from the Fundraiser, it was the Fundraiser who, on August 31, 1988, refunded contributions from three of the four unregistered organizations.¹ The PAC did not transfer the funds it had received from these unregistered organizations to the Fundraiser before the Fundraiser made the refunds. Then on September 9, 1988, the PAC submitted an amended Schedule A, which indicated that the Fundraiser had reattributed \$43,750.00 in excessive contributions from the PAC to the PCC.² Again, the PAC did not transfer the amount it had received in excessive contributions to the Fundraiser before the Fundraiser made the reattribution. Moreover, both the refunds and reattribution of excessive contributions were made more than sixty days after receipt by the PAC.

2. It is not entirely clear, but it appears that the PCC did not receive the reattributed funds until January 31, 1989.

- 6 -

^{1.} Although both the PAC and the PCC had received contributions from the unregistered organizations, RAD questioned only the PAC about them in accordance with the RAD review and referral procedures for authorized and unauthorized committees. Nevertheless, the Fundraiser returned all of the money given to both the PAC and the PCC by three of the four unregistered organizations. It is unclear whether the PCC ever returned the contributions it received from the unregistered organizations to the Fundraiser.

Because the PAC had already received the apparent impermissible and excessive funds from the Fundraiser, it should have removed all of the prohibited funds from its own account. On January 25, 1989, in response to instructions from RAD, the PAC transferred \$46,750.00 to the Fundraiser. In addition, the PAC still has not refunded or reattributed apparent impermissible contributions from one unregistered organization, and excessive contributions from one individual and three affiliated committees.³ Thus, it appears the PAC has knowingly accepted, and failed to properly report, excessive contributions and apparent impermissible funds in violation of 2 U.S.C. §§ 434(b), 441a(f), and 441b(a).

D. Transfer of Funds (from PAC to Fundraiser to PCC to PAC) As noted above, on January 25, 1989, the PAC transferred \$46,750.00 to the Fundraiser for the refunds and reattributions the Fundraiser had made as a result of the apparent impermissible and excess funds the PAC received on March 30, 1988. On January 31, 1989, the Fundraiser transferred \$46,338.84 to the PCC. Presumably, this transfer was intended to account for the funds reattributed from the PAC to the PCC. Then on February 2, 1989, the PCC transferred the sum of \$46,750.00 to the PAC. Reports filed by both the PCC and the PAC report this transaction as a

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- 7 -

^{3.} The three committees are Tesco Division of Texas Utilities Electric Co. PAC, Texas Utilities Co./Texas Utilities Electric Co. and Service Companies Energy Employees PAC, and Texas Utilities Electric-Tugco Division PAC. Because they were all set up by Texas Utilities Electric Co., they are affiliated and share one contribution limit. 11 C.F.R. § 110.3(a).

"transfer of funds." However, it appears that the February 2, 1989 transaction may be a violation of 2 U.S.C. \$ 441a as it exceeds the amount the PCC could contribute to the PAC.⁴ Additional information is needed from the PCC and the PAC to determine where the money came from and why the PCC transferred it to the PAC. Thus, it appears the PCC violated 2 U.S.C. \$ 441a(a) by making the February 2, 1989 transfer and the PAC violated 2 U.S.C. \$ 441a(f) by knowingly accepting the transfer.

E. The Wright Appreciation Fund (the "Fundraiser")

The Wright Appreciation Fund (the "Fundraiser") was not referred to the Office of the General Counsel because it did not appear to RAD that the contributions were excessive at the time of their receipt by the Fundraiser. However, an examination of the referrals involving the Congressman Wright Appreciation Committee and the Majority Congress Committee shows potential violations of the Act by the Fundraiser.

The regulations set forth requirements for joint fundraising. 11 C.F.R. § 102.17. Participants in a joint fundraising effort must establish a committee to act as a fundraising representative. 11 C.F.R. § 102.17(a). The fundraising representative must be a reporting political

- 8 -

^{4.} The Congressman Wright Appreciation Committee and the Majority Congress Committee are not affiliated committees for any purpose, including the transfer of funds, and therefore, the usual contribution limits for political committees still apply. See, e.g., 11 C.F.R. §§ 102.17(b)(3), 102.17(c)(7). They are participating committees in the joint fundraising agreement for which the Wright Appreciation fund is the fundraising representative.

committee and an authorized committee of each federal candidate participating in the joint fundraiser. 11 C.F.R. \$ 102.17(a). All joint fundraisers are required to follow the procedures laid out in 11 C.F.R. \$ 102.17(c). Included in these provisions are a written fundraising agreement, setting out the formula for allocating fundraising proceeds. 11 C.F.R. \$ 102.17(c)(1). Both the fundraising representative and the participating committees have a duty to screen the contributions received to ensure that they are neither prohibited under the Act nor in excess of the contribution limitations. 11 C.F.R. \$ 102.17(c)(4). The regulations further provide that political committees participating in the joint fundraising effort must make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions. 11 C.F.R. § 102.17(c)(4).

The Wright Appreciation Fund (the "Fundraiser") is a reporting political committee, registered with the Commission on September 15, 1987.⁵ It is an also an authorized committee of the Congressman Wright Appreciation Committee (the "PCC"). See 11 C.F.R. § 102.17(a). As a joint fundraising representative, the Fundraiser had a responsibility to make sure that the PAC and the PCC were not receiving any excessive or impermissible contributions from the fundraising proceeds. Because the regulations require the participating committees to supply their

5. There was a joint fundraising committee by the same name registered with the Commission in March 1985. This committee terminated with its 1986 Year End Report.

- 9 -

contribution records to the fundraising representative, the Fundraiser's duty is not merely to make sure that contributions did not appear excessive when received by the the Fundraiser. Instead, the fundraising representative is required to ascertain whether a contribution is excessive or impermissible before it transfers the fundraising proceeds to the participating committees. See 2 U.S.C. § 441a(f), 11 C.F.R. § 102.17(c)(4). However, as discussed above, the Fundraiser transferred fundraising proceeds including excessive contributions to both the PAC and the PCC. In addition, the PAC received apparent impermissible funds as part of its proceeds.

In addition, since the Fundraiser has the responsibility for determining the legality of the joint fundraising proceeds, it should have done so within sixty days, as required by 11 C.F.R. § 103.3(b), which requires the treasurer of a political committee to cure the illegality of any contributions within sixty days. Thus, it appears that the Fundraiser violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.17.

CONCLUSION

Accordingly, this office recommends that the Commission find reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. §§ 441a(a) and 441a(f); that the Majority Congress Committee and Robert N. Reeves, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), and 441b(a); and that the Wright Appreciation Fund and Craig Raupe, as treasurer, violated 2 U.S.C. § 441a(f) and

11 C.F.R. \$ 102.17.

III. RECOMMENDATIONS

- 1. Open a MUR in RAD Referral 89L-36a.
- 2. Find reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. §§ 441a(a) and 441a(f).
- 3. Open a MUR in RAD Referral 89L-36b.
- 4. Find reason to believe that the Majority Congress Committee and Robert N. Reeves, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f) and 441b(a).
- 5. Merge these two matters.
- 6. Find reason to believe that the Wright Appreciation Fund and Craig Raupe, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.17.
- 7. Approve the attached letters and Factual and Legal Analyses.
- 8. Approve the attached interrogatories and request for production of documents.

Lawrence M. Noble General Counsel

11-1-89

BY: Loi's G. Lerner

Associate General Counsel

Date

Attachments:

- 1. Referral Materials
- Proposed Letters and Factual and Legal Analysis (3)
- 3. Interrogatories and Request for Production of Documents



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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 3, 1989

MENORANDUM

TO: The Commission

FROM:

Lawrence M. Noble General Counsel BY: Lois G. Lerner

Associate General Counsel

SUBJECT: Addendum to First General Counsel's Report in RAD Referrals 89L-36a and 89L-36b, signed November 1, 1989

In the above-referenced report, this Office has recommended a reason to believe finding with respect to the January 31, 1989, transfer of \$46,750 from the Congressman Wright Appreciation Committee, a principal campaign committee, to the Majority Congress Committee, a multicandidate political committee.

On November 3, 1989, this Office learned that a response to the Reports Analysis Division RFAI had been received on October 31, 1989, relative to this transfer. A copy of that response is attached. In the view of this Office, this response does not alter the recommendation in the report. Instead, it further substantiates the conclusion that this transfer was apparently excessive in that the two committees are not affiliated, although they did participate in the joint fundraising committee, the Wright Appreciation Fund.

Attachment Response to RAD RFAI

Staff person: Elizabeth Campbell

FEDERAL ELECTION COMMISSION

89 OCT 31 AH 10: 42

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MAJORITY CONGRESS COMMITTEE 14770 Maiden Court Addison, Texas 75240

October 28, 1989

Mr. Andrew J. Dodson, Reports Analyst Reports Analysis Division Federal Election Commission Washington, D. C. 20463

Identification No. C00078410

RE: March Monthly Report (2/1-2/28/89)

Dear Mr. Dodson,

Enclosed is a copy of a letter from the Wright Appreciation Committee, which confirms our position that the money in question was a transfer of funds from one committee to another and not a contribution from any one organization or individual. I hope this explanation will satisfy your inquiry.

If you have any further questions, please do not hesitate to call me.

Very sincerely,

Robert N. Reeves Treasurer

Enclosure

ATTACIMON

r.k.		
	CONGRESSMAN WRIGHT APPRECIATION COMMITTEE P. O. BOX 1413 FORT WORTH, TEXAS 78101 PAY TO THE Majority Congress Committee	1754 <u>January 31 19 89</u>
ILE I	-Forty-six Thousand Seven Hundred Fifty a TRANSFER OF EXCESS FUNDS	and no/100
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)		

WRIGHT APPRECIATION COMMITTEE

Post Office Box 1413 D Fort Worth, Texas 76101

October 27, 1989

Mr. Robert N. Reeves, Treasurer Majority Congress Committee 14770 Maiden Court Addison, Texas 75240

Re: Identification Number C00078410, March Monthly Report

15

Dear Mr. Reeves:

Thank you for letting me know about the communication you have received from the Federal Election Commission.

If you choose to do so, you may send the Federal Election Commission this letter as proof that the "contribution" was not in fact an individual contribution, but merely a transfer of funds from the Wright Appreciation Committee to the Majority Congress Committee.

Please let me know if I may be of further assistance to you and the committee.

Sincerely,

al wohlo Marjorie Youngblood Assistant Treasurer



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Congressman Wright Appreciation Committee and Henry Kerry, as treasurer Majority Congress Committee and Robert N. Reeves, as treasurer Wright Appreciation Fund and Craig Raupe, as treasurer

RAD REFERRALS 89L-36a and 89L-36b

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(muk) 3011

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on November 14, 1989, do hereby certify that the Commission decided by vote of 5-0 to take the following actions with respect to the above-captioned matters:

- 1. Open a MUR in Rad Referral 89L-36a.
- Find reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated
 U.S.C. §§ 441a(a) and 441a(f).
- 3. Open a MUR in RAD Referral 89L-36b.
- 4. Find reason to believe that the Majority Congress Committee and Robert N. Reeves, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f) and 441b(a).
- 5. Merge these two matters.

(continued)

Page 2

Federal Election Commission Certification for RAD Referrals 89L-36a and 89L-36b November 14, 1989.

- 6. Find reason to believe that the Wright Appreciation Fund and Craig Raupe, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.17.
- Approve the letters and Factual and Legal Analyses as recommended in the General Counsel's report dated November 1, 1989.
- 8. Approve the interrogatories and request for production of documents as recommended in the General Counsel's report dated November 1, 1989, subject to the amendments agreed upon during the meeting discussion.

Commissioners Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Aikens was not present at the time of the vote.

Attest:

Mayou W. Emnons

Marjorve W. Emmons Secretry of the Commission

November 17, 199

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FEDERAL ELECTION COMMISSION

November 30, 1989

Mr. Robert N. Reeves, Treasurer Majority Congress Committee P.O. Box 70193 Washington, D.C. 20024

> RE: MUR 3011 Majority Congress Committee and Robert N. Reeves, as Treasurer

Dear Mr. Reeves:

On November 14, 1989, the Federal Election Commission found that there is reason to believe the Majority Congress Committee and you, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), and 441b(a), provisions of the Federal Election Campaign Act of 1971, as amended ("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 the Majority Congress Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, along with answers to the enclosed questions, within fifteen (15) days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Majority Congress Committee and you, as treasurer, 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 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 Robert N. Reeves Page 2

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.

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.

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.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely, any Tite Done

Danny L. McDonald Chairman

Enclosures Factual and Legal Analysis Chart Procedures Designation of Counsel Form Interrogatories and Request for Production of Documents

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Mag and

Majority Congress Committee and Robert N. Reeves, as treasurer MUR 3011

GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2).

FACTUAL AND LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended (the "Act"), states that an individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$1,000.00 per election. 2 U.S.C. § 441a(a). No multicandidate committee shall make contributions to any candidate which, in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(a)(2). Contributions to any other political committee, by either an individual or a political committee, shall not exceed \$5,000.00 per calendar year. 2 U.S.C. § 441a(a). The Act further provides that no candidate or political committee may knowingly accept any contribution in excess of these limits. 2 U.S.C. § 441a(f).

The treasurer of a political committee has the responsibility for determining the legality of any contributions

received by the committee. In the case of excessive contributions, the treasurer has sixty (60) days from the date of receipt to obtain a reattribution or redesignation of the contribution to cure the illegality. 11 C.F.R. \$\$ 103.3(b), 110.1(b). Excessive contributions not reattributed or redesignated must be refunded to the contributor within sixty days. 11 C.F.R. \$ 103.3(b).

The Commission regulations provide that organizations, including a party committee, which qualify as a political committee under the Act must register with the Commission. 11 C.F.R. § 100.5. Organizations qualifying as political committees must establish a separate account for federal activity which includes only funds subject to the limitations and prohibitions of the Act. 11 C.F.R. § 102.5(a). Organizations that are not political committees must either establish a separate account for federal activity or demonstrate that contributions made to federal committees did not include any funds prohibited under the Act. 11 C.F.R. § 102.5(b). The Act prohibits corporate and labor union contributions. 2 U.S.C. § 441b.

A political committee is required to report all contributions and itemize those which, in the aggregate, exceed \$200.00 in a calendar year, together with the date and amount of any such receipts. 2 U.S.C. § 434(b).

B. Analysis

The Wright Appreciation Fund (the "Fundraiser") was created

- 2 -

as a joint fundraising effort for the Congressman Wright Appreciation Committee (the "PCC") and the Majority Congress Committee (the "PAC").

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On March 30, 1988, the PAC received a transfer-in from the Fundraiser which included \$45,750.00 in excessive contributions from twenty (20) political committees and one (1) individual, and \$3,750.00 apparently impermissible funds from four (4) unregistered organizations. See Attachment. All of these apparently impermissible and excessive contributions were received by the Fundraiser between September 22, 1987 and December 17, 1987. The PAC reported the transfer-in in its 1988 April quarterly report but failed to include an itemized Schedule A as required by 11 C.F.R. § 102.17(c)(8)(i)(B) and 2 U.S.C. § 434(b). An amended report, filed on July 5, 1988, included itemization of receipts from the Fundraiser.

Two of the contributions from unregistered organizations raise a question of possible violations of 2 U.S.C. § 441b. One is from Massachusetts where corporate contributions are prohibited but union contributions are both permitted and unlimited under state law. The second is from an unregistered organization in Florida, where limited corporate and union contributions are permitted. The other two committees are from Texas, where corporate and labor union contributions are prohibited.

Although the PAC had already received the excessive and apparent impermissible funds from the Fundraiser, it was the Fundraiser who, on August 31, 1988, refunded contributions from three of the four unregistered organizations. The PAC did not transfer the funds it had received from these unregistered organizations to the Fundraiser before the Fundraiser made the refunds. Then on September 9, 1988, the PAC submitted an amended Schedule A, which indicated that the Fundraiser had reallocated \$43,750.00 in excessive contributions from the PAC to the PCC. Again, the PAC did not transfer the amount it had received in excessive contributions to the Fundraiser before the Fundraiser made the reallocation. Moreover, both the refunds and reallocation of excessive contributions were made more than sixty days after receipt by the PAC.

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Because the PAC had already received the apparent impermissible and excessive funds from the Fundraiser, it should have removed all of the prohibited funds from its own account. On January 25, 1989, the PAC transferred \$46,750.00 to the Fundraiser. In addition, the PAC still has not refunded or reallocated apparent impermissible contributions from one unregistered organization, and excessive contributions from one individual and three affiliated committees.¹ Thus, it appears the PAC has knowingly accepted, and failed to properly report, excessive contributions and apparent impermissible funds in violation of 2 U.S.C. §§ 434(b), 441a(f), and 441b(a).

As noted above, on January 25, 1989, the PAC transferred

^{1.} These three committees are Tesco Division of Texas Utilities Electric Co. PAC, Texas Utilities Co./Texas Utilities Electric Co. and Service Companies Energy Employees PAC, and Texas Utilities Electric-Tugco Division PAC. Because they were all set up by Texas Utilities Electric Co., they are affiliated and share one contribution limit. 11 C.F.R. § 110.3(a).

\$46,750.00 to the Fundraiser for the refunds and reallocations the Fundraiser had made as a result of the apparent impermissible and excess funds the PAC received on March 30, 1988. On January 31, 1989, the Fundraiser transferred \$46,338.84 to the PCC. Then on February 2, 1989, the PCC transferred the sum of \$46,750.00 to the PAC. Reports filed by both the PCC and the PAC report this transaction as a "transfer of funds." However, it appears that the February 2, 1989 transaction may be a violation of 2 U.S.C. \$ 441a. Additional information is needed from the PAC to determine where the money came from and why the PCC transferred it to the PAC. Thus, it appears the PAC violated 2 U.S.C. \$ 441a(f) by accepting the transfer.

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Therefore, there is reason to believe the Majority Congress Committee and Robert N. Reeves, as treasurer, violated 2 U.S.C. \$\$ 434(b), 441a(f), and 441b(a).

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MAJORITY CONGRESS COMMITTEE

PAGE 1 OF 4

NAME OF CONTREBUTOR	AMOUNT OF CONTREBUTION	NECEIPT DATE	APPANENT Excessive ampint	AMMUNT TRANSPERRED OUT	REFUND OR TRANSFER OUT DATE	
L.F. Kooney LII	\$5,250	11/19/8/	\$ 250			
Engineers Political Education Committee (EPEC)/International Union of Operating Engineers (COU029504)	\$3,750 \$1,750	10/15/87 10/15/87	\$2,500	\$2,500	1/25/89	
National Bural Letter Carriers Association Political Action Committee (CO0072025)	\$7,500	10/16/87	\$2,500	\$2,500	1/25/89	
Sheet Metal Workers International Association Political Action League (PAL) (COOD07542)	\$3,750 \$1,750	11/09/87 11/09/87	\$2,500	\$2,500	1/25/89	
Build Political Action Committee of the National Association of Nome Builders (CO0000901)	\$3,750 \$3,550	11/12/87 11/12/87	\$2,500	\$2,500	1/25/89	
Texas Air Corporation Political Action Committee (TAC PAC) (COULDI766)	\$1,500	11/09/87	\$2,500	\$2,500	1/25/89	

PAGE 2 OF 4

NAME OF CONTRIBUTOR	AMOUNT OF CONTRIBUTION	NECEIPT	EXCESSIVE VMMINL Valueni	ANOUNT TRANSFERRED OUT	NEFUND OR TRANSFER OUT DATE	
American Telephone & Telegraph Company Inc. P A C (AT&T PAC) (CO0185124)	\$7,500	11/19/87	\$2,500	\$2,500	1/25/89	
Coastal Corporation Employee Action Fund (COOO91702)	\$1,500	11/19/87	\$2,500	\$2,500	1/25/89	
Democratic Republican Independent Voter Education Committee (CO0032979)	\$3,750 \$3,750	11/19/87 11/19/87	\$2,500	\$2,500	1/25/89	
Federal Express Corporation Political Action Committee "FEPAC" (CO0068692)	\$3, 750 \$3, 750	11/19/87 11/19/67	\$2,500	\$2,500	1/25/89	
LTV Corporation Active Citizenship Campaign (C00008953)	\$ 375	11/19/87				
LTV Aerospace and Defense Company Active Citizenship Campaign (CO0112193)	\$5,250	11/19/87				

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PAGE 4 OF 4

NAME OF CONTRIBUTOR	AMOUNT OF CONTREBUTION	NE GELPE DA EK	APPAKENT EXCESSIVE AMMINT	ANOUNT TRANSPERRED OUT	REFUND OR TRANSFER OUT DATE	
Commodity Futures Political Fund of the Chicago Mercantile Exchange (COQO/6299)	\$3,750 \$1,750 \$1,750	11/24/87 11/24/87 11/24/87	\$6,250	\$1,250 \$2,500 \$2,500	1/25/89 1/25/89 1/25/89	
American Airlings Political Action Committee (COOLJ7300	\$7,500	12/11/6/	\$2,500	\$2,500	1/25/89	
Textron Inc. Political Action Committee (COO123612)	\$7,500	12/17/87	\$2,500	\$2,500	1/25/89	

PAGE 3 OF 4

NAME OF CONTRIBUTOR	ANOUNT OF CONTRIBUTION	NEGEIPT DATE	APPARENT EXCESSIVE AMJUNT	ANOUNT TRANSPERMED OUT	REPUND OR TRANSFER OUT DATE	·
LTV Energy Products Company Active Citizenship Campaign (COOI12441)	\$ 375	11/19/87				
LTV Steel Active Citisenship Campaign (CO0034181)	\$1,500	11/19/87	\$2,500	\$2,500	1/25/89	
Association of Trial Lawyers of America Political Action Committee (CO0024521)	\$5,000 \$7,500	2/07/87 11/24/87	\$7,500	\$7,500	L/25/89	
Tesco Div. of Texas Utilities Electric Co. PAC (CO0079483)	\$3,750	11/19/87				
Texas Utilities Co/Texas Utilities Electric Co. and Service Companies Energy Employees PAC (CO0079459)	\$1,500	11/19/87				
Texas Utilities Electric-Tugco Division Political Action Committee (CO017417)	\$1,500	11/19/87	\$1,750			

APPARENT IMPERMISSIBLE CONTRIBUTIONS CHART

NAME OF CONTREBUTOR	AMOUNT OF CONTRIBUTION	RECEIPT DATE	APPARENT IMPERMISSIBLE AMOUNT	AMOUNE TRANSFERRED OUT	NEFUND ON TRANSFEN OUT DATE	
Gadadan County Democratic Executive Committer	\$ 750	9/22/8/	\$ 750	\$ 750	8/31/88 refund 1/25/89 transfer-out	
Committee For a Better Boston	\$1,500	11/19/87	\$1,500	\$1,500	8/31/88 refund 1/25/89 transfer-out	
Texas Rural Water PAC	\$ 750	11/19/87	\$ 750	\$ 750	8/31/88 refund 1/25/89 transfer-out	
Texas Independent Hursing Home Association	\$ 750	11/19/87	\$ 75 0			

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 3011

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Robert N. Reeves, Treasurer Majority Congress Committee P.O. Box 70193 Washington, D.C. 20024

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 fifteen 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.

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 September 15, 1987 to the present.

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.

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.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"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.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

The following information is requested from you concerning the fundraising proceeds transferred by the Wright Appreciation Fund to the Congressman Wright Appreciation Committee and the Majority Congress Committee during the 1988 election cycle.

- Submit a copy of the joint fundraising agreement between the Congressman Wright Appreciation Committee and the Majority Congress Committee.
- Identify the contributions reallocated from the Majority Congress Committee to the Congressman Wright Appreciation Committee. Include:
 - a) the name of the contributor;
 - b) the date of the contribution;
 - c) the amount of the contribution;
 - d) the date of the reallocation; and
 - e) the amount reallocated.
- 3. State the date these reallocations were actually received by the Congressman Wright Appreciation Committee.
- 4. Identify the contributions refunded by the Majority Congress Committee, or by the Wright Appreciation Fund on behalf of the Majority Congress Committee. Include:
 - a) the name of the contributor;
 - b) the date of the contribution;
 - c) the amount of the contribution;
 - d) the amount refunded; and
 - e) the date of the refund.

- 5. Disclosure reports filed with the Federal Election Commission indicate that you received contributions from four unregistered organisations, namely the Gadsden County Democratic Executive Committee, the Committee for a Better Boston, Texas Rural Water PAC, and the Texas Independent Nursing Home Association. Indicate whether these committees have a separate account for federal activity. If not, demonstrate that contributions made by these committees included only funds subject to the limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended.
- 6. In its March 1989 quarterly report, the Majority Congress Committee reported a transfer-in of \$46,750.00 from the Congressman Wright Appreciation Committee on February 2, 1989. Identify the source of these funds and the reason and purpose for the transfer.
- 7. State whether the Majority Congress Committee made their contributor records available to the Wright Appreciation Fund during the 1988 election cycle.
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FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

November 30,1989

Craig Raupe, Treasurer Wright Appreciation Fund P.O. Box 1413 Fort Worth, Texas 76101

> RE: MUR 3011 Wright Appreciation Fund and Craig Raupe, as Treasurer

Dear Mr. Raupe:

On November 14, 1989, the Federal Election Commission found that there is reason to believe the Wright Appreciation Fund and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and 11 C.F.R. § 102.17, a provision of the Commission Regulations. 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 the Wright Appreciation Fund and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, along with answers to the enclosed questions, within fifteen (15) days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Wright Appreciation Fund and you, as treasurer, 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 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. Craig Raupe Page 2

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.

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.

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.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Danny L. McDonald Chairman

Enclosures Factual and Legal Analysis Charts Procedures Designation of Counsel Form Interrogatories and Request for Production of Documents

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Wright Appreciation Fund MUR 3011 and Craig Raupe, as treasurer

GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2).

FACTUAL AND LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended (the "Act"), states that an individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$1,000.00 per election. 2 U.S.C. § 441a(a). No multicandidate committee shall make contributions to any candidate which, in the aggregate, exceeds \$5,000. 2 U.S.C. § 441a(a)(2). Contributions to any other political committee, by either an individual or a political committee, shall not exceed \$5,000.00 per calendar year. 2 U.S.C. § 441a(a). The Act further provides that no candidate or political committee may knowingly accept any contribution in excess of these limits. 2 U.S.C. § 441a(f).

The treasurer of a political committee has the responsibility for determining the legality of any contributions

received by the committee. In the case of excessive contributions, the treasurer has sixty (60) days from the date of receipt to obtain a reattribution or redesignation of the contribution to cure the illegality. 11 C.F.R. §§ 103.3(b), 110.1(b). Excessive contributions not reattributed or redesignated must be refunded to the contributor within sixty days. 11 C.F.R. § 103.3(b).

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The Commission regulations provide that organizations, including a party committee, which qualify as a political committee under the Act must register with the Commission. 11 C.F.R. § 100.5. Organizations qualifying as political committees must establish a separate account for federal activity which includes only funds subject to the limitations and prohibitions of the Act. 11 C.F.R. § 102.5(a). Organizations that are not political committees must either establish a separate account for federal activity or demonstrate that contributions made to federal committees did not include any funds prohibited under the Act. 11 C.F.R. § 102.5(b). The Act prohibits corporate and labor union contributions. 2 U.S.C. § 441b.

The regulations set forth requirements for joint fundraising. 11 C.F.R. § 102.17. Participants in a joint fundraising effort must establish a committee to act as a fundraising representative. 11 C.F.R. § 102.17(a). The fundraising representative must be a reporting political committee and an authorized committee of each federal candidate participating in the joint fundraiser. 11 C.F.R. § 102.17(a). All joint fundraisers are required to follow the procedures laid out in 11 C.F.R. § 102.17(c). Included in these provisions are a written fundraising agreement, setting out the formula for allocating fundraising proceeds. 11 C.F.R. § 102.17(c)(1). Both the fundraising representative and the participating committees have a duty to screen the contributions received to ensure that they are neither prohibited under the Act nor in excess of the contribution limitations. 11 C.F.R. § 102.17(c)(4). The regulations further provide that political committees participating in the joint fundraising effort must make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions. 11 C.F.R. § 102.17(c)(4).

B. Analysis

The Wright Appreciation Fund (the "Fundraiser") was created as a joint fundraising effort for the Congressman Wright Appreciation Committee (the "PCC") and the Majority Congress Committee (the "PAC"). As a joint fundraising representative, the Fundraiser has a responsibility to make sure that the PAC and the PCC do not receive any excessive or impermissible contributions from the fundraising proceeds. Because the regulations require the participating committees to supply their contribution records to the fundraising representative, the Fundraiser's duty is not merely to make sure that contributions do not appear excessive when received by the Fundraiser. Instead, the fundraising representative is required to ascertain

- 3 -

whether a contribution is excessive or impermissible before it transfers the fundraising proceeds to the participating committees. See 2 U.S.C. § 441a(f), 11 C.F.R. § 102.17(c)(4). The Fundraiser, however, transferred fundraising proceeds which included excessive contributions to both the PAC and the PCC. In addition, the PAC received apparent impermissible funds as part of its proceeds.

In addition, since the Fundraiser has the responsibility for determining the legality of the joint fundraising proceeds, it should have done so within sixty days, as required by 11 U.S.C. § 103.3(b), which requires the treasurer of a political committee to cure the illegality of any contributions within sixty days.

The PCC received a transfer-in from the Fundraiser on October 7, 1988, that included excessive contributions from three non-multicandidate committees. See Attachment 1. These three committees each made primary election contributions of \$1,250.00 and general election contributions of \$3,750.00, for a total of \$9,000.00 in excessive contributions.

Then on March 30, 1988, the PAC received a transfer-in from the Fundraiser that included \$47,750.00 in excessive contributions from twenty (20) political committees and one (1) individual, and \$3,750.00 apparently impermissible funds from four (4) unregistered organizations. See Attachment 2. Two of the contributions from unregistered organizations raise a question of possible violations of 2 U.S.C. § 441b. One is from an organization from Massachusetts, where corporate contributions are prohibited but union contributions are both permitted and

- 4 -

unlimited under state law. The second is from an unregistered organization in Florida, where limited corporate and union contributions are permitted.

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Although the Fundraiser had already transferred the excessive and apparent impermissible contributions to the PAC on March 30, 1988, on August 31, 1988, the Fundraiser refunded contributions from three of the four unregistered organizations. The Fundraiser also reallocated \$43,750.00 in excessive contributions from the PAC to the PCC. The PAC eventually transferred \$46,750.00 to the Fundraiser for the refunds and reallocations the Fundraiser had made.¹ However, it is unclear when the PCC actually received the reallocated contributions.

Therefore, there is reason to believe the Wright Appreciation Fund and Craig Raupe, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.17.

1. The PAC transferred \$46,750.00 to the Fundraiser on January 25, 1989.

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CHART

CONGRESSMAN WRIGHT APPRECIATION COMMITTEE

NAME OF CONTRIBUTOR	TOTAL CONTREBUTIONS PRIMARY/GENERAL	APPARENT EACESSIVE AMOUNTS PRIMARY/GENERAL DATE	SUBTOTAL ENCESSIVES	AMOUNT REFUNDED DATE
Berwan for Congress (COO147686)	\$1,250/\$1,750	\$ 250/\$ 0 1/22/88 \$ 0/\$2,750 10/13/88	¥1,000	\$1,000 - 3/22/89
Met Levine for Congress (CU0142216)	\$1,250/\$3,750	\$ 250/\$ 0 1/22/88 0/\$2,750 10/13/88	\$1,000	\$3,000 · 3/22/89
Congressman Maxwan Cumpargn Committee (COOOI3128)	\$1,250/\$3,750	\$ 250/\$ 0 1/22/88 \$ 0/\$2,750 10/13/88	\$1,000	\$1,000 · 1/22/89
LUTALS		5 750758,250	\$9,000	\$9,000

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PAGE 1 OF 4

ME OF CONTRIBUTOR	AMOUNE OF CONTRIBUTION	HEGELPT DATE	APPARENI EXCESSIVE AMOUNT	AMOUNT FRANSFERRED OUT	REFUND OR TRANSFER OUT DATE
.F. Kooney Ili	55,250	11/19/87	5 250		
ogineers Political Education	\$1,750	10/15/8/	12,500	52,500	1/25/89
Committee (EPEC)/international Union of Operating Engineers (COU029504)	\$1,750	10/15/87			
ational Rural Letter Carriers Association Political Action Committee (000072025)	¥7,500	10/16/87	\$2,500	52,500	1/25/89
heet Hetal Workers International	53,750 \$3,750	11/09/87	\$2,500	\$2,500	1/25/89
Association Political Action Lesgue (PAL) (COOD07542)	\$1,750	11/09/67			
				- 022	
aild Political Action Committee	\$3,150	11/12/8/	\$2,500	52,500	1/25/89
of the National Association of Home Builders (COOOOO901)	\$3,550	11/12/8/			
egas Att Corporation Political Action Committee (IAC PAC) (CODD017652	57,500	11709-37	, inu	22,500	1/25/89

PAGE 2 OF 4

APPARENT EXCESSIVE CONTRIBUTIONS CHART

1E OF CONTRIBUTOR	AMOUNG	RECEIPT DATE	APPARENT EXCESSIVE AMOUNT	AMOUNT TRANGELICKLD OUT	REFOND OR TRANSFLR OUT DATE
<pre>>rican Telephone & Telegraph Company Inc. P A C (AT&T PAC) (C00185124)</pre>	\$7,500	11/19/87	\$2,500	\$2,500	1/25/89
autal Corporation Employee Action Fund (COOD91702)	\$7,500	11/19/87	¥2,500	22,500	1/25/89
mocratic Republican Independent Voter Education Committee (COOO 32979)	\$3,750 \$3,750	11/19/8/ 11/19/87	\$2,500	\$2,500	1/25/89
deral Express Corporation Political Action Committee "FEPAC" (COOO68692)	\$3,750 \$1,750	11/19/87 11/19/87	\$2,500	\$2,500	1/25/89
V Corporation Active Citizenship Campaign (COOO08953)	\$ 375	11/19/87			
V Acrompace and Detense Company Active Officenship Campaign	\$5,250	11/19/87			

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PAGE 1 OF 4

AME OF CONTRIBUTOR	AMOUNT OF CONTREBUTION	REG IPT DATE	APPARENT Excessive amount	AMOUNT TRANSFERRED OUT	REFUND OR TRANSFER OUT DATE
.TV Energy Products Company Active Citizenship Campaign (COOII2441)	\$ 175	11/19/87			
.EV Steel Active Gitigen disp Campaign (COUD34181)	\$1,500	11/19/87	¥7,500	ş2,500	1/25/89
unociation of Trial Lawyern of America Political Action Committee (CO0024521)	\$5,000 \$7,500	2/01/8/ 11/24/87	\$7,500	\$7,500	1/25/89
Cenco Div, of Texas Utilitien Electric Co. PAC (COU079483)	\$1,750	11/19/8/			
Texas Utilities Co/Texas Utilities Electric Co. and Service Companies Energy Employees PAC (CO0079459)	\$1,500	11/19/87			
'exas Utilities Electric Tugco División Political Action Committee (COOL/5177)	\$1,500	11/19/87	vt,756		

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PAGE 4 OF 4

NAME OF CONTRIBUTOR	ABOUNT OF CONTRIBUTION	RECEIPT DATE	APPARENI EXCESSIVI, AMOUNI	AMOUNI TRANSFERRED OUT	REFUND OR FRANSFER OUT DATE
Commodity Futures Political Fund of the Unicago Mercantile Eschange (COQO/6299)	\$1,750 \$1,750 \$1,750 \$1,750	11/24/87 11/24/87 11/24/87	şo,250	\$1,250 \$2,500 \$2,500	1/25/89 1/25/89 1/25/89
American Airlinge Political Action Committee (COOL07300	\$7,500	12/11/87	\$2,500	ş2,500	1/25/89
Textron Inc. Political Action Committee (COO121612)	\$1,5 u u	12/11/8/	\$2,500	\$2,500	1/25/89

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APPAKENT IMPERMISSIBLE CONTRIBUTIONS CHART

IAME OF CONTRIBUTOR	AMOUNT OF	RECEIPT DATE	APPAKENT THPERMISSIBLE AMOUNT	AMOUNI TRANSFLERED OUT	REFUND OR TRANSFER OUT DATE
Jadaden County Democratic 'Executive Committee	\$ 750	9/22/81	\$ 750	\$ 750	8/31/88 setund 1/25/89 transfer out
Jommaittee For a Better Boston	\$1,500	11/19/87	\$1,500	ş1,500	8/31/88 retund 1/25/89 transfer out
Eenan Rusal Water PAC	\$ 750	11/19/87	ş 750	ş 750	8/31/88 relund 1/25/89 transfer-out

Texas Independent Bursing 5 750 11/19/87 5 750 Home Association

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 3011

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Craig Raupe, Treasurer Wright Appreciation Fund P.O. Box 1413 Fort Worth, Texas 76101

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 fifteen (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 may be submitted in lieu of the production of the originals. MUR 3011 Wright Appreciation Fund Page 2

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 September 15, 1987 to the present.

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. MUR 3011 Wright Appreciation Fund Page 3

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.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"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.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope. MUR 3011 Wright Appreciation Fund Page 4

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

The following information is requested from you concerning the fundraising proceeds transferred by the Wright Appreciation Fund to the Congressman Wright Appreciation Committee and the Majority Congress Committee during the 1988 election cycle.

- 1. Submit a copy of the joint fundraising agreement between the Congressman Wright Appreciation Committee and the Majority Congress Committee, naming the Wright Appreciation Fund as fundraising representative.
- 2. While the Wright Appreciation Fund was acting as a joint fundraising representative during the 1988 election cycle, state whether it had access to the contributor records of the Congressman Wright Appreciation Committee and the Majority Congress Committee. If not, state why not.
- 3. Before transferring the fundraising proceeds to the Congressman Wright Appreciation Committee and the Majority Congress Committee, state how the Wright Appreciation Fund screened the contributions to ensure they fell within the limitations of the Act.
- 4. Identify the contributions reallocated from the Majority Congress Committee to the Congressman Wright Appreciation Committee. Include:
 - a) the name of the contributor;
 - b) the date of the contribution;
 - c) the amount of the contribution;
 - d) the date of the reallocation; and
 - e) the amount reallocated.
- State the date that the contributions that were reallocated were actually received by the Congressman Wright Appreciation Committee.

MUR 3011 Wright Appreciation Fund Page 5

- 6. Disclosure reports filed with the Federal Election Commission indicate that the Fundraiser collected contributions from four unregistered organizations, namely the Gadsden County Democratic Executive Committee, the Committee for a Better Boston, Texas Rural Water PAC, and the Texas Independent Nursing Home Association. Indicate whether these committees have a separate account for federal activity. If not, demonstrate that contributions made by these committees included only funds subject to the limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended.
- 7. According to reports filed with the Commission, the Wright Appreciation Fund refunded contributions from the four unregistered organizations listed in the previous question after it had transferred these contributions to the Majority Congress Committee and the Congressman Wright Appreciation Committee. Indicate whether the Wright Appreciation Fund was reimbursed by the Congressman Wright Appreciation Committee and the Majority Congress Committee, for making contribution refunds on their behalf. Include the date of any reimbursements.

8. On January 31, 1989, the Wright Appreciation Fund transferred \$46,338.84 to the Congressman Wright Appreciation Committee. Identify the source of those funds and explain the reason and purpose for this transfer.

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FEDERAL ELECTION COMMISSION

Service and the service of the servi

November 30, 1989

Mr. Henry Kerry, Treasurer Congressman Wright Appreciation Committee P.O. Box 1413 Fort Worth, Texas 76101

> RE: MUR 3011 Congressman Wright Appreciation Committee and Henry Kerry, as Treasurer

Dear Mr. Kerry:

On November 14, 1989, the Federal Election Commission found that there is reason to believe the Congressman Wright Appreciation Committee and you, as treasurer, violated 2 U.S.C. §\$ 441a(a) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("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 the Congressman Wright Appreciation Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, along with answers to the enclosed questions, within fifteen (15) days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Congressman Wright Appreciation Committee and you, as treasurer, 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 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 Henry Kerry Page 2

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.

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.

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.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely, Danny L. McDonald

Chairman

Enclosures Factual and Legal Analysis Chart Procedures Designation of Counsel Form Interrogatories and Request for Production of Documents

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Congressman Wright Appreciation MUR 3011 Committee, and Henry Kerry, as treasurer

GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2).

FACTUAL AND LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended (the "Act"), states that an individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$1,000.00 per election. 2 U.S.C. § 441a(a). Contributions to any other political committee, by either an individual or a political committee, shall not exceed \$5,000.00 per calendar year. 2 U.S.C. § 441a(a). The Act further provides that no candidate or political committee may knowingly accept any contribution in excess of these limits. 2 U.S.C. § 441a(f). The treasurer of a political committee has the responsibility for determining the legality of any contributions received by the committee. In the case of excessive contributions, the treasurer has sixty (60) days from the date of receipt to obtain a reattribution or redesignation of the contribution to cure the illegality. 11 C.F.R. §§ 103.3(b), 110.1(b). Excessive contributions not reattributed or redesignated must be refunded to the contributor within sixty days. 11 C.F.R. § 103.3(b).

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B. Analysis

The Wright Appreciation Fund (the "Fundraiser") was created as a joint fundraising effort for the Congressman Wright Appreciation Committee (the "PCC") and the Majority Congress Committee (the "PAC"). The PCC received a transfer-in from the Fundraiser on October 7, 1988. This transfer-in included excessive contributions from three (3) non-multicandidate committees. See Attachment. These three committees each made primary election contributions of \$1,250.00 and general election contributions of \$3,750.00, for a total of \$9,000.00 in excessive contributions. According to the PCC's reports filed with the Commission, the primary election contributions were made on January 22, 1988 and the general election contributions were made on October 13, 1988. However, this needs to be verified by the PCC because the general election contributions were reported to have been transferred-in to the PCC by the Fundraiser on October 7, 1988.

On March 22, 1989, more than sixty days after receipt of the contributions, the PCC refunded the excessive contributions by sending checks for \$3,000.00 to each of the three committees. Thus, it appears that the PCC knowingly accepted excessive contributions in violation of 2 U.S.C. § 441a(f). On February 2, 1989, the PCC transferred the sum of \$46,750.00 to the PAC. Reports filed by both the PCC and the PAC report this transaction as a "transfer of funds." It appears that the February 2, 1989 transaction may be a violation of 2 U.S.C. § 441a. Additional information is needed from the PCC to determine where the money came from and why the PCC transferred it to the PAC. Thus, it appears the PCC violated 2 U.S.C. § 441a(a) by making the February 2, 1989 transfer.

Therefore, there is reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. §§ 441a(a) and 441a(f).

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CHART

CONGRESSMAN WRIGHT APPRECIATION COMMITTEE

NAME OF CONTRIBUTOR	FOTAL CONTRIBUTIONS PRIMARY/GENERAL	APPARENT EXCESSIVE AMOUNTS PRIMARY/GENERAL-DATE	SUBTOTAL EXCESSIVES	AMOUNT REFUNDED -DATE
Berwan for Congress (COO147686)	\$1,250/\$3,750	\$ 250/\$ 0 - 1/22/88 \$ 0/\$2,750 - 10/13/88	\$3,000	\$3,000 - 3/22/89
Hel Levine for Congress (COO142216)	\$1,250/\$3,750	\$ 250/\$ 0 - 1/22/88 0/\$2,750 - 10/13/88	\$3,000	\$3,000 - 3/22/89
Congressman Waxman Campaign Committee (COOOI3128)	\$1,250/\$3,750	\$ 250/\$ 0 - 1/22/88 \$ 0/\$2,750 - 10/13/88	\$3,000	\$3,000 - 3/22/89
TOTALS		\$ /50/\$8,250	\$9,000	\$9,000

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 3011

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Henry Kerry, Treasurer Congressman Wright Appreciation Committee P.O. Box 1413 Fort Worth, Texas 76101

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 fifteen 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.

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 September 15, 1987 to the present.

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.

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.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"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.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

The following information is requested from you concerning the fundraising proceeds transferred by the Wright Appreciation Fund to the Congressman Wright Appreciation Committee and the Majority Congress Committee during the 1988 election cycle.

- 1. Submit a copy of the joint fundraising agreement between the Congressman Wright Appreciation Committee and the Majority Congress Committee.
- 2. Identify the excessive contributions the Congressman Wright Appreciation Committee received from the Wright Appreciation Fund. Include the name of the contributor, the date of the contribution, the amount of the contributions. Also indicate whether the contribution was designated for the primary or general election.
- State when the Congressman Wright Appreciation Committee received the excessive contributions itemized in question (2) above, as a transfer-in from the Wright Appreciation Fund.
- 4. The Congressman Wright Appreciation Committee filed an amended Schedule A, dated November 10, 1988, disclosing a transfer-in from the Wright Appreciation Fund on October 7, 1988. This transfer-in included three contributions dated October 13, 1988, which would mean the contributions were made after the transfer-in date. Explain the discrepancy in the report.
- 5. On January 31, 1989, the Congressman Wright Appreciation Committee received a transfer-in of \$46,338.84 from the Wright Appreciation Fund. Identify the source of these funds and explain the reason and purpose for this transfer.

- 6. On February 2, 1989, the Congressman Wright Appreciation Committee transferred-out \$46,750.00 to the Majority Congress Committee. Identify the source of these funds and explain the reason and purpose for this transfer.
- 7. Identify any funds reallocated to the Congressman Wright Appreciation Committee from the Majority Congress Committee in 1988. For each reallocation, include:
 - a) the name of the contributor;

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- b) the amount reallocated to the Congressman Wright Appreciation Committee; and
- c) the total amount of any contributions previously made to the Congressman Wright Appreciation Committee for the 1988 primary and general election cycles by that contributor.

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BRAND & LOWELL

A PROFESSIONAL COMPONATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005

> TELEPHONE: (202) 662-9700 TELECOPIER: (202) 737-7565

> > D JAN 29 PH

January 29, 1990

BY HAND DELIVERY

Elizabeth Campbell, Esquire Assistant General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: <u>Matter Under Review 3011</u>

Dear Ms. Campbell:

Enclosed please find the responses of the Congressman Wright Appreciation Committee, the Congressman Wright Appreciation Funds and the Majority Congress Committee to the Federal Election Commission's request for documents and written answers in the above-referenced matter under review.

I also wish to inform you that we and the three committees are actively exploring seeking pre-probable cause conciliation of this matter under review. I will be advise you this week of the committees' decisions in this regard. In the event the committees choose to pursue conciliation, I will then transmit a letter to you, also this week, explaining the grounds upon which we believe conciliation is appropriate.

Please telephone either me or Stanley Brand at 662-9700 if you have any questions about this submission, and I will contact you again later this week concerning the committees' decisions on conciliation.

Sincerel Frulla E.,

Enclosures

OF THE UNITED STATES OF AMERICA

In the Matter of

The Congressman Wright Appreciation Committee,

Henry Kerry, Its Treasurer,

The Congressman Wright Appreciation Fund,

Craig Raupe, Its Treasurer¹,

The Majority Congress Committee,

Robert Reeves, Its Treasurer Matter Under Review 3011

RESPONSE OF MCC TO COMMISSION REQUEST FOR WRITTEN ANSWERS

The Majority Congress Committee (the "MCC/PAC") and Mr. Robert Reeves, its treasurer, hereby respond to the order of the Federal Election Commission (the "Commission") to submit written answers to questions and documents relating to joint fundraising efforts involving it, the Congressman Wright Appreciation Committee (the "WAC/PCC"), and the Congressman Wright Appreciation Fund (the "WAF/Fundraiser").

1. Submit a copy of the joint fundraising agreement between the Congressman Wright Appreciation Committee and the Majority Congress Committee.

A copy of the joint fundraising agreement is attached hereto, behind Tab 1.

¹ Mr. Raupe passed away in October of 1988. He has been replaced as Treasurer of the WAF by Mr. W. Edwin Youngblood. Identify the contributions reallocated from the Majority Congress Committee to the Congressman Wright Appreciation Committee. Include:

- a) the name of the contributor
- b) the date of the contribution
- c) the date of the reallocation; and
- d) the amount reallocated.

See chart attached, behind Tab 2. The MCC and the WAF are investigating the contributions from the Texas Utilities Electric Political Committees and will forward to the Commission any information discovered.

3. State the date the reallocations were actually received by the Congressman Wright Appreciation Committee.

The reallocations were made in late January of 1989. The MCC/PAC issued a check dated January 25, 1989, to the WAF/Fundraiser in the amount of \$46,750, \$43,750 of which -- as is stated on the check which is attached hereto, behind Tab 3 -was for reallocation to the WAC/PCC. The WAF/Fundraiser then transferred-in \$46,338.84 to the WAC/PCC on January 31, 1989, as a final distribution of funds from the WAF/Fundraiser for the 1987-88 election cycle, which amount included the reallocation from the MCC/PAC.

- 4. Identify the contributions refunded by the Majority Congress Committee, or by the Wright Appreciation Fund on behalf of the Majority Congress Committee. Include:
 - a) the name of the contributor;
 - b) the date of the contribution;
 - c) the amount refunded; and
 - d) the date of the refund.

i) <u>Gadsden County Democratic Executive Committee</u>: The Gadsden County Democratic Executive Committee contributed \$1,000 by check dated June 11, 1987, although this contribution check

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was apparently held by the contributor and not received by the WAF/Fundraiser until on or about September 22, 1987, when it was deposited. The WAF/Fundraiser refunded the entire amount of this contribution on August 31, 1988.

ii) <u>Committee for a Better Boston</u>: The Committee for a Better Boston issued a check dated October 26, 1987, for \$2,000 to the Wright Appreciation Fund. The WAF/Fundraiser refunded the entire amount of this contribution on August 31, 1988.

iii) <u>Texas Rural Water Political Action Committee</u>: The Texas Rural Water Political Action Committee issued a check dated October 27, 1987, for \$1,000, to the Wright Appreciation Fund, which refunded it in its entirety on August 31, 1988.

5. Disclosure reports filed with the Federal Election Commission indicate that you received contributions from four unregistered organizations, namely the Gadsden County Democratic Executive Committee, the Committee for a Better Boston, Texas Rural Water PAC, and the Texas Independent Nursing Home Association. Indicate whether these committee have a separate account for federal activity. If not, demonstrate that contributions made by these committees included only funds subject to the limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended.

When Speaker Wright's campaign staff learned that the Gadsden County Democratic Executive Committee, the Committee for a Better Boston, and the Texas Rural Water PAC did not have a separate account for federal activity, out of an abundance of caution for which it should not be penalized, the WAF/Fundraiser refunded the <u>entire</u> contributions immediately thereafter. Thus, it is immaterial from the WAF's perspective whether or not these

donor political committees internally allocated between funds subject and not subject to the Act.

As regards the Texas Independent Nursing Home Association, the November 19, 1987, contribution was inadvertently reported on Line 11b, Item B of the WAF's year-end Schedule A, which is intended for disclosure of party committee contributions. Despite this inadvertent reporting misclassification, the reporting of this contribution reveals that this contribution was not something the WAF/Fundraiser or its participating committees attempted to conceal. The WAF is investigating the source of the funds for this political committee's contribution to determine whether the contribution was made from the personal funds of the president of the contributing political committee or from other funds. If it is determined that this contribution was, in actuality, made from corporate funds, the WAF/Fundraiser will refund it and file an amended report.

 In its March 1989 quarterly report, the Majority Congress Committee reported a transfer-in of \$46,750 from the Congressman Wright Appreciation Committee on February 2, 1989. Identify the source of these funds and the reason and purpose for the transfer.

As provided for in the joint fundraising agreement, the WAC/PCC transferred \$46,750 to the MCC/PAC as excess funds, as that term is defined in 2 U.S.C. § 439a.

7. State whether the Majority Congress Committee made their contributor records available to the Wright Appreciation Fund during the 1988 election cycle.

The records of the MCC/PAC and the WAF/Fundraiser were maintained separately by the staff of the respective political

I affirm the the foregoing Response whe Majority Congress Committee to the request of the Federal Election Commission for written answers in connection with its Matter Under Review 3011 is true and correct to the best of my personal knowledge, and that the documents attached hereto reflect true and accurate copies of documents in possession of the Majority Congress Committee responsive to the rederal Election Commission's request for documents relating to its written questions.

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Datad: January 29, 1990

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Treasurer, Majority Congress Committee

Subscribed And Sworn To Before This 1990 day of January,

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My Commission expires:

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JOINT FUNDRAISING AGREEMENT RETWEEN WRIGHT APPRECIATION COMMITTEE AND MAJOHITY CONGRESS COMMITTEE

The WRIGHT APPRECIATION COMMITTRE (hereinafter refarrod to as "WAC"), Majority Leader Jim Wright's authorized campuign committee, and the MAJORITY CONGRESS COMMITTER, a nonnonneuted federal political committee, (hereinafter referred to as "MCC") hereby enter into a joint fundraising agreement (hereinafter referred to as "the Agreement") pursuant to 11 C.F.R. § 102.17 and agree as follows:

). WAC and MCC (collectively referred to as "the Participunts") shall conduct a series of joint fundraising efforts in the noar future. The specific menner in which these joint fundraising efforts will be conducted shall be mutually agreed upon by the parties.

2. The Wright Appreciation Fund ("the Fund"), the joint fundraising committee established by WAC and MCC, shall act as the fundraising representative for the joint fundraising efforts. Accordingly, the Fund will be responsible for (a) collecting and dopositing joint fundraising contributions; (b) paying fundraising costs from gross proceeds and from funds advanced by the parties; (c) distributing net proceeds; (d) establishing a bank account to be used solely for joint fundruising receipts and disbursements; and (e) maintaining remords and reporting overal) joint fundraising activity. (b) The Participants shall forward any and all contributions which they receive from the joint fundraising efforts to the Pund for deposit within the time periods preacribed by 11 C.F.R. 5 102.8 (i.e., contributions of fifty dollars or loss shall be forwarded to the Fund within thirty days after their receipt by either of the Participants: contributions exceeding fifty dollars shall be forwarded within ten days after their receipt).

3. Any and all net proceeds from the joint fundraising efforts butween the Participants (after the payment of expanses) shall be divided between the parties as follows: ' Seventy-five percent of the proceeds from the joint fundraiser will be distributed to WRIGHT APPRECIATION COMMITTEE and twenty-five percent of the proceeds will be distributed to MAJORITY CONGRESS COMMITTEE, however, if Jim Wright declares, pursuant to 2 U.S.C. \$ 439a, that he has excess campaign funds, then MAJORITY CONGRESS COMMITTEE will receive seventy-five percent of the proceeds and WRIGHT APPRECIATION COMMITTEE will receive twenty-five percent of the proceeds.

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4. The joint fundraising efforts between WAC and the MCC shall be conducted in compliance with the prohibitions and limitations of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 5 433 et seq., and the regulations promulgated thercunder, 11 C.F.R. 5 100 et seq.

WRIGHT APPRECIATION COMMITTEE

· Luy By: Name: Title: Honsy . XULLY VEDALUXOX

NAJORITY CONGRESS CONNITTES

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REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

Cont. Date *	Name	Address	Occupation	Amount Reallocated To WAC	Previous Total <u>To WAC</u>
11/19/87	L. F. Rooney, III	2120 Montrose Boulevard Houston, TX 77006 (Prin-111 E. 31st Tulsa, OK (918) 583-6900	President Manhattan Construction	\$250	\$1,750 (P & G)
10/15/87	Engineers Political Education Committee	1125 - 17th Street, N.W. Washington, D.C. 20036	PAC, Larry Dugan, Jr., Chairman	\$2,500	\$2,500 (G)
10/16/87	NRLCA Political Action Committee	1448 Duke Street Alexandria, VA 22314	PAC, Ken Parmelee (703) 684-5545	\$2,500	\$2,500 (P & G)
11/9/87	Sheet Metal Workers Intl. Assn. Political Action League	1750 New York Avenue, N.W. Washington, D.C. 20006	PAC	\$2,500	\$2,500 (P & G)
11/9/87	Texas Air Corp. Political Action Committee	333 Clay Street, Suite 4040 Houston, Texas 77002	PAC, Clark Onstead (202) 628-3336	\$2,500	\$2,500 (P.&.G)
11/12/87	BUILD PAC	15th & M Streets, N.W. Washington, D.C. 20005	PAC, Bob Bannister	\$2,500	\$2,500 (P & G)
11/19/87	AT & T PAC	550 Madison Avenue New York, NY 10022	PAC, W.G. Bryant	\$2,500	\$2,500 (P & G)

* All reallocations occurred on August 31, 1988, except those for the Commodity Futures Political Fund, which occurred on October 17, 1988.

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REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

Cont. Date	Name	Address	Occupation	Amount Reallocated <u>To WAC</u>	Previous Total <u>To WAC</u>
11/19/87	Coastal Employee	Nine Greenway Plaza Houston, TX 77048	PAC	\$25,00	\$2,500 (P & G)
11/19/87	DRIVE Political Fund	25 Louisiana Avenue, N.W. Washington, D.C. 29991	PAC, Jackie Presser	\$2,500	\$2,500 (P & G)
11/19/87	Federal Express Political Action Committee	20005 Corporate Avenue Memphis, TN 38132	PAC, George Hearn (901) 395-3841	\$2,500	\$2,500 (P)
3/5/87	LTV Aerospace & Defense Co. Active Citiz. Campn.	P.O. Box 225907 Dallas, TX 75265-5554	PAC	\$2,500	\$1,750 (P & G)
11/19/87	Commodity Futures Political Fund	30 S. Wacker Drive Chicago, IL 60606	PAC, Leo Melamed, Chmn.	\$2,500	\$1,250 (P)
11/19/87	Commodity Futures Political Fund	30 S. Wacker Drive Chicago, IL 60606	PAC, Leo Malamed, Chmn.	\$3,750	\$1,250 (G)
11/19/87	ATLA PAC Assn. of Trial Lawyers	1050 31st Street, N.W. Washington, D.C. 20007 (202) 965-3500	PAC	\$7,500	\$2,500 (P & G)
12/11/87	American Airlines Political Action Committee	1101 - 17th Street, N.W. Washington, D.C. 20036	PAC, Gene Overbeck	\$2,500	\$2,500 (P & G)

REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

Cont. Date	Name	Address	Occupation	Amount Reallocated To WAC	Previous Total To WAC
12/17/87	Textron Political Action Committee	P.O. Box 878 Providence, RI 02901	PAC, Mary Howell	\$2,500	\$2,500 (P & G)

BEFORE THE FEDERAL ELECTION COMMISSION OF THE UNITED STATES OF AMERICA

In the Matter of

The Congressman Wright Appreciation Committee,

Henry Kerry, Its Treasurer,

The Congressman Wright Appreciation Fund,

Craig Raupe¹, Its Treasurer,

The Majority Congress Committee,

Robert Reeves, Its Treasurer Matter Under Review 3011

RESPONSE OF WAC TO COMMISSION REQUEST FOR WRITTEN ANSWERS

The Congressman Wright Appreciation Committee (the "WAC/PCC") and Mr. Henry Kerry, its treasurer, hereby respond to the order of the Federal Election Commission (the "Commission") to submit written answers to questions and documents relating to joint fundraising efforts involving it, the Congressman Wright Appreciation Fund (the "WAF/Fundraiser"), and the Majority Congress Committee (the "MCC/PAC").

1. Submit a copy of the joint fundraising agreement between the Congressman Wright Appreciation Committee and the Majority Congress Committee.

A copy of the joint fundraising agreement is attached hereto, behind Tab 1.

¹ Mr. Raupe passed away in October of 1988. He has been replaced as Treasurer of the WAF by Mr. W. Edwin Youngblood.

2. Identify the excessive contributions the Congressman Wright Appreciation Committee received from the Wright Appreciation Fund. Include the name of the contributor, the dates of the contributions, the amount of the contributions. Also indicate whether the contribution was designated for the primary or general election.

Name	Contribution Date ²	Amount	Designation
Berman for Congress PAC	10-13-88	\$5,000	General
Mel Levine for Congress	10-13-88	\$5,000	General
Cong. Waxman Campaign Comm.	10-13-88	\$5,000	General

3. State when the Congressman Wright Appreciation Committee received the excess contributions itemized in question (2) above, as a transfer-in from the Wright Appreciation Fund.

The WAC/PCC received the transfer-in which included these contributions on January 31, 1989. As discussed in response to Questions 5-6, this transfer-in occurred during the course of making a final distribution of the proceeds (less expenses) of the joint fundraising activity.

4. The Congressman Wright Appreciation Committee filed an amended Schedule A, dated November 10, 1988, disclosing a transfer-in from the Wright Appreciation Fund on October 7, 1988. This transfer-in included three contributions dated

² The term "date of contribution" is the date of deposit of the contribution checks. It should be noted that contributions of \$5,000 each, designated for the primary and general election, were also received from these committees via checks dated January 22, 1988. When considered together, refundable excess was calculated as follows: The WAC/PCC was able to receive \$1,000 for both the primary and general elections, and the MCC/PAC was able to receive \$5,000 for calendar year 1988. Thus, of the \$10,000 originally received by each contributor, \$3,000 was refunded to each as excess once the WAF/Fundraiser became aware that the contributors were not, in fact, multi-candidate committees.

October 13, 1988, which would mean that the contributions were made after the transfer-in date. Explain the discrepancy in the report.

After diligent investigation, the WAC/PCC has been unable to ascertain the exact nature of the Commission's concern in this regard. The WAC/PCC believes, however, that any amended Schedule A dated November 10, 1988, to which the Commission is referring would be for a contribution reporting period that would have extended to October 13, 1988, or beyond. In fact, as was stated in the cover letter for the amended Schedules A for both the WAF and the WAC, dated November 10, 1988, the reporting period covered up to and including October 13, 1988.

Furthermore, as discussed above in response to Question 3, the transfer-in which included these allegedly "excess" contributions did not occur until January 31, 1989. Distribution of funds from the joint fundraiser and reporting thereof by the participating committees occurred separately from the reporting of the actual fundraiser contributions.

5. On January 31, 1989, the Congressman Wright Appreciation Committee received a transfer-in of \$46,338.84 from the Wright Appreciation Fund. Identify the source of these funds and explain the reason and purpose for this transfer.

-and-

6. On February 2, 1989, the Congressman Wright Appreciation Committee transferred-out \$46,750 to the Majority Congress Committee. Identify the source of these funds and explain the reason and purpose for this transfer.

A series of transfers occurred in late January of 1989 which were designed to finalize the distribution of funds for the 1987-1988 election cycle between the WAF/Fundraiser and the

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participating committees: the WAC/PCC and the MCC/PCC. Under the joint fundraising agreement, based on the receipts and operating expenses of the WAF/Fundraiser, it was calculated that the funds were to be divided between the WAC/PCC and the MCC/PAC, as follows: \$212,338.84 to the WAC/PCC, and \$491,310.70 to the MCC/PAC. Before the series of transfers, however, the WAC/PCC had received only \$166,000 from the WAF/Fundraiser, but the MCC/PAC had received \$554,000.³ Thus, a series of transfers was needed to correct the allocation.

Response to Ouestion 5: As is shown above, the amount due to the WAC/PCC was \$46,338.84 (\$212,338.44 minus \$166,000). This amount was transferred-in to the WAC/PCC from the WAF/Fundraiser on January 31, 1989, as the Commission's records indicate.

Response to Question 6: The funds transferred from the WAC/PCC to the MCC/PAC (\$46,750) were actually transferred on January 31, 1989, as a part of the series of transactions described above. An inadvertent clerical error on the WAC/PCC's July 31, 1989, Midyear Report indicated that this occurred in early February of 1989.

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³ It must be noted that the sum of \$166,000 and \$554,000 is \$720,000. This is the amount that had been transferred to the WAC/PCC and the MCC/PAC before January 31, 1989. Based on contributions received and expenses incurred, the WAF/Fundraiser should only have transferred \$703,649.54. Rectifying this overdistribution was also included in the series of transfers done in late January of 1989.

The inadvertent clerical error notwithstanding, as provided for in the joint fundraising agreement, the WAC/PCC transferred \$46,750 to the MCC/PAC as excess funds so designated by Speaker Wright, as that term is defined in 2 U.S.C. § 439a.

- 7. Identify any funds reallocated to the Congressman Wright Appreciation Committee from the Majority Congress Committee in 1988. For each reallocation, include:
 - a) the name of the contributor;
 - b) the amount reallocated to the Congressman Wright Appreciation Committee; and
 - c) the total amount of any contributions previously made to the Congressman Wright Appreciation Committee for the 1988 primary and general election cycles by that contributor.

See chart attached hereto, behind Tab 7.

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AFFIRMATION

I affirm that the foregoing Response of the Congressman Wright Appreciation Committee to the request of the Federal Election Commission for written answers in connection with its Matter Under Review 3011 is true and correct to the best of my personal knowledge, and that the documents attached herato reflect true and accurate copies of documents in possession of the Congressman Wright Appreciation Committee responsive to the Federal Election Commission's request for documents relating to its written questions.

Dated: January 29, 1990

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Marjorie B. Youngblood (Assistant Treasurer, Congressman Wright Appreciation Committee

Subscribed and Sworn to Before Me This

24 th day of January 1990

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My Commission expires: 5.2493



JOINT FUNDRAISING AGREEMENT HETWEEN WRIGHT APPRECIATION COMMITTEE AND MAJORITY CONGRESS COMMITTEE

Attachment 1

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The WRIGHT APPRECIATION COMMITTRE (hereinafter refarrod to as "WAC"), Majority Leader Jim Wright's authorized campuign committee, and the MAJORITY CONGRESS COMMITTEE, a nonconnected federal political committee, (hereinafter referred in as "MCC") hereby enter into a joint fundraising agreement (horeinafter reterred to as "the Agreement") pursuant to 11 C.F.R. § 102.17 and agree as follows:

). WAC and MCC (collectively referred to as "the Participunts") shall conduct a series of joint fundraising efforts in the noar future. The specific manner in which these joint fundraising efforts will be conducted shall be mutually agreed upon by the parties.

2. The Wright Appreciation Fund ("the Fund"), the joint fundraising committee established by WAC and MCC, shall act as the fundraising representative for the joint fundraising efforts. Accordingly, the Fund will be responsible for (a) collecting and depositing joint fundraising contributions; (b) paying fundraising costs from gross proceeds and from funds advanced by the parties; (c) distributing net proceeds; (d) establishing a bank account to be used solely for joint fundruising receipts and disbursements; and (e) maintaining renords and reporting overall joint fundraising activity. (b) The Participants shall forward any and all contributions which they receive from the joint fundraising efforts to the Pund for deposit within the time periods prescribed by 11 C.F.R. 5 102.8 (i.e., contributions of fifty dollars or loss shall be forwarded to the Fund within thirty days after their receipt by either of the Participants: contributions exceeding fifty dollars shall be forwarded within ten days after their receipt).

3. Any and all not proceeds from the joint fundraising efforts butween the Participants (after the payment of expenses) shall be divided between the parties as follows: Seventy-five percent of the proceeds from the joint fundraiser will be distributed to WRIGHT APPRECIATION CONMITTEE and twenty-five percent of the proceeds will be distributed to MAJORITY CONGRESS COMMITTEE; however, if Jim Wright declares, pursuant to 2 U.S.C. \$ 439a, that he has excess campaign funds, then MAJORITY CONGRESS COMMITTEE will receive seventy-five percent of the proceeds and WRIGHT APPRECIATION COMMITTEE will receive twenty-five porcent of the proceeds.

4. The joint fundraising efforts between WAC and the MCC shall be conducted in compliance with the prohibitions and limitations of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 5 433 et seq., and the regulations promulgated thereunder, 11 C.F.R. 5 100 et seq.

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WRIGHT APPRECIATION COMMITTEE

· Yhy By I Henry Name: Title: S. RULLY TECHEUROF

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REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

Cont. Date *	Name	Address	Occupation	Amount Reallocated To WAC	Previous Total <u>To WAC</u>
11/19/87	L F. Rooney, III	2120 Montrose Boulevard Houston, TX 77006 (Prin-111 E. 31st Tulsa, OK (918) 583-6900	President Manhattan Construction	\$250	\$1,750 (P & G)
10/15/87	Engineers Political Education Committee	1125 - 17th Street, N.W. Washington, D.C. 20036	PAC, Larry Dugan, Jr., Chairman	\$2,500	\$2,500 (G)
10/16/87	NRLCA Political Action Committee	1448 Duke Street Alexandria, VA 22314	PAC, Ken Parmelee (703) 684-5545	\$2,500	\$2,500 (P & G)
11/9/87	Sheet Metal Workers Intl. Assn. Political Action League	1750 New York Avenue, N.W. Washington, D.C. 20006	PAC	\$2,500	\$2,500 (P & G)
11/9/87	Texas Air Corp. Political Action Committee	333 Clay Street, Suite 4040 Houston, Texas 77002	PAC, Clark Onstead (202) 628-3336	\$2,500	\$2,500 (P & G)
11/12/87	BUILD PAC	15th & M Streets, N.W. Washington, D.C. 20005	PAC, Bob Bennister	\$2,500	\$2,500 (P & G)
11/19/87	AT & T PAC	550 Madison Avenue New York, NY 10022	PAC, W.G. Bryant	\$2,500	\$2,500 (P & G)

* All reallocations occurred on August 31, 1988, except those for the Commodity Futures Political Fund, which occurred on October 17, 1988.

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REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY. CONGRESS COMMITTEE

Cont. Date	Name	Address	Occupation	Amount Reallocated	Previous Total <u>To WAC</u>
11/19/87	Coastal Employee	Nine Greenway Plaza Houston, TX 77046	PAC	\$25,00	\$2,500 (P & G)
11/19/87	DRIVE Political Fund	25 Louisiana Avenue, N.W. Washington, D.C. 29991	PAC, Jackie Presser	\$2,500	\$2,500 (P & G)
11/19/87	Federal Express Political Action Committee	20005 Corporate Avenue Memphis, TN 38132	PAC, George Hearn (901) 395-3841	\$2,500	\$2,500 (P)
3/5/87	LTV Aerospace & Defense Co. Active Citiz. Campn.	P.O. Box 225907 Dallas, TX 75265-5554	PAC	\$2,500	\$1,750 (P & G)
11/19/87	Commodity Futures Political Fund	30 S. Wacker Drive Chicago, IL 60606	PAC, Leo Malamed, Chmn.	\$2,500	\$1,250 (P)
11/19/87	Commodity Futures Political Fund	30 S. Wacker Drive Chicago, IL 60606	PAC, Leo Malamed, Chmn.	\$3,750	\$1,250 (G)
11/19/87	ATLA PAC Assn. of Trial Lawyers	1050 31st Street, N.W. Washington, D.C. 20007 (202) 965-3500	PAC	\$7,500	\$2,500 (P & G)
12/11/87	American Airlines Political Action Committee	1101 - 17th Street, N.W. Washington, D.C. 20036	PAC, Gene Overbeck	\$2,500	\$2,500 (P & G)

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REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

Cont. Date	Name	Address	Occupation	Amount Reallocated <u>To WAC</u>	Previous Total <u>To WAC</u>
12/17/87	Textron Political Action Committee	P.O. Box 878 Providence, RI 02901	PAC, Mary Howell	\$2,500	\$2,500 (P & G)

DEFORE THE FEDERAL ELECTION COMMISSION OF THE UNITED STATES OF AMERICA

In the Matter of

The Congressman Wright Appreciation Committee,

Henry Kerry, Its Treasurer,

The Congressman Wright Appreciation Fund,

Craig Raupe, Its Treasurer¹,

The Majority Congress Committee,

Robert Reeves, Its Treasurer

RESPONSE OF WAF TO COMMISSION REQUEST FOR WRITTEN ANSWERS

The Congressman Wright Appreciation Fund (the "WAF/Fundraiser") and Mr. Craig Raupe, its treasurer, hereby respond to the order of the Federal Election Commission (the "Commission") to submit written answers to questions and documents relating to joint fundraising efforts involving it, the Congressman Wright Appreciation Committee (the "WAC/PCC") and the Majority Congress Committee (the "MCC/PAC").

1. Submit a copy of the joint fundraising agreement between the Congressman Wright Appreciation Committee and the Majority Congress Committee.

A copy of the joint fundraising agreement is attached hereto, behind Tab 1.

¹ Mr. Raupe passed away in October of 1988. He has been replaced as Treasurer of the WAF by Mr. W. Edwin Youngblood.

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Matter Under Review 3011

2. While the Wright Appreciation Fund was acting as a joint fundraising representative during the 1988 election cycle, state whether it had access to the contributor records of he Congressman Wright Appreciation Committee and the Majority Congress Committee. If not, state why not.

The WAF/Fundraiser had access to such records during the 1988 election cycle.

3. Before transferring the fundraising proceeds to the Congressman Wright Appreciation Committee and the Majority Congress Committee, state how the Wright Appreciation Fund screened the contributions to ensure they fell within the limitations of the Act.

The WAF/Fundraiser maintained a series of color-coded contributor cards to monitor contributions to the WAF/Fundraiser (blue), the WAC/PCC (green), and the Wright Congressional Club (white). The staff of the MCC/PAC maintained its records separately, but the staffs of the political committees shared contributor information, as was necessary. The staff of the WAF/Fundraiser would examine the contributor cards of the WAF/Fundraiser, the WAC/PCC, and the Wright Congressional Club, and contact staff of the MCC/PAC to screen the contributions received to ensure that they fell within federal limitations.

For the 1987-1988 fundraisers, once the joint fundraising contributions were screened, they were divided 75% to the MCC/PAC and 25% to the WAC/PCC, unless particular contributions were earmarked for one of the two participating committees in a manner that made such an exact division impossible. As discussed in response to Questions 4-5 below, an inadvertent result of this

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system was that, in a few isolated incidents among 2,500-plus² contributions received via the joint fundraising, certain contributions were ultimately reallocated because the uniform use of the allocation procedure described above resulted in a contribution to the MCC/PAC which exceeded its \$5,000 limit.

- 4. Identify the contributions reallocated from the Majority Congress Committee to the Congressman Wright Appreciation Committee. Include:
 - a) the name of the contributor;
 - b) the date of the contribution;
 - c) the date of the reallocation; and
 - d) the amount reallocated.

See chart attached behind Tab 4.

5. State the date that the contributions that were reallocated were actually received by the Congressman Wright Appreciation Committee.

Receipt of the reallocations occurred in late January of 1989. The MCC/PAC issued a check dated January 25, 1989, to the WAF/Fundraiser in the amount of \$46,750, \$43,750 of which -- as is stated on check which is attached hereto, behind Tab 5 -- was for reallocation to the WAC/PCC. The WAF/Fundraiser then transferred-in \$46,338.84 to the WAC/PCC on January 31, 1989, as a final distribution of funds from the WAF/Fundraiser for the 1987-88 election cycle, which amount included the reallocation from the MCC/PAC.

² The WAF/Fundraiser reported <u>all</u> contributions it received, regardless of size, and each such contributions was entered manually on Commission disclosure forms. As the Commission may appreciate, this was a tremendous task and one to which the WAF/Fundraiser, MCC/PAC, need WAC/PCC staff devoted its good faith, best efforts.



6. Disclosure reports filed with the Federal Election Commission indicated that the Fundraiser collected contributions from four unregistered organizations, namely the Gadsden County Democratic Executive Committee, the Committee for a Better Boston, Texas Rural Water PAC, and the Texas Independent Nursing Home Association. Indicate whether these committee have a separate account for federal activity. If not, demonstrate that contributions made by these committees included only funds subject to the limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended.

When Speaker Wright's campaign staff learned that the Gadsden County Democratic Executive Committee, the Committee for a Better Boston, and the Texas Rural Water PAC did not have a separate account for federal activity, out of an abundance of caution for which it should not be penalized, the WAF/Fundraiser refunded the <u>entire</u> contributions immediately thereafter. Thus, it is immaterial from the WAF's perspective whether or not these donor political committees internally allocated between funds subject and not subject to the Act.

As regards the Texas Independent Nursing Home Association, the contribution was inadvertently reported on Line 11b, Item B of the WAF's year-end Schedule A committee, which is intended for disclosure of party committee contributions. Despite this inadvertent reporting misclassification, the reporting of this contribution reveals that this contribution was not something the WAF/Fundraiser or its participating committees attempted to conceal. The WAF is investigating the source of the funds for this political committee's contribution to determine whether the contribution was made from the personal funds of the president of the contributing political committee or from other funds. If it is determined that this contribution was, in actuality, made from corporate funds, the WAF/Fundraiser will refund it and file an amended report.

7. According to the reports filed with the Commission, the Wright Appreciation Fund refunded contributions from the four unregistered organizations listed in the previous question after it had transferred these contributions to the Majority Congress Committee and the Congressman Wright Appreciation Committee. Indicate whether the Wright Appreciation Fund was reimbursed by the Congressman Wright Appreciation Committee and the Majority Congress Committee, for making contribution refunds on their behalf. Include the date of any reimbursements.

The WAC/PCC reimbursed the WAF/Fundraiser in that the WAF/Fundraiser deducted the WAC/PCC's allocable share of the refunds from the final distribution of funds by the WAF/Fundraiser to the WAC/PCC. The MCC/PAC returned its allocable share of the refund -- \$3,000 -- to the WAF/Fundraiser by check dated January 25, 1989.³

8. On January 31, 1989, the Wright Appreciation Fund transferred \$46,338.84 to the Congressman Wright Appreciation Committee. Identify the source of those funds and explain the reason and purpose for this transfer.

A series of transfers occurred in late January of 1989 which were designed to finalize the distribution of funds between the WAF/Fundraiser and the participating committees. Under the joint fundraising agreement, based on the receipts and operating expenses of the WAF/Fundraiser and reallocations, it was calculated that the funds were to be divided between the WAC/PCC and the MCC/PAC, as follows: \$212,338.84 to the WAC/PCC, and

³ As discussed above, the remaining \$43,750 of this check was for reallocation of contributions.

\$491,310.70 to the MCC/PAC. Before the series of transfers, however, the WAC/PCC had received only \$166,000 from the WAF/Fundraiser, but the MCC/PAC had received \$554,000.⁴ The amount due to the WAC/PCC was \$46,338.84 (\$212,338.44 minus \$166,000). This amount was transferred-in to the WAC/PCC from the WAF/Fundraiser on January 31, 1989, as the Commission's records indicate.

⁴ It must be noted that the sum of \$166,000 and \$554,000 is \$720,000. This is the amount that had been transferred to the WAC/PCC and the MCC/PAC before January 31, 1989. Based on contributions received and expenses incurred, the WAF/Fundraiser should only have transferred \$703,649.54. Rectifying this over distribution was also included in the series of January of 1989 transactions, by which the MCC/PAC issued a check for \$15,939.30 to the WAF/Fundraiser.

AFFIRMATION

I affirm that the foregoing Response of the Congressman Wright Appreciation Fund to the request of the Federal Election Commission for written answers in connection with its Matter Under Review 3011 is true and correct to the best of my personal knowledge, and that the documents attached hereto reflect true and accurate copies of documents in possession of the Congressman Wright Appreciation Fund responsive to the Federal Election Commission's request for documents relating to its written questions.

Dated: January 29, 1990

sunfluerd Marjorie B. Youngblood

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Assistant Treasurer, Congressman Wright Appreciation Fund

Subscribed and Sworn to Before Me This

29 th day of January 1990

Notary Pub.

My Commission expires: 5-2403

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JOINT FUNDRAISING AGREEMENT RETWEEN WRIGHT APPRECIATION COMMITTEE AND MAJORITY CONGRESS COMMITTEE

Attachment 1

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The WRIGHT APPRECIATION COMMITTRE (hereinafter referrod to as "WAC"), Majority Leader Jim Wright's authorized campuign committee, and the MAJORITY CONGRESS COMMITTER, a nonnonneuted federal political committee, (hereinafter referred to as "MCC") hereby enter into a joint fundraising agreement (hereinafter referred to as "the Agreement") pursuant to 11 C.F.R. § 102.17 and agree as follows:

J. WAC and MCC (collectively referred to ns "the Participunts") shall conduct a series of joint fundraising efforts in the near future. The specific manner in which these joint fundraising efforts will be conducted shall be mutually agreed upon by the parties.

2. The Wright Appreciation Fund ("the Fund"), the joint fundraising committee established by WAC and MCC, shall act as the fundraising representative for the joint fundraising efforts. Accordingly, the Fund will be responsible for (A) collecting and dopositing joint fundraising contributions; (b) paying fundraising costs from gross proceeds and from funds advanced by the parties; (c) distributing net proceeds; (d) establishing a bank account to be used solely for joint fundruising receipts and disbursements; and (e) maintaining renords and reporting overal) joint fundraising activity. (b) The Participants shall forward any and all contributions which they receive from the joint fundraising efforts to the Fund for deposit within the time periods preactived by 11 C.F.R. 5 102.8 (i.e., contributions of fifty dollars or loss shall be forwarded to the Fund within thirty days after their receipt by either of the Participants: contributions exceeding fifty dollars shall be forwarded within ten days after their receipt).

3. Any and all net proceeds from the joint fundraising efforts butween the Participants (after the payment of expanses) shall be divided between the parties as follows: Seventy-five percent of the proceeds from the joint fundraiser will be distributed to WRIGHT APPRECIATION COMMITTEE and twenty-five percent of the proceeds will be distributed to MAJORITY CONGRESS COMMITTEE; however, if Jim Wright declares, pursuant to 2 U.S.C. \$ 439a, that he has excess campaign funds, then MAJORITY CONGRESS COMMITTEE will receive seventy-five percent of the proceeds and WRIGHT APPRECIATION COMMITTEE will receive twenty-five percent of the proceeds.

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4. The joint fundraising efforts between WAC and the MCC shall be conducted in compliance with the prohibitions and limitations of the Faderal Election Campaign Act of 1971, an amended, 2 U.S.C. S 431 et seq., and the regulations promulgated thercunder, 11 C.F.R. 5 100 et seq.

WRIGHT APPRECIATION CONMITTEE

e Xuy Bys Name: Title: Honsy E. Xully TEUROF TH

NAJORITY CONGRESS CONNITTES

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REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

Cont. Date *	Name	Address	Occupation	Amount Reallocated To WAC	Previous Total <u>To WAC</u>
11/19/87	L. F. Rooney, III	2120 Montrose Boulevard Houston, TX 77006 (Prin-111 E. 31st Tulsa, OK (918) 583-6900	President Manhattan Construction	\$250	\$1,750 (P & G)
10/15/87	Engineers Political Education Committee	1125 - 17th Street, N.W. Washington, D.C. 20036	PAC, Larry Dugan, Jr., Cheirmen	\$2,500	\$2,500 (G)
10/16/87	NRLCA Political Action Committee	1448 Duke Street Alexandria, VA 22314	PAC, Ken Parmelee (703) 684-5545	\$2,500	\$2,500 (P & G)
11/9/87	Sheet Metal Workers intl. Assn. Political Action League	1750 New York Avenue, N.W. Washington, D.C. 20008	PAC	\$2,500	\$2,500 (P & G)
11/9/87	Texas Air Corp. Political Action Committee	333 Clay Street, Suite 4040 Houston, Texas 77002	PAC, Clark Onstead (202) 628-3336	\$2,500	\$2,500 (P & G)
11/12/87	BUILD PAC	15th & M Streets, N.W. Washington, D.C. 20005	PAC, Bob Bannister	\$2,500	\$2,500 (P & G)
11/19/87	AT & T PAC	550 Madison Avenue New York, NY 10022	PAC, W.G. Bryant	\$2,500	\$2,500 (P & G)

* All reallocations occurred on August 31, 1988, except those for the Commodity Futures Political Fund, which occurred on October 17, 1988.

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REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

Cont. Date	Name	Address	Occupation	Amount Reallocated To WAC	Previous Total <u>To WAC</u>
11/19/87	Coastal Employee	Nine Greenway Plaza Houston, TX 77046	PAC	\$25,00	\$2,500 (P & Q)
11/19/87	DRIVE Political Fund	25 Louisiana Avenue, N.W. Washington, D.C. 2991	PAC, Jackie Presser	\$2,500	\$2,500 (P & G)
11/19/87	Federal Express Political Action Committee	20005 Corporate Avenue Memphis, TN 38132	PAC, George Hearn (901) 395-3841	\$2,500	\$2,500 (P)
3/5/87	LTV Aerospace & Defense Co. Active Citiz. Campn.	P.O. Box 225907 Dallas, TX 75265-5554	PAC	\$2,500	\$1,750 (P & G)
11/19/87	Commodity Futures Political Fund	30 S. Wacker Drive Chicago, IL 60606	PAC, Leo Malamed, Chmn.	\$2,500	\$1,250 (P)
11/19/87	Commodity Futures Political Fund	30 S. Wacker Drive Chicago, IL 60606	PAC, Leo Malamed, Chmn.	\$3,750	\$1,250 (G)
11/19/87	ATLA PAC Assn. of Trial Lawyers	1050 31st Street, N.W. Washington, D.C. 20007 (202) 965-3500	PAC	\$7,500	\$2,500 (P & G)
12/11/87	American Airlines Political Action Committee	1101 - 17th Street, N.W. Washington, D.C. 20036	PAC, Gene Overbeck	\$2,500	\$2,500 (P & G)

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REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

Cont. Date	Name	Address	Occupation	Amount Reallocated To WAC	Previoue Total <u>To WAC</u>
12/17/87	Textron Political Action Committee	P.O. Box 878 Providence, RI 02901	PAC, Mary Howsil	\$2,500	\$2,500 (P & G)

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A PROFESSIONAL CORPORATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005

> TELECOPIER: (202) 737-7868 FEDERAL FIFCTION COMMISSIO 90 FEB -9 PH 4: 55

TELEPHONE: (202) 662-9700

February 9, 1990

BY HAND DELIVERY

Elizabeth Campbell, Esquire Staff Attorney Office of the General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: <u>Request for Pre-Probable Cause Conciliation of Matter</u> <u>Under Review 3011</u>

Dear. Ms. Campbell:

By this letter, pursuant to 11 C.F.R. § 111.18(d), the Congressman Wright Appreciation Committee ("WAC/PCC"), the Congressman Wright Appreciation Fund ("WAF/Fundraiser"), and the Majority Congress Committee ("MCC/PAC") (collectively, the "Committees") and their treasurers hereby respectfully petition the Federal Election Commission (the "Commission") for preprobable cause conciliation of Matter Under Review 3011.

M.U.R. 3011 concerns the manner in which the Committees refunded and allocated approximately twenty-seven contributions raised pursuant to a joint fundraising agreement drafted by their then counsel.

Before turning to the allegations of M.U.R. 3011, it is important to examine the context in which Speaker Wright's joint fundraising efforts were conceived and implemented. First as Majority Leader of the House of Representatives and later as Speaker, Mr. Wright felt obliged to assist fellow Democratic House members and candidates. For this reason, he founded the MCC/PAC, a multicandidate political committee providing funds mainly for these Democratic House candidates.

At the same time, however, Mr. Wright had his own reelection efforts to finance, which he had traditionally done through his personal campaign committee, the WAC/PCC.

While recognizing the many obligations imposed on him as a leader of his party in the House, including the responsibility to raise funds, Mr. Wright found it necessary to involve himself in a wide range of fundraising activities, often having to seek funds from the same sources on multiple occasions for each

Elizabeth Campbell, Esquire February 9, 1990 Page 2

different committee with which he was associated. In his dual role as member of Congress and party leader, Jim Wright found himself soliciting constituents and other citizens for political contributions too often. For this reason, Mr. Wright resolved to conduct one large joint fundraiser for both the MCC/PAC and the WAC/PCC.

Consequently, Mr. Wright contacted his then counsel for advice on implementing a joint fundraising effort, whereupon, pursuant to campaign finance regulations, his counsel drafted a joint fundraising agreement that served as the basis for future joint fundraisers.

As conceived and implemented, the joint fundraising agreement was designed to afford Mr. Wright sufficient latitude to finance his re-election efforts, as was necessary, and also to support the MCC/PAC. Accordingly, the joint fundraising agreement permitted Mr. Wright to declare excess funds,² even to the point of reversing the initial 75%-25% distribution of funds to the WAC/PCC and the MCC/PAC, respectively, depending upon the WAC/PCC's needs and the success of joint fundraising efforts.

One effect of holding a joint fundraiser on the large scale which Jim Wright envisioned was, however, that such a fundraiser generated a vast amount of campaign finance compliance and disclosure paperwork. Indeed, from joint fundraising efforts for the 1987-1988 election cycle alone, WAC/PCC, WAF/Fundraiser, and MCC/PAC staff screened and processed over 2,500 contributions, allocated most of these³ contributions between the MCC/PAC and

¹ Copies of these joint fundraising agreements are attached to the Committees' responses to the Commission's request for written answers.

As an established Member of Congress when the joint fundraising agreement was conceived and implemented, Jim Wright could foresee that, on occasion, he might have insubstantial or no opposition, in which case significantly more jointly raised funds would be available for the MCC/PAC.

Occasionally, a contributor would request, pursuant to a disclosure the Commission requires to appear on all joint fundraising materials, that all of his or her contribution be provided to Jim Wright's personal campaign committee, the WAC/PCC Such requests were honored.

Elizabeth Campbell, Esquire February 9, 1990 Page 3

the WAC/PCC, and completed the allocation disclosure paperwork. Thus, <u>each</u> of the 2,500-plus contributions and allocations -regardless of size⁴ -- was manually entered on Commission disclosure forms and thus reported to the Commission and the public.

Moreover, as described in the response of the WAF/Fundraiser to the Commission's request for written answers, to ensure compliance with campaign finance law and regulations, WAF/Fundraiser and WAC/PCC staff employed a series of colorcoded cards to monitor contributors' contributions to the WAC/PCC, the WAF/Fundraiser, and the Wright Congressional Club. These cards were maintained in Fort Worth, at Jim Wright's campaign headquarters. The records of the MCC/PAC were maintained in Dallas, at its headquarters, and the staff of the MCC/PAC and of the WAF/Fundraiser and the WAC/PCC shared contributor information as was necessary to ensure contribution limits were observed.

Despite the efforts of diligent -- albeit overburdened -staff who were responsible for processing all these 2,500-plus contributions, ensuring that each met legal requirements, allocating them, and finally disclosing these allocations, it was discovered that approximately twenty⁵ of these 2,500-plus were improperly allocated between the MCC/PAC and the WAC/PCC. The improper allocations were oversights which occurred in the processing and allocation of these many contributions.

Also, three contributions apparently exceeded contributions limits because they were from political committees which were not multicandidate committees, and three contributions came from

Jim Wright endeavored to report <u>all</u> the contributions he received, even those under the \$50 reporting threshold.

Well before this matter under review was ever brought to the Committees' attention, the Committees had already reallocated all the allegedly "excessive" allocations the Commission enumerated in its reason to believe finding, except for those involving Texas Utilities Electric political committees. The Committees continue to investigate these.

Elizabeth Campbell, Esquire February 9, 1990 Page 4

committees that may have had non-federal sources of funds.[•] These oversights were discovered and the contributions were refunded, again well before the Committees learned of this matter under review.

Thus, the Committees, of their own initiative, corrected virtually all the alleged errors the Commission has identified. And, given the vast number of contributions screened and allocations processed, it must be emphasized that the number of errors identified -- approximately 27 in all -- comprises only <u>one percent</u> of the joint fundraising contributions received during the 1987-1988 election cycle. Accordingly, the Committees must direct the Commission's attention to their <u>ninety-nine</u> <u>percent accuracy rate</u> during this busy time period, and believe that this should weigh most heavily in conciliation.

The Committees must agree that, in the midst of all the joint fundraising paperwork, a few inadvertent and regrettable errors appeared to have occurred. As discussed above, however, the Committees reallocated and refunded the contributions when they discovered such oversights had occurred. Indeed, it may well have been the letters and amended disclosure reports that the Committees transmitted to the Commission <u>announcing</u> that refunds and reallocations were being made which actually piqued the Commission's inquiry herein.

This final point notwithstanding, the Commission's concerns, as expressed in its "reason to believe" letters to the Committees, appear to be that the reallocations and refunds did not occur in a manner deemed timely under campaign finance law and regulations. As the Committees have stated in their

⁶ In an overabundance of caution, the WAF/Fundraiser returned each of these three potentially non-federal contributions, rather than waiting to ascertain the sources of these funds. These contributions were refunded to the Committee for a Better Boston, the Texas Rural Water Political Action Committee, and the Gadsden County Democratic Executive Committee. The Commission has identified a fourth allegedly non-federal committee, the Texas Independent Nursing Home Association Political Action Committee, from which the WAF/Fundraiser reported receiving a contribution. As set forth in the written answers, the Committees continue to investigate the actual source of funds for this fourth contribution to determine how to proceed.

Elizabeth Campbell, Esquire February 9, 1990 Page 5

responses to the Commission's request for written answers, these refunds and reallocations were not booked to the MCC/PAC and the WAC/PCC until January of 1989, when the Committees were finalizing their books for the 1987-1988 election cycle.

When viewed in light of their high percentage accuracy rate and the large volume of contributions the Committees screened, processed, and reported, however, the Committees respectfully submit that the timing issues comprising the core of this matter under review are well-suited for conciliation. This is particularly the case because the Committees already reallocated and refunded virtually all the contributions about which the Commission has expressed concern.

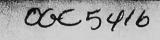
Furthermore, the Committees have wound down their operations. Thus, the Committees respectfully request that conciliation proceed forthwith, so that their affairs can be finally resolved.

Please contact David Frulla or me if you or the Commission have any questions and so that we can proceed with conciliation.

Sincerely,

Stanley M. Brand





A PROFESSIONAL CORPORATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005

> TELEPHONE: (202) 662-9700 TELECOPIER: (202) 737-7565

> > 90 FEB 14 PH 4: 3

February 14, 1990

BY HAND DELIVERY

Elizabeth Campbell, Esquire Staff Attorney Office of the General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: Matter Under Review 3011

Dear Ms. Campbell:

As we discussed yesterday, you have inquired into the basis on which the Congressman Wright Appreciation Committee ("WAC") reallocated \$46,750 in proceeds to the Majority Congress Committee ("MCC") on January 31, 1989. You expressed concern about this reallocation because it appeared to you that any such reallocation would have been improper because the MCC and the WAC were not "affiliated committees."

After discussing the terms of the joint fundraising agreement with former counsel for the MCC, the WAC, and the Wright Appreciation Fund ("WAF") and then considering the question you raised, it appears that the Committees' responses may have failed to make sufficiently clear to you the basis on which the January 31, 1989 reallocation of the \$46,750 occurred.

While 11 C.F.R. § 102.6(a) does provide for the transfer¹ of unlimited funds between affiliated committees, the reallocation in question did not occur on this basis. Rather, the reallocation occurred pursuant to 11 C.F.R. § 102.17 and the

¹ While the written answers of the three committees state that the funds in question were "transferred," it may have been more precise to state that these funds were reallocated under the provisions of the joint fundraising agreement.





Elizabeth Campbell, Esquire February 14, 1990 Page 2

terms of the joint fundraising agreement, which has already been provided to you.²

Under the joint fundraising agreement, Speaker Wright had declared, pursuant to 2 U.S.C. § 439a, that he had excess campaign funds. Neither that provision nor regulations promulgated thereunder (see 11 C.F.R. § 113.2) require that Speaker Wright reallocate these excess funds only to one of his affiliated political committees.

Rather, once this designation was made, under the joint fundraising agreement, Speaker Wright could reallocate up to seventy-five percent of proceeds therefrom to the MCC. He ultimately made such a reallocation on January 31, 1989, and the \$46,750 was reallocated to the MCC.

I hope the foregoing is helpful, and I remain available to answer any further questions you might have.

Sincerely Frulla

² Moreover, the limitations on affiliated committee transfers set forth in 11 C.F.R. § 110.3, are inapplicable. That subsection states that it "shall not limit transfers between ---... [p]olitical committees of the funds raised through joint fundraising." <u>See</u> 11 C.F.R. § 110.3(a)(2) & (a)(2)(i).

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PEDERAL ELECTION COMMISSION SECRETARIAT

BEFORE THE FEDERAL ELECTION CONNISSION

In the Matter of

Congressman Wright Appreciation Committee and Henry Kerry as treasurer; Majority Congress Committee and Robert N. Reeves, as treasurer; and Wright Appreciation Fund and W. Edwin Youngblood, as treasurer

MUR 3011

GENERAL COUNSEL'S REPORT

I. BACKGROUND

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On November 14, 1989, the Commission found reason to believe the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. §§ 441a(a) and 441a(f); the Majority Congress Committee and Robert N. Reeves, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), and 441b(a); and the Wright Appreciation Fund and its treasurer¹ violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.17. At that time the Commission also approved interrogatories and requests for production of documents to the respondents, requesting information from the Respondents concerning the receipt and reallocation of fundraising proceeds. The interrogatories were sent out to the respondents on November 30, 1989.

On December 12, 1989, the respondents requested an extension of time until January 8, 1990, to reply to the Commission's

^{1.} At the time of the reason to believe finding, reports filed with the Commission listed Craig Raupe as treasurer. At the Commission meeting on November 14, 1989, it was noted by Doug Patton that Mr. Raupe has died. The Wright Appreciation Fund's current treasurer is W. Edwin Youngblood, and his name has been substituted for Mr. Raupe's as treasurer.

request for interrogatories and production of documents. On January 8th, the respondents informed this Office that they were being represented by counsel. Counsel then requested a second extension of time, until January 19, 1990, in order to review and finalize the Respondents written answers and document production. Then on January 16, 1990, counsel requested a third extension, until January 29, 1990. This Office received the responses to the Commission's interrogatories and request for production of documents on January 29, 1990.

- 2 -

On February 9, 1990, counsel for the Respondents made a request to enter into preprobable cause conciliation. Then, by telephone, counsel made a request to meet with staff from this Office to discuss this matter. Counsel wishes to explain the transactions between the three committees in person. Therefore, this Office recommends that the Commission decline to enter into preprobable cause conciliation until after staff from this Office have met with counsel for the Respondents and reviewed all of the materials.

III. RECOMMENDATIONS

- Decline, at this time, to enter into conciliation with Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, prior to a finding of probable cause to believe.
- 2. Decline, at this time, to enter into conciliation with the Majority Congress Committee and Robert N. Reeves, as treasurer, prior to a finding of probable cause to believe.
- Decline, at this time, to enter into conciliation with the Wright Appreciation Fund and W. Edwin Youngblood, as treasurer, prior to a finding of probable cause to believe.

4. Approve the attached letter.

3

Lawrence M. Noble General Counsel

2/20/90 Date

BY: 40. Lerner

Associate General Counsel

Attachments 1. Request for Conciliation 2. Letter

Staff Assigned: Elizabeth Campbell

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Congressman Wright Appreciation Committee and Henry Kerry as treasurer; Majority Congress Committee and Robert N. Reeves, as treasurer; and Wright Appreciation Fund and W. Edwin Youngblood, as treasurer

MUR 3011

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 27, 1990, the Commission decided by a vote of 5-0 to take the following actions in MUR 3011:

- Decline, at this time, to enter into conciliation with Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, prior to a finding of probable cause to believe.
- Decline, at this time, to enter into conciliation with the Majority Congress Committee and Robert N. Reeves, as treasurer, prior to a finding of probable cause to believe.
- Decline, at this time, to enter into conciliation with the Wright Appreciation Fund and W. Edwin Youngblood, as treasurer prior to a finding of probable cause to believe.

(continued)

Federal Election Commission Certification for MUR 3011 February 27, 1990

> 4. Approve the letter, as recommended in the General Counsel's Report dated February 20, 1990.

Commissioners Aikens, Elliott, Josefiak, McGarry and Thomas voted affirmatively for the decision; Commissioner McDonald did not cast a vote.

Attest:

2-27-90

Date

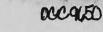
Marianie W. Emnane

Marjorie W. Emmons Secretary of the Commission

Received in the Secretariat: Circulated to the Commission: Deadline for vote:

	Thursday,	Feb.	22,	1990	5:20	p.m.
:	Friday,	Feb.	23,	1990	12:00	p.m.
	Tuesday,	Feb.	27,	1990	4:00	p.m.

Page 2





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 1, 1990

Stanley M. Brand, Esq. David E. Frulla, Esq. Brand & Lowell 923 Fifteenth Street, N.W. Washington, D.C. 20005

> RE: MUR 3011 Congressman Wright Appreciation Committee and Henry Kerry, as treasurer; Wright Appreciation Fund and W. Edwin Youngblood, as treasurer; and Majority Congress Committee and Robert N. Reeves, as treasurer

Dear Mr. Brand and Mr. Frulla:

On November 30, 1989, your clients were notified that the Federal Election Commission found reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. §§ 441a(a) and 441a(f); the Majority Congress Committee and Robert N. Reeves, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f), and 441b(a); and the Wright Appreciation Fund and its treasurer, W. Edwin Youngblood, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.17. On February 9, 1990, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe.

The Commission has considered your request and determined, because of the need to complete a review of all of the materials, to decline at this time to enter into conciliation prior to a finding of probable cause to believe.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe. Stanley M. Brand, Esquire David E. Frulla, Esquire Page 2

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

Sincerely,

Lawrence M. Noble General Counsel

BY: Lois G. Lerner Associate General Counsel



90I-9

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: March 7, 1990

ANALYST: LINDA TANGNEY

I. COMMITTEE: Congressman Wright Appreciation Committee (C00012427) Henry Kerry, Treasurer P.O. Box 1413 Fort Worth, TX 76101 II. RELEVANT STATUTE: 2 U.S.C. \$434(b)(3)(A) and (B) 11 CFR \$104.3(a)(4)(i) and (ii) 11 CFR \$102.17(c)(8)(i)(B)

III. BACKGROUND:

Failure to Provide Supporting Schedules

The Congressman Wright Appreciation Committee ("the Committee") has failed to provide Memorandum Schedules A to support a total of \$232,338.84 in transfers-in from its joint fundraising committee, the Wright Appreciation Fund ("the Fund").

The Committee's 1989 Mid-Year Report disclosed on Line 12 of the Detailed Summary Page a total of \$317,338.84 in transfers from authorized committees (Attachment 2). Schedule A supporting Line 12 itemized the following transfers in from the Fund: \$46,338.84 received on January 31, 1989; \$15,000 received on March 10, 1989; \$25,000 received on March 22, 1989; \$98,000 received on April 24, 1989; and \$48,000 received on May 18, 1989 for a total of \$232,338.84. The transfers-in were all designated for the primary election (Attachment 3). The 1989 Mid-Year Report did not provide Memorandum Schedules A to support the \$232,338.84 in transfers from the Fund.

On November 22, 1989, a Request for Additional Information ("RFAI") was sent to the Committee. The RFAI requested Memorandum Schedules A to support the transfers-in from the Fund. The RFAI explained that Memorandum Schedules CONGRESSMAN WRIGE A RECIATION COMMITTEE REPORTS ANALYSIS OGC REFERRAL PAGE 2

> A should be provided to show the Committee's share of the gross receipts. The RFAI also explained that contributions from the original contributors whose total contributions to the Committee have exceeded \$200 during the calendar year should be itemized on the Memorandum Schedules A. The RFAI also stated that all contributions from political committees should be itemized (Attachment 4). When no response was received, a Second Letter was sent to the Committee on December 14, 1989 (Attachment 5).

> On January 19, 1990, a Reports Analysis Division ("RAD") analyst telephoned the treasurer, Henry Kerry. The analyst explained that a response to the November 22, 1989 letter (RFAI) was required. Mr. Kerry explained that although he was the treasurer of record, he was completely inactive with the Committee. Mr. Kerry also explained that the assistant treasurer, Marjorie Youngblood, had retired. Mr. Kerry stated that he would contact Congressman Wright to find out who could respond to the letter. On January 19, 1990, Mr. Kerry telephoned the analyst and explained that an attorney, Stan Brand, of Brand and Lowell, a law firm in Washington, DC, had the Committee's records. Mr. Kerry stated that the analyst should contact Mr. Brand (Attachment 6).

> On January 19, 1990, the analyst telephoned Stan Brand. The analyst was told that Stan Brand was unavailable, and the analyst was referred to David Frulla. Mr. Frulla requested a copy of the November 22, 1989 letter (RFAI). The analyst stated that a copy would be sent to the law firm. Mr. Frulla stated that after reviewing the letter, a response would be sent in as soon as possible (Attachment 7).

> On January 29, 1990, an amended 1989 Mid-Year Report was filed by the Committee. A cover letter to the amended Mid-Year Report noted the request for the "Memoranda Schedules A" (Attachment 8). Line 12 of the Detailed Summary Page disclosed an amended figure of \$307,338.84 (Attachment 9). Schedule A supporting Line 12 still disclosed \$232,338.84 in transfers-in from the Fund (Attachment 10). The amended Mid-Year Report did not provide Memorandum Schedules A to support the \$232,338.84 in transfers from the Fund.

> On February 1, 1990, the analyst telephoned David Frulla to explain that the Memorandum Schedules A to support the transfers-in from the Fund had not been included in the January 29, 1990 amended Mid-Year Report. Mr. Frulla stated that he had misunderstood the RFAI, and that the schedules would be sent in as soon as possible (Attachment 11).

> On February 6, 1990, Marjorie Youngblood, telephoned the analyst to state that she would file the Memorandum Schedules A within one (1) week (Attachment 12).

CONGRESSMAN WRIGE ALCIATION COMMITTEE REPORTS ANALYSIS OGC REFERRAL PAGE 3

> On February 12, 1990, David Frulla telephoned the analyst to state that he had received some material from Marjorie Youngblood. Mr. Frulla stated that he would need a few weeks to review the material. Mr. Frulla stated that he would like to have a meeting with Commission staff in order to resolve all issues with the Committee. The analyst stated that the Memorandum Schedules A should be filed as soon as possible, and that Mr. Frulla should not wait a few weeks to file it. Mr. Frulla stated that if it was needed, he could provide the information by the next day (Attachment 13).

> On February 16, 1990, Mr. Frulla telephoned the analyst to state that a letter had been delivered to the Commission. Mr. Frulla stated that the Memorandum Schedules A would not be provided at this time. Mr. Frulla stated that time was needed in order for him to review the material. Mr. Frulla stated that he would provide the Memorandum Schedules A as soon as his review was complete (Attachment 14).

> To date, the Commission has not received the Memorandum Schedules A.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

PENEMIC READING COMISSION

DATE 16FE890

ATTACHMENT 1

ANDIDATE/COMMITTEE/DOCUMENT OFFICE BOUGHT/ PART	RECEIPTS Y PRIMARY G		SENERAL COVERAGE DATES	# OF MICROFIL PAGES LOCATION OF FILER
RIGHT, JAMES C JR HOUSE 12 DEMOCRAT 1. STATEMENT OF CANDIDATE 2. PRINCIPAL CAMPAIGN COMMITTEE	IC PARTY	TEXAS	1988 ELECTION	1D# H6TX12029
CONGRESSMAN WRIGHT APPRECIATION COMMITTEE	A STATE		ID #C00012427 HOUS	F
1983 MID-YEAR REPORT	489, 269	484,125	1 JAN89 -32 JUNE9	42 89HSE/381/31
MID-YEAR REPORT - AMENDMENT	489, 269	484,125	1 JAN89 - 30 JUN89	12 90HSE/388/45
REQUEST FOR ADDITIONAL INFORMATION			1JAN89 -30JUN89	3 89FEC/615/01
REQUEST FOR ADDITIONAL INFORMATION 2ND			1 JAN89 -30 JUN89	4 89FEC/616/48
YEAR-END	5, 955	24, 749	1JUL89 -31DEC89	15 90HSE/389/21
TOTAL	415, 224	8 428, 874	8	76 TOTAL PAGES
AUTHORIZED COMMITTEES				
C WRIGHT CONGRESSIONAL CLUB			1D #C00139212 HOUS	ε
1989 MID-YEAR REPORT	52, 488	118.315	1JAN89 -32JUN83	52 89HSE/381/38
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n				
A. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY TH	E CAMPAIGN			57 AUTH TOT PAG
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אממה אדפרלו ז האכתוכ סכורסד דה כסר			11DEC89	1 89HSE/386/11
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48. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTED	ES AUTHORIZED BY	THE CAMPAIGN		
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TOTAL	SMR			
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Outstanding debts as of 12/31/89: \$ $\underline{0}$

ATTACHMENT 2

RETALLO SUMMARY PAGE 1989 Mid-Year Report

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Page 2, FBC PORM S)

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& RECEIPTS	State State	Colorador Vaca-Ro-Bato	1	
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(a) Individuals/Persons Other Than Political Committees		-		
(Remined (voo Bahadulo A).	18,801.00		1	
(R) Unitemised	-0-			
(b) Pellical Party Committees	18.801.00	18.891.00		
(c) Other Political Committees (such as PACs)	72,500,00	72,500,00		
(4) The Candidate and a start	-()-	-0-		
(a) TOTAL CONTRIBUTIONS (other than loans)(ads 11(a)(8), (b), (c) and (d))	91, 301,00	91,301.00		
TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	317, 118.84 3	317,338.84		
LOANE			1	
(a) Made or Guaranteed by the Candidate	-0-	-0-	1	
	-0-	-0-		
(c) TOTAL LOANS (add 13(a) and (b))	-0-	-0-		
6. OFFEETS TO OPERATING EXPENDITURES (Relands, Rebalas, etc.)	27.78	27.78]	
S. OTHER RECEIPTS (Dividends, Internet, etc.)	601.52	601.52		
8. TOTAL RECEIPTS (add 11(e), 12, 13(e), 14 and 15)	409,269.14	409,269.14		
E. DISCURSIMENTS				
7. OPERATING EXPENDITURES	348,321.80	348, 321.80		
. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	46,750.00	46,750.00		
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(a) Of Loans Made or Guaranteed by the Candidate	-0-	-0-		
(b) Of All Other Loans	-0-	-0-		
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	-0-	-0-		
REFUNDS OF CONTRIBUTIONS TO:				
(a) Individuale/Persona Other Than Political Committees	9,000,00	9,000,00		
(c) Other Pellical Committees (such as PACs)	-0-	-0-	-	
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	9,000,00	9,000.00	1	
1. OTHER DISSURGEMENTS	54.00		1	
2. TOTAL DISBURGEMENTS (add 17, 18, 19(c), 30(d) and 21).	404,125.80	404,125.80	1	
IL CASH SURMARY				
		3,673.02	1	
M. TOTAL RECEIPTS THIS PERIOD (from Line 16)		9,269.14	1	
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1989 Mid-Year Repo	rs E		PAGE OF
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FEDERAL ELECTION COMMISSION

NOV 22 1989

Wenry Kerry, Treasurer Congressman Wright Appreciation Committee P.O. Box 1413 Fort Worth, TX 76101

Identification Number: C00012427

Reference: Mid-Year Report (1/1/89-6/30/89)

Dear Mr. Kerry:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemisation follows:

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limit set forth in the Act. A qualified multicandidate committee may not make a contribution to a candidate for federal office in excess of \$5,000 per election. (2 U.S.C. \$441a(a) and (f); 11 CPR \$110.3(b))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should emend your original report with the clarifying information. If the contribution(s) you received exceeds the limit, you should refund to the donor the amount in excess of \$5,000 or get the donor to redesignate the contribution in writing. Refunds and redesignations must be made within sixty days of the treasurer's receipt of the contribution. Copies of refund checks and copies of letters redesignating the contributions in question may be used to respond to this letter. Refunds are reported on Line 20 of the Detailed Summary Page and on Schedule B of the report covering the period in which they are made. Redesignations are reported as meno entries on Schedule A of the report covering the period in which the authorization for the redesignation is received. (11 CFR \$104.8(d)(2) and (4))

Although the Commission may take further legal steps, prompt action by you to refund or seek redesignation of the excessive amount(s) will be taken into consideration.

11

-Your 'report discloses a transfer of joint description receipts (pertinent portion attached). The most discuss a Remorandum Schedule A showing your obsers of times receipts. Contributions from original contributions where total contributions to your committee time exceeded \$200 during the calendar year should be itemized on this schedule. The itemization should include the full name, mailing address and sip eede of the person, along with the name of his/her employer, the date of the contribution, his/her occupation, the election designation and the aggregath year-to-date amount of contributions made by the person. All contributions from political committees should be itemized. Flease amond your report to include a memo Schedule A if necessary. (11 CFR \$102.17(c)(8)(1)(B))

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) doys of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. By lecal number is (202) 376-2480.

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Sincerely,

finda Tang

Linda Tangney Reports Analyst Reports Analysis Division



FEDERAL FIELDING COMMISSION

80-3

December 14, 1989

Nenry Keiry, Treasurer Congressman Wright Appreciation Committee P.O. Box 1413 Fort Worth, TX 76101

. .

Identification Number: C00012427

Reference: Mid-Year Report (1/1/89-6/30/89)

Dear Mr. Kerry:

This letter is to inform you that as of December 13, 1989, the Commission has not received your response to our request for additional information, dated November 22, 1989. That notice requested information essential to full public disclosure of your federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Linda Tangney on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

Alber

John D. Gibson Assistant Staff Director Reports Analysis Division

Enclosure

SUBJECT: MEMORANDUM SHEDULE A

FROM: LINDA TANGNEY

TO: HENRY KERRY

NAME OF COMMITTEE: CONGRESSMAN WRIGHT APPRECIATION COMMITTEE (TX)

DATE:	1/19/90		
	(817)870-2324		

I telephoned Mr. Kerry to request a response to the letter I had sent to the Committee on 11/22/89. Mr. Kerry explained that although he was the treasurer on record, he was completely inactive with the Committee. Mr. Kerry also stated that the assistant treasurer, Marjorie Youngblood, had retired. Mr. Kerry stated that he would contact Congressman Wright to find out who could respond to the letter.

ATTACHMENT

Mr. Kerry telephoned and stated that Stan Brand, an attorney with Brand and Lowell, a law firm in Washington, D.C., had the Committee's records and could respond to the letter. Mr. Kerry suggested that I contact Mr. Brand. SUBJECT: MEMORANDUM SCHEDULE A

FROM: LINDA TANGNEY

TO: STAN BRAND

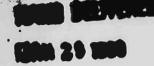
NAME OF COMMITTEE: CONGRESSMAN WRIGHT APPRECIATION COMMITTEE (TX)

DATE: 1/19/90

(202)662-9700

I telephoned Mr. Brand. I was told he was not available, and was referred to David Frulla. Mr. Frulla requested that I send him a copy of the November 22, 1989 letter. Mr. Frulla stated that after reviewing the letter, a response would be filed as soon as possible.

ATTACHMENT 7



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January 29, 1990

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Page 1 of 4

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No. Linda Tangney Reports Analyst Reports Analyst Division Pederal Election Commission 999 E Street, N.W. Washington, D.C. 20463

No: Anguast for Information Description Bright Association Committee (COOD12427) 2000 Bid-Tear Assort

Dear Ns. Tangney:

As we discussed by tolephone, I am responding to your request for information reporting two April 24, 1909, contributions of \$5,000 each from the Mnjority Congress Coumittee ("NCC") to the Congression Wright Appreciation Coumittee ("WAC").

As is discussed in the attached letter from Marjorie Youngblood and shown in the attached amended disclosure schedules (all attached behind Tab A), confusion has occurred because the WAC inedvertently reported these contributions as transfers-in from the Majority Compress Committee, pursuant to a joint fundraising effort. You have requested Nemoranda Schedules A to support this transfer-in.

The transactions at issue should have been reported as contribution from the NCC to the NAC -- \$5,000 for the primary election and \$5,000 for the general election -- for the 1989-1990 election cycle. Under 2 U.S.C. § 441a(a)(2)(A), a multicandidate political committee such as the NCC can contribute up to \$5,000 per election to a candidate's authorized committee, like the NAC.

Also, you have requested information regarding a contribution in the amount of \$10,000, received from the Association of Trial Lawyers Political Action Coumittee. This contribution should not have been allocated between the NCC and the WAC pursuant to the joint fundraising agreement, but should have been transferred entirely to the WAC, as a contribution of \$5,000 for the 1967-1968 primery election and \$5,000 for that election cycle's general election. As is shown by the attachment behind Tab B, this reallocation was reported to the Coumission, accompanied by the required amonded schedules, on August 11, 1988.

ATTACHMENT 8 Page 2 of 4

BRAND & LOWELL

Ro. Linda Tengenty Sementry 29, 1990 Page 3

Please do not besitate to telephone either me or Stanley Brand at 662-9700 if you have any questions about the information you have requested. These you for proceesing the emended disclosure forms attached hereto.

Frulla

Enclosures

WRIGHT APPREZIATION

Post Office Has 111'

Fine Winel. Brage That 3 TH 5:23

MALL TEN

August 11, 1988

Re: Congression Wright Approx Lation Committee Year End Report (7/1/87-12/31/87) ID #C00012427

ATTACHMENT 8 Page 3 of 4

Wright Appreciation Fund Year End Report (7/1/87-12/31/87) ID #C000222307

Federal Election Commission Attention: Linda Tangney Reports Analysis Division Washington, D.C. 20463

Dear No. Tangney:

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Please refer to our June 30, 1988 Letter and attached Monorandum Schedule A showing redesignations of contributions received by the Wright Appreciation Fund during the Year 1987 as a result of our joint fundraiser for the Congressmen Wright Appreciation Committue and the Mejority Congress Committue.

It has been called to our attention that the contribution received trom ATLA PAC (Association of Trial Lowyers of Amarica Political Action Committee), 1090-31st Streat, N.W., Mashington, D.C. 20007, dared 11/24/87 in the amount of \$10,000 should have have designated in its entirety as a contribution to the Congressman Wright Appreciation Committee, \$5,000 each for the Primary and General Elections. It would be appreciated if you would amend page 19. Line number 11c, Schedule A of our Homorandum submitted on June 30, 1988 to indicate this, and no contribution to the Majority Congress Countries, as a contribution had previewely been made to the Majority Congress Counties by the ATLA PAC.

Sincerely,

artorie Toungbl

Assistant Treasurer

cc: Clerk, U.S. Nouse of Representatives Office of Records & Registration 10% Longworth Nouse Office Building Washington, D.C. 20513 Office of Recretary of State Disclosure Filing Division P. O. Box 12070 Austin, Tenas 78711

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ATTACHMENT 8 Page 4 of 4

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WRIGHT APPRECIATION CONDUTTEE

The State of State

Post Office Ban 1413 C Fort Worth, Times 76101

January 34, 1990

No: 200 C00012527 HL4-Year Report (1/1/09-6/30/09)

Pederal Election Cosmission Attention: Links Tangney, Reports Analyst Reports Analysis Division Mashington, D. C. 20463

Dear He. Tangney:

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This letter is written in response to your November 23, 1989 letter concerning our Nid-Year Report covering the period 1-1-89 through 6-30-89.

The attached amendment to that report is submitted for your consideration. You will note that the two contributions reported on our original report on Itom F, Pope 1 of 1, Line 12 should have been listed on Line 11e as contributions received from "Other Political Coumittees (such as PACe)." This changes some of the totals contained on the "Detailed Pummary Pope" and the "Dummary Poge" of our Report dated July 20, 1909.

We trust that this amendment elarifies any questions regarding the above referenced contributions.

Siscerely,

ung leard Marjorie A. Younghlood Acciptant Treasurer

1989 AMENDED MID-YEAR REPORT

DETAILED SUMMARY PAGE of Receipts and Disbursements

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CONGRESSMAN WRIGHT APPRECIATION CONSISTER	Barn. 1-1.		3. 6-30-89	
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IE TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	. 307,	338.84	1 307,338.84	
IS LOUIS				
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14. OFFSETS TO OPERATING EXPENDITURES (Nuture), Rubana, etc.)				
		27.78	27.78	
OTHER RECEIPTS (Divisionals, Interest, etc.)		601.52	601.52	
16 TOTAL RECEIPTS (add 11(0), 12, 12(1), 14 and 13)	. 409	,269.14	409,269.14	
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		8 13,0	73.02	
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SUBJECT: MEMORANDUM SCHEDULE A

FROM: LINDA TANGNEY

TO: DAVID FRULLA

NAME OF COMMITTEE: CONGRESSMAN WRIGHT APPRECIATION COMMITTEE (TX)

DATE: 2/1/90

I telephoned Mr. Frulla to explain that the amended Mid-Year report filed on January 29, 1990, did not include a Memorandum Schedule A to support the transfer in from the joint fundraising committee. Mr. Frulla stated that he had misunderstood the letter. Mr. Frulla stated that he would check into it, and file the schedules as soon as possible.

SUBJECT: MEMORANDUM SCHEDULE A

FROM: MARJORIE YOUNGBLOOD, ASSISTANT TREASURER

TO: LINDA TANGNEY

NAME OF COMMITTEE: CONGRESSMAN WRIGHT APPRECIATION COMMITTEE

DATE: 2/6/90

Marjorie Youngblood telephoned today to state that she would be sending in the Memorandum Schedules A. Ms. Youngblood stated that I should have it within one week.

SUBJECT: MEMORANDUM SCHEDULE A

FROM: DAVID FRULLA

TO: LINDA TANGNEY

NAME OF COMMITTEE: CONGRESSMAN WRIGHT APPRECIATION COMMITTEE

DATE: 2/12/90

David Frulla telephoned today to state that he had received the material from Marjorie Youngblood. Mr. Frulla stated that he needed a few weeks to review it, and would like to have a meeting with Commission staff to discuss it. I explained that the Memorandum Schedules should be provided as soon as possible, and not in a few weeks. Mr. Frulla stated that if needed he would provide the information by the next day.

SUBJECT: MEMORANDUM SCHEDULES

FROM: DAVID FRULLA

TO: LINDA TANGNEY

NAME OF COMMITTEE: CONGRESSMAN WRIGHT APPRECIATION COMMITTEE

DATE: 2/16/90

Mr. Frulla telephoned to state that a letter had been delivered today to the Commission. Mr. Frulla stated that the Memorandum Schedules A would not be provided at this time. Mr. Frulla stated that time was needed in order for him to review the material. Mr. Frulla stated that he would provide the Memorandum Schedules as soon as his review of it was complete.



A PROFESSIONAL CORPORATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005 FEDERAL ELECTION COMMISSION

90 FEB 16 AH 9:11

TELEPHONE: (202) 662-9700 TELECOPIER: (202) 737-7565

February 15, 1990

BY HAND DELIVERY

Ms. Linda Tangney Reports Analyst Federal Election Commission 999 E Street, N.W. Washington, D.C. 20643

Re: <u>Request for Information from Wright Appreciation</u> <u>Committee</u>

Dear Ms. Tangney:

As we have discussed, you have inquired into the manner in which the Wright Appreciation Fund (the "WAF") allocated the proceeds from its 1989 fundraising efforts between the Wright Appreciation Committee (the "WAC") and the Majority Congress Committee (the "MCC"). Specifically, you have requested Memorandum Schedule A's setting forth the allocation of \$307,338.84 to the WAC in the first half of calendar year 1989.

Initially, it should be explained that, of this \$307,338.84, only \$186,000 was transferred pursuant to joint fundraising conducted during 1989. As was explained in the Committees' responses to the Commission's request for written answers and documents in M.U.R. 3011, the amount of \$46,338.84 was allocated to the WAC in January of 1989, as a final distribution from WAF joint fundraising for the 1987-1988 election cycle. Additionally, the amount of \$75,000 went from the Wright Congressional Club to the WAC, an affiliated committee of the Wright Congressional Club, on March 22, 1989. This leaves \$186,000 (\$307,338.84 minus \$46,338.84 minus \$75,000) of joint fundraising proceeds.

Memorandum Schedule A's for this allocation of the joint fundraising proceeds for calendar year 1989 have not been prepared, and the Committees recognize that certain corrective actions may be necessary to ensure compliance both with Commission regulations and the Committees' joint fundraising agreement.

It is for this reason that I telephoned both you and Elizabeth Campbell to attempt to arrange an opportunity for us to sit down to discuss this matter. As I have discussed with you,

Ms. Linda Tangney February 15, 1990 Page 2

this is a meeting we had hoped to arrange in the context of discussions of issues raised in M.U.R. 3011, which involve the same committees, but the 1987-1988 election cycle. By this letter, we reaffirm our desire to meet to discuss both the 1987-1988 election cycle and 1989 allocations.

Please telephone either me or Stanley Brand so that we can proceed with this matter.

Sincerely /Frulla

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Page 2 of

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cc: Elizabeth Campbell, Esquire

BRAND & LOWELL

A PROFESSIONAL CORPORATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005 ADMINISTRATIVE DIVISION 90 MAR 15 PM 5: 06

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March 15, 1990

BY HAND DELIVERY

Elizabeth Campbell, Esquire Assistant General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: <u>Reports Analysis Division Referral 90-L-9</u>

Dear Ms. Campbell:

As you informed me on Monday, March 12, 1990, the Commission's Reports Analysis Division has referred to your office its investigation of how the 1989 joint fundraising proceeds of the Congressman Wright Appreciation Fund were distributed to its participants: the Congressman Wright Appreciation Committee and the Majority Congress Committee. This referral is denominated Reports Analysis Division Referral 90-L-9 ("RAD Ref. 90-L-9").

Further to our discussion, as well as to a request Stanley Brand and I made at the February 28, 1990, settlement conference attended by you, George Rishel, and Phillip Wise, you indicated that we should petition for consolidation of RAD Ref. 90-L-9 (now that the referral has occurred) with Matter Under Review 3011 ("MUR 3011"). MUR 3011 involves distribution of joint fundraising proceeds of the same committees for the 1987-88 election cycle. Thus, as we discussed at that meeting, the same joint fundraising agreement, operative law and regulations, and funds available to conduct any conceivable conciliation are common to RAD Ref. 90-L-9 and MUR 3011.

In addition, although we do not know which of the committees (the Wright Appreciation Committee, the Wright Appreciation Fund, or the Majority Congress Committee) are the subject of RAD Ref. 90-L-9, we are authorized to seek pre-probable cause conciliation of RAD Ref. 90-L-9 on behalf of any or all of these committees

Elizabeth Campbell, Esquire March 15, 1990 Page 2

and thus respectfully request that conciliation of RAD Ref. 90-L-9 also be merged with conciliation of MUR 3011. We will supplement this submission to address the particular concerns in RAD Ref. 90-L-9, once we are apprised of their exact nature.

Thank you very much for your attention to this matter.

Sincerely, rulla

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April 6, 1990

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Elizabeth Campbell, Esquire Staff Attorney Office of General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: Matters Under Review 3000 and 3011

Dear Ms. Campbell:

On February 28, 1990, undersigned counsel for the Congressman Wright Appreciation Committee ("WAC/PCC"), the Congressman Wright Appreciation Fund ("WAF/Fundraiser"), and the Majority Congress Committee ("MCC/PAC") (collectively, the "Committees") met with Messrs. George Rishel and Phillip Wise and Ms. Elizabeth Campbell, all of the Commission's Office of General Counsel, to discuss conciliation of Matters Under Review 3000 and 3011. M.U.R. 3000 is pending against the WAC and its treasurer, while M.U.R. 3011 is pending against all three committees and their treasurers.

During the course of this conference, the Commission attorneys raised two questions: first, regarding the proper valuation of the airplane trip at issue in M.U.R. 3000; and, second, regarding the propriety of the WAC/PCC's January 31, 1990, reallocation of \$46,750 to the MCC/PAC.

I. M.U.R. 3000: Valuation of Airplane Travel

From June 30 through July 2, 1985, then-Majority Leader James C. Wright, Jr. and eight Wright staff and friends conducted an eight Texas city tour by private airplane. As is set forth in more detail in the response of the Congressman Wright Appreciation Committee ("WAC") to the Commission's request for written answers in M.U.R. 3000, the trip's itinerary included: Dallas, Fort Worth, Brownwood, El Paso, Midland, San Antonio, Tyler, and Houston.

The group travelled aboard a 1972 Falcon 20 twin engine jet, owned by Mr. Kenneth Hood. Jet Fleet, an aircraft maintenance and

Elizabeth Campbell, Esquire April 6, 1990 Page 2

operating company, operated Mr. Hood's aircraft when this trip occurred pursuant to a previously existing operating contract.¹ Under this operating agreement, Jet Fleet would bill Mr. Hood for costs incurred in connection with the trips he ordered. Accordingly, Jet Fleet billed Mr. Hood \$8,050.16 for the WAC Texas tour.

Mr. Hood paid this bill in 1985. In early 1989, upon reviewing its records, the WAC discovered that Mr. Hood apparently had inadvertently not been reimbursed for the trip, whereupon the WAC reimbursed Mr. Hood for the full amount² of the Jet Fleet invoice.

The Commission in M.U.R 3000 found "reason to believe" that, notwithstanding the WAC's inadvertent delay³ in reimbursing Mr. Hood, the WAC may not have do so in full. The Commission has questioned whether the WAC should have reimbursed Mr. Hood for what Jet Fleet would have charged the WAC to charter the aircraft, independent of Mr. Hood. The Commission calculated this latter price to be approximately \$14,500 -- approximately \$6,500 higher than the reimbursement that occurred.

Under Commission regulations, an in-kind contribution occurs unless a provider of goods or services is reimbursed for the "usual and normal charge" therefor. 11 C.F.R. § 100.7 (a)(1)(iii). The "'usual and normal charge' for ... services" such as aircraft transportation is the "hourly or piecework charge for the services at a <u>commercially reasonable rate</u> prevailing at the time the services were rendered." 11 C.F.R. § 100.7(a)(1)(iii)(B) (Emphasis added).

In making its preliminary decision that the WAC did not fully reimburse Mr. Hood, the Commission may have created an unnecessarily inconsistent system for valuing private air transportation. First,

¹ Jet Fleet not only serviced and crewed the plane for Mr. Hood, but ensured that federal aviation regulations were met. Jet Fleet apparently could also charter the aircraft to third parties when Mr. Hood was not using it.

⁴ Coincidentally, this amount also rather closely approximated the cost for the trip participants to have travelled by first-class airfare.

³ The WAC has addressed reasons for the inadvertent delay in reimbursement in previous submissions to the Commission: the WAC's written request for pre-probable cause conciliation and its responses to the Commission's written questions, both dated January 8, 1990.

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the Commission in its "reason to believe" brief rejected analogizing its only other aircraft service valuation regulation, under which a candidate or his or her agent must reimburse a corporation or labor union for use of its aircraft, as follows:

- (i) In the case of travel to a city served by regularly scheduled commercial service, the first class air fare;
- (ii) In the case of travel to a city not served by regularly scheduled commercial air service, the usual charter rate.

11 C.F.R. § 114.9(e).

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Each of the cities on Speaker Wright's tour is served by regularly scheduled commercial service, hence, under 11 C.F.R. § 114.9(e), the rate that Jet Fleet charged Mr. Hood, which approximates first class airfare, would be adequate. The Commission, however, contends that because Mr. Hood was an individual and <u>not</u> a corporation or a labor union, the WAC should have reimbursed him in an amount greater than § 114.9(e) would require. The WAC respectfully submits that no legitimate reason exists for the Commission to impose a different -- and higher --rate for reimbursement for individuallyowned aircraft than for corporate/union aircraft.

The Commission's argument also creates a perverse incentive. If, as the Commission would have it, a candidate for federal office can use a corporate or union aircraft for a lower price than an individually-owned counterpart, that candidate would choose the corporate/union aircraft. This runs contrary to the FECA, which is designed to delimit sharply corporate/labor union federal political activity. Indeed, 11 C.F.R. § 114.9(e) appears to have been prompted by criticism of the "abuses" arising from unreported corporate and union provision of in-kind services, including aircraft travel and volunteer manpower. See 120 Cong. Rec. H7812-13 (Aug. 7, 1974) (statement of Rep. Crane). It appears the Commission promulgated § 114.9 to allay Rep. Crane's concerns, which manifested themselves in a floor amendment he offered during the 1974 FECA Amendments debates to address the corporate/union in-kind contribution issue. These amendments were not acted upon, however, because the 1974 Amendments had been submitted to the House under a closed rule. Id. Moreover, in that the focus of Rep. Crane's concern was the in-kind provision of the corporate/union aircraft and manpower, the provision of individually-owned aircraft was apparently simply not considered in § 114.9. The regulations' failure to include individually-owned aircraft does not, however, suggest that the Commission should treat them more strictly.

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In fact, Section 100.7(a)(1)(iii)(B)'s "commercial reasonableness" standard offers the Commission a logical opportunity to establish a consistent private aircraft reimbursement regime. While an agency should not "indulge in fanciful flights of constructional imagination" to achieve consistency, "statutory provisions, wherever possible, should be construed" so as to achieve that goal. <u>Citizens to Save Spencer County v. United States</u> <u>Environmental Protection Agency</u>, 600 F.2d 844, 870 (D.C. Cir. 1979) (Emphasis added). And, where arguably different governing provisions "<u>point generally in a common direction</u>," <u>id</u>. at 871 (emphasis in original), they should be "harmoniz[ed]," with an eye to the entire statutory scheme, the legislature's "underlying goals and purposes," and the prevention of "unnecessary hardship or surprise to affected parties." <u>Id</u>.

The primary architects of the federal campaign finance legislation culminating in the 1974 FECA Amendments, have emphasized that one of the FECA's overarching purposes is to establish a consistent and workable set of campaign finance regulations. For instance, Representative Bill Frenzel, co-author of the 1974 compromise creating the Commission, attached the following statement to these amendments' legislative history, decrying inconsistent state and federal campaign finance regulations:

[Pre-emption of] State law ... is a welcome change which will ensure that the election laws are consistent and uniform and that candidates for Federal office do not bear the burden of complying with several different sets of laws and regulations.

H.R. Rep. No. 1239, 93rd Cong., 2d Sess. 155 (1974) (supplemental statement of Rep. Frenzel).

Rep. Wayne Hays, Chairman of the House Committee on Administration which spearheaded the 1974 Amendments, agreed. During the floor debates on these amendments, Rep. Hays emphasized that:

[I]f there was any one thing that nearly every Member of this body has asked us to do, that was to preempt State laws so that all candidates would know where they stood, and <u>live under one set of regulations and have one set of</u> laws to go by.

120 Cong. Rec. H7895 (daily ed. Aug. 8, 1974) (statement of Rep. Hays) (emphasis added). Here, however, the Commission purposes to do just the opposite by imposing a scheme which differentiates

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corporate/labor aircraft valuation from individually owned aircraft valuation.

Furthermore, the Commission's initial decision on Mr. Hood's reimbursement directly conflicts with House of Representatives reimbursement rules, adversely affecting a large community of candidates governed by the regulations. House Members must reimburse the donor of any "gift", including gifts of transportation, furnished by any person not a relative aggregating more than "minimal value". <u>See</u> Ethics Reform Act of 1989, Pub.L. No. 101-194, 103 Stat. 1716, 1771-72, amending House Rule XLIII, cl.4.

The House Committee on Standards of Official Conduct confirmed that aircraft travel qualified as a "gift" under House Rule XLIII. See Investigation of Travel on Corporate Aircraft Taken By Representative Dan Daniel, H.R. Rep. No. 470, 99th Cong., 2d Sess. 11 (1988) [hereinafter "Daniel Report"].

The House Committee on Standards next addressed how to value these flights. As does 11 C.F.R. § 114.9(e), the House Committee on Standards valued private aircraft travel at the "commercial air fare" for trips along "an established, scheduled route." Daniel Report at 12. For other trips, the Committee employed the "cost to procure such flights by commercial charter using an aircraft of the type on which ... [the Member] flew." Id.

The House Committee on Standards adopted this set of standards because it was "[c]onsistent with a policy first expressed by the Select Committee on Ethics for the 95th Congress," which had previously examined and proposed guidelines for new House rules, including House Rule XLIII. See Daniel Report at 11-12, citing, Final Report of the Select Committee on Ethics for the 95th Congress, H.R. Rep. 1837, 95th Cong., 1st. Sess. (1979), 8 [hereinafter, "Select Committee Final Report"].

The Select Committee Final Report had recommended that a gift be valued according to the following standard:

In determining the value of a gift where exact dollar figures are not reasonably ascertainable, the individual may make an estimate, or he may rely on the valuation provided by the donor. With respect to gifts of transportation on private aircraft, the value is equal to the commercial airfare for the same flight.

Select Committee Report at 8, <u>quoted in</u>, Daniel Report at 12 (emphasis added).

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Thus, the House Committee on Standards valued flights taken by Rep. Daniel according on the commercial airfare standard for Rep. Daniel's flights along an "established" commercial air carrier route. Daniel Report at 12. For flights not along an established route, however, the House Committee on Standards employed the "charter rate." Id. Significantly, the House Committee on Standards determined the "charter rate" to be the "hourly rate <u>charged by Page</u> to Beech." Id. at 12 n. 11 (emphasis added). This valuation accords with the Select Committee's determination, quoted above, that an individual may value a gift based on its cost to the donor.

Like Mr. Hood herein, Beech Aircraft owned the airplane on which Rep. Daniel travelled. And, like Jet Fleet in this case, Page Airways operated Beech's aircraft. The House Committee on Standards found the "charter rate" to be the rate <u>Page charged Beech</u>, its customer, and not the rate Page would have charged Rep. Daniel, independent of Beech. This is the rate at which the WAC reimbursed Mr. Hood.

Once it concluded the Daniel investigation, the House Committee on Standards issued an advisory letter establishing aircraft reimbursement rates. Under House Rules, a Member is thus to employ: 1) the first class rate for routes with regularly scheduled firstclass service; 2) the coach rate for routes with regularly scheduled service, but only coach fare; or 3) the charter rate for cities not having regularly scheduled flights. The House Committee did not disturb its Daniel Report finding that the "charter rate" is the rate the plane's operator charged its owner.

Thus, the Commission should not unnecessarily disrupt an essentially consistent (<u>compare</u> 11 C.F.R. § 114.9(e) and House of Representatives determinations) aircraft valuation regime by valuing the WAC flights as it has proposed. Currently, because the cities on the Wright tour were serviced by regularly scheduled flights, the commercial first-class rate is an appropriate valuation under both § 114.9(e) and House standards.

Even if, however, as Commission counsel apparently contend, travel for the Wright tour should not be valued at the first-class rate because Mr. Hood's aircraft was available "on demand," the House Committee on Standards' valuation of the charter rate as the rate the aircraft operator charges the owner, should apply. This valuation methodology preserves the consistency which the Court of Appeals for the District of Columbia admonished agencies to maintain "whenever possible." <u>Citizens to Save Spencer County</u>, 600 F.2d at 870.

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Moreover, Congress' "goals and purposes" in enacting a system of campaign finance regulation, <u>see id</u>. at 871, was not to subject members to characterization exercises, depending on the aircraft's supplier and the forum (the House or the Commission) whose reimbursement rules apply; indeed, Reps. Hays and Frenzel (the primary House architects of the 1974 FECA Amendments) emphasized just the opposite.

Finally, the Commission's ruling would result in unnecessary hardship and surprise to the WAC. <u>See id</u>. The Texas tour occurred almost five years ago, when the WAC was vibrant and operating. In the meantime, its activities have wound up, and it would be oppressive to require it to reimburse Mr. Hood for another \$6,500. Simply put, the merits notwithstanding, this is the wrong case for the Commission to chart this course.

The Commission would also seek to convert Mr. Hood into, in effect, a for-profit aircraft transportation provider. Nothing in the record indicates that this was Mr. Hood's intent when he agreed to loan his aircraft to the WAC. Further, this decision could have collateral effects, as well, such as unintended tax consequences for Mr. Hood (even if the WAC has no funds left to reimburse him further) and may conceivably subject Mr. Hood to federal and state regulation of commercial aircraft providers.

II. MUR 3011: Reallocation of Joint Fundraising Proceeds

The Commission has also requested the WAC, the WAF/Fundraiser, and the MCC/PAC to explain the basis on which the WAC reallocated \$46,750 to the MCC on January 31, 1989.⁵ The Commission contends that, because the WAC and the MCC/PAC are not deemed to be affiliated committees, this reallocation was improper.

Under Commission regulations, 11 C.F.R. § 102.17(c)(1)-(8) and the joint fundraising agreement between the joint fundraising

⁴ As it now stands, circumstances will arise where a Member must reimburse aircraft travel at one rate under House rules and at a different rate under the Commission's interpretations.

⁵ What apparently piqued the Commission's interest is that the MCC had previously in January reallocated \$43,750 to the WAC via the WAF/Fundraiser, as a part of the final distribution of joint fundraising funds for the 1987-88 election cycle.

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participants (see 11 C.F.R. § 102.17(c)(1)), govern the allocation of joint fundraising proceeds.

Nothing in § 102.17(c) expressly prohibits the January 31 reallocation. Because joint fundraiser expenses had already been finally allocated and a final distribution of funds made before January 31, the limits in 11 C.F.R. § 102.17(c)(6), governing allocation of "gross proceeds," do not apply. Nor does 11 C.F.R. § 102.17(c)(7)(i)(B) apply; this subsection subjects a non-affiliated committee's payment of another committee's "expenses" to 11 C.F.R. Part 110. This was not the January 31 reallocation's purpose.

Because nothing in § 102.17 prohibits the January 31 reallocation, it is proper because it comports with the MCC/WAC joint fundraising agreement. Under this agreement, Rep. Wright could determine, pursuant to 2 U.S.C. § 439a, that the WAC/PCC had excess campaign funds and then reallocate up to 75% of the net proceeds of the joint fundraiser to the MCC/PAC. This made sense; the joint fundraising agreement was drafted with this flexible allocation formula in mind because, as a senior Member, Rep. Wright often faced only a minor re-election challenge, so he might not have required all 75% of the WAF/Fundraiser's joint fundraising proceeds in each reelection effort.

Under § 439a, a candidate or federal officeholder's "excess campaign funds" may:

[D]efray ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, may be contributed to any organization described in section 170(c) of title 26, or <u>may be used for any other</u> <u>lawful purpose</u>, including without limitation transfers without limitation to any national, State, or local committee of any political party

2 U.S.C. 439a. (Emphasis added.) Nothing in 2 U.S.C. § 439a prohibits a Member from transferring excess campaign funds to his or her leadership committee; indeed, this is a salutary use for these funds. Moreover, no U.S. Code provision or Commission regulation specifically subjects 2 U.S.C. § 439a to 2 U.S.C. § 441a's contribution limits.

In fact, despite the lack of express § 439a authorization, the Commission has allowed a retiring Member to transfer her excess campaign funds to a multi-candidate political committee she proposed to establish. <u>See</u> A.O. 1985-30, Fed. Elec. Camp. Fin. Guide (CCH) ¶ 5826 (Oct. 24, 1985). Such a transfer from the personal campaign

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Elizabeth Campbell, Esquire April 6, 1990 Page 9

committee to the newly-minted multi-candidate committee is just as much a "contribution" (if at all) as that which the WAC/PCC made to the MCC/PAC. There appears to be no statutory authority for allowing the Commission to permit only certain political committees to receive excess campaign funds and not others.

During the February 28 meeting, Commission legal staff opined that "any other lawful purpose" under § 439a does not provide the WAC authority to reallocate excess campaign funds to the MCC/PAC. The staff informed counsel for the Committee that the colloquy between Reps. Frenzel and Steiger during floor debates on the 1974 FECA Amendments confirms that the reallocation at issue was improper.

The Committees must respectfully disagree.⁶ During this colloquy, Rep. Steiger asked Rep. Frenzel to clarify whether the term "any other lawful purpose" would permit a Member to utilize excess campaign funds for such purposes as entertaining constituents in the House restaurant, maintaining an office supply of hospitality food and beverages, retaining additional staff such as a personal page, or purchasing a lifetime membership in the National Democratic Club or the Capitol Hill Club.⁷ 120 Cong. Rec. H10335 (Oct. 10, 1974) (statement of Rep. Steiger).

Rep. Frenzel informed Rep. Steiger that "some" of his examples would qualify under § 439a, while others might not. Without being more specific, he advised Rep. Steiger that, "The reason we put 'lawful purposes' in there is because there is some existing law, and some IRS regulations which does (sic) allow some expenses." <u>Id</u>. (statement of Rep. Frenzel).

Significantly, rather than attempting to specify every such "lawful purpose," Rep. Frenzel continued the colloquy by describing

'Actually, Rep. Steiger's remarks were directed more to what could legitimately be considered as "ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office," <u>see</u> 2 U.S.C. § 439a, than to the term "any other lawful purpose."

Counsel for the Commission also asserted that the Commission's Advisory Opinion, A.O. 1978-112, concerning the establishment of Rep. Waxman's leadership PAC controls the reallocation at issue herein. A.O. 1978-12 does not involve either § 439a or allocations by Rep. Waxman's PCC to his leadership PAC. <u>See</u> A.O. 1978-12, Fed. Elec. Camp. Fin. Guide, (CCH), ¶ 5306 (Apr. 7, 1978).

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that term broadly: he stated, "<u>Typical</u> [of any other lawful purpose] would be a contribution back to a political party, or a contribution to another candidate, or a contribution to charity." <u>Id</u>. (Emphasis added.) Nowhere, however, did Rep. Frenzel limit the scope of that term to these three examples, as the Commission now contends.

Soon thereafter, Rep. Hays joined the colloquy. He listed certain Capitol and district office expenses and charitable donations that "any other lawful purpose" would include. <u>Id</u>. (statement of Rep. Hays). As did Rep. Frenzel, Rep. Hays made clear, however, that his list was not to be construed as exhaustive. Rep. Hays characterized the above-listed items as, "Those are the <u>kinds of</u> <u>things</u> that we had in mind, things that Members in general do" <u>Id</u>. (Emphasis added.)

Two years later, Senate debates on the next round of the FECA Amendments again show that "any other lawful purpose" is to be evaluated flexibly over time and not just against a list set out by Rep. Frenzel in 1974. To backtrack briefly, in 1974, the Senate unsuccessfully sought to expressly prohibit a Member's converting excess campaign funds to personal use. Two years later, Sen. Clark again sought to offer an amendment on the Senate floor during debates on the 1976 FECA amendments to codify this prohibition.

Specifically, Sen. Clark proposed to strike the term "any other lawful purpose" from § 439a and to add the term "may be contributed to (sic) [by] him to the National committee or state committee of a political party, or returned by him to his contributors on a pro rata basis, or contributed by him to another candidate." 122 Cong. Rec. S3065 (Mar. 23, 1976) (statement of Sen. Clark). By enumerating these specific examples of "lawful" uses of excess campaign funds, and deleting the "any other" language, Sen. Clark proposed to exclude not only conversion of these funds to personal use, but any other non-enumerated use thereof. Id.

Sen. Packwood rose to oppose Sen. Clark's amendment on two grounds. First, he argued that the uses of excess campaign funds Sen. Clark had enumerated were already lawful, so the amendment was surplusage. <u>Id</u>. (statement of Sen. Packwood).

Sen. Clark rejoined that he favored deleting the term "any other lawful purpose" because he was "not aware" of any other lawful purpose for excess campaign funds, except for those already included in § 439a and those listed in his amendment. <u>Id</u>. (statement of Sen. Clark).

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Elizabeth Campbell, Esquire April 6, 1990 Page 11

Sen. Packwood persisted in opposition on the first ground and then articulated his second concern, most pertinent to this case. Specifically, he cautioned Sen. Clark:

When we legislate on the floor, things come up that we do not think about, and I would <u>not want to trap a member.</u> <u>unconsciously trap a member of the House or of the Senate</u>, who is now spending it for a lawful conversion and which that amendment might strike out.

<u>Id</u>. (statement of Sen. Packwood) (Emphasis added.) Sen. Packwood then offered to draft an amendment prohibiting conversion of excess campaign funds to personal use (a goal with which Sen. Packwood agreed), while retaining the desirable flexibility provided by "any other lawful purpose." <u>Id</u>. With this assurance, Sen. Clark dropped his amendment.

Senator Packwood was prescient. Leadership PACs such as the MCC were not pervasive in 1976; nor did retiring Members convert their personal campaign committees to multi-candidate committees. <u>See</u> A.O. 1985-30. As Sen. Packwood made clear, however, § 439a should be interpreted flexibly to permit Members to employ their excess campaign funds in such worthy endeavors, limited only by express prohibitions to the contrary.

In A.O. 1985-30, the Commission itself recognized flexibility's desirability. As discussed above, under the rigid analysis, the Commission is poised to apply against the Responding Committees herein, however, the A.O. 1985-30 reallocation would be an excess contribution by the Member's personal campaign committee to her new multi-candidate political committee -- a similarly worthy endeavor.⁹ As with the valuation of the airplane flight, the Commission is dutybound to act consistently and even-handedly.

Thus, the Commission should not read extraneous limitations into 2 U.S.C. § 439a, but should construe "any other lawful purpose" in the flexible manner advocated by Sen. Packwood and the Commission itself in A.O. 1985-30. Absent express statutory language to the

⁸ It was not until 1979 that a limited grandfathered measure prohibiting conversion of campaign funds to personal use passed both Houses.

It should not be forgotten that both Speaker Wright and Rep. Holt, both incumbents in 1979, could simply have held these excess campaign funds and converted them to personal use.

Elizabeth Campbell, Esquire April 6, 1990 Page 12

contrary, the Commission should not read that term out of existence, especially where a Member employs such funds for the worthy goal of assisting his colleagues <u>via</u> a leadership PAC.

At the very least, the Committees submit, even if the Commission persists in its determination that an excess contribution occurred, the Commission should recognize that conflicting signals exist regarding the scope of "any other lawful purpose." This fact alone militates strongly in favor of an equitable conciliation, ¹⁰ keeping in mind that the Committees have wound up their affairs but for these Matters Under Review.

III. <u>Conclusion</u>

For the foregoing reasons, the WAC/PCC respectfully submits that it fully reimbursed Mr. Kenneth Hood for the use of his airplane. Additionally, the Commission should find that the transfer of \$46,750 at issue in M.U.R. 3011 was a proper reallocation of excess campaign funds under the joint fundraising agreement and 2 U.S.C. § 439a.

If you have any further questions before proceeding with conciliation on M.U.R. 3000 and M.U.R. 3011, please contact either me or David Frulla of my office.

Sincerely. Stanley M.

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¹⁰ The Committees are also constrained to note that they sought and received approval from their then counsel before making the reallocating at issue -- another factor that should weigh heavily in conciliation.

A PROFESSIONAL CORPORATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005 RECEIVED REDERAL ELECTION COMMISSION

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April 24, 1990

BY HAND DELIVERY

Ms. Linda Tangney Reports Analyst Federal Election Commission 999 E Street, N.W. Washington, DC 20643

MUR 3011

Re: <u>Request for Information from Wright Appreciation</u> <u>Committee</u>

Dear Ms. Tangney:

As we discussed yesterday by telephone, the Wright Appreciation Committee has forwarded to us a letter from you to the Appreciation Committee dated March 20, 1990, and a follow-up letter from Mr. John Gibson of your office dated April 12, 1990. In these letters, your office requests Memoranda Schedules A for transfers from the Congressman Wright Appreciation Fund to the Congressman Wright Appreciation Committee in the amounts of \$500.00 and \$3,000.00. These transfers occurred on October 20, 1989 and October 25, 1989, respectively.

I refer you to the February 16, 1990 letter which we transmitted to you on the Wright Appreciation Committee's behalf. In that letter, we informed you that Memoranda Schedules A had not yet been prepared for 1989 transfers of funds from the Wright Appreciation Fund to the Wright Appreciation Committee. We have been informed by Elizabeth Campbell of the General Counsel's office that the Reports Analysis Division has referred the transfers at issue in the February 16, 1990, letter to the General Counsel's office. That matter is denominated RAD Ref. 90-L-9. Further, and as the February 16 letter stated, the Appreciation Committee recognizes that certain corrective actions may be necessary to ensure compliance with Commission regulations and the joint fundraising agreement.

The Wright Appreciation Committee, along with the Wright Appreciation Fund and the Majority Congress Committee, have, through counsel, indicated their willingness to take such corrective action, but believe it is in everyone's interest to do so in the context of a comprehensive solution to questions the Commission has raised in MUR 3011 and in RAD Ref. 90-L-9. MUR

Ms. Linda Tangney April 24, 1990 Page 2

3011 and RAD Ref. 90-L-9 concern the disposition of joint fundraising proceeds of the 1987-88 and 1989 election cycles, respectively.

Pursuant to Elizabeth Campbell's suggestion, we have petitioned for MUR 3011 and RAD Ref. 90-L-9 to be consolidated. Your most current inquiry regarding the October 1989 transfers appears to be an extension of your concerns in RAD Ref. 90-L-9 regarding the disposition of 1989 joint fundraising proceeds. For this reason, the Wright Appreciation Committee respectfully requests that it resolve these supplemental questions in the context of the consolidated MUR 3011 proceeding.

Please contact either me or Stanley Brand if you have any questions about this letter or require any further information.

Sincere. 111a

DEF:ldm

cc: Elizabeth Campbell, Esquire



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SENSITIVE

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

GENERAL COUNSEL'S REPORT

MUR 3011 RAD Referral 90L-9 STAFF MEMBER: Elizabeth Campbell

SOURCE: INTERNALLY GENERATED

RESPONDENTS:

Congressman Wright Appreciation Committee and Henry Kerry, as treasurer

Majority Congress Committee and Robert N. Reeves, as treasurer

Wright Appreciation Fund and W. Edwin Youngblood, as treasurer

RELEVANT STATUTES:

INTERNAL REPORTS CHECKED:

Disclosure reports

2 U.S.C. § 434(b)

2 U.S.C. § 441a(a) 2 U.S.C. § 441a(f) 2 U.S.C. § 441b

11 C.F.R. § 100.5 11 C.F.R. § 102.5

11 C.F.R. § 102.17 11 C.F.R. § 103.3(b) 11 C.F.R. § 110.1(b) 11 C.F.R. § 110.3(a)

2 U.S.C. § 439a

FEDERAL AGENCIES CHECKED:

I. GENERATION OF MATTER

On November 14, 1989, the Commission found reason to believe that the Congressman Wright Appreciation Committee ("WAC" or "PCC") and Henry Kerry, as treasurer, violated 2 U.S.C. \$\$ 441a(a) and 441a(f); the Majority Congress Committee ("MCC" or "PAC") and Robert N. Reeves, as treasurer, violated 2 U.S.C. \$\$ 434(b), 441a(f) and 441b(a); and the Wright Appreciation Fund

None

("WAF" or "Fundraiser") and its treasurer¹, violated 2 U.S.C. \$ 441a(f) and 11 C.F.R. \$ 102.17.

On February 9, 1990, the Respondents made a request to enter into preprobable cause conciliation. At approximately the same time, counsel for the Respondents requested a meeting with staff from this Office to discuss the issues in this matter. This Office recommended that the Commission decline to enter into preprobable cause conciliation until after staff had met with counsel and reviewed all of the materials. On February 27, 1990, the Commission declined to enter into preprobable cause conciliation with the Respondents. Staff from this Office met with counsel for the Respondents on February 28, 1990.

One of the issues discussed at the February 28, 1990 meeting was a Request for Additional Information ("RFAI") the Congressman Wright Appreciation Committee had received from the Reports Analysis Division ("RAD"). Counsel thought that the issue in the RFAI might eventually lead to an additional enforcement matter, and requested that any new enforcement matter arising from the RFAI be merged with MUR 3011.

As counsel foresaw, RAD Referral 90L-9 was referred to the Office of the General Counsel by the RAD on March 7, 1990. On March 15, 1990, counsel for the Respondents formally requested

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^{1.} At the time of the reason to believe finding, reports filed with the Commission listed Craig Raupe as treasurer of the Wright Appreciation Fund. At the Commission meeting on November 14, 1989, it was noted by Doug Patton that Mr. Raupe has died. The Wright Appreciation Fund's current treasurer is W. Edwin Youngblood, and his name has been substituted for Mr. Raupe's as treasurer.

that RAD Referral 90L-9 be merged with MUR 3011, and renewed their request for preprobable cause conciliation.

II. FACTUAL AND LEGAL ANALYSIS

1. RAD Referral 90L-9

In the 1989 Mid-Year report, the Congressman Wright Appreciation Committee ("WAC" or "PCC") disclosed transfers-in of joint fundraising proceeds from the Wright Appreciation Fund, totaling \$232,338.84, without supporting Memorandum Schedules A.

In addition, on April 27, 1990, counsel for the WAC contacted this Office concerning an RFAI from RAD dated March 20, 1990. See Attachment 3. The RFAI concerned two transfers-in of joint fundraising proceeds from the WAF totaling \$3,500.00. In the 1989 Year-End report, the WAC reported a transfer-in of \$500.00 on October 20, 1989, and a transfer-in of \$3,000.00 on October 25, 1989. Counsel for the Respondents has requested that the questions arising from the October 20, 1989 RFAI be included in the Commission's consideration of RAD Referral 90L-9 since the RFAI involves an extension of the issues in RAD Referral 90L-9.

Commission regulations governing joint fundraisers are set forth at 11 C.F.R. § 102.17. Each participating political committee in a joint fundraiser must report its share of net proceeds as a transfer-in from the fundraising representative. 11 C.F.R. § 102.17(c)(8)(i)(B). A participating committee must file Memorandum Schedules A to support each transfer-in, itemizing its share of joint fundraising proceeds as contributions from the original contributors. <u>Id</u>. The Memorandum Schedules A must identify any person who made a

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contribution aggregating in excess of \$200.00 per calendar year, along with the date and amount of such contribution. 2 U.S.C. § 434(b)(3)(A). All contributions from political committees must be reported, together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(B).

Therefore, this Office recommends that the Commission open an enforcement matter and find reason to believe that the WAC violated 2 U.S.C. § 434(b) and 11 C.F.R. § 102.17(c)(3)(i)(B) for failing to file Memorandum Schedules A to support \$235,838.84² in joint fundraising proceeds from the WAF. This Office also recommends that the Commission merge this matter with MUR 3011.

2. MUR 3011

The WAC is the principal campaign committee for former U.S. Representative James C. Wright, Jr.. The MCC is an unauthorized political committee. The WAF registered with the Commission on September 15, 1987, as a joint fundraising committee, with the WAC and the MCC as participating committees pursuant to 11 C.F.R. § 102.17. The WAF is also an authorized committee of the WAC, pursuant to 11 C.F.R. § 102.17(a). The MCC is not an authorized committee of the WAC.

The Reports Analysis Division ("RAD") referred the WAC and the MCC to the Office of the General Counsel after discovering excessive and impermissible contributions were transferred to the

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^{2.} The WAC failed to provide Memorandum Schedules A for \$232,338.84 in joint fundraising proceeds received during the 1989 Mid-Year reporting period and \$3,500.00 in joint fundraising proceeds received during the 1989 Year-End reporting period.

two committees by their joint fundraising committee, the WAF. After a review of the referral materials, this Office recommended adding the WAF as a respondent.

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A. The Law

The Federal Election Campaign Act of 1971, as amended ("the Act"), limits the amount that an individual or a political committee other than a qualified multicandidate committee can contribute to a candidate or an authorized political committee, with respect to any election for federal office, to an aggregate amount of \$1,000.00. 2 U.S.C. \$ 441a(a)(1). A multicandidate political committee may make contributions with respect to any election for federal office, to an aggregate amount of \$5,000.00. 2 U.S.C. \$ 441a(a)(2). Contributions to any other political committee, by either an individual or a political committee, shall not exceed \$5,000.00 per calendar year. 2 U.S.C. \$ 441a(a)(1)(C). The Act prohibits a candidate or political committee from knowingly accepting any contribution or making any expenditure in violation of the provisions of Section 441a.

The Act prohibits contributions from corporations and labor unions in federal elections. 2 U.S.C. § 441b.

Commission regulations provide that an organization which qualifies as a political committee must file a Statement of Organization and register as a political committee. 11 C.F.R. § 102.1(d). Any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000.00 or makes expenditures aggregating in excess of \$1,000.00 during a calendar year qualifies as a political committee. 11 C.F.R. \$ 102.5(b). Organizations that are not political committees must either establish a separate account for federal activity which includes only funds subject to the prohibitions and limitations of the Act, or demonstrate through a reasonable accounting method that contributions made to federal committees did not include any funds prohibited under the Act. 11 C.F.R. \$ 102.5(b).

The treasurer of a political committee has the responsibility for examining all contributions received for evidence of illegality and for ascertaining whether contributions received, when aggregated with other contributions from the same contributor, exceed the Act's contributions limits. 11 C.F.R. § 103.3(b). If there are excessive contributions, the treasurer has sixty days from the date of receipt to obtain a reattribution or redesignation of the contribution to cure the illegality. 11 C.F.R. § 110.1(b). Excessive or impermissible contributions not reattributed or redesignated must be refunded to the contributor within sixty days. 11 C.F.R. § 103.3(b).

A political committee is required to report all contributions and itemize those which, in the aggregate, exceed \$200 in a calendar year, together with the date and amount of any such receipts. 2 U.S.C. § 434(b). All contributions from political committees must be reported, together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(B).

The Commission's regulations set forth the requirements for joint fundraising at 11 C.F.R. § 102.17. Participants in a joint

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fundraising effort must establish a committee to act as a fundraising representative. 11 C.F.R. § 102.17(a). The fundraising representative must be a reporting political committee and an authorized committee of each federal candidate participating in the joint fundraiser. 11 C.F.R. § 102.17(a). All joint fundraisers are required to follow the procedures laid out in 11 C.F.R. § 102.17(c). Included in these provisions are a written fundraising agreement, setting out the formula for allocating fundraising proceeds. 11 C.F.R. § 102.17(c)(1). Both the fundraising representative and the participating committees have a duty to screen the contributions received to ensure that they are neither prohibited under the Act nor in excess of the contribution limitations. 11 C.F.R. § 102.17(c)(4). The regulations further provide that political committees participating in the joint fundraising effort must make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions. 11 C.F.R. § 102.17(c)(4).

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The fundraising representative shall allocate fundraising proceeds according to the formula stated in the fundraising agreement. 11 C.F.R. § 102.17(c)(6)(i). However, if distribution under the formula results in a violation of the contribution limits of the Act, the fundraising representative may reallocate the excess funds to another participating committee. 11 C.F.R. § 102.17(c)(6)(i).

The fundraising representative must report contributions in the reporting period in which they are received. 11 C.F.R.

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\$ 102.17(c). After distribution of net proceeds, each participating political committee shall report its share of net proceeds received as a transfer-in from the fundraising representative. 11 C.F.R. \$ 102.17(c)(8)(i)(B). Participating political committees shall report joint fundraising proceeds when such funds are received from the fundraising representative. 11 C.F.R. \$ 102.17(c). In addition, participating political committees must file Memorandum Schedules A itemizing the funds from each transfer-in as contribution from original contributors. 2 U.S.C. \$ 102.17(c)(8)(i)(B). For contribution reporting and limitation purposes, the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. 11 C.F.R. \$ 102.17(c)(3)(iii).

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B. Congressman Wright Appreciation Committee ("WAC" or "PCC")

The WAC received a transfer-in of joint fundraising proceeds from the WAF on October 7, 1988. The committee filed Memorandum Schedules A to support this transfer-in on November 11, 1988. Included in this transfer-in were excessive contributions from three (3) non-multicandidate committees. The three committees each made primary election contributions of \$1,250 and general election contributions of \$3,750, resulting in excessives of \$250 per committee in the primary and \$2,750 per committee in the general election, for a total of \$9,000.00 in excessive contributions from all three committees. The WAC did not refund the excessive contributions until March 22, 1989, more than sixty days after receipt by the WAC. Therefore, the WAC accepted \$9,000.00 in excessive contributions, in violation of 2 U.S.C. \$ 441a(f).

The WAC reported that it received all of the contributions at issue in this matter in the October 7, 1988 transfer-in from the WAF. However, the WAC's supporting Memorandum Schedules A indicated that three committees made the excessive primary election contributions on January 22, 1988, and the excessive general election contributions on October 13, 1988 -- six days after the transfer-in date.

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The interrogatories sent to the WAC asked for clarification of this discrepancy. The WAC's answer was contradictory on this point, however. In their response to question 3, the WAC states that "the transfer-in which included these allegedly 'excess' contributions did not occur until January 31, 1989."³ However, a review of all of the information provided by the Respondents leads to the conclusion that the WAC received the \$9,000 in excessives before January 31, 1989. To illustrate, in the response to question 2, there is a table of excessive contributions with 10-13-88 as the contribution date. A footnote to the heading "contribution date" explains that the contribution date is the date of deposit of the contribution checks, which means that the WAC <u>did</u> receive the contribution before January 31, 1989. Additionally, the responses to the interrogatories to

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^{3.} This is significant because if in fact the WAC did not receive the excessive contributions until January 31, 1989, they were refunded within 60 days.

the MCC and the WAF indicate that at least \$43,750 of the \$46,338.84 transferred from the WAF to the WAC on January 31, 1989 was a reallocation of funds from the MCC to the WAC. Therefore, the January 31, 1989 transfer was not large enough to contain the excessive contributions from the 3 non-multicandidate committees.

C. Majority Congress Committee ("MCC" or "PAC")

On March 30, 1988, the MCC received a \$400,000 transfer-in of joint fundraising proceeds from the WAF which included \$45,750 in excessive contributions from twenty political committees and one individual, and impermissible funds, totaling \$2,250, from two unregistered organizations.⁴ All of the excessive and impermissible contributions were received by the WAF between September 22, 1987 and December 17, 1987.

Neither of the unregistered organizations has a separate account for federal activity. One of the organizations, the Committee for a Better Boston, is located in Massachusetts where corporate contributions are prohibited but unlimited union contributions are permitted under state law. A second, the Gadsden County Democratic Executive Committee, is located in Florida, where limited corporate and union contributions are permitted. <u>See</u> 2 U.S.C. § 441b and 11 C.F.R. § 102.5(b).

The MCC timely reported the \$400,000 transfer-in in the 1988

4. The MCC received two additional contributions from unregistered organizations from Texas. However, Texas law prohibits corporate and labor union contributions.

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April monthly report, but failed to include supporting Memorandum Schedules A. The MCC did not amend the April monthly report to include Memorandum Schedules A until July 5, 1988. <u>See</u> 11 C.F.R. § 102.17(c)(8)(i)(B) and 2 U.S.C. § 434(b).

Then, although the MCC had already received the excessive and apparent impermissible funds from the WAF, it was the WAF who, on August 31, 1988, refunded the contributions from the unregistered organizations.⁵ The MCC did not transfer the funds it had received from these unregistered organizations to the WAF before the Fundraiser made the refunds. Then, on September 9, 1988, the MCC submitted an amended Schedule A, which indicated that the WAF had reallocated \$43,750 in excessive contributions from the MCC to the WAC.⁶ Again, the MCC did not transfer the amount it had received in excessive contributions to the WAF before the WAF made the reallocation.

Because the MCC had already received the apparent impermissible and excessive funds from the WAF, it should have removed all of the prohibited funds from its own account. On

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^{5.} Although both the MCC and the WAC received contributions from the unregistered organizations, RAD questioned only the MCC about them in accordance with the RAD review and referral procedures for authorized and unauthorized committees. Nevertheless, the WAF returned <u>all</u> of the money given to both the PAC and the PCC by three of the four unregistered organizations. The WAC reimbursed the WAF for the refunds in that the WAF deducted the WAC's allocable share of refunds from the final distribution of funds by the WAF to the WAC. Although there is no RTB finding against the WAC for receipt of the impermissible contributions, the 11 C.F.R. § 102.17 finding against the WAF includes the total amount of impermissible funds transferred to both the MCC and the WAC.

^{6.} The WAF did not physically transfer the reallocated funds to the WAC until January 31, 1989.

January 25, 1989, in response to instructions from RAD, the MCC transferred \$46,750 to the WAF: \$3,000 of that amount was to reimburse the WAF for the refunds to the unregistered organizations; \$43,750 was for reallocation of all but one of the excessive contributions to the WAC.

On January 31, 1989, the Wright Appreciation Fund transferred \$46,338.84 to the WAC. This transfer-in included the joint fundraising proceeds reallocated from the MCC to the WAC. Both the refunds and reallocation of excessive contributions were made more than sixty days after receipt by the PAC. <u>See</u> 2 U.S.C. **\$\$** 441a(f) and 441b(a).

In addition, the MCC still has not reallocated or refunded one excessive contribution from three affiliated committees.⁷

D. Transfer of Funds (from MCC to Fundraiser to WAC to MCC)

As noted above, on January 25, 1989, the MCC transferred \$46,750 to the WAF for the refunds of impermissible contributions and reallocation of excessive contributions the MCC received on March 30, 1988. On January 31, 1989, the WAF transferred \$46,338.84 to the WAC, which included the funds reallocated from the MCC to the WAC. Then, on January 31, 1989, the WAC then transferred the sum of \$46,750 to the MCC. The WAC transferred this sum to the MCC out of the WAC's "excess campaign funds."

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^{7.} The three committees are Tesco Division of Texas Utilities Electric Co. PAC, Texas Utilities Co./Texas Utilities Electric Co. and Service Companies Energy Employees PAC, and Texas Utilities Electric-Tugco Division PAC. Because they were all set up by Texas Utilities Electric Co., they are affiliated and share one contribution limit. 11 C.F.R. § 110.3(a).

Commission regulations provide that the WAC and the MCC are affiliated with the WAF for the purpose of transferring joint fundraising proceeds. But the WAC and the MCC are not affiliated with each other for any purpose, including the transfer of funds, and therefore, the usual contribution limits for political committees still apply. <u>See</u> 11 C.F.R. §§ 102.17(b)(3), 102.17(c)(7). <u>See</u> AO 1986-36, 1 Fed. Election Camp. Fin. Guide [CCH] § 5874. If the WAC and the MCC were affiliated committees, the amount of excessives would increase significantly since they would share a single contribution limit. <u>See</u> 11 C.F.R. § 110.3(a)(1).

The Respondents contend that the transfer of \$46,750 from the WAC to the MCC is legal under 2 U.S.C. \$ 439a and the joint fundraising agreement. Pursuant to 2 U.S.C. \$ 439a, amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures may be contributed to any organization described in section 170(c) of title 26, or may be used for any other lawful purpose, including without limitation to any national, state, or local committee of any political party. <u>See also</u>, 11 C.F.R. \$\$ 113.1(e) and 113.2. The joint fundraising agreement between the WAC and the MCC provides that:

> Any and all net proceeds from the joint fundraising efforts between the Participants (after the payment of expenses) shall be divided between the parties as follows: Seventy-five percent of the proceeds from the joint fundraiser will be distributed to WRIGHT APPRECIATION COMMITTEE and twenty-five percent of the proceeds will be distributed to MAJORITY CONGRESS COMMITTEE; however, if Jim Wright declares, pursuant to 2 U.S.C. **\$** 439a,

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that he has excess campaign funds, then MAJORITY CONGRESS COMMITTEE will receive seventy-five percent of the proceeds and WRIGHT APPRECIATION COMMITTEE will receive twenty-five percent of the proceeds.

The Respondents assert that nothing in the Act or Commission regulations expressly prohibit the transfer of \$46,750 from the WAC to the MCC because there is no provision which specifically subjects 2 U.S.C. § 439a to the contribution limits of the Act. Respondents contend that the legislative history of 2 U.S.C. § 439a indicates that "any other lawful purpose" is not limited to contributions to a political party committee or another candidate and therefore, use of excess campaign funds should be limited only by express prohibitions to the contrary.

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Respondents refer to the proposed amendment in 1976 to 2 U.S.C. § 439a to strike "any other lawful purpose" and to add "may be contributed to (sic) the National committee or state committee of a political party, or returned by him to his contributors on a pro rata basis, or contributed (sic) to another candidate." During Senate debate, Senator Packwood spoke in opposition to that amendment:

> When we legislate on the floor, things come up that we do not think about, and I would not want to trap a member, unconsciously trap a member of the House or of the Senate, who is not spending it for a lawful conversion and which that amendment might strike. 122 Cong. Rec. S3068 (Mar. 23, 1976)(statement of Sen. Packwood).

The Respondents contend that leaving in the "any other lawful purpose" language left open the opportunity for using excess campaign funds to contribute to leadership PACs, which were not commonplace in 1976.

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The Respondents also refer to Advisory Opinion 1985-30 where the Commission permitted a retiring member of Congress to transfer excess campaign funds to a multicandidate committee she proposed to establish. Respondents argue that "such a transfer from the personal campaign committee to the newly-minted PAC is just as much a 'contribution' (if at all) as that which the WAC made to the MCC."

It is uncontroverted that excess campaign funds may be used to make a contribution to a leadership PAC. However, both the legislative history of 2 U.S.C. § 439a and advisory opinions issued by the Commission support the conclusion that such contributions must be within the limitations of the Act. The Act's limitations on contributions set forth in 2 U.S.C. § 441a(a)(1) provide that no "person" shall make a contribution to any political committee, other than a national party committee, which aggregates in excess of \$5,000. Under the Act, the term "person" is defined to include a committee. 2 U.S.C. § 431(11).

Before the 1979 amendments to the Act, 2 U.S.C. § 439a provided:

Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his activities as a holder of Federal office, may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office, may be contributed by him to any organization described in section 170(c) of the Internal Revenue Code of 1954, or may be used <u>for any other lawful</u> purpose (emphasis added).

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Prior to the 1979 amendments, a transfer of excess campaign funds to a political party was permitted, but limited to the annual contribution limit. See Senate Report No. 96-319, reprinted in, FEC Legislative History of Federal Election Campaign Act Amendments of 1979 at 451. In 1979, 2 U.S.C. § 439a was amended to allow excess funds to be used "for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party (emphasis added)." In other words, the phrase "any other lawful purpose," which was included in 2 U.S.C. § 439a prior to 1979, did not permit unlimited transfers to political party committees; Congress had to amend the Act before excess funds could be transferred without limit to a political party committee. Because there is no provision in the Act or regulations permitting unlimited transfers of excess campaign funds to leadership PACs, such contributions are subject to the limitations of the Act.

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The Commission has consistently concluded in advisory opinions that transfers of excess campaign funds to another political committee are subject to the limitations of the Act. In Advisory Opinion 1987-11, one of the proposed uses of a deceased Senator's excess campaign funds was to create a state PAC to support candidates for state and federal offices. The Commission concluded that this use of excess campaign funds is permissible, but any contribution to a political committee, as defined by the Act, is subject to the contribution limits of the Act. In a footnote to Advisory Opinion 1987-11, the Commission referred to Advisory Opinion 1985-30 and pointed out that a

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principal campaign committee may convert to a multicandidate political committee, thereby distinguishing the use of excess campaign funds to create a multicandidate political committee with using excess campaign funds to make contributions to political committees.

In Advisory Opinion 1985-13, the bylaws of a Congressman's principal campaign committee provide that if the Congressman becomes unable to serve or run for re-election, all excess campaign funds will be transferred to his party's succeeding candidate. The Commission concluded that the Congressman's excess campaign funds may be used only to "make a <u>limited</u> (emphasis added) contribution to such a committee and to any existing multicandidate committee." The Commission further stated that because the successor's campaign committee would not qualify as a "party committee," it could not receive an unlimited transfer from the Congressman's committee. Again, the Commission pointed out that the Congressman's committee may convert its status to a multicandidate committee, thereby distinguishing that alternative use of excess campaign funds with using excess funds to make a contribution to a political committees.

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Similarly, in Advisory Opinion 1983-14, the Commission concluded that the principal campaign committee of a defeated congressman may transfer excess campaign funds to his party's successor or to a federal PAC, but "since the congressman's committee is a 'person' as defined by 2 U.S.C. § 431(11), any transfers of funds by it to any nonparty political committee... would be contributions and thus subject to the Act's contribution

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limits." The Commission further stated that if the committee intends to transfer the excess campaign funds to a federal PAC, such a transfer constitutes a contribution and would be subject to the Act's limitations on such contributions of \$5,000 per calendar year. Again, the Commission noted that the committee may convert its status to that of a multicandidate committee. See also, AO 1981-15 (any contribution, including a loan or transfer, made with excess campaign funds is subject to the contribution limits of the Act); AO 1986-36 (contributions by the principal campaign committee of one federal candidate to that of another federal candidate are subject to the limitations of the Act); AO 1978-94 (any transfers made with excess campaign funds to a political committee or a candidate for federal office is subject to the contribution limits of 2 U.S.C. § 441a and 11 C.F.R. § 110.1); AO 1988-41 (the committee of a retiring member of Congress may use its excess campaign funds to make political contributions, but such contributions are subject to the Act's limitations if the donee is a Federal candidate or the candidate's authorized political committee or is any other political committee as defined by the Act and regulations).

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A transfer of excess campaign funds to a leadership PAC is subject to the limitations of the Act. Therefore, the January 31, 1989 transfer of \$46,750 from the WAC to the MCC was an excessive contribution. Accordingly, the WAC made an excessive contribution of \$41,750 to the MCC in violation of 2 U.S.C. § 441a(a), and the MCC accepted an excessive contribution of

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\$41,750 in violation of 2 U.S.C. § 441a(f).

E. Wright Appreciation Fund ("WAF" or "Fundraiser")

The Wright Appreciation Fund is a reporting political committee which registered with the Commission on September 15, 1987.⁸ It is also an authorized committee of the WAC. See 11 C.F.R. § 102.17(a). As a joint fundraising representative, the Fundraiser has a duty to screen all contributions received to ensure that neither prohibited nor excessive contributions are transferred to the participating committees. See 2 U.S.C. § 441a(F) and 11 C.F.R. § 102.17(c)(4). However, as discussed above, the WAF received and transferred excessive and impermissible funds to both the WAC and the MCC.

Additionally, pursuant to 11 C.F.R. § 102.17(c)(8)(i)(A), the fundraising representative must report all contributions received in the reporting period in which they are received by itemizing each receipt in a Memo Schedules A. All Memo Schedules A must clearly indicate that the contributions reported on that schedule represent joint fundraising proceeds. As noted earlier in this report, the WAF transferred \$235,838.84 in joint fundraising proceeds to the WAC during 1989 for which the WAC failed to provide supporting Memo Schedules A. The WAF also failed to provide all of the corresponding Memo Schedules A to support \$119,362.59 in receipts it transferred to the WAC as

8. There was a joint fundraising committee by the same name registered with the Commission in March 1985. This committee terminated with its 1986 Year End Report.

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joint fundraising proceeds, in violation of 11 C.F.R.

\$ 102.17(c)(8)(i)(A).

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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IV. RECOMMENDATIONS

- 1. Open a MUR in RAD Referral 90L-9.
- 2. Find reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. § 434(b) and 11 C.F.R. § 102.17(c)(3)(i)(B).
- 3. Merge this matter with MUR 3011.
- 4. Enter into conciliation with the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, prior to a finding of probable cause to believe.
- 5. Enter into conciliation with the Majority Congress Committee and Robert N. Reeves, as treasurer, prior to a finding of probable cause to believe.
- 6. Enter into conciliation with the Wright Appreciation Fund and W. Edwin Youngblood, as treasurer, prior to a finding of probable cause to believe.
- 7. Approve the attached proposed conciliation agreement and Factual and Legal Analysis.
- 8. Approve the appropriate letter.

Lawrence

General Counsel

Date

- Attachments:
 - 1. Referral Materials
 - Letter dated March 15, 1990: Request for conciliation in RAD Referral 90L-9
 - 3. Letter from counsel dated April 24, 1990
 - 4. Responses from Respondents dated January 29, 1990
 - 5. Response from Respondents dated April 6, 1990 (This response also relates to MUR 3000 as well as the matter at hand, MUR 3011. This report, however, only addresses the issues in MUR 3011.)
 - 6. Proposed Conciliation Agreement
 - 7. Factual and Legal Analysis



FEDERAL ELECTION COMMISSION

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WASHINGTON DC 20463

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MEMORANDUM

TO:	LAWRENCE M. NOBLE GENERAL COUNSEL				
FROM:	MARJORIE W. EMMONS/DELORES HARRIS COMMISSION SECRETARY				
DATE:	JULY 24, 1990				
SUBJECT:	MUR 3011 - GENERAL COUNSEL'S REPORT DATED JULY 18, 1990				
	DATED JULY 18, 1990				

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

Commissioner	Aikens	- Contract and a second
Commissioner	Elliott	
Commissioner	Josefiak	
Commissioner	McDonald	XXX
Commissioner	McGarry	
Commissioner	Thomas	<u> </u>

This matter will be placed on the meeting agenda for_____ TUESDAY, JULY 31, 1990

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Congressman Wright Appreciation) Committee and Henry Kerry, as treasurer;)

Majority Congress Committee and Robert N. Reeves, as treasurer;

Wright Appreciation Fund and W. Edwin Youngblood, as treasurer.

MUR 3011 and RAD REFERRAL #90L-9

AUR 3/17

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 16, 1990, do hereby certify that the Commission took the following actions in the above-captioned matters:

- 1. Decided by a vote of 6-0 to
 - a) Open a MUR with respect to RAD Referral 90L-9.
 - b) Find reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. § 434(b) and 11 C.F.R. § 102.17 (c)(8)(i)(B).
 - c) Merge this matter with MUR 3011.

(continued)

Federal Election Commission Certification for MUR 3011/ RAD Referral 90L-9 August 16, 1990

- d) Enter into conciliation with the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, prior to a finding of probable cause to believe.
- e) Enter into conciliation with the Majority Congress Committee and Robert N. Reeves, as treasurer, prior to a finding of probable cause to believe.
- f) Enter into conciliation with the Wright Appreciation Fund and W. Edwin Youngblood, as treasurer, prior to a finding of probable cause to believe.
- g) Approve the proposed conciliation agreement attached to the General Counsel's report dated July 18, 1990,
- h) Approve the proposed Factual and Legal Analysis attached to the General Counsel's report dated July 18, 1990,
- i) Approve the appropriate letter as recommended in the General Counsel's report dated July 18, 1990.

(continued)

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Page 2

Federal Election Commission Certification for MUR 3011/ RAD Referral 90L-9 August 16, 1990

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

2. Decided by a vote of 6-0 to reconsider the previous action taken in order to permit the General Counsel to present a further correction to the Conciliation Agreement.

> Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for reconsideration.

- 3. Decided by a vote of 6-0 to
 - a) Open a MUR with respect to RAD Referral 90L-9.
 - b) Find reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. § 434(b) and 11 C.F.R. § 102.17 (c)(8)(i)(B).
 - c) Merge this matter with MUR 3011.
 - d) Enter into conciliation with the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, prior to a finding of probable cause to believe.

(continued)

Federal Election Commission Certification for MUR 3011/ RAD Referral 90L-9 August 16, 1990

- e) Enter into conciliation with the Majority Congress Committee and Robert N. Reeves, as treasurer, prior to a finding of probable cause to believe.
- f) Enter into conciliation with the Wright Appreciation Fund and W. Edwin Youngblood, as treasurer, prior to a finding of probable cause to believe.
- g) Approve the proposed conciliation agreement attached to the General Counsel's report dated July 18, 1990,
- h) Approve the proposed Factual and Legal Analysis attached to the General Counsel's report dated July 18, 1990,
- i) Approve the appropriate letter as recommended in the General Counsel's report dated July 18, 1990.

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

Attest:

8-24-90

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Marjorie W. Emmons Secretary of the Commission

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Page 4



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 5, 1990

Stanley M. Brand, Esquire David E. Frulla, Esquire Brand & Lowell 923 Fifteenth St., N.W. Washington, D.C. 20006

> RE: MUR 3117 Congressman Wright Appreciation Committee and Henry Kerry, as treasurer; Majority Congress Committee and Robert N. Reeves, as treasurer; and Wright Appreciation Fund and W. Edwin Youngblood, as treasurer

Dear Messrs. Brand and Frulla:

On November 14, 1989, the Federal Election Commission found reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. §§ 441a(a) and 441a(f); the Majority Congress Committee and Robert N. Reeves, as treasurer, violated 2 U.S.C. **\$\$** 434(b), 441a(f) and 441b(a); and the Wright Appreciation Fund and W. Edwin Youngblood, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.17. Additionally, on August 16, 1990, the Commission found reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. § 434(b) and 11 C.F.R. § 102.17(c)(8)(i)(B). The Factual and Legal Analysis for these new findings is attached for your information. At your request, the Commission has merged the new findings with MUR 3011. This matter will now be known as MUR 3117. In addition, on August 16, 1990, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of MUR 3011 prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, please respond to this notification as soon as possible. Stanley M. Brand, Esq. David E. Frulla, Esq. MUR 3117 Page 2

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely, John Warren McGarry

Vice Chairman

Enclosure Conciliation Agreement Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Congressman Wright MUR 3117 Appreciation Committee and Henry Kerry, as treasurer

Commission regulations governing joint fundraisers are set forth at 11 C.F.R. § 102.17. Each participating political committee in a joint fundraiser must report its share of net proceeds as a transfer-in from the fundraising representative. 11 C.F.R. § 102.17(c)(8)(i)(B). A participating committee must file Memorandum Schedules A to support each transfer-in, itemizing its share of joint fundraising proceeds as contributions from the original contributors. <u>Id</u>. The Memorandum Schedules A must identify any person who made a contributions aggregating in excess of \$200.00 per calendar year, along with the date and amount of such contribution. 2 U.S.C. § 434(b)(3)(A). All contributions from political committees must be reported, together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(B).

In the 1989 Mid-Year report, the Congressman Wright Appreciation Committee ("WAC" or "PCC") disclosed transfers-in of joint fundraising proceeds from the Wright Appreciation Fund, totaling \$232,338.84, without supporting Memorandum Schedules A. Additionally, in the 1989 Year-End report, the WAC reported transfers-in of joint fundraising proceeds totaling \$3,500.00 without the supporting Memorandum Schedules A. Therefore, there is reason to believe the Congressman Wright MUR 3117 Page 2

Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. \$ 434(b) and 11 C.F.R. \$ 102.17(c)(8)(i)(B).

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TELEPHONE: (202) 662-9700 TELECOPIER: (202) 737-7565

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BRAND & LOWELL

A PROFESSIONAL CORPORATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005

January 18, 1991

BY HAND DELIVERY

Elizabeth Campbell, Esquire Office of the General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: <u>Consolidated Matter Under Review 3117</u>

Dear Elizabeth:

As we discussed earlier this afternoon, enclosed please find the executed conciliation agreement in the above-referenced matter under review.

Further to our conversation, I am confirming your conclusion as stated to me that the conciliation agreement requires the Majority Congress Committee to refund the as-yet unrefunded state PAC contributions. Once that set of refunds occurs and after payment of its remaining expenses, the Majority Congress Committee will remit the funds remaining in its depository to the Wright Appreciation Committee in partial refund for the alleged \$41,750 excess contribution which occurred by virtue of the "excess funds" transfer that was at issue in this matter under review. Once the Majority Congress Committee closes out its account in this way, neither the committee nor its officers will have any further financial or refund obligation arising from matters addressed in the conciliation agreement. The Majority Congress Committee may thus file a termination statement.

Likewise, once the Wright Appreciation Committee and Wright Appreciation Fund have satisfied their reporting obligations under the terms of the conciliation agreement and paid the civil monetary penalty, you confirmed to me that these two committees may wind up their affairs and file a termination statement, as well.

Please call to confirm that the Commission has accepted this conciliation agreement or if you have any questions.

Sincerely, David N. Frulla

FEDERAL ELECTICH COMMENT

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Congressman Wright Appreciation Committee and Henry Kerry, as treasurer

MUR 3117

Majority Congress Committee and Robert N. Reeves, as treasurer

Wright Appreciation Fund and W. Edwin Youngblood, as treasurer

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Stanley Brand, counsel for the three respondent committees and their treasurers.

II. RECOMMENDATIONS

- Accept the attached conciliation agreement with the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer; the Majority Congress Committee and Robert N. Reeves, as treasurer; and the Wright Appreciation Fund and W. Edwin Youngblood, as treasurer.
- 2. Close the file.

Approve the attached letter.

231 11 1 Un Date Lawrenc General Counsel

Attachments

1. Conciliation Agreement

2. Letter

3. 1990 Pre-General Report filed by the Majority Congress Committee

Staff Assigned: Elizabeth Campbell

3.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Congressman Wright Appreciation) Committee and Henry Kerry, as) treasurer;) I Majority Congress Committee and) Robert N. Reeves, as treasurer;) Wright Appreciation Fund and) W. Edwin Youngblood, as) treasurer.)

MUR 3117

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 31, 1991, the Commission decided by a vote of 4-0 to take the following actions in MUR 3117:

 Accept the conciliation agreement with the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer; the Majority Congress Committee and Robert N. Reeves, as treasurer; and the Wright Appreciation Fund and W. Edwin Youngblood, as treasurer; as recommended in the General Counsel's Report dated January 28, 1991.

2. Close the file.

(Continued)

Federal Election Commission Certification for MUR 3117 January 31, 1991

> Approve the letter, as recommended in the General Counsel's Report dated January 28, 1991.

Commissioners Aikens, Elliott, Josefiak, and McGarry, voted affirmatively for the decision; Commissioners McDonald and Thomas did not cast votes.

Attest:

31,1991

Received in the Secretariat: M Circulated to the Commission: T Deadline for vote: T

Marianie W. Empene

Marjorie W. Emmons Secretary of the Commission

Mon.,	Jan.	28,	1991	4:30	p.m.
Tues.,	Jan.	29,	1991	11:00	a.m.
Thurs.,	Jan.	31.	1991	11:00	a.m.

dr



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

February 1, 1991



Stanley M. Brand, Esq. David E. Frulla, Esq. Brand & Lowell 923 Fifteenth Street, N.W. Washington, D.C. 20005

> RE: MUR 3117 Congressman Wright Appreciation Committee and Henry Kerry, as treasurer; Majority Congress Committee and Robert N. Reeves, as treasurer; and Wright Appreciation Fund and W. Edwin Youngblood, as treasurer

Dear Messrs. Brand and Frulla:

On January 31, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of your clients in settlement of violations of 2 U.S.C. §§ 434(b), 441a(a), 441a(f), 441b, and 11 C.F.R. § 102.17, provisions of the Federal Election Campaign Act of 1971, as amended, and Commission Regulations. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Pursuant to the terms of the conciliation agreement, the following action must be taken by the respondents before this matter is considered to be closed:

- the Respondents must pay a civil penalty of \$15,000 to the Commission;
- the Congressman Wright Appreciation Committee must file Memorandum Schedules A to support all joint fundraising proceeds it received in 1989;

Stanley M. Brand, Esq. David E. Frulla, Esq. MUR 3117 Page 2

- 3) the Wright Appreciation Fund must file Memorandum Schedules A to support all joint fundraising proceeds it received and transferred out in 1989; and
- 4) the Majority Congress Committee must refund the \$1,750 excessive contribution to the three affiliated Texas Utilities Company political committees, and pay all remaining expenses. The Majority Congress Committee must then refund the \$41,750 excessive contribution it received from the Congressman Wright Appreciation Committee. The Commission is aware that the Majority Congress Committee may not have sufficient funds in its account to refund the entire excessive amount to the Congressman Wright Appreciation Committee. Under the terms of the conciliation agreement, the Majority Congress Committee is required only to use all remaining funds in its treasury to make the refund to the Congressman Wright Appreciation Committee.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that your clients must comply with the terms of the conciliation agreement within thirty days from the date the conciliation agreement was signed.

Upon compliance with the terms of the conciliation agreement, the three committees may file termination notices with the Commission. A committee may terminate only if it has no outstanding debts or obligations, and no longer intends to receive any contributions or make any disbursements that would otherwise qualify it as a political committee. See 2 U.S.C. § 433(d); 11 C.F.R. § 102.3. If a committee is eligible to terminate, it may do so by filing a termination notice with the Commission either by checking the box for "termination report" on the Summary Page of the FEC disclosure report forms, or by filing a written statement. The termination report must include the disclosure of all receipts and disbursements since the last reporting period, including an accounting of debt retirement, and a statement as to the disposition of any residual funds. A principal campaign committee may not terminate until the debts of all of the candidate's authorized committees have been extinguished. Upon receipt of the termination report, the Commission will notify the committee whether or not its termination has been accepted.

Stanley M. Brane, Esq. David E. Frulla, Esq. MUR 3117 Page 3

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

Sincerely, Lawrence M. Noble General Counsel

Enclosure Conciliation Agreement

BEFORE THE FEDERAL ELECTION CONMISSION

In the Matter of

Congressman Wright Appreciation Committee and Henry Kerry, as treasurer

MUR 3117

Majority Congress Committee and Robert N. Reeves, as treasurer as treasurer

Wright Appreciation Fund and) W. Edwin Youngblood, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Congressman Wright Appreciation Committee and Henry Kerry, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(a), 441a(f) and 11 C.F.R.

§ 102.17(c)(8)(i)(B); the Majority Congress Committee and Robert N. Reeves, as treasurer, violated 2 U.S.C. §§ 434(b), 441a(f) and 441b(a); and the Wright Appreciation Fund and its treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.17 (all three of the committees and their treasurers are referred to as "Respondents" in this matter).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. \$437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

 The Congressman Wright Appreciation Committee is a political committee within the meaning of 2 U.S.C. \$ 431(4) and the principal campaign committee within the meaning of 2 U.S.C.
 \$ 431(5), designated by former Speaker of the U.S. House of Representatives, James C. Wright, Jr., at the time he was a candidate for re-election.

2. Henry Kerry is the treasurer of the Congressman Wright Appreciation Committee.

3. The Majority Congress Committee is a political committee within the meaning of 2 U.S.C. § 431(4) and a multicandidate political committee within the meaning of 2 U.S.C. § 441a(a)(4).

4. Robert N. Reeves is the treasurer of the Majority Congress Committee.

5. The Wright Appreciation Fund is a political committee within the meaning of 2 U.S.C. § 431(4). The Wright Appreciation Fund was established pursuant to 11 C.F.R. § 102.17(b)(1) as the fundraising representative of a joint fundraiser set up by the Congressman Wright Appreciation Committee and the Majority Congress Committee, as participating

- 2 -

committees. Pursuant to 11 C.F.R. § 102.17(a), it is an authorized committee of the Congressman Wright Appreciation Committee. Commission regulations provide that the Congressman Wright Appreciation Committee and Majority Congress Committee are affiliated with the Wright Appreciation Fund for the purpose of transferring joint fundraising proceeds, but the Congressman Wright Appreciation Committee and the Majority Congress Committee are not affiliated with each other under the Act and Commission regulations for any purpose. A political committee established with the assistance of a Congressman is not considered an authorized campaign committee unless the Congressman had recognized it as such. See AO 1978-12, 1 Fed. Election Camp. Fin. Guide [CCH] § 5306.

6. W. Edwin Youngblood became the treasurer of the Wright Appreciation Fund in 1989.

7. (a) The Federal Election Campaign Act of 1971, as amended ("the Act"), limits the amount an individual or a political committee other than a multicandidate committee can contribute to a candidate or an authorized political committee, with respect to any election for federal office, to an aggregate amount of \$1,000. 2 U.S.C. § 441a(a)(1)(A).

(b) The Act limits the amount a multicandidate committee can contribute to a candidate or any authorized political committee, with respect to any election for federal office, to an aggregate amount of \$5,000. 2 U.S.C. § 441a(a)(2). A "multicandidate political committee" is a political committee which has been registered for at least six months, has received

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contributions from more than 50 persons, and has made contributions to five or more candidates for federal office. 2 U.S.C. § 441a(a)(4).

(c) Pursuant to 2 U.S.C. \$ 441a(a)(1)(C), no person shall make contributions to any political committee other than a candidate's principal campaign committee or any authorized political committee, in any calendar year, which in the aggregate, exceed \$5,000. Under 2 U.S.C. \$ 431(11), the term "person" includes a committee.

(d) The Act prohibits a candidate or political
 committee from knowingly accepting any contribution or making any
 expenditure in violation of the provisions of Section 441a.
 2 U.S.C. \$ 441a(f).

(e) The Act prohibits contributions fromcorporations and labor unions in federal elections. 2 U.S.C.§ 441b.

(f) Commission regulations provide that an organization which qualifies as a political committee must file a Statement of Organization and register as a political committee. 11 C.F.R. § 102.1(d). Any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or makes expenditures aggregating in excess of \$1,000 during a calendar year qualifies as a political committee. 11 C.F.R. § 102.5(b). Pursuant to 11 C.F.R. § 102.5(b), organizations that are not political committees must either establish a separate account for federal activity which includes only funds subject to the prohibitions and limitations of the Act or demonstrate through a reasonable accounting method that contributions made to federal committees did not include any funds prohibited under the Act.

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(g) Fursuant to 11 C.F.R. § 103.3(b), the treasurer of a political committee has the responsibility for examining all contributions received for evidence of illegality and for ascertaining whether contributions received, when aggregated with other contributions from the same contributor, exceed the Act's contribution limits. Excessive or impermissible contributions not redesignated or reattributed must be refunded to the contributor within sixty days of the treasurer's receipt of the contribution. 11 C.F.R. §§ 103.3(b), 110.1(b) and 110.2(b).

(h) A political committee is required to report all contributions and itemize those which, in the aggregate, exceed \$200 in a calendar year, together with the date and amount of any such receipts. 2 U.S.C. \$ 434(b). All contributions from political committees must be reported, together with the date and amount of any such contribution. 2 U.S.C. \$ 434(b)(3)(B).

(i) Requirements for joint fundraisers are set
 forth at 11 C.F.R. § 102.17. Participating committees in a joint
 fundraiser must enter into a written joint fundraising agreement
 which sets out the formula for allocating fundraising proceeds
 and identifies the fundraising representative. 11 C.F.R.
 § 102.17(c)(1). The fundraising representative must be a
 reporting political committee and an authorized committee of each
 federal candidate participating in the joint fundraiser.

11 C.F.R. \$ 102.17(a).

Both the fundraising representative and participating committees have a duty to screen all contributions received to ensure that they are neither prohibited nor in excess of the contribution limitations under the Act. 11 C.F.R. § 102.17(c)(4). Participating political committees must make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions. 11 C.F.R. § 102.17(c)(4).

Except to the extent that the contributor has previously contributed to any of the participating committees, a contributor may make a contribution to the joint fundraising representative up to the total amount which he could give to all the participating committees under the applicable contribution limits. 11 C.F.R. § 102.17(c)(5).

The fundraising representative shall allocate proceeds according to the formula stated in the fundraising agreement. 11 C.F.R. § 102.17(c)(6)(i). If distribution under the formula results in a violation of the contribution limits of the Act, the fundraising representative may reallocate the excess funds to another participating committee. 11 C.F.R. § 102.17(c)(6)(i).

The fundraising representative must report contributions in the reporting period in which they are received. 11 C.F.R. § 102.17(c). The fundraising representative must itemize joint fundraising receipts in a Memorandum Schedule A and clearly indicate that the contributions reported on the Schedule represent joint fundraising proceeds. 11 C.F.R.

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\$ 102.17(c)(8)(i)(A). After distribution of net proceeds, each participating political committee shall report its share of net proceeds received as a transfer-in from the fundraising representative. 11 C.F.R. \$ 102.17(c)(8)(i)(B). Participating political committees shall report joint fundraising proceeds when such funds are received from the fundraising representative. 11 C.F.R. \$ 102.17(c). In addition, participating political committees must file a Memorandum Schedule A itemizing the funds from each transfer-in as contributions from original contributors. 2 U.S.C. \$ 102.17(c)(8)(i)(B). For contribution reporting and limitation purposes, the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. 11 C.F.R. \$ 102.17(c)(3)(iii).

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(j) Pursuant to 2 U.S.C. § 439a, amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenses may be contributed to any organization described in section 170(c) of title 26, or may be used for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party. However, contributions or transfers by a federal political committee to another federal political committee are are still subject to the limitations of the Act. See AO 1986-36, 1 Fed. Election Camp. Fin. Guide [CCH] ¶ 5874.

8. On October 7, 1988, the Congressman Wright Appreciation Committee received a transfer-in of joint fundraising proceeds from the Wright Appreciation Fund. This

- 7 -

transfer-in included contributions from three federally-registered, non-multicandidate political committees. Each committee made contributions totaling \$10,000 to the Wright Appreciation Fund in 1988. Each committee's contributions were transmitted via two \$5,000 checks, for the primary and general elections, respectively. Respondents disclosed receipt and transfer-in of these contributions pursuant to the Joint Fundraising Agreement.

In 1988, the Congressman Wright Appreciation Committee could accept \$2,000 (\$1,000 for both the primary and general election) from these three committees, while the Majority Congress Committee could accept \$5,000. Thus, \$3,000 from each contributor -- \$9,000 in all -- was received in excess of federal limits.

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Under federal campaign finance law and regulations, an excess contribution accepted by a political committee must be refunded, redesignated, or reattributed within sixty days of its receipt. 11 C.F.R. § 103.3(b)(3). The Congressman Wright Appreciation Committee refunded the \$9,000 in excessive contributions from these three committees on March 22, 1989. This was more than sixty days after receipt. A violation of federal campaign finance law and regulations thus occurred by virtue of the untimely refund.

Respondents contend that the violation was not knowing and willful, but resulted from a mistaken categorization of these political committee contributions as being from multicandidate political committees. Respondents discovered this error following a Request for Additional Information from the Commission's Reports Analysis Division. Once this was discovered, Respondents refunded the excessive part of these contributions forthwith.

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9. (a) On March 30, 1988 the Majority Congress Committee received a \$400,000 transfer-in of joint fundraising proceeds from the Wright Appreciation Fund pursuant to the Joint Fundraising Agreement. The Wright Appreciation Fund received over two thousand five hundred joint fundraising contributions. Respondents contend that the Wright Appreciation Fund endeavored to report each such contribution, regardless of whether federal campaign finance law and regulation so required.

In addition, unless the contributor so requested, each of these two thousand five hundred contributions was allocated pursuant to the Joint Fundraising Agreement between the Congressman Wright Appreciation Committee and the Majority Congress Committee. Respondents contend that, because of the volume of contributions received and processed, certain errors occurred in the allocation and distribution of these joint fundraising contributions.

Most of these errors (twenty-three in all -- or less than one percent of joint fundraising contributions received) occurred the same way. Specifically, pursuant to the Joint Fundraising Agreement, certain contributions were allocated seventy-five percent to the Majority Congress Committee, twenty-five percent to the Congressman Wright Appreciation Committee. For contributions to the Wright Appreciation Fund totaling \$6,667 or

more, however, mechanical application of the seventy-five percent allocation to the Majority Congress Committee would result in an excessive contribution to the Majority Congress Committee because, as a multicandidate political committee, it could receive no more than \$5,000 per calendar year from any contributor. (\$5,000 is seventy-five percent of \$6,667.)

The Wright Appreciation Fund did receive and transfer-in to the fundraising participants the allocable shares of certain contributions which totalled over \$6,667. Twenty such contributions were received by the Wright Appreciation Fund from political committees and transferred-in to the joint fundraising participants. Mechanical application of seventy-five percent allocation to the Majority Congress Committee resulted in excessive contributions to it. In addition, one excessive contribution from an individual to the Majority Congress Committee occurred in the same fashion. In all, the amount thereby improperly allocated (and then transferred-in to the Majority Congress Committee) totalled \$45,750.

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Also, the Wright Appreciation Fund accepted contributions from two contributors, which, Respondents ultimately learned, were not registered as federal political committees and did not otherwise maintain separate accounts for federal political activity. A potential problem could arise under federal campaign finance law and regulation because these contributors were located in states in which a corporation or labor organization could have made a contribution to these non-federally registered political committees. As a result, it is possible that a

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corporation or labor organization could have made a contribution to that non-federally registered political committee, which, in turn and because these contributors did not maintain a separate account for federal political activity, could have made a contribution to Respondents, using those funds derived, in part, from a corporation or labor organization. To prevent this possibility from occurring, federal campaign finance law and regulation impose a blanket prohibition on receipt by a federal committee of contributions received from a non-federally registered political committee which does not maintain a separate account for federal political activity, unless the committee can demonstrate through a reasonable accounting method that contributions made to the federal committee did not include any funds prohibited under the Act.

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The transfers-in from the Wright Appreciation Fund to the Majority Congress Committee included \$2,250, which, it now appears, was derived from contributions from such non-federally-registered political committees which did not maintain a separate account for federal political activity.

(b) The Majority Congress Committee timely reported the March 30, 1988 transfer-in in the April Monthly report, but failed to provide Memorandum Schedules A to support the transfer-in until July 5, 1988.

(c) On behalf of the Majority Congress Committee, on August 31, 1989, the Wright Appreciation Fund refunded the impermissible contributions from the unregistered organizations.

- 11 -

(d) On January 25, 1989, the Majority Congress Committee transferred \$46,750 to the Wright Appreciation Fund: \$2,250 of that amount was to reimburse the Wright Appreciation Fund for the refunds to the unregistered organizations described in sub-paragraph (a); \$43,750 was for reallocation of all but one of the excessive contributions to the Congressman Wright Appreciation Committee described in sub-paragraph (a).

(e) Under federal campaign finance law and regulation, a political committee must refund, redesignate, or reattribute an excessive contribution within sixty days of receipt thereof. 11 C.F.R. § 103.3(b)(3). The refunds described in sub-paragraph (c), above, and reallocations described in subparagraph (d), above, were made more than sixty days after receipt by the Majority Congress Committee.

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10. On January 31, 1989, the Wright Appreciation Fund transferred \$46,338.84 to the Congressman Wright Appreciation Committee. This transfer-in included the joint fundraising proceeds reallocated from the Majority Congress Committee to the Congressman Wright Appreciation Committee.

11. The Joint Fundraising Agreement, as drafted by then counsel for Respondents, provided for an initial allocation of joint fundraising proceeds of seventy-five percent to the Congressman Wright Appreciation Committee, and twenty-five percent to the Majority Congress Committee.

When then counsel for the Respondents drafted the Joint Fundraising Agreement, it was recognized that Speaker Wright, as a senior member of the House of Representatives, often faced only

- 12 -

a minor re-election challenge. In such a case, his personal campaign committee (the Congressman Wright Appreciation Committee) might not require all seventy-five percent of the joint fundraising proceeds to be allocated to it in the first instance under the Joint Fundraising Agreement. Accordingly, then counsel for Respondents drafted the Joint Fundraising Agreement so as to permit Congressman Wright to reallocate certain joint fundraising proceeds in excess of twenty-five percent to the Majority Congress Committee.

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The Joint Fundraising Agreement, as thus drafted, authorized Speaker Wright to declare that he had excess funds pursuant to 2 U.S.C. Section 439a, whereupon joint fundraising proceeds would be apportioned seventy-five percent to the Majority Congress Committee, twenty-five percent to the Congressman Wright Appreciation Committee. (2 U.S.C. Section 439a governs how a Member of Congress may employ campaign funds not needed for his or her election, termed "excess funds.")

The Commission has previously determined, however, that transfers of funds between non-affiliated political committees made pursuant to 2 U.S.C. Section 439a are subject to federal contributions limits. See, e.g., AO 1986-36.

On January 31, 1989, the Congressman Wright Appreciation Committee, pursuant to the Joint Fundraising Agreement, transferred \$46,750 to the Majority Congress Committee as excess funds. Under Commission rulings, however, such a transfer is treated as a contribution subject to the limitations of the Act. This is because the Congressman Wright Appreciation Committee and

- 13 -

the Majority Congress Committee are not affiliated with each other (although they are affiliated with the Wright Appreciation Fund for joint fundraising purposes).

Under the Act, the Congressman Wright Appreciation Committee should have transferred no more than \$5,000 to the Majority Congress Committee. Thus, the Congressman Wright Appreciation Committee made an excessive contribution of \$41,750 to the Majority Congress Committee.

12. The Congressman Wright Appreciation Committee disclosed the receipt of \$235,838.84 in transfers-in from the Wright Appreciation Fund between January 31, 1989 and October 25, 1989, but did not provide Memorandum Schedules A to support these joint fundraising proceeds. The Wright Appreciation Fund did not provide Memorandum Schedules A to support \$119,362.59 of the \$235,838.84 it transferred to the Congressman Wright Appreciation Committee in 1989. Respondents contend that they did not file these Memorandum Schedules A on advice of counsel, pending resolution of the Commission's investigation in this Matter Under Review. It was contemplated by Respondents and their counsel that filing of these Memorandum Schedules A would be made as part of conciliation of this Matter Under Review. This way, the Respondents could ensure that these Memorandum Schedules A comport with the legal and factual determinations made in this Matter Under Review.

V. 1. The Congressman Wright Appreciation Committee
accepted \$9,000 in excessive contributions, in violation of
2 U.S.C. § 441a(f).

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- 14 -

 The Congressman Wright Appreciation Committee made an excessive contribution of \$41,750 to the Majority Congress Committee, in violation of 2 U.S.C. \$ 441a(a).

3. The Congressman Wright Appreciation Committee failed to file Memorandum Schedules A to support \$235,838.84 in joint fundraising proceeds, in violation of 2 U.S.C. \$ 434(b) and 11 C.F.R. \$ 102.17(c)(8)(i)(B).

4. The Majority Congress Committee accepted a total of \$88,500 in excessive contributions, in violation of 2 U.S.C. \$ 441a(f), and accepted \$2,250 in prohibited contributions, in violation of 2 U.S.C. \$ 441b. As set forth above in Part IV, subparagraph 9(a), \$46,750 of the Majority Congress Committee's joint fundraising receipts from political committees and \$2,250 of its receipts from individuals were excess contributions and prohibited contributions, respectively, because they were not reallocated or refunded within sixty days of their receipt. The other \$41,750 is discussed in Part IV, paragraph 10 above.

5. The Majority Congress Committee failed to timely file Memorandum Schedules A to support a \$400,000 transfer-in of joint fundraising proceeds, in violation of 2 U.S.C. § 434(b).

6. The Wright Appreciation Fund accepted and transferred \$9,000 in excessive contributions to the Congressman Wright Appreciation Committee, in violation of 2 U.S.C. \$ 441a(f) and 11 C.F.R. \$ 102.17.

7. The Wright Appreciation Fund accepted and transferred \$2,250 in impermissible contributions to the Majority Congress Committee, in violation of 11 C.F.R. **§** 102.17. The Wright Appreciation Fund also transferred an additional \$45,750 that when allocated pursuant to the joint fundraising agreement resulted in excessive contributions being received by the Majority Congress Committee, in violation of 11 C.F.R. \$ 102.17. Respondents contend that these contributions could have been, and were, reallocated so that the contributions did not exceed the contribution limitations of the Act.

8. The Wright Appreciation Fund failed to file Memorandum Schedules A to support \$119,362.59 in joint fundraising proceeds, in violation of 11 C.F.R. \$ 102.17.

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VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of fifteen thousand dollars (\$15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent Congressman Wright Appreciation Committee will file Memorandum Schedules A to support all joint fundraising proceeds.

3. As described above in Part IV, paragraph 12, Respondent Wright Appreciation Fund will file Memorandum Schedules A to support all joint fundraising receipts.

4. Respondent Majority Congress Committee will refund its allocable share of any currently unrefunded contribution found excessive under this conciliation agreement which Respondent Majority Congress Committee received via joint fundraising from Respondent Congressman Wright Appreciation Fund; and, subsequently, upon payment of all remaining expenses, Respondent Majority Congress Committee will refund all funds remaining in its depository to the Congressman Wright Appreciation Committee.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. \$ 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

- 17 -

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

awrence M. Noble

General Counsel

FOR THE RESPONDENTS:

(Position)

Counsel for Respondents Congressman Wright Appreciation Committee Congressman Wright Appreciation Fund Majority Congress Committee

January 18, 1991 Date

- 18 -



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 2043

s(:)

THIS IS THE END OF MUR # 30/ male 2 3 117

DATE FILMED 2/82/9/ CAMERA NO. 4/ CAMERAMAN A.S.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3/17.

WRIGHT APPRECIATION COMMITTEE

Post Office Box 1413 D Fort Worth, Texas 76101

February 22, 1991

Re: MUR 3117 Congressman Wright Appreciation Conmit Majority Congress Committee 3 Wright Appreciation Fund

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Nals.....

Federal Election Commission Attention: Lawrence M. Noble, General Counsel Washington, D. C. 20463

Dear Mr. Noble:

In compliance with the conciliation agreement, please find attached the following:

- 1. Check in the amount of \$15,000 civil penalty;
- 2. Memorandum Schedules A from Congressman Wright Appreciation Committee covering joint fundraising proceeds from 1989;
- 3. Memorandum Schedules A from Wright Appreciation Fund covering joint fundraising proceeds from 1989;
- 4. Memorandum Schedules A from Majority Congress Committee covering joint fundraising proceeds from 1989;
- 5. Photocopies of check and letter from Majority Congress Committee to Texas Utilities Electric Company PAC refunding excessive contributions in the amount of \$1,750.

We trust that these responses will fulfill the requirements of the Commission and we may now proceed with filing termination notices with the Commission.

Sincerely,

taung Rood Maisane la

Mariorie B. Youngblo Assistant Treasurer

WRIGHT APPRECIATION COMMITTEE

Post Office Box 1413 [] Fort Worth, Texas 76101

Record of Attribution of Receipts of Joint Fundraiser held by Wright Appreciation Fund for period starting 10-20-88 and ending 12-31-89.

	Attribution to Congressman Wright Appreciation Committee	Attribution to Majority Congress Committee	Totals
Contributions received from INDIVIDUALS (11a)	\$ 40,235.00	\$ 33,000.00	\$73,235.00
Contributions received from POLITICAL ACTION COMMITTEES (11c)	95,800.00	15,200.00	111,000.00
Totals	\$ 136,035.00		184,235.00





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Leb. 26, 1991

TWO WAY MEMORANDUM

TO: Fabrae Brunson • GC, Docket

FROM: Philomena Breeks Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from <u>Mappuly</u> <u>(angles)</u> <u>Committe</u>, check number <u>2/9/1</u>, dated <u>100.2/,1997</u>, and in the amount of \$ <u>15,000.00</u>. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks Accounting Technician

FROM: Fabrae Brunson JOB OGC, Docket

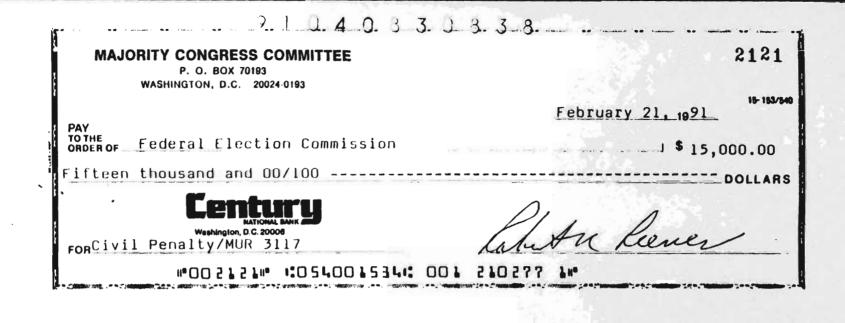
In reference to the above check in the amount of $\frac{5.000}{0.00}$, the MUR number is 3117 and in the name of $\frac{3117}{0.00}$. The account into which it should be deposited is indicated below:

Budget Clearing Account (OGC), 95F3875.16
✓ Civil Penalties Account, 95-1099.160

. Other:

Brunn Signature

2/2/0/9/ Date



APPRECIATION COMMITTEE.	sold or used by any same for the surface	of collection contr	11a
seese, other then using the name and address of any political comm	nities to solicit contributions from such com	mices.	
WRIGHT APPRECIATION FUND	square - "CWAC" denotes Wa & "MCC" denotes Maj	ight Appred ority Cong	ciation Com ress Commit CWAC
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IT. .IZED RECEIPTS

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FOR LINE NUMBER 11c

spass, other then using the name and address of any political committee	and or used by any person for the purper on to solicit contributions from such con	e of soliciting continuities.	ibutiens er fer summ
IAME OF COMMITTEE (In Pull)			
WRIGHT APPRECIATION FUND			(1140 N
A. Full Nome, Mailing Address and ZIP Cade	Name of Employer	Date (menth.	CWAC M
ATLA PAC (Association of Trial Lawyers 1050 - 31st Street, N.W. Washington, D.C. 20007	s of America Political A	4-21-89	5000
	Occupation		
Receipt Fer: X Primery General	PAC	00	- 24
Other (specify): B. Full Name, Mailing Address and ZIP Cade	Aggregate Year-to-Date \$ 5,0		
Auto Dealers & Drivers for Free Trade 153-12 Hillside Avenue Jamaica, New York 11432	the states of	Lee day, year) 4-21-89	Amount of Eat Presipt this Peri 5000
	Occupation		
Receipt For: X Primary General Other (specify):	PAC Aggregate Year-to-Date \$ 5,0	00 00	- TENNS
C. Full Name, Mailing Address and ZIP Cade	Name of Employer	Dete imonth.	
Bass Brothers Enterprises Political Ac 2500 First City Bank Tower		day, year)	Amount of Eac Pressipt this Peri
Fort Worth, Texas 76102	Occupation PAC	4-21-89	10000
Other (specify):	Approprie Year-to-Date \$ 10.	000 00	1
D. Full Name, Mailing Address and ZIP Cade	Name of Employer	Dete tmenth,	Amount of East
3507 Copeland Drive San Antonio, Texas 78219 Receipt For: <u>x</u> Primery <u>x</u> General	Occupation PAC	4-24-89	10000 5
Other (apacify):	Approprie Year-to-Date \$ 15,0	00.00	
E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement Comm 101 Constitution Avenue, N.W.	Neme of Employer Littee	Dete (menth, dey, year)	Amount of Each Placeipt this Pario
Washington, D.C. 20001		5-12-89	5000
	Occupation		
Receipt For: X Primary General	PAC Aggregate Year-to-Date \$ 5,00	0.00	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month,	Amount of Each
Laborers Political League 905 16th Street, N.W. Washington, D.C. 20006	Occupation	day, year) 5-12-89	Peccept this Period
Receipt For: X Primery General	PAC		
Other (specify):	Aggregate Year-to-Date \$ 5,00	0.00	
G. Full Name, Mailing Address and ZIP Code Political Education Fund of the Buildin	Name of Employer g & Construction Trades	Dete (month, Department	Amount of Each Receipt this Period
	· · · · · · · · · · · · · · · · · · ·	- 5-24-89	5000
815 - 16th Street, N.W., Room 603 Washington, D.C. 20006	Occuration		
815 - 16th Street, N.W., Room 603 Washington, D.C. 20006	PAC		
815 - 16th Street, N.W., Room 603 Washington, D.C. 20006 Receipt For: X Primary General		0.00	45000 500

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FOR LINE NUMBER

WRIGHT APPRECIATION FU	UND		CWAC MCC
A. Full Name, Mailing Address and ZIP Cade	Name of Employer	Dete (menth,	Amount of Each Reseipt this Period
American Federation of State, Cou 1625 L Street, N.W.	inty & Municipal Employees (5-17-89	10000 500
Washington, D.C. 20036 Receipt For: X Primery X Gener	Occupation PAC		
Other tapacity):	Aggrupate Year-to-Date >8 1	,000.00	
8. Full Name, Mulling Address and ZIP Code Drexel Burnham Lambert Political	Name of Employer	Dete (menth, . day, year)	Amount of Each Reseipt this Period
2 Broadway New York, N. Y. 10004	Occupation	5-17-89	1000
Receipt For: X Primary Gener			
Other (specify):	Aggregate Vear-to-Date >\$ 1,0	00.00	Land State Birk
C. Full Name, Mulling Address and ZIF Cade SEIU Cope Fund PCC 1313 L Street, N.W.	Name of Employer	Dete (month, day, year)	Amount of Each Receipt this Period
Washington, D.C. 20005	Occupation	5-17-89	1000
Receipt For:	140		
Other (specify):	Approprie Vegr-to-Date >\$ 1,0	the second s	
D. Fell Name, Mailing Address and 21P Code LTV Aerospace & Defense Company A P. O. Box 650003	ctive Citizenship Campaign	Date (month, day, year)	Amount of Each Reseipt this Period
Dallas, Texas 75265-0003	Occupation PAC	6-22-89	7800 200
Other (specify):	Aggregate Year-to-Date >\$	000.00	
	Aggregate Year-to-Date >\$, Name of Employer	000.00 Dete (menth, day, year)	Amount of Each Receipt this Period
	Name of Employer	Dese imenth,	
E. Full Nume, Malling Address and 21P Code	Name of Employer Occupation	Dese imenth,	
E. Full Nume, Malling Address and 21P Code	Name of Employer Occupation	Dese imenth,	
ecolpt For: Primery General	Name of Employer Occupation	Dese imenth,	
Incelpt For: Primary General Other (specify): Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Aggregate Year-to-Date \$	Date (menth, day, year) Date (month,	Receipt this Period Amount of Each
E. Full Name, Mailing Address and ZIP Code Receipt For: Cother (specify): F. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Aggregate Year-to-Date \$ Name of Employer	Date (menth, day, year) Date (month,	Receipt this Period Amount of Each
E. Full Name, Mailing Address and ZIP Code Accelpt For:PrimaryGeneralOther (specify): 5. Full Name, Mailing Address and ZIP Code 5000pt For:PrimaryGeneralOther (specify):	Name of Employer Occupation Aggregate Year-to-Date \$ Name of Employer Occupation	Date (menth, day, year) Date (month,	Receipt this Period Amount of Each
Full Name, Mailing Address and ZIP Code Colipt For: Other (specify): Full Name, Mailing Address and ZIP Code Colipt For: Other (specify): Full Name, Mailing Address and ZIP Code Colipt For: Primary Other (specify): Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Aggregate Year-to-Date Name of Employer Occupation Aggregate Year-to-Date S	Dete (month, day, year) Dete (month, day, year) Dete (month,	Amount of Each Receipt this Period
E. Full Nume, Mailing Address and ZIP Code Receipt For: Primary General Teceipt For: Primary General Receipt For: Primary General Receipt For: Primary General Receipt For: Primary General	Name of Employer Occupation Aggregate Year-to-Date Name of Employer Occupation Aggregate Year-to-Date Name of Employer	Dete (month, day, year) Dete (month, day, year) Dete (month,	Amount of Each Receipt this Period

MEMORANDUM

SCHEDULE A

ITEMIZED RECEIPTS showing receipts from joint fundraiser, transferred from Wright Appreciation Fund to Wright Appreciation Committee

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

PAGE OF 5 1 FOR LINE NUMBER 11a

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

NAME OF COMMITTEE (in Full)

CONGRESSMAN WRIGHT APPRECIATION COMMITTEE

A. Full Name, Mailing Address and Zif Cade Eugene Miller	Nome of Employer Information requested [not received]	Date (month. day, year) 3-22-89	Amount of Each Receipt this Perio 2,000.00
Receipt For: X Primary X Genera		0.00	
Other (specify):	Aggregete Yeer-to-Date >\$ 2,00		
 B. Full Name, Mailing Address and ZIP Code Bencion Neiss 702 Avenue P Brooklyn, New York 11223 	Name of Employer Information requested [not received]	Dete (month, day, year) 3-22-89	Amount of Each Receipt this Period 2,000,00
Receipt For: X Primery X Genera			
Other (specify):	Aggregate Year-to-Date >\$ 2,00	0.00	
C. Full Name, Mailing Address and ZIP Code Mrs. Bencion Neiss 702 Avenue P Brooklyn, New York 11223	Name of Employer NA	Dete (month, day, year) 3-22-89	Amount of Each Receipt this Perio 2,000.00
	Occupation	1. 22	
Receipt For: X Primary X General Other (specify):		00.00	
D. Full Name, Mailing Address and ZIP Code		1	
Deborah Neiss 702 Avenue P	Name of Employer NA	Date (month, day, year)	Amount of Each Receipt this Perio
Brooklyn, New York 11223		3-22-89	2,000.00
Receipt For: X General X General			
Other (specify):	Aggregate Year-to-Date \$ 2,00	00.00	
E. Full Name, Mailing Address and ZIP Code Charles Neiss 702 Avenue P Brooklyn, New York 11223	Name of Employer Information requested [not received]	Date (month, day, year) 3-22-89	Amount of Each Receipt this Period
Receipt For: X Primary X Genera	Occupation		
Other (specify):	Aggregate Year-to-Date \$ 2,00	0.00	
F. Full Name, Mailing Address and ZIP Code David Steiner	Neme of Employer Information requested	Date (month, day, year)	Amount of Each Receipt this Period
Llewwllyn Park West Orange, New Jersey 07052	[not received]	3-22-89	1,000.00
Receipt For: X Primary General			
Other (specify):	Aggregate Year-to-Date >\$ 1,00	0.00	
G. Full Name, Mailing Address and ZIP Code Gene Wood	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
2501 Ridgmar Plaza Fort Worth, Texas 76116		3-22-89	1,000.00
Receipt For: X Primary X General Other (specify):	Occupation Orthodontist Aggregate Year-to-Date \$ 1,20	0.00	
			12,000.00

ITEMIZED RECEIPTS

Use separate schedule (s) for each category of the Deteiled Summary Page PAGE OF 2 5 FOR LINE NUMBER 11a

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. NAME OF COMMITTEE (In Full) CONGRESSMAN WRIGHT APPRECIATION COMMITTEE A. Full Name, Mailing Address and ZIP Code Name of Employer Date (month, Amount of Each day, year) Receipt this Period Vernon A. Clark Vern Clark & Associates 555 New Jersey Avenue, N.W., #255 Washington, D.C. 20001 3-28-89 1.000.00 Occupation X Primary President Receipt For: General Other (specify): Aggregate Year-to-Date >\$ 1.000.00 B. Full Name, Mailing Address and ZIP Code Neme of Employer Date (month, Amount of Each Receipt this Period day, year) NA Elaine J. Clark 555 New Jersey Avenue, N.W., #255 3-28-89 1,000.00 Washington, D.C. 20001 Occupation x Primary Receipt For: General Housewife Other (specify): Aggregate Year-to-Date >\$ 1,000.00 C. Full Name, Mailing Address and ZIP Code Name of Employer Date (month, Amount of Each dey, year) Receipt this Period Jordan A. Goldman Information requested [not received] 1627 Eye Street, N.W. 3-28-89 1.000.00 Washington, D.C. 20006 Occupation Receipt For: X Primary General Other (specify): Aggregate Year-to-Date >\$ 1,000.00 D. Full Name, Mailing Address and ZIP Code Name of Employer Date (month, Amount of Each day, year) Receipt this Period Eric B. Furman NA 1620 Carleton Avenue 4-21-89 100.00 Fort Worth, Texas 76107 Occupation Receipt For: x Primery General Other (specify): Aggregate Year-to-Date >\$ 100.00 E. Full Name, Mailing Address and ZIP Code Name of Employer Date (month, Amount of Each day, year) Receipt this Period Dawn Friedkin NA 7267 Mandarin Drive Boca Raton, Florida 33431 3-21-89 1,000.00 Occupation x Primary **Receipt For:** General Housewife Other (specify): Aggregate Year-to-Dule > \$ 1,000.00 F. Full Name, Mailing Address and ZIP Code Name of Employer Date (month, Amount of Each B. J. Gottstein J.B. Gottstein Company Receipt this Period day, year) 6411 A Street 4-21-89 1,000.00 Anchorage, Alaska 95518 Occupation X Primary President **Receipt For:** General Other (specify): 1,000.00 Aggregate Year-to-Date >\$ G. Full Name, Mailing Address and ZIP Code Name of Employer Date (month Amount of Each House of Representatives Receipt this Period Berman for Congress 291 South La Cienega Boulevard, Suite 212 4-21-89 2.000.00 Beverly Hills, California 90211 Occupation X Primary x General **Receipt For:** Member of Congress Other (specify): Aggregate Yeer-to-Date >\$ 2,000.00 SUBTOTAL of Receipts This Page (optional) 7,100.00 TOTAL This Period (last page this line number only)

ITEMIZED RECEIPTS

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

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PAGE 5 FOR LINE NUMBER 11a

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	MITTEE	1	T
A. Full Name, Mailing Address and ZIP Code Mel Levine for Congress 291 South La Cienega Boulevard, S Beverly Hills, California 90211	Name of Employer U.S. House of Represenuite 212	Dete (month, day year) tatives 4-21-89	Amount of Each Receipt this Perio 2,000.00
	Occupation		2,000.00
Receipt For: X Primery X General Other (specify):	Member of Congress	00.00	4
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month,	Amount of Each
Congressman Waxman Campaign Commi 360 South Kenmore Avenue, #306			Receipt this Perio
Los Angeles, California 90020		4-21-89	2,000.00
Receipt For: v Primary v Genera	Occupation		
Receipt For: X Primary X General Other (specify):	MEMORI DI LUMPIESS	00.00 -	20-3- 30
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month,	Amount of Each
Perry R. Bass First City Bank Tower	Bass Brothers Enterpr	day, year) Ises	Receipt this Perio
Fort Worth, Texas 76102		4-21-89	2,000.00
Receipt For: X Primary X Genera	Occupation		
Other (specify):	000	00.00	
D. Full Name, Mailing Address and ZIP Code Nancy Lee Bass First City Bank Tower	Name of Employer NA	Date (month, day, year)	Amount of Each Receipt this Period
Fort Worth, Texas 76102	Occupation	4-21-89	2,000.00
Receipt For: X Primary X General	Housewife		
E. Full Name, Mailing Address and ZIP Code	Aggregate Year-to-Date \$ 2,00	Date (month,	Amount of Each
Marshall Brachman 3840 Bellaire Circle	Computerized Business Systems	day, year)	Receipt this Period
Fort Worth, Texas 76109	Occupation	4-21-89	2,000.00
Receipt For: X Primary X General			
Other (specify):		0.00	
F. Full Name, Mailing Address and ZIP Code Dee J. Kelly 2500 First City Bank Tower	Name of Employer Kelly, Hart & Hallman	Date (month, day, year)	Amount of Each Receipt this Period
Fort Worth, Texas 76102	Operation	4-21-89	1,800.00
Receipt For: X Primary X General	Attorney	1	
Other (specify):		0.00	
G. Full Name, Mailing Address and ZIP Code Janice Kelly	Name of Employer NA	Date (month, day, year)	Amount of Each Receipt this Period
2500 First City Bank Tower Fort Worth, Texas 76102		4-21-89	200.00
	Occupation		
	Housewife		
Receipt For: X Primary General	Aggregate Year-to-Date >\$ 200.		

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ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page PAGE OF 4 5 FOR LINE NUMBER 11a

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NAME OF COMMITTEE (in Full)

CONGRESSMAN WRIGHT APPRECIATION COMMITTEE

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Dete (month,	Amount of Each Receipt this Perio
Henry Stuart 4505 Claire Chennault	Addison Airport	dey, year)	hacapt this Perio
Dallas, Texas 75248	Occupation	4-21-89	1,800.00
Recaipt For: X Primary X General	CEO		
Other (specify):	Aggregate Year-to-Date >\$ 2.00	0.00	
B. Full Name, Mailing Address and ZIP Code "	Name of Employer	Date (month,	Amount of Each
Mrs. Henry Stuart 4505 Claire Chennault Dallas, Texas 75248	NA	dey, year) - 4-21-89	Receipt this Period 200.00
Receipt For: X Primary General	Housewife	Construction of the	
Other (specify):	Aggregate Year-to-Date >\$ 200.	00	a second second
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month,	Amount of Each
William Head	NA	dey, year)	Receipt this Period
3012 Pheonix Drive		c 10 00	25 00
Fort Worth, Texas 76116	Occupation	5-12-89	35.00
Receipt For: X Primary General	at a second s	1	
Other (specify):	Aggregate Year-to-Date >\$ 35.0	and the second se	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. C. Long	General Dynamics		
P. O. Box 1214			
Fort Worth, Texas 76101	Occupation	5-12-89	100.00
Receipt For: X Primary General	Executive		
Other (specify):	Aggregate Year-to-Date >\$ 100.	00	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month,	Amount of Each
Thomas W. Harvey	Information requested	day, year)	Receipt this Period
4110 Thornapple Street	[not received]		
Chevy Chase, Maryland 20815		5-24-89	1,000.00
	Occupation	5 24 05	1,000,000
Receipt For: X Primary General General	Agreements Manual Data		
	Aggregete Year-to-Date \$ 1,00		Amount of Fact
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Edward P. Bass	Edward Bass Company]	
3100 First City Bank Tower		5 17 00	2 000 00
Fort Worth, Texas 76102,	Occupation	5-17-89	2,000.00
Receipt For: X Primery X General	President		
Other (specify):	Aggregate Year-to-Date \$ 2,00	0.00	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Bernard Rapoport	American Income Life		
P. O. Box 2608 Waco, Texas 76797	Insurance Company	5-17-89	2,000.00
wacu, 12xa5 /0/7/	Occupation		
Receipt For: X Primary X General	President & CEO		
Other (specify):	Aggregate Year-to-Date >\$ 2,00	0.00	
		\sim	7,135.00
AL of Receipts This Page (optional)			

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ITEMIZED RECEIPTS

Use separate schedule(s) for each astegory of the Detailed Summary Page PAGE OF 5 5 FOR LINE NUMBER 11a

A. Full Name, Mailing Address and Audre Rapoport	ZIP Code	Name of Employer NA	Date (month, day, year)	Amount of Each Receipt this Period
P. O. Box 2608 Waco, Texas 76797		NA	5-17-89	2,000.00
Receipt For: X Pri	mary X General	Occupation Housew1fe		-,
Other (specify):		Aggregete Yeer-to-Dete \$	2,000.00	Section .
B. Full Name, Mailing Address and	ZIP Code	Name of Employer	Dete (month, dey, year)	Amount of Each Receipt this Period
Receipt For: Prin	nary General	Occupation		20 M
Other (specify):		Aggregate Year-to-Date >\$		
C. Full Name, Mailing Address and	ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: Prin	nary General	Occupation		
Other (specify):		Aggregate Year-to-Date \$		
D. Full Name, Mailing Address and	ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: Prin	nary General	Occupation		
Other (specify):		Aggregate Year-to-Date >\$		
E. Full Name, Mailing Address and J	Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: Prim		Occupation		
Other (specify):	General	Aggregate Year-to-Date \$		
F. Full Name, Mailing Address and 2	CiP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: Prim	ary General	Occupation		
Other (specify):		Aggregate Year-to-Date \$		
G. Full Name, Mailing Address and 2	IP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
<u>.</u>		Occupation		
Receipt For: Prim	arv General			

SCHEDULE A

ITEMIZED RECEIPTS

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

PAGE OF 1 3 FOR LINE NUMBER 11c

Coastal Employee Action Fund	Neme of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Nine Greenway Plaza Houston, Texas 77046		3-22-89	10,000.00
Receipt For: X Primary X Gene			
Other (specify):		10.000.00	
 B. Full Name, Mailing Address and ZiP Code KidsPAC, Inc. 80 Trowbridge Street Cambridge, Massachusetts 02138 	Neme of Employer	Date (month, day, year) 3-22-89	Amount of Each Receipt this Period
	Occupation		
Receipt For: X Primery Gene Other (specify):	LAV		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	000_00 Date (month,	Amount of Each
Transamerica Life Companies Polit: 1150 South Olive No. T 2500	ical Action Committee	day, year)	Receipt this Period
Los Angeles, California 90015		3-22-89	2,000.00
	Occupation		
Receipt For: x Primery Gener	140		1.1
D. Full Name, Mailing Address and ZIP Code	Name of Employer	2.000.00 Date (month,	Amount of Each
Responsible Citizens Political Lea 3 Research Place Rockville, Maryland 20850		day, year) 3-24-89	Receipt this Period
Receipt For: X Primary Gener	Occupation rel PAC		
Other (specify):		2.000.00	
E. Full Name, Mailing Address and ZIP Code AFGE Political Action Committee 80 F Street, N.W.	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation	3-28-89	1,000.00
washington, D.C. 20001	al PAC		
Receipt For: X Primary Gener		1,000.00	
Receipt For: X Primary Gener Other (specify):	Aggregate Yeer-to-Date >\$]	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: x Primary Gener Other (specify): F. Full Name, Mailing Address and ZIP Code Commodity Futures Political Fund	Aggregate Year-to-Date \$] Name of Employer		
		3-28-89 3-28-89	5,000.00 5,000.00
Receipt For: x Primary Gener Other (specify): F. Full Name, Mailing Address and ZIP Code Commodity Futures Political Fund 30 South Wacker Street Chicago, Illinois 60606	Name of Employer		•
Receipt For: x Primary Gener Other (specify): F. Full Name, Mailing Address and ZIP Code Commodity Futures Political Fund 30 South Wacker Street Chicago, Illinois 60606 Receipt For: x Primary X Gener	Occupation PAC	3-28-89	
Receipt For: x Primary Gener Other (specify): F. Full Name, Mailing Address and ZIP Code Commodity Futures Political Fund 30 South Wacker Street Chicago, Illinois 60606 Receipt For: x Primary x Gener Other (specify):	Occupation PAC Aggregate Year-to-Date S	3-28-89	5,000.00
Receipt For: x Primary Gener Other (specify): F. Full Name, Mailing Address and ZIP Code Commodity Futures Political Fund 30 South Wacker Street Chicago, Illinois 60606 Receipt For: x Primary x Gener Other (specify): 3. Full Name, Mailing Address and ZIP Code RJR Political Action Committee	Occupation PAC Aggregate Year-to-Date \$ 1 Name of Employer	3-28-89	•
Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Commodity Futures Political Fund 30 South Wacker Street Chicago, Illinois 60606 Receipt For: Other (specify): 3. Full Name, Mailing Address and ZIP Code RJR Political Action Committee 1455 Pennsylvania Avenue NW, Suite	Occupation PAC Aggregate Year-to-Date \$ 1 Name of Employer	3-28-89	5,000.00 Amount of Each Receipt this Period
Receipt For: x Primary Gener Other (specify): F. Full Name, Mailing Address and ZIP Code Commodity Futures Political Fund 30 South Wacker Street Chicago, Illinois 60606 Receipt For: x Primary x Gener Other (specify): 3. Full Name, Mailing Address and ZIP Code RJR Political Action Committee 1455 Pennsylvania Avenue NW, Suite Washington, D.C. 20004	Name of Employer Occupation PAC Aggregate Year-to-Date \$ 1 Name of Employer 525 Occupation	3-28-89	5,000.00
Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Commodity Futures Political Fund 30 South Wacker Street Chicago, Illinois 60606 Receipt For: Other (specify): 3. Full Name, Mailing Address and ZIP Code RJR Political Action Committee 1455 Pennsylvania Avenue NW, Suite	Name of Employer Occupation PAC Aggregate Year-to-Date \$] Name of Employer 525 Occupation PAC	3-28-89	5,000.00 Amount of Each Receipt this Period

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ITEMIZED RECEIPTS

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NAME OF COMMITTEE (in Full)

CONGRESSMAN WRIGHT APPRECIATION COMMITTEE

ATLA PAC (Association of Trial Lawy	vers of America Political	Dete (month, dev, year)	Amount of Each Receipt this Period
Action Committee) 1050 - 31st Street, N.W.		4-21-89	5,000.00
Washington, D. C. 20007 Receipt For: x Primary General	Occupation PAC		
Other (specify):	Aggregete Year-to-Date \$ 5,0	00.00	
B. Full Name, Mailing Address and ZIP Code	Neme of Employer	Date (month,	Amount of Each
Auto Dealers & Drivers for Free Tra 153-12 Hillside Avenue Jamaica, New Y9rk 11432		ee dev, veer) 4-21-89	Receipt this Period 5 ,000 . 0
	Occupation		
Receipt For: x Primary Genera	1110	20.00	
Other (specify):	Aggregete Year-to-Dete >\$ 5,0		
C. Full Name, Mailing Address and ZIP Code Bass Brothers Enterprises Political 2500 First City Bank Tower	Action Committee	Date (month, day, year)	Amount of Each Receipt this Period
Fort Worth, Texas 76102		4-21-89	10,000.00
	Occupation	1.1.1.1.1.1	
Receipt For: x Primary x General		1.000	
Other (specify):		000.00	
D. Full Name, Mailing Address and ZIP Code The Political Action Committee of S 3507 Copeland Drive	Name of Employer Sherwood Van Lines	Date (month, day, year)	Amount of Each Receipt this Period
San Antonio, Texas 78219	Occupation	4-24-89	10,000.0
Receipt For: X Primary X General	PAC		
		The second s	ł
Other (specify):	Aggregate Year-to-Date >\$ 10,	000.00	
Other (specify): E. Full Name, Mailing Address and ZIP Code	Aggregate Year-to-Date >\$ 10, Name of Employer	000.00 Date (month, day, year)	Amount of Each Receipt this Perioc
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement	Aggregate Year-to-Date >\$ 10, Name of Employer Committee	Date (month,	Receipt this Period
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001	Aggregate Year-to-Date >\$ 10, Name of Employer Committee Occupation	Date (month, day, year)	Receipt this Period
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: <u>x</u> Primary General	Aggregate Year-to-Date >\$ 10, Name of Employer Committee Occupation PAC	Date (month, day, year) 5-12-89	Receipt this Period
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): Other (specify):	Aggregate Year-to-Date \$ 10, Name of Employer Committee Occupation PAC Aggregate Year-to-Date \$ 5,0	Date (month, day, year) 5-12-89	Receipt this Period
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Laborers Political League	Aggregate Year-to-Date >\$ 10, Name of Employer Committee Occupation PAC	Date (month, day, year) 5-12-89	Amount of Each Receipt this Period 5,000.00 Amount of Each Receipt this Period
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Laborers Political League 905 - 16th Street, N.W.	Aggregate Year-to-Date \$ 10, Name of Employer Committee Occupation PAC Aggregate Year-to-Date \$ 5,0	Date (month, day, year) 5-12-89 000.00 Date (month,	Receipt this Period
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Laborers Political League	Aggregate Year-to-Date \$ 10, Name of Employer Committee Occupation PAC Aggregate Year-to-Date \$ 5,0	Date (month, day, year) 5-12-89 000.00 Date (month, day, year)	Receipt this Period 5,000.00 Amount of Each Receipt this Period
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Laborers Political League 905 - 16th Street, N.W. Washington, D. C. 20006	Aggregate Year-to-Date \$ 10, Name of Employer Committee Occupation PAC Aggregate Year-to-Date \$ 5,0 Name of Employer Occupation PAC	Date (month, day, year) 5-12-89 000.00 Date (month, day, year) 5-12-89	Receipt this Period 5,000.00 Amount of Each Receipt this Period
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Laborers Political League 905 - 16th Street, N.W. Washington, D. C. 20006	Aggregate Year-to-Date \$ 10, Name of Employer Committee Occupation PAC Aggregate Year-to-Date \$ 5,0 Name of Employer Occupation PAC	Date (month, day, year) 5-12-89 000.00 Date (month, day, year)	Receipt this Period 5,000.00 Amount of Each Receipt this Period
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Laborers Political League 905 - 16th Street, N.W. Washington, D. C. 20006 Receipt For: Other (specify): G. Full Name, Mailing Address and ZIP Code Political Education Fund of the Bui	Aggregate Year-to-Date \$ 10, Name of Employer \$ 10, Committee \$ 5,0 Occupation \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0 Occupation \$ 5,0 Occupation \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0	Date (month, day, year) 5-12-89 000.00 Date (month, day, year) 5-12-89 000.00 Date (month,	Receipt this Period 5,000.0 Amount of Each Receipt this Period 5,000.0 Amount of Each
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Laborers Political League 905 - 16th Street, N.W. Washington, D. C. 20006 Receipt For: Other (specify): G. Full Name, Mailing Address and ZIP Code Political Education Fund of the Bui Department	Aggregate Year-to-Date \$ 10, Name of Employer \$ 10, Committee \$ 5,0 Occupation \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0 Occupation \$ 5,0 Occupation \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0	Date (month, day, year) 5-12-89 000.00 Date (month, day, year) 5-12-89 000.00 Date (month,	Receipt this Period 5,000.0 Amount of Each Receipt this Period 5,000.0 Amount of Each
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Laborers Political League 905 - 16th Street, N.W. Washington, D. C. 20006 Receipt For: Other (specify): G. Full Name, Mailing Address and ZIP Code Political Education Fund of the Bui Department 815 - 16th Street, N.W. Room 603	Aggregate Year-to-Date \$ 10, Name of Employer \$ 10, Committee \$ 5,0 Occupation \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0 Occupation \$ 5,0 Occupation \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0	Date (month, day, year) 5-12-89 000.00 Date (month, day, year) 5-12-89 000.00 Date (month,	Receipt this Period 5,000.01 Amount of Each Receipt this Period 5,000.0
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Laborers Political League 905 - 16th Street, N.W. Washington, D. C. 20006 Receipt For: Other (specify): G. Full Name, Mailing Address and ZIP Code Political Education Fund of the Bui Department 815 - 16th Street, N.W. Room 603 Washington, D.C. 20006	Aggregate Year-to-Date \$ 10, Name of Employer Committee Occupation PAC Aggregate Year-to-Date \$ 5,0 Name of Employer Occupation PAC Aggregate Year-to-Date \$ 5,0 Name of Employer ilding & Construction Trades Occupation	Date (month, day, year) 5-12-89 000.00 Date (month, day, year) 5-12-89 000.00 Date (month, day, year)	Receipt this Period 5,000.0 Amount of Each Receipt this Period 5,000.0 Amount of Each Receipt this Period
Other (specify): E. Full Name, Mailing Address and ZIP Code Carpenters Legislative Improvement 101 Constitution Avenue, N.W. Washington, D.C. 20001 Receipt For: Other (specify): F. Full Name, Mailing Address and ZIP Code Laborers Political League 905 - 16th Street, N.W. Washington, D. C. 20006 Receipt For: Other (specify): General Other (specify): G. Full Name, Mailing Address and ZIP Code Political Education Fund of the Bui Department 815 - 16th Street, N.W. Room 603 Washington, D.C. 20006	Aggregate Year-to-Date \$ 10, Name of Employer \$ 10, Committee \$ 10, Occupation PAC Aggregate Year-to-Date \$ 5,0 Name of Employer \$ 5,0 Occupation PAC Aggregate Year-to-Date \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0 Name of Employer \$ 5,0 Occupation \$ 5,0 Name of Employer \$ 5,0 Occupation \$ 5,0 Name of Employer \$ 5,0 Occupation \$ 7,0	Date (month, day, year) 5-12-89 000.00 Date (month, day, year) 5-12-89 000.00 Date (month, day, year)	Receipt this Period 5,000.0 Amount of Each Receipt this Period 5,000.0 Amount of Each Receipt this Period

MEHORANDUM SCHEDULE A

ITEMIZED RECEIPTS

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

PAGE OF 3 3 FOR LINE NUMBER 11c

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	Address and ZIP Cod		Name of Employer	Date (month, day, year)	Amount of Each Receipt this Perio
American Fede (PEOPLE)	eration of Sta	ite, County &	Municipal Employees	Gey, year,	The start this Peric
1625 - L Stre	et. N.W.		A Start Start Start	5-17-89	10,000.0
Washington, I	D.C. 20036		Occupation		
Receipt For: Other (spi	X Primary	30 General	PAC Aggregate Year-to-Date >\$ 10	.000.00	
	Address and ZIP Code		Neme of Employer	Date (month,	Amount of Each
Drexel Burnha	am Lambert Pol	litical Actio		day, year)	Receipt this Perio
2 Broadway	10004			5-17-89	1,000.0
New York, N.	1. 10004		Occupation	_	200 L (A
Receipt For:	2 Primary	General	PAC	000 00	
Other (spe				000.00	A
SEIU Cope Fun	Address and ZIP Code		Name of Employer	Date (month, day, year)	Amount of Each Receipt this Perio
1313 L Street					
Washington, D			Occupation	5-17-89	1,000.0
Receipt For:	X Primary	General	PAC	A 1987	
Other (spe				00.00	
D. Full Name, Mailing	Address and ZID Code		Name of Employer	Date (month,	Amount of Each
LTV Aerospace	& Defense Co		Citizenship Campaign	day, year)	
LTV Aerospace P. O. Box 650	& Defense Co 1003				Receipt this Perio
LTV Aerospace P. O. Box 650 Dallas, Texas	e & Defense Co 0003 ; 75265-0003			day, year)	Receipt this Perio
LTV Aerospace P. O. Box 650 Dallas, Texas Receipt For:	e & Defense Co 0003 5 75265-0003 		Citizenship Campaign Occupation PAC	day, year) 6-22-89	Receipt this Perio
LTV Aerospace P. O. Box 650 Dallas, Texas Receipt For: Other (spe	e & Defense Co 1003 5 75265-0003 Primery city):	mpany Active	Citizenship Campaign Occupation PAC Aggregate Year-to-Date >\$ 10,	day, year) 6-22-89	Receipt this Perio
LTV Aerospace P. O. Box 650 Dallas, Texas Receipt For: Other (spe	e & Defense Co 0003 5 75265-0003 	mpany Active	Citizenship Campaign Occupation PAC	day, year) 6-22-89	Receipt this Perio 7,800.0 Amount of Each
LTV Aerospace P. O. Box 650 Dallas, Texas Receipt For: Other (spe	e & Defense Co 1003 5 75265-0003 Primery city):	mpany Active	Citizenship Campaign Occupation PAC Aggregate Year-to-Date >\$ 10, Name of Employer	day, year) 6-22-89 ,000.00 Date (month,	Receipt this Perio
LTV Aerospace P. O. Box 650 Dallas, Texas Receipt For: Other (spe E. Full Name, Mailing Receipt For:	Address and ZIP Code	mpany Active	Citizenship Campaign Occupation PAC Aggregate Year-to-Date >\$ 10, Name of Employer Occupation	day, year) 6-22-89 ,000.00 Date (month,	Receipt this Perio 7,800.0 Amount of Each
LTV Aerospace P. O. Box 650 Dallas, Texas Receipt For: Other (spe E. Full Name, Mailing Receipt For: Other (spe	Address and ZIP Code	mpany Active	Citizenship Campaign Occupation PAC Aggregate Year-to-Date >\$ 10, Name of Employer Occupation Aggregate Year-to-Date >\$	day, year) 6-22-89 ,000.00 Date (month, day, year)	Receipt this Perio 7,800.0 Amount of Each Receipt this Perio
LTV Aerospace P. O. Box 650 Dallas, Texas Receipt For: Other (spe E. Full Name, Mailing Receipt For:	Address and ZIP Code	mpany Active	Citizenship Campaign Occupation PAC Aggregate Year-to-Date >\$ 10, Name of Employer Occupation	day, year) 6-22-89 ,000.00 Date (month,	Receipt this Perio 7,800.0 Amount of Each Receipt this Perio Amount of Each
LTV Aerospace P. O. Box 650 Dallas, Texas Receipt For: Other (spe E. Full Name, Mailing Receipt For: Other (spe	Address and ZIP Code	mpany Active	Citizenship Campaign Occupation PAC Aggregate Year-to-Date >\$ 10, Name of Employer Occupation Aggregate Year-to-Date >\$	day, year) 6-22-89 ,000.00 Date (month, day, year) Date (month,	Receipt this Perio 7,800.0 Amount of Each Receipt this Perio Amount of Each
LTV Aerospace P. O. Box 650 Dallas, Texas Receipt For: Other (spe E. Full Name, Mailing Receipt For: Other (spe F. Full Name, Mailing	& Defense Co 003 75265-0003 <mark> Primary</mark> cify): Address and ZIP Code Cify): Address and ZIP Code	mpany Active	Citizenship Campaign Occupation PAC Aggregate Year-to-Date >\$ 10, Name of Employer Occupation Aggregate Year-to-Date >\$	day, year) 6-22-89 ,000.00 Date (month, day, year) Date (month,	Receipt this Perio 7,800.0 Amount of Each Receipt this Perio Amount of Each
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SCHEDULE A

. (EMIZED RECEIPTS

showing attribution of joint fundraising contributions by Wright Appreciation Fund to Majority Congress Committee

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

PAGE OF 1 2 FOR LINE NUMBER 11a

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

NAME OF COMMITTEE (In Full)

MAJORITY CONGRESS COMMITTEE

A. Full Name, Mailing Address and ZIP Code Berman for Congress 291 S. La Cienega Boulevard, Suite 212 Beverly Hills, California 90211	Name of Employer House of Representati	Dete (month, ves dev, year) 4-21-89	Amount of Each Receipt this Perio
Receipt For: Primary General Other (specify):	Occupation Member of Congress Aggregate Year-to-Date > \$ 1,0	00.00	
B. Full Name, Mailing Address and ZIP Code Mel Levine for Congress 291 S. La Cienega Blvd, Suite 212	Name of Employer House of Representati	Date (month,	Amount of Each Receipt this Perio
Beverly Hills, California 90211 Receipt For: Primary General	Occupation Member of Congress		1,000.0
Other (specify):	Aggregate Year-to-Date \$ 1,0	00.00	
C. Full Name, Mailing Address and ZIP Code Congressman Waxman Campaign Committee 360 South Kenmore Avenue, #306	Name of Employer House of Representati	Dete (month, Ves day, year)	Amount of Each Receipt this Perio
Los Angeles, California 90020	Occupation	4-21-89	1,000.0
Receipt For: Primery General	Member of Congress	1	
Other (specify):	Aggregate Year-to-Date \$ 1,0		
D. Full Name, Meiling Address and ZIP Code Perry R. Bass First City Bank Tower	Name of Employer Bass Brothers Enter- prises	Date (month, day, year)	Amount of Each Receipt this Perio
Fort Worth, Texas 76102	Occupation	4-21-89	5,000.0
Receipt For: Primary General Other (specify):	CEO Aggregate Year-to-Date \$ 5,0	00.00	
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Nancy Lee Bass First City Bank Tower	NA	dey, year)	Receipt this Period
Fort Worth, Texas 76102 Receipt For: Primary General	Occupation Housewife	4-21-89	5,000.0
Other (specify):	Aggregate Year-to-Date \$ 5,0	00.00	
F. Full Name, Mailing Address and ZIP Code Henry Stuart 4505 Claire Chennault	Name of Employer Addison Airport	Dete (month, day, year)	Amount of Each Receipt this Period
Dallas, Texas 75248	Occupation	4-21-89	5,001.0
Receipt For: Primary General	CEO		
Other (specify):		00.00	
G. Full Name, Mailing Address and ZIP Code Edward P. Bass 3100 First City Bank Tower	Neme of Employer Edward Bass Company	Date (month, day, year)	Amount of Each Receipt this Period
Fort Worth, Texas 76102	Occupation	5-17-89	5,000.0
Receipt For: Primary General	President		
Other (specify):	Appregate Year-to-Date >\$ 5,0	00.00	
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SCHEDULE A

. TEMIZED RECEIPTS

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

PAGE 2 OF 2 FOR LINE NUMBER 11a

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. NAME OF COMMITTEE (in Full) MAJORITY CONGRESS COMMITTEE A. Full Name, Mailing Address and ZIP Code Name of Employer Date (month, Amount of Each

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Bernard Rapoport P. O. Box 2608 Waco, Texas 76797	American Income Life Insurance Company	dev, yeer) 5-17-89	Receipt this Peri
Receipt For: Primary General	Occupation President & CEO		
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PAGE OF 1 FOR LINE NUMBEP 11c

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MAJORITY CONGRESS COMMITTEE

14770 Maiden Court Addison, Texas 75240 214/230-7688

February 21, 1991

Texas Utilities Electric Company PAC 2001 Bryan Tower, 19th Floor Dallas, Texas 75201

Dear Sir,

We have been instructed by the Federal Election Commission to refund \$1,750 to your PAC which represents an excessive contribution over the allowable limit of \$5,000. Contributions were made to our Joint Fundraiser (Congressman Wright Appreciation Committee and the Majority Congress Committee) in November 1987 by your three affiliated political committees. The amount we allocated to the Majority Congress Committee was in excess of the allowable limit and as a result we are enclosing a refund check in the amount of \$1,750.

Your PAC contributions were as follows:

TESCO Division of Texas Utilities Electric Company PAC - \$5,000

Texas Utilities Company, Texas Utilities Electric - \$2,000 Company & Service Companies Energy Employees PAC

Texas Utilities Electric Company TUGCO Division PAC - \$2,000

Sincerely yours,

Reines

Robert N. Reeves Treasurer

Enclosure

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	MAJORITY CONGRESS COMMITTEE	2122
	MAJORITY CONGRESS COMMITTEE P. O. BOX 70193 WASHINGTON, D.C. 20024-0193	
3	P. O. BOX 70193 WASHINGTON, D.C. 20024-0193	15-153/540
<u> </u>	P. O. BOX 70193 WASHINGTON, D.C. 20024-0193 February 21, 1991	15-153/540
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PAY TO THE ORDER OF Congressman Wright Appreciation Committee	\$ 1,216.77
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FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

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THE FOLLOWING DOCUMENTATION IS ADDED TO THE PUBLIC RECORD IN CLOSED MUR 3117. 6/30/93

The attached documents were generated in MUR 3010, which ultimately was merged into MUR 3117.



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

September 11, 1989

MEMORANDUM

TO:

LAWRENCE M. NOBLE GENERAL COUNSEL JOHN C. SURINA

STAFF DIRECTOR

THROUGH:

PROM:

JOHN D. GIBSON/07 ASSISTANT STAFF DIRECTOR REPORTS ANALYSIS DIVISION

SUBJECT:

REFERRAL OF THE CONGRESSMAN WRIGHT APPRECIATION COMMITTEE

The Congressman Wright Appreciation Committee ("the PCC") has accepted and refunded apparent excessive contributions totalling \$9,000 during calendar year 1988 from three (3) principal campaign committees. All of the apparent excessive contributions were refunded more than sixty (60) days after the date of receipt. According to the 1987-1988 Reports Analysis Division Review and Referral Procedures for Authorized Committees (Standard 3), this matter requires further examination by your office.

In addition, none of the contributing principal campaign committees meet the threshold for referral to your office.

The following information should help you when reviewing this referral and the companion referral of the Majority Congress Committee ("the PAC") (see RAD Referral \$89L-36b). The PAC is affiliated with the Wright Appreciation Fund ("the Fundraiser"), a joint fundraising committee which is also affiliated with the PCC. Based on a review of the Fundraiser's reports, the contributions did not appear to be excessive at the time of their receipt by the Fundraiser. The apparent excessive contributions resulted when the Fundraiser allocated the contributions and transferred the proceeds to the PAC and PCC.

The apparent excessive contributions were refunded by the PCC directly to the principal campaign committees. It does not appear that the PCC transferred the apparent excessive contributions to the Fundraiser in order for the refunds to be made by the Fundraiser. In addition, the PCC and the PAC have reported certain transactions on their 1989 Reports that may be in violation of 2 U.S.C. §441a(a). The following is a summary of these transactions:

January 25, 1989 - PAC reports the transfer of \$46,750 to the Fundraiser January 31, 1989 - PCC reports the transfer of \$46,338.84 from the Fundraiser February 1, 1989 - PCC then reports the transfer of \$46,750 back to the PAC

Please note that the PAC has been notified of this possible excessive contribution; however, as of this date, the PCC has not been notified.

If you have any questions regarding this matter, please contact Linda Tangney at 376-2480.

Attachment

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: September 11, 1989

89L-36a

ANALYST: Linda Tangney

I. COMMITTEE:

Congressman Wright Appreciation Committee (C00012427) Henry Kerry, Treasurer P.O. Box 1413 Fort Worth, TX 76101

II. RELEVANT STATUTE:

2 U.S.C. §441a(f) 11 CFR 110.1(b)

III. BACKGROUND:

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Or.

Acceptance of Apparent Excessive Contributions

The Congressman Wright Appreciation Committee ("the PCC") has disclosed the receipt of apparent excessive contributions, totalling \$9,000, from three (3) principal campaign committees during calendar year 1988.

On November 11, 1988, the PCC submitted a cover letter and Memorandum Schedules A to support transfers-in from its joint fundraising committee, the Wright Appreciation Fund ("the Fundraiser").1/ The cover letter stated that the Memorandum Schedules A should be accepted as an amendment to the PCC's FEC reports covering the period of January 1, 1988 through October 13, 1988 (Attachment 2). The Memorandum Schedules A disclosed in the column labeled "CWAC"2/ the receipt of apparent excessive contributions totalling \$9,000 from three (3) principal campaign committees (See Attachments 3, 4, 5, 6 and Chart). The apparent excessive contributions received on January 22, 1988 were designated for the primary election and the contributions received on October 13, 1988 were designated for the general election.

1/ The Wright Appreciation Fund is a joint fundraising committee that was established by the PCC and the Majority Congress Committee ("the PAC") a non-party, multicandidate committee.

2/ This column listed the amount of the contribution to be allocated and transferred to the PCC. CONGRESSMAN WRIGHT APPRECIATION COMMITTEE REPORTS ANALYSIS OGC REFERRAL PAGE 2

> On February 28, 1989, a Request for Additional Information ("RFAI") was sent to the PCC. The RFAI informed the PCC of the apparent excessive contributions disclosed on their report. The RFAI stated that the PCC may wish to provide clarifying information regarding the apparent excessive contributions, and to notify the Commission in writing if any refunds were necessary. The RFAI also informed the PCC that while the Commission may take further legal steps, prompt action by the PCC to refund the apparent excessive contributions would be taken into consideration (Attachment 7).

> On March 20, 1989, Marjorie Youngblood, the Assistant Treasurer, telephoned a Reports Analysis Division ("RAD") analyst and stated that PCC members had been unaware that the committees in question were not multicandidate committees. The analyst explained that the apparent excessive contributions were from congressional campaign committees, and therefore, subject to the \$1,000 per election limitation. The analyst also stated that it appeared that refunds should be made because all three (3) congressional campaign committees had given more than the \$1,000 allowed for each election. Ms. Youngblood stated that they would contact the committees in question, and respond to the Commission as soon as possible (Attachment 8). When no written response was received, the PCC was sent a Second Notice on March 23, 1989 (Attachment 9).

> On March 30, 1989, a written reponse was received from the PCC. The response stated that "contact with the committees in question revealed that they are not multicandidate committees, and are, therefore, subject to the same limitation on contributions as individuals (\$1,000 per candidate per election). We have (copies of checks attached) refunded to the three committees in question the of their contributions which exceeded the amount Our next report to the Federal contribution limits. Election Commission will reflect these refunds" (Attachment 10). The response included copies of three (3) refund checks dated March 22, 1989 made out to each of the three (3) principal campaign committees for \$3,000 each (Attachment 11). The 1989 Mid-Year Report also disclosed the three refunds; however, each \$3,000 refund was designated for the primary election (Attachment 12).

> On June 6, 1989, an RFAI was sent to the PCC regarding the \$66,000 transfer-in from the Fundraiser disclosed on the 12 Day Pre-General Report. The RFAI noted that Schedule A disclosed the transfer-in date as October 7, 1988; however,

CONGRESSMAN WRIGHT APPRECIATION COMMITTEE REPORTS ANALYSIS OGC REFERRAL PAGE 3

> the Memorandum Schedules A supporting this transfer-in disclosed contributions from the three (3) principal campaign committees with receipt dates of October 13, 1989. The RFAI requested clarification regarding why the receipt dates were later than the transfer-in date (Attachment 13). When no response was received, the PCC was sent a Second Notice on June 29, 1989 (Attachment 14).

> On August 29, 1989, the analyst tried to telephone Marjorie Youngblood, but was informed by a recording, that the telephone had been disconnected (Attachment 15).

To date, no responses have been received.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

CHART

CONGRESSMAN WRIGHT APPRECIATION COMMITTEE

NAME OF CONTRIBUTORL/	TOTAL CONTRIBUTIONS PRIMARY/GENERAL	APPARENT EXCESSIVE AMOUNTS PRIMARY/GENERAL-DATE	SUBTOTAL EXCESSIVES	AMOUNT REFUNDED2/-DATE	ATTACHMENTS
Berman for Congress (COO147686)	\$1,250/\$3,750	\$ 250/\$ 0 - 1/22/88 \$ 0/\$2,750 - 10/13/88	\$3,000	\$3,000 - 3/22/89	3, 5, 11
Mel Leviue for Congress (C00142216)	\$1,250/\$3,750	\$ 250/\$ 0 - 1/22/88 0/\$2,750 - 10/13/88	\$3,000	\$3,000 - 3/22/89	3, 6, 11
Congressman Waxman Campaign Committee (COO013128)	\$1,250/\$3,750	\$ 250/\$ 0 - 1/22/88 \$ 0/\$2,750 - 10/13/88	\$3,000	\$3,000 - 3/22/89	4, 6, 11
TOTALS		\$ 750/\$8,250	\$9,000	\$9,000	

1/ The PCC reported these committees with the words "Political Action Committee" as part of their name.

2/ The Schedule B of the 1989 Mid-Year Report disclosed that the full amount of the refunds was designated for the primary election.

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No reports have been reviewed. Cash-on-hand as of 6/30/89: \$18,816 (PCC) Outstanding debts as of 6/30/89: \$0 (PCC) States a

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ATTACHMENT 1 Page 3 of 4

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ATTACHMENT 1 Page 4 of 4

FEDERAL ELECTION COMMISSION 1987-1988 CONDIDATE INDEX OF SUPPORTING DOCUMENTS - (E) DATE 15AUG89

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All reports have been reviewed (PCC). Ending cash-on-hand as of 12/31/88: \$13,673.02 (PCC) Outstanding debts owed to or by the committee as of 12/31/88: \$0 (PCC)

ATTACHMENT 2 Page 1 of 2

WRIGHT APPRECIATION COMMITTEE

Post Office Box 1413 D Fort Worth, Texas 76101

November 10, 1988

Es: Congressmen Wright Appreciation Committee PEC ID #C00012427

Wright Appreciation Fund FEC ID #CO00222307

Clerk, U. S. House of Representatives Office of Records and Registration 1036 Longworth House Office Building Washington, D.C. 20515

Doar Sir:

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Please accept the attached Memorandum Schedule A as an amendment to our FEC reports covering the period from January 1, 1968 through October 13, 1968. Also attached is a record of the distribution of Receipts and Expenditures of Joint Pundraiser held by Wright Appreciation Fund — the net receipts divided between the Congressmen Wright Appreciation Committee and the Hajority Congress Coumittee, with approximately 30% going to the Wright Appreciation Committee and 70% to the Hajority Congress Coumittee.

Additionally, it would be appreciated if you would substitute the attached Memorandum Schedules A for the appropriate pages indicated in the amended report sent to you on August 31, 1988. These are pages 33, 89, 91, 117 and 130 for Line Murber 11s, and pages 12, 16 and 27 for Line Mumber 11c. These will correct some errors which were made in the previous report.

of Nor In: Cont

Sincerely,

flood Marjorie Tounghl Anaistant Treasu

ATTACHMENT 2 Page 2 of 2

WRIGHT APPRECIATION COM

Post Office Box 1413 1 1 Fort Worth, Tense 76101

November 10, 1988

Record of Distribution of Receipts of Joint Fundraiser held by Wright Appreclation Fund for calendar year 1987 and the period from January 1 through October 13, 1988

	Congressman Wright Appreciation Committee	Majority Congress Committee	Totals
Contributions Received from INDIVIDUALS (11a)	\$119,773.35	\$358,278.59	\$478,051.94
Contributions Received from Political Party Committees (11b)	500.00	1,300.00	2,000.00
Contributions Received from POLITICAL ACTION CONMITTEES (11c)	198,468.91	379,806.75	578,275.66
Totals	318,742.26	739,585.34	1,058,327.60
Operating Expenditures	92,003.42	214,674.64	306,678.06
Punds Transforred	166,000.00	554,000.00	720,000.00

When we make our January 31, 1969 Year End Report, we will complete the distribution and itemisation of all receipts and expenditures and the transfer of all funds.

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WRIGHT APPRECIATION FUND			CHAC
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FEDERAL ELECTION COMMISSION

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FEB 28 1985

Benry Kerry, Treasurer Congressman Wright Appreciation Committee P.O. Box 1413 Fort Worth, TX 76101

Identification Number: C00012427

Reference: Amended April Quarterly (2/18/88-3/31/88) and Amended 12 Day Pre-General (10/1/88-10/19/88) Reports dated 11/18/88

Dear Mr. Kerry:

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This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemisation follows:

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee other than a qualified multicandidate committee may not make a contribution to a candidate for Federal office in excess of \$1,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of walue made by any person for the purpose of influencing any election for Federal office. (2 U.S.C. §3441a(a) and (f); 11 CFR 110.1(b), (e) and (h))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeds the limits, you should either refund to the donor the amount in excess of \$1,000 or get the donor to redesignate and/or reattribute the contribution in writing. All refunds, redesignations, and reattributions must be made within sixty days of the treasurer's receipt of the contribution. Copies of refund checks and popies of letters reattributing or redesignating the contributions in question may be used to respond to this letter. Refunds are reported on Line 20 of the Detailed Summary Page and on Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as meno entries on Schedule A of the report covering the period in which the authorisation for the redesignation and/or reattribution is received. (11 CFR 194.8(d)(2), (3) and (4))

Although the Commission may take further legal steps, prompt action by you to refund or seek redesignation and/or reattribution of the excessive amount will be taken into consideration.

A written response of an amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. Wy local number is (202) 376-2480.

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Sincerely,

funda langruy

Linda Tangney Reports Analyst Reports Analysis Division

SCH Sale

MEMORANDUM TO FILES:

DATE March 20, 1989

TELECOW _X_

NAME OF COMMITTEE: Congressman Wright Appreciation Committee

SUBJECT: Acceptance of excessive contributions

FEC REP: Linda Tangney

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Section and

COMMITTEE REP: Marjorie Youngblood, Assistant Treasurer

Today Marjorie Youngblood telephoned and stated that committee members had been unaware that the Berman Committee, Levine Committee, and the Waxman Committee were not multicandidate committees. I explained that since the contributions were from congressional committees, they would be subjected to the \$1000 per election contribution limitation. I also explained that it appeared that refunds should be made to these committees since the committees had already contributed more than the \$1000 allowed for each election. Ms. Youngblood stated they would contact these committees, and respond to the Commission as soon as possible.



FEDERAL ELECTION COMMISSION

March 23, 1989

Senzy Kerry, Treasurer Congressman Wright Appreciation Committee 9.0. Box 1413 Fort Worth, TX 76101

Identification Number: C00012427

Reference: Amended April Quarterly (2/18/88-3/31/88) and Amended 12 Day Pre-General (10/1/88-10/19/88) Reports dated 11/10/55

Dear Nr. Kerrys

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This letter is to inform you that as of March 22, 1989, the Commission has not received your response to our request for additional information, dated Pebruary 28, 1989. That notice requested information essential to full public disclosure of your Pederal election financial activity and to ensure compliance with provisions of the Pederal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Linda Tangney on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

har cillion

John D. Gibson Assistant Staff Director Reports Analysis Division

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Enclosure

RIGHT APPRECIATION COMMIT

Post Office Bas 1413 - Fort Worth, Taxas 76101

March 28, 1989

Re: Amended April Quarterly (2/18/88-3/31788) and Amended 12 Day Pre-General (10/1/88-20/19 Reports dated 11/10/88 Identification Number: C00012422

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Mr. John D. Gibson Assistant Staff Director Reports Analysis Division Federal Election Commission Mashington, D.C. 20463

Dear Mr. Cibson:

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This letter is in response to your March 23, 1989 letter and one from Linda Tangney dated February 28 regarding contributions our Committee received in 1988 from three separate political action committees which appeared to be in excess of limits set forth in the Act.

Contact with the committees in question revealed that they are not multicandidate committees, and are, therefore, subject to the same limitation on contributions as individuals (\$1,000 per candidate per election). We have (copies of checks attached) refunded to the three committees in question the amount of their contributions which exceeded the contribution limits. Our next report to the Federal Election Commission will reflect these refunds.

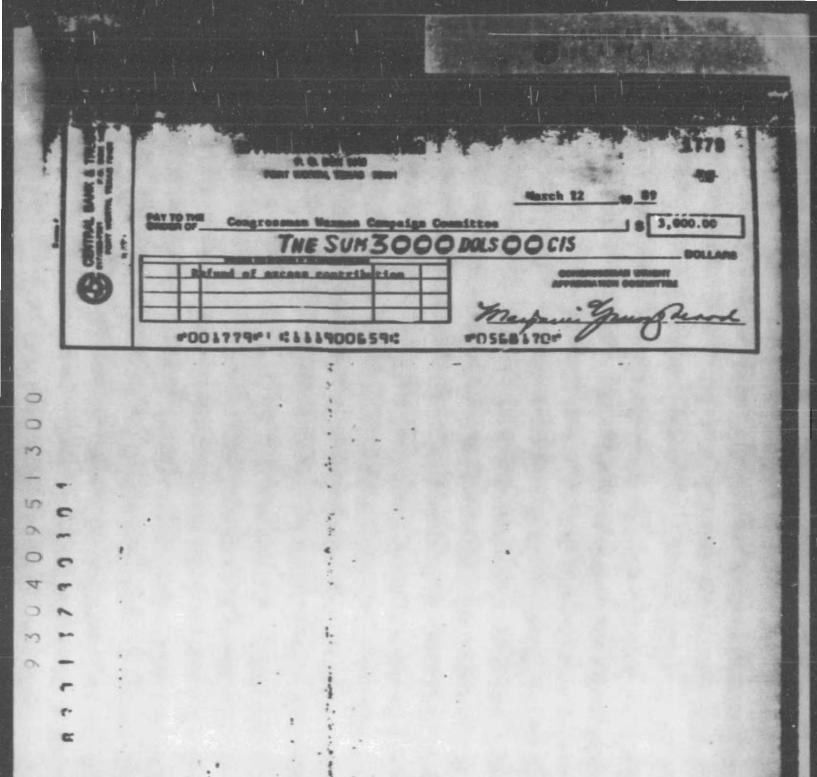
I have been in telephonic communication with Linds Tangney about this matter, and it is my understanding that this is the appropriate manner for handling this. Please contact our committee at (817) 763-8470 should this not be sufficient or if there are any further questions.

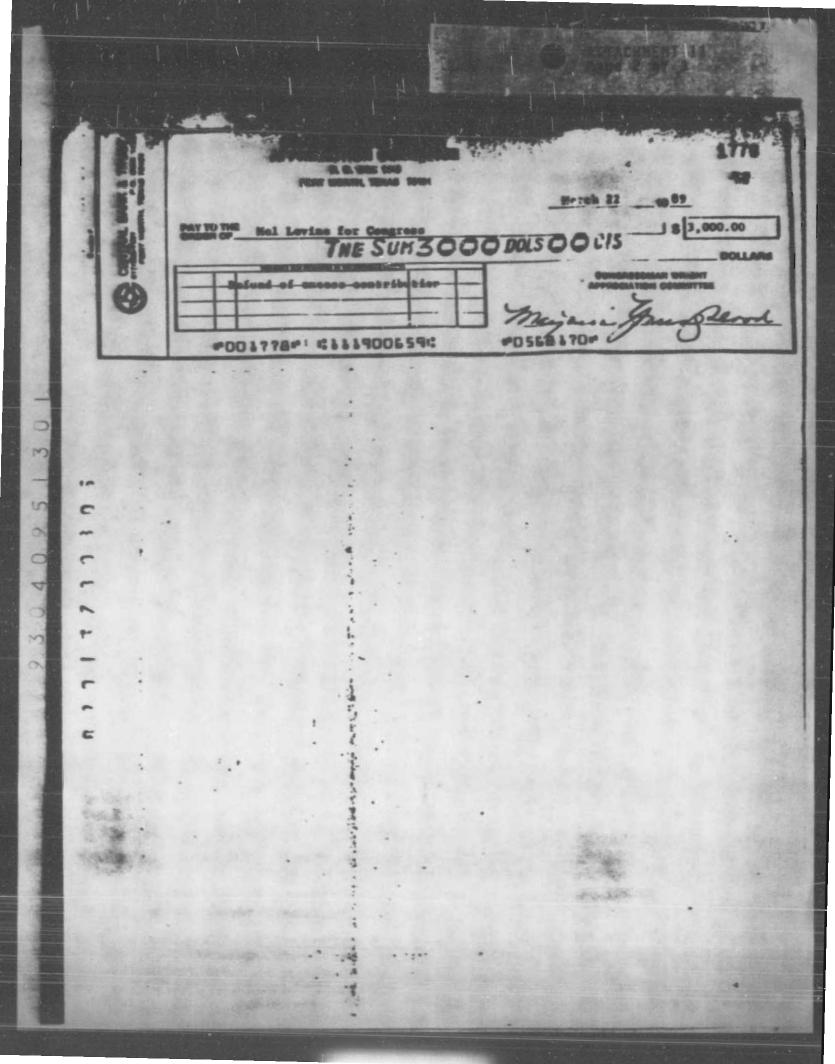
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Sincerely,

Narioria Youngblo

Assistant Treasur





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FEDERAL ELECTION COMMISSION

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Congressman Wright Appreciation Committee P.O. Box 1413 Fort Worth, TX 76101

Identification Number: C00012427

Reference: 12 Day Pre-General (10/1/88-10/19/88) and Amended 12 Day Pre-General (10/1/88-10/19/88, dated 11/10/88) Reports

Dear Mr. Kerry:

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This letter is prompted by the Commission's further review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A supporting Line 12 of the Detailed Summary Page discloses a \$66,000 transfer in from the Wright Appreciation Fund on October 7, 1988. On Memorandum Schedule A supporting this transfer, you disclose contributions from Berman for Congress Committee, Mel Levine for Congress Committee, and Congressman Waxman Campaign Committee with a receipt date of October 13, 1988. These contributions appear to have been received after the transfer-in date of October 7, 1988. Please clarify this discrepancy.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

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Linda Tangney Reports Analyst Reports Analysis Division

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SDERAL ELECTION COMMESSION

ABININGTON, D.C. SIML)

June 29, 1909

Congressman Wright Approxistion Consistee P.O. Dox 1413 Fort Worth, FX 76101

Sontification Number: C00013427

Seference: 12 Bay Pro-Seneral (10/1/88-10/19/88) and Amanded 12 Say Pro-Seneral (10/1/88-10/19/88 dated 11/10/88) Reports

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This letter is to inform you that as of June 28, 1989, the Commission has not received your response to our request for additional information, dated June 6, 1989. That motice requested information essential to full public disclosure of your Pederal election financial activity and to ensure compliance with provisions of the Pederal Election Campaign Act (the Act). A cop/ of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to imitiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Linda Tangney on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

John Dotton

John D. Gibson Assistant Staff Director Reports Analysis Division

Enclosure

AN CONTRACT

MENORANDUM FOR FILES: TELECON

SUBJECT: Request for Additional Information on the 1988 Pre-General Reports

PROM: Linda Tangney

TO: Marjorie Youngblood

NAME OF COMMITTEE: Congressman Wright Appreciation Committee

DATE: 8/29/89

(S17)924-1830 (Texas office number)

I tried to telephone Marjorie Youngblood, but was informed by a recording that the telephone had been disconnected.

WRIGHT APPRECIATION COMMITTEE

Post Office Box 1413 D Fort Worth, Texas 76101

December 6, 1989

Mr. Danny L. McDonald Chairman Federal Election Commission 999 E Street, NW Washington, D.C. 20463

Dear Mr. McDonald:

In response to your letter dated November 30, 1989 with reference MUR 3011, Wright Appreciation Fund and Craig Raupe, as Treasurer, this is to request a delay in supplying the information required. Mrs. Youngblood is out of the city until December 10. It will of course take a few days after her return to gather the information needed to respond to your inquiry.

Additionally, Robert N. Reeves, Treasurer of the Majority Congress Committee, has notified our office of a similar letter he has received from you. Since he will need to be in direct contact with Mrs. Youngblood to ensure a complete response to you, we also request a delay in supplying the information required for the Majority Congress Committee.

Thank you very much for your assistance.

Yours truly,

norma J. Retchson

Norma J. Ritchson

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DEC 4840

89 DEC 11 PM 3:5

WRIGHT APPRECIATION COMMITTEE

Post Office Box 1413 D Fort Worth, Texas 76101

December 6, 1989

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9 DEC 12 AM II: 46

Mr. Danny L. McDonald Chairman Federal Election Commission Washington, D.C. 20463

Dear Mr. McDonald:

In response to your letter dated November 30, 1989 with reference MUR 3011, Congressman Wright Appreciation Committee and Henry Kerry, as Treasurer, this is to request a delay in supplying the information required. Mrs. Youngblood is out of the city until December 10. It will of course take a few days after her return to gather the information needed to respond to your inquiry.

Yours truly,

Norma J. Ritchson

Norma J. Ritchson

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WASHINGTON D.C. 20463

December 14, 1989

Mr. W. Edwin Youngblood, Treasurer Wright Appreciation Fund P.O. Box 1413 Fort Worth, Texas 76101

> MUR 3011 RE: Wright Appreciation Fund and W. Edwin Youngblood, as Treasurer

Dear Mr. Youngblood:

This is in response to the letter dated December 6, 1989, from Norma J. Ritchson, which we received on December 11, 1989, and telephone conversation with Ms. Ritchson and Ms. Youngblood on December 14, 1989, requesting an extension of twenty days to respond to the Commission's interrogatories and request for production of documents. 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 January 8, 1990.

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

Sincerely,

Lawrence M. Noble General Counsel

7. Ruch

BY: George F. Rishel Assistant General Counsel



WASHINGTON, D.C. 20463

December 14, 1989

Mr. Henry Kerry, Treasurer Congressman Wright Appreciation Committee P.O. Box 1413 Fort Worth, Texas 76101

> RE: MUR 3011 Congressman Wright Appreciation Committee and Henry Kerry, as Treasurer

Dear Mr. Kerry:

This is in response to the letter dated December 6, 1989, from Norma J. Ritchson, which we received on December 11, 1989, and telephone conversation with Ms. Ritchson and Ms. Youngblood on December 14, 1989, requesting an extension of twenty days to respond to the Commission's interrogatories and request for production of documents. 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 January 8, 1990.

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

Sincerely,

Lawrence M. Noble General Counsel

Lou

BY: George F. Rishel Assistant General Counsel



WASHINGTON D.C. 20463

December 14, 1989

Mr. Robert N. Reeves, Treasurer Majority Congress Committee P.O. Box 70193 Washington, DC 20024

> RE: NUR 3011 Majority Congress Committee and Robert N. Reeves, as Treasurer

Dear Mr. Reeves:

This is in response to the letter dated December 6, 1989, from Norma J. Ritchson, which we received on December 11, 1989, and telephone conversation with Ms. Ritchson and Ms. Youngblood on December 14, 1989, requesting an extension of twenty days to respond to the Commission's interrogatories and request for production of documents. 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 January 8, 1990.

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

Sincerely,

Lawrence M. Noble General Counsel

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BY: George F. Rishel Assistant General Counsel

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BRAND & LOWELL

A PROFESSIONAL COMPORATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005

January 8, 1990

BY HAND DELIVERY Elizabeth Campbell, Esquire Assistant General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: Matter Under Review 3011

Dear Ms. Campbell:

The Congressman Wright Appreciation Committee (the "Committee") and the Congressman Wright Appreciation Fund (the "Fund") have very recently contacted Brand & Lowell regarding their responses to requests by the Federal Election Commission for written answers and for documents in the above-referenced matter under review. The Fund and the Committee have indicated that they wish to retain Brand & Lowell to finalize these responses. They will be transmitting to you a designation of counsel form today.

We have learned that the Fund and the Committee were to respond to these requests by today, January 8, 1990. Due to an unanticipated illness of the individual compiling the documents and responses on the Fund's and the Committee's behalf, as well as the intervening holidays, however, Brand & Lowell has not yet had an opportunity to review and finalize the written answers and document production. We believe that an extension of time would allow us to ensure that any response filed will be as substantive and helpful to the Commission as possible.

For these reasons, and because designation of counsel has not yet occurred, the Fund and the Committee respectfully request an extension of time until January 19, 1990, or whatever time the Commission shall designate, to respond to the requests for written answers and documents.

Thank you very much for your prompt attention to this matter. If you have any questions, please do not hesitate to telephone either me or Stanley Brand at 662-9700.

Incere Frulla

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TELEPHONE: (202) 662-9700 TELECOPIER: (202) 737-7565

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TATERAT OF DESIGNATION OF COURSEL

MOTE 3011	
	Stanley M. Brand, Esquire
ADDRESS :	David E. Frulla, Esquire Brand & Lowell
	923 Fifteenth Street, N.W. Washington, D.C. 20006
	(202) 662-9700

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.

1-8-90 Date

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signature

Marjorie B. Youngblood, Assistant Treasurer Congressman Wright Appreciation Committee

RESPONDENT'S HAME: ADDRESS:

Congressman Wright Appreciation Committee and Henry Kerry, Treasurer & Marjorie B. Youngblood, Assistant Treasurer P. O. Box 1413 Fort Worth, Texas 76101

(817) 926-9628

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(817) 334-3450

*SPEAKER WRIGHT Nd 10:50 06 '80 '10 STATINEET OF DESIGNATION OF COURSEL

NUTR 3011	-
HANGE OF COMMENTS	Stanley M. Brand, Esquire
ADDRESS,	David E. Frulla, Esquire Brand & Lowell
	923 Fifteenth Street, N.W. Washington, D. C. 20006
	CALLS STATE
where an and the state	(202) 662-9700

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 Seforethe Commission.

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Wright Appreciation Fund

RESPONDENT'S KANE:

ADDROENS:

Wright Appreciation Fund and W. Edwin Youngblood, Treasurer and Marjorie B. Youngblood, Assistant Treasurer P. O. Box 1413 Fort Worth, Texas 76101

(817) 926-9628

BOS THERE BELLEN

(817) 334-3450

DI. 08. 90 05:04 PM *SPEAKER WRIGHT

0GC 5071 James C. Bright. Jr. 2A10 Kanham Pederni Sutiding Renter of Congress Openber U.O. House of Repres 819 Caylor Otreet Fort Borth, Genns 76102 MUR 3011 1219 Bisteict, Jexas 1955 - 1981 1987 - 1988 1-8-90 Elisabeth Campbell, Esquire (202) 376-5280 FAX NO. 1

Marjorie D. Youngblood FROM:

Pages to follow (excluding cover sheet)

CONGRENTS :	Robert N. Reeves, Treasurer for the Majority
	Congress Committee, is being contacted and
	requested to send you a designation of counsel
	from the MCC.

OUR FAX NUMBER IS (817) 334-3714

FEDERAL (LECTI

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TOI



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

January 11, 1990

David E. Frulla, Esquire Brand & Lowell 923 Fifteenth St., N.W. Washington, D.C. 20006

RE: M

MUR 3011 Congressman Wright Appreciation Committee and Henry Kerry, as Treasurer; Wright Appreciation Fund and W. Edwin Youngblood, as Treasurer; and Majority Congress Committee and Robert N. Reeves, as Treasurer

Dear Mr. Frulla:

This is in response to your letter of January 8, 1990, and a similar request from Robert Reeves, treasurer of the Majority Congress Committee, requesting an extension of eleven days to respond to the Commission's request for interrogatories and production of documents. 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 January 19, 1990.

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

Sincerely,

Lawrence M. Noble General Counsel

BY: George F. Rishel Assistant General Counsel



FEDERAL ELECTION COMMISSION WASHINGTON D.C. 20463

David E. Frulla, Esquire Brand & Lowell 923 Fifteenth St., N.W. Washington, D.C. 20006

RE: MUR 3011

Congressman Wright Appreciation Committee and Henry Kerry, as Treasurer; Wright Appreciation Fund and W. Edwin Youngblood, as Treasurer; and Majority Congress Committee and Robert N. Reeves, as Treasurer

Dear Mr. Frulla:

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This is in response to your letter of January 8, 1990, and a similar request from Robert Reeves, treasurer of the Majority Congress Committee, requesting an extension of eleven days to respond to the Commission's request for interrogatories and production of documents. 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 January 19, 1990.

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

Sincerely,

Lawrence M. Noble General Counsel

E.C.

BY: George F. Rishel Assistant General Counsel 01/10/30 10:33

ATTORNETS R. 11.5 S. C.D.E. O'GC 5095

FEDERAL ELECTION COMMISSION

90 JAN 10 PM 4: 42

ATTORNEY AT LAW COIT CENTRAL TOWER 12001 NORTH CENTRAL EXPRESSWAY SUITE 570, LBI12 DALLAS, TEXAS 75263

ROBERT N. REEVES, P.C.

DALLAS. TEKAS

WASHINGTON, D.C. 802 263 3100

January 10, 1990

Ms. Elizabeth Campbell, Esquire Office of the General Council Federal Riection Commission Washington D.C.

RE: MUR-3011

Dear Ms. Campbell:

Please consider this a formal request of the Majority Congress Committee for an extension of time to prepare records in the MUR-3011 case. We would appreciate an extension until January 19, 1990.

Thank you for your cooperation in this matter.

Very sincerely,

the Reeven

Robert N. Reeves

RNR:1s

ROBERT N. REEVES, P.C.

ATTORNETS R. R. S.

ATTORNEY ALLAN COLT CENTRAL TOWER IDOLL NORTH CENTRAL EXPRESSWAY STATE 570, IDINA DALLAS, TEXAS 70243 FAX NO. (214) 490-3713

DALLAS, TEXAS

01/10/90

10:33

FAX MESSAGE:

(202) 376-5280

ROBERT N. REQUES

1-10-90

ELIZABETH CAMPLEIL OFFICE OF GONERAL COUNSEL

C.D.E.

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WASHINGTON D C. 202-213-3100

TOI

FROM:

DATE:

NUMBER OF PAGES (INCLUDING THIS ONE) 2

SUBJECT:

MAJORITY CONGRESS COMMITTEE.

EXTENTION OF TIME MUR-3011

MESSAGE:

ROBERT N. REEVES, P.C.

COIT CENTRAL TOWER COIT CENTRAL TOWER CONTINUATE CENTRAL EXPRESSIVAT SINTE 520, IDINE DAILAS, TEXAS 75243 FAX NO. (214) 490-3713

DALLAS, TEXAS

WASHINGIUM, D.C. AUC-SILE BIDU

001

FAX MESSAGE:

(202) 376-5280

REBERT N. REEVES

1-10-90

ELIZABETH CAMPBEll OFFICE OF GENERAL COUNSEL

TO:

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DATE:

NUMBER OF PAGES (INCLUDING THIS ONE) 2

SUBJECT:

MESSAGR:

MAJORITY CONGRESS

EXTENTION OF TIME MUR-3011

STATEMENT OF DESIGNATION OF COUNSEL

90 JAN 10 AN 10: 31 MUR 3011 & 3000 SO THY OI NUT OF NAME OF COONSELS Brand & Lowell. Attorneys at Law ADDRESS: David E. Frulla 923 15th Street, N.W. Washington, DC 20006 TELEPHONE: 202/662-9700

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.

1-8-90

Jahrtn leener

00C 5089

FEDERAL ELECTION COMPASSION

RESPONDENT'S NAME: ADDRESS :

Robert N. Reeves 14770 Maiden Court

Addison, Texas 75240

HOME PHONES

214/239-7688

BUSINESS PROMES

214/490-9510

01. 09. 90 05:54 PM *SPEAKER WRIGHT

RECEIVED DEMMISSION

Bannes G. Metght, Br. BA15 Ganipus Beberet Batibing 819 Gagior Street Port Borth, Genus 78162	MAR OLAN MAR	
1-9-90 Elizabeth Campbell, Esquire	_	SO TAN 10
(202) 376-5280	_	10 AM II: 1
ages to follow (excluding cover sheet)		AM II: 18
QUESTIONS, PLEASE CALL MARGE YOUNGBLOOD	AT (817) 334-3450	•
	-	
	I-9-90 Elizabeth Campbell, Esquire (202) 376-5280 Robert N. Reeves	Jort Harth, Genus 78102 Identity 1-9-90 112abeth Campbell, Esquire (202) 376-5280

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RECEIVED RECEIVED RELIERAL ELECTION COMPASSION

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TATEMENT OF DESIGNATION OF CODERING JAN 10 AN 10: 47

	Stanley M. Brand, Esquire
ADDREE .	.David E. Frulla, Esquire Brand & Lowell
	923 Fifteenth Street, N.W. Washington, D.C. 20006
	and a second second second

(202) 662-9700

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 bohalf Before the Commission.

1-9-99 bate

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In Rein

Robert N. Reeves, Tressurer Majority Congress Committee

ADDRESS:

Majority Congress Committee and Robert N. Reeves, Treasurer

14770 Maiden Court

Addison, Texas 75240

(214) 239-7688

(214) 490-9510

BUS IN



BRAND & LOWELL

A PROFESSIONAL CORPORATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005

January 16, 1990

BY FACSIMILE, ORIGINAL BY MAIL

Elizabeth Campbell, Esquire Assistant General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: Matter Under Review 3011

Dear Ms. Campbell:

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As we discussed by telephone today, we have been retained by the Congressman Wright Appreciation Committee, the Congressman Wright Appreciation Fund, and the Majority Congress Committee to respond to the Federal Election Commission's interrogatories and document requests in the above-captioned matter under review. In this regard, you informed me that you have received designation of counsel forms for us.

We were retained on January 8, 1990, to assist the three committees in responding to the Commission's discovery requests. Late that day, I requested an eleven-day extension of time to file the responses, which I proposed would be due on January 19, 1990. I am writing today to respectfully request an additional extension until January 29, 1990, to respond. An extension until that date would afford us a twenty-day time period in which to review the materials the committee have submitted to us, and to formulate responses and compile these documents in a clear and helpful fashion.

Thank you very much for your attention to this matter. If you should have any questions, please do not hesitate to telephone me or Stanley Brand at 662-9700.

Sincerely Frulla

QGC 5/38

FEDERAL ELECTION COMMISSION

90 JAN 17 AM 10: 50

TELEPHONE: (202) 662-9700 TELECOPIER: (202) 737-7565

CGC 5121 James C. Bright, 3r. SAIS Canham Federat Batliting Render of Congress #18 dagier Gtreet 12th Bistetet, Jenns 1895 - 1989 観念, 麗 e of its Fort Borth, Jenns 76102 1987 - 1988 1-9-90 DATE: 90 JAN 16 PH 4: 03 Elizabeth Campbell, Esquire TOI (202) 376-5280 FAX NO. : Robert N. Reeves FROM: Pages to follow (excluding cover sheet) 1 IF YOU HAVE ANY QUESTIONS, PLEASE CALL MARGE YOUNGBLOOD AT (817) 334-3450 COMMENTS:

OUR FAX NUMBER IS (817) 334-3714

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This is the original copy of 'Statement of Designation of Counsel" signed by Robert N. Reeves. It was sent to you by fax this date, and we advised Mr. Reeves of your telephone call.

FEDERAL

NGISSINA

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90 JAN 16

AM 10= 54

STATEMENT OF DESIGNATION OF COURSEL

ANE OF COUNEEL:	Stanley M. Brand, Esquire
	David E. Frulla, Esquire
ADDRESS :	Brand & Lowell
	923 Fifteenth Street, N.W.
	Washington, D.C. 20006

(202) 662-9700

TELEPHONE:

1-9-98 Date

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.

An Reener Signature

Robert N. Reeves, Treasurer Majority Congress Committee

RESPONDENT'S NAME: ADDRESS: Majority Congress Committee and Robert N. Reeves, Treasurer

14770 Maiden Court

Addison, Texas 75240

HOME PHONEs

BUSINESS PROFIE:

(214) 239-7688

(214) 490-9510



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

January 18, 1990

David E. Frulla, Esquire Brand & Lowell 923 Fifteenth St., N.W. Washington, D.C. 20006

RE: MI

MUR 3011 Congressman Wright Appreciation Committee and Henry Kerry, as Treasurer; Wright Appreciation Fund and W. Edwin Youngblood, as Treasurer; and Majority Congress Committee and Robert N. Reeves, as Treasurer

Dear Mr. Frulla:

This is in response to your letter dated January 16, 1990, requesting an additional extension of ten days to respond to the Commission's request for interrogatories and production of documents. 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 January 29, 1990.

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

Sincerely,

Lawrence M. Noble General Counsel

Diela

BY:

George F! Rishel Assistant General Counsel

Ch.



90 JAN 30 PH 4:21

BRAND & LOWELL

A PROFESSIONAL CORPORATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005

> TELEPHONE: (202) 852-9700 TELECOPIER: (202) 737-7565

> > 90 JAN 31

PM

January 30, 1990

BY HAND DELIVERY

Elizabeth Campbell, Esquire Assistant General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: Matter Under Review 3011

Dear Ms. Campbell:

Enclosed please find the original affirmations for the ω responses of the Congressman Wright Appreciation Committee and ω the Congressman Wright Appreciation Fund in MUR 3011.

Sincerely

David E. Frulla

DEF:ldm Enclosures

AFFIRMATION

I affirm that the foregoing Response of the Congressman Wright Appreciation Committee to the request of the Federal Election Commission for written answers in connection with its Matter Under Review 3011 is true and correct to the best of my personal knowledge, and that the documents attached hereto reflect true and accurate copies of documents in possession of the Congressman Wright Appreciation Committee responsive to the Federal Election Commission's request for documents relating to its written questions.

Dated: January 29, 1990

maijani B. Junghe

Marjorié B. Youngblood (Assistant Treasurer, Congressman Wright Appreciation Committee

Subscribed and Sworn to Before Me This

24 th day of January 1990

aleranguest Notary Public

My Commission expires: 5-2493



AFFIRMATION

I affirm that the foregoing Response of the Congressman Wright Appreciation Fund to the request of the Federal Election Commission for written answers in connection with its Matter Under Review 3011 is true and correct to the best of my personal knowledge, and that the documents attached hereto reflect true and accurate copies of documents in possession of the Congressman Wright Appreciation Fund responsive to the Federal Election Commission's request for documents relating to its written questions.

Dated: January 29, 1990

Marjorie B. Youngblood

Assistant Treasurer, Congressman Wright Appreciation Fund

Subscribed and Sworn to Before Me This

th day of January 1990

Notary Pub

My Commission expires:

5-2493



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BRAND & LOWELL

A PROFESSIONAL COMPORATION 923 FIFTEENTH STREET, N.W. WASHINGTON, D.C. 20005



February 2, 1990

BY HAND DELIVERY

Elizabeth Campbell, Esquire Assistant General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: Matter Under Review 3011

Dear Ms. Campbell:

Per your request by telephone yesterday, I enclose a full copy of the response of the Majority Congress Committee to the Commission's request for documents and written answers. You indicated that the copy which you received on Monday was missing a page, and I apologize for that.

I also enclose a copy of the check dated January 25, 1989, N in the amount of \$46,750, which was issued by the Majority Congress Committee to the Congressman Wright Appreciation Fund. As described in the submissions of the various committees (and on the check itself), the funds the check represented constituted \$43,750 in reallocations between the fundraising participants and a \$3,000 reimbursement to the Appreciation Fund for its share of refunds made by the Appreciation Fund on the Majority Congress Committee's behalf. This check was referenced on page 3 of the submission filed on behalf of the Congressman Wright Appreciation Fund.

You also asked for a further explanation for the basis on which certain funds were transferred from the Wright Appreciation Committee to the Majority Congress Committee. As I stated yesterday, we did not draft the joint fundraising agreement, nor did we advise the various committees on the transferring of funds among them. Thus, before providing you an answer, I must contact the attorneys who represented the committees at the times the transfers occurred, so that I can ensure that the answer to your question is accurate. I will do this today, so that I can communicate an answer to you quickly.

חבבם -

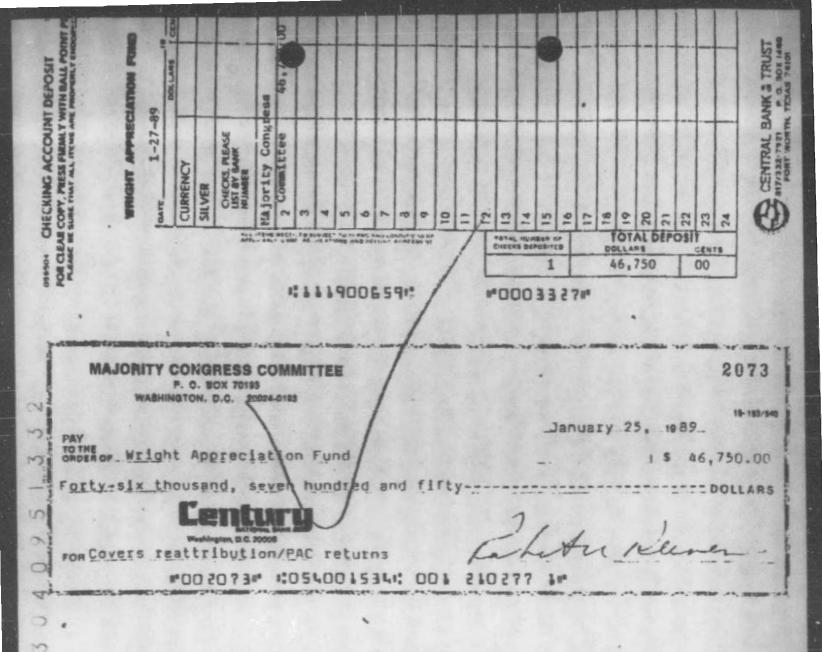
BRAND & LOWELL

Elizabeth Campbell, Esquire February 2, 1990 Page Two

Also, as we discussed today, I will forward to you next week any request for conciliation the committees may ultimately choose to pursue. Thank you very much for your patience.

Sincerely, David E. Frulla

Enclosures



Ch

BEFORE THE FEDERAL ELECTION COMMISSION OF THE UNITED STATES OF AMERICA

In the Matter of

The Congressman Wright Appreciation Committee,

Matter Under Review 3011

Henry Kerry, Its Treasurer,

The Congressman Wright Appreciation Fund,

Craig Raupe, Its Treasurer¹,

The Majority Congress Committee,

Robert Reeves, Its Treasurer

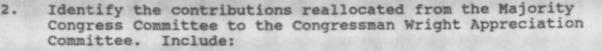
RESPONSE OF MCC TO COMMISSION REQUEST FOR WRITTEN ANSWERS

The Majority Congress Committee (the "MCC/PAC") and Mr. Robert Reeves, its treasurer, hereby respond to the order of the Federal Election Commission (the "Commission") to submit written answers to questions and documents relating to joint fundraising efforts involving it, the Congressman Wright Appreciation Committee (the "WAC/PCC"), and the Congressman Wright Appreciation Fund (the "WAF/Fundraiser").

 Submit a copy of the joint fundraising agreement between the Congressman Wright Appreciation Committee and the Majority Congress Committee.

A copy of the joint fundraising agreement is attached hereto, behind Tab 1.

¹ Mr. Raupe passed away in October of 1988. He has been replaced as Treasurer of the WAF by Mr. W. Edwin Youngblood.



- a) the name of the contributor
- b) the date of the contribution
- c) the date of the reallocation; and
- d) the amount reallocated.

See chart attached, behind Tab 2. The MCC and the WAF are investigating the contributions from the Texas Utilities Electric Political Committees and will forward to the Commission any information discovered.

 State the date the reallocations were actually received by the Congressman Wright Appreciation Committee.

The reallocations were made in late January of 1989. The MCC/PAC issued a check dated January 25, 1989, to the WAF/Fundraiser in the amount of \$46,750, \$43,750 of which -- as is stated on the check which is attached hereto, behind Tab 3 -was for reallocation to the WAC/PCC. The WAF/Fundraiser then transferred-in \$46,338.84 to the WAC/PCC on January 31, 1989, as a final distribution of funds from the WAF/Fundraiser for the 1987-88 election cycle, which amount included the reallocation from the MCC/PAC.

- Identify the contributions refunded by the Majority Congress Committee, or by the Wright Appreciation Fund on behalf of the Majority Congress Committee. Include:
 - a) the name of the contributor;
 - b) the date of the contribution;
 - c) the amount refunded; and
 - d) the date of the refund.

<u>Gadsden County Democratic Executive Committee</u>: The
 Gadsden County Democratic Executive Committee contributed \$1,000
 by check dated June 11, 1987, although this contribution check

was apparently held by the contributor and not received by the WAF/Fundraiser until on or about September 22, 1987, when it was deposited. The WAF/Fundraiser refunded the entire amount of this contribution on August 31, 1988.

ii) <u>Committee for a Better Boston</u>: The Committee for a Better Boston issued a check dated October 26, 1987, for \$2,000 to the Wright Appreciation Fund. The WAF/Fundraiser refunded the entire amount of this contribution on August 31, 1988.

iii) <u>Texas Rural Water Political Action Committee</u>: The Texas Rural Water Political Action Committee issued a check dated October 27, 1987, for \$1,000, to the Wright Appreciation Fund, which refunded it in its entirety on August 31, 1988.

5. Disclosure reports filed with the Federal Election Commission indicate that you received contributions from four unregistered organizations, namely the Gadsden County Democratic Executive Committee, the Committee for a Better Boston, Texas Rural Water PAC, and the Texas Independent Nursing Home Association. Indicate whether these committee have a separate account for federal activity. If not, demonstrate that contributions made by these committees included only funds subject to the limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended.

When Speaker Wright's campaign staff learned that the Gadsden County Democratic Executive Committee, the Committee for a Better Boston, and the Texas Rural Water PAC did not have a separate account for federal activity, out of an abundance of caution for which it should not be penalized, the WAF/Fundraiser refunded the <u>entire</u> contributions immediately thereafter. Thus, it is immaterial from the WAF's perspective whether or not these

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donor political committees internally allocated between funds subject and not subject to the Act.

As regards the Texas Independent Nursing Home Association, the November 19, 1987, contribution was inadvertently reported on Line 11b, Item B of the WAF's year-end Schedule A, which is intended for disclosure of party committee contributions. Despite this inadvertent reporting misclassification, the reporting of this contribution reveals that this contribution was not something the WAF/Fundraiser or its participating committees attempted to conceal. The WAF is investigating the source of the funds for this political committee's contribution to determine whether the contribution was made from the personal funds of the president of the contributing political committee or from other funds. If it is determined that this contribution was, in actuality, made from corporate funds, the WAF/Fundraiser will refund it and file an amended report.

 In its March 1989 quarterly report, the Majority Congress Committee reported a transfer-in of \$46,750 from the Congressman Wright Appreciation Committee on February 2, 1989. Identify the source of these funds and the reason and purpose for the transfer.

As provided for in the joint fundraising agreement, the WAC/PCC transferred \$46,750 to the MCC/PAC as excess funds, as that term is defined in 2 U.S.C. § 439a.

 State whether the Majority Congress Committee made their contributor records available to the Wright Appreciation Fund during the 1988 election cycle.

The records of the MCC/PAC and the WAF/Fundraiser were maintained separately by the staff of the respective political

committees, but the staffs of the political committees shared contributor information, as was necessary, and the MCC forwarded contributor information to the WAC on a monthly basis.

AFFIRMATION

I affirm that the foragoing Response of the Majority Congress Committee to the request of the Federal Election Commission for written answers in connection with its Matter Under Review 3011 is true and correct to the best of my personal knowledge, and that the documents attached hereto reflect true and accurate copies of documents in possession of the Majority Congress Committee responsive to the Federal Election Corplexion's request for documents relating to its written questions.

Dated: January 29, 1990

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Treasurer, Majority Congress Committee

Subscribed And Sworn To Before This

day of January, 1990 Ozulos aarit

My Commission expires:

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JOINT FUNDRAISING AGREEMENT HETWEEN WRIGHT APPRECIATION COMMITTEE AND MAJCHITY CONGRESS COMMITTEE

The WRIGHT APPRECIATION COMMITTRE (hereinafter refarrod to as "WAC"), Majority Leader Jim Wright's authorized campaign committee, and the MAJORITY CONGRESS CONMITTEE, a nonconnected federal political committee, (hereinafter referred to as "MCC") hereby enter into a joint fundraising agreement (hereinafter reterred to as "the Agreement") pursuant to 11 C.F.R. § 102.17 and agree as follows:

). WAC and MCC (collectively referred to as "the Participunts") shall conduct a series of joint fundraising efforts in the near future. The specific manner in which these joint fundraising efforts will be conducted shall be mutually agreed upon by the parties.

2. The Wright Appreciation Fund ("the Fund"), the joint fundraising committee established by WAC and MCC, shall act as the fundraising representative for the joint fundraising efforts. Accordingly, the Fund will be according for (A) collecting and depositing joint fundraising contributions; (b) paying fundraising costs from gross proceeds and from funds advanced by the parties; (c) distributing net proceeds; (d) establishing a bank account to be used solely for joint fundsuising receipts and disbursements; and (e) maintaining records and reporting overal) joint fundraising activity. (b) The Participants shall forward any and all contributions which they receive from the joint fundraising efforts to the Fund for deposit within the time periods praacribed by 11 C.F.R. 5 102.8 (i.e., contributions of fifty dollars or less shall be forwarded to the Fund within thirty days after their receipt by either of the Participants: contributions exceeding fifty dollars shall be forwarded within ten days after their receipt).

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3. Any and all not proceeds from the joint fundraising efforts between the Participants (after the payment of expenses) shall be divided between the parties as follows: Seventy-five percent of the proceeds from the joint fundraiser will be distributed to WRIGHT APPRECIATION COMMITTEE and twenty-five percent of the proceeds will be distributed to MAJORITY CONGRESS COMMITTEE; however, if Jim Wright declares, pursuant to 7 U.S.C. § 439a, that he has excess campaign funds, then MAJORITY CONGRESS COMMITTEE will receive seventy-five percent of the proceeds and WRIGHT APPRECIATION COMMITTEE will receive twenty-five percent of the proceeds.

4. The joint fundraising efforts between WAC and the MCC shall be conducted in compliance with the prohibitions and limitations of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 5 431 et sec., and the regulations promulgated thercunder, 11 C.F.R. 5 100 et seq. WRIGHT APPRECIATION COMMITTEE

Duy E. Ly Byı Name: Hunry E. Kurry Title: Treasurer

MAJORITY CONGRESS COMMITTEE

By: Reliter Rune

Names Robert N. Rosvac Titles TREESWRER

REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

	Cont. Date *	Name	Address	Occupation	Amount Reallocated	Previous Total
	11/19/87	L. F. Rooney, III	2120 Montrose Boulevard Houston, TX 77006 (Prin-111 E. 31st Tulsa, OK (918) 583 6900	President Manhattan Construction	\$250	\$1,750 (P & G)
9	10/15/87	Engineers Political Education Committee	1125 - 17th Street, N.W. Washington, D.C. 20036	PAC, Lany Dugan, Jr., Chairman	\$2,500	\$2,500 (G)
	10/16/87	NRLCA Political Action Committee	1448 Duko Street Alexandria, VA 22314	PAC, Ken Parmelee (703) 684 5545	\$2,500	\$2,500 (P & G)
	11/9/67	Sheet Metal Workers Init. Assn. Political Action League	1750 New York Avenue, N.W. Washington, D.C. 20006	PAG	\$2,500	\$2,500 (P & G)
	11/9/87	Texas Air Corp. Political Action Committee	333 Clay Street, Suite 4940 Houston, Texas 77002	PAC, Clark Onstead (202) 628-3336	\$2,500	\$2,500 (P & G)
	11/12/87	BUILD PAC	15th & M Streets, N.W. Washington, D.C. 20005	PAC, Bob Bannister	\$2,500	\$2,500 (P & G)
	11/19/87	AT & T PAC	550 Madison Avenue New York, NY 10022	PAC, W.G. Bryant	\$2,500	\$2,500 (P & G)

* All reallocations occurred on August 31, 1988, except those for the Commodity Futures Political Fund, which occurred on October 17, 1988.

REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

Cont. Date_	Name	Address	Occupation	Amount Reallocated To WAC	Previous Total To WAC
11/19/87	Coastal Employee	Nine Greenway Plaza Houston, TX 77046	PAG	\$25,00	\$2,500 (P & G)
011/19/87	DRIVE Political Fund	25 Louisiana Avenue, N.W. Washington, D.C. 29991	PAC, Jackie Presser	\$2,500	\$2,500 (P & G)
11/19/87	Federal Express Political Action Committee	20005 Corporate Avenue Memphis, TN 38132	PAC, George Hearn (901) 395-3841	\$2,500	\$2,500 (P)
3/5/87	LTV Aerospace & Delense Co. Active Citiz. Campn.	P.O. Box 225907 Dallas, TX 75265-5554	PAC	\$2,500	\$1,750 (P & G)
11/19/87	Commodity Futures Political Fund	30 S. Wacker Drive Chicago, R. 60606	PAC, Leo Malamed, Chmn.	\$2,500	\$1,250 (P)
11/19/87	Commodity Futures Political Fund	30 S. Wacker Drive Chicago, IL 60606	PAC, Leo Malamed, Chmn.	\$3,750	\$1,250 (G)
11/19/87	ATLA PAC Assn. of Trial Lawyers	1050 31st Street, N.W. Washington, D.C. 20007 (202) 965-3500	PAG	\$7,500	\$2,500 (P & G)
12/11/07	American Airlines Political Action Committee	1101 - 17th Street, N.W. Washington, D.C. 20036	PAC, Gene Overbeck	\$2,500	\$2,500 (P & G)

REALLOCATION CHART: WRIGHT APPRECIATION FUND, WRIGHT APPRECIATION COMMITTEE, MAJORITY CONGRESS COMMITTEE

Cont.
DateNameAddressOccupationAmount Reallocated
To WACPrevious Total
To WAC12/17/87Textron Political Action CommitteeP.O. Box 878
Providence, Rt 02001PAC, Mary Howelli\$2,500\$2,500 (P & G)





WASHINGTON. D.C. 20463

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THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3117.

91 APR 15 AM 11: 52

April 10, 1991

(Closed MUR 3000)

TERESAL THEOTING COMMISSION

91 APR 15 PH 4:07

06-60775

Federal Election Commission 999 E Street NW Washington, DC 20463

Gentlemen:

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Your handling of Federal abuses and the "kid glove" treatment of your own "Washington gang" has been shameful at best and more recently has become a National outrage. Your recent settlement with the sleezy Jim Wright is but one example of your flagrant disregard for the professed American Way, i.e. Fair & Equal justice for all !!

Reports from Washington indicate that Wright's misconduct is a tangled web of campaign abuses. We, the American people, must believe that the web is:

- 1.) So complex that your committee does not have the intellectual capacity to untangle same, or
- 2.) Since sleezy Jim is an "insider", it would be political suicide for your prestigious committee to meter out the appropriate sentence that would fit his crimes.

The people have a right to know what's motivating your cavalier attitude toward the priveleged gang inside the beltline.

I promise you that the time is coming when the people will say "enough is enough".

May I hear from your committee?

Sincere.

James P Hagen W322 N6811 Willwood Pt Rd Hartland, WI 53029

cc: R. Kasten

J. Sensenbrenner

L. Aspin

3117/3011



WASHINGTON D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO THE PUBLIC RECORD IN CLOSED MUR 3117.

WASHINGTON, D.C. 20463

April 23, 1991

James P. Hagen W322 N6811 Wildwood Pt RD Hartland, WI 53029

> RE: MUR 3000 and MUR 3117

Dear Mr. Hagen:

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This letter acknowledges receipt on April 15, 1991, of your letter regarding the Federal Election Commission's enforcement matters concerning the campaign committees of former Congressman Jim Wright. We are sending you copies of the conciliation agreements in two matters, which the Commission accepted with regard to Mr. Wright's committees. I am hopeful that these agreements will address your concerns. As you can see from the enclosed agreements, the Commission itself discovered the violations by Mr. Wright's committees pursuant to carrying out its supervisory responsibilities and, on its own initiative, determined to investigate the committees' campaign activity.

The Commission thanks you for your letter and is ever willing to accept and respond to correspondence from the public which often helps the Commission perform its function of enforcing the Federal Election Campaign Act of 1971, as amended ("the Act").

If you have any questions, please address them to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble General Counsel

BY: Lois G. Lerner Associate General Counsel

Enclosure Conciliation Agreements April 10, 1991

(Closed MUR 3000)

PR 15 PH 4:07

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91 APR 15 AHII: 52

SU-C 6773

MMISSION WILL

Federal Election Commission 999 E Street NW Washington, DC 20463

Gentlemen:

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Your handling of Federal abuses and the "kid glove" treatment of your own "Washington gang" has been shameful at best and more recently has become a National outrage. Your recent settlement with the sleezy Jim Wright is but one example of your flagrant disregard for the professed American Way, i.e. Fair & Equal justice for all !!

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- 1.) So complex that your committee does not have the intellectual capacity to untangle same, or
- 2.) Since sleezy Jim is an "insider", it would be political suicide for your prestigious committee to meter out the appropriate sentence that would fit his crimes.

The people have a right to know what's motivating your cavalier attitude toward the priveleged gang inside the beltline.

I promise you that the time is coming when the people will say "enough is enough".

May I hear from your committee?

Sincere

James P Hagen W322 N6811 Willwood Pt Rd Hartland, WI 53029

cc: R. Kasten J. Sensenbrenner L. Aspin