



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20461

THIS IS THE BEGINNING OF MUR # 3686

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN MC

93040992570

Massachusetts
Republican
Party



114 State Street
Boston, MA 02109

Leon J. Lombardi, Chairman

Tel: 617-367-1992, 800-622-VOTE
FAX: 617-367-7342

MUR 3686

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

Complaint: Violations of 2 U.S.C. 431 and 432, 26 U.S.C. 9012(b)(1), and 11 C.F.R. 9012.2

Respondents: Mavroules for Congress Committee and the Clinton/Gore Committee

Complainant: Massachusetts Republican Party

INTRODUCTION

Nick Mavroules, an incumbent Congressman tarnished by scandal, and Bill Clinton, the Democratic Presidential nominee who is slipping dramatically in the polls, have combined to violate federal election law in the closing days of the campaign.

Despite the firm prohibition in publicly financed Presidential elections from any outside contributions, Mavroules has aired radio ads to aid his and Clinton's campaigns. The law strictly forbids this. Mavroules must stop breaking the law by using Clinton's name, and Clinton must publicly repudiate this violation.

FACTUAL AND LEGAL ANALYSIS

Based upon information and belief, (See copy of Mavroules for Congress radio ad, ATTACHMENT A), the Mavroules for Congress Committee and the Clinton/Gore Committee violated the Federal Election Campaign Act, as amended (FECA), by making and accepting illegal contributions in a presidential, publicly financed, general election campaign.

The FECA allows federal candidates to support other federal candidates by referring to them in campaign materials, the so-called "coattail" provision, provided that these campaign materials are not distributed through public advertising. 2 U.S.C. 431(8)(xi). For example, listing the presidential candidate with a congressional candidate would be legal on buttons and bumper stickers but would

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NOV 21 10 09 AM '92
92 NOV -2 PM 4:15
FEDERAL ELECTION COMMISSION

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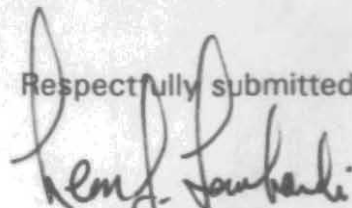
be viewed as an impermissible contribution to the presidential campaign if the congressional candidate advocated the election of the Presidential ticket on the radio or on television. If a Presidential candidate receives public financing, it is illegal for that candidate to accept contributions in any amount from any source for the general election campaign, including contributions from another candidate's committee. 26 U.S.C. 9012(b)1 and 11 C.F.R. 9012.2. Generally, a congressional candidate's committee cannot support another's candidate's election. However, contributions to candidates of up to \$1000 per election are, normally, not viewed as candidate support under federal law. 2 U.S.C. 432(e)(3) and 11 C.F.R. 102.12(c).

The Mavroules for Congress Committee aired radio advertisements which not only advocated the re-election of Mavroules to Congress but also the election of Bill Clinton for President, with a likely value at over \$1000 (See Attachment A, transcript of the Mavroules radio ad). Since Mr. Clinton is a taxpayer financed candidate, he cannot accept any contribution to benefit his general election campaign. He is now on notice of this advertisement, yet published reports (Attachment B) indicate a continued willingness to flaunt the law.

CONCLUSION

There is a reason to believe that the Mavroules for Congress Committee violated the FECA by making an in-kind contribution to the Clinton campaign in the form of radio ads and that the Clinton/ Gore committee violated federal law by accepting these contributions unless Mr. Clinton and his campaign committee have specifically repudiated this advertising campaign.

Respectfully submitted,



Leon J. Lombardi
Chairman

Sworn to and subscribed this 29th day of Oct. 1992.


Notary Public

My Commission Expires: 4/24/98

ATTACHMENT A

[Mavroules for Congress Campaign Advertisement, October 27, 28, 1992]
[Aired on WBCN-FM radio, 104.1]

Mavroules voice: "Paid for by the Mavroules for Congress Committee."

Barbara Hildt voice: "This is Barbara Hildt with a message to the tens of thousands of voters who supported me on September 15. Whatever our differences, Nick Mavroules and I agree that the worst thing that could happen to the Sixth District would be the election of Peter Torkildsen as Congressman."

In 1989, then State Rep. Torkildsen earned only a 40% rating from labor, a 20% rating from advocates for children, a 14% rating from environmentalists, and an unbelievable 0% rating from advocates of women. That's right, zero. How can you trust Peter Torkildsen, who has flip-flopped not once, but twice on the issue of a woman's right to choose?

On November 3, I urge [emphasis in voice tone in ad] you to vote for Bill Clinton, Nick Mavroules, and the entire Democratic ticket. The last thing we need is to elect someone to Congress who will do for the Sixth District what George Bush has done to America."

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FEDERAL BUREAU OF INVESTIGATION
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NOV 19 1992

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Clinton camp says it had no role in Mavroules ad

By LISA KOSAN
Ottaway News Service

BOSTON.— Clinton campaign officials say they had no role in a radio advertisement for U.S. Rep. Nicholas Mavroules that also touts the Democratic presidential candidate in a way Republicans say vio-

lates federal election law.

The flap over the Peabody congressman's ad erupted yesterday when the state Republican Party charged that the ad linking Clinton's name to Mavroules' translates into a contribution to the presidential campaign.

The state GOP plans to file a Clinton, page A12

PEABODY TIMES

10-29-92

PAGE 1

92 NOV -2 PM 4:19

RECEIVED
FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

Clinton camp wasn't in on ad

Continued from page 1

complaint with the Federal Election Commission today, according to party chairman Leon Lombardi.

The Massachusetts Clinton campaign did not know about the Mavroules ad until contacted by reporters and did not participate in its production, said Jennifer Watson, a Clinton-Gore spokesman.

"We haven't heard it and haven't done a legal analysis," Watson said. "In general we want to make sure that everything is in full compliance with campaign finance laws."

When asked if the Clinton-Gore campaign would ask Mavroules to pull the ad, Watson said "we'd have to cross that bridge when we come to it."

Contributions by private individuals or campaigns to a presidential candidate are illegal, according to GOP officials, because they boost the limit a presidential candidate agrees to once the candidate accepts \$55 million in public money. The \$55 million comes from the \$1 checkoff on federal tax returns.

Mavroules' spokesman Ellen Marlette dismissed the attack as "vintage Republican foolishness."

"We will continue to run the spot," Marlette said. "The theme was unity for the Democratic party. Had we felt we violated any law we obviously would pull the spot immediately."

"It's an innocent thing," she said.

The 60-second spot narrated by state Rep. Barbara Hildt of Winchbury asks voters to elect a Democratic ticket, including Mavroules and Clinton.

Hildt, who lost to Mavroules in the Democratic primary, says his Republican challenger Peter Torkildsen received poor ratings as a state representative

from various advocacy groups.

"How can you trust Peter Torkildsen..." Hildt says. "I urge you to vote for Bill Clinton, Nic Mavroules and the entire Democratic ticket. The last thing we need is to elect someone to Congress who will do to the 6th District what George Bush has already done to America."

FEC spokesman Fred Eiland said an ad with a candidate specifically mentioning another candidate "may very well represent a contribution... and would have to be reported."

Eiland said it would depend on the "casualness" the reference.

The ad first ran for two weeks following the primary. As of Monday it has aired on various Boston-area stations, Marlette said.

Sen. Henri Rauschenbach, R-Brewster, executive director of Bush/Quayle in Massachusetts, said Clinton campaign is cash-starved and relying on other candidates to get the governor's name on this state.

"Our concern is that he's piggy-backing on Massachusetts congressional races because the president coming on in the polls," Rauschenbach said.

"We're letting them know we're aware of these ways to get the Clinton name out," he said.

Referring to the 17-count criminal indictment filed against Mavroules, Lombardi said the ad is another example of the congressman breaking laws.

"The congressman had a problem of tripping laws over the last few years and this may be another law he deliberately or unwittingly tripped on," Lombardi said. "He should know the nature of the statutes he probably voted on."

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 5, 1992

Leon J. Lombardi, Chairman
Massachusetts Republican Party
114 State Street
Boston, MA 02109

RE: MUR 3686

Dear Mr. Lombardi:

This letter acknowledges receipt on November 2, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Mavroules for Congress Committee and David W. Pierce, as treasurer, and the Clinton/Gore '92 Committee and Robert Farmer, 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 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 3686. 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,

Teresa A. Hennessy

Teresa A. Hennessy
Assistant General Counsel

Enclosure
Procedures

93040992575



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 5, 1992

David W. Pierce, Treasurer
Mavroules for Congress Committee
8 Central Street
Suite 103
Topsfield, MA 01983

RE: MUR 3686

Dear Mr. Pierce:

The Federal Election Commission received a complaint which indicates that the Mavroules for Congress Committee ("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 3686. 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.

93040992576

David W. Pierce, Treasurer
Mavroules for Congress Committee
Page 2

If you have any questions, please contact Mary Ann Bumgarner, the attorney 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,

Teresa A. Hennessy

Teresa A. Hennessy
Assistant General Counsel

Enclosures

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

cc: The Honorable Nick Mavroules

93040992577



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

November 5, 1992

Robert Farmer, Treasurer
Clinton/Gore '92 Committee
112 West Third Street
Little Rock, AR 72203

RE: MUR 3686

Dear Mr. Farmer:

The Federal Election Commission received a complaint which indicates that the Clinton/Gore '92 Committee ("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 3686. 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.

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93040992578

Robert Farmer, Treasurer
Clinton/Gore '92 Committee
Page 2

If you have any questions, please contact Mary Ann Bumgarner, the attorney 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,

Teresa A. Hennessy

Teresa A. Hennessy
Assistant General Counsel

Enclosures

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

cc: President-Elect William Clinton
Vice President-Elect Albert Gore, Jr.

93040992579



RECEIVED
FEDERAL ELECTION COMMISSION
92 NOV 23 AM 10:21

November 23, 1992

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

Re: MUR 3686

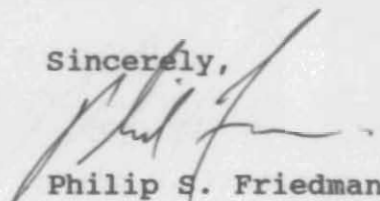
Dear Ms. Bumgarner:

Enclosed please find the original and three (3) copies of the Response of the Clinton/Gore '92 and Robert A. Farmer, as treasurer to the complaint filed in the above referenced action.

Please be advised that a general Statement of Designation of Counsel for Robert A. Farmer, Treasurer and the Clinton/Gore '92 Committee, Inc. has previously been filed with the Commission in which Anthony S. Harrington, Christine Varney and the undersigned have been designated as counsel.

If you have any questions or concerns, please give me a call at (202) 296-8600.

Sincerely,



Philip S. Friedman

cc: Tony Harrington

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

IN THE MATTER OF MAVROULES
FOR CONGRESS COMMITTEE AND
CLINTON/GORE '92 COMMITTEE

MUR 3686

RESPONSE OF CLINTON/GORE '92 COMMITTEE

On October 29, 1992, the Massachusetts Republican Party filed a complaint with the Federal Election Commission ("FEC" or "Commission") alleging that the Mavroules for Congress Committee and the Clinton/Gore '92 Committee (collectively, the "Respondents") violated several provisions of the Federal Election Campaign Act of 1971, as amended ("FECA" or "Act").

Pursuant to 11 CFR 111.6, this response is submitted on behalf of the Clinton/Gore '92 Committee ("Committee") for the purpose of demonstrating that the Commission should find no reason to believe that a violation of the Act has occurred.

The complaint is premised entirely on Attachment A to the complaint, a transcript of Mavroules for Congress radio advertisement identified in the first sentence of the advertisement as being "paid for by the Mavroules for Congress Committee." According to the complainant, the radio advertisement, which urges listeners at the end "to vote for Bill Clinton, Nick Mavroules, and the entire Democratic ticket," is an impermissible in-kind contribution to the Clinton/Gore '92 Committee.

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The complainant has misconstrued the facts and the law. As the newspaper article attached to the complainant's filing attests, and the attached affidavit of the Clinton/Gore state director affirms, the Clinton/Gore campaign had absolutely nothing to do with the Mavroules radio advertisement. No agent, representative, or employee of the Committee requested, suggested, consulted or otherwise cooperated with the Mavroules for Congress Committee or its agents or representatives prior to producing or broadcasting the advertisement in question. See Affidavit of Elaine Guiney, attached hereto as Exhibit A.

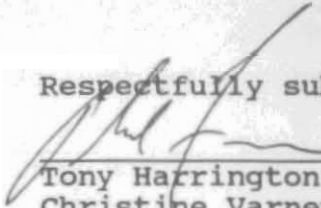
Not until the radio advertisement became a subject of controversy was anybody in the Clinton/Gore campaign remotely aware of its existence. There was, therefore, no in-kind contribution to the Committee. Rather, that incidental portion of the Mavroules radio advertisement, in which listeners are "urged" to vote for Bill Clinton and the entire Democratic ticket, can only be construed as an independent expenditure by the Mavroules for Congress Committee. See 11 CFR § 109.1. Since the Clinton/Gore '92 Committee had absolutely no involvement with the advertisement, the Committee cannot be held responsible for the actions giving rise to this complaint.

CONCLUSION

For the foregoing reasons, the Commission should find no reason to believe that the Clinton/Gore '92 Committee violated any provisions of the FECA.

Date: November 23, 1992

Respectfully submitted,


Tony Harrington
Christine Varney
Philip S. Friedman

Counsel for
Clinton/Gore '92 Committee

93040992583

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

IN THE MATTER OF MAVROULES
FOR CONGRESS COMMITTEE AND
CLINTON/GORE '92 COMMITTEE

MUR 3686

AFFIDAVIT OF ELAINE GUINEY

ELAINE GUINEY, BEING DULY SWORN, DEPOSES AND SAYS:

1. This statement is made in support of the Response of the Clinton/Gore '92 Committee to the above referenced action.
2. I was the Massachusetts Clinton/Gore State Director. In that capacity, I maintained overall responsibility for the political operations of the Clinton/Gore campaign in Massachusetts.
3. I am aware of the facts and circumstances surrounding the Mavroules for Congress radio advertisement in which Barbara Hildt attacks the record of State Rep. Peter Torkildsen and urges listeners to support Nick Mavroules. I am also aware that at the end of the advertisement, Ms. Hildt also urges listeners to vote for "Bill Clinton, Nick Mavroules, and the entire Democratic ticket."
4. Neither I, nor any member of my staff, nor any agents or representatives of the Clinton/Gore campaign knew anything about this radio advertisement prior to its broadcast.
5. Neither I, nor any member of my staff, nor any agents or representatives of the Clinton/Gore campaign, cooperated or

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consulted with the Mavroules campaign about this, or any other radio advertisement prior to its broadcast.

6. Neither I, nor any member of my staff, nor any agents or representatives of the Clinton/Gore campaign otherwise requested or suggested that the Mavroules campaign or its agents or representatives act on behalf of the Clinton/Gore '92 Committee by broadcasting radio advertisements or other general public communication.

I declare under the penalty of perjury that the foregoing is true and correct.

Date: November 20, 1992

Elaine Guiney
Elaine Guiney

9304099258

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Nov 25 1 24 PM '92

November 23, 1992

General Counsel's Office
Federal Election Commission
Washington, D.C.

RE: MUR 3686

Dear Sir/Madam:

This is in response to the above referenced complaint.

The Mavroules for Congress Committee's purpose in airing the radio ad in question was to promote the re-election of Congressman Mavroules. The purpose was not to make an in-kind contribution to the Clinton/Gore Committee.

The Committee does not feel that the Clinton/Gore Campaign received any benefit from this radio ad.

However, if any benefit was received it would be limited to the one brief mention of Mr. Clinton. This mention was 2 words of an approximately 160 word radio ad, or 1/80th of the commercial. This benefit would be minimal.

In conclusion, The Mavroules for Congress Committee feels that there was no in-kind contribution to the Clinton/Gore Committee and if there was any benefit at all it was very minimal.

Therefore, the Mavroules for Congress Committee feels that it has not violated FECA in anyway.

Sincerely,



Dennis Newman
Campaign Director

92 NOV 25 PM 3:34

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FEDERAL ELECTION
COMMISSION
OFFICE

93040992586

DENNIS NEWMAN
ATTORNEY AT LAW
580 PEARL STREET
READING, MASSACHUSETTS 01867
(617) 942-2109

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

DEC 10 11 47 AM '92

December 4, 1992

Teresa A. Hennessey
Assistant General Counsel
General Counsel's Office
Federal Election Commission
Washington, DC

RE: MUR 3686

Dear Ms. Hennessey:

This follows up my letter to you of November 2, 1992, with regard to the above referenced MUR.

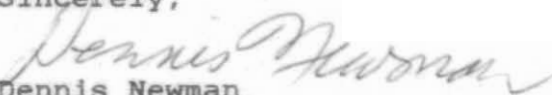
First, the mention of Bill Clinton in the advertisement had the intent and effect of promoting only the candidacy of Congressman Mavroules, not of Clinton/Gore. Indeed, the mention of Governor Clinton in the advertisement was made without the consent of Clinton/Gore '92 and was made without any consultation with, or request or suggestion of, Clinton/Gore '92 or any of its agents. In these circumstances, the expenditure should be regarded as being effectively an independent expenditure which would not constitute a contribution to Clinton/Gore '92. Cf. Answer to Glen Miller, Oct. 6, 1976, 2 CCH Fed. Elect. Camp. Fin. Guide ¶ 6935 (mention of presidential candidate in congressional candidate's brochure treated as independent expenditure).

Second, even if the mention of Gov. Clinton did constitute a contribution to or expenditure on behalf of Clinton/Gore '92, the amount of that contribution or expenditure would have to be determined according to the benefit reasonably expected to be derived, as measured by the proportion of time devoted to Governor Clinton as compared with the time devoted to Cong. Mavroules. 11 C.F.R. 106.1 (a). In this case, the total amount of costs for production and time purchased were about \$30,000 and less than a second of the sixty-second commercial was devoted to Governor Clinton. It is thus clear that the amount of the expenditure was less than \$1,000. Thus, even if mention of Governor Clinton did constitute a contribution to or expenditure on behalf of Clinton/Gore '92, such contribution or expenditure was within the applicable limit, 11 C.F.R. § 102.12 (c) (2), and as to the Mavroules Committee, was entirely lawful.

For these reasons, the Commission should find no reason to believe that the Mavroules for Congress Committee has committed any violation of the Act or Commission regulations, and should dismiss the complaint.

If you have any questions or need any further information, please contact me.

Sincerely,


Dennis Newman
Campaign Director

92 DEC 11 PM 3:39

MUR # 3686

ADDITIONAL DOCUMENTS WILL BE ADDED TO THIS FILE AS THEY
BECOME AVAILABLE. PLEASE CHECK FOR ADDITIONAL MICROFILM
LOCATIONS.

93040992588



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

THIS IS THE End of MUR# 3686

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN MC

93040992589



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

☒ Microfilm
☐ Public Records
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3686.

12/10/93

33043543523

**THE READER IS REFERRED TO ADDITIONAL MICROFILM LOCATIONS
FOR THE FOLLOWING DOCUMENTS PERTINENT TO THIS CASE**

1. Memo, General Counsel to the Commission, dated September 22, 1992, Subject: Priority System Report.
See Reel 354, pages 1590-94.
2. Memo, General Counsel to the Commission, dated April 14, 1993, Subject: Enforcement Priority System.
See Reel 354, pages 1595-1620.
3. Certification of Commission vote, dated April 28, 1993.
See Reel 354, pages 1621-22.
4. General Counsel's Report, In the Matter of Enforcement Priority, dated December 3, 1993.
See Reel 354, pages 1623-1740.
5. Certification of Commission vote, dated December 9, 1993.
See Reel 354, pages 1741-1746.

23043543524



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Dennis Newman, Campaign Director
Mavroules for Congress Committee
580 Pearl Street
Reading, MA 01867

RE: MUR 3686
Mavroules for
Congress Committee
and David W. Pierce,
as treasurer

Dear Mr. Newman:

On November 5, 1992, the Federal Election Commission notified the Mavroules for Congress Committee and David W. Pierce, as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Mavroules for Congress Committee and David W. Pierce, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter.

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

23043543525

Mr. Newman
Page 2

If you have any questions, please contact me at (202)
219-3400.

Sincerely,

Mary Ann Bumgarner
Mary Ann Bumgarner

Attachment
Narrative

Date the Commission voted to close the file: DEC 09 1993

23043543526

23043543527
MUR 3686

Mavroules For Congress Committee

This matter was generated by a complaint filed by the Massachusetts Republican Party alleging that the Mavroules for Congress Committee had run radio ads that aided the Clinton/Gore campaign during the 1992 general election. Complainant alleges that this was an in-kind contribution to Clinton/Gore and that that campaign could not accept it for the general election since Bill Clinton was a publicly financed candidate. In addition, this Office has determined that the advertisement did not include the appropriate disclaimer. Based on the response from the Mavroules Committee, it does not appear that the amount of the violation (for the radio advertisement) exceeds \$1,000. According to the Mavroules Committee, the purpose in airing the radio ad was to promote the re-election of Congressman Mavroules. The Committee does not feel that Clinton/Gore received any benefit from this ad. The Committee also argues that the advertisement was made without the consent of, or in consultation with Clinton/Gore and therefore should be regarded as an independent expenditure. The Clinton/Gore Committee denies any involvement with the radio advertisement.

This matter reflects no indication of serious intent by respondents to violate the FECA, involves no significant issue relative to the other issues pending before the Commission, and involves no substantial amounts of money.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Phillip S. Friedman, Esquire
Ross & Hardies
888 16th Street, N.W.
Washington, DC 20006

RE: MUR 3686
Clinton/Gore '92 Committee
and Robert A. Farmer, as
treasurer

Dear Mr. Friedman:

On November 5, 1992, the Federal Election Commission notified your clients, the Clinton/Gore '92 Committee and Robert A. Farmer, as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Clinton/Gore '92 Committee and Robert A. Farmer, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter.

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

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Mary Ann Bumgarner
Mary Ann Bumgarner

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1993

23043543528

2 3 0 4 3 5 4 3 5 2 9

MUR 3686

Mavroules For Congress Committee

This matter was generated by a complaint filed by the Massachusetts Republican Party alleging that the Mavroules for Congress Committee had run radio ads that aided the Clinton/Gore campaign during the 1992 general election. Complainant alleges that this was an in-kind contribution to Clinton/Gore and that that campaign could not accept it for the general election since Bill Clinton was a publicly financed candidate. In addition, this Office has determined that the advertisement did not include the appropriate disclaimer. Based on the response from the Mavroules Committee, it does not appear that the amount of the violation (for the radio advertisement) exceeds \$1,000. According to the Mavroules Committee, the purpose in airing the radio ad was to promote the re-election of Congressman Mavroules. The Committee does not feel that Clinton/Gore received any benefit from this ad. The Committee also argues that the advertisement was made without the consent of, or in consultation with Clinton/Gore and therefore should be regarded as an independent expenditure. The Clinton/Gore Committee denies any involvement with the radio advertisement.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 10 1992

Leon J. Lombardi, Chairman
Massachusetts Republican Party
114 State Street
Boston, MA 02109

RE: MUR 3686

Dear Mr. Lombardi:

On November 2, 1992, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Mavroules for Congress Committee and David W. Pierce, as treasurer, and Clinton/Gore '92 Committee and Robert A. Farmer, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary Ann Bumgarner
Mary Ann Bumgarner

Attachment
Narrative

Date the Commission voted to close the file: DEC 09 1992

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Mavroules For Congress Committee

This matter was generated by a complaint filed by the Massachusetts Republican Party alleging that the Mavroules for Congress Committee had run radio ads that aided the Clinton/Gore campaign during the 1992 general election. Complainant alleges that this was an in-kind contribution to Clinton/Gore and that that campaign could not accept it for the general election since Bill Clinton was a publicly financed candidate. In addition, this Office has determined that the advertisement did not include the appropriate disclaimer. Based on the response from the Mavroules Committee, it does not appear that the amount of the violation (for the radio advertisement) exceeds \$1,000. According to the Mavroules Committee, the purpose in airing the radio ad was to promote the re-election of Congressman Mavroules. The Committee does not feel that Clinton/Gore received any benefit from this ad. The Committee also argues that the advertisement was made without the consent of, or in consultation with Clinton/Gore and therefore should be regarded as an independent expenditure. The Clinton/Gore Committee denies any involvement with the radio advertisement.

This matter reflects no indication of serious intent by respondents to violate the FECA, involves no significant issue relative to the other issues pending before the Commission, and involves no substantial amounts of money.