



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 3628

DATE FILMED 1/8/93 CAMERA NO. 4

CAMERAMAN S.L.D.

93040924487

SENSITIVE

Federal Election Committee
Washington, D.C.

RECEIVED
FEDERAL ELECTION COMMISSION
MUR 3623

Sept. 22, 1992

Dear Rick Warren:

SEP 23 12 02 PM '92

I hope this meets your concern about
my original complaint not being resolved.
I would appreciate the specific language
of 2 C. D.C. § 437g and any other
pertaining reference material if available.
Sincerely,
F.M.

RECEIVED
FEDERAL ELECTION COMMISSION
MUR 3623
SEP 23 12 02 PM '92

Dear Commissioners:

The news media have reported that
Jim Baker and his staff are working
in the White House to help re-elect
President Bush as part of the Presi-
dents campaign effort.

I feel this is a misuse of public
funds for a purely partisan political
purpose. Why should the taxes of
those opposed to the re-election of the
President be used to help pay for the
office space in the White House and
the salaries of Jim Baker and his aides
when they are involved in a private cam-
paign matter that should be paid with
funds from the Republican party. This
special privilege should be stopped or
extended on a fair and equal basis
to all political parties.

Sincerely,
Fred Mac Donald

92 SEP 28 PM 4:00

66 Quella Vista

Novato, Calif 94907

Print on reverse.
F.M.

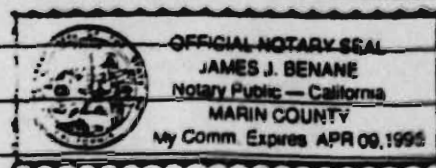
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93040924489

SUBSCRIBED AND SWORN TO BEFORE ME

THIS ²² DAY OF SEPTEMBER 1992

James J. Benane
NOTARY PUBLIC





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 30, 1992

Fred MacDonald
66 Queva Vista
Novato, CA 94947

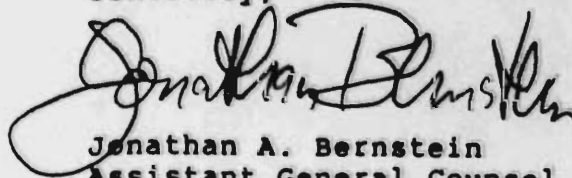
RE: MUR 3628

Dear Mr. MacDonald:

This letter acknowledges receipt on September 28, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Bush-Quayle '92 Primary Committee, Inc., and J. Stanley Huckaby, as treasurer, and the Honorable James A. Baker, III. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3628. 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.

Sincerely,


Jonathan A. Bernstein
Assistant General Counsel

Enclosure
Procedures

93040924490



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 30, 1992

Honorable James A. Baker, III
Chief of Staff and Assistant to
the President
1600 Pennsylvania Avenue, NW
Washington, DC 20500

RE: MUR 3628

Dear Mr. Baker:

The Federal Election Commission received a complaint which indicates 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 3628. 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.

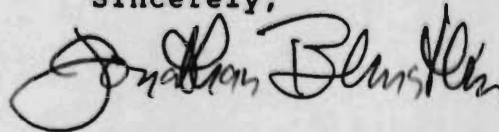
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

93040924491

Honorable James Baker, III
Page 2

If you have any questions, please contact Holly Baker, the staff member assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

93040924492



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 30, 1992

J. Stanley Huckaby, Treasurer
Bush-Quayle '92 Primary Committee, Inc.
1030 15th Street, NW
Washington, DC 20005

RE: MUR 3628

Dear Mr. Huckaby:

The Federal Election Commission received a complaint which indicates that the Bush-Quayle '92 Primary Committee, Inc. ("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 3628. 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.

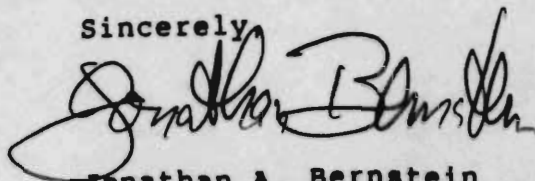
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

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J. Stanley Huckaby, Treasurer
Bush-Quayle '92 Primary Committee, Inc.
Page 2

If you have any questions, please contact Holly Baker, the staff member assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3628

NAME OF COUNSEL: Bobby R. Burchfield, General Counsel
Richard D. Holcomb, Deputy General Counsel

ADDRESS: Bush - Quayle '92 Primary Committee, Inc.
1030 15th Street, N.W.
Washington, D.C. 20005

TELEPHONE: (202) 336 - 7110

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

10/8/92
Date

[Signature]
Signature

RESPONDENT'S NAME: J. Stanley Huckaby, Treasurer

ADDRESS: Bush - Quayle '92 Primary Committee, Inc.
1030 15th Street, N.W.
Washington, D.C. 20005

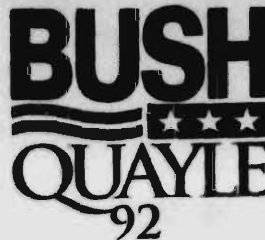
TELEPHONE: HOME (703) 329 - 1615

BUSINESS (202) 336 - 7300

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 OCT - 8 PM 4:05

93040924495

OGC6837



J. Stanley Huckaby
Treasurer
(202) 336-7083

October 8, 1992

HAND DELIVERED

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

Re: MUR 3628 -- Bush - Quayle '92
Primary Committee, Inc. and
J. Stanley Huckaby, Treasurer

Dear Mr. Noble:

This letter constitutes the Response of Bush - Quayle '92 Primary Committee, Inc. ("Bush - Quayle '92") and its Treasurer, J. Stanley Huckaby (collectively "Respondents"), to the Complaint filed with the Federal Election Commission ("FEC" or the "Commission") by Mr. Fred MacDonald (Complainant) of Novato, California. Respondents received the Complaint on October 1, 1992.

Complainant challenges the legality of the appointment of James A. Baker III to the position of White House Chief of Staff and Senior Counselor to the President, alleging that Mr. Baker will be charged with directing the President's campaign, and that accordingly he should be paid by Bush-Quayle 92.

Mr. Baker's appointment was announced on August 13, 1992. He assumed his position in the White House on August 23, 1992. As Chief of Staff, Mr. Baker is charged with the day-to-day operations of the White House, including Administration initiatives throughout the Executive Branch and in Congress. Robert M. Teeter continues to serve as Chairman of the President's re-election campaign, and Fred Malek continues as Campaign Manager. Like every other White House Chief of Staff, Mr. Baker exercises great influence over the President's schedule and Administration policies. These responsibilities frequently have implications for the campaign, but remain governmental functions. To the extent that Secretary Baker's position requires involvement in the re-election campaign, that involvement is neither unusual nor inappropriate for a person in his position.

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FEDERAL ELECTION COMMISSION
92 OCT -8 PM 4:05

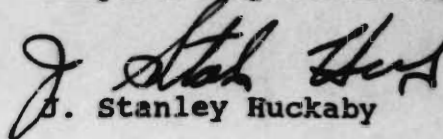
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Lawrence M. Noble, Esq.
October 8, 1992
Page 2

The only reading of the Complaint that could possibly state a claim within the Commission's jurisdiction is that Mr. Baker is performing campaign work on government time. This argument -- which implies that the United States taxpayers are not getting their money's worth out of Mr. Baker -- is simply not supportable. Any responsibilities that Mr. Baker performs that are exclusively for the campaign are in addition to his immense responsibilities as Chief of Staff. He is acting consistently with legal, political, and historical precedent of every White House Chief of Staff who has served a President seeking re-election.

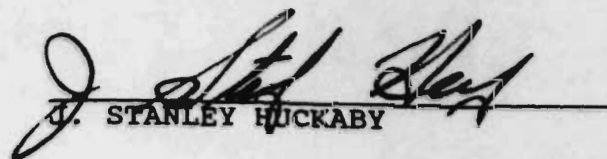
Accordingly, Respondents respectfully request that the General Counsel recommend to the Commission that it find no reason to believe that a violation has occurred, and that this matter be promptly closed.

Respectfully submitted,

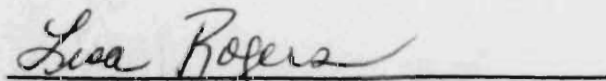

J. Stanley Huckaby

VERIFICATION

The undersigned swears that the facts set forth in this response are true to the best of his knowledge, information, and belief.


J. STANLEY HUCKABY

SUBSCRIBED AND SWORN TO before me this 8 day of
October, 1992.


Notary Public

My Commission in
Virginia expires Sept 30, 1993

93040924497

OCT 20 9 04 PM '92

THE WHITE HOUSE
WASHINGTON

RECEIVED
OCT 20 1992

October 19, 1992

Dear Mr. Bernstein:

This letter constitutes the Response of the White House Office (the "Respondent") to the Complaint filed with the Federal Election Commission (the "FEC") by Mr. Fred MacDonald (the "Complainant") of Novato, California in MUR 3628. Respondent received the Complaint on October 1, 1992.

The Complainant challenges the legality of Chief of Staff and Senior Counselor to the President James A. Baker III and his staff working with the campaign as employees of the White House Office, paid from the appropriation for the White House Office.

As Chief of Staff and Senior Counselor to the President, Mr. Baker is charged with managing the day-to-day operations of the White House. The Chief of Staff must also oversee Administration initiatives throughout the Executive Branch and with the Congress. His staff aids him in carrying out these responsibilities.

As a part of these official duties, Mr. Baker must ensure that the President's policies and schedule, while a candidate, are adequately coordinated with the campaign. This responsibility may well entail consultation with the campaign concerning campaign strategy and efforts, in large part to ensure furtherance of the initiatives of the President's Administration. This responsibility of the Chief of Staff, with inseparable political and official dimensions, is a traditional function of Chiefs of Staff.

Indeed, this important dual role of the Chief of Staff (and other White House staff members) was clearly approved by the Congress when it enacted the Hatch Act. The Congress exempted White House staff members from the strictures of the Hatch Act precisely so that members of the White House staff could engage in partisan political activity. As Senator Hatch said at the time of the enactment of the Hatch Act:

the President and members of the Cabinet . . . must necessarily go before the country and the people and explain their policies . . . It is but right and proper that they should have the full privilege of doing so, as the bill now so provides. It is also provided that persons paid from appropriations for the

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Executive Office, the staff of that office, are not affected by the bill, which should be the case.

statement of Senator Hatch, 84 Cong. Rec. 9672 (1939).

The only reading of the Complaint that could possibly state a claim within the Commission's jurisdiction is that Mr. Baker and his staff are performing campaign work while being paid by the Government -- apparently a claim that the White House is making an illegal contribution to the campaign. Any such argument must fail for three important reasons.

As a legal matter, the Complainant's apparent claim does not state a claim for relief under the Federal Election Campaign Act. The Act defines "person" to exclude the Federal Government or any authority of the Federal Government. Thus, the payment of the salary of Mr. Baker and his staff by the White House Office cannot constitute a contribution to the President's re-election campaign, even if Mr. Baker and his staff did perform campaign work on Government time. See MUR 3490, First General Counsel's Report, at 4 (April 29, 1992).

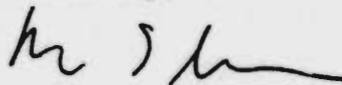
In any event, such a claim is not supportable. The vast responsibilities that Mr. Baker and his staff have for overseeing the operations of the Executive Branch (including the White House) serve as the basis for their White House pay. These responsibilities, in themselves, constitute full-time jobs for each staff member, and any campaign-related activity that they engage in is in addition to carrying out these responsibilities.

At the same time, the responsibility for managing the operations of the campaign remain with Robert M. Teeter and Fred Malek, Chairman and Campaign Manager, respectively, of the President's re-election campaign. The Chief of Staff and his staff have not supplanted Mr. Teeter and Mr. Malek.

Finally, to the extent the Chief of Staff is acting in this dual role, he is acting consistently with precedent for the Chiefs of Staff who have served before him.

Accordingly, Respondent respectfully requests that the General Counsel recommend to the Commission that it find no reason to believe that a violation has occurred, and that this matter be promptly closed.

Sincerely,



Robert T. Swanson
Assistant Counsel to the President

93040924499

Jonathan A. Bernstein, Esquire
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

93040924500

VERIFICATION

The undersigned swears that the facts set forth in this response are true to the best of his knowledge, information and belief.

District of Columbia ss:

Mr S Swanson

ROBERT T. SWANSON

SUBSCRIBED AND SWORN TO before me this 19th day of October, 1992.

[Signature]

Notary Public

exp. 5/19/93

93040924501

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

FIRST GENERAL COUNSEL'S REPORT

MURs # 3602 and # 3628

DATE COMPLAINTS RECEIVED
BY OGC September 3, 1992 and
September 28, 1992

DATE OF NOTIFICATIONS TO
RESPONDENTS September 10, 1992 and
September 30, 1992

STAFF MEMBER Holly Baker

COMPLAINANTS: Clark R. Kerr (MUR 3602)

Fred MacDonald (MUR 3628)

RESPONDENTS: Bush-Quayle '92 Primary Committee, Inc.
and J. Stanley Huckaby, as treasurer

James A. Baker III

RELEVANT STATUTES: 2 U.S.C. § 431(8)(A)
2 U.S.C. § 431(11)
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(f)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTERS

These matters were generated by two separate complaints. The first was filed on September 3, 1992, by Clark R. Kerr of Tucson, AZ, (MUR 3602), and the second was filed on September 28, 1992 by Fred MacDonald of Novato, CA, (MUR 3628). Respondents in both complaints are the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer ("Committee"), and James A. Baker III. Because these complaints raise essentially the same issues, they are combined into one report. Complainants allege that James Baker, while receiving full pay and benefits from

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federal funds in his position as White House Chief of Staff, has used office space and performed work on behalf of President Bush's re-election campaign. Complainants contend that such activities constitute illegal contributions to President Bush's campaign.

The Committee, through Mr. Huckaby, filed a response on September 25, 1992 to MUR 3602 (Attachment 1) and to MUR 3628 on October 8, 1992 (Attachment 2). The White House filed a response, through C. Boyden Gray, Counsel to the President, on October 1, 1992 to MUR 3602 (Attachment 3), and essentially the same response, through Robert T. Swanson, Assistant Counsel to the President, on October 20, 1992 to MUR 3628.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that the term "contribution" includes anything of value made "by any person" for the purpose of influencing any election for federal office, or payment "by any person" of compensation for the personal services of another person that are rendered to a political committee. 2 U.S.C. § 431(8)(A). Contributions from persons are limited to \$1,000 to any candidate and the candidate's authorized political committee. 2 U.S.C. § 441a(a)(1)(A). The Act also provides that candidates and their committees may not knowingly accept any contributions prohibited by the Act. 2 U.S.C. § 441a(f). However, the Act further states that, for purposes of the Act, the term "person" "does not include the Federal Government or any authority of the Federal Government." 2 U.S.C. § 431(11).

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Complainants allege that James Baker, as White House Chief of Staff, is working for the President's re-election campaign while receiving compensation and use of an office funded by public tax dollars. Complainants allege that the Bush-Quayle '92 Committee instead should pay. According to Complainants, the federal government, in paying for Mr. Baker's salary and office space, is making an illegal campaign contribution to the President.

Although the federal government, through appropriations to the Executive branch, pays Mr. Baker's salary as Chief of Staff and provides him with office space and a staff, the federal government is not a "person" under the Act. Hence the federal government, by definition, cannot make a "contribution" of Mr. Baker's compensation and use of office space. Likewise, Mr. Baker's salary and office use are not "contributions" which the Committee must report. See MUR 3490 (use of rooms at the Old Executive Office Building and food and refreshments provided by the White House to Citizens for Arlen Specter do not constitute a contribution by a person under the Act); MUR 1821 (pay and benefits received by Congressional staff members from the federal government do not constitute reportable contributions). Hence, the complaints allege no cause of action for which relief can be granted under the Act.¹

1. Regulations of the Federal Election Commission ("Commission") do not, with the exception of travel expenditures, address the broad issue raised by the Complainants. Regulations provide that expenditures for travel relating to a presidential campaign constitute qualified campaign expenses and must be reported by the candidate's authorized committee as expenditures. If any individual uses a government conveyance or accommodations paid for by a government entity for campaign-related travel, the

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The inherently dual role, both official and political, of the White House chief of staff also favors a finding of no reason to believe. Mr. Huckaby, in his response, explains:

Like every other White House Chief of Staff, Mr. Baker exercises great influence over the President's schedule and Administration policies. These responsibilities frequently have implications for the campaign, but remain governmental functions. To the extent that Secretary Baker's position requires involvement in the re-election campaign, that involvement is neither unusual nor inappropriate for a person in his position.

Mr. Gray, too, notes in his response that the dual political and official role of the chief of staff was expressly recognized by Congress when it exempted White House staff members from the Hatch Act prohibiting partisan political activity by federal employees. See 5 U.S.C. § 7324(d).²

Respondents also argue that any campaign-related work

(Footnote 1 continued from previous page)
candidate's authorized committee must reimburse the government for costs allocable to campaign activity. 11 C.F.R. § 9034.7(a) et seq. The Commission's justification for the regulation was to prevent incumbents from benefiting from the use of public funds beyond what the Act provides: "Such free use would amount to government subsidization of a candidate's campaign and would totally defeat the purposes of the expenditure limitations." 45 Fed. Reg. 43377 (1980). This reasoning has not been extended to areas other than travel. Complainants do not allege that Respondents have violated any of the regulations related to expenditures for travel to campaign-related events.

2. Senator Hatch explained at the time the Hatch Act was passed: "[W]hen policy-making officials of the Government such as the President and members of the Cabinet inaugurate and carry on great policies of government, they must necessarily go before the country and the people and explain their policies, and . . . defend them when they are assailed. It is but right and proper that they should have the full privilege of doing so, as the bill now so provides. It is also provided that persons paid from appropriations for the Executive Office, the staff of that office, are not affected by the bill, which should be the case." 84 Cong. Rec. 9672 (1939). The Commission's jurisdiction does not extend to the Hatch Act. See 2 U.S.C. § 437c.

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Mr. Baker performs is in addition to his full-time responsibilities as Chief of Staff. Respondents indicate that the responsibilities for "managing the operations" of President Bush's campaign remain with Robert M. Teeter and Fred Malek. This position is consistent with news accounts that ran at the time of Mr. Baker's appointment to the position of White House Chief of Staff. Attachment 5.

For the above reasons, this Office recommends that the Commission find no reason to believe that any violation of the Act has occurred and close the case.

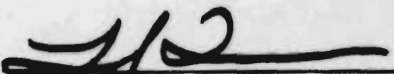
III. RECOMMENDATIONS

1. Find no reason to believe that the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer, violated any provision of the Act on the basis of the complaints filed in MURs 3602 and 3628.
2. Find no reason to believe that James A. Baker III has violated any provision of the Act on the basis of the complaints filed in MURs 3602 and 3628.
3. Approve the appropriate letters.
4. Close the file.

Lawrence M. Noble
General Counsel

11/3/92
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response from Bush-Quayle Committee to MUR 3602
2. Response from Bush-Quayle Committee to MUR 3628
3. Response from the White House to MUR 3602
4. Response from the White House to MUR 3628
5. Newspaper accounts

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Bush-Quayle '92 Primary Committee,)
Inc. and J. Stanley Huckaby as)
treasurer;)
James A. Baker III.)

MURs 3602 and 3628

CERTIFICATIONS

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 9, 1992, the Commission decided by a vote of 5-0 to take the following actions in MURs 3602 & 3628:

1. Find no reason to believe that the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer, violated any provision of the Act on the basis of the complaints filed in MURs 3602 and 3628.
2. Find no reason to believe that James A. Baker III has violated any provision of the Act on the basis of the complaints filed in MURs 3602 and 3628.

(Continued)

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3. Approve the appropriate letters, as recommended in the General Counsel's Report dated November 3, 1992.
4. Close the file.

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

Attest:

11-9-92
Date

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

Received in the Secretariat: Wed., Nov. 4, 1992 10:06 a.m.
Circulated to the Commission: Wed., Nov. 4, 1992 11:00 a.m.
Deadline for vote: Mon., Nov. 9, 1992 4:00 p.m.

dr

93040924508



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 30, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Clark R. Kerr
9260 East Summer Terrace
Tucson, AZ 85749

RE: MUR 3602

Dear Mr. Kerr:

On November 9, 1992, the Federal Election Commission reviewed the allegations of your complaint dated August 31, 1992, and found that on the basis of the information provided in your complaint, and information provided by the Respondents, there is no reason to believe that the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer, and James A. Baker III violated any provision of the federal election laws. Accordingly, on November 9, 1992, 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

Lois G. Lerner *JB*
Lois G. Lerner
Associate General Counsel

BY:

Enclosure
General Counsel's Report

93040924509



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 30, 1992

Bobby R. Burchfield, General Counsel
Bush-Quayle '92 Primary Committee, Inc.
1030 15th Street, N.W.
Washington, D.C. 20005

RE: MURs 3602 & 3628
Bush-Quayle Committee

Dear Mr. Burchfield:

On September 10, 1992, and September 30, 1992, the Federal Election Commission notified your client of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("Act").

On November 9, 1992, the Commission found, on the basis of the information in the complaints, and information provided by the Respondents, that there is no reason to believe your client violated the Act. Accordingly, the Commission closed its files in these matters.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and these matters are now public. In addition, although the complete files must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the files may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner JB
BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040924510



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 30, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Fred MacDonald
66 Queva Vista
Novato, CA 94947

RE: MUR 3628

Dear Mr. MacDonald:

On November 9, 1992, the Federal Election Commission reviewed the allegations of your complaint dated September 5, 1992, and found that on the basis of the information provided in your complaint, and information provided by the Respondents, there is no reason to believe that the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer, and James A. Baker III violated any provision of the federal election laws. Accordingly, on November 9, 1992, the Commission closed the file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1992

C. Boyden Gray
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

RE: MURs 3602 & 3628
James A. Baker III

Dear Mr. Gray:

On September 10, 1992, and on September 30, 1992, the Federal Election Commission notified your client of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("Act").

On November 9, 1992, the Commission found, on the basis of the information in the complaints, and information provided by the Respondents, that there is no reason to believe your client violated the Act. Accordingly, the Commission closed its files in these matters.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and these matters are now public. In addition, although the complete files must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the files may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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THIS IS THE END OF MUR # 3628
DATE FILMED 1-8-93 CAMERA NO. 41
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