



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3821

DATE FILMED 6/15/94 CAMERA NO. 2

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FEDERAL ELECTION
COMMISSION
MAIN OFFICE ROOM

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

OCT 15 1 53 PM '93

In the matter of:

Friends of Patrick Kennedy Committee
Patrick Kennedy, Candidate

MUR 3821

93 OCT 15 PM 3:33

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL

COMPLAINT

NOW COMES, Maria Cino, Executive Director of the National Republican Congressional Committee (NRCC) of 320 First Street, S.E., Washington, D.C. 20003 to file this Complaint pursuant to 2 U.S.C. 437g (a)(1) and 11 C.F.R. 111.4 against Patrick Kennedy, of 1000 Smith Street, Providence, Rhode Island 02908 and the Friends of Patrick Kennedy Committee, (Kennedy).

VIOLATIONS

Patrick Kennedy is a candidate for Federal office pursuant to the provisions of 2 U.S.C. 431(2) and as a result of that status has violated the Federal Election Campaign Act of 1971, as amended, by his failure to file a Statement of Candidacy as required by 2 U.S.C. 432(e)(1).

FACTS

NRCC, pursuant to the provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), does hereby state the following facts:

1. Friends of Patrick Kennedy Committee is the committee identified in a fundraising appeal by Democratic Majority Leader Richard Gephardt as the entity to which contributions should be made payable for the purpose of supporting the candidacy of Patrick Kennedy for Federal office.

2. Inquiries to the Federal Election Commission reveal that Friends of Patrick Kennedy is not designated as the authorized principal campaign committee of Patrick Kennedy nor is the committee registered at all.

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3. Inquiries to the Federal Election Commission reveal that Patrick Kennedy has not filed a Statement of Candidacy.

4. Inquiries to the Federal Election Commission reveal that on July 15, 1993, the Friends of Patrick Kennedy Exploratory Committee was registered at P.O. Box 1356, Providence, Rhode Island 02903. The registration number is C00282475.

5. The basis for this Complaint is a September 13, 1993, article which appeared in Roll Call and a letter of invitation to a Washington fundraiser authored by Democratic House Majority Leader Richard A. Gephardt on behalf of candidate Kennedy.

6. On July 20, 1993, Richard A. Gephardt hosted a fundraiser at the National Democratic Club on behalf of candidate Kennedy. A solicitation of \$1,000 to join Gephardt on the "host committee" was requested and a general admission price was set at \$500. See Exhibit A.

7. The Effective Government Committee registered at an address of 507 Capitol Court, Suite 100, Washington, D.C. 20002 has made an expenditure(s) for the purpose of promoting the candidacy of Kennedy evidenced by the inappropriate disclaimer which appeared on the solicitation which said "Paid for and authorized by the Effective Government Committee." The text of the letter indicates return calls for confirmation of attendance should be made to the Effective Government office. See Exhibit A.

8. The Roll Call article indicates that Kennedy "is said to have raised substantial sums . . . although he has not filed any reports with the Federal Election Commission." See Exhibit B.

9. The solicitation unequivocally states Kennedy is seeking election to the United States House of Representatives. Specifically it states: "One outstanding opportunity awaits us: the election of Patrick Kennedy to the U.S. House of Representatives." Emphasis added. It continues to state that the purpose of the event is to launch his campaign. The letter precedes the registration of the Exploratory Committee by 15 days. See Exhibit B.

10. Kennedy confirmed his authorization of the solicitation through the disclaimer which appears on an enclosed response card which specifically states: "Paid for by the Effective Government Committee and authorized by Friends of Patrick Kennedy." The disclaimer does not say authorized by the Friends of Patrick Kennedy Exploratory Committee. See Exhibit C.

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DISCUSSION OF LAW

Determination of Candidacy

The Act and regulations specifically provide:

An individual becomes a candidate under the provisions of 2 U.S.C.431(2) 11 C.F.R. 100.3 when any of the following events occur:

- (1) The individual has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000.
- (2) The individual has given his or her consent to another person to receive contributions or make expenditures on behalf of that individual and such person has received contributions aggregating in excess of \$5,000 or made expenditures in excess of \$5,000.

It is unmistakable from the language of the solicitation that the purpose is to expressly advocate the election of Patrick Kennedy to Federal office. The presence of the language on the enclosure card indicates that Patrick Kennedy has authorized that specific solicitation on behalf of his candidacy. This intent to promote his candidacy is further indicated in that the solicitation directed checks to be made payable to the Friends of Patrick Kennedy not Friends of Patrick Kennedy Exploratory Committee. See Exhibit C.

An exemption from the definition of contribution exists for the purpose of permitting candidates latitude to conduct activities to evaluate their candidacy without reporting requirements. 11 C.F.R.100.7(b) The Commission has, however, been resolute in its position that "the regulations seek to draw a distinction between activities directed to an evaluation of the feasibility of one's candidacy, as distinguished from conduct signifying that a private decision to become a candidate has been made. Advisory Opinion 1982-3. The use of an Exploratory Committee and the exemption for testing the waters is not available to Kennedy as his candidacy is unequivocally advocated.

Given the element of intent to seek Federal office has been established the only issue which remains is whether the \$5,000 threshold has been reached as a result of all Kennedy fundraising activity including the event on July 20. References in the newspaper article indicate that the perception is that Kennedy has raised "substantial sums."

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Under the circumstances of the solicitation, the July 20 event alone was likely to have provided sufficient contributions to reach the \$5,000 threshold. Specifically, it was a personal appeal by the House Democratic Majority Leader to individuals interested in the legislative process as evidenced by the text of the letter, it expressed his personal interest that they "join him" on the host committee for a suggested contribution of \$1,000, and it was made on behalf of a candidate who is the son of a member of the U.S. Senate. It is virtually impossible that a minimum of 20 people did not respond to the Majority Leader's request under these circumstances.

Statement of Candidacy

The provisions of 2 U.S.C. 432(e) further provide that once candidacy is established, a Statement of Candidacy must be filed within 15 days. Kennedy is in violation of the Act because he has not filed a Statement of Candidacy more than 70 days after the fundraising event.

Statement of Organization

To the extent that an individual has reached the threshold to trigger candidate status, the principal campaign committee must register by filing a Statement of Organization pursuant to 11 C.F.R. 102.1(a) within 10 days. Inquiries to the Federal Election Commission reveal that a principal campaign committee has not been organized on behalf of Patrick Kennedy.

PRAYER FOR RELIEF

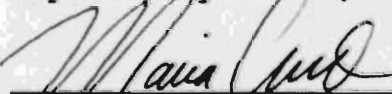
Therefore, NRCC respectfully requests, that the Federal Election Commission investigate these violations and find the following conclusions of law as appropriate:

- (1) Patrick Kennedy is a candidate pursuant to the provisions of 2 U.S.C. 431(2).
- (2) Patrick Kennedy has violated the filing requirement as provided in 2 U.S.C. 432(e).

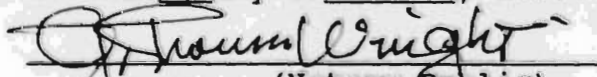
Therefore, NRCC further requests that the Federal Election Commission assess all appropriate penalties for said violation of the above provisions in accordance with 2 U.S.C. 437(a)(5)(A).

The above statements are true and correct to the best of my knowledge, information and belief.

Respectfully submitted,


Maria Cino

Subscribed and Sworn before me this 29 day of SEPT., 1993.


(Notary Public)

My Commission expires:

G. THOMAS WRIGHT
Notary Public, District of Columbia
My Commission Expires May 14, 1998

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Richard A. Gephardt

July 1, 1993

First, I would like to extend my thanks for all you have done for Democrats across the country over the years. You have been instrumental to our success. In 1992 we saw dramatic changes in the political landscape, changes which have brought triumphs and opportunities. Very soon, the 1994 cycle will present new challenges-both political and substantive-that Democrats must face with smarts, courage, and vigor. With legislative victories such as the Family and Medical Leave Act, the Motor Voter bill, and, shortly, the economic growth package under our belts, I know we will look to the next election with strength.

One outstanding opportunity awaits us: the election of Patrick Kennedy to the U.S. House of Representatives. Currently a State Representative and a leader in the Rhode Island House, Patrick is a young man with a bright mind and still brighter future. Instilled by longstanding family tradition with the desire to serve his country, Patrick was elected to the state legislature in 1988. He soon became Chairman of the House Rules Committee and works effectively with the leadership on behalf of the people of Rhode Island.

I am proud to host Patrick Kennedy as he launches his campaign. I would like to invite you to a reception in his honor:

Tuesday, July 20, 1993
6:30 - 8:30 PM
National Democratic Club
30 Ivy Street, S.E.

Patrick will need our support - he certainly has mine - as he continues to serve the people of Rhode Island and looks to other challenges. Your early support for Patrick is important to Rhode Island, to me, and, indeed, to the House of Representatives. I am requesting a contribution of \$500 to the Friends of Patrick Kennedy committee. If you would like to join me on the host committee, a \$1,000 donation is suggested.

Please respond to David Jones or Lindsay Lewis at 202-347-6112. I hope to see you later this month.

Sincerely,

Dick
Richard A. Gephardt

After 18 Years

EXHIBIT B

Possible Successors: Rep. Thomas, Gov. Sullivan, Cheney, and Cheney

By Tim Curran

Despite his personal opposition to term limits, veteran Sen. Malcolm Wallop (R-Wyo) announced Friday that a term-limit initiative passed by Wyoming voters last year prompted him not to seek re-election to a fourth term.

The widely expected exit of Wallop, one of the Senate's strongest conservative voices, presents several intriguing succession possibilities, including incumbent Gov. Mike Sullivan (D), Rep. Craig Thomas (R), and both former Defense Secretary Dick Cheney and his wife, Bush Administration official Lynne Cheney.

Wallop, who may run for governor next year, made his decision public Thursday in a speech to the Chamber of Commerce in his hometown of Sheridan. In his remarks, Wallop, 60, reminded his

audience that "74 percent of the people of the state said there should be term limits. I think you have to respect that."

While the state's voters overwhelmingly endorsed term limits last year, Wallop and Sen. Alan Simpson (R) would have been al-

Continued on page 15

Machtley Out, Kennedy In?

By Glenn R. Simpson

Setting the stage for a Kennedy triumvirate in Congress, Rep. Ron Machtley (R-RI) announced Friday he will give up his House seat for a bid to oust vulnerable Rhode Island Gov. Bruce Sundlun (D) next year.

"Our Congress is still the

Continued on page 18

Rule Trapped in Complex Fast-Track Regulations

House all operating different sets of as-

procedures, con- trade Act of 1974 lay es for consideration

of NAFTA. But those rules are a tangled web of references and cross-references that both sides of the debate have been scrambling to decode.

Mastery of Congressional

rules, as Sen. Robert Byrd (D-WVa) and others have shown over the years, often translates into power. Neither side wants to be outmaneuvered by the other, so

Continued on page 12

le Youth Vote



Conyers Headed For Defeat In Detroit Tomorrow

By Timothy J. Burger

Detroit voters are expected to hand Rep. John Conyers (D-Mich) a decisive defeat when they go to the polls in tomorrow's mayoral primary.

Continued on page 12

Rep. Pat to Make Kennedy Tr

Continued from page 1

greatest deliberative body in the world and I have loved the opportunity to serve there," said the third-term. But, he added, "the essence of an elected official is to lead and contribute, not to perpetuate a career."

Machtley's decision raises the strong possibility that there will be three Members of the Kennedy family in Congress in 1995 — Sen. Ted (D-Mass), Rep. Joe (D-Mass), and freshman Rep. Patrick (D-RI), who is Ted's son.

A state Representative, Kennedy, 32, is the strong favorite to win the Democratic nomination for Machtley's 1st district seat and will be favored in the general because of the heavy Democratic tilt of the district.

In a statement released Friday, Kennedy reiterated that he had been interested in the

seat regardless of Machtley's decision and that he would make an official announcement about his plans soon.

The Kennedys would not be the first father-son duo in Congress. From 1969 to 1982, Barry Goldwater Sr. (R-Ariz) served as a Senator while Barry Goldwater Jr. (R-Calif) was a Representative.

Machtley, meanwhile, is given a strong chance of unseating Sundlun, whose approval rating dipped to a record low of 29 percent in a July Brown University poll. Machtley received a positive evaluation from 49 percent of respondents in that poll.

"He will be a very strong candidate," said Brown University pollster Darrell West. "He's well liked in Rhode Island, he's well known."

Kennedy held a fundraiser in Washing-

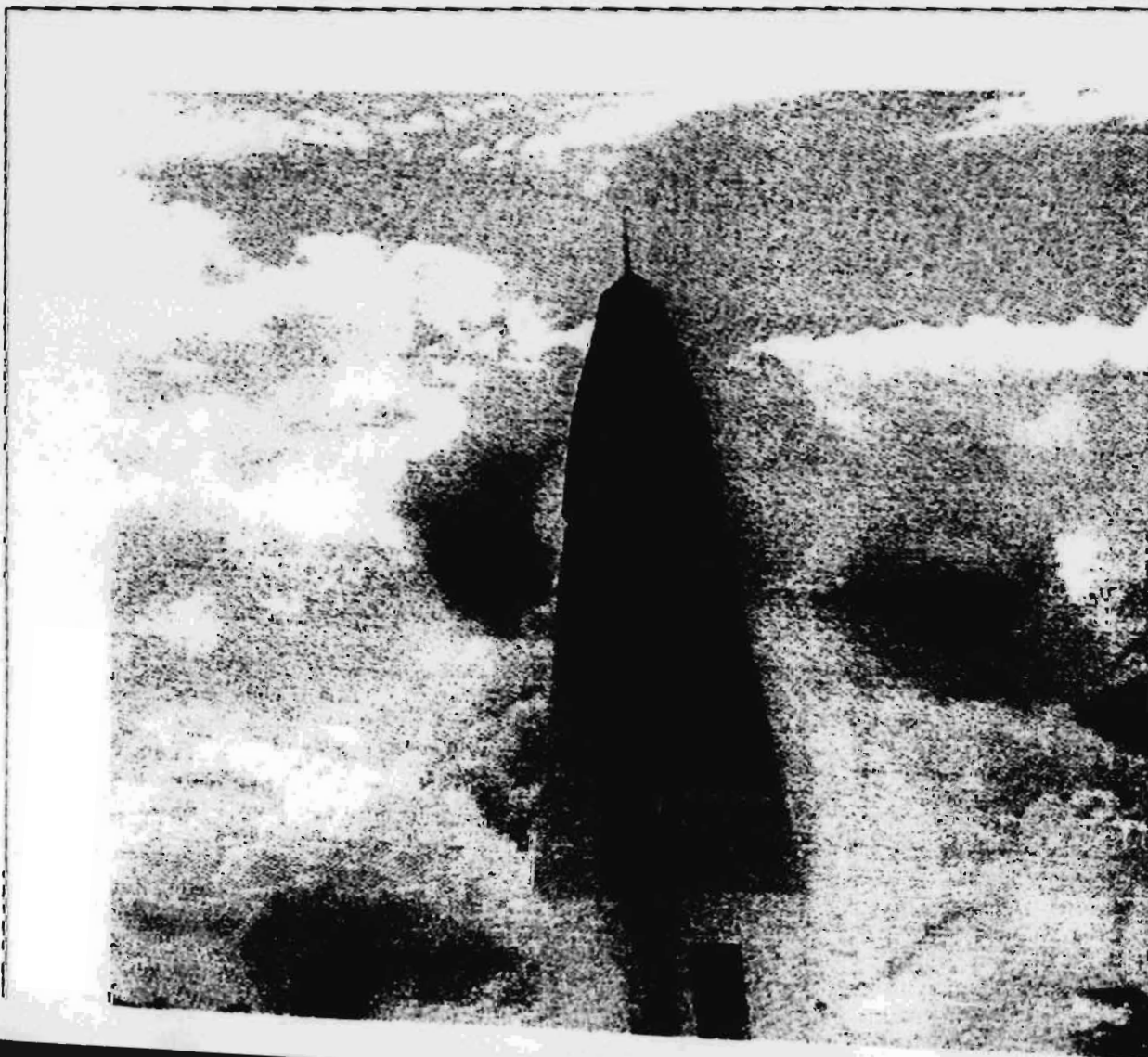
ton in July hosted by House Majority Leader Richard Gephardt (D-Mo) and is also being backed by leaders of the state Democratic party.

Another possible Democratic candidate for the House seat is Sundlun administration official Scott Wolf, who challenged Machtley in 1990.

"I'm exploring another run in the first district very seriously, and this announcement today is going to accelerate and intensify my exploration," Wolf told Roll Call.

But Kennedy appears to have lined up most of the state establishment on his behalf and is said to have raised substantial funds already, although he has not filed reports with the Federal Election Commission.

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to Make Kennedy Trio on Hill?

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"He clearly is the frontrunner," said

West. Wolf said he would run if it appears the primary will be about "issues and qualifications rather than glitz, glamour, and family dynasty."

Machtley upset House Banking Committee Chairman Fernand St Germain (D) in 1988, becoming one of the first challengers in the country to benefit from the savings and loan scandal that would plague incumbents in later years.

An obscure lawyer at the time, Machtley earned the nomination when a better-known Republican failed to file his candidacy papers on time.

Machtley proved himself a talented politician with a knack for ingratiating himself with his overwhelmingly Democratic constituents. He took liberal stands on many social issues and aggressively defended local economic interests, including the Pentagon contracts of Electric Boat, one of Rhode Island's largest employers.

Machtley had been urged to run for governor against Sundlun two years ago and flirted with the possibility for three months. He finally declined after what he said was "careful and deliberate consideration of all issues."

In the interim, economic and fiscal woes have continued to plague Rhode Island, and the state legislature made the governorship more attractive by extending the length of the gubernatorial term from two to four years. Sundlun was also hit earlier this year with a paternity suit, and in a dramatic move, acknowledged fathering a daughter 18 years ago.

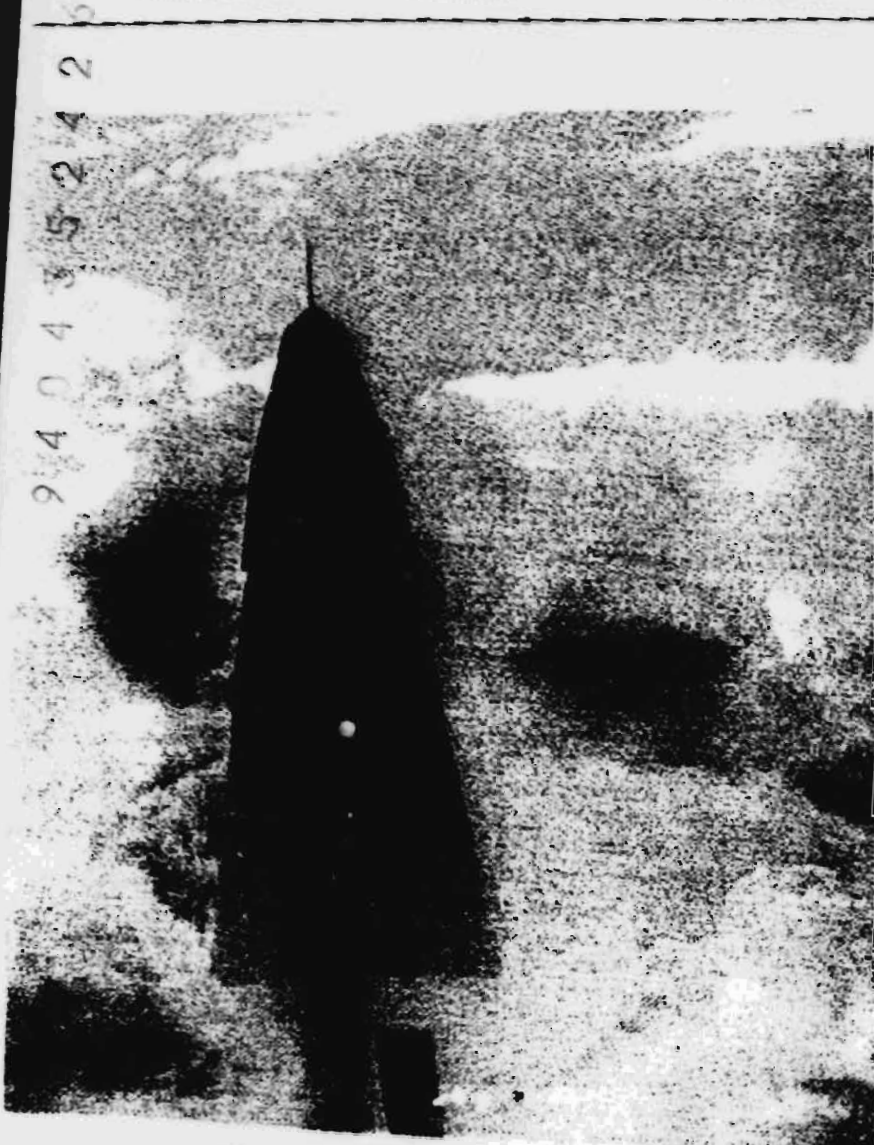
And in recent days, Sundlun turned himself in to authorities for shooting raccoons on his property -- an apparent violation of local law.

More HOH: Dornanisms, More Pallones

Continued from page 1

former Rep. Claude Harris (D-Ala) to be US Attorney for the Northern District of Alabama.

Harris, who served three terms in the House before redistricting led him to retire last year, was backed for the job by Sen. Richard Shelby (D-Ala), not exactly a favorite of the Clinton Administration. African-American attorney Carol Smither-



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Friends of Patrick Kennedy
507 Capitol Court NE
Suite 100
Washington, DC 20002

- ☐ YES, I will attend the event _____
☐ NO, I will not be able to attend the event, but enclosed is my contribution of \$ _____

Federal Law Requires this Information

Name _____

Job/Title _____

Organization _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

Please make checks payable to: FRIENDS OF PATRICK KENNEDY
and send to: 507 Capitol Court NE
Suite 100
Washington, DC 20002

Contributions to Friends of Patrick Kennedy are not tax deductible.
Paid for by the Effective Government Committee and Authorized by Friends of Patrick Kennedy.

5-01-001

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 21, 1993

Maria Cino, Executive Director
National Republican Congressional Committee
320 First Street, S.E.
Washington, DC 20003

RE: MUR 3821

Dear Ms. Cino:

This letter acknowledges receipt on October 15, 1993, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Honorable Patrick J. Kennedy, Friends of Patrick J. Kennedy and William Sanbento, Jr., as treasurer, the Effective Government Committee and Jacqueline M. Fortes, as treasurer, and the Honorable Richard A. Gephardt. 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 3821. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

94043524267



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCTOBER 21, 1993

William Sanbento, Jr., Treasurer
Friends of Patrick J. Kennedy
PO Box 1356
Providence, RI 02903

RE: MUR 3821

Dear Mr. Sanbento:

The Federal Election Commission received a complaint which indicates that Friends of Patrick J. Kennedy ("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 3821. Please refer to this number in all future correspondence.

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

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

94043524268

William Sanbento, Jr., Treasurer
Friends of Patrick J. Kennedy
Page 2

If you have any questions, please call me at
(202) 219-3690. For your information, we have enclosed a brief
description of the Commission's procedures for handling
complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

94043524269



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCTOBER 21, 1993

The Honorable Patrick J. Kennedy
State of Rhode Island House of Representatives
1000 Smith Street
Providence, RI 02908

RE: MUR 3821

Dear Mr. Kennedy:

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 3821. Please refer to this number in all future correspondence.

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The Honorable Patrick J. Kennedy
Page 2

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Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

94043524271



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCTOBER 21, 1993

Jacqueline M. Fortes, Treasurer
Effective Government Committee
c/o Perkins Coie
607 14th Street, N.W., Suite 800
Washington, D.C. 20005

RE: MUR 3821

Dear Ms. Fortes:

The Federal Election Commission received a complaint which indicates that the Effective Government 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 3821. 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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Jacqueline M. Portes, Treasurer
Effective Government Committee
Page 2

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complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

OCTOBER 21, 1993

The Honorable Richard A. Gephardt
House of Representatives
Washington, D.C. 20515-2503

RE: MUR 3821

Dear Mr. Gephardt:

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 3821. 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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The Honorable Richard A. Gephardt
Page 2

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Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

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PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011
(202) 628-6600 • FACSIMILE (202) 434-1690

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

93 NOV -2 PM 4:13

November 2, 1993

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

Re: MUR 3821

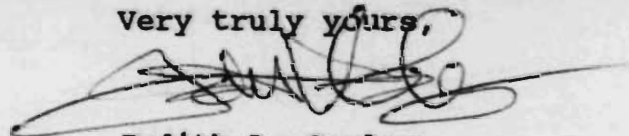
Dear Ms. Taksar:

Enclosed please find a designation of counsel for the Effective Government Committee in the above-referenced Matter Under Review.

We also seek an extension of time of 20 days to prepare a response to the complaint in this matter. The additional time is necessary to research the issues, coordinate the response with the appropriate committee staff and to prepare the response itself. With the 20-day extension, the Committee's response would be due on Friday, December 3, 1993.

If you have any questions or need additional information, please contact the undersigned.

Very truly yours,



Judith L. Corley
Counsel for Respondents

{041118-0001/DA933060.036}

94043524276

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3821

NAME OF COUNSEL: Robert F. Bauer and Judith L. Corley, PERKINS COIE

ADDRESS: 607 14th Street, NW, Suite 800

Washington, DC 20005

TELEPHONE: (202) 628-6600

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.

11/01/93
Date

Reginald M. Scott
Signature

RESPONDENT'S NAME: Effective Government Committee

ADDRESS: c/o Perkins Coie, 607 14th Street, NW, Suite 800

Washington, DC 20005

TELEPHONE: HOME()

BUSINESS(202) 628-6600, x. 4461

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
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94043524277



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOVEMBER 5, 1993

Judith L. Corley, Esq.
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3821

Dear Ms. Corley:

This is in response to your letter dated November 2, 1993, which we received on that same date, requesting an extension of 20 days to respond to the above referenced matter. 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 December 3, 1993.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

94043524278

OLDAKER, RYAN & LEONARD

ATTORNEYS AT LAW

818 CONNECTICUT AVENUE, N.W.

SUITE 1100

WASHINGTON, D.C. 20006

(202) 728-1010

FACSIMILE (202) 728-4044

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

93 NOV -9 AM 10:56

November 8, 1993

Mr. Lawrence Noble
General Counsel
Federal Election Commission
999 E Street, N.W., Room 657
Washington, DC 20463

RE: MUR 3821

Dear Mr. Noble:

I am writing to request an extension for my clients, Patrick Kennedy and Friends of Patrick Kennedy, on their response to MUR 3821. The additional time is required in order to gather all the relevant information necessary to file a complete response. We therefore request an extension of 20 days until December 6, so that we may adequately respond to the charges in the complaint. I appreciate your assistance in this matter.

Sincerely,

Lyn Utrecht
Lyn Utrecht

94043524279

OGC 0425

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FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION

Nov 15 9 52 AM '93

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3821

NAME OF COUNSEL: Lyn Utrecht

ADDRESS: 818 Connecticut Avenue, N.W.
Suite 1100
Washington, DC 20006

TELEPHONE: (202) 728-1010

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FEDERAL ELECTION COMMISSION
93 NOV 15 AM 10:49

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.

11-9-93
Date

Patrick F Kennedy
Signature
William J. Santisi

RESPONDENT'S NAME: Friends of Patrick Kennedy Committee
Patrick Kennedy, Candidate

ADDRESS: 12 Elmcroft Avenue
Providence, RI 02908

TELEPHONE: HOME()
BUSINESS(401) 861-7600

94043524280



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOVEMBER 10, 1993

Ms. Lyn Utrecht, Esq.
Oldaker, Ryan & Leonard
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

RE: MUR 3821
Patrick Kennedy and Friends
of Patrick J. Kennnedy

Dear Ms. Utrecht:

This is in response to your letter dated November 8, 1993, which we received on November 9, 1993, requesting an extension of 20 days to respond to the above referenced matter. 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 December 6, 1993.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

94043524281

OLDAKER, RYAN & LEONARD
ATTORNEYS AT LAW
818 CONNECTICUT AVENUE, N.W.
SUITE 1100
WASHINGTON, D.C. 20006

(202) 728-1010
FACSIMILE (202) 728-4044

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MAIL ROOM

Dec 2 11 07 AM '93

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93 DEC -2 PM 12:09

November 30, 1993

Mary L. Taksar
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

-- VIA FAX --

RE: MUR 3821

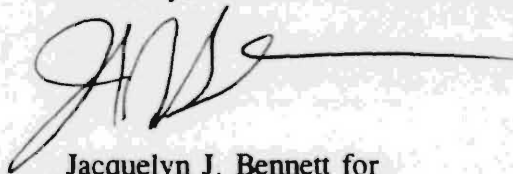
Dear Ms. Taksar:

Per my conversation with Joan McEnry of your office, please allow this letter to serve as our request for an extension of time for our clients, Patrick Kennedy and Friends of Patrick Kennedy, on their response to MUR 3821.

As I discussed with Ms. McEnry, this extension is being requested due to unforeseen circumstances which have resulted in their council being absent from the office.

We respectfully request an extension to December 13, 1993.

Sincerely,



Jacquelyn J. Bennett for
Lyn Utrecht

94043524282



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DECEMBER 6, 1993

Ms. Lyn Utrecht, Esq.
Oldaker, Ryan & Leonard
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

RE: MUR 3821
Patrick J. Kennedy and the
Friends of Patrick J. Kennedy

Dear Ms. Utrecht:

This is in response to your letter dated November 30, 1993, requesting an extension until December 13, 1993 to respond to the above referenced matter. 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 December 13, 1993.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

94043524283

OAC 0555

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607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011
(202) 628-6600 • FACSIMILE (202) 434-1690

December 3, 1993

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

Re: MUR 3821 - Effective Government Committee

Dear Ms. Taksar:

This is the response of the Effective Government Committee ("EGC") to the complaint filed with the Federal Election Commission by the National Republican Congressional Campaign Committee.

It is unclear why EGC was asked to respond to this complaint, which alleged that Patrick Kennedy had failed to register as a candidate in a timely fashion. EGC was identified in the complaint as having sponsored a fundraising event on behalf of Mr. Kennedy. The services provided by EGC in sponsoring the fundraising event were treated as (and will be reported as) a contribution in-kind to Mr. Kennedy.

EGC coordinated its efforts on the fundraiser with Mr. Kennedy's staff. At the time the invitation for the event was sent out, EGC was unaware that Mr. Kennedy was not yet a candidate for federal office and intended to operate an exploratory committee until he made a final decision about his candidacy.

Whether or not Mr. Kennedy was a candidate for office¹, EGC's activities were within the requirements of the law. The Commission's regulations governing exploratory activity provide that once an individual who had been testing the waters becomes a candidate, all prior exploratory activities are treated as contributions and expenditures subject to the

¹EGC is aware that, at some point after the event referred to in the complaint, Mr. Kennedy did, in fact, register as a candidate for federal office.

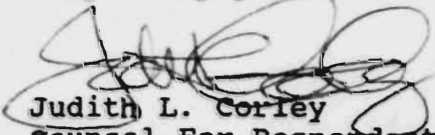
[04118-0003/DA933360.090]

Mary L. Taksar
December 3, 1993
Page 2

federal election campaign laws. 11 C.F.R. §§ 100.7(b)(1), 100.8(b)(1), and 101.3. EGC operated fully within the provisions of the laws in sponsoring a fundraiser. As noted above, the costs related to the event have been reported to Mr. Kennedy and will be reported by EGC on its year-end report as contributions in-kind to his campaign committee. The expenses are well within the \$5,000 per election contribution limit of a multicandidate committee to a candidate for the House of Representatives.

The complaint with respect to EGC has no merit and should be dismissed by the Commission with no further action.

Very truly yours,


Judith L. Corley
Counsel For Respondents

94043524285

OLDAKER, RYAN & LEONARD

ATTORNEYS AT LAW

818 CONNECTICUT AVENUE, N.W.

SUITE 1100

WASHINGTON, D.C. 20006

(202) 728-1010

FACSIMILE (202) 728-4044

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December 13, 1993

Ms. Mary L. Taksar
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

RE: MUR 3821

Dear Ms. Taksar:

This response is written on behalf of Patrick Kennedy and the Friends of Patrick Kennedy Committee (the "Committee")¹ in the matter filed with the Federal Election Commission ("FEC" or the "Commission") by the National Republican Congressional Committee ("NRCC").

The complaint alleges that Patrick Kennedy must have been a candidate in July 1993 at the time of a fundraising event sponsored by the Effective Government Committee ("EGC"). Attached to the complaint is a copy of the invitation to that event and a copy of an article that appeared in Roll Call on September 13, 1993. The Complaint, which was filed on October 15, 1993, erroneously alleges that as of the filing of the complaint, Patrick Kennedy had not registered as a candidate. The complaint asks the Commission to find that Patrick Kennedy failed to register as a candidate in a timely fashion. These allegations are without merit.

Under the FEC regulations, an individual who is testing-the-waters is not a "candidate" within the meaning of 2 U.S.C. §431(2). 11 C.F.R. §100.7(b)(1). On July 15, 1993, Friends of Patrick Kennedy Exploratory Committee registered with the FEC. Although Patrick Kennedy had not yet decided to run for Congress, he voluntarily registered his Exploratory Committee in order to make clear to the public that he was testing-the-waters for a bid for the U.S. House of Representatives. Had he been a candidate at that time, he would have filed a Statement of Candidacy and registered his principal campaign committee rather than voluntarily filing as an exploratory committee.

¹ Formerly Friends of Patrick Kennedy Exploratory Committee.

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The July 20, 1993 fundraiser in question in the complaint was coordinated by the Effective Government Committee with the cooperation of the Friends of Patrick Kennedy Exploratory Committee. In drafting the invitation to the event, EGC staff were unaware that Mr. Kennedy was not at that time a candidate and that the name of the committee registered at the FEC was Friends of Patrick Kennedy Exploratory Committee. As a result, the words "exploratory committee" were not on the invitation. This was simply a mistake. In fact, Mr. Kennedy was not a candidate at the time of the July 20 event and had not made a decision as to whether or not he would run.

On September 30, 1993, Patrick Kennedy announced his candidacy, filed his Statement of Candidacy and designated Friends of Patrick Kennedy as his principal campaign committee.

Regardless of whether Friends of Patrick Kennedy was an exploratory committee or a principal campaign committee at the time of the event, any contributions from the event would not have to be reported until the campaign committee's first financial disclosure report is filed. 11 C.F.R. §101.3. That report is not due until January 31, 1994, whether or not Mr. Kennedy was a candidate on July 20 or September 30.

The complaint also refers to an article from the September 13, 1993 issue of Roll Call. Nowhere does this article state that Kennedy had already become a candidate. On the contrary, it points out that no decision had yet been made: "Kennedy reiterated . . . that he would make an official announcement about his plans soon." That decision was not made until September.

Patrick Kennedy and Friends of Patrick Kennedy have abided by all the regulations applicable to candidates and their committees in registering with the FEC and in conducting activities as an exploratory committee. By voluntarily registering as an exploratory committee, Friends of Patrick Kennedy has demonstrated that it is making every effort to comply with FEC regulations. The mistake on the invitation to the EGC fundraiser does not alter the fact that Patrick Kennedy was testing-the-waters in July 1993, and that he properly filed as a candidate on September 30, 1993.

We therefore respectfully request that the complaint against Patrick Kennedy and Friends of Patrick Kennedy be dismissed by the Commission and that no further action be taken.

Sincerely,



Lyn Utrecht
Counsel for Respondents



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

JANUARY 14. 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Richard A. Gephardt
House of Representatives
Washington, D.C. 20515-2503

RE: MUR 3821

Dear Mr. Gephardt:

The Federal Election Commission received a complaint on October 15, 1993, that alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). On October 21, 1993, the Commission mailed copies of the complaint to your address above. You have not responded to the complaint; therefore, another copy is enclosed. We have numbered this matter MUR 3821. 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.

94043524288

The Honorable Richard A. Gephardt
Page 2

If you have any questions, please contact Joan McEnery at (202) 219-3690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

94043524289

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94 FEB -9 PM 4:31

February 9, 1994

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

Re: MUR 3821 - The Honorable Richard A. Gephardt

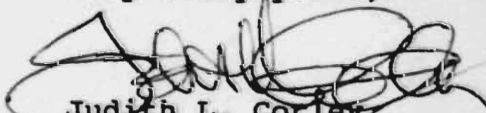
Dear Ms. Taksar:

Please find enclosed a designation of counsel for Congressman Gephardt in the above-referenced Matter Under Review.

Congressman Gephardt will not file a separate response in this matter. The response filed by the Effective Government Committee, a multicandidate committee for which the Congressman serves as Honorary Chair, addressed any issues raised by Mr. Gephardt's participation in the event for Patrick Kennedy.

The complaint with respect to Congressman Gephardt is without merit and should be dismissed with no further action.

Very truly yours,


Judith L. Corley
Counsel to Respondent

enclosure

[24118-0002/DA940400.010]

94043524290

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3821

NAME OF COUNSEL: Judith L. Corley, Esq.

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COMMISSION
ADMINISTRATIVE DIVISION

FEB 9 2 46 PM '94

ADDRESS: Perkins Coie

607 - 14th Street, N.W. - Suite 800

Washington, DC 20005-2011

TELEPHONE: (202) 434-1622

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

1/31/94
Date

Richard A. Gephardt
Signature

RESPONDENT'S NAME: Richard A. Gephardt

ADDRESS: Majority Leader, U.S. House of Representatives

The Capitol, H-148

Washington, DC 20515-6503

TELEPHONE: HOME()

BUSINESS(202) 225-0100

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FEDERAL ELECTION COMMISSION

94 FEB -9 PM 4:31

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GENERAL COUNSEL'S REPORT, DATED APRIL 5, 1994,
AND CERTIFICATION OF COMMISSION VOTE, DATED MAY 5, 1994,
ARE FILED AT THE FOLLOWING MICROFILM LOCATION:

MUR ROLL: 352

FRAMES: 2832-2847

94043524292.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1994

Maria Cino, Executive Director
National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

RE: MUR 3821

Dear Ms. Cino:

On October 15, 1993, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on June 3, 1994. This matter will become part of the public record within 30 days.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

94043524293

MUR 3821

FRIENDS OF PATRICK KENNEDY

The National Republican Congressional Committee filed a complaint alleging that Patrick Kennedy, a candidate for Congress, had failed to file a Statement of Candidacy and a report which disclosed contributions received for a July 20, 1993, fundraiser sponsored by the Effective Government Committee. The complaint included a fundraiser invitation which requested that contributors make their checks payable to Friends of Patrick Kennedy. The disclaimer on the invitation stated "[p]aid for by the Effective Government Committee and authorized by Friends of Patrick Kennedy."

In response to the complaint, the Friends of Patrick Kennedy states that Mr. Kennedy was not required to file a Statement of Candidacy because at the time of the fundraiser, he was "testing-the-waters." The Committee indicates that when Mr. Kennedy announced his candidacy on September 30, 1993, he filed a Statement of Candidacy and that he was not required to file a disclosure report until January 31, 1994. In its response to the complaint, the Effective Government Committee states that at the time of the fundraiser, it was unaware that Mr. Kennedy was not yet a candidate for Congress and that he intended to operate an exploratory committee until he made a final decision about his candidacy. The Effective Government Committee indicates that the services it provided in relation to the fundraiser were in-kind contributions to the Friends of Patrick Kennedy to be reported as such in its 1993 Year-End Report.

There is no evidence that these events had a significant impact on the process. Moreover, the matter involves less significant issues relative to the other issues pending before the Commission.

94043524294



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1994

Lyn Utrecht, Esq.
Oldaker, Ryan & Leonard
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

RE: MUR 3821
Patrick Kennedy
Friends of Patrick J.
Kennedy and William
Sanbento, Jr., as treasurer

Dear Ms. Utrecht:

On October 21, 1993, the Federal Election Commission notified your clients, Patrick Kennedy and the Friends of Patrick J. Kennedy Committee and William Sanbento, Jr., as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on June 3, 1994.

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.

94043524295

Lynn Utrecht, Esq.
MUR 3821
Page 2

If you have any questions, please contact Joan McEnery at
(202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

94043524296

MUR 3821

FRIENDS OF PATRICK KENNEDY

The National Republican Congressional Committee filed a complaint alleging that Patrick Kennedy, a candidate for Congress, had failed to file a Statement of Candidacy and a report which disclosed contributions received for a July 20, 1993, fundraiser sponsored by the Effective Government Committee. The complaint included a fundraiser invitation which requested that contributors make their checks payable to Friends of Patrick Kennedy. The disclaimer on the invitation stated "[p]aid for by the Effective Government Committee and authorized by Friends of Patrick Kennedy."

In response to the complaint, the Friends of Patrick Kennedy states that Mr. Kennedy was not required to file a Statement of Candidacy because at the time of the fundraiser, he was "testing-the-waters." The Committee indicates that when Mr. Kennedy announced his candidacy on September 30, 1993, he filed a Statement of Candidacy and that he was not required to file a disclosure report until January 31, 1994. In its response to the complaint, the Effective Government Committee states that at the time of the fundraiser, it was unaware that Mr. Kennedy was not yet a candidate for Congress and that he intended to operate an exploratory committee until he made a final decision about his candidacy. The Effective Government Committee indicates that the services it provided in relation to the fundraiser were in-kind contributions to the Friends of Patrick Kennedy to be reported as such in its 1993 Year-End Report.

There is no evidence that these events had a significant impact on the process. Moreover, the matter involves less significant issues relative to the other issues pending before the Commission.

94043524297



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1994

Judith L. Corley, Esq.
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3821
Richard A. Gephardt
Effective Government
Committee and Jacqueline M.
Fortes, as treasurer

Dear Ms. Corley:

On October 21, 1993, the Federal Election Commission notified your clients, Richard A. Gephardt, the Effective Government Committee and Jacqueline M. Fortes, as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on June 3, 1994.

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.

94043524298

Judith L. Corley, Esq.
MUR 3821
Page 2

If you have any questions, please contact Joan McEnery at
(202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

94043524299

MUR 3821

FRIENDS OF PATRICK KENNEDY

The National Republican Congressional Committee filed a complaint alleging that Patrick Kennedy, a candidate for Congress, had failed to file a Statement of Candidacy and a report which disclosed contributions received for a July 20, 1993, fundraiser sponsored by the Effective Government Committee. The complaint included a fundraiser invitation which requested that contributors make their checks payable to Friends of Patrick Kennedy. The disclaimer on the invitation stated "[p]aid for by the Effective Government Committee and authorized by Friends of Patrick Kennedy."

In response to the complaint, the Friends of Patrick Kennedy states that Mr. Kennedy was not required to file a Statement of Candidacy because at the time of the fundraiser, he was "testing-the-waters." The Committee indicates that when Mr. Kennedy announced his candidacy on September 30, 1993, he filed a Statement of Candidacy and that he was not required to file a disclosure report until January 31, 1994. In its response to the complaint, the Effective Government Committee states that at the time of the fundraiser, it was unaware that Mr. Kennedy was not yet a candidate for Congress and that he intended to operate an exploratory committee until he made a final decision about his candidacy. The Effective Government Committee indicates that the services it provided in relation to the fundraiser were in-kind contributions to the Friends of Patrick Kennedy to be reported as such in its 1993 Year-End Report.

There is no evidence that these events had a significant impact on the process. Moreover, the matter involves less significant issues relative to the other issues pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3821

DATE FILMED 6/5/94 CAMERA NO. 2

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