



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 3170

DATE FILMED 9/24/91 CAMERA NO. 4

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ARNOLD & PORTER

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
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(303) 863-1000

CABLE: "ARFOPO"
TELECOPIER: (202) 872-6720
TELEX: 88-2733

November 7, 1990

(NARAL PAC)

MUR 3169

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

Dear Mr. Noble:

Please accept for filing the enclosed complaint, which alleges that Mr. Jack Hawke, the North Carolina Republican Party and its Treasurer have violated 2 U.S.C. § 437g(a)(12) and 11 C.F.R. § 111.21 in connection with MUR 3109. I hope that you will move expeditiously on this complaint.

Very truly yours,

Sheila M. Nix
Kathleen M.H. Wallman
Sheila M. Nix

Enclosure

cc: Mr. Michael Marinelli

90 NOV -7 PM 4:47

FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

21040361403



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

I am Kathryn Young, Treasurer of National Abortion Rights Action League Political Action Committee ("NARAL PAC") during the period of time at issue in MUR 3109. I am writing to allege a violation or violations of 2 U.S.C. § 437g(a)(12) and 11 C.F.R. § 111.21.

1. The respondents to this complaint are the following:
 - a. Mr. Jack Hawke, Chairman of the North Carolina Republican Party
 - b. The North Carolina Republican Party, a political committee registered with the Commission, and its Treasurer, identified in the committee's July 13, 1990 report to the FEC as Carl G. Ward.

I believe that these respondents may be found at the following address:

1410 Hillsborough Street
Post Office Box 12905
Raleigh, North Carolina 27605

2. On August 10, 1990, Mr. Hawke and the North Carolina Republican Party filed a complaint against NARAL PAC.

Lawrence Noble, Esquire
November 2, 1990
Page 2

3. As indicated in the attached letter, dated August 15, 1990 -- five days after the complaint was filed -- respondents disseminated a copy or copies of the complaint that they had filed with the FEC to radio and television broadcasters for the purpose of intimidating the broadcasters from airing pro-choice advertisements. The letter indicates that the complaint was enclosed with the cover letter that is attached to this complaint (Exhibit 1).

4. As indicated in the attached newspaper articles dated August 14, 1990, complainants publicly discussed the contents of their complaint -- after its filing (Exhibits 2, 3 and 4).

5. It is unlawful under 2 U.S.C. § 437g(a)(12) and 11 C.F.R. § 111.21 for any person to make public the contents of a complaint that is pending before the FEC without the written consent of the respondent. NARAL PAC has furnished no such consent.

6. Mr. Hawke, the North Carolina Republican Party, and its Treasurer have violated the Federal Election Campaign Act and the FEC's regulations.

7. NARAL PAC urges the Commission to prosecute this violation of the law. Respondents' misuse of the Commission's processes to further their partisan political aims has compromised NARAL PAC's ability to obtain a fair and impartial adjudication of the allegations contained in the complaint. It is an affront to the Commission and its procedures, which are designed to protect respondents against reputational damage from publicity of unproven allegations and to preserve the integrity of the Commission's adjudicative functions.

21040561455

AFFIDAVIT

CITY OF WASHINGTON)
)
DISTRICT OF COLUMBIA) ss:

The affiant, first being duly sworn, deposes and says:

I, Kathryn Young, affirm that the allegations contained in the foregoing complaint are true and accurate to the best of my knowledge.

Kathryn H. Young
Kathryn Young

Subscribed and sworn to before me this 2nd day of November, 1990.

Janice L. Rodgers
Notary Public

My commission expires: My Commission Expires February 14, 1993

11540361456

21040061457

CHAIRMAN
R. Jack Hawks



North Carolina's Conservative Voice

THE
REPUBLICAN
PARTY

VICE CHAIRMAN
Audrey Malone
FINANCE CHAIRMAN
Steve Stroud
SECRETARY
Kerri Gibbs
TREASURER
W. Senius Weathers

August 15, 1990

General Manager
Radio

, North Carolina

Dear Sir:

The North Carolina Republican Party understands the National Abortion Rights League (NARAL) intends to purchase time on TV and radio stations to broadcast pro-abortion advertisements which would promote the candidacy of Harvey Gantt for the U.S. Senate.

Because these advertisements would not constitute a "use" by Gantt under Section 315(a) of the Communications Act of 1934, as amended [47 U.S.C. 315(a)], your station is not required or obligated to broadcast such advertisements. We understand that many stations in other states have declined to broadcast such controversial advertisements during political campaigns.

First, we intend to closely monitor these advertisements to determine whether they "personally attack" Senator Helms, or any identifiable group, i.e. pro-life groups. The Federal Communications Commission still enforces the "personal attack" provisions of the Fairness Doctrine. See, letter of September 22, 1987 from Dennis R. Patrick, Chairman, to the Honorable John D. Dingell, Chairman, Committee of Energy and Commerce, United States House of Representatives.

We will consider any suggestion or innuendo in the advertisements that Senator Helms, or pro-life groups, hate women, are anti-female, are anti-constitutional liberties, or

21040361433

August 15, 1990
Page two

are against the Constitution to be a personal attack on his, or their integrity and like personal qualities. See, Section 73.1920 of the FCC Rules. We will request free broadcast time to respond to any such "personal attacks".

As you are no doubt aware, the FCC may revoke any broadcast license for willful or repeated failure to allow reasonable access for use of a broadcast station by a legally qualified candidate for Federal elective office, such as Senator Helms, on behalf of his candidacy. See, Section 312(a) (7) of the Communications Act of 1934 as amended [47 U.S.C. 312(a) (7)].

Secondly, of even greater concern, we believe NARAL is violating Federal Election Laws and that these ads are an illegal campaign contribution by NARAL to Mr. Gantt's campaign. Enclosed is the complaint we have filed with the Federal Election Commission against NARAL.

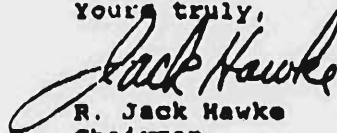
In addition to the personal attacks issue, should the Federal Election Commission rule these ads are an illegal contribution, then your airing them would clearly be detrimental to the public interest. We stress these ads are not a candidate use, so you share the responsibility for airing them.

We urge you to carefully have your legal counsel review this material before you broadcast NARAL's attacks on Senator Helms. We urge you to wait for the Federal Election Commission's decision on the legality of NARAL's contribution before you air these ads.

Should you, after reviewing the enclosed, decide (before the Federal Election Commission rules) that this is not an illegal contribution and decide to air these ads, we would appreciate your letting us know, as we intend to monitor this situation closely.

Thank you for your cooperation. Best personal regards.

Yours truly,



R. Jack Hawke
Chairman,
North Carolina Republican Party

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11-40-61-450

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Helms ally seeks to block abortion-rights ad

by ROB CHRISTENSEN
Staff writer

Supporters of Republican Sen. Jesse A. Helms are attempting to block the airing of an abortion-rights group's television commercial criticizing the senator for his position on abortion.

State Republican Chairman Robert Hawke Jr. has sent letters to a number of television stations, warning them of possible legal difficulties if they run the commercial produced by the National Abortion Rights Action League.

The Helms campaign has protested the commercial from running in the Triangle, where WPTV-TV has declined to air it.

However, several stations in western North Carolina began running the commercial Sunday. "Basically it is an effort to

intimidate broadcast executives," said Ruth A. Ziegler, executive director of NARAL's state chapter.

Ms. Ziegler said the commercial was part of a campaign by the organization to defeat Mr. Helms and was being run independently from the campaign of Democratic Senate candidate Harvey B. Gantt.

The commercial notes that on 10 occasions, Mr. Helms has sponsored a constitutional amendment to ban all abortions, even in cases of rape and incest.

But Mr. Hawke charged that the effort was not separate from the Gantt campaign, and therefore violated federal election law.

The law permits independent campaign efforts, but prohibits coordination between the independent effort and a candidate. Mr. Helms and his New Right allies

pioneered independent campaigns during the 1970s and 1980s, using them to attack Democratic candidates.

Mr. Hawke, who said he was working with the Helms campaign, on Friday filed a complaint with the Federal Election Commission charging that the abortion-rights commercial was an illegal campaign contribution.

The GOP's complaint argues that the group's campaign is not independent, but has close ties to the Gantt campaign. It notes that NARAL has hired Washington pollster R. Harrison Hickman, who has also done polling for the state Democratic Party and for the Democratic Senatorial Campaign Committee, both of which are working to help Mr. Gantt.

The Republicans also charge that a number of people with ties to NARAL are supporting Mr.

Gantt.

In his letter to the television stations, Mr. Hawke urged them to consult with their lawyers before airing the commercial until his complaint was resolved.

"Should the FEC rule these ads are an illegal contribution, then your airing them would clearly be detrimental to the public interest," Mr. Hawke said.

The letter also notes that television stations can be held legally liable for commercials containing personal attacks — unlike commercials sponsored by a candidate.

"We will consider any suggestion or innuendo in the advertisements that Senator Helms, or pro-life groups, hate women, are anti-female, are anti-constitutional liberties, or are against the Constitution to be a personal attack on him . . ." Mr. Hawke

wrote. "We will request broadcast time to respond to such 'personal attacks.'"

But Ms. Ziegler said there had been no illegal coordination between the Gantt campaign and the abortion-rights league.

"We have carefully researched the law," she said. "We are well aware of federal regulations restricting coordination with the Gantt campaign and we are in full compliance with the law. We are confident that the complaint has no merit."

Robert F. Wolfe, WPTV's station manager, said the station decided not to run the commercial because it "presented some legal questions that kept us from running it."

Ms. Ziegler said executives with WRAL-TV and WTVD-TV told her group that they did not run advocacy commercials.

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Gantt and Abortion-Rights Group Are in Collusion on Ads, GOP Says

By Ken Otterbourg
JOURNAL RALEIGH BUREAU

RALEIGH

The North Carolina Republican Party has accused the N.C. Chapter of the National Abortion Rights Action League of violating federal election laws for running advertisements attacking Sen. Jesse Helms, R-N.C.

In a complaint filed Friday with the Federal Election Commission, the GOP alleges that NARAL and the campaign of Harvey B. Gantt, Helms' opponent, aren't working independently, as the law requires.

R. Jack Hawke, the GOP chairman, said, "They're in close communication and collusion."

But Ruth A. Ziegler, the executive director of the state's NARAL chapter, said that, although she hasn't seen a copy of the complaint, "we've researched the law and we're confident that the complaint has no merit."

Ms. Ziegler said that Hawke and

other Helms' supporters are engaged in a "campaign of intimidation" to keep the advertisements off the air. She cited a letter that Hawke mailed to television station managers in North Carolina advising them of the FEC complaint and warning them that "should the Federal Election Commission rule these ads are an illegal contribution, then your airing them would clearly be detrimental to the public interest."

The NARAL advertisements don't mention Gantt, who favors abortion and supports public money for abortions for poor women. But the GOP's complaint ties NARAL and Gantt together because of NARAL's use of R. Harrison Hickman, a pollster who has worked for national Democratic campaign committees that have lent financial and advisory support to Gantt. A poll by Hickman showing Gantt's strength on the abortion issue was the catalyst for the NARAL advertisements, which be-

gan being broadcast Sunday in Eastern North Carolina and the Triangle area.

Although abortion is one of many issues on which Gantt and Helms sharply differ, both camps, at least publicly, have tried to keep it from swallowing other less confrontational topics.

The FEC complaint also says that several members of NARAL served on a committee that helped Gantt decide whether to run for the U.S. Senate and that Gantt has received campaign contributions from NARAL's political-action committee.

Both Burrows, a spokesman for the Helms for Senate committee, said that the complaint was filed only by the Republican Party. "We think it's fair and accurate," said Ms. Burrows.

Gantt's campaign had no comment on the complaint. Officials with the Federal Election Commission could not be reached for comment.

21040361454

GOP Joins Helms' Attack On

The Charlotte Observer
Tuesday, August 14, 1980

Abortion-Rights Ads

By JIM MORRILL
Staff Writer

The N.C. Republican Party has joined Sen. Jesse Helms' campaign in counterattacking a group running TV commercials criticizing Helms' record on abortion.

Both the GOP and the Helms campaign have asked stations across the state not run the ads by the National Abortion Rights Action League. And GOP officials have filed a complaint with the Federal Election Commis-

sion charging that the ads violate federal election law.

At least one TV station, Raleigh's WPTF, chose not to run the ad after deciding it was a "personal attack" against Helms.

NARAL executive director Ruth Ziegler called the Republican letters an attempt "to intimidate broadcast outlets and voters and ... part of a campaign to silence debate on this fundamental issue."

The 30-second ads, which began

Sunday in the Raleigh, Greenville and Wilmington TV markets, show Helms addressing a crowd. A narrator says Helms has repeatedly introduced a constitutional amendment to ban abortion "even for victims of rape and incest."

"The fact is," the speaker continues, "Jesse Helms wants the government and politicians to make this personal decision for you."

Because the ad is not sponsored by a candidate, if a station runs the ad

and the Federal Communications Commission considers it a "personal attack," the station must offer free response time to Helms.

That's what Helms' campaign manager Peter Moore said in a letter to station executives. So did state GOP chairman Jack Hawke, who also mentioned the complaint filed with the Federal Elections Commission.

"Should the (FEC) rule these ads are an illegal contribution, then your airing them would clearly be detri-

mental to the public interest," Hawke wrote. "We urge you to wait for the (FEC) decision ... before you air these ads."

Bob Wolfe, WPTF station manager, said he'd received the letters from Moore and Hawke.

"We declined (the ad) on the advice of our attorneys," he said Monday, adding that it "had information in it that could be interpreted as a personal attack by other parties."

The ad is running at other stations contacted by The Charlotte Observer.

"They were saying the ads were a personal attack on Mr. Helms, and in my view and on counsel's view, it was not a personal attack," said Robert Salai, vice president and general manager of New Bern's WXTI-TV. "Therefore, we decided we would air the commercial."

In his complaint to the FEC, Hawke alleges that NARAL's ad is not the "independent expenditure" NARAL claims. Under the law, as long as a group such as NARAL is totally independent of a political campaign, it's not subject to federal spending limits.

Hawke argues that NARAL's involvement is closely tied to the campaign of Helms' Democratic challenger, Harvey Gantt. If so, it would be subject to contribution limits. Hawke cites three reasons:

- That pollster Harrison Hickman, who did a recent poll for NARAL, has worked for the Democratic Party and various Democratic candidates who are supporting Gantt.

- That Gantt's pollster, David Petts, is Hickman's former associate.

- That the N.C. Coalition for Choice, which supports abortion rights, is tied to the Gantt campaign.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 19, 1990

Kathleen M. H. Wallman
Sheila M. Nix
Arnold & Porter
1200 New Hampshire Avenue N.W.
Washington, D.C. 20036

RE: MUR 3169

Dear Ms. Wallman and Ms. Nix:

This letter acknowledges receipt on November 7, 1990, of the complaint filed by your client, National Abortion Rights Action League Political Action Committee, alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Jack Hawke, Chairman of the North Carolina Republican Party, the North Carolina Republican Executive Committee and Carl G. Ward, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your client's complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3169. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosure
Procedures



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 19, 1990

Carl G. Ward, Treasurer
North Carolina Republican
Executive Committee
1410 Hillsborough Street
P.O. Box 12905
Raleigh, NC 27605

RE: MUR 3169

Dear Mr. Ward:

The Federal Election Commission received a complaint which alleges that the North Carolina Republican Executive Committee ("the Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3169. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 5 U.S.C. § 552(a)(1)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

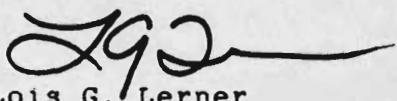
0104061467

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

21040361453



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 19, 1990

Mr. R. Jack Hawke, Chairman
North Carolina Republican Party
1410 Hillsboro Street
P.O. Box 12905
Raleigh, NC 27605

RE: MUR 3169

Dear Mr. Hawke:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3169. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosures

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

21040361470

CHAIRMAN
R. Jack Hawke

10 DEC 1990 AM 11:25



THE REPUBLICAN PARTY

North Carolina's Conservative Voice

MUR 3168 EGC 8845
MUR 3169
MUR 3170

VICE CHAIRMAN
Elinor Swaim
FINANCE CHAIRMAN
Steve Stroud
SECRETARY
Jan Grube
TREASURER
Carl Ward

November 28, 1990

90 DEC -4 AM 10:58

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
WASHINGTON, DC

Dawn Odrowski
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

Dear Ms. Odrowski:

We received your letter informing us of the NARAL complaint filed against the NCGOP on November 21. We are now compiling a response to the complaint.

The NCGOP plans to cooperate fully with your investigation. But we need a 15 day extension to allow us to file a complete response.

Please let me know how much time you will allow us to respond.

Sincerely,

Jack Hawke

BY:

Thomas A. Ballus
Communications

CHAIRMAN
R. Jack Hawke



THE REPUBLICAN PARTY

North Carolina's Conservative Voice

VICE CHAIRMAN
Elinor Swain
FINANCE CHAIRMAN
Steve Stroud
SECRETARY
Jan Grube
TREASURER
Carl Ward

December 5, 1990

Dawn Odrowski
Federal Election Commission
999 E. Street, NW
Washington, DC

MUR: 3168, 3169, ³¹⁷⁰~~3160~~

Dear Mrs Odrowski:

Let me again request an extension on 15 day response period on the complaints filed against the North Carolina Republican Party (NCGOP).

At the time we learned of the first complaint (November 21), the NCGOP's Assistant Executive Director, Effie Pernell, and I were both scheduled to be out of the country the following week. The remaining two complaints arrived while we were both away.

This is the reason we need an extra 15 days to respond to the complaints. Our attorneys could not begin to prepare our answers to your questions until they could meet with both of us. They were unable to meet with us until this week.

Please also allow the same extension to be granted for the NCGOP's Treasurer, Carl Ward. As we will be filing a joint response, he could not begin work on a response until he met with Effie and me.

The North Carolina Republican Party, Effie Pernell, and I all plan to cooperate with your investigation. But we need time to file a complete response.

Please let me know how much time you will allow us to respond.

Sincerely,

Jack Hawke
Jack Hawke

CHAIRMAN
R. Jack Hawke

90 DEC 10 AM 11:31



THE REPUBLICAN PARTY

North Carolina's Conservative Voice

December 6, 1990

VICE CHAIRMAN
Elinor Swain

FINANCE CHAIRMAN
Steve Stroud

SECRETARY
Jan Grube

TREASURER
Carl Ward

MUR 3169

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

Attn: Ms. Dawn Odrowski

Re: MURs 3168, 3169 and 3170 (North Carolina Republican
Party)

Dear Mr. Noble:

I am the Chairman of the North Carolina Republican Party. In that capacity, I have received copies of the three complaints captioned above. This letter is in reply to each of the complaints filed by the NARAL Foundation, the NARAL Political Action Committee and NARAL-North Carolina Political Action Committee, which have been designated Matters Under Review 3168, 3169 and 3170. For the reasons set forth herein, the Federal Election Commission should find no reason to believe that the North Carolina Republican Party has violated any provision of the Federal Election Campaign Act of 1971, as amended, (the "Act"), 2 U.S.C. 431-455, specifically section 437g(a)(12).

The complaints allege that the North Carolina Republican Party violated section 437g(a)(12) of the "Act" by pointing out to the general managers of selected radio and television stations in North Carolina that advertisements which were paid for by NARAL and its North Carolina affiliate were (1) prepared and placed in

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concert with the Harvey Gantt for Senate Committee, (2) were intended to advocate the election and/or defeat of a clearly identified candidate for election to the United States Senate from North Carolina on November 6, 1990, (3) were outside the definition of a "use" as that term is defined under section 315(a) of the Federal Communications Act of 1934 (47 U.S.C. 315(a)), (4) were intended to be "personal attacks" upon United States Senator Jesse Helms and, thus, subject to the "fairness doctrine" of the Federal Communications Commission (section 73.1920 of the Rules of the Commission) with the potential result that a broadcast license could be revoked by the Federal Communications Commission if "equal access" were not granted to Senator Helms to respond to the NARAL ads and, finally, (5) that NARAL and its North Carolina affiliate may have violated the "Act" by making an "expenditure" that was not independent of the Harvey Gantt for Senate Committee and that a complaint had been filed with the Federal Election Commission regarding this alleged violation.

The letter to North Carolina broadcasters was nine paragraphs in length. By far the greatest focus of the letter was the potential application of the Federal Communications Act of 1934 and the Rules of the Federal Communications Commission to the airing of the NARAL ads.

In only four of the paragraphs was the Federal Election Commission complaint filed against NARAL by the North Carolina Republican Party mentioned and only to the extent that (1) the broadcasters were notified that the complaint had been filed and (2) the broadcasters were urged to await a decision by the Federal

Election Commission on the merits of the complaint before running the NARAL ads. The letter was carefully worded so as to advise the broadcasters only that a complaint had been filed with the Federal Election Commission. The letter carefully avoided any statement that the Federal Election Commission had notified either the respondents or any other party about the complaint or that any "investigation" had been undertaken by the Federal Election Commission.

As you know, the Federal Election Commission has addressed alleged violations of section 437g(a)(12) on numerous occasions in the past. In each of these instances, where no evidence was found to suggest that a complainant had informed third parties that the Federal Election Commission had either notified respondents to a complaint for a response or undertaken an "investigation" upon receipt of a complaint, the Federal Election Commission found no reason to believe that the "Act" had been violated in an instance where the complainant merely disclosed the existence and substance of a complaint filed with the Commission. In that context, I would refer you to the Commission's findings in MUR 2142 of April 8, 1986; MUR 2162 of December 11, 1986; MUR 2207 of November 4, 1986; and MUR 2980 of December 19, 1989. In each of these matters, the Office of the General Counsel recommended, and the Commission later determined, that section 437g(a)(12) of the "Act" had not been violated where the mere existence of a complaint was made public by the complainant. In fact, the legal analysis of the Office of the General Counsel and the determinations of the Commission in each of these matters concluded that the Commission

has consistently held that the confidentiality provisions of the "Act" do not prevent a complainant from making public the fact that a complaint had been filed and the substance of that complaint. In fact, in closing these matters, the Commission has consistently held that the "Act" only prohibits persons from making public a Commission notification or investigation.

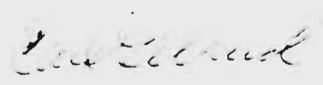
On these facts the North Carolina Republican Party merely referred, in a letter to North Carolina broadcasters, to a complaint having been filed against NARAL and its North Carolina affiliate and the substance of the complaint. The North Carolina Republican Party did not make public a Commission notification or investigation. For these reasons, the North Carolina Republican Party urges the Federal Election Commission to find no reason to believe that it has violated any provision of the "Act."

In addition, the North Carolina Republican Party again strongly urges that the Commission move forward expeditiously on the complaint filed by the Party with the Commission on August 10, 1990, MUR 3109, alleging numerous violations of the "Act" by NARAL and its North Carolina affiliate.

Sincerely,



R. Jack Hawke
Chairman



Carl G. Ward
Treasurer
N.C. Republican Party
Executive Committee

21040361476

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION:

MUR #: 2142
DATE COMPLAINT RECEIVED
BY OGC: February 19, 1986
DATE OF NOTIFICATION TO
RESPONDENT: February 26, 1986.
STAFF MEMBER: Snyder

SENSITIVE

COMPLAINANT'S NAME: Handgun Control, Inc.
RESPONDENT'S NAME: National Rifle Association
RELEVANT STATUTE: 2 U.S.C. § 437g(a)(12)(A);
11 C.F.R. § 111.21(a)
INTERNAL REPORTS
CHECKED: MUR's 1244, 1275, 1607
FEDERAL AGENCIES
CHECKED: None

SUMMARY OF ALLEGATIONS

On February 14, 1986, complainant Handgun Control Inc. ("HCI") alleged that respondent the National Rifle Association ("NRA") violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a) by publishing in the MONITOR, the official publication of the NRA's Institute for Legislative Action, the fact that NRA had filed a complaint with the Federal Election Commission against HCI (MUR 2115) and a description of the substance of that complaint.

FACTUAL AND LEGAL ANALYSIS

The pertinent statute states:

(A) Any notification or investigation made under this section shall not be made public by the Commission or by any

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person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

2 U.S.C. § 437g(a). The Commission has on several occasions interpreted the foregoing statute to prohibit only the making public of a Commission notification or investigation, but as not barring disclosure of the filing of a complaint or its substance.

Thus, in MUR 1275, the Carter/Mondale Reelection Committee notified broadcasters that it had filed a complaint against the Reagan for President Committee and others. The Commission found no reason to believe Carter/Mondale had violated the Act, since "the letter to the broadcasters did not mention any notification or investigation by the Commission." The Commission reached the same result based on the same analysis in MUR 1607. In accordance with these precedents, this Office recommends that the Commission find no reason to believe that respondent violated the Act by disclosing the fact that it had filed a complaint, along with the substance of that complaint, since it did not disclose any information about a Commission notification or investigation.

RECOMMENDATIONS

1. Find no reason to believe that the National Rifle Association violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a).

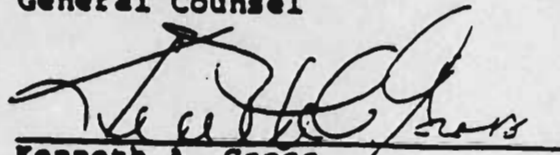
2. Approve and send the attached letters.

Charles N. Steele
General Counsel

Date

March 31, 1986

BY:


Kenneth A. Gross
Associate General Counsel

Attachments

1. Complaint
2. Response
3. Proposed letters to complainant
4. Proposed letter to respondent

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2142
National Rifle Association)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 8, 1986, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2142:

1. Find no reason to believe that the National Rifle Association violated 2 U.S.C. § 437g(a)(12)(A).
2. Close the file.
3. Direct the Office of General Counsel to send appropriate letters pursuant to the above actions.

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

Attest:

4-8-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Neighbors for Epperson, and)
Stephen C. Mathis, as treasurer, et al.)

MUR 2162

REC'D 5 ALL: 15

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 7, 1986, the Office of General Counsel received a letter dated March 31, 1986 from P. Lynn Ellis of Winston-Salem, North Carolina. This letter consisted of a written, signed, and notarized affirmance of the contents of two other letters and a newspaper article^{1/} submitted earlier by Ms. Ellis. Taken together, the three letters and the newspaper article constitute a complaint (hereinafter, "the complaint") against WTOB Radio of Winston-Salem, North Carolina; Stuart W. Epperson, a candidate for the United States House of Representatives from the Fifth District of North Carolina; Epperson's campaign committee, "Neighbors for Epperson"; the "Salem Pregnancy Clinic" [sic]; and an entity identified only as "Crafted With Pride."

The complaint was based on the cited newspaper article, but Ms. Ellis' letters also referred to television news stories broadcast locally in February, 1986. The complaint was circulated to the Commission on April 8, 1986, and the matter was designated MUR 2162.

On May 21, 1986, this Office circulated a First General Counsel's Report which listed the potential respondents named in

1/ Robinson, WTOB Employees Say Epperson Used Them to Track Neal, Winston-Salem Journal, February 21, 1986, at 1, col 1.

the complaint and stated that this Office would make a full report to the Commission when it had received their responses.^{2/}

II. LEGAL ANALYSIS

This report will consider the allegations of the complaint and the answers received from each respondent. The essence of the complaint is that employees of WTOB Radio performed services for Stuart W. Epperson's congressional campaign while being paid by WTOB. Complainant's letters also allege that Epperson "used his connections" with two other organizations, the "Salem Pregnancy Clinic" and "Crafted With Pride" to further his campaign.

The Federal Election Campaign Act of 1971, as amended, (hereinafter, "the Act") provides that a "contribution" includes the payment by any person of the compensation for the personal services of another person which are rendered to a political committee without charge for any purpose. 2 U.S.C. § 431 (8)(A)(ii). It is unlawful for any corporation whatever to make a contribution in connection with a federal election. 2 U.S.C. § 441b(a).

A. WTOB Radio and Salem Media of North Carolina, Inc.

On behalf of WTOB, Salem Media of North Carolina, Inc. (hereinafter, "Salem Media") filed a response through counsel

^{2/}. This Office was unable to circulate a report earlier because Complainant did not provide any address for Crafted With Pride in the U.S.A. Council in the complaint. Crafted With Pride's address was obtained in August, 1986, and it filed an answer on September 17, 1986.

which was received on June 16, 1986. Attachment I. The response stated that WTOB is owned by Salem Media. Stuart W. Epperson filed an affidavit as part of Salem Media's response which stated that he is the "owner, president, and director" of Salem Media. See Epperson Affidavit, Attachment I-B.^{3/} Therefore, a connection has been established between Epperson, WTOB, and Salem Media.

1. Threshold Matters

a). Personal Knowledge

Counsel for Salem Media first attacked the sufficiency of the complaint. Counsel noted that Complainant has no personal knowledge of the facts which are the basis of the allegations. However, Commission practice has been to accept complaints based on newspaper articles. See Agenda Document #79-299, now Commission Memorandum No. 633. This memorandum states that complaints based on newspaper articles will be accepted

...so long as a complaint ... satisfies
2 U.S.C. § 437g(a)(1), by including a
sworn statement that the complainant
believes the facts to be true as alleged
and satisfies 11 C.F.R. § 111.2 [now
111.4] in that the news article on which
the complaint is based must be
substantive in its facts...

Memorandum No. 663 at 3; see also MUR 1741. Therefore, personal knowledge is not indispensable to a valid complaint where, as here, the complaint meets the mandatory requirements of being in

3/. Epperson submitted two affidavits, one as part of the response from Salem Media, Attachment I-B, and one as part of the response for Neighbors for Epperson, Attachment II-B.

writing, being sworn to, and being notarized as required by 2 U.S.C. § 437g (a) (1). Accordingly, as to Salem Media and WTOB, the Commission may consider that this complaint has met the requirement of being based on a newspaper article which is "substantive in its facts."

b). Lack of Allegations Against Salem Media

Counsel next states that the complaint alleges no charges against Salem Media or WTOB Radio. It is literally true that the complaint does not expressly name Salem Media. However, the complaint refers repeatedly to WTOB, and WTOB is owned by Salem Media of North Carolina, Inc., which is a North Carolina corporation.

The Act expressly prohibits a corporation from making contributions or expenditures in connection with a federal election. 2 U.S.C. § 441b. The complaint expresses the belief that WTOB Radio paid its employees for time spent working on Epperson's campaign. Even though there is no express allegation that WTOB violated the Act, facts are stated which, if true, could constitute violations by Salem Media, the parent corporation of WTOB.

Therefore, it is necessary to consider Salem Media as a respondent because it may have made prohibited corporate contributions. In light of the apparent close identity between WTOB, Salem Media, and Stuart Epperson, it is proper for the

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Commission to consider Salem Media as a respondent in this matter.

c). Lack of Clear and Concise Recitation of Facts

Counsel next alleges that the complaint is insufficient because it does not contain a "clear and concise recitation of the facts which describe a violation" as required by 11 C.F.R. 111.4 (d) (3). However, nothing in the Act or regulations requires a complainant to be exact in every detail. This Office does not believe that the Commission should hold the public to rigid standards of draftsmanship in preparing complaints. Therefore, the Commission may consider the complaint even though it may not be drafted with great clarity or conciseness, and need not dismiss the complaint as Salem Media's counsel has argued.

2. Salem Media's Response to the Substance of the Complaint

The complaint alleges that "[e]mployees of radio station WTOB were asked by station owner Stuart W. Epperson and others to pose as WTOB news reporters to gather information for Epperson's congressional campaign." Tapes made by these individuals were allegedly not broadcast by WTOB but were turned over to Epperson's campaign and used for campaign purposes.

Salem Media states generally that no WTOB employee was ever assigned to cover news conferences while on company time for any purpose other than for use by WTOB. Specific denials of the allegations are given by Epperson and by David R. Plyler, the

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general manager of WTOB. Epperson stated in his affidavit that Plyler had the day-to-day responsibility for assigning staff to duties at the station, and that Epperson had never directed any employee to do the acts alleged. Attachment I-B. Plyler stated in his affidavit that he had never assigned any WTOB employee to cover news conferences for any purpose other than for use by WTOB. See Attachment I-A. Plyler and Epperson also specifically denied giving any tapes to the Epperson campaign.

a). Epperson Radio Announcement

The complaint next alleged that part of a speech by Representative Stephen L. Neal which had been taped by a WTOB employee was being used in an Epperson radio announcement. The speech was made in August 1985 by Representative Neal to the local Lions Club (hereinafter, "Lions Club speech"). Plyler stated in his affidavit that in early 1986, the Neighbors for Epperson committee rented the WTOB studio at the standard rental fee plus costs. Plyler noted in his affidavit that this amount was promptly paid.^{4/} When Plyler's statements are combined with the statements submitted by Scott Gregory, the former Program Director at WTOB, it appears that the use of the Lions Club speech segment did not represent a contribution to Neighbors for Epperson.

4/. The affidavit submitted by Scott Gregory as part of the Neighbors for Epperson committee's response makes clear that the tape which was used in the Epperson commercial is the same tape referred to by Plyler in his affidavit. Gregory noted that the charges of \$81.00 were promptly paid, and were reported by the Committee on its 1986 April Quarterly report. This report had not been filed at the time the newspaper article on which the complaint was based was written. See infra, at 14.

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b). Alleged In-Kind Contribution of Tapes

The complaint states that various employees of WTOB taped news conferences by Representative Neal and that these tapes were not broadcast by WTOB. Complainant implies that because such tapes were not used on WTOB's news programs, they were given to the Epperson committee, thus constituting in-kind contributions.

Salem Media and Plyler each stated that WTOB is a small organization, and that all employees are expected to perform a variety of jobs, including covering news events as reporters when needed. In explaining why particular tapes may not have been broadcast by WTOB, Plyler stated that WTOB produces only one regularly scheduled news program per day, and that this contains less than two minutes of news. Salem Media stated that "it is simply not possible for WTOB to broadcast every tape of news events made by WTOB employees." Further, Salem Media argued that it "is understandable that poor quality recordings made by employees who were unfamiliar with recording equipment but sent, out of necessity, to cover a news event, would not be broadcast on WTOB." Thus, Respondents argue that no inference should be drawn from the fact that certain tapes were not broadcast by WTOB.

c). Allegations by Former Employees

The newspaper article on which the complaint was based

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reported that several former employees (Henry Heidtmann, Morely Trust, and several anonymous employees) alleged that WTOB employees performed services for the Epperson campaign while being paid by WTOB. The complaint related that Henry Heidtmann (an advertising salesman who left WTOB in January, 1986) said that in November, 1985, Heidtmann was asked by station manager Scott Gregory to tape a speech by Representative Neal at the Ramada Inn in Clemmons, N.C. ("the Ramada Inn Speech"). Heidtmann allegedly stated that he was given \$25 to tape the speech and that he was told to claim that he was a reporter for WTOB. Heidtmann was quoted in the newspaper article as saying that he was supposed to give the speech to Gregory so that Gregory could transcribe and use it, but that the tape was never broadcast by WTOB. Heidtmann was further quoted as saying that he did tape the speech and that he did give the tape to Scott Gregory.

Salem Media adopted the denials contained in the Epperson and Plyler affidavits. Although Epperson and Plyler did not mention Heidtmann or Trust by name, Epperson and Plyler each denied the allegations that they had ever assigned any WTOB employee to cover news conferences for any purpose other than use by WTOB. Epperson and Plyler also denied that they had turned over any WTOB tapes to any political campaign.

As to Heidtmann's allegation that he had been given money to

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tape a speech by Representative Neal when he was not a news reporter but a salesman, Plyler stated that because WTOB is a small organization (six full-time and four part-time employees), all employees are expected to perform a variety of jobs, including covering news events. Plyler stated that at the time of the alleged violations, and also at the time the affidavits were prepared, WTOB had no full-time news reporters and no news director. Thus, the suggested inference that Heidtmann was sent to cover Representative Neal's speech for use by the Epperson campaign instead of by WTOB does not appear valid.^{5/}

d). Conclusion

Salem Media's response adequately addresses the allegations contained in the complaint. The corporation, and two of its principal personnel (Epperson and Plyler), have denied the allegations, and have given reasonable explanations of circumstances from which Complainant sought to raise inferences of improper conduct. Therefore, this Office recommends that the Commission find no reason to believe that Salem Media of North Carolina, Inc. violated 2 U.S.C. § 441b(a) by making corporate contributions to a candidate's committee.

^{5/}. See also Scott Gregory's affidavit and discussion infra, at 13.

B. Neighbors for Epperson

Neighbors for Epperson and Stephen C. Mathis, as treasurer, filed their response through counsel which was received on May 29, 1986. See Attachment II. This response included affidavits by R. Scott Gregory (formerly Public Affairs Director at WTOB, and currently Epperson's campaign manager), Attachment II-A, and Stuart W. Epperson, Attachment II-B.

1. Threshold Matters

a). Personal Knowledge

Counsel initially attacks the complaint because it is not based on Complainant's personal knowledge. The same argument was made by counsel for Salem Media. It should be rejected for the reasons set forth at 3-4, supra.

b). Television Reports

Counsel for Neighbors for Epperson also notes that the complaint refers to news stories broadcast on Channel 8, a local television station. The complaint makes only vague references to these stories, and no transcripts of them or other documentation were provided by Complainant. It is unclear what the television reports may have said, whether they in fact support the allegations made by Complainant, and whether the facts asserted in the broadcasts (if any) are true. Counsel appears to argue that the Commission should not consider any issue based on the television reports. However, because the complaint met the minimum requirements of Commission regulations, the Commission

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may consider all relevant information, including Complainant's references to television reports.

c). Identity of the Complainant

Counsel further argues that "[i]f Lynn Ellis had been encouraged or requested to file this complaint by someone else, the actual complaintant [sic] should be identified." Because the complaint has met the requirements of 11 C.F.R. 111.4(b) by providing the full name and address of the complainant, and has been sworn to and notarized, this Office sees no need to inquire into whether anyone encouraged this Complainant to file the complaint.

d). Confidentiality

Counsel asserts that Complainant P. Lynn Ellis may have violated the confidentiality provisions of 2 U.S.C. § 437g (a)(12)(A) and 11 C.F.R. 111.21 (a) by appearing on two television news broadcasts to discuss the complaint in this matter. Counsel enclosed a transcript of two news broadcasts on a local television station (WGHP) on March 7, 1986. According to the transcripts, Complainant acknowledged the fact that she had filed a complaint with the Commission and made a vague reference to her allegation that Epperson had been using his employees for his campaign.

Counsel argues that "such possible abuses of the FEC complaint process and the confidentiality provisions should not be permitted."

The Act provides that:

any notification or investigation made under this section [2 U.S.C. § 437g] shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

2 U.S.C. § 437g (a)(12)(A). Commission regulations appear to extend the confidentiality requirements to complaints by stating that

no complaint filed with the Commission, nor any notification sent by the Commission, nor any investigation conducted by the Commission, nor any findings made by the Commission shall be made public by the Commission or by any person or entity without the written consent of the respondent with respect to whom the complaint is filed, the notification sent, the investigation conducted, or the finding made.

11 C.F.R. 111.21 (a).

The Commission has previously considered the issue of the publication of complaints by complainants. The Commission has consistently held that the confidentiality provisions of the Act do not prevent a complainant from making public the fact that he or she has filed a complaint and the substance of that complaint. The Act only prohibits persons from making public a Commission notification or investigation. MUR 1607; see also: MURs 2142, 1506, 1275, 1266, 1251, and 1244. Although complainant here acknowledged in her statement on television that she had filed a complaint, and referred to its substance, it does not appear that she made public a Commission notice or investigation. Therefore,

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Complainant's statements appear to be permissible under prior Commission decisions.

2. Neighbors for Epperson's Response to the Substance of the Complaint

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The complaint alleges that "[e]mployees of Radio Station WTOB were asked by station owner Stuart W. Epperson and others to pose as WTOB news reporters to get information for Epperson's congressional campaign..." The Committee's counsel relies on denials contained in affidavits filed by Gregory and Epperson. Gregory states that "[a]t no time did I (or anyone else associated with WTOB, to my knowledge) direct any employee of WTOB to assume the role of a reporter to question Congressman Steve Neal for political purposes." Gregory also states that "[a]t no time did I (or anyone else associated with WTOB, to my knowledge) direct any employee of WTOB to tape record any speech made by Mr. Neal for use by any campaign or any partisan political purpose." Epperson also denied the same allegations in his affidavit.

a). Epperson Radio Announcement

As discussed in connection with Salem Media's response, the complaint alleged that part of a speech by Representative Neal was taped by a WTOB employee and was later used in an Epperson radio announcement aired on local radio stations during February

1986. Gregory stated that a tape of this speech ("the Lions Club speech", supra) was in fact made by a WTOB employee, and that Gregory had listened to it shortly after it was made. Gregory stated that after he left WTOB and joined Neighbors for Epperson, he remembered certain statements made by Neal and that he requested WTOB rent its facilities to Neighbors for Epperson to copy the tape. A brief portion of this tape was later used in a radio announcement sponsored by Neighbors for Epperson. See Attachment II-A. Gregory stated that WTOB was compensated for studio time and costs for copying the tape. Counsel for Neighbors for Epperson stated that the payment was reflected on the Committee's 1986 April 15 quarterly report to the Commission.^{6/} This radio announcement was aired during February, 1986. Counsel states that payment to WTOB was made on February 19, 1986, which reflected prompt payment of the charges. Counsel further stated that the Commission had approved similar transactions in Advisory Opinion 1978-60.

^{6/}. Neighbors for Epperson's 1986 April Quarterly Report shows a payment to WTOB on February 19, 1986 for \$81.00 for "studio time" as stated by Gregory. Because the April Quarterly Report was not due until April 15, 1986, the fact that Neighbors for Epperson would be obliged to report the transaction to the Commission (and would in fact do so) could not have been known to Complainant or the newspaper reporter, who wrote that the Epperson committee's reports showed no disbursements for studio time to WTOB. Thus, no inference should be drawn that WTOB made a contribution of its services to Neighbors for Epperson by copying the tape because the transaction was paid for at the normal rate and properly reported to the Commission.

As discussed above in connection with Salem Media, the complaint also related that Henry Heidtmann (an advertising salesman who left WTOB in January, 1986) said that in November, 1985, Heidtmann was asked by Gregory to tape a speech by Representative Neal at the Ramada Inn in Clemmons, N.C. ("the Ramada Inn Speech").

Scott Gregory stated in his affidavit that if Heidtmann had actually claimed that Gregory asked Heidtmann to tape the speech, this was false. Gregory stated that Plyler, the General Manager had asked Heidtmann to tape the speech. Gregory did state, however, that Heidtmann had asked Gregory for questions to ask Representative Neal, and that Gregory "gave him his thoughts." Gregory admitted that Heidtmann gave him the tape, but says that he never listened to it because it was recorded at the wrong speed. Gregory stated that he did not transcribe this tape or use it in any way, and doubted that the tape was of broadcast quality. In reply to Heidtmann's comment that Heidtmann "was a salesman, not a reporter", Gregory stated that salesmen at WTOB were required to perform duties other than sales because at that time, WTOB did not have any news reporters.

The complaint related that another former employee of WTOB, Morley Trust, confirmed what Heidtmann said. Trust was quoted as saying: "What he (Heidtmann) said is true. They did the same

things while I was there. He (Gregory) asked (another employee) to do the same thing, and I know he did the same things ... It was in the guise of reporting[.]"

Gregory stated in his affidavit that Trust could not possibly confirm that Heidtmann taped the Ramada Inn speech because that speech took place in November, 1985, and Trust had left WTOB in August. Gregory also stated that Trust could not be accurate in stating that Gregory asked another employee to cover a press conference because Trust had already left WTOB before Gregory joined it. Gregory stated that their periods of employment did not overlap, and that he had not even met Trust.

Respondent's counsel also draws attention to a statement in the newspaper article that both Heidtmann and Trust said that they left WTOB because of disputes over pay.

The complaint also refers to allegations by anonymous employees. The first anonymous employee (hereinafter, "Anonymous I") stated that Gregory wrote out questions for Anonymous I to ask Representative Neal. Anonymous I allegedly interviewed Neal by telephone, taped the interview, and gave the tape to Gregory. Gregory states that this happened on only one occasion, that he was not provided with a copy of the tape, and that he saw nothing unusual in the fact that a WTOB employee interviewed a public official. The second anonymous employee (hereinafter,

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"Anonymous II") stated that he was asked to stuff envelopes for Epperson fundraising events while working at WTOB. Gregory noted that Anonymous II did not say who asked him to do this. Gregory stated that he did not ask any employee at WTOB to stuff envelopes or otherwise to work for the campaign, nor did he know anyone else at WTOB who made such requests.

With respect to a statement in the complaint by one of the anonymous employees that he or she felt pressured to do volunteer work at nights and to attend campaign functions, Gregory stated that "no WTOB employee was ever pressured or coerced in any way to do volunteer work or to attend a campaign event by me, or by anyone else to my knowledge."

c). Conclusion

The Committee's use of WTOB's tape for the Epperson radio announcement appears to be permissible because the standard fee was paid. Gregory has persuasively denied the allegations by Heidtmann and Trust. Given that the statements by the anonymous employees are hearsay within hearsay, their reliability is not great. Therefore, the denials under oath by Gregory and Epperson should be given greater weight. Thus, it appears that Neighbors for Epperson did not accept prohibited corporate contributions from Salem Media or WTOB. Therefore, this Office recommends that the Commission find no reason to believe that Neighbors for Epperson and Stephen C. Mathis, as treasurer, violated 2 U.S.C. § 441b(a).

C. Stuart W. Epperson

1. Response to Substance of the Complaint

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The complaint alleges that Stuart W. Epperson personally participated in the acts complained of. The newspaper article on which the complaint was based stated that "[e]mployees of radio station WTOB were asked by station owner Stuart W. Epperson and others to pose as WTOB news reporters to get information for Epperson's congressional campaign..." The article also states that Epperson allegedly took a tape of a news conference which was never broadcast by WTOB, implying that the tape was instead given to the Epperson campaign. An anonymous employee allegedly also stated that Epperson had asked him to cover a news conference by Representative Neal and that the interview was never broadcast by WTOB, again implying that the tape was given to the Epperson campaign. The article noted that Epperson denied these charges.

The Act specifically prohibits candidates (as well as their political committees) from accepting contributions from corporations. 2 U.S.C. § 441b(a). Because both the letters and the newspaper article on which the complaint was based referred to Epperson personally, it is necessary to consider Epperson's role in the alleged violations.

Stuart W. Epperson filed two affidavits in this matter,

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Attachments I-B and II-B. Epperson admitted that he is the President of Salem Media (which owns WTOB) and that he is a candidate for the U. S. House of Representatives. In the affidavit filed as part of the response by Salem Media, Epperson specifically stated that he had never assigned any WTOB employee to cover a news conference for any purpose other than use by WTOB. He also stated that he had never turned over any WTOB tape to any political campaign. He further denied that he had ever pressured any WTOB employee to volunteer for any political campaign. He further stated that no WTOB employee had been used for political purposes, and that to his knowledge, no one at WTOB had taken part in the alleged activities.

Epperson's other affidavit, filed as part of the response for Neighbors for Epperson, also contained these statements. In addition, Epperson specifically responded to Morely Trust's assertion that Epperson had personally taken a tape of a press conference. Trust appeared to imply that Epperson gave the tape to his campaign committee. Epperson stated that he never asked any employee to tape an event for political purposes, and that he never turned over any tapes to any political campaign.

Epperson's denials adequately address the issues raised by the complaint. In addition, the allegations by Trust are unsubstantiated hearsay, and the allegations purportedly made by the anonymous employees are hearsay within hearsay. Given that these statements are inherently unreliable, this Office believes

that the denials given by Epperson deserve greater weight. Therefore, this Office recommends that the Commission find no reason to believe that Stuart W. Epperson violated 2 U.S.C. § 441b(a).

2. Late Filing of Statement of Candidacy

The Act provides that each candidate for Federal office shall file a Statement of Candidacy within 15 days of meeting the statutory definition of a candidate set forth in the Act. 2 U.S.C. § 432(e)(1). In attempting to argue that the acts complained of occurred prior to Epperson's candidacy, counsel for Neighbors for Epperson admits that Epperson failed to file his "statement of organization" [sic] within the required time period.^{7/} Counsel stated that Epperson met the statutory definition of candidate on December 7, 1985. Counsel then stated that Epperson's statement of organization was not filed until January 2, 1986.

Assuming it is true that Epperson in fact met the definition of candidate on December 7, 1985, then his statement of candidacy would have been due on December 22, 1985. Counsel admits (and Commission records confirm) that Epperson filed his statement of candidacy on January 2, 1986. Therefore, the statement of candidacy was 11 days late.

The Act also requires the authorized committee of a

^{7/}. Counsel appears to confuse the statement of candidacy, which must be filed by a candidate, with the statement of organization, which must be filed by the candidate's political committee.

candidate to file a statement of organization no later than ten days after designation by the candidate. 2 U.S.C. § 433(a). Neighbors for Epperson (the candidate's authorized committee) filed its statement of organization on January 2, 1986, the same date on which Epperson filed his statement of candidacy. Therefore, Neighbors for Epperson complied with 2 U.S.C. § 433(a) because the statement of organization was filed within ten days of designation by the candidate.

Because counsel has admitted that Epperson filed his statement of candidacy late, this Office recommends that the Commission find reason to believe that Stuart W. Epperson violated 2 U.S.C. § 432 (e)(1). However, given that the statement was filed eleven (11) days late, this Office also recommends that the Commission take no further action on this issue.

D. Salem Pregnancy Support, Inc.

Salem Pregnancy Support, Inc. (hereinafter "Salem Pregnancy") is a North Carolina corporation. The sole reference to Salem Pregnancy in the complaint is as follows:

In addition, these stories [television reports on local station Channel 8] also suggest that Mr. Epperson used his connections with ...Salem Pregnancy Clinic to do the same [use employees for his congressional campaign while on company time.]

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This statement appears in Complainant's March 3, 1986 letter, and is repeated verbatim in Complainant's March 17, 1986 letter. These are the only references to Salem Pregnancy in the complaint. The newspaper article which forms the basis of the complaint does not mention Salem Pregnancy.

Salem Pregnancy Clinic filed a response on May 27, 1986 which stated that it is a non-profit corporation which is supported exclusively by voluntary contributions. Attachment III. Stuart W. Epperson is a member of its board of directors. Salem Pregnancy denied making any contributions to Epperson's campaign, and specifically stated that no employees worked on Epperson's campaign while on company time. Salem Pregnancy stated that it had only two paid employees at the time mentioned by the complaint. Jacqueline Bohenstiel, the Executive Director of Salem Pregnancy, resigned on September 27, 1985, and subsequently became employed by Neighbors for Epperson. Ms. Bohenstiehl submitted an affidavit stating that she never performed any services for Epperson's campaign while employed by Salem Pregnancy. The other employees, Lisa Miller and Roberta S. Meyer (who replaced Ms. Bohenstiehl) also filed affidavits stating that they never worked for Epperson's campaign while employed by Salem Pregnancy.

In light of the fact that Complainant's allegations against Salem Pregnancy were vague and non-specific, and that Respondents

have submitted a denial which fully addresses any allegations made by Complainant, this Office recommends that the Commission find no reason to believe that the Salem Pregnancy Clinic, Inc. violated 2 U.S.C. § 441b(a).

E. Crafted With Pride in U.S.A. Council, Inc.

Crafted With Pride in U.S.A. Council, Inc. is a Delaware corporation. The complaint did not initially provide enough information to determine the identity of Crafted With Pride. This Office did not learn of Crafted With Pride's address until August, 1986. At that time, a copy of the complaint was mailed to its headquarters in New York.

The sole reference to Crafted With Pride in the complaint is as follows:

In addition, these stories [television reports on local station channel 8] also suggest that Mr. Epperson used his connections with "Crafted with Pride" ...to do the same....In addition, stories aired on Channel 8 suggest that Mr. Epperson also used people on his payroll at "Crafted with Pride" to do campaign work.

This statement appears in Complainant's March 17 letter, and also appears in slightly different form in Complainant's March 3 letter.

These are the only references to Crafted With Pride in the complaint. The newspaper article on which the complaint is based does not mention Crafted With Pride.

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Crafted With Pride filed a response on September 17, 1986. Attachment IV. In addition to arguing that Complainant failed to allege a factual basis for the allegations, Crafted With Pride stated that it is a non-profit, tax-exempt corporation the purpose of which is to convince consumers, retailers and apparel manufacturers of the value of of purchasing and promoting products made in the United States. Crafted With Pride further stated that Stuart W. Epperson had volunteered to coordinate a project involving radio stations in the United States. The radio stations were asked to donate air time during which Crafted With Pride's message would be broadcast. Crafted With Pride stated that Epperson's activities were purely voluntary, and were unrelated to his congressional campaign. Robert E. Swift, the Executive Director of Crafted With Pride, submitted an affidavit which stated that at no time were employees of Crafted With Pride used to assist or benefit Epperson's campaign, nor had Crafted With Pride paid or reimbursed individuals for the benefit of Epperson's campaign.

In light of the fact that Complainant's allegations against Crafted With Pride are vague and unspecific, and are not supported by evidence, and given the complete denial filed by Crafted With Pride, this Office recommends that the Commission find no reason to believe that the Crafted With Pride In U.S.A. Council, Inc. violated 2 U.S.C. § 441b(a).

III. RECOMMENDATIONS

1. Find reason to believe that Stuart W. Epperson violated 2 U.S.C. § 432 (e)(1), but take no further action on this issue.
2. Find no reason to believe that Stuart W. Epperson violated 2 U.S.C. § 441b(a).
3. Find no reason to believe that Salem Media of North Carolina, Inc. violated 2 U.S.C. § 441b(a).
4. Find no reason to believe that Neighbors for Epperson and Stephen C. Mathis, as treasurer, violated 2 U.S.C. § 441b(a).
5. Find no reason to believe that Salem Pregnancy Support, Inc. violated 2 U.S.C. § 441b(a).
6. Find no reason to believe that the Crafted with Pride in U.S.A. Council, Inc. violated 2 U.S.C. § 441b(a).
7. Approve and send the attached Factual and Legal Analysis.
8. Approve and send the attached letters.
9. Close the file.

Charles N. Steele
General Counsel

12-4-86
Date

BY: Lawrence M. Noble (2)
Lawrence M. Noble
Deputy General Counsel

Attachments

- I. Response submitted by Salem Media
- II. Response submitted by Neighbors for Epperson
- III. Response submitted by Salem Pregnancy
- IV. Response submitted by Crafted With Pride
- V. Proposed Factual and Legal Analysis (1)
- VI. Proposed letters to respondents (5)
- VII. Proposed letter to complainant (1)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Neighbors for Epperson, and
Stephen C. Mathis, as treasurer
et al.

)
)
)
)
)
)
MUR 2162

CORRECTED CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 11, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 2162:

1. Find reason to believe that Stuart W. Epperson violated 2 U.S.C. § 432(e)(1), but take no further action on this issue.
2. Find no reason to believe that Stuart W. Epperson violated 2 U.S.C. § 441b(a).
3. Find no reason to believe that Salem Media of North Carolina, Inc. violated 2 U.S.C. § 441b(a).
4. Find no reason to believe that Neighbors for Epperson and Stephen C. Mathis, as treasurer, violated 2 U.S.C. § 441b(a).
5. Find no reason to believe that Salem Pregnancy Support, Inc. violated 2 U.S.C. § 441b(a).
6. Find no reason to believe that the Crafted with Pride in U.S.A. Council, Inc. violated 2 U.S.C. § 441b(a).
7. Approve and send the Factual and Legal Analysis, as recommended in the General Counsel's Report signed December 4, 1986.

(continued)

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8. Approve and send the letters, as recommended in the General Counsel's Report signed December 4, 1986.

9. Close the file.

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

Attest:

12-18-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Fri., 12-5-86, 11:15
Circulated on 48 hour tally basis: Fri., 12-5-86, 2:00
Deadline for vote: Tues., 12-9-86, 4:00

91040361507

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Ronald Ginsbach)

MUR 2207

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 4, 1986, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in the MUR 2207:

1. Find no reason to believe that Ronald Ginsbach violated 2 U.S.C. § 437(g) (a) (12) (A).
2. Close the file.
3. Direct the Office of General Counsel to send appropriate letters.

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

Attest:

11-06-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION:

MUR # 2207
DATE COMPLAINT RECEIVED
BY OGC: 7/24/86
DATE OF NOTIFICATION
RESPONDENT: 8/1/86
STAFF MEMBER: Garr

RECEIVED
FEB 15 1987
F 3:47 PM

COMPLAINANT'S NAME: Vince Whibbs
RESPONDENT'S NAME: Ronald Ginsbach
RELEVANT STATUTE: 11 C.F.R. § 111.21(a), 2 U.S.C. § 437g(a)(12)(A)
INTERNAL REPORTS CHECKED: MURs 1244, 1266, 1275, 1506, 1607, 2142
FEDERAL AGENCIES CHECKED: NA

SUMMARY OF ALLEGATIONS

On July 22, 1986, a complaint was filed by counsel on behalf of Vince Whibbs, Mayor of Pensacola, Florida, against Ronald E. Ginsbach. The complaint alleges that Mr. Ginsbach violated 11 C.F.R. § 111.21(a) by "releasing to the news media the fact that an 'investigation' of Mr. Whibbs and Mrs. Rittenhouse" was being conducted by the Federal Election Commission which "subjected these people to public suspicion and embarrassment and besmirched their good names here in this community."^{1/}

^{1/} Mr. Ginsbach filed three complaints (MURs 2168, 2169, and 2170) alleging that the Escambia County Republican Executive Committee and Mr. Whibbs and Mrs. Rittenhouse, as co-chairmen, violated the FECA by accepting contributions which were designated for the "Victory '84 Fund" and depositing the funds into the Escambia County Republican Executive Committee account. On September 16, 1986, the Commission found no reason to believe that the Escambia County Republican Executive Committee violated the Act.

According to counsel, Mr. Ginsbach released information to the news media without the consent of either respondent. This resulted in the airing of public news reports on at least one local radio station which discussed the reports that both Mr. Whibbs and Mrs. Rittenhouse were the subjects of an FEC investigation.

Enclosed with the complaint was a transcript of the news copy aired by radio station WCOA on June 11 and 12, 1986. The copy in part reads:

The complaint was filed by a fellow Republican ... a local G.O.P precinct committeeman, Ron Ginsbach. Officials of the Federal Election Commission confirm such a complaint naming Rittenhouse and Whibbs has been received ... and is the subject of investigation ... But the specifics are not being made public.

Attachment I (8).

Counsel also provided a cassette recording of the 9:00 a.m. WCOA newscast of June 12, 1986. The release, which discussed a "split in local party ranks" stated that "co-leaders Vince Whibbs and Dianne Rittenhouse, as leaders of two GOP efforts here, were named in a complaint now under review by a federal complaint board ..." Attachment I (10).

The Commission received a response to its notification of complaint on September 12, 1986, from Ronald Ginsbach.^{2/}

^{2/} On August 21, 1986, Mr. Ginsbach contacted the Commission to request an extension of time to respond to the complaint, to
(continued)

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Mr. Ginsbach claims that he had contacted the Commission on June 9 and 11, 1986, to determine how best to handle any inquiries regarding the complaint. On June 11, 1986, he continued, he was contacted by a representative of WCOA Radio News and was asked to confirm the report that an "election violation complaint" had been filed. Mr. Ginsbach acknowledged the complaint, then referred the reporter to the Commission's Press Office.

LEGAL ANALYSIS

The confidentiality of Commission notifications and investigations is addressed at 2 U.S.C. § 437g(a)(12) and 11 C.F.R. § 111.21(a). Section 437g(a)(12) states:

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

11 C.F.R. § 111.21(a) implements the statutory confidentiality provision with the following language:

(a) Except as provided in 11 C.F.R. § 111.23, no complaint filed with the

2/ (footnote 2 continued)

obtain copies of the Act and Regulations, and to obtain a copy of the news release referred to in the complaint. Mr. Ginsbach's request for additional time was granted until September 5, 1986. While this Office was able to provide copies of the Act and Regulations at that time, the Commission had still not received a transcribed copy of the cassette recording from the complainant. Upon its arrival on August 27, 1986, a copy was forwarded to Mr. Ginsbach.

Commission, nor any notification sent by the Commission, nor any investigation conducted by the Commission, nor any findings made by the Commission shall be made public by the Commission or by any person or entity without the written consent of the respondent with respect to whom the complaint was filed, the notification sent, the investigation conducted, or the finding made.

While the statute prohibits against making public, without the written permission of the respondent, "any notification" or "any investigation," the regulations at 11 C.F.R. § 111.21(a) has added "any complaint filed with the Commission."

The complainant argues that Mr. Ginsbach's failure to obtain the written consent of both Mr. Whibbs and Mrs. Rittenhouse prior to notifying the news media of the Commission's investigation with respect to MURs 2168, 2169, and 2170, is in violation of 2 U.S.C. § 437g(a)(12) and 11 C.F.R. § 111.21(a).

The Commission has addressed the issue of the publication of complaints by complainants in a series of MURs.^{2/} The Commission, in each of those instances, determined that the confidentiality provision of the statute does not prevent a complainant from making public the fact that he or she has filed a complaint and the complaint's substance. The statute only prohibits persons from making public a Commission notification or investigation.

In the present instance, the complaint provides no evidence that the respondent notified the news media of complaints filed

^{2/} See MURs 1244, 1266, 1275, 1506, 1607, and 2142.

with the Commission against Mr. Whibbs and Mrs. Rittenhouse; Mr. Ginsbach has indicated that he simply acknowledged that the complaints had been filed when contacted by a local radio station.

Because there is no indication that he made public either a notification of Commission action or the details of the investigation, the Office of General Counsel finds no basis for finding a violation of 2 U.S.C. § 437g(a)(12)(A) or 11 C.F.R. § 111.21(a).

RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. Find no reason to believe that Ronald Ginsbach violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a).
2. Approve the attached letters.
3. Close the file.

Charles N. Steele
General Counsel

Date 10/15/86

BY: Lawrence M. Noble
Deputy General Counsel

Attachments

1. Complaint
2. Proposed letters

31040361513

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2980
David K. McCloud; Robb for)
Senate and Alson H. Smith, Jr.,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 19, 1989, the Commission decided by a vote of 6-0 to approve the following actions in MUR 2980:

1. Find no reason to believe that David K. McCloud violated 2 U.S.C. § 437g(a)(12)(A).
2. Find no reason to believe that Robb for Senate and Alson H. Smith, Jr., as treasurer, violated 2 U.S.C. § 437g(a)(12)(A).
3. Approve the letters, as recommended in the General Counsel's Report dated December 14, 1989.
4. Close the file.

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

Attest:

12-20-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Thursday, Dec. 14, 1989 3:52 p.m.
Circulated to the Commission: Friday, Dec. 15, 1989 12:00 p.m.
Deadline for vote. Tuesday, Dec. 19, 1989 4:00 p.m.

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SEP 14 1989 3:52

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR # 2980
DATE COMPLAINT RECEIVED
BY OGC: September 7, 1989
DATE OF NOTIFICATION TO
RESPONDENTS: September 15, 1989
STAFF MEMBER: A. Buckley

COMPLAINANT: Billy A. Franklin

RESPONDENTS: David K. McCloud; Robb for Senate and
Alson H. Smith, Jr., as treasurer

RELEVANT STATUTE: 2 U.S.C. § 437g(a)(12)(a)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The complainant, Billy A. Franklin, is a private detective whose investigation of Senator Charles Robb is the subject of MUR 2673. Mr. Franklin filed a complaint alleging that David K. McCloud, chairman of Robb for Senate, or Robb for Senate itself, violated 2 U.S.C. § 437g(a)(12)(A) by releasing the contents of the complaint and amendments in MUR 2673 to various newspaper reporters.

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 437g(a)(12)(A), it is unlawful for any person to publicize any notification or investigation made by the Federal Election Commission, without the written consent of the person receiving such notification or of the person with respect to whom such investigation is made. The Commission has consistently held that this prohibition does not prevent a

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complainant from releasing the fact that a complaint has been filed, or from releasing the substance of that complaint. See, e.g., MUR 2142.

Mr. Franklin cites several newspaper articles as support for his allegations. The first two, Washington Post articles dated August 30, 1988, both state that a Commission spokesman confirmed the filing of the complaint in MUR 2673, but declined further comment due to confidentiality rules. The articles further state that Mr. McCloud declined to discuss the complaint, citing privacy laws, but that Mr. Franklin divulged the contents of the complaint. The other articles state the contents of the amendments to the complaint, but do not mention the sources of this information.

None of the evidence cited in the complaint supports a finding that the respondents have violated the confidentiality requirements of the Act by disclosing any information about a Commission notification or investigation. Moreover, the respondents have submitted additional evidence, in the form of an affidavit from the complainant in MUR 2673 and additional newspaper articles, in support of their argument that they did not breach the confidentiality requirements. (Attachment 1). Therefore, this Office recommends that the Commission find no reason to believe that David K. McCloud violated 2 U.S.C. § 437g(a)(12)(A), find no reason to believe that Robb for Senate and Alson H. Smith, Jr., as treasurer, violated 2 U.S.C. § 437g(a)(12)(A), and close the file.

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III. RECOMMENDATIONS

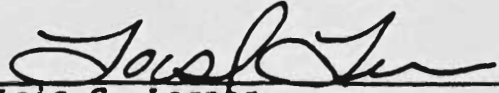
1. Find no reason to believe that David K. McCloud violated 2 U.S.C. § 437g(a)(12)(A).
2. Find no reason to believe that Robb for Senate and Alson H. Smith, Jr., as treasurer, violated 2 U.S.C. § 437g(a)(12)(A).
3. Approve the attached letters.
4. Close the file.

Lawrence M. Noble
General Counsel

Date

12-14-89

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Reply of Respondents
2. Letters (2)

21040361517



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1990

Jack Hawke, Chairman
North Carolina Republican Party
1410 Hillsborough Street
P.O. Box 12905
Raleigh, NC 27605

RE: MURs 3168, 3169 and 3170
Jack Hawke,
North Carolina Republican
Executive Committee and Carl G.
Ward, as treasurer

Dear Mr. Hawke:

This letter confirms and follows up upon the December 7, 1990 telephone conversation between Dawn M. Odrowski, an attorney in this Office, and Ms. Effie Pernell, Assistant Executive Director of the North Carolina Republican Party, regarding the Party's November 28 and December 4 and 5, 1990 requests for fifteen day extensions of time to respond to the complaints in MURs 3168, 3169 and 3170.

During that conversation, Ms. Pernell advised Ms. Odrowski that the complaint in MUR 3168 was received in your office on November 21, 1990 and that the complaints in MURs 3169 and 3170 were similarly received on November 26, 1990. Accordingly, the responses in MUR 3168 were due on December 6th and the responses to MURs 3169 and 3170 were due on December 11th. The requested extensions of time would have postponed these due dates until December 21 and 26th, respectively. However, Ms. Pernell advised Ms. Odrowski on December 7th that your office would be sending the responses in these matters to the Commission by Federal Express later that same day.

Since we received the response to the complaints on December 10, 1990, extensions of time are unnecessary in MURs 3169 and 3170. To the extent that a four day extension of time was necessary in MUR 3168, I have granted the request in that matter based upon the circumstances presented in your letters.

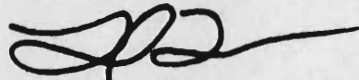
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Mr. Jack Hawke
Page 2

If you have any questions, please contact Dawn M. Odrowski
at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

21040561519

91 JUL 22 AM 10:58

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

FIRST GENERAL COUNSEL'S REPORT

MURs 3168, 3169, & 3170
DATE COMPLAINTS RECEIVED
BY OGC: November 13 & 14, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: November 19, 1990
STAFF MEMBER: Dawn M. Odrowski

COMPLAINANTS:

National Abortion Rights Action
League Foundation ("NARAL
Foundation")(MUR 3168)
National Abortion Rights Action
League Political Action
Committee ("NARAL PAC")
(MUR 3169)
National Abortion Rights Action
League-North Carolina Political
Action Committee ("NARAL-NC
PAC")(MUR 3170)

RESPONDENTS:

Jack Hawke, Chairman, North
Carolina Republican Party
North Carolina Republican Party
Executive Committee and Carl G.
Ward, as treasurer

RELEVANT STATUTES:

2 U.S.C. § 437g(a)(12)(A)
11 C.F.R. § 111.21(a)

INTERNAL REPORTS CHECKED:

None

FEDERAL AGENCIES CHECKED:

None

I. GENERATION OF MATTER

The National Abortion Rights Action League Foundation
("NARAL Foundation"), National Abortion Rights Action League
Political Action Committee ("NARAL PAC"), and National Abortion
Rights Action League-North Carolina Political Action Committee
("NARAL-NC PAC") (collectively referred to hereafter as

"Complainants") have each filed complaints against Jack Hawke, the Chairman of the North Carolina Republic Party, the North Carolina Republican Party Executive Committee, and Carl G. Ward, as treasurer (the "Respondents"), alleging that the Respondents violated 2 U.S.C. § 437g(a)(12) and 11 C.F.R. § 111.21 by disseminating copies of a complaint Respondents had filed with the Commission and by publicly discussing the contents of the complaint after filing it with the Commission, without Complainants' consent.

Respondents filed a joint answer to all three complaints.

II. FACTUAL AND LEGAL ANALYSIS

A. Applicable Law

Under the Federal Election Campaign Act of 1971, as amended (the "Act" or "FECA"), it is unlawful for any person to make public any notification or investigation made pursuant to 2 U.S.C. § 437g(a), without the written consent of the person receiving such notification or of the person with respect to whom such investigation is made. 2 U.S.C. § 437g(a)(12)(A). Pursuant to this statutory provision, the Commission has promulgated 11 C.F.R. § 111.21(a) which provides:

. . . no complaint filed with the Commission, nor any notification sent by the Commission, nor any investigation conducted by the Commission, nor any findings made by the Commission shall be made public by the Commission or by any person or entity without the consent of the respondent with respect to whom the complaint was filed, the notification sent, the investigation conducted, or the finding made.

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B. Facts & Allegations

Complainants allege that Respondents violated 2 U.S.C § 437g(a)(12) and 11 C.F.R. § 111.21 by: (1) disseminating copies of a complaint Respondents filed with the Commission against NARAL and NARAL-NC PAC (designated as MUR 3109) as an attachment to an August 15, 1990 letter Respondents sent to certain radio and television broadcasters, and (2) publicly discussing the contents of that complaint ("MUR 3109") as evidenced by certain newspaper articles which Complainants have attached to their complaint. Attachment 1 at 1-2. Both of the acts complained of occurred after August 10, 1990, the date Respondents filed MUR 3109. None of the respondents in MUR 3109 have waived confidentiality.

According to Complainants, Respondents' August 15th letter was meant to intimidate broadcasters into refusing to air NARAL-prepared advertisements designed to help defeat Senator Jesse Helms in the 1990 North Carolina general election. The letter begins by stating Respondents' position that broadcasters are not required to air NARAL's ads pursuant to the Communications Act of 1934 and that if the ads were broadcast they could constitute "personal attacks" entitling Helms to free broadcast response time. Attachment 1 at 4-5. The letter then expresses Respondents' position that NARAL's ads also constitute illegal contributions in violation of the Act. In support of this position, the letter refers broadcasters to an enclosed copy of the complaint in MUR 3109. Attachment 1 at 5. MUR 3109 details alleged relationships between the campaign

committee-of Harvey Gantt, Helms' Democratic opponent in the 1990 Senatorial election in North Carolina, and NARAL and NARAL-NC PAC, to support Respondents' contention that NARAL's ad expenditures were not independent expenditures. The content of Respondents' letter to broadcasters is split approximately equally between discussion of the FCC and FECA issues.

In addition to fully informing broadcasters of its allegations against NARAL by sending them copies of the complaint in MUR 3109, Respondents' letter asserts that broadcasters may be somehow "responsible" for broadcasting NARAL's ads if the Commission rules against NARAL in MUR 3109. Respondents' state:

[S]hould the Federal Election Commission rule these ads are an illegal contribution, then your airing them would clearly be detrimental to the public interest (original emphasis). We stress these ads are not a candidate use, so you share the responsibility for airing them (emphasis added).

Attachment 1 at 5. Respondents then urge broadcasters to review their letter and complaint with legal counsel and to "wait for the Commission's decision on the legality of NARAL's contribution" before airing NARAL's ads. They close the letter by requesting broadcasters who "decide (before the Federal Election Commission rules) that this is not an illegal contribution" to so advise them. Id.

Complainants also allege that Respondents violated the Act's confidentiality provisions by publicly discussing MUR 3109 after filing it with the Commission. As evidence of this discussion, Complainants attached to their complaints three

August 14, 1990 articles from North Carolina newspapers. These articles focus on Respondents' attempt to persuade broadcasters not to air NARAL's ads and discuss the fact that Respondents' filed a complaint and the allegations contained in the complaint. Each article also quotes directly from Respondents' letter.¹

Respondents contend that their letter mentions MUR 3109 "only to the extent that" it notified broadcasters that the complaint had been filed and urged them to await a Commission decision on the complaint's merits before broadcasting NARAL's ads. Attachment 2 at 2-3. They further contend that the letter carefully avoided any statement that the Commission had notified the Respondents or other parties about MUR 3109 or had undertaken any "investigation." Attachment 2 at 3. Consequently, Respondents conclude they did not violate 2 U.S.C. § 437g(a)(12) or 11 C.F.R. § 111.21. In support of their conclusion, Respondents rely on the Commission's no reason to believe findings in MURs 2142, 2162, 2207 and 2980, which Respondents characterize as standing for the proposition that the confidentiality provisions only prohibit persons from making public a Commission notification or investigation but do not prevent the complainant from making public the fact that a

1. Apparently, a similar letter was also sent to broadcasters by the Helms campaign. See the August 14, 1990 The Charlotte Observer article attached to the complaints. Attachment 1 at 8.

complaint had been filed or the substance of the complaint.² Attachment 2 at 3-4. Copies of the certifications and General Counsel's reports in these MURs are attached to Respondents' answer.

C. Analysis

The issues in this matter are whether Respondents' distribution of its filed FECA complaint as part of a letter to broadcasters meant to persuade them not to broadcast campaign ads at issue in that complaint, and its public discussion of the filed complaint, constitute violations of 2 U.S.C.

§ 437g(a)(12)(A) and 11 C.F.R. § 111.21(a).

1. Interpretation of the Confidentiality Provisions in Prior MURs

The statutory confidentiality provision, 2 U.S.C § 437g(a)(12)(A), has existed in a form substantially similar to its present one since the 1974 Amendments to the Act became effective on January 1, 1975.³ That provision has always expressly prohibited persons from making public any notification or investigation made pursuant to the Act's enforcement

2. While the General Counsel's Report in MUR 2162 discusses 2 U.S.C. § 437g(a)(12) and 11 C.F.R. § 111.21(a), neither the Report nor the final certification include a recommendation or finding regarding a violation of these provisions. See Attachment 2 at 9-35.

3. See Federal Election Campaign Act Amendments of 1974, Public Law 93-443, § 314(a)(3), 88 Stat. 1263, 1284 (codified at 2 U.S.C. § 437g(a)(3) (1974)).

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provisions.⁴ In March 1980, however, the Commission promulgated 11 C.F.R. § 111.21(a), a regulation interpreting the statutory provision. That regulation, effective since April 1, 1980, appears to broaden the statutory prohibition on disclosure without consent by also prohibiting persons from publicizing "complaints filed with the Commission" and "findings made by the Commission."

Despite the difference between the language of the statute and the regulation, the Commission has found no reason to believe that the confidentiality provisions have been violated in the overwhelming majority of MURs involving unauthorized public disclosures of a complaint filing or complaint information regardless of whether disclosure occurred before or after a complaint was filed with the Commission. See, e.g., MURs 1244, 1251, 1266, 1275, 1506, 1607, 1724, 2142, 2207, 2980 and 3037 and 3222. Generally, many of these MURs involved complainants or others who allegedly publicly disclosed

4. While the confidentiality provision has remained unchanged since the 1974 Amendments to the Act, the subsection of the statute in which the provision is found has changed. Following the 1976 Amendments and until the 1979 Amendments became effective in January 1980, former 2 U.S.C. § 437g(a)(2) required the Commission to send notification of a complaint to respondents only after it had found reason to believe a violation had occurred. Thus, the confidentiality prohibition in 2 U.S.C. § 437g(a)(3)(B) against public disclosure of "any notification made under paragraph 2" was clearly connected to the Commission's investigative function since investigation was, and is, permitted only after reason to believe is found. Under the current enforcement scheme, respondents now automatically receive notice of a complaint before any reason to believe finding is made. These changes to the enforcement procedures have not appeared to affect the Commission's findings in prior MURs.

the substance of a complaint through letters, newsletters, press releases or press conferences prior to or after filing.⁵ Often, complaints in these MURs occurred as a result of news articles which commented on or incorporated those initial communications. In each case, however, the Commission's findings have been the same despite differences in the means and timing of the alleged unauthorized public disclosures as long as no disclosures of a Commission notification or investigation occurred.

More specifically, the Commission has found no reason to believe the confidentiality provisions were violated for each of the following actions: holding a press conference regarding a decision to file a complaint (MUR 1275);⁶ publishing in a newsletter, press release, or flier the fact that a complaint had been filed and details or quotes from the complaint (MURs 1251, 1266 and 2142); sending a letter to broadcasters informing them about a filed complaint (MUR 1275) and even giving a copy of a filed complaint to a reporter (MUR 1607).

Indeed, the Commission has found reason to believe that the confidentiality provisions were violated in only two MURs -- MURs 298 and -- and pursued the matter past that stage in

5. See, e.g., MURs 3332, 2142, 1275, 1266, 1251 (already filed); MURs 1244 and 1161 (to be filed); and MUR 1506 (both).

6. See also MUR 1161 in which the Commission found no reason to believe NARAL violated either the former or present versions of the statutory confidentiality provisions when it held a press conference and issued a press release concerning a complaint it later filed with the Commission. Although the alleged unauthorized disclosure by NARAL took place prior to the date 11 C.F.R. § 111.21 was promulgated, the Commission also found no reason to believe that NARAL violated the regulation.

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only MUR 298.⁷ In MUR 298, the Commission found reason to believe that unknown persons violated 2 U.S.C. § 437g(a)(3), the predecessor to the current confidentiality statute, when a newspaper article revealed the Commission's decision to issue a subpoena in an open case.

MUR 298, together with the more recent MURs that have resulted in no reason to believe findings, suggest that a violation of the confidentiality provisions must involve public disclosure regarding actions the Commission has taken during the pendency of a MUR or of the investigation itself. Such an interpretation of the confidentiality provisions is consistent with the statutory focus on prohibiting public disclosure of any notification or investigation made under the Act and with Congress' apparent intention when enacting the confidentiality provision. This intent is evidenced by the enactment of the 1979 Amendments to the Act. At that time, Congress considered and ultimately rejected adding "complaints filed with the Commission" to the statutory prohibition.⁸

7.

8. Though the House had initially considered and passed a bill with the additional language on September 10, 1979, a Senate substitute bill that omitted that addition subsequently passed both houses on December 18 and December 20, 1979, respectively. See 125 Cong. Rec. 23811 (1979) (the initial House version) and 125 Cong. Rec. 36751 (1979) (the Senate substitute).

In summary, 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a) do not prohibit persons from making public the fact that a complaint has been filed or its substance.⁹ Rather, they only prohibit persons from making public either a notification of a Commission action or details of a Commission investigation. See MUR 1506, First General Counsel's Report (dated January 31, 1983).

2. Respondents' Distribution of Complaint

In this case, Respondents' arguably made public more than the existence or general substance of their complaint. Instead, by mailing a copy of the complaint together with a letter to third party broadcasters, Respondents' made public their entire complaint complete with detailed allegations naming persons connected with the Gantt campaign with whom Respondents' allege NARAL had a relationship sufficient to jeopardize its independent expenditures. Nevertheless, Respondent's distribution of its filed complaint and its letter to broadcasters does not violate the confidentiality provisions because neither the letter nor the complaint disclosed a Commission notification or investigation in MUR 3190.

The conclusion that Respondents did not violate the confidentiality statute is supported by the Commission's

(Footnote 8 continued from previous page)

The confidentiality provision adopted in the 1979 Amendments is virtually the same as the present provision. See Pub. L. No. 96-187, § 309(a)(12)(A), 93 Stat. 1339, 1361 (1979) and current 2 U.S.C. § 437g(a)(12)(A).

9. See, e.g., MURs 1244, 1251, 1266, 2142, 2207, 3037.

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decision in MUR 1275. In that MUR, the Carter/Mondale Re-election Committee mailed a letter to broadcasters which was strikingly similar to Respondents'. Attachment 3. That letter attempted to persuade broadcasters not to air ads by purported independent groups supporting Ronald Reagan's presidential bid. Both that letter and Respondents' tried to influence broadcasters actions by informing them of complaints filed with the Commission and by suggesting that the FECA issues raised in those complaints as well as FCC equal access issues might pose legal problems for those broadcasters who aired the ads which each letter writer claimed attacked a certain candidate or party.¹⁰ Both letters concluded by urging broadcasters to consult with counsel before accepting requests by the groups for the purchase of broadcast time. Notwithstanding the content and evident purpose of the MUR 1275 letter, that letter did not mention any notification made by or investigative action taken by the Commission. Consequently, the Commission determined that there was no reason to believe that a violation of either 2 U.S.C. § 437g(a)(12)(A) or 11 C.F.R. § 111.21 occurred.

The facts in MUR 1275 differed from the facts here in two ways: (1) the Carter/Mondale Committee (the "Committee") did not mail a copy of its complaint with the letter and (2) the Committee had held a press conference prior to filing its

10. For example, the letter in MUR 1275 stated that the group's purchase of broadcast time "may involve serious violations of law that could potentially involve a participating station in litigation before courts and federal agencies" (Attachment 3 at 2).

complaint and, at the time its letter was mailed, publicity had already occurred regarding lawsuits filed by Common Cause and the Commission against certain of the independent groups allegedly involving the same facts as its complaint. See MUR 1275, Response of Carter-Mondale Committee at 2-5. These facts do not change the conclusion that Respondents' did not violate the confidentiality provision, however, because the Commission has also found no reason to believe a violation of the confidentiality provisions occurred in at least two prior MURs where the respondents distributed filed complaints. See MURs 1607 and 1506.¹¹ Moreover, as discussed earlier, even when information relating to a filed complaint has been publicly disclosed without pre-filing publicity, the Commission has determined that no confidentiality violation occurred. See e.g., MURs 2142 and 1607.

Given the Commission's determinations in these prior MURs, it appears that Respondents did not violate either 2 U.S.C. § 437g(a)(12) or 11 C.F.R. § 111.21 by distributing copies of

11. In MUR 1607, a member of Senator Mikulski's staff informed a reporter that the Senator had filed a complaint with the Commission and gave the reporter a copy of a complaint, but no Commission notification or investigation was mentioned with the release of the complaint. As here, subsequent public disclosure occurred when the reporter wrote a news article describing the complaint. In MUR 1506, respondents made their complaint public through distribution of the complaint and press releases both before and after respondents' filed it with the Commission. While respondents' reply to the alleged confidentiality violation focused mainly on its pre-filing activity, they stated that they had circulated a dozen or so press releases and copies of the complaint "for the most part" prior to filing it and later admitted part of their public disclosure activity "spilled over after the complaint had been filed." See Response of Washington Legal Foundation at 6.

their complaints with its letter to broadcasters. While Respondents succeeded in making public their detailed allegations, only allegations were made public. As in the prior MURs, neither Respondents' letter nor its complaint revealed any notifications made by the Commission or any details of the Commission investigation.

3. Public Discussion of Complaint

Finally, just as the initial public disclosure of Respondents' complaint to broadcasters did not violate the confidentiality provisions, no violation occurred through Respondent's subsequent "discussion" of the complaint. As evidence of this discussion, Complainants rely on three newspaper articles attached to their complaints that focus on Respondents' attempt to prevent NARAL's ads from being broadcast. Statements in these articles attributed to Respondents were taken either from Respondents' letter or the complaint and concern only Respondents' allegations. The only statement attributed to a Respondent that does not appear to derive from those sources merely restates the allegations.¹² The Commission's prior determinations are clear that making public the substance of a complaint is not a violation of the confidentiality provisions.

4. Conclusion

Consistent with the Commission's determinations in prior

12. In the August 14, 1990 Winston Salem Journal article attached to the complaints, Mr. Hawke is quoted as saying "They're (NARAL and Gantt) in close communication and collusion."

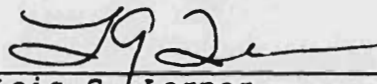
MURs relating to the confidentiality provisions, Respondents' dissemination of its complaint through its letter to broadcasters and the subsequent "discussion" of the complaint allegations in news articles does not constitute unauthorized public disclosures of a Commission notification or investigation. Therefore, this Office recommends that the Commission find no reason to believe that Jack Hawke, Chairman of the North Carolina Republican Party, the North Carolina Republican Party Executive Committee, and Carl G. Ward, as treasurer violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a).

III. RECOMMENDATION

1. Find no reason to believe Jack Hawke, Chairman of the North Carolina Republican Party, the North Carolina Republican Party Executive Committee, and Carl G. Ward, as treasurer violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a).
2. Approve the appropriate letters.
3. Close the file.

Lawrence M. Noble
General Counsel

7/19/91
Date

By: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Complaint in MUR 3168, including Respondent's August 15, 1990 letter to broadcasters
2. Response of Jack Hawke, North Carolina Republican Party Executive Committee, and Carl G. Ward as treasurer
3. Letter to broadcasters in MUR 1275

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS /DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: JULY 25, 1991

SUBJECT: MURS 3168, 3169 & 3170 - FIRST GENERAL COUNSEL'S RPT.
DATED July 19, 1991.

The above-captioned document was circulated to the
Commission on MONDAY, JULY 22, 1991 at 4:00 p.m..

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

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

This matter will be placed on the meeting agenda
for TUESDAY, JULY 30, 1991.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURS 3168, 3169,
Jack Hawke, Chairman, North) and 3170
Carolina Republican Party;)
North Carolina Republican Party)
Executive Committee and Carl G.)
Ward, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on July 30, 1991, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in the above-captioned matters:

1. Find no reason to believe Jack Hawke, Chairman of the North Carolina Republican Party, the North Carolina Republican Party Executive Committee, and Carl G. Ward, as treasurer, violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a).
2. Approve the appropriate letters as recommended in the General Counsel's report dated July 19, 1991.

(continued)

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Federal Election Commission
Certification: MURS 3168, 3169, & 3170
July 30, 1991

Page 2

3. Close file.

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

Attest:

7-31-91
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 12, 1991

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Kathleen M. H. Wallman, Esquire
Sheila M. Nix, Esquire
Arnold & Porter
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

RE: MUR 3170

Dear Ms. Wallman and Ms. Nix:

On July 30, 1990, the Federal Election Commission reviewed the allegations of a complaint filed by your client, the National Abortion Rights Action League-North Carolina Political Action Committee, dated November 7, 1990, and found that on the basis of the information provided in your complaint, and information provided by R. Jacke Hawke, Chairman of the North Carolina Republican Party, the North Carolina Republican Executive Committee, and Carl G. Ward, as treasurer (the "Respondents"), there is no reason to believe the Respondents violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a). Accordingly, on July 30, 1990, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 12, 1991

Carl G. Ward, Treasurer
North Carolina Republican Executive
Committee
1410 Hillsborough Street
P.O. Box 12905
Raleigh, N.C. 27605

RE: MUR 3170
North Carolina Republican
Executive Committee and
Carl G. Ward, as treasurer

Dear Mr. Ward:

On November 19, 1990, the Federal Election Commission notified the North Carolina Republican Executive Committee (the "Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On July 30, 1991, the Commission found, on the basis of the information in the complaint, and information provided by the Committee and you, as treasurer, that there is no reason to believe the Committee and you violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a). Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
GC Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

August 12, 1991

Mr. R. Jack Hawke, Chairman
North Carolina Republican Party
1410 Hillsborough Street
P.O. Box 12905
Raleigh, N.C. 27605

RE: MUR 3170
R. Jack Hawke

Dear Mr. Hawke:

On November 19, 1990, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On July 30, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a). Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
GC Report



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3170

DATE FILMED 9/24/91 CAMERA NO. 4

CAMERAMAN AS

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