



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

THIS IS THE BEGINNING OF MUR # 3715

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

MUR 3715

Dear Sirs:

This complaint is against an organization known as VOAM (an acronym for "Voye Ayiti Monte", meaning in Creole "Uplift Haiti") and Jean Bertrand Aristide for violating 2 U.S.C. Sec. 441e. VOAM also operates by and through the activities of two unincorporated fundraising organizations, viz. Americans for Aristide and the Haitian Emergency Fund. VOAM is controlled and directed by Jean Bertrand Aristide, best known as being the former President of Haiti.

In New York, Mr. Guy Victor is quite influential in VOAM. In Miami, Father Gerard Jean Juste and Farah Juste are decision makers in VOAM.

The Haitian Emergency Fund operates in and about Washington, D.C. Haitian Ambassador Jean Casimir is an important person therein.

Section 441e states, in part, that it shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, in connection with an election to any political office.

On or about September 29, 1992, VOAM and Jean Bertrand Aristide financed the organization of a march and rally, which began in Brooklyn and ended in front of the United Nations, to support Aristide's efforts to be returned to Haiti and to support the candidacies of Bill Clinton and Lenora Fulani for President. According to press reports, 7,000 to 10,000 people attended the rally. Further, Aristide's organization paid for the signs and other materials handed out at the gathering. I even saw buttons and printed posters. Costs for such a march and rally could easily have exceeded \$20,000.

I believe this march and rally was an orchestrated attempt by VOAM and Jean Bertrand Aristide to influence the U.S. Presidential election against President George Bush.

Sincerely,

Robert E. Dolan
Robert E. Dolan

Attachments 6

SUBSCRIBED & SUBSCRIBED BEFORE
ME AT MONTGOMERY COUNTY,
STATE OF MARYLAND ON THIS
23RD DAY OF NOVEMBER, 1992

Allen F. Hallin
NOTARY PUBLIC

MY COMMISSION EXPIRES
SEPTEMBER 28, 1994.

93040993061

ROBERT E. DOLAN
2700 VIRGINIA AVE NW
#404
WASHINGTON DC 20037

Mr. Jean Bertrand Aristide
Embassy of Haiti
2311 Massachusetts Avenue, N.W.
Washington, D.C. 20008

Ambassador Jean Casimir
Embassy of Haiti
2311 Massachusetts Avenue, N.W.
Washington, D.C. 20008

Mr. Guy Victor (tel.#718-468-2298)

Father Gerard Jean Juste
Haitian Refugee Center
P.O. Box 370543
Miami, Florida 33137

Farah Jean Juste
Haitian Refugee Center
P.O. Box 370543
Miami, Florida 33137

AMERICANS FOR ARISTIDE

Tete Ansanm Pou Lavalas
109 Waverly Place
New York, New York 10011
(212) 260-1747 or (718) 467-8307

Steering Committee:

Judy Bauduy	Julie Hoover
Patrice Bolte	Michelle Karshan
Ivens Duchatelier	Donna Plotkin

May, 1991

VOAM ("UPLIFT HAITI"): AN URGENT APPEAL

Haiti's new government came into power to find an empty treasury which had been raided by the previous governments. Various foreign countries have publicly pledged somewhat increased aid, but it is slow in coming and is sometimes accompanied by unacceptable conditions. The Aristide administration has instituted numerous reforms including a taxation program, and a clean-up of its inherited bureaucracy (in some instances resulting in the elimination of entire nonproductive offices and ministries), but it will take time to develop a positive operational cash flow. In the interim, Haiti's needs as the poorest country in the Western Hemisphere remain compellingly enormous, and President Jean-Bertrand Aristide is anxious to begin improving the livelihood of his people as well as securing the stability of his government and the tradition of democracy it has spearheaded.

Thus, Haiti is appealing to Haitians and friends of Haiti to raise the funds needed to accomplish these goals. A non-profit organization called "VOAM" (an acronym for "Voye Ayiti Monte," meaning "Uplift Haiti") has been established in Haiti by people trusted by President Aristide for this purpose. Marathons were initiated in late April, resulting in contributions ranging from \$321 (the rural peasant village of Thomassique) to \$397,000 (New York in one weekend). VOAM is asking everyone who supports the principles and goals of the Aristide government to contribute as much as they can on a monthly basis, hopefully, a minimum of ten dollars. They hope to produce computerized lists of donors to be published monthly. President Aristide has asked **Americans For Aristide** to continue raising money from American citizens as part of this effort, and we have formed a VOAM chapter.

WHY CONTRIBUTE TO VOAM?

It is a concrete means of showing our support and respect for the country's right to self-determination. President Aristide is directly involved with VOAM and his vision of a new Haiti can be realized through the use of its resources. Assistance pledged by foreign governments, particularly the U.S., do not necessarily reflect the actual dollar amount given as portions of the assistance are in staples (i.e. wheat) or are targeted to non-profit groups operating in Haiti. That is why VOAM is so critical to the development of Haiti - it creates the means through which

monies are available to be used in a way that truly reflects the long and short range goals of Haiti as determined by Haiti. VOAM has no programs of its own, and turns over its collected pledges to those humanitarian causes determined to be essential in developing the country toward self-sufficiency. There are many immediate needs that the monies are used for as well such as providing food to children or easing prison conditions. The funds are spent on the priority needs of the moment. The motto of **VOAM** is simple: **Help Haiti realize its national development.** The current priorities include:

- The national literacy program, scheduled to be officially launched this July with the advent of school summer vacation to address Haiti's shockingly high adult illiteracy rate currently estimated to be around 70%. There is a consensus that only by addressing this enormous illiteracy rate will Haiti be able to achieve true development. Many Haitians — both in Haiti and the United States, students and adults — have already pledged to participate. Volunteers will focus their efforts on the countryside and the urban slums, where illiteracy is most prevalent. While Haitians are prepared to do their part by contributing their labor, they need outside assistance for expenses such as pencils, pens, paper, text books, and subsistence allowances;
- Provide one hot meal each day to every school child when school resumes this October;
- Alleviate poor prison conditions and provide food for the prisoners;
- Development and implementation of programs in the areas of agriculture (i.e. soil erosion prevention programs and reforestation), medical care (Haiti has an alarmingly high infant mortality rate and a short life-expectancy rate), energy, education, resettlement of Haitian sugarcane cutters (including children) returning from the Dominican Republic, etc. As might be expected, the list is very long indeed, but although the people are still suffering, they are hopeful and optimistic.

We hope you will contribute to this exciting rebirth of a nation by giving as much as you can on a monthly basis. A pledge card is enclosed. Thank you very much for any contribution that you are able to make.

**Americans For Aristide
Steering Committee**

cc: VOAM Coordinating Committee, Haiti
President Jean-Bertrand Aristide

AMERICANS FOR ARISTIDE was formed spontaneously by long-time activists in the Haitian movement. At the news of Aristide's candidacy for president we quickly organized and successfully raised funds to aid his campaign. We believe in the spirit of *Lavalas* (the people's movement in Haiti that Aristide represents) and are a recognized group within *Lavalas*. Our projects are determined by the priorities outlined by the Haitian populace. We respect their right to self-determination and acknowledge their ability to create and implement their own agenda that will move them forward to self-sufficiency and an improved quality of life.

AMERICANS FOR ARISTIDE

Tet Ansamn Pou Lavalas
109 Waverly Place
New York, New York 10011
(212) 260-1747 or (718) 467-8307

I would like to help the people of Haiti in their democratization process and in achieving quality of life. I understand that monies I contribute will be sent directly to VOAM in Haiti and will be used in furtherance of President Aristide's vision for Haiti by disbursing to humanitarian causes. **AMERICANS FOR ARISTIDE** will include me on their mailing list and I will receive updates on the progress in Haiti and reports on **VOAM**.

I have pledged a monthly contribution to **VOAM** in the amount of \$ _____

Check off as you send your monthly contribution: June ____ July ____ August ____ Sept. ____
Oct. ____ Nov. ____ Dec. ____ Jan. ____ Feb. ____ March ____ April ____ May ____

In lieu of a monthly pledge I have sent a contribution of \$ _____

AMERICANS FOR ARISTIDE was formed spontaneously by long-time activists in the Haitian movement. At the news of Aristide's candidacy for president we quickly organized and successfully raised funds to aid his campaign. We believe in the spirit of *Lavalas* (the people's movement in Haiti that Aristide represents) and are a recognized group within *Lavalas*. Our projects are determined by the priorities outlined by the Haitian populace. We respect their right to self-determination and acknowledge their ability to create and implement their own agenda that will move them forward to self-sufficiency and an improved quality of life.

PLEASE MAKE ALL CHECKS PAYABLE TO: **VOAM**

MAIL TO: **AMERICANS FOR ARISTIDE**, 109 Waverly Place, New York, New York 10011

MAIL IN THIS SECTION

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number: H) _____ W) _____

I would like to help by pledging the following amount on a monthly basis to: **VOAM**

\$10 ____ \$25 ____ \$50 ____ \$100 ____ Other: \$ ____

I am contributing the following amount instead of making a monthly pledge:

\$120 ____ \$250 ____ \$500 ____ Other: \$ ____

I would like to attend your meetings ____ Am interested in fundraising ____

Please send me President Aristide's book entitled 'In the Parish of the Poor,' (written while he was an activist priest in one of the largest slums in Haiti). Enclosed is \$15 (includes shipping) payable to Americans For Aristide. _____

PLEASE MAKE ALL CHECKS PAYABLE TO: **VOAM**

MAIL TO: **AMERICANS FOR ARISTIDE**, 109 Waverly Place, New York, New York 10011

The Diaspora Is No Milking Cow!

The Lavalas government-in-exile has set up yet another "Finance Committee" to "coordinate" all fundraisings "to help with the return of President Aristide, constitutional order and democracy in Haiti." As if to get the committee off on the right footing, it is said: "... In the next few days a fundraising will be undertaken in all regions (of the diaspora) concerning a diploma of resistance signed by President Aristide and offered to those who contribute \$10 or more." (*Haiti Progrès*, Vol. 10, No. 16, 15-21 July 1992, page 8). (We reproduce the full article in French on the opposite page.) — — —

Shame, shame on you! Now money is to be made with Aristide's signature! They only need to sell 100,000 to raise "another million for Titi."

Why a new "Finance Committee"? Has the Haitian community asked for a "General Finance Committee ... authorized by the president"? What we and the Haitian community at large have asked for — and which we have yet to receive — is an accounting of what has been collected so far.

For transparency's sake, we demand an accounting before the launching of any new general fundraising by any new committee, be it authorized or not. Because those giving the authorization are not above suspicion. And let's not forget that transparency was one of the pillars of the Aristide government.

For the edification of all, especially of the financial wizards around Aristide, we go

back to earlier fundraising activities and ask for a clear explanation from all those who have been involved in fundraising, supposedly "for the people."

The first major fundraising in the diaspora occurred after February 7, 1986, under the sponsorship of the Holy Ghost Fathers, commonly known as "The Haitian Fathers" of 333 Lincoln Place, in Brooklyn, N.Y. The head of the group, Father Antoine Adrien, is the same person who now leads the "Presidential Commission" which is attempting a larger consensus in Haiti than what has been realized so far with the formation of the Bazin government.

The fundraising of 1986 was intended to rebuild schools that were destroyed in the movement of "dechoukage" ("uprooting") which followed the hurried departure of Jean-Claude "Baby Doc" Duvalier. No accounting has ever been given about the amount raised or how it has been spent. How many schools were rebuilt and for how much? How many private homes were built and for whom? How much of the money was exchanged at black market rates and what was done with the profit? These are legitimate questions which should be accurately answered before the same people come back to us with their new "General Finance Committee" to extort more money from the diaspora.

The second major generalized fundraising campaign took place in the euphoria surrounding the February 7, 1991

swearing-in of President Aristide. It was the famous V.O.A.M. ("Voye Ayiti Monte" — "Up With Haiti") affair. The overall V.O.A.M. coordinator was Father Gérard Jean-Juste, who "coordinated" the work of a host of local chieftains, including Consul General P. Wilson Désir, Ambassador at-large Benjamin (Ben) Dupuy and Guy Gérard Victor. Mr. Victor was anointed "President" of the "Tenth Department, New York Region." Among other local chieftains, we'll mention Farah Juste in Miami and Franklin Miti in Montreal. Without furnishing any explanation, the "president's private secretariat" has dropped the names of Messrs. Désir, Dupuy, Victor and Miti from the new "General Finance Committee."

Although *Haiti Progrès*, a mouthpiece of the president, headlined, "First Million for Aristide" after the first week of the operation, we were never given a full accounting of how much the V.O.A.M. campaign netted. Some say \$2 million, others \$4 million, not counting the thousands of dollars skimmed off the top for "local expenditures" for which no details have been made available.

What has happened to the V.O.A.M. money? How much was it in the first place? How much was spent and how? Who controls the rest of the money that was never turned over to "Coordinator" Jean-Juste or President Aristide? Please, tell us, before setting up any new committee whose task is to grab

more money from the diaspora. For transparency's sake, give us some accounting, because, after all, it is public money.

The third major fundraising event was launched December 16, 1991 to commemorate the year earlier electoral victory of President Aristide. Every voter — minor or adult, foreigner or Haitian, male or female — was asked to pay one U.S. dollar (\$1) to vote. To this day we haven't been given the result of that vote. Apparently, there is no way of knowing how much was collected, because we won't be told how many voted. No one will tell us who devised that technique of fundraising. Was it the work of yet another "theology of liberation" cleric or of a group of financial wizards operating for Father Aristide?

Whatever the answer, the fact is that there has been no accountability. For transparency's sake, we suggest that the new "General Finance Committee" starts by building its credibility. And there's no better way to build it than by giving an accounting — in all transparency — of what has already been taken and spent.

Then, the new "financiers," with a clear conscience, could attempt to launch their "Operation Diploma" to fill the coffers of a president who has yet to explain what he did with the \$2.1 million he got from Taiwan and the approximately \$1 million-a-month his Washington ambassador has been receiving from the U.S. Treasury.

The diaspora is no cow to be milked by ever changing "committees" who account to no one. Enough is enough, you guys! And may the diaspora act accordingly!

Mobilisation titidienne : Beaucoup d'appelés, peu de venus

Par Thierry Antha

On voulait les compter à partir de 100 000 jusqu'à concurrence de 200 000 personnes, ces ch...onnés de Titid. Ils viennent de tout New York, New Jersey, Boston, Philadelphie, Washington et d'ailleurs, avec une double mission de battre le record du 20 avril 1989 (la marche contre la FDA) et de présenter une image digne du peuple haïtien. La presse, HEAR (Haitian Enforcement Against Racism), les dirigeants militants, voire Titid lui-même avaient travaillé de concert pour mobiliser toutes les ressources humaines lavalasiennes.

Ce 29 septembre 1992, devant l'ONU, de tant d'appelés, pas même un dixième y a répondu.

Entre la 1^e avenue et la 3^e, sur la 42^e rue, à en croire la police de New York, entre 7 000 et 10 000 personnes ont répondu à l'appel du « Kòk Ka... ». Jeunes et vieux, surtout des jeunes qui jouissaient d'un jour férié, brandissaient le bicolore haïtien, portant qui un cercueil blanc en carton sur lequel on pouvait lire « BUSH KKK », qui une pancarte aux différents messages : « Haitians for Clinton-Gore », « Bush must got », « Aristide, Yes, CIA, no », « USA, Hands off Haiti ». Des pancartes, il y en avait à revendre, empilées qu'elles étaient dans un camion

« Ryder » stationné dans la zone depuis midi.

Si la mobilisation du 29 septembre n'a pas répondu à toute attente de record, « il y a lieu de reconnaître qu'elle se sera passée dans l'ordre et la discipline », a remarqué le sergent Colon de la police locale. Le peuple, chauffé à blanc, s'est cantonné derrière les lignes de police. Mais on répétait à tue-tête : « No Aristide, No Peace. No Negotiations with Cedras. Cedras is a Criminal. No Negotiations with Army, Army is Criminal. No Negotiation with Bazin Bazin is a Criminal ». On scandera contre tout ce qui n'est pas Lavalas : « Bush KKK, Marc Bazin Criminal, Raymond Joseph, Haïti-Observateur si ou la ... ».

C'est alors qu'interviendra le père Bien-Aimé, qui harangua la foule : « Nous sommes ici pour lancer un message à George Bush et à l'armée d'Haïti, que leur aventure en Haïti est bien finie. Nous voulons traduire notre indignation au monde et leur dire : « No Aristide, No Peace ».

Sô An le succédera au podium pour saluer tous les francs-maçons, accompagnée d'un musicien du groupe Foula et de Anna Letemps. Ils chanteront le retour d'Aristide et la punition au Père Lebrun qui attend tous les criminels ayant trempé de près ou de loin à la « chute de la démocratie ».

Une brochette d'orateurs montera sur le podium, notamment Elombe Brath, un délégué de la campagne Clinton-Gore pour le 3 novembre, et Lenora Fulani, candidate indépendante aux élections présidentielles des Etats-Unis. Si le délégué de Clinton-Gore a élaboré sur le message de Clinton pour les réfugiés haïtiens et la démocratie en Haïti, Fulani s'est laissée aller dans une diatribe incendiaire, assimilant Bush et Clinton aux « racist pigs » (« cochons racistes »). Le ton haineux de son discours a créé une sérieuse animosité entre son camp et une représentante de Clinton qui n'en croyait pas ses oreilles, devant un public haïtien plus conquis à la cause de Clinton-Gore dont il brandissait les pancartes.

Le protocole du jour fera circuler dans la foule des sacs marqués « U.S. Mail », sous la protection de la force de sécurité de HEAR, pour le soulager encore de quelques dollars. Car « organiser pareille marche nécessite beaucoup d'argent », dira Marie, l'une des organisatrices. « Une moisson pour Titid, car quand Titid organise, c'est toujours net ».

C'est sur cette note qu'on retransmettra d'un poste radio et à l'aide de haut-parleurs le discours d'Aristide de l'ONU étant. Discours dans lequel le président en exil dira : « Qui

veut la paix, défend la démocratie ».

Si l'élu du 16 décembre a déversé toute sa bile sur l'armée d'Haïti, « qui consomme 40% du budget national et en dépit de ceci, est encore impliqué jusqu'au cou dans le trafic de la drogue », il n'a pas épargné le Vatican – « le seul état du monde à reconnaître les criminels » en Haïti.

Le temps manque pour élaborer sur les « huit béatitudes » formant le discours d'Aristide. Ce qui fait rappeler le discours de l'année dernière, fait de « 10 commandements ». C'est dire qu'on est passé de l'Ancien Testament au Nouveau avec Jésus-Christ.

Mais on ne saurait passer sous silence l'invitation « urgente » qu'il a lancée à

l'OEA pour qu'elle trouve des solutions à la crise haïtienne. Il faut l'« action », plus de « promesses ».

En attendant le rendez-vous commun en Haïti, Aristide se cantonne dans la « résistance pour créer une stabilité politique et le développement économique pour que la mobilisation continue 'manche longuement' pour défendre les droits de la personne et la démocratie en Haïti. Car 'jou ale, jou vini, jou sa a. aah !' »

On dirait que le président se trouvait sur une autre planète. Car, il devait dire au cours de son discours : « 100 000 m'attendent au dehors ». Il l'avait voulu ainsi. Ainsi fut-il. D'ailleurs, Joseph Bugau Etienne, entendu sur la Radio Tropicale, disait vers 10 h 30 a.m. que 75 000 longeait Flatbush en direction du pont Brooklyn. Plus tard, il dira que le pont secouait sous le poids des 50 000 qui allaient bientôt atteindre le chiffre de 100 000 devant l'ONU.

C'est là la vérité lavalasienne.

Ousted Haitian Chief, at U.N., Denounces Vatican

By PAUL LEWIS

Special to The New York Times

UNITED NATIONS, Sept. 29 — President Jean-Bertrand Aristide, the radical Catholic priest deposed last year after becoming Haiti's first freely elected leader, denounced the Vatican today when he addressed the United Nations General Assembly, calling it the only state in the world to recognize the Government that overthrew him.

He also called for a tighter economic blockade against the Caribbean country, which has one of the lowest standards of living in the world.

"What a scandal!" he cried from the speakers rostrum to applause and cries of support from Haitians packing the Assembly hall's public galleries. "Rejected by all the states of the world, these criminals are still recognized by the Vatican, the only state to bless the crimes it should have condemned in the name of the God of Justice and Peace."

"What would have been the Vatican's attitude if Haiti was inhabited by whites?" he said. "What would have been Pope John Paul II's attitude if Haiti had been Polish?"

"George Bush Must Go!"

Next month, he pointed out, the Pope will be visiting the nearby Dominican Republic. But would he also stop over in Haiti to try to end the violence and injustice that continue there like the Good Samaritan of St. Luke's Gospel or would he remain aloof like "a Grand Priest," Father Aristide said.

As he spoke, a big crowd of mainly Haitian demonstrators, estimated by the police to have reached 10,000 at its peak, rallied outside the United Nations to support the ousted President, chanting: "No Aristide! No peace!" and "George Bush must go!"

The demonstrators marched peacefully over the Brooklyn Bridge to the United Nations, waving their fists in the air, carrying placards and chanting for peace in Haiti.

Some carried coffins draped with banners saying "Stop racism" and depicting President Bush with a red tongue and horns, reflecting the demonstrators' perception that the United States, like most other countries, is losing interest in Haiti and is no longer pushing vigorously for President Aristide's return.

Chances of Return

"I want democracy," said Rosette Elie, a 40-year-old Haitian from Brooklyn. "Bush is not for democracy."

Jean-Pierre Lambert, 31, a college student from Haiti, said, "Aristide is a Haitian Martin Luther King."

Among the speakers at the demonstration was Jon-Christopher Bua, a spokesman for Gov. Bill Clinton of Arkansas, who said that if elected the Democratic candidate for President would reverse President Bush's policy and allow fleeing Haitians into the United States to apply for political asylum.

This was Father Aristide's second address to the United Nations, which still recognizes him as Haiti's legitimate head of state.

And the applause delegates gave him was still warm and friendly, though the chances of his returning as Haiti's President are smaller now that the two agreements the Organization of American States thought it had negotiated allowing him back have collapsed.

The O.A.S. also imposed a trade embargo on Haiti after Father Aristide was overthrown by military units supported by a business class frightened of his radical reformist ideas.

But the United States subsequently exempted American-owned companies on the island from many of its provisions to enable them to continue manufacturing and preserve some employment there.

Father Aristide called for that blockade to be tightened further today, saying that despite criticism that it would only make Haiti poorer still, "the Haitian people again say yes to the embargo."

He called the coup that unseated him "a crime against humanity" and described present-day Haiti as a country where "blood runs, corpses pile up and repression grows greater."

Like last year, Father Aristide's address was a colorful, theatrical affair, in which he vaunted his attachment to the radical liberation theology popular among impoverished Roman Catholic classes in Latin America but which has put him out of favor with the conservative Vatican.

He reeled off statistics about the unfair distribution of wealth in Haiti and much of the third world, speaking mainly in French with occasional bursts of Creole, incomprehensible to everyone except the Haitians in the gallery.

And once again, as he did last year, he ended his address with a kind of populist parody of the words used at the end of some prayers, saying, "In the name of the people and of their sons and of the Holy Spirit, Amen."

Iraq appeared to be squaring off for yet another confrontation with the United Nations today after a senior Iraqi official told the Secretary General that Baghdad will not cooperate with his plans to launch a new relief operation to help the Kurds this winter if the Security Council seizes frozen Iraqi assets.

The warning was given by Iraq's Foreign Minister, Mohammed al-Sahaf, to Secretary General Boutros Boutros-Ghali and the chief United Nations aid coordinator, Jan Eliasson of Sweden, at a meeting this morning, officials involved said.

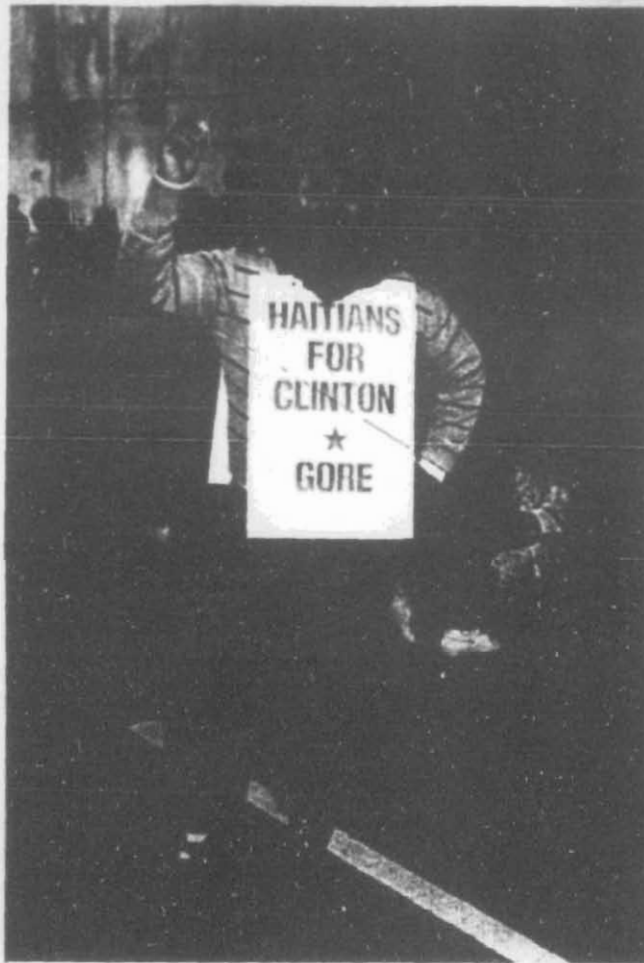
The Wall St. Journal
Sept. 23, 1992

Aristide called for a total embargo against the Haitian regime that overthrew him a year ago and said it was a scandal that Vatican authorities had recognized "these criminals." In an address before the U.N. General Assembly, Aristide also demanded a halt to weapons shipments into Haiti.

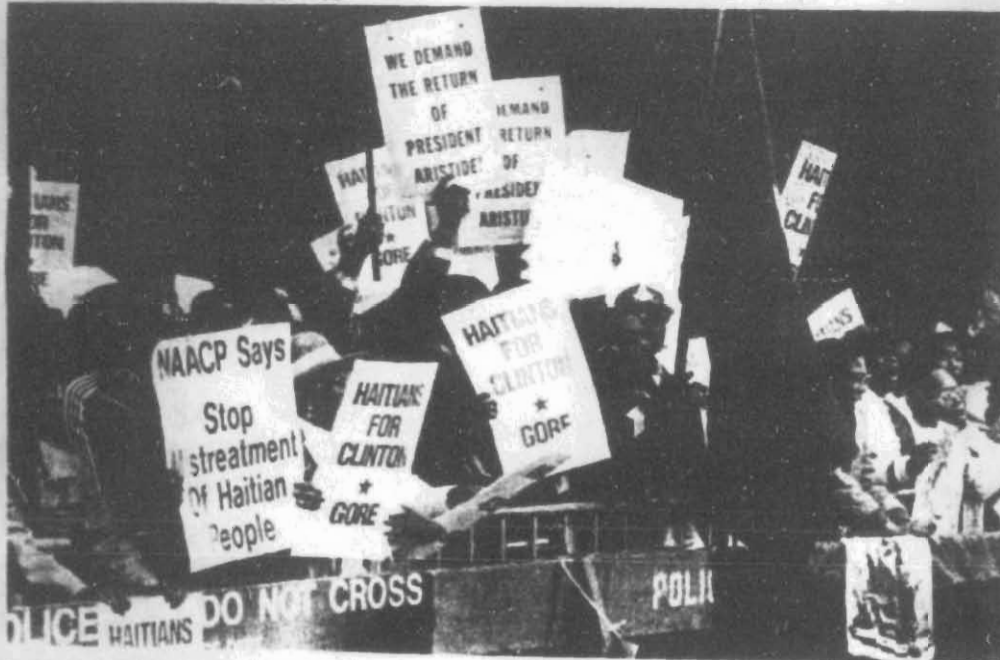


Dr Lenora Fulani, candidate indépendante à la présidence des Etats-Unis, qui a déclaré Bill Clinton et George Bush des "racists pigs" (des cochons racistes) (Photo F. Léonidas/H-O)

que, nous avons perdu plus de
90 000 000 d'êtres humains.
Début du génocide. Que le sang



Un manifestant qui compte beaucoup sur le tandem Clinton-Gore et qui, sans doute, n'a pas apprécié l'attaque verbale contre son candidat par Dr. Fulani. (Photo F. Léonidas/H-O)



Quelque 7 000 à 10 000 manifestants crient leur colère contre Bush et acclamant Aristide et Clinton (Photo F. Léonidas/H-O)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 2, 1992

Robert Dolan
2700 Virginia Ave., NW
#404
Washington, DC 20037

RE: MUR 3715

Dear Mr. Dolan:

This letter acknowledges receipt on November 24, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Mr. Jean Bertrand Aristide, Ambassador Jean Casimir, Father Gerard Jean Juste, Farah Jean Juste, Voyer Ayiti Monte, the Haitian Emergency Fund, Americans for Aristide, Mr. Guy Victor, the Clinton for President Committee and Robert Farmer, as treasurer, the Lenora B. Fulani for President Committee, and Francine Miller, as treasurer, Dr. Lenora B. Fulani, and Lavalas. 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 3715. 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

93040993071



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 2, 1992

Mr. Jean Bertrand Aristide
Embassy of Haiti
2311 Massachusetts Ave., NW
Washington, DC 20008

RE: MUR 3715

Dear Mr. Aristide:

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 3715. 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.

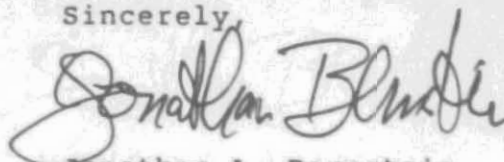
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

93040993072

Mr. Jean Bertrand Aristide
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

93040993073



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1992

The Honorable Jean Casimir
Embassy of Haiti
2311 Massachusetts Ave., NW
Washington, DC 20008

RE: MUR 3715

Dear Mr. Ambassador:

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 3715. 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.

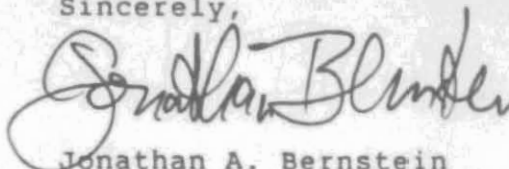
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

23040993074

The Honorable Jean Casimir
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

93040993075



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1992

Father Gerard Jean Juste
Haitian Refugee Center
P.O. Box 370543
Miami, FL 33137

RE: MUR 3715

Dear Father Juste:

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 3715. Please refer to this number in all future correspondence.

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

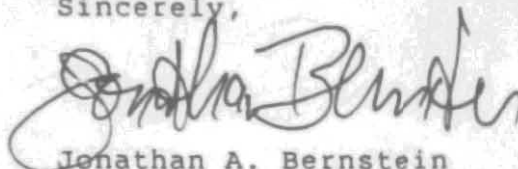
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93040993076

Father Gerard Jean Juste
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

93040993077



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 2, 1992

Farah Jean Juste
Haitian Refugee Center
P.O. Box 370543
Miami, FL 33137

RE: MUR 3715

Dear Mr. Juste:

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 3715. Please refer to this number in all future correspondence.

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

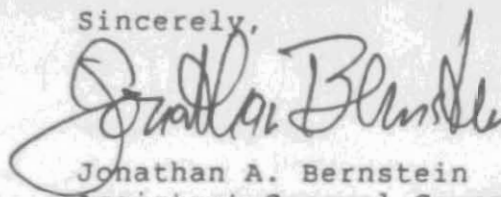
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93040993078

Farah Jean Juste
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

93040993079



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1992

Voye Ayiti Monte
Mr. Jean Bertrand Aristide, President
Embassy of Haiti
2311 Massachusetts Ave., NW
Washington, DC 20008

RE: MUR 3715

Dear Mr. Aristide:

The Federal Election Commission received a complaint which indicates that Voye Ayiti Monte 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 3715. 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 Voye Ayiti Monte 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.

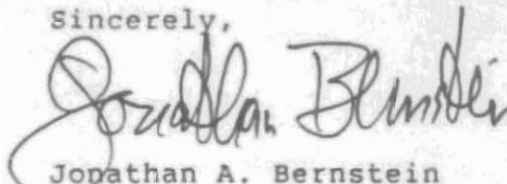
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93040993080

Voye Ayiti Monte
Mr. Jean Bertrand Aristide, President
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

93040993081



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 2, 1992

Haitian Emergency Fund
c/o The Honorable Jean Casimir
Embassy of Haiti
2311 Massachusetts Ave., NW
Washington, DC 20008

RE: MUR 3715

Dear Mr. Ambassador:

The Federal Election Commission received a complaint which indicates that the Haitian Emergency Fund 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 3715. 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 Haitian Emergency Fund 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.

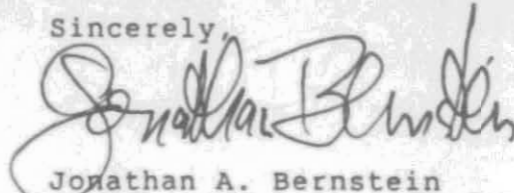
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93040993082

Haitian Emergency Fund
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

93040993083



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1992

Americans for Aristide
109 Waverly Place
New York, NY 10011

ATTN: Steering Committee

RE: MUR 3715

To Whom It May Concern:

The Federal Election Commission received a complaint which indicates that Americans for Aristide 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 3715. 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 Americans for Aristide 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.

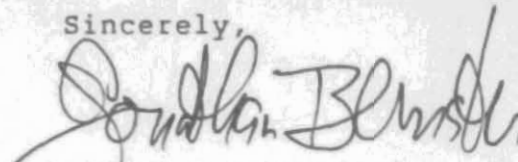
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93040993084

Americans for Aristide
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

93040993085



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1992

Mr. Guy Victor
c/o VOAM
109 Waverly Place
New York, NY 10011

RE: MUR 3715

Dear Mr. Victor:

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 3715. Please refer to this number in all future correspondence.

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

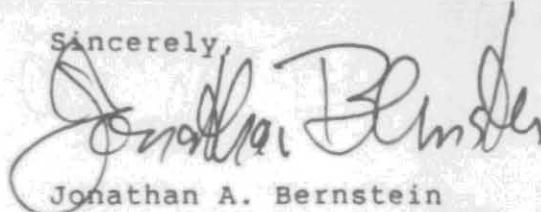
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93040993086

Mr. Guy Victor
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

93040993087



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1992

Clinton for President Committee
Robert Farmer, Treasurer
P.O. Box 615
Little Rock, AR 72203

RE: MUR 3715

Dear Mr. Farmer:

The Federal Election Commission received a complaint which indicates that the Clinton for President 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 3715. 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.

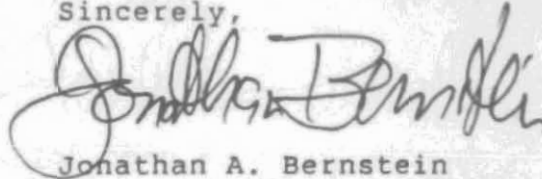
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93040993088

Clinton for President Committee
Robert Farmer, Treasurer
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

93040993089



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1992

Lenora B. Fulani for President Committee
Francine Miller, Treasurer
200 W. 72nd St., #30
New York, NY 10023

RE: MUR 3715

Dear Ms. Miller:

The Federal Election Commission received a complaint which indicates that the Lenora B. Fulani for President 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 3715. 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.

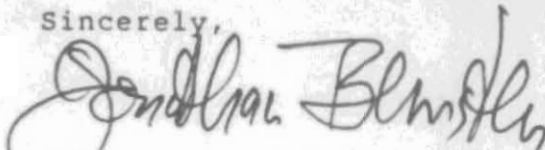
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93040993090

Lenora B. Fulani for President
Francine Miller, Treasurer
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

93040993091



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 2, 1992

Dr. Lenora B. Fulani
200 W. 72nd St., #30
New York, NY 10023

RE: MUR 3715

Dear Dr. Fulani:

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 3715. 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.

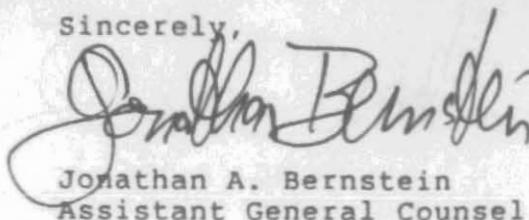
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

93040993092

Dr. Lenora B. Fulani
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

93040993093



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1992

Lavalas
c/o Jean Bertrand Aristide
Embassy of Haiti
2311 Massachusetts Ave., NW
Washington, DC 20008

RE: MUR 3715

Dear Mr. Aristide:

The Federal Election Commission received a complaint which indicates that Lavalas 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 3715. 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 Lavalas 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.

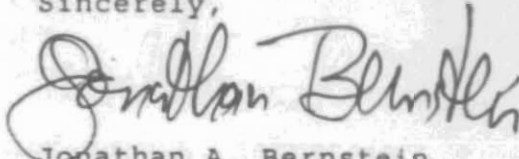
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93040993094

Lavalas
c/o Jean Bertrand Aristide
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

93040993095

06C7950
RECEIVED
FEDERAL ELECTION COMMISSION
92 DEC 18 AM 9:41

ARTHUR R. BLOCK
Attorney at Law
72 Spring St., Ste. 1201
New York, N.Y. 10012
(212) 966-0404

December 10, 1992

Office of General Counsel
Federal Election Commission
Washington, D.C. 20463
Attn: Holly Baker, Esq.

Re: MUR 3715

Dear Ms. Baker:

I represent respondent Dr. Lenora B. Fulani in the above-referenced proceeding. Enclosed please find a Statement of Designation of Counsel.

I am writing to request an extension of time to respond to the complaint. The notice, dated December 2, 1992, was received on December 4, 1992.

The reason for the request is that the committee is very much occupied with the winding up of its affairs and with meeting the needs of the FEC auditors; as for myself, I need additional time to complete the factual investigation, legal research, preparation and client review of the response. The moving of my office to a new location has added to the demands on my time.

Given that the extension period will include the Christmas and New Year holidays, I respectfully request permission to file Dr. Fulani's response on or before Friday, January 9, 1992. If this is not possible, please let me know as soon as possible so that I can make appropriate adjustments.

It is my understanding that a facsimile transmission of a response will satisfy a filing date requirement so long as hard copy of the document follows in the mail.

93040993096

Holly Baker, Esq.
December 10, 1992
page 2

Thank you for your anticipated cooperation and
assistance.

Very truly yours,



Arthur R. Block

enc.

ARB/ag

cc: Fran Miller, Esq.

93040993097

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3715

NAME OF COUNSEL: Arthur Block, Esq. and Francine Miller, Esq.

ADDRESS: 72 Spring St., Suite 1201

New York, NY 10012

TELEPHONE: (212) 966-0404

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.

12-9-92
Date

Francine Miller
Signature

RESPONDENT'S NAME: Francine Miller

ADDRESS: 200 W. 72nd St., Suite 35

New York, NY 10023

TELEPHONE: HOME(212) 865-7118

BUSINESS(212) 799-2100

92 DEC 18 AM 9:42

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

93040993098



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1992

Arthur Block, Esq.
72 Spring Street, Suite 1201
New York, NY 10012

RE: MUR 3715
Fulani Committee

Dear Mr. Block:

This is in response to your fax dated December 11, 1992, which we received on that date, requesting an extension until January 9, 1993 to respond to the complaint in MUR 3715. After considering the circumstances presented in your letter, Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on January 9, 1992.

You indicate that you are representing Dr. Fulani in MUR 3715, and you have sent a designation of counsel form signed by Francine Miller, Treasurer of the Lenora B. Fulani for President Committee. If you are also representing Dr. Fulani in her individual capacity as well as her committee, please send a designation of counsel form signed by her.

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

Sincerely,

A handwritten signature in cursive script, reading "Holly Baker", is written over a horizontal line.

Holly Baker
Attorney

93040993099

LAW OFFICES OF
KURZBAN KURZBAN AND WEINGER P.A.

FEDERAL ELECTION COMMISSION

92 DEC 17 AM 11:43

PLAZA 2650
2650 S.W. 27th AVENUE
SECOND FLOOR
MIAMI, FLORIDA 33133

TELEPHONE (305) 444-0060

TELECOPIER
(305) 444-3503

December 16, 1992

Ms. Holly Baker
FEDERAL ELECTION COMMISSION
999 E St. NW Room 57
Washington, DC 20463

Via Federal Express

RE: MUR 3715

Dear Ms. Baker:

Please be advised that I am counsel for His Excellency The Honorable Jean Bertrand Aristide, President of the Republic of Haiti, His Excellency The Honorable Jean Casimir, Ambassador of the Republic of Haiti to the United States, and the Republic of Haiti. I am in receipt of various documents sent to President Aristide and to Ambassador Casimir from you, including documents which were served on President Aristide and Ambassador Casimir for Voyer Ayiti Monte, Lavalas, and the Haitian Emergency Fund.

Please be advised that your efforts to involve the President and the Ambassador, either directly or as agents for service of process, is in direct violation of international law and the Vienna Convention on Diplomatic Relations (April 18, 1961), 500 U.N.T.S. 95, 23 U.S.T. 3227, T.I.A.S. 7052. Article 31(1) of the Vienna Convention provides that diplomatic agents "shall enjoy immunity from [the receiving state's] civil and administrative jurisdiction," except in certain actions not relevant here.

The assertion of diplomatic immunity by the President and the Ambassador does not mean, and should not be taken in any manner whatsoever, as an admission or acceptance of any of the facts asserted in the complaint. It is simply improper for the United States Government under the Vienna Convention on Diplomatic Relations to bring any civil or administrative action against the President or the Ambassador.

Similarly, it is highly improper to regard the President of another country or his Ambassador to the United States as an agent for service of process, as you have done here. It is well settled that the immunity of an Ambassador or other diplomatic agent would be violated by personal service of process. See Hellenic Lines, Ltd. v. Moore, 345 F.2d 978, 979-80 (D.C. Cir. 1965); AIDA v. Yaron, 672 F.Supp. 516, 517 (D.D.C. 1987); Kobleski v. Permanent Mission of the Federal Republic of Germany to the United States, 54 A.D. 867, 388 NY 2d 595, 596 (1976); Restatement (Third) of the

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COURT ROOM
DEC 17 10 55 AM '92

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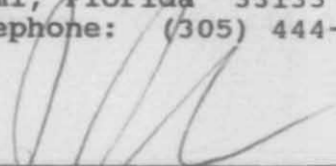
Holly Baker
December 16, 1992
Page -2-

Foreign Relations Law of the United States, § 464, n.9; H.R. Rep. No. 1487, 94th Cong., 2nd Sess. 6604, 6624 (Foreign Sovereign Immunity Act 1976), reprinted in 1976 U.S. Code Cong. & Ad. News 6604. Moreover, Article 22 of the Vienna Convention provides that the premises of a mission "shall be inviolable," and therefore any service on such persons through the Embassy, as it was sought here, is a breach of the required guarantee of inviolability. Denza, Diplomatic Law 89.

For these reasons, we respectfully request that you immediately withdraw your letters of December 2, 1992 to President Aristide and Ambassador Casimir, which were directed to them personally and as agents for purposes of service of process on various organizations.

Respectfully submitted,

KURZBAN KURZBAN & WEINGER, P.A.
2650 SW 27th Avenue, 2nd Floor
Miami, Florida 33133
Telephone: (305) 444-0060

By: 

IRA J. KURZBAN, ESQ.

IJK/mc

OGC 1958

LAW OFFICES

ROSS & HARDIES

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

888 SIXTEENTH STREET, N.W.

WASHINGTON, D.C. 20006-4103

202-296-8600

TELECOPIER
202-296-8791

150 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601-7567
312-558-1000

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
212-421-5555

580 HOWARD AVENUE
SOMERSET, NEW JERSEY 08875-6739
908-583-2700

December 17, 1992

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

Re: MUR 3715

Dear Ms. Baker:

This letter is to confirm our telephone conversation in which I requested on behalf of Americans for Aristide an extension of time to file a responsive brief in the above referenced matter.

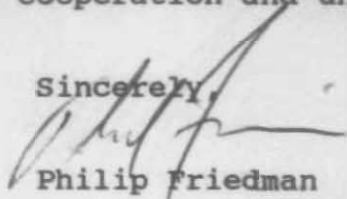
As the allegations concern events that took place in New York several weeks ago and the individuals with the most knowledge of the events described in the complaint are currently unavailable, the Respondents need additional time to inspect their records and to interview appropriate personnel.

Accordingly, the Committee requests an extension of time to January 8, 1993.

A Statement of Designation of Counsel is enclosed for Michelle Karshan on behalf of Americans for Aristide, as well as for Guy Victor, Father Gerard Jean-Juste and for Farah Juste.

Thank you for your cooperation and understanding in granting this extension.

Sincerely,


Philip Friedman

Enclosure

92 DEC 18 PM 3:37

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FEDERAL ELECTION COMMISSION

93040993102

DEC- 4-92 FRI 10:40

P. 05

STATEMENT OF DESIGNATION OF COUNSELNUR 3715NAME OF COUNSEL: Philip Friedman, Esq.ADDRESS: ROSS & HARDIES P.C.
888 16th St. NW
Washington, DC 20006-4103TELEPHONE: (202) 296-8600

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.

12/9/92
Date

Michelle Kasehan
Signature
RESPONDENT'S NAME: Americans for AristideADDRESS: 109 Waverly Place
New York, NY 10011TELEPHONE: HOME ()BUSINESS (212) 260-1747

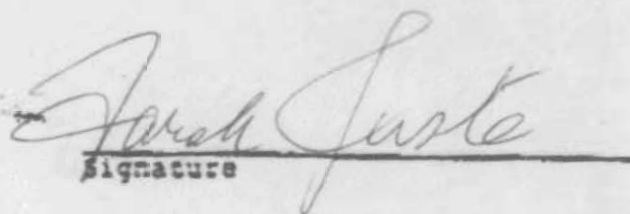
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STATEMENT OF DESIGNATION OF COUNSELMUR 3715NAME OF COUNSEL: Philip Friedman, Esq.ADDRESS: ROSS & HARDIES P.C.888 16th St. NWWashington, DC 20006-4103TELEPHONE: (202) - 296-8600

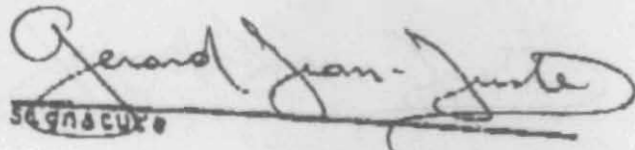
The above-named individual is hereby designated as my --
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf
before the Commission.

12/9/92
Date
SignatureRESPONDENT'S NAME: Farah JusteADDRESS: c/o Haitian Refugee Center, Inc.119 NE 54 StreetMiami, FL 33137TELEPHONE: HOME() BUSINESS(305) 757-8538

93040993104

STATEMENT OF DESIGNATION OF COUNSELMUR 3715NAME OF COUNSEL: Philip Friedman, Esq.ADDRESS: ROSS & HARDIES P.C.888 16th St. NWWashington, DC 20006-4103TELEPHONE: (202) 296-8600

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.

12-09-1992
Date
SignatureRESPONDENT'S NAME: Gerard JEAN-JUSTE

ADDRESS: _____

TELEPHONE: HOME(_____) _____

BUSINESS(_____) _____

93040993105

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3715

NAME OF COUNSEL: Philip Friedman, Esq.

ADDRESS: ROSS & HARDIES P.C.

888 16th St. NW

Washington, DC 20006-4103

TELEPHONE: (202) 296-8600

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.

12/15/92
Date

Guy Victor
Signature

RESPONDENT'S NAME: Guy Victor

ADDRESS: 533 EMPIRE Blvd
Brooklyn N.Y. 11225

TELEPHONE: HOME (718) 468-2298

BUSINESS (718) 771-3344

93040993706



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 1992

Philp Friedman, Esq.
Ross & Hardies
888 Sixteenth Street, N.W.
Washington, D.C. 20006-4103

RE: MUR 3715
Americans for Aristide, Guy
Victor, Father Gerard
Jean-Juste, Farah Juste

Dear Mr. Friedman:

This is in response to your letter dated December 17, 1992, which we received on December 18, 1992, requesting an extension until January 8, 1993 to respond to the complaint in MUR 3715. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1993.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Holly Baker", is written over a horizontal line.

Holly Baker
Attorney

93040993107

LAW OFFICES

ROSS & HARDIES

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

888 SIXTEENTH STREET, N.W.

WASHINGTON, D.C. 20006-4103

202-296-8600

TELECOPIER
202-296-8791

150 NORTH MICHIGAN AVENUE
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312-558-1000

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
212-421-5555

580 HOWARD AVENUE
SOMERSET, NEW JERSEY 08875-8739
908-563-2700

January 7, 1993

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

Re: MUR 3715

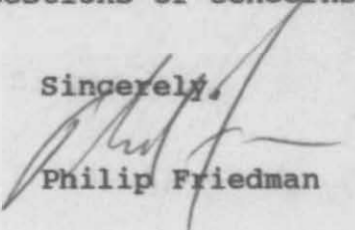
Dear Ms. Baker:

Enclosed please find an original and two copies of the Response of Americans for Aristide, Guy Victor, Father Gerard Jean Juste and Farah Juste to the above referenced administrative complaint.

A Statement of Designation of Counsel for each of the Respondents was transmitted to you by letter of December 17, 1993.

If you have any questions or concerns, please give me a call.

Sincerely,


Philip Friedman

Enclosure

93 JAN -6 PM 3:25

RECEIVED
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

IN THE MATTER OF AMERICANS FOR
ARISTIDE, GUY VICTOR, FATHER
GERARD JEAN-JUSTE AND FARAH JUSTE

MUR 3715

RESPONSE OF AMERICANS FOR ARISTIDE, GUY VICTOR,
FATHER GERARD JEAN-JUSTE AND FARAH JUSTE

On November 24, 1992, Robert E. Dolan filed a complaint with the Federal Election Commission ("FEC") alleging violations of the Federal Election Campaign Act of 1971, as amended (hereafter "FECA" or "Act") by Americans for Aristide, Guy Victor, Father Gerard Jean Juste and Farah Juste (collectively, the "Respondents").

Pursuant to 11 CFR § 111.6, this memorandum sets forth the factual and legal basis upon which the FEC should find no reason to believe that any of the Respondents violated the Act.

DISCUSSION

The complainant contends that on or about September 29, 1992, Guy Victor, Father Gerard Jean-Juste and Farah Juste, by and through the organization Americans for Aristide, made an impermissible foreign national contribution to the presidential campaigns of Lenora Fulani and Bill Clinton. According to the complainant an impermissible Section 441e contribution occurred because Americans for Aristide is affiliated with VOAM, an organization allegedly controlled and directed by Jean Bertrand Aristide, the President of Haiti. The complainants allegations are entirely false.

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As a threshold matter, the complainant has failed to allege any fact to suggest Americans for Aristide ("AFA") or any other entity or person made a contribution or expenditure in connection with the presidential campaign. A key organizer of the September 29 demonstration attests that the "sole and exclusive purpose for this demonstration" was to protest the Administration's policy of returning Haitians to Haiti without any determination of whether they were entitled to asylum in the United States as political refugees. See Affidavit of Guy Victor at ¶ 2 (attached hereto as Exhibit A). The demonstration was concerned solely with issues and did not have as its purpose the express advocacy of the election or defeat of any candidate for federal office. Id.

To be sure, demonstrators holding signs in support of Clinton, Lenora Fulani and other candidates for federal office were part of the 40,000 to 50,000 people who attended the demonstration.¹ However, no organizer of the event made any effort to solicit, or direct or control contributions by the assembled protestors to any candidate or party representative. Rather, organizers of the event provided an open microphone to any group, including candidates and/or their representatives, that wished to speak on the Administration's policy on Haitian refugees -- the precise issue for which the demonstration was held. Id. at ¶ 4. Indeed, the Respondents are not aware of, nor

¹According to the organizer of the event, the demonstration had participants from over 100 organizations, some of whom brought their own banners to publicly identify their group. See Affidavit of Guy Tucker at ¶ 4.

has the complainant alleged, that any candidate or candidate's representative for federal office solicited contributions for their respective campaigns.

The Supreme Court has long sought to limit the Act's potential to infringe on First Amendment rights by distinguishing the discussion of issues from the more pointed exhortations to vote for a particular candidate. Thus, the Supreme Court and the Commission have held that an expenditure must constitute "express advocacy" in order to be subject to the prohibitions of the Act. See Buckley v. Valeo, 424 U.S. 1, 44, fn. 52 (1976); FEC v. NOW, 713 F.Supp. 428 (D.D.C. 1991); FEC v. Furgatch, 807 F.2d 857, 860 (9th Cir.) cert denied 484 U.S. 850 (1987); Faucher v. FEC, 928 F.2d 468 (1st Cir.) cert denied __ U.S. __ (1991).

Here, the complainant has not alleged -- nor can he allege - a single fact to indicate that even one of the Respondents expressly advocated the election or defeat of any candidate for federal office. As the facts clearly demonstrate, the expenses associated with the event were devoted entirely to a forum for the discussion of the issues. Accordingly, the organizers of the demonstration were not involved any violation of the FECA as there was no contribution or expenditure made in connection with a federal election.

Although there was no contribution in connection with a federal election, and thus no contribution by a foreign national, it is nevertheless important to address the false allegations made by the complainant. To begin with, Americans for Aristide

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("AFA") did not participate in any manner whatsoever in the September 29 demonstration in New York City. As the affidavit of Michelle Karshan, a member of the Steering Committee of Americans for Aristide attests, AFA did not obtain any permits for, pay any funds to, or otherwise promote the demonstration. See Affidavit of Michelle Karshan at ¶ 3 (attached hereto as Exhibit B). Nor did AFA give money to or prepare materials for the campaigns of Lenora Fulani or Bill Clinton. Id. Rather, Guy Victor, the organizer of the demonstration personally paid for the permits and the equipment necessary to hold the event, and/or paid for the sound equipment, staging, flyers and posters with proceeds obtained from "passing the hat" at the rally itself or from "passing the hat" at previous demonstrations. See Affidavit of Guy Victor at ¶ 3.

Similarly, neither Farah Juste, nor Father Gerard Jean-Juste were involved, directly or indirectly, in organizing or financing the September 29 demonstration. See Affidavit of Farah Juste at ¶¶ 2-3 (attached hereto as Exhibit C) and Affidavit of Father Gerard Jean-Juste (attached hereto at Exhibit D). Although both Farah Juste and Father Gerard Jean-Juste are both entitled to make contributions to federal candidates as lawful permanent residents of the United States, neither has contributed to the presidential campaigns of Lenora Fulani or Bill Clinton. See Affidavit of Farah Juste at ¶ 4. In fact, Father Gerard Jean-Juste has been in hiding in Haiti since the military coup of

September 30, 1991. See Affidavit of Father Gerard Jean-Juste at ¶ 3.

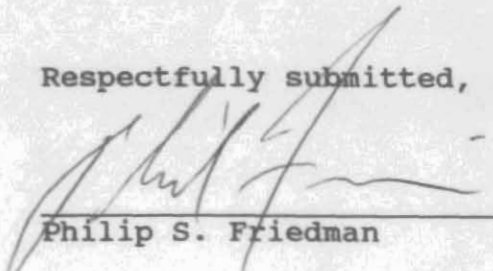
CONCLUSION

The Commission has long recognized that in determining whether an investigation is justified it must make an "evaluation of the credibility of the allegation, the nature of the threat posed by the offense, the resources available to the agency and numerous other factors," In re Federal Election Campaign Act Litigation, 474 F. Supp. 1044, 1045-46 (D.D.C. 1979). In this instance, the complainant has failed to allege a single fact that can even remotely be construed as a violation of the Act. A complaint which makes patently false accusations unsupported by any evidence is not the sort of unsubstantiated claims upon which this agency should waste its resources or the resources of the Respondents.

On the basis of the foregoing, the Commission should find no reason to believe that a violation of the Act has occurred.

Date: January 7, 1993

Respectfully submitted,


Philip S. Friedman

Attorney for Americans for
Aristide, Guy Victor, Farah Juste
and Father Gearard Jean Juste

93040993114

EXHIBIT A

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTIONS COMMISSION

IN THE MATTER OF)
AMERICANS FOR ARISTIDE,)
et al.,)
_____)

CASE NO. MUR 3715

AFFIDAVIT OF GUY VICTOR

BEFORE ME, the undersigned authority, appeared Guy Victor, who being duly sworn, deposes and states as follows:

1. I am a resident of New York and I was involved in the organization of a rally which is the subject matter of the complaint filed before the Federal Elections Commission. I have reviewed the complaint, and I submit this affidavit concerning matters raised in the complaint.

2. On September 29, 1992 beginning at 7:00am a demonstration was organized in the City of New York for the purpose of protesting the United States government's policy toward Haitian refugees. This demonstration was organized because of the Administration's policy of returning Haitians to Haiti without any determination of whether they were political refugees. The sole and exclusive purpose for this demonstration was to protest the Administration's policy. The demonstration at no time had as a purpose the promotion of any political campaign. The demonstration did not have as its purpose, and did not seek, to promote the campaign of President-Elect Clinton or Lenora Fulani as alleged in the complaint. In fact, as the organizer of the demonstration, I had no contact before, during or after the September 29, 1992 demonstration with the Clinton or Fulani campaigns.

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3. As part of my responsibility for organizing the demonstration, I obtained a sound permit from the Police Department to address the rally at 42nd Street and 1st Avenue. The sound permit was paid for by me, with my own funds. I also obtained a permit to place signs at Ralph Bunche Plaza at the United Nations. This permit was also paid for by my own funds. These permits cost \$29 and \$25 respectively. Other costs associated with the rally were a \$400 deposit to obtain a flat bed truck, which I also advanced out of my own personal funds and the payment of sound equipment, which was paid for by "passing a hat" at the demonstration itself on September 29, 1992. The only other costs were for flyers, posters, and other items which were paid from funds collected at previous demonstrations by "passing a hat" around. At no time before, during or after this demonstration were any funds given to me or any other persons involved in the demonstration for purposes of holding or supporting the rally by His Excellency President Jean Bertrand Aristide, the Honorable Ambassador Jean Casimir, the Haitian Emergency Fund, or any person or entity associated with the government of the Republic of Haiti.

4. As a demonstration designed to protest against the government's policy toward Haitian refugees, the public was invited. Between 40,000 to 50,000 attended this demonstration, which was a march from Brooklyn, New York to Manhattan, New York. The demonstration had over 100 different organizations, some of whom brought their own banners to identify who they were and presumably to identify their support for an end to the government's

policies. Among those attending the rally were apparently persons supporting President-Elect Clinton and candidate Lenora Fulani. No funds were given to them either directly or indirectly to participate in the demonstration. When the demonstration reached 42nd Street and 1st Avenue, an open microphone was provided for any group that wished to have a representative speak. There were scores of speakers from different organizations. At no time were these speakers paid any honorarium, or monies directly or indirectly to promote any campaign or point of view. In fact, the open microphone policy was only permitted to the extent that the persons addressed the issues for which the demonstration was being held.

FURTHER AFFIANT SAYETH NAUGHT.

Guy Victor
GUY VICTOR

STATE OF NY)
COUNTY OF Que) ss

BEFORE ME, the undersigned authority, this 15 day of December, 1992, personally appeared GUY VICTOR, who is personally known to me, or produced _____ as identification, and who took an oath.

Donald D. Schwartz
Signature
NOTARY PUBLIC

DONALD D. SCHWARTZ
Notary Public, State of New York
No. 41-3550435
Qualified in Queens County
Commission Expires September 30, 1993
Typed/Printed Name
NOTARY PUBLIC

93040993118

EXHIBIT B

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTIONS COMMISSION

IN THE MATTER OF
AMERICANS FOR ARISTIDE,
et al.,

CASE NO. MUR 3715

AFFIDAVIT OF MICHELLE KARSHAN

BEFORE ME, the undersigned authority, appeared Michelle Karshan, who being duly sworn, deposes and states as follows:

1. I am a citizen of the United States and a member of the Steering Committee of Americans for Aristide. I am the person in the Committee who has been charged with the responsibility of addressing allegations made in a Complaint before the Federal Elections Commission.

2. I have reviewed the allegations in the letter Complaint of Mr. Robert E. Dolan dated November 23, 1992. The allegations as they pertain to Americans for Aristide are completely without merit.

3. Americans for Aristide did not participate in any manner whatsoever in the demonstration held on or about September 29, 1992 discussed in Mr. Dolan's letter. Americans for Aristide did not obtain a permit for a demonstration, did not pay any funds for the demonstration, did not promote the demonstration, and did not give monies to or prepare materials for Bill Clinton's or Lenora Fulani's campaigns.

4. The allegations that Americans for Aristide has somehow received funds from The Honorable President Jean Bertrand Aristide,

The Honorable Ambassador Jean Casimir, the Haitian Emergency Fund, or VOAM are completely and entirely fabricated. The organization has never received any funds from these individuals or fund, nor from any entity of the government of the Republic of Haiti, and is not controlled in any manner whatsoever by President Aristide or the Republic of Haiti. Americans for Aristide, therefore, could not have used any such funds to promote any political campaigns.

FURTHER AFFIANT SAYETH NAUGHT.

Michelle Karshan
MICHELLE KARSHAN

STATE OF *ny*)
COUNTY OF *ny*) ss

BEFORE ME, the undersigned authority, this 10th day of December, 1992, personally appeared MICHELLE KARSHAN, who produced NYC Health & Hospitals Corp ID as identification, and who took an oath.

Deborah C. Lazar
Signature
NOTARY PUBLIC

DEBORAH C. LAZAR
Notary Public, State of New York
No. 31-4817834
Qualified in New York County
Commission Expires July 31, 1994

Typed/Printed Name
NOTARY PUBLIC

93040993121

EXHIBIT C

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTIONS COMMISSION

IN THE MATTER OF)
AMERICANS FOR ARISTIDE,)
et al.,)
_____ /

CASE NO. MUR 3715

AFFIDAVIT OF FARAH JUSTE

BEFORE ME, the undersigned authority, appeared Farah Juste, who being duly sworn, deposes and states as follows:

1. I am the person named in the Complaint before the Federal Elections Commission. I have reviewed the Complaint by Mr. Robert E. Dolan. The Complaint is entirely false.

2. I did not support, and was not involved in any demonstration of any kind in New York City on or about September 29, 1992. I have never received money from Jean Bertrand Aristide, Ambassador Jean Casimir, or the Haitian Emergency Fund personally or on behalf of Voyer Ayiti Monte (VOAM).

3. VOAM did not support financially, and was not involved in any manner whatsoever in any demonstration held in New York on or about September 29, 1992.

4. The Complaint also suggests that Father Gerard Jean-Juste and myself are foreign nationals, unable to contribute to any political efforts in the United States. Both Gerard Jean-Juste and myself are lawful permanent residents of the United States, and therefore under Federal Election Commission regulations are permitted to make contributions to Bill Clinton, Lenora Fulani, or any other person. However, neither I nor Father Jean-Juste made any such contributions. Indeed, Father Gerard Jean-Juste has been

in hiding and in fear for his life in Haiti for over one year.

FURTHER AFFIANT SAYETH NAUGHT.

Farah Juste
FARAH JUSTE

STATE OF)
COUNTY OF) : ss

BEFORE ME, the undersigned authority, this 9th day of December, 1992, personally appeared FARAH JUSTE, who is personally known to me, and who took an oath.

[Signature]
Signature
NOTARY PUBLIC

Ira J. Kurzbaw
Typed/Printed Name
NOTARY PUBLIC

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. JUNE 15, 1993
BONDED THRU GENERAL INV. CO.

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EXHIBIT D

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTIONS COMMISSION

IN THE MATTER OF)
AMERICANS FOR ARISTIDE,)
et al.,)
_____ /

CASE NO. MUR 3715

DECLARATION UNDER PENALTY OF
PERJURY OF FATHER GERARD JEAN-JUSTE

I, Father Gerard Jean-Juste, make the following declaration under penalty of perjury under the laws of the United States of America:

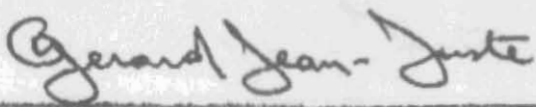
1. I am a lawful permanent resident of the United States and a resident of the State of Florida. At the present time, however, I have been in hiding in Haiti. Prior to the military coup in Haiti on September 30, 1991 I was physically present in that country. As a result of the coup, I continue to be unable to leave the country for fear for my life. This declaration is signed by me at great personal risk, and has only been done because of the seriousness of the charges that have been made and their utter falsehood.

2. It is my understanding that there are allegations that have been made before the Federal Elections Commission that I assisted the government of The Honorable President Jean Bertrand Aristide to collect or expend funds in support of the candidacies of Bill Clinton and Lenora Fulani for President. These charges are patently false.

3. First, I have been in hiding in Haiti since the military coup of September 30, 1991. I have not raised money, nor have I

expended any monies for a demonstration in New York City or anywhere else. I have not raised money, nor have I expended money to support the candidacies of Bill Clinton or Lonora Fulani for President at the rally or demonstration alleged, or at any other time or point in their campaigns.

DATED this 12 day of December, 1992.


FATHER GERARD JEAN-JUSTE

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OGC 8169

HOGAN & HARTSON

COLUMBIA SQUARE
555 THIRTEENTH STREET NW
WASHINGTON DC 20004-1109
(202) 637-5600

L. ANTHONY SUTIN
PARTNER
DIRECT DIAL (202) 637-5273

BRUSSELS
LONDON
PARIS
PRAGUE
WARSAW
BALTIMORE, MD
BETHESDA, MD
MCLEAN, VA

January 8, 1993

BY HAND

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

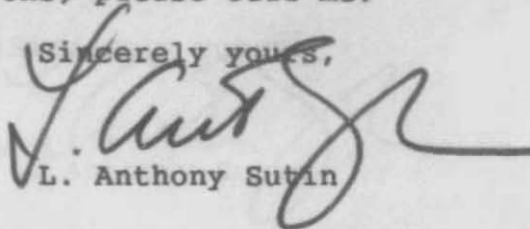
Re: MUR 3715

Dear Mr. Bernstein:

Enclosed please find the original and three copies of the Response of the Clinton for President Committee and Robert A. Farmer, Treasurer, to the complaint filed in the above-referenced action. Also enclosed please find a copy of our previously filed Statement of Designation of Counsel.

If you have any questions, please call me.

Sincerely yours,



L. Anthony Sutin

Enclosures
cc: Christine A. Varney, w/encls.

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UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

93 JAN -8 PM 2:32

RECEIVED
FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

VOYE AYITI MONTE and
JEAN BERTRAND ARISTIDE,
Respondents.

MUR 3715

RESPONSE OF CLINTON FOR PRESIDENT COMMITTEE, INC.,
AND ROBERT FARMER, TREASURER

On November 24, 1992, Robert E. Dolan filed a complaint with the Federal Election Commission alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Voyer Ayiti Monte ("VOAM") and Jean Bertrand Aristide. The complainant alleges, at least implicitly, that VOAM and Aristide are foreign nationals and that they made contributions to the presidential campaigns of President-elect Clinton and New Alliance Party candidate Lenora Fulani by sponsoring a march and rally on or about September 29, 1992. Although the Clinton for President Committee ("Committee") and Robert A. Farmer, its treasurer (collectively, "Respondents"), were not named in the complaint, the Commission notified the Respondents that the complainant's

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allegations indicate that the Respondents may have violated the Act. 1/

As to these Respondents, the complaint poses the issue of whether a rally in support of an ousted foreign leader, at which a presidential candidate is denounced as a "racist pig," constitutes an in-kind contribution to that candidate. Because the complaint and supporting materials do not demonstrate that any express advocacy of a Clinton candidacy took place, the Commission should find no reason to believe that a violation of the Act by the Respondents has occurred.

I. THE COMPLAINT DOES NOT ADEQUATELY DEMONSTRATE THAT VOAM AND ARISTIDE FINANCED THE RALLY.

Complainant Dolan asserts, without substantiation, that the September 29, 1992 event was organized and financed by VOAM and Aristide. As an initial matter, Respondents do not know whether (1) VOAM and/or Aristide actually sponsored the rally in question, or (2) VOAM and Aristide are "foreign nationals" as that term is defined in 11 CFR 110.4(a). The Haiti-Observateur article attached by complainant appears to

1/ Because the alleged violation took place during the general election campaign, the complaint more appropriately should be directed for response to the Clinton/Gore '92 Committee. However, to avoid unnecessary delay in addressing these allegations, this response is submitted on behalf of both committees.

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identify Haitian Enforcement Against Racism as the organizer. Other press reports suggest that an organization called "Haiti Solidarity Network" sponsored the event. See "Democracy! Haitians March on UN in Support of Ousted Leader," Newsday (Sept. 30, 1992) at 3 (quoting "march organizer" Jean Vernet, director of the Haiti Solidarity Network). A Clinton-Gore campaign volunteer was invited to attend to provide Governor Clinton's position on the Haitian refugee situation, although the identity of the person or entity extending the invitation cannot be determined at this time. Because the complainant has not sufficiently demonstrated that the event was organized or financed by a foreign national, the Commission need proceed no further.

II. EVEN ASSUMING THAT VOAM AND ARISTIDE ARE "FOREIGN NATIONALS" AND THAT THEY FINANCED THE U.N. RALLY, THE COMPLAINT DOES NOT DEMONSTRATE RECEIPT OF A PROHIBITED CONTRIBUTION.

The complaint states, also without support, that a purpose of the September 29, 1992 event in New York was "to support the candidacies of Bill Clinton and Lenora Fulani." The supporting material demonstrates otherwise. The New York Times article describing the event states that it was intended "to support the ousted President [Aristide]." It took place on the anniversary of Aristide's ouster as president of Haiti and coincided with his speech to the United Nations. The alleged

nexus to the Clinton candidacy -- brief informational comments offered by a campaign volunteer and a small number of signs -- does not shift the purpose of the event to a political one.

A showing of "express advocacy" of the election or defeat of a candidate is required to sustain a violation of 2 U.S.C. § 441e(a) and 11 CFR 110.4(a), which bar "foreign nationals" from making contributions or expenditures "in connection with an election[.]" In FEC v. Massachusetts Citizens for Life, 479 U.S. 238, 249 (1986), the Supreme Court held that the Act's equivalent prohibition against corporate expenditures "in connection with an election" requires that the "expenditure must constitute 'express advocacy' in order to be subject to the prohibition of § 441b." MCFL, 479 U.S. at 249. Applying the only logical reading of MCFL, the court in FEC v. National Organization for Women recently determined "that the standard 'in connection with an election' is not distinct from 'express advocacy,'" and further found that "only communications which contain explicit electoral messages can be prohibited by § 441b." FEC v. National Organization for Women, 713 F. Supp. 428, 433 (D.D.C. 1991), appeal withdrawn. Speech that is merely informative, and not an exhortation to vote, is not covered by the Act. FEC v. Furgatch, 807 F.2d 857, 864 (9th Cir. 1987).

The rally in question featured over 20 speakers, including activists and candidates for various offices,

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addressing issues relating to freedom and justice in Haiti. The invited campaign volunteer spoke for approximately two minutes, presenting in Creole and English Governor Clinton's previously articulated views on the quest for Haitian democracy. The complainant does not suggest that the campaign volunteer, or any other speaker, asked or encouraged the audience to vote for, support, work for, contribute to or otherwise aid the candidacy of Governor Clinton. As the Commission and courts have recognized, a presentation of a candidate's position on an issue of particular concern to an audience, even if in close proximity to an election, does not in itself constitute "express advocacy" sufficient to convert a non-political event into a political one. Orloski v. FEC, 795 F.2d 156 (D.C. Cir. 1986). 2/

2/ A similar analysis follows from the Commission's advisory opinions that conclude that a candidate's appearance at an otherwise non-political event does not yield "contributions" or "expenditures" by the sponsor. See Advisory Opinion ("Adv. Op.") 1992-6, 1992-5 and opinions cited therein. Exceptions to this conclusion may be found where activities involve (i) the solicitation, making or acceptance of contributions to the candidate's campaign, or (ii) communications expressly advocating the nomination, election or defeat of any candidate. Id. For the reasons stated above, neither exception applies here. Although the Commission has stated that candidate activities involving the discussion of campaign issues during an election by a candidate "necessitate further inquiry," see Adv. Op. 1992-6, the context of the brief remarks made by a campaign volunteer at this rally clearly demonstrates

[Footnote continued]

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The volunteer apparently was followed as speaker by independent presidential candidate Lenora Fulani who, according to press reports submitted by complainant, denounced Governor Clinton as a "racist pig." Respondents take no position on whether such an epithet is "express advocacy" of the defeat of Governor Clinton, but submit that such statements cannot engender a contribution to or expenditure on behalf of the Clinton-Gore campaign.

Complainant's submission also includes newspaper photographs of six signs held by marchers bearing the legend "Haitians for Clinton Gore." There is no indication that such signs adorned the podium or were in any way part of the official presentation of the message of the rally. Also pictured are signs stating "We Demand the Return of President Aristide" and "NAACP Says Stop Mistreatment of Haitian People." The press reports also describe signs stating "Aristide Yes, CIA, No," "USA, Hands off Haiti," and "Bush Must Got (sic?)." Although the complainant asserts that "Aristide's organization paid for the signs," the basis for this statement

2/ [Footnote continued]

that the overall purpose of the event was advocacy of an issue or policy, rather than advocacy of a candidacy. See FEC v. NOW, supra.

-- whether personal knowledge or information and belief -- is not specified, as required by 11 CFR 111.4(c), (d).

The court noted in Orloski, supra, that the presence at a picnic of campaign signs "urging the reelection of" a member of Congress did not convert the picnic into a political event. 795 F.2d at 161. Likewise, a small number of signs in a crowd of reportedly 7,000 to 10,000 people does not taint the character of the event.

In any event, Respondents were not involved in, and not aware of the circumstances of, the production or distribution of any of these signs. If VOAM and/or Aristide expended funds for these signs, such expenditure was not "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of" Respondents, and thus was an independent expenditure. See 2 U.S.C. § 431(17); 11 CFR 109.1(a), (b).

III. CONCLUSION

Complainant has not demonstrated that the September 29 rally was organized or financed by foreign nationals. Even if it was so financed, no "express advocacy" of the election of Governor Clinton took place, but solely a very brief informational statement by a campaign volunteer. Respondents Clinton for President Committee and Robert Farmer, as

Treasurer, submit that the Commission should find that no violation of the Act by these Respondents has occurred.

Dated: January 8, 1993

Respectfully submitted,

L. Anthony Sutin

Anthony S. Harrington
L. Anthony Sutin
HOGAN & HARTSON
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004-1109
(202) 637-5600

Attorneys for Respondents
Clinton for President
Committee and Robert A.
Farmer, Treasurer

93040993135

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL:

Anthony S. Harrington
Christine A. Varney
L. Anthony Sutin
HOGAN & HARTSON
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004-1109
(202) 637-5600

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FEDERAL BUREAU OF INVESTIGATION
JAN 10 1993

The above named individuals are hereby designated as
my counsel and are authorized to receive any notifications and
other communications and to act on my behalf.

December 8, 1992

Date



RESPONDENTS' NAMES:

Clinton for President Committee
Robert Farmer, Treasurer

ADDRESS:

P.O. Box 615
Little Rock, Arkansas 72203

PHONE:

(501) 372-1992

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COMMISSION
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JAN 11 9 19 AM '93

ARTHUR R. BLOCK
Attorney At Law
72 Spring Street
Suite 1201
New York, NY 10012
(212) 966-0404

January 7, 1993

BY FACSIMILE AND FCM

Office of General Counsel
Federal Election Commission
Washington, D.C. 20463
Attn: Holly Baker, Esq.

Re: MUR 3715
Dr. Lenora B. Fulani
Lenora B. Fulani for President

Dear Ms. Baker:

I am writing on behalf of my clients, Dr. Lenora B. Fulani¹ and her 1992 presidential campaign committee, Lenora B. Fulani for President, (hereinafter collectively referred to as "Fulani") in response to the complaint in the above referenced matter under review. For the reasons set forth below and in the accompanying affidavit, the Commission should promptly determine that there is no reason to believe that Fulani violated FECA, and should close this matter insofar as it relates to her.

At the outset, I would ask the Commission to reconsider its initial decision even to include Fulani as a respondent in this matter. The complaint -- a letter dated November 23, 1992, from Robert E. Dolan to the Commission -- does not charge that Fulani violated any law. Rather, the complaint alleges that certain foreign nationals and/or organizations controlling the funds of foreign nationals violated section 441e. While the complaint alleges an intent on the part of one or more foreign nationals to "support the candidacies of Bill Clinton and Lenora Fulani," it does not say that Fulani solicited or received any contribution from a foreign national.

Assuming for the sake of argument that the Commission does not simply withdraw its designation of Fulani as a respondent in this matter, then it should consider the following

¹ I enclose a supplementary designation of counsel to clarify that I, and Ms. Miller, are representing not only both Dr. Fulani's campaign committee, but also Dr. Fulani individually.

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facts in determining that there is no reason to believe that she violated FECA.

Fulani is known to many Haitian-Americans and Haitians as a longstanding friend of the democracy movement in Haiti. She attended one of the founding meeting of the democracy movement in Haiti in 1986; she spoke out in support of Haitian democracy throughout her presidential campaign and risked her life by traveling to Haiti in early 1992, to show support for the Haitian people in the midst of the crisis over the deposing of President Aristide and the persecution of his supporters.

A march and rally in support of the deposed President of Haiti, Jean Bertrand Aristide, was held on or about September 29, 1992, in and about the streets and parks of New York City. The organizers of the march and rally did not extend an advance invitation to Fulani to speak at these events or to participate in them personally or through her campaign staff. By comparison, upon information and belief one or more representatives of Gov. Clinton were included among the speakers at the rally by pre-arrangement with the organizers.

When Fulani heard that there would be a major march and rally in support of President Aristide in New York City, she decided to go there to speak to the demonstrators. At the demonstration site, she spoke to people on the stage about having the opportunity to address the crowd from the stage, and was given a brief opportunity (about 5 minutes) to do so, as one of many speakers.

Upon information and belief, one or more representatives of Gov. Clinton were included among speakers at the rally by pre-arrangement with the organizers. When Fulani was making her on-the-spot request to speak to the crowd from the stage, a Clinton worker and a Clinton supporter among the event organizers were trying to limit if not altogether prevent Fulani's appearance.

In short, Fulani came to a demonstration taking place in the streets of New York City and without prior coordination with the organizers of the event used her moral authority within the Haitian-American community to win the chance to address the crowd briefly from the stage. Her appearance was in the tradition of grass-roots political leadership and activism; it was classic first amendment speech. Obviously, FECA does not prohibit such spontaneous public speaking in public places by presidential candidates.

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Office of General Counsel
Federal Election Commission
January 6, 1993
Page 3

The complaint alleges that "Aristide's organization paid for the signs and other materials handed out at the gathering. I even saw buttons and printed posters." Press photos attached to the complaint depict several posters with the message "Haitians for Clinton * Gore." However, the complaint does not even allege that any campaign materials supporting Fulani's candidacy were paid for by the event organizers. Fulani neither requested, received, nor observed any pro-Fulani materials produced by the organizers.

Nor does the complaint allege any instance of express advocacy by the organizers of Fulani's candidacy. In fact, when Fulani finished speaking, one of the event organizers, together with a Clinton representative, antagonistically complained to Fulani about her statements from the stage and her presence there.

In conclusion, the complaint does not ask that Fulani be named as a respondent and it does not allege any conduct by Fulani that would violate FECA. Far from being illegal, it is the essence of electoral democracy for a presidential candidate to come uninvited to a large outdoor political demonstration on public property, to seek an opportunity to address the crowd, and to make statements that include criticism of two of her opponents. Accordingly, this matter should be closed forthwith with respect to respondent Fulani.

Very truly yours,



Arthur R. Block

ARB/ag
enc.

cc: Dr. Lenora B. Fulani
Francine Miller, Esq.

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STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

LENORA B. FULANI, being duly sworn, deposes and says:

1. I was an independent and minor party candidate for the office of President of the United States in the 1992 election. I am submitting this affidavit in support of my response to MUR 3715 before the Federal Election Commission. I have personal knowledge of the facts set forth herein.

2. Neither I nor my committee solicited, accepted, or received a contribution to my campaign from Jean Bertrand Aristide, Ambassador Jean Casimir, Guy Victor, Father Gerard Jean Juste, Farah Jean Juste, or the organization, VOAM.

3. There has been no cooperation or consultation between the above named parties, and myself or my committee, with regard to any expenditure by said parties for a communication expressly advocating my election.

4. To the best of my knowledge the above named parties have not made any independent expenditure for a communication expressly advocating my election.

5. The complaint in MUR 3715 describes a march and demonstration in support of President Aristide held on or about September 29, 1992, in New York City. The organizers of this event did not invite me to speak as part of the planned program.

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6. Without consulting or coordinating with the organizers of the event I came to the demonstration. Once there, I went up onto the stage with my aides and spoke to some of the people involved in running the event. I asked to be able to speak to the people in the demonstration from the stage. After some discussion I was granted permission to make some brief remarks from the stage. Subsequently, I spoke to the crowd for approximately five minutes.

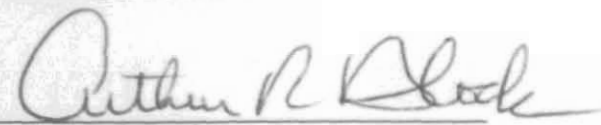
7. At no time during the event did the organizers indorse my candidacy or advocate my election. To the contrary, there was hesitation and indeed some resistance to letting me speak at all.

8. I am not aware of any material (posters, buttons, etc.) supporting my campaign being produced by the organizers of this event. The only presidential electioneering materials I observed supported my opponent, Bill Clinton.

WHEREFORE your deponent respectfully prays that the instant complaint be dismissed.


Dr. Lenora B. Fulani

Sworn to Before Me
This 5 day of
January, 1993


Notary Public

ARTHUR R. BLOCK
Notary Public, State of New York
No. 31-4862471
Qualified in New York County
Commission Expires April 30, 1993

93040993141

STATEMENT OF DESIGNATION OF COUNSEL

93 JAN 11 PM 3:09

MUR 3715

NAME OF COUNSEL:	<u>Arthur R. Block</u>	<u>and</u>	<u>Francine Miller</u>
ADDRESS:	<u>72 Spring St., Ste 1201</u>		<u>200 W. 72nd. St., Ste 35</u>
	<u>N.Y., N Y . 10012</u>		<u>New York, N.Y. 10023</u>
TELEPHONE:	<u>212 966-0404</u>		<u>212 799-2100</u>

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.

12/30/92
Date

Lenora B. Fulani
Signature

RESPONDENT'S NAME: Lenora B. Fulani

ADDRESS: 884 West End Ave.
New York, N.Y. 10025

HOME PHONE: unlisted

BUSINESS PHONE: 212 799-2100

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MUR # 3715

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

THIS IS THE End of MUR# 3715

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN MC

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FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

☒ Microfilm
☐ Public Records
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3715.

12/10/93

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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.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL. RETURN RECEIPT REQUESTED.

Robert Dolan
2700 Virginia Ave., N.W.
#404
Washington, D.C. 20037

DEC 10 1993

RE: MUR 3715

Dear Mr. Dolan:

On November 24, 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 President Jean Bertrand Aristide, Ambassador Jean Casimir, Father Gerard Jean Juste, Parah Jean Juste, Voyer Ayiti Monte, Haitian Emergency Fund, Americans for Aristide, Guy Victor, Dr. Lenora B. Fulani, Lenora B. Fulani for President and Francine Miller, as treasurer, Clinton for President Committee and Robert Farmer, as treasurer, and Lavalas. 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,

Holly Baker
Holly Baker
Attorney

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1993

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MUR 3715

VOYE AYITI MONTE (VOAM)/HAITI

Complainant alleges that Haiti President-in-exile Aristide and various Haitian organizations associated with him are foreign nationals who made contributions/expenditures to help the presidential campaigns of Bill Clinton and Lenora Fulani and to defeat George Bush by sponsoring a march and rally at the United Nations on September 29, 1992. Respondents deny the allegations. One individual claims responsibility for the rally and asserts that the purpose was to protest U.S. policy toward Haiti. President Aristide claims diplomatic immunity.

This case presents no significant issue relative to the other issues pending before the Commission, and a limited amount of money is involved.

23043543635



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1992

Ira J. Kurzban, Esq.
Kurzban Kurzban and Weinger P.A.
2650 SW 27th Ave., 2nd Floor
Miami, FL 33133

RE: MUR 3715
President Jean Bertrand Aristide, Ambassador Jean
Casimir, and the Republic of Haiti

Dear Mr. Kurzban:

On December 2, 1992, the Federal Election Commission notified your clients 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 your clients. 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,

Holly Baker
Holly Baker
Attorney

Attachment
Narrative

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

23043543636

MUR 3715

VOYE AYITI MONTE (VOAM)/HAITI

Complainant alleges that Haiti President-in-exile Aristide and various Haitian organizations associated with him are foreign nationals who made contributions/expenditures to help the presidential campaigns of Bill Clinton and Lenora Fulani and to defeat George Bush by sponsoring a march and rally at the United Nations on September 29, 1992. Respondents deny the allegations. One individual claims responsibility for the rally and asserts that the purpose was to protest U.S. policy toward Haiti. President Aristide claims diplomatic immunity.

This case presents no significant issue relative to the other issues pending before the Commission, and a limited amount of money is involved.

23043543637



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

DEC 10 1993

Philip Friedman, Esq.
Ross & Hardies
888 Sixteenth St., N.W.
Washington, D.C. 20006-8600

RE: MUR 3715
Americans for Aristide, Guy Victor, Father Gerard
Jean-Juste, and Farah Juste

Dear Mr. Friedman:

On December 2, 1992, the Federal Election Commission notified your clients 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 your clients. 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,

Holly Baker
Holly Baker
Attorney

Attachment
Narrative

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

23043543638

MUR 3715

VOYE AYITI MONTE (VOAM)/HAITI

Complainant alleges that Haiti President-in-exile Aristide and various Haitian organizations associated with him are foreign nationals who made contributions/expenditures to help the presidential campaigns of Bill Clinton and Lenora Fulani and to defeat George Bush by sponsoring a march and rally at the United Nations on September 29, 1992. Respondents deny the allegations. One individual claims responsibility for the rally and asserts that the purpose was to protest U.S. policy toward Haiti. President Aristide claims diplomatic immunity.

This case presents no significant issue relative to the other issues pending before the Commission, and a limited amount of money is involved.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1992

L. Anthony Sutin, Esq.
Hogan & Hartson
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109

RE: MUR 3715
Clinton for President Committee and Robert A.
Farmer, as treasurer

Dear Mr. Sutin:

On December 2, 1992, the Federal Election Commission notified your clients 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 your clients. 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,

Holly Baker
Holly Baker
Attorney

Attachment
Narrative

Date the Commission voted to close the file: DEC 03 1992

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MUR 3715

VOYE AYITI MONTE (VOAM)/HAITI

Complainant alleges that Haiti President-in-exile Aristide and various Haitian organizations associated with him are foreign nationals who made contributions/expenditures to help the presidential campaigns of Bill Clinton and Lenora Fulani and to defeat George Bush by sponsoring a march and rally at the United Nations on September 29, 1992. Respondents deny the allegations. One individual claims responsibility for the rally and asserts that the purpose was to protest U.S. policy toward Haiti. President Aristide claims diplomatic immunity.

This case presents no significant issue relative to the other issues pending before the Commission, and a limited amount of money is involved.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

DEC 10 1993

Arthur Block, Esq.
72 Spring St., Suite 1201
New York, NY 10012

RE: MUR 3715
Dr. Lenora B. Fulani
Lenora B. Fulani for President Committee and
Francine Miller, as treasurer

Dear Mr. Block:

On December 2, 1992, the Federal Election Commission notified your clients 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 your clients. 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,

Holly Baker
Holly Baker
Attorney

Attachment
Narrative

Date the Commission voted to close the file: DEC 8 9 1992

23043543642

MUR 3715

VOYE AYITI MONTE (VOAM)/HAITI

Complainant alleges that Haiti President-in-exile Aristide and various Haitian organizations associated with him are foreign nationals who made contributions/expenditures to help the presidential campaigns of Bill Clinton and Lenora Fulani and to defeat George Bush by sponsoring a march and rally at the United Nations on September 29, 1992. Respondents deny the allegations. One individual claims responsibility for the rally and asserts that the purpose was to protest U.S. policy toward Haiti. President Aristide claims diplomatic immunity.

This case presents no significant issue relative to the other issues pending before the Commission, and a limited amount of money is involved.

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