

THIS IS THE BEGINNING OF MUR # 4049

96043723724

Gavin Mills
U.S. Senate '94

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE SERVICES
AUG 18 10 43 AM '94

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 19 12 26 PM '94

August 16, 1994

Federal Elections Commission
Office of the General Council
999 E Street NW
Washington, DC 20463

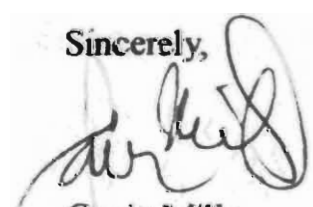
SUBJECT: Influencing of Vermont U.S. Senatorial Race by UWSA

Dear FEC:

The enclosed articles by United We Stand America were published in the August newsletter of their Vermont Chapter. I view this as an attempt by a non-profit, non-political corporation to directly influence the outcome of the race in which I am running. I have asked UWSA for an apology but this has not been done.

Please let this letter serve as a formal complaint that an investigation be initiated immediately so that the issue may resolved so that my candidacy will not be further injured by this type overt action by this organization to influence the outcome of this election.

Sincerely,


Gavin Mills

Linda Eaton
Notary Public
Term expires 2/10/95

960437235

VT UWSA

Approved
Federal Election
Office of General
Aug 18 1994

STATE CHAPTER NEWSLETTER

Volume 1, Issue 11

August 1994

UWSA-VT HELPS DEFEAT BAD HEALTH CARE PLAN!

What's new in Vermont?

Since our Winter newsletter the UWSA Vermont Chapter has been very busy on a variety of issues.

Your Vermont Board of Directors recently put together a strategic plan and action plan for 1994 based on your input and the results of the survey sent out in our last newsletter. We have been operating with a very limited volunteer base and as a result cannot accomplish as much as we would like during this year, but have put together a very full agenda for the coming months. A summary of our plan can be found elsewhere in this newsletter.

We have been very involved in the health care reform issue and have spent a lot of time meeting with our legislators and others to get the UWSA message to our elected officials and to make our member's views on the issues clear. We testified before the Senate Health and Welfare Committee on numerous occasions bringing forward the concerns of our members.

UWSA-VT is also looking at alternative health care ideas utilizing tax-free medical savings accounts and other options that do not additionally burden taxpayers, small businesses and patients (the consumer!). We are also interested in PREVENTING government controlled health care delivery and to continue expanding our current system of consumer driven health care. (NO SOCIALIZED MEDICINE!) Our Issues Team leader, Cyndy Gates has drafted an alternative health care reform package of ideas (see pages 12-14) which was submitted to all Senators in the Vermont Legislature for their consideration. The package was accompanied by a cover letter urging our Senators to take advantage of our uniqueness as a small independent-thinking state to look at the issues in a non-partisan way, and to seize the opportunity with our federal

government to make a difference. We encourage member input, as we realize there may be many resident-experts that can contribute to a working plan that will influence our state direction for health care reform. You resident-experts know who you are, so please contact the state office so we may share ideas.

What we are proposing is based on direct input received from you (members) to date and the vast amount of research and effort that has gone into this issue by your UWSA-VT Health Care issues team. Our hope is to get strong support for this plan from our members. Then we can formally present this plan on behalf of UWSA-VT to the legislature and the governor as a proposal for the start-up of next year's legislative session.

As you may know, the State health care plan was a wash-out and took a swan-dive this past session. This can be attributed, in part, to the significant effort put forth by the UWSA-VT Board of Directors and our State Director. Additionally, our SD presented the "Put Patients First" program to two Vermont Medical Society leaders for their awareness and potential support.

We have all worked very hard on this issue and have kept pushing for the legislature to keep the interest of ALL Vermonters in mind. Our thanks to those who have spent literally hundreds of hours getting our message across on this important issue. It is this kind of effort and determination that makes our political process work to the best advantage of all the people.

(Continued on page 2)

State Chair's Perspective

by John T. Simmons

I greet my new job with two strong feelings. While I look forward to my work as State Chair, I regret to inform you that on Wednesday March 23, 1994, the Board of Directors of UWSA-Vermont unanimously voted to remove the former chairman, Mr. Gavin Mills from his position as State Chair and Regional Coordinator for Region 3. I informed him the following day by telephone as he chose not to attend the Board of Directors meeting at which his performance of his duties as chair was discussed. I had personally informed Mr. Mills of the time and place of the meeting, although he has subsequently alleged in the media and elsewhere that this was a "secret" meeting.

I expect that you will be shocked and surprised by this action. We had all placed a lot of faith in Mr. Mills, which over the past months proved to be without merit. Mr. Mills abused his position as chairman. He then refused to be accountable to the other board members for his actions, actions which had hurt the organization. Our organization is in the business of reforming our government by holding our elected officials accountable for their actions and "remember in November".

We could not accept an elected servant within our ranks that refused to be accountable for his actions, and it

was in the best interest of UWSA-Vermont that we voted to remove him.

I pledge to you my utmost, as your new chairman, and if we stand together, our voices will be heard. I will relentlessly pursue government reform and economic reform by involving people in government decision making and helping to keep us all informed about the issues. I expect that this alone will eliminate much government waste as the people won't waste their own money or their children's. Once the people are back in charge instead of the elected officials, PACs and special interests, government waste won't be so much of a problem.

We must work together however. We cannot do it without your help. Your generous donations, your kind support and your involvement in this wonderful process are what make UWSA what it is, "for the people". Working together we can return our nation to being the economic *super-power* that we once were instead of the *super-debtor* that we have become. We would all like to institute the kind of change and reform in our government that will make us proud to pass on this great nation and republic to our children and grand-children.

In your service,

John

(Continued from page 6)

Put Patients First Program: This proposal on Health Care Reform was published in the UWSA National Newsletter which you should have received in May. I am continuing work with the Medical Society of Vermont on this sensible approach to any and all health care reform as well as our two Senators and Representative. I do see some of the objectives of the Put Patients First philosophy reaching some of our elected decision makers thought process! In the summer Newsletter you should be receiving in July, the Rowland/Bilrakis proposed health care reform legislation will be highlighted as a plan that offers some steps in the right direction.

Please call the state office with your feedback.

Voter Registration: As a result of our move to Montpelier, we will be registering voters and providing voter education both from our State Office and the street. For those of you local to the Montpelier area if you see a vending cart with the Public Debt Banner that's us! Stop by the cart for lively discussion on state and national issues. Or better yet, bring any of your family that will be 18 by November....

Citizen participation in government is our primary focus, as you know and the earlier in chronological age the better !

Phone Contact: You will be receiving calls via our automated dialing access, in the near future. This method will improve our communication to you in advising you of meetings, issues, events, volunteer help etc. The 60 second message will give you an 800 number to contact in response to the call. All calls will be made at reasonable hours. Please let us know how you like this feature.

The use of this method of communication will allow our valuable resources, volunteers, to make effective use of their valuable time in other areas.

Where Have All the Jobs Gone & What We the People Can Do: This UWSA sponsored Economic Forum with Bernard "Bob" Conor as guest speaker, was held on June 12th and was a large success. Prior to

(Continued on page 10)

Editor's note:

The following letter was sent to the editors of the Burlington Free Press and the Washington Post. The letter was written in response to a negative and inaccurate viewpoint that the papers published regarding the removal of our former State Chair, Gavin Mills. The staff writer and the editorial board writer never made contact with any board member of UWSA-VT to get our account of the events. The recent Free Press article and editorial about UWSA-VT are a perfect example of what is really wrong with this country. Fair and accurate reporting of the facts and issues....NOT!

To date, our letter has never been printed in either paper. We strongly encourage Vermonters to stand up and take notice. Maybe we're doing something right and that is why we are perceived as troublesome by those who prefer to maintain the "status quo".

WHATEVER HAPPENED TO THE ISSUES ?

United We Stand America was formed by millions of people across this great nation all dedicated to the goals of government and economic reform and restoring America to our rightful owners, our citizens. Why would anyone, regardless of political persuasion, want to see the efforts of UWSA fail?

In Vermont, the UWSA-VT Chapter has been hard at work on a variety of issues to support the goals of our many members. We are meeting regularly with legislators from around the state to make them aware of our members concerns and issues. We recently testified before the Senate Committee on Health Care Reform and have drafted a health care proposal that considers everyone while not further burdening the middle class and small businesses. The organization has held health care forums to educate the public and members on what is being proposed for Vermont relative to health care reform and alternatives. The members have been surveyed to understand what their important issues are. Many individuals have spent countless volunteer hours trying to do what is best for this country and our state. None of our positive efforts have been reported on or even noticed by the media, BUT as soon as there is some perceived notion of problems within our organization, we are suddenly front page news. A perfect example of one real problem in this country. No interest or news on the issues, but front page news when there is perceived controversy and headlines that sell papers.

What an insult to the American people, Vermonters and all those folks who are working so hard to do the much needed work of reform in our government and dealing with the economic crisis that we face as a nation. UWSA-VT is in regular contact with our elected officials in an effort to understand how they vote on proposed legislation and to hold them accountable to the consensus of the people which they are elected to serve.

Upcoming candidate forums are being scheduled in an effort to provide citizens with insight to the incumbents as well as declared candidates. However, we realize that the press often reports on the negative rather than the positive.

In many such organizations, particularly one the size of UWSA, there is bound to be turnover. In accordance with our bylaws, and by unanimous vote, the Board of Directors of UWSA-VT removed the Chairman from his role as State Chair and Regional Coordinator. There were found to be significant differences in leadership method. After months of working together, these differences in method and approach proved to not be in the best interest of the organization. Therefore, the Board of Directors made the decision to part ways with the former Chair. While there were legitimate differences between parties, we acknowledge this individual and the contribution that he made. We feel confident that the former chair will move forward in a positive fashion to pursue goals elsewhere and not further cause unrest with members that really want to make a difference in working in a teamwork environment to accomplish UWSA-VT's mission. We also hope to see that the press media will do their homework and take the time to report fairly and accurately on the positive accomplishments of UWSA-VT., as we plan to be around for a very long time.

UWSA-VT is sticking to the issues as is our purpose.



NEWS FLASH

by Peter Murray, Co-editor

Just prior to this newsletter being printed, it came to the attention of your Board of Directors, through several members calling the state office, that our former state chair, Gavin Mills, has been contacting UWSA-VT members to solicit their support in his senatorial bid. He has announced he is a candidate for James Jeffords' U.S. Senate seat. This continued contacting of UWSA members is a flagrant mis-use of the membership list for his former region. It was only recently, and get behind his candidacy. We have also learned that this individual is making statements both written and verbal that present himself as having the support of the UWSA national organization. Not only is this not the case (UWSA national and all 50 State Chapter by laws explicitly prohibit any endorsement of local, state or national candidates), but this misrepresentation speaks volumes about his candidacy, particularly since the former chair knows what is contained in the "do's and don'ts" of the UWSA by laws. In addition to this misrepresentation, we have also learned that (until this printing to our knowledge) a current student member of a Vermont UWSA university chapter is openly endorsing (verbally and in written form - the latter via Internet Computer bulletin board communications nationwide), and working directly

on his campaign staff. This is in direct violation of national by laws and in the view of your board, warrants his immediate removal from membership in UWSA that he returned the list, (under threat of legal action) and other UWSA properties held long after his termination with our organization. Members are continuing to complain of receiving material on a repetitive basis from the former chair asking that they sign petition and state chapters. Thirdly, the former UWSA-VT state chapter secretary continues to be in violation of our by laws with continued possession of chapter material. This individual has defiantly refused to return the same after repeated attempts on our part to effect their return to our possession. This party is also a full supporter of and is actively campaigning for Mr. Mills.

No ill will is harbored against any of these individuals, in spite of their attempts to hurt this organization publicly. We will treat Mr. Mills as we would any other candidate for office, though we clearly experienced a side of him that may not be publicly obvious.

Isn't it interesting how things turn out? We caution all voters to remember - "buyer beware". Ask questions, get answers and hold all elected officials and potential elected officials accountable for their actions and their spoken or written word!

(Continued from page 8)

the Forum Bob and I were on WKDR's Mark Johnson Call-In Show out of Burlington. In addition UWSA VT appeared on Senator Doyle's Vermont Issues TV Program, following the Forum, with Maryanne Wood, the Washington/Lamoille Regional Director and the UWSA Executive Director. Senator Doyle has invited us back with other issues in the future!

Issues in progress: General Agreement on Trade and Tariffs (GATT/WTO) has become a UWSA National Issue. See the Summer National Newsletter for details, or contact our office in Montpelier. Education to our members and the public on this issue is critical. Our country is not postured to enter into this agreement based upon our current economic status and trade practices that have not been negotiated with the "is it good for our country" mentality. This agreement and the WTO presently excludes any veto power on behalf of the United States. As written it is not in the best interest of our nation.

Issues (continued): Research is being conducted on Term

Limits, Campaign Finance Reform, Government Waste and Fraud, and anti-weapons legislation. Strategies are being developed as a result of the research and what we will be needing during August and September are you, our members! Your role is key in the education process of the issues. If you are an expert and want to contribute your voice, thoughts and stamina, please involve yourself in the Issues.

In closing, I would like to thank the many members that have volunteered their time and well as several generous monetary donations from some individuals who wish to remain anonymous. In addition, a special thank you for the donation of bookshelves for the office from John Carter and also to Marta Peck for the window box plantings for the state office.

A very special thank you to the leadership of UWSA-VT for their commitment to the process of government reform, economic reform, social welfare issues and education.

State Chair's Perspective

by John T. Simmons

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(Continued on page 10)



"If we stand united, our voice will be heard."

Ross Perot

United We Stand America - Vermont
PO Box 247
Montpelier VT, 05601-0247

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20461

AUGUST 22, 1994

Gavin Mills
Mills for U.S. Senate '94
P.O. Box 668
Burlington, VT 05402-0668

Dear Mr. Mills:

This is to acknowledge receipt on August 18, 1994, of your letter dated August 16, 1994. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

260437232

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

Enclosure

cc: United We Stand America-VT

96043723733

Gavin Mills
U.S. Senate '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

AUG 32 12 02 PM '94

MUR 4049

August 30, 1994

Ms. Retha Dixon - Docket Chief
Federal Election Commission
Office of the General Council
999 E Street NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SEP 1 12 06 PM '94

SUBJECT: Complaint of Influencing of Vermont's U.S. Senatorial Race by UWSA

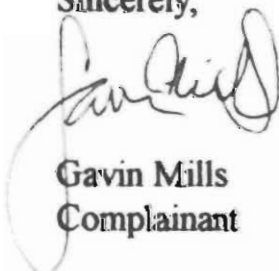
REFERENCE: My letter and Information Package of August 16, 1994
Your letter of August 22, 1994 from Retha Dixon

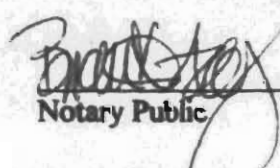
Dear Ms. Dixon:

The enclosed articles by officers of United We Stand America (respondent) were published in the August newsletter of their Vermont Chapter. I view this personal attack on me by a non-profit, non-political corporation as an attempt to directly influence the outcome of the Vermont U.S. Senatorial race in which I am running.

Please let this letter serve as a formal complaint that an investigation be initiated immediately so that the issue may be resolved so that my candidacy will not be further injured by this type of overt action by this organization to influence the outcome of this election.

Sincerely,


Gavin Mills
Complainant


Notary Public

Subscribed and sworn to before me on this
30th day of August, 1994.

My Commission Expires 2/10/94



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

SEPTEMBER 12, 1994

Gavin Mills
Mills for Senate '94
P.O. Box 668
Burlington, VT 05402-0668

Dear Mr. Mills:

This is to acknowledge receipt on September 1, 1994, of your letter dated August 30, 1994. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized.

Your letter was subscribed and sworn to before a notary whose commission expired on February 10, 1994. Therefore, your letter does not meet the requirements for a proper complaint. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

Enclosure

cc: John T. Simmons, Chairman
United We Stand America - Vermont

9604372335



U.S. SENATE '94

P.O. Box 668, Burlington, VT 05402

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SEP 22 12 41 PM '94

September 20, 1994

MUR 4049

Ms. Retha Dixon - Docket Chief
Federal Election Commission
Office of the General Council
999 E Street NW
Washington, DC 20463

SUBJECT: Complaint of Influencing of Vermont's U.S. Senatorial Race by UWSA

REFERENCE: My letter and Information Package of August 16, 1994
Your letter of August 22, 1994 from Retha Dixon

Dear Ms. Dixon:

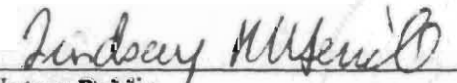
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Sincerely,



Gavin Mills
Complainant


Notary Public

Subscribed and sworn to before me on this
20th day of September, 1994.

My Commission Expires 2/10/95



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

SEPTEMBER 28, 1994

Gavin Mills
Mills for Senate '94
P.O. Box 668
Burlington, VT 05402-0668

RE: MUR 4049

Dear Mr. Mills:

This letter acknowledges receipt on September 22, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) 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 4049. 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

96043723737



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEPTEMBER 28, 1994

John T. Simmons, Chairman
United We Stand America - Vermont
P.O. Box 247
Montpelier, VT 05601-0247

RE: MUR 4049

Dear Mr. Simmons:

The Federal Election Commission received a complaint which indicates that United We Stand America - Vermont ("Committee") and you, as Chairman, 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 4049. 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 United We Stand America - Vermont and you, as Chairman, 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.

960437238

John T. Simmons, Chairman
United We Stand America - Vermont
Page 2

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

9 6 0 4 3 7 2 3 3 9



RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 13 12 50 PM '94

United We Stand America - VT, Inc.

John T. Simmons, Chairman

P.O. Box 247

Montpelier, Vermont 05601-0247

Telephone: 229-1999

Fax: 802-229-1998

October 11, 1994

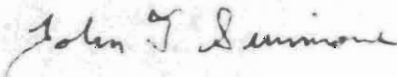
Mary L. Taksar
Federal Election Commission
Central Enforcement Docket
999 E. Street NW
Washington, DC 20463

Re: MUR 4069 4649

Dear Ms. Taksar,

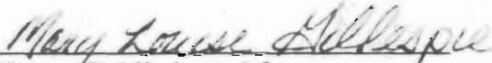
This letter is in response to your letter dated September 28, 1994. Please be advised that this organization carefully monitors its activities to make sure that it does not engage in activities which would violate the federal election laws. Mr. Mills was formerly the chairman of the board of our organization. The board voted to remove him in accordance with our By-Laws. After his service to the organization, he made a decision to run for the U.S. Senate. We have neither sought to endorse or help, nor hurt him (or anyone else) in his efforts. The newsletter article which he discusses was simply an article written by two individuals with respect to the internal operations of our organization and its internal election of leadership, which was submitted and included in our regular newsletter, delivered to members only. It was not an attempt to and did not directly (or indirectly for that matter) influence the outcome of any public election.

Very truly yours,


John T. Simmons
Chairman, UWSA-VT., Inc.

The State of Vermont
County of Washington

Subscribed and sworn before me this
12th day of October, 1994


Notary Public in and for
the State of Vermont

My commission expires:

2/10/95

06043723740

BEFORE THE FEDERAL ELECTION COMMISSION

FEB 6 12 10 PM '96

In the Matter of

)
) Enforcement Priority
)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

This report is the General Counsel's Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 10 cases which do not warrant further pursuit relative to the other pending cases.¹ A short description of each case and the factors leading to assignment of a relatively

1. These matters are: MUR 4165 (Attachment 2); MUR 4187 (Attachment 3); MUR 4188 (Attachment 4); MUR 4199 (Attachment 5); MUR 4211 (Attachment 6); MUR 4212 (Attachment 7); MUR 4216 (Attachment 8); MUR 4224 (Attachment 9); MUR 4243 (Attachment 10); MUR 4245 (Attachment 11).

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low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 2-11. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referrals for matters referred by the Reports Analysis Division in instances where this information was not previously circulated. See Attachments 2-11.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 33 cases that

do not
warrant further investment of significant Commission resources.²

2. These matters are: PM 308 (Attachment 12); RAD 94L-29 (Attachment 13); RAD 94L-34 (Attachment 14); RAD 94NF-10 (Attachment 15); RAD 94NF-13 (Attachment 16); MUR 4027 (Attachment 17); MUR 4028 (Attachment 18); MUR 4033 (Attachment 19); MUR 4042 (Attachment 20); MUR 4045 (Attachment 21); MUR 4047 (Attachment 22); MUR 4049 (Attachment 23); MUR 4057 (Attachment 24); MUR 4059 (Attachment 25); MUR 4062 (Attachment 26); MUR 4065 (Attachment 27); MUR 4066 (Attachment 28); MUR 4067 (Attachment 29); MUR 4069 (Attachment 30); MUR 4070 (Attachment 31); MUR 4077 (Attachment 32); MUR 4079 (Attachment 33); MUR 4086 (Attachment 34); MUR 4089 (Attachment 35); MUR 4095 (Attachment 36); MUR 4099 (Attachment 37); MUR 4102 (Attachment 38); MUR 4104 (Attachment 39); MUR 4111 (Attachment 40); MUR 4113 (Attachment 41); MUR 4117 (Attachment 42); MUR 4127 (Attachment 43); and MUR 4132 (Attachment 44).

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Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. As the Commission requested, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report in instances where this information was not previously circulated. See Attachments 12-44.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below in Section III.A and III.B effective February 13, 1996. By closing the cases effective February 13, 1996, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective February 13, 1996 in the following matters:

- 1) PM 308
- 2) RAD 94L-29
- 3) RAD 94L-34
- 4) RAD 94NF-10
- 5) RAD 94NF-13

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B. Take no action, close the file effective February 13, 1996, and approve the appropriate letter in the following matters:

- 1) MUR 4027
- 2) MUR 4028
- 3) MUR 4033
- 4) MUR 4042
- 5) MUR 4045
- 6) MUR 4047
- 7) MUR 4049
- 8) MUR 4057
- 9) MUR 4059
- 10) MUR 4062
- 11) MUR 4065
- 12) MUR 4066
- 13) MUR 4067
- 14) MUR 4069
- 15) MUR 4070
- 16) MUR 4077
- 17) MUR 4079
- 18) MUR 4086
- 19) MUR 4089
- 20) MUR 4095
- 21) MUR 4099
- 22) MUR 4102
- 23) MUR 4104
- 24) MUR 4111
- 25) MUR 4113
- 26) MUR 4117
- 27) MUR 4127
- 28) MUR 4132
- 29) MUR 4165
- 30) MUR 4187
- 31) MUR 4188
- 32) MUR 4199
- 33) MUR 4211
- 34) MUR 4212
- 35) MUR 4216
- 36) MUR 4224
- 37) MUR 4243
- 38) MUR 4245

Date

2/6/96

Lawrence A. Noble
General Counsel

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10) MUR 4062
11) MUR 4065
12) MUR 4066
13) MUR 4067
14) MUR 4069
15) MUR 4070
16) MUR 4077
17) MUR 4079
18) MUR 4086
19) MUR 4089
20) MUR 4095
21) MUR 4099
22) MUR 4102
23) MUR 4104
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26) MUR 4117
27) MUR 4127
28) MUR 4132
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30) MUR 4187
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32) MUR 4199
33) MUR 4211
34) MUR 4212
35) MUR 4216
36) MUR 4224
37) MUR 4243
38) MUR 4245

(continued)

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Commissioners Aikens, Elliott, McDonald, and Thomas
voted affirmatively on the above-noted decisions.
Commissioner McGarry was not present.

Attest:

3/7/96
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gavin Mills
388 College Street, #3
Burlington, VT 05401

RE: MUR 4049

Dear Mr. Mills:

On September 22, 1994, 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 exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on March 5, 1996. 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. § 437(g)(a)(8).

Sincerely,

Mary L. Taksar (FBH)

Mary L. Taksar, Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

John T. Simmons, Chairman
United We Stand America - Vermont
P.O. Box 247
Montpelier, VT 05601-0247

RE: MUR 4049

Dear Mr Simmons :

On September 28, 1994, the Federal Election Commission notified United We Stand America - Vermont and you, as Chairman, 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 exercised its prosecutorial discretion to take no action against United We Stand America - Vermont and you, as Chairman. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on March 5, 1996.

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.

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Mr. Simmons
Page 2

If you have any questions, please contact the Central Enforcement Docket, at
(202) 219-3400.

Sincerely,

Mary L. Taksar (704)

Mary L. Taksar, Attorney
Central Enforcement Docket

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THIS IS THE END OF MUR # 4049

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4049
DATE FILMED 3/18/96 CAMERA NO. 2
CAMERAMAN MRS

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 4057

DATE FILMED 3/18/96 CAMERA NO. 2

CAMERAMAN MRJ

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