



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 4211

DATE FILMED 3/19/96 CAMERA NO. 2

CAMERAMAN SES

96043724827

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

MAY 24 11 39 AM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAY 22 11 21 AM '95

MUR 4211

COMPLAINT
Before the Federal Elections Commission

SENSITIVE

The complaint of Hannah Rosenthal, complainant
against

Tommy G. Thompson, the Thompson for Wisconsin campaign committee,
and Joseph J. Hasler, campaign committee treasurer, respondents.

This complaint is made under 11 CFR 110.8 (d), 110.3 (d), 100.3 and 101.1, and other sections of the Federal Elections Code as may apply. I request that the Federal Elections Commission review the allegations contained herein, investigate the apparent violations, and take appropriate action where violations have occurred.

I, Hannah Rosenthal, bring this complaint individually and as executive director of the Democratic Party of Wisconsin, 222 State Street, Suite 400, Madison WI 53703.

I hereby allege, on information and belief, that:

1. The respondent, Tommy G. Thompson, is governor of the State of Wisconsin. Thompson for Wisconsin is his state campaign committee, with an address of 5375 Mariners Cove, Madison WI 53704. Joseph J. Hasler is the committee treasurer.
2. Governor Thompson has been actively exploring a federal candidacy, for president or vice-president, since his re-election as governor in November 1994.
3. In exploring his possible candidacy, Governor Thompson has traveled widely to make political appearances which clearly are not related to his state office as governor. Since November, he has made at least 32 out-of-state trips, for which the State of Wisconsin has paid more than \$13,000 in travel costs.
4. Disclosure of the number and cost of the governor's out-of-state trips, and the resulting editorial criticism, has caused the governor and his state campaign committee to take a new position on funding the travel. On May 18, 1995, Governor Thompson appeared in New Hampshire, with his state campaign committee, Thompson for Wisconsin, paying travel costs.
5. Federal campaign statutes forbid the use of state campaign committee funds to promote candidacy for federal office.

96043724828

6. Although officially an undeclared candidate, Governor Thompson repeatedly has expressed an interest in a spot on the national ticket in 1996, and his trip to New Hampshire -- like his planned trips to 25 other states this summer -- clearly are designed to further his undeclared candidacy.

7. Whether he officially declares or not, Governor Thompson has reached the \$5,000 spending limit which triggers the requirement that he file a federal committee. To date, no federal campaign committee or exploratory committee has been registered with the Federal Elections Commission.

I, Hannah Rosenthal, being first duly sworn on oath state that I personally read the above complaint and that the above allegations are true based on my personal knowledge or upon information and belief, which I believe to be true.

5-19-95
DATE

Hannah Rosenthal
HANNAH ROSENTHAL, COMPLAINANT

STATE OF WISCONSIN)
COUNTY OF DANE)

Sworn to before me on this 19th day of May, 1995.

James M. Olson
NOTARY PUBLIC My commission expires 3-24-96

Enclosures:

"Tommy for President Unit Eyed," Wisconsin State Journal, 3/30/95.

"Nice to be recognized (Thompson may think about running for President)," Wisconsin State Journal, 1/4/95.

"Thompson's travel costs public \$13,000," Milwaukee Journal Sentinel, 4/26/95.

"Pay your own way, governor," Madison Capital Times, 4/27/95.

"Thompson to visit Iowa," Wisconsin State Journal 5/11/95.

"Thompson debuts in New Hampshire," Wisconsin State Journal, 5/18/95.

"Thompson campaign pays for journey," Wisconsin State Journal, 5/17/95.

96043724829

WISCONSIN



3B

• Thursday, March 30, 1995

Tommy for President' unit eyed

off Mayers

government reporter

core group of Gov. Tommy Thompson's orders are on track to take the first step fitting the stage for a Thompson presidential bid.

milwaukee attorney John MacIver, chair of the GOP governor's three successful gubernatorial campaigns, said Wednesday formation of a federal "exploratory committee" is being discussed among a group of Wisconsin-based supporters.

"I think that's going to happen. It hasn't been decided yet," said MacIver, who was involved in a couple of George Bush's campaigns. "Unless the governor decides this is something he's not interested in, I think we have to form an exploratory committee to raise some money."

MacIver estimated start-up money for an effort at about \$400,000. The likely

timetable for establishing the committee is late April or early May, MacIver said. "I haven't asked anybody for a cent yet ... (but) I think the likelihood is we will," he said.

Thompson's state campaign committee had between \$500,000 and \$1 million left over from his landslide victory in November, but election laws prevent that money from being used for presidential campaign activities or being transferred to a federal campaign account. An exploratory committee would give Wisconsin and out-of-state backers a place to volunteer support and allow Thompson to pay for purely political travel designed to raise his national exposure, he said.

"I've had a number of people talk to me about wanting to be helpful if we decide to take the first step," MacIver said. A second step would be to raise money in more than

20 states, thus qualifying for federal financing for a presidential campaign committee. "It's not easy to do that," he said.

Mark Liedl, Thompson's 1994 campaign spokesman who now is the governor's federal liaison, noted that Thompson has said he wouldn't stand in the way of such an exploratory committee.

"He's not promoting it," Liedl said.

MacIver said he has talked to Thompson. "He said, 'That's up to you.' He didn't say don't do it."

Thompson — who several times during the 1994 campaign pledged to serve out his full term — also has said he won't make a decision on running in 1996 until after the 1995-97 budget passes, about June 30. Thompson, the state's longest serving governor and incoming chairman of the National Governors' Association, has raised his pro-

file this year. "They're listening to him in Washington," MacIver said.

If MacIver and other Thompson supporters form an exploratory committee, fundraising would begin in state and then move to out-of-state contacts. MacIver rejects the notion that a potential candidate has to raise at least \$25 million to make a run at president in 1996.

"We're certainly not going to do it the conventional way," he said. "That's (Texas Sen.) Phil Gramm's strategy. He's going to get everybody out of the race, because the ante is so high."

Added MacIver: "I think there's more than one way to get there."

A big plus for Thompson, he said, is the governor's record in two big domestic policy areas, welfare and education. "He's gone beyond the rhetoric," he said.

Thompson

W8J 1-4-95

'Nice to be recognized'

Thompson may think about running for president

By Jeff Mayers

State government reporter

GOP Gov. Tommy Thompson, on the day of his historic third inauguration, acknowledged Tuesday that he's 'intrigued' about running for president in 1996. He also said he would endorse a draft Thompson movement.

Thompson's discussion about his national prospects was the most candid and extensive since the November election. His landslide and national interest in Wisconsin's welfare experiments have stoked speculation among Republicans and political scientists.

"Sure I'm intrigued. Wouldn't you be?" Thompson said in an interview with morning newspaper reporters. "I'm certainly moved and appreciative of that kind of support. I've worked very hard. It's nice to be recognized once in a while."

What if somebody formed a

'If people press me and want me to consider it (running for president), I'd probably sit down and think about it. If people are still talking about me, I might sit down and talk about it.'

Gov. Tommy Thompson

Thompson for president committee."

"I'd say go ahead," said Wisconsin's longest serving governor, who pledged during the campaign to fill out his new four-year term.

But Thompson said nobody has asked him about such a committee. And he said he hasn't taken any action to form the necessary federal fund-raising committee.

The state Thompson for Wisconsin committee, still holding more than \$100,000 from a near-\$6 million campaign, will continue to

exist so Thompson can pay for political travel, greeting cards, flowers and other necessities.

"I imagine we'll raise some, but not like before," he said.

Money from the state organization couldn't be used for a national run for office, however.

He said he may think about running for president after the time-consuming 1995-97 budget deliberations.

"If people press me and want me to consider it, I'd probably sit down and think about it," Thompson

said. "If people are still talking about me, I might sit down and talk about it."

Thompson acknowledged he would be a longshot because he lacked a national organization and the fund-raising capacity needed for a nationwide campaign.

"The chances are very, very doubtful I could ever put something together," he said.

A vice presidential spot, however, is within reach. "If somebody asked me, I'd certainly strongly consider it if it's a candidate I philosophically support," Thompson said.

The discussion came only hours after an emotional inaugural speech, in which a reflective Thompson got choked up when talking about his family.

"There's no question I had a wet eye," said Thompson, who's fighting a cold. "It's a trait the Irish have. They get very emo-

tional."

Thompson gave a 10-minute inaugural address about the coming term before an estimated 1,000 friends, family, supporters, government officials and on-lookers. Other constitutional officers, including Lt. Gov. Scott McCallum, also were sworn in by Supreme Court Chief Justice Nathan Heffernan. Only state Schools Superintendent John Benson, in the middle of a term, didn't attend.

After the speech, Thompson and his family walked to the Capitol's East Wing to greet supporters in a receiving line. Thompson individually shook hands and greeted more than 750 people, inaugural supporters estimated.

Then he attended the inaugural ball at the Dane County Coliseum, where about 2,500 people gathered to celebrate in a break-even event sponsored by his campaign organization.

32 VISITS OUT OF STATE SINCE ELECTION

Thompson's travel costs public \$13,000

Was he taking trips
for state business, or
as presidential hopeful?

By RICHARD EGGLESTON
Associated Press

Madison — Wisconsin taxpayers paid more than \$13,000 in expenses for Gov. Tommy G. Thompson to make 32 out-of-state trips since being re-elected last November, an Associated Press review found.

The governor's agenda included 16 trips to Washington and speeches to politically powerful groups, such as the National Association of Home Builders and the National Board of Realtors, during a period when the stock of state GOP leaders was rising dramatically and the new GOP majority in Congress was flexing its muscle.

It also included a period when Thompson, who had just breezed into a third term, was toying with the possibility of a presidential run. He now says he won't be a serious candidate unless Senate Majority Leader Bob Dole's candidacy falters. Many, however, still consider him a vice presidential contender.

On two occasions in January, the governor's office asked airlines to give Thompson first-class accommodations at the coach rate.

Kevin Keane, a spokesman for the governor, said Thompson's security staff feels more comfortable when the governor rides in the first-class section, and occasionally requests a first-class seat.

The Wisconsin Constitution prohibits individuals and corporations from giving candidates or incumbents "any free pass ... or any privilege withheld from any person, for the traveling accommodation or transportation of any person," and it prohibits public officials from accepting such privileges.

Thompson's aides say all the governor's trips were state business. Critics say it is impossible during that much travel to separate state and political business.

"Either he is trying to raise his visibility in national Republican circles or he really likes airline meals," said state Rep. David Travis (D-Madison), the former Assembly majority leader.

Thompson, like many governors, has always spent much time in Washington in December, January and February, Keane said.

"All the trips were about policy," Keane said. "Politics (the GOP takeover of Congress and more statehouses) just opened new doors."

Iowa Trip Questioned

When Thompson went last month to Iowa — site of the nation's first presidential caucus — to testify to an Iowa legislative committee about welfare programs, news coverage of his trip focused on presidential politics.

"We went there to talk about learnfare," Keane said. "Because reporters wanted to talk politics, don't hold that against us."

That trip came on a day when Thompson hopped around Wisconsin and Iowa in Bucky 1, his state plane. The governor's office calculated the cost of the Iowa leg of the trip at \$177.

Rep. Spencer Black (D-Madison) said Thompson could fly to Iowa to testify but has never, as governor, testified before a Wisconsin legislative committee.

"Of course, we don't have the first caucuses in the nation," said Black, a campaign-finance reform advocate who believes Thompson's travels are heavily motivated by politics.

Keane said that Wisconsin benefited from Congress' welfare reform bill and that Thompson's advice was keenly sought on Capitol Hill.

The governor will be in Washington again Tuesday, testifying to the House Budget Committee, and May 3 he is tentatively booked to address the National Truckers Association.

On May 11 he is due to revisit Iowa, to attend a meeting of the Governors Ethanol Coalition, which he heads. Aides are planning for him to visit New Hampshire — site of the nation's first presidential primary — on May 17.

The \$13,000 in travel expenses billed to the state by Thompson did not include the cost of his bodyguard, or any other staff that accompanied him. In addition, Thompson's campaign committee paid \$1,003 toward the costs of 10 of the trips, mostly for food and drink at National Governors Association meetings.

9 6 0 4 3 7 2 4 8 3 2

Pay your own way, governor

Tommy Thompson is going to have to get busy writing "thank you" notes to Wisconsin taxpayers. After all, the governor of Wisconsin seems to think they are all contributors to his campaign for national office.



Thompson

Since his re-election in November, the governor has made 32 out-of-state trips to address such politically influential groups as the National Association of Home Builders and the National Board of Realtors. Thompson claims he was simply jaunting around the country to promote his good works in Wisconsin, but every political analyst in the country sees him as positioning himself as a contender for president or vice president.

While Wisconsin voters gave Thompson an overwhelming vote of confidence last November, and while polls suggest that most Wisconsinites would like to see their governor take a shot at the White House, we can't remember agreeing to help finance his national ambitions.

If Tommy Thompson wants to run for president, that's fine. But his political cronies — not the taxpayers — should pay for the campaign.

At a time when the governor is calling for deep cuts in state services to Wisconsin's children and to disabled adults and senior citizens, we hope he will have the decency to repay the \$13,000 he has skimmed off the top of the government trough.

The editorial positions of this newspaper are shaped by our Editorial Board: Linda Brazill, Phil Haslanger, John Patrick Hunter, Judie Kleinmaier, John Nichols, Gail Perry-Daniels, Julianne White and Dave Zweifel.

Cap Times 4-27-95

5-11-95

CAPITOL REPORT

Pollution program extended — The state program to curb water pollution from farms and construction sites is going to be around for a long time, the Legislature's budget review committee decided this week.

The Joint Finance Committee extended the planning period for the state's "non-point source" pollution program (dealing with pollution that doesn't come from a single point, like a pipe) for an additional 15 years.

That means the planning period to clean up non-point source pollution in 131 watersheds around Wisconsin will be extended until the year 2015 — and that the program to build erosion- and manure-control structures could continue until the year 2023, according to the Legislative Fiscal Bureau.

The deadline was extended because the Department of Natural Resources realized the program couldn't be completed by the year 2000 as planned, the Fiscal Bureau said.

Thompson to visit Iowa — GOP Gov. Tommy Thompson, considering a run for president, was scheduled to make a trip to Des Moines, Iowa, today for a meeting of the Governors' Ethanol Coalition and for a speech to home builders.

Thompson is chairman of the ethanol coalition, and the event isn't considered a campaign trip, Thompson aides said.

Next week, Thompson is scheduled to make a trip to New Hampshire in his role as incoming chairman of the National Governors' Association.

Iowa and New Hampshire are important stops in the presidential primary system. Thompson has been criticized for taking state taxpayer-financed trips to key political states and Washington, D.C. Most political observers consider Thompson a possible vice presidential candidate and say his posturing about a presidential run is meant to raise his profile.

— Mike Flaherty and Jeff Mayers

Education

Continued from Page 1B

tem for poor Milwaukee students and statewide expansion of charter schools.

"I will have 17 votes for those reforms," said Ellis, referring to the majority vote needed for Senate approval. Assembly Republicans generally have approved of Thompson's education plans, while Senate Republicans have been more reluctant.

Gov. Tommy Thompson's administration declared victory. "The Legislature is clearly prepared to give the governor virtually everything he's proposed in the area of education," said Thompson Chief of Staff John Matthews. "Fundamentally, they're giving him what he asked for. This is an important victory, not just for the governor."

The education commission was OK, Matthews said, adding lawmakers were "impressed with the

and the Department of Agriculture, Trade and Consumer Protection. Those boards now are appointed by the governor and name the department head. But that likely will change, with all three boards concentrating on crafting and revising government rules and regulations and setting long-term policy. In the name of "Cabinet government," Thompson and future governors would get to name the department heads, subject to Senate approval.

The education commission, headed by Benson, would have two members named by the governor, two members named by the Senate majority leader, two members named by the Assembly speaker, and one each by the minority leaders in both legislative houses. Lawmakers wouldn't be eligible for appointment, Ellis and other GOP leaders said.

Senate President Brian Rude compared it to a city governing model. Benson would be the mayor, the commission would be the city council and the education

Court: Cor acquittals

By Cary Sagan

Wisconsin State Journal

The state can confine acquitted of crimes because of mental illness even if they longer mentally ill, as long as they are still dangerous, the Wisconsin Supreme Court decided Wednesday.

The court said the state continue to hold Alan A. Randall for killing two police officers in Waukesha County in 1971, though two court-appointed psychiatrists said in 1991 that Randall was mentally ill.

Randall, who was 16 when he committed the murders, was not guilty in 1977 because he was suffering from paranoid schizophrenia and he was committed to a state mental institution.

In 1990, Randall asked for release under a state law that provides that he can be released if he is no longer a danger to himself or others.

Witnesses testified to Randall's history of being let out of the Waukesha Mental Health Institute from 1981 to 1989 to work, college and pursue recreational activities.

A Waukesha County judge, though, decided unanimously in 1990 that he should be committed.

In 1992, Randall again asked for his release under a 1992 Supreme Court decision that the state constitution prohibits acquittals who were not mentally ill, just dangerous.

But Waukesha County Judge Joseph Wimmer refused in 1993 to release him and the Wisconsin high court said he was right.

The court said the state is different enough from the

Mc

96043724834

Wisconsin State Journal, Wednesday, May 17, 1995

LOCAL

5D

Thompson campaign pays for journey

By Jeff Meyers
State government reporter

Gov. Tommy Thompson is going to New Hampshire, and his state campaign organization is paying for the trip.

But, says one top aide arranging today's trip, the Republican govern-

nor isn't going there as a presidential candidate.

"He is going to New Hampshire not as a candidate but on the behalf of the nation's governors," said Mark Liedl, Thompson's federal liaison and a former campaign spokesman. "New Hampshire provides a forum for him as incoming chairman of the National Governors' Association to talk about what governors are doing running the states."

Still, Thompson's campaign will pay for the trip, Liedl said, because it's more about Republican politics than the business of Wisconsin state government. Thompson has been criticized recently for billing state taxpayers for quasi-political trips to Washington and other locations.

"I am not a candidate at this time," Thompson said Tuesday after signing legislation moving the state's 1996 presidential pri-

mary from April 2 to March 19, 1996. "(But) I feel suited to address these (state) issues, and I'm addressing them. I'm going to continue to speak out."

Thompson said the legislation wouldn't help him but would allow Wisconsin to again have an impact in the presidential selection process by joining with other Midwest states in a "Big Ten" primary. The third-term governor has said he might get in the race if front-runner Bob Dole falters.

Asked for the odds of his getting in the race — seen as remote by most political observers — Thompson joked: "Gambling's illegal in this state." Most political observers say Thompson is talking about running for president to help him become a viable vice presidential choice. Thompson supporters have yet to start raising national campaign money.

New Hampshire, the first of the

presidential primaries in 1996, has been hosting Republican presidential candidates for months. Thompson hopes to raise issues including welfare reform, education reform, job creation, and "devolution" of federal power to the states.

Thompson's tentative schedule called for these stops:

■ Concord, noon: luncheon with fellow GOP Gov. Stephen Merrill, head of the National Governors' Association's economic development committee. Merrill and Thompson then are to meet with reporters at the New Hampshire statehouse.

■ Manchester, mid-afternoon: two courtesy calls with top New Hampshire GOP kingmakers, former Gov. Hugh Gregg and Manchester Mayor Ray Wozniak, a GOP national committeeman.

■ Portsmouth, 6:30 p.m.: speech to the Home Builders Association of New Hampshire.

Thompson was scheduled to travel to Washington for a National Governors' Association executive committee meeting. Thompson becomes chairman of the nation's governors this summer.

9 6 0 4 3 7 2 4 8 3 5

08.27.1988 19:30 NO. 7 P. 3

Thompson debuts in New Hampshire

'Coincidence' will take him back 2 more times

By Frank Queratello
For the State Journal

CONCORD, N.H. — Residents of the first-in-the-nation primary state got their first glimpse of Gov. Tommy Thompson Wednesday, but it won't be their last.

The incoming chairman of the National Governor's Association, who says he plans to visit 25 states this summer, is already scheduled to speak in New Hampshire twice in the next three weeks.

When asked about the similarities between his travel itinerary and those of, say, someone who might be running for president, Thompson said he's not a candidate. He said he is only spreading the message about state innovation and leadership.

But Thompson said if top GOP candidates for the presidency aren't talking about issues he feels are important by



Associated Press

it's high-fives for New Hampshire fourth graders from Gov. Tommy Thompson.

September, he will consider entering the race.

Thompson praised Senate Majority Leader Bob Dole and other top GOP presidential hopefuls, but he said they were not talking enough about the economy —

the key underlying issue in the race.

Thompson was in New Hampshire to meet with political leaders in Concord and Manchester and to give a speech to the Home Builders Association of New Hampshire in Portsmouth. He flew into Concord just before noon and enjoyed a leisurely lunch with New Hampshire Gov. Steve Merrill in the governor's chambers before fielding questions from the press.

Thompson stuck his head into offices and greeted state lawmakers — even Democrats — and marveled at New Hampshire's 424-member Legislature — the third largest representative body in the free world.

At their meeting, the two governors, both known for their reform efforts, had high praise for one another.

Merrill, a two-term governor who has not yet backed a candidate for president, called Thompson "an innovator, the kind of governor I aspire to be."

Thompson said he asked Merrill to

Please see THOMPSON, Page 2B

5-18-95

Wisc State Journal

X

9 6 0 4 3 7 2 4 8 3 6

Thompson

Continued from Page 18

take on a greater leadership role in the NGA, which he did not specify, and Merrill accepted.

At an informal press conference after lunch, Thompson sounded very much like a man testing the presidential waters.

At first, he said he was very comfortable with the candidates vying for the GOP presidential nomination: Dole, Texas Sen. Phil Gramm, Pennsylvania Sen. Arlen Specter, former Tennessee governor Lamar Alexander, political commentator Pat Buchanan, Indiana Sen. Richard Lugar, California Rep. Bob Dornan and California Gov. Pete Wilson. But then Thompson said he would consider running in September if the candidates weren't talking about economic issues.

"I don't see them talking about the economy, taxation and the 'devolution' of power to the states," Thompson said.

Mark Liedl, Thompson's federal liaison and former campaign spokesman, said the governor expects to be very busy working to review the Legislature's proposed state budget in July and August.

Thompson, who pointed out that a recent poll showed that 57 percent of Wisconsin residents would like to see him run for president, said he didn't think September would be too late to enter the race.

"Everybody says you have to be in it now and you have to have \$25 million in the bank by December. I think there are other important things," he said. "I believe in the power of ideas. I think ideas will come to the forefront."

"I think the person with ideas has a chance to challenge Bob Dole."

When asked whether he would consider the vice presidency, Thompson said he would, but he added that he didn't think Bob Dole would ask him to be his running mate.

When asked why he is returning to address the New Hampshire High Technology Council in Nashua on June 1, and the Nashua Rotary Club on June 3, Thompson called it "a coincidence." He said he had hoped to be able to combine the appearances on one day, but was unable to do so.

9 6 0 4 3 7 2 4 8 3 7



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 24, 1995

**Hannah Rosenthal, Exec. Dir.
Democratic Party of Wisconsin
222 State Street, Suite 400
Madison, WI 53703**

RE: MUR 4211

Dear Ms. Rosenthal:

This letter acknowledges receipt on May 22, 1995, 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 4211. 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

96043724838



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 24, 1995

**Joseph J. Hasler, Treasurer
Thompson for Wisconsin Committee
5375 Mariners Cove,
Madison, WI 53704**

RE: MUR 4211

Dear Mr. Hasler:

The Federal Election Commission received a complaint which indicates that the Thompson for Wisconsin 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 4211. 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.

96043724839

If you have any questions, please contact me 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

96043724840



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 24, 1985

**Governor Tommy G. Thompson
c/o Thompson for Wisconsin Committee
5375 Mariners Cove,
Madison, WI 53704**

RE: MUR 4211

Dear Governor Thompson:

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 4211. 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.

96043724841

If you have any questions, please contact me at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Takser

Mary L. Takser, Attorney
Central Enforcement Docket

Enclosures

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

96043724842

June 8, 1995

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUN 9 12 18 PM '95

Mary L. Taksar, Esq.
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Taksar:

This letter is in response to the allegations made in the complaint filed with the Federal Elections Commission (hereinafter "FEC") in MUR 42111 against Governor Tommy G. Thompson *et. al.* As and for proposed findings of fact and conclusions of law, we submit the following:

Findings of Fact

1. Governor Tommy Thompson is the current vice-chair and incoming chair of the National Governor's Association (hereinafter "NGA"). The NGA is a national organization which deals with state issues generally. Governor Thompson's leadership position in this national organization frequently requires him to travel outside of the state of Wisconsin.
2. Governor Thompson's other current national leadership positions include member of the Midwest Governors' Conference (past chair), chair of the Governors' Ethanol Coalition, member of the Council of Great Lakes Governors (past chair), member of the Great Lakes Protection Fund, member of the Board of Directors of the Center for Clean Air Policy (Midwest Governors' Association) and incoming chair of the Education Commission of the States. Governor Thompson's other recent national leadership positions include member of the Advisory Committee to the U.S. Trade Representative, co-chairing the Alliance for Acid Rain Control and serving on the National Governors' Association's Task Force on Welfare Reform and Health Care Leadership Team, AMTRAK National Board and the Environmental Protection Agency's Clean Air Act Advisory Committee. In addition, Governor Thompson is a member and past chair of the national Republican Governors' Association. Each of the listed positions requires Governor Thompson to travel outside of the state of Wisconsin.

96043724843

9 6 0 4 3 7 2 4 8 4 4

3. Governor Thompson in his role as the Governor of the state of Wisconsin is at the forefront nationally on issues ranging from welfare reform to education and fiscal issues. His popularity as a governor and a leader on state issues generally results in numerous requests for appearances and speaking opportunities. Some of those appearances directly impact upon the state of Wisconsin and in such cases the state funds the travel. Other occasions, while involving similar issues, enhance Governor Thompson's political stature in the state and therefore are funded by the state campaign committee. Under state elections laws, such use of state campaign funds is permissible.

4. Governor Thompson has received 1294 official written requests for out-of-state appearances since January 1993. The number is much greater when untracked oral and telephonic requests are considered. Governor Thompson has made 113 appearances outside of the state of Wisconsin since January 1993. These figures include a time period before Governor Thompson had even announced his candidacy for reelection to the Office of Governor. Such figures clearly indicate that Governor Thompson has consistently promoted state issues nationally in both non-election and election years alike.

5. The number of Governor Thompson's trips to Washington, D.C. has increased coincidentally with the change in the majorities of both houses of Congress and with Governor Thompson's election to the leadership of the NGA. This travel has been conducted in his roles as advocate for the state of Wisconsin and state issues generally.

6. Governor Thompson has repeatedly and publicly denied that he is a candidate for federal office. The newspaper clippings offered by the complainant acknowledge this fact.

Conclusions of Law

Under 14 U.S.C. §437c(b), the FEC has jurisdiction over the Federal Election Campaign Act (FECA) of 1971 and chapters 95 and 96 of title 26. The complaint alleges violations of 11 C.F.R. §§ 110.8(d), 110.3(d), 101.1 and 100.3. Each of the cited provisions assumes Governor Thompson's current federal candidacy. The remaining provision, 11 C.F.R. §100.3, defines the term "candidate."

Under 11 C.F.R. §100.3 and 2 U.S.C. §431(2), Governor Thompson is clearly not a candidate for federal office. Governor Thompson has received no contributions or made expenditures in connection with his seeking federal office. He has not given his consent to another person to receive contributions or make expenditures on his behalf. Governor Thompson has not received written notification by the FEC that any other person has received any contributions on his behalf. Consequently, the aggregate of contributions does not exceed \$5,000 nor does the aggregate of expenditures exceed \$5,000.

Therefore, under FEC laws, as Governor Thompson does not meet the definition of "candidate" he cannot have violated FEC provisions regarding candidates for federal office. The FEC does not have jurisdiction over the allegations contained in the complaint.

Responses to Complainant's Allegations

1. Admit that Tommy G. Thompson is the governor of the state of Wisconsin. Admit that Joseph J. Hasler is the treasurer of "Thompson for Wisconsin." Admit that "Thompson for Wisconsin" is Governor Thompson's state campaign committee. Deny that the address of "Thompson for Wisconsin" is 5375 Mariners Cove, Madison, WI 53704 as the correct address of "Thompson for Wisconsin" is P.O. Box 871, Madison, Wisconsin 53701.
2. Deny that Governor Thompson has been actively exploring a federal candidacy, as that term is defined by 11 C.F.R. §100.3 and 2 U.S.C. §431(2), since his reelection as governor of the state of Wisconsin in 1994. The complaint offers no facts whatsoever in support of this allegation.
3. Deny that Governor Thompson has made the trips as described by the complainant. Admit that pursuant to his duties and responsibilities as governor of Wisconsin, Governor Thompson has traveled outside of the state for the purpose of addressing issues important to the state of Wisconsin. As the complainant defines "exploring federal candidacy" as any out-of-state travel, deny that the state of Wisconsin has paid money for such trips and that such trips have occurred.

4. Admit that the Governor's Office has disclosed the number and cost of the Governor's out-of-state travel. Admit that Governor Thompson accepted an invitation to deliver an address in New Hampshire. Deny the date of the address as the address was delivered on May 17, 1995. Deny the existence of a "new position" on funding Governor Thompson's travel costs. Deny that "Thompson for Wisconsin" has paid for Governor Thompson's travel costs. See attached affidavit from "Thompson for Wisconsin" comptroller and assistant treasurer Shirley Klauser.

5. Deny as the complainant confuses promoting state issues and ideas with "promot(ing) candidacy for federal office." Deny that the use of state campaign committee funds for travel connected with state issues is prohibited by or governed by federal election laws.

6. Admit that Governor Thompson is not a candidate for any federal office. Deny the remaining allegations contained in the paragraph. The complaint offers no facts whatsoever in support of this allegation.

7. Admit that no federal campaign committee or exploratory committee has been registered with the FEC. Deny the remaining allegations contained in the paragraph.

Conclusion

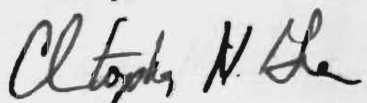
The complaint has failed to provide a single fact in support of the allegations. The sole basis for the complaint rests upon the views of two newspaper reporters and one editorial board. The complaint puts forth editorial opinions as facts without any attempt at corroboration. The allegations are based upon opinions and suppositions. For this reason, the complaint is incorrect even on such simple facts as the date of a trip to New Hampshire and Governor Thompson's state campaign committee's address.

It has been and will continue to be Governor Thompson's policy that his Office comply with both the letter and the intent of the law in all areas, including travel. His Office has done so on all occasions including those questioned in the complaint.

Governor Thompson has repeatedly stated that he is not a candidate for federal office. However, to state that he will not run for federal office even if future circumstances warrant would be both premature and disingenuous. Governor Thompson has violated no law in refusing to withdraw his name from consideration while continuing in the execution of his current duties.

As the complaint alleges no facts upon which an action can be based, we demand that this matter be closed without further action. We request that a formal letter ruling this matter closed, accompanied by the reasons for the closure, be placed in the file on this matter with a copy forwarded to the address of counsel.

Sincerely,



Christopher N. Green
Legal Counsel

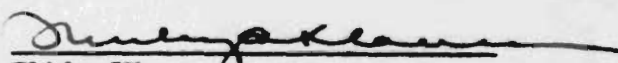
96043724847

STATE OF WISCONSIN
DANE COUNTY

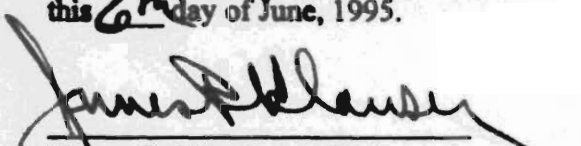
Shirley Klauser, being first duly sworn on oath, deposes and says:

1. That affiant is currently the comptroller and assistant treasurer of the Governor Thompson Committee, also known as "Thompson for Wisconsin," and affiant has occupied those positions since January, 1987.
2. That the Governor Thompson Committee, or "Thompson for Wisconsin," is the state campaign committee of Governor Tommy Thompson.
3. That affiant is totally familiar with all current and past receipts and expenditures of "Thompson for Wisconsin" including all accounts payable and accounts receivable.
4. That no payment has been made nor bill received for any trip by Governor Thompson to New Hampshire.

Dated this 6 day of June, 1995.


Shirley Klauser

Subscribed and sworn to before me
this 6 day of June, 1995.


Notary Public, State of Wisconsin
My commission is permanent

9604372488

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4211

NAME OF COUNSEL: Christopher N. Green

ADDRESS: 204 Heather Drive

Cottage Grove, WI 53527

(office) 608/266-9709

TELEPHONE: (home) 608/839-5781

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUN 6 9 37 AM '95

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.

6-1-95

Date

State of Wisconsin
County of Dane

Signature

This instrument was signed before me at Madison on June 1, 1995
by Governor Tommy G. Thompson.

(Signed by) Christopher N. Green, Notary Public My commission
is permanent.

RESPONDENT'S NAME: Governor Tommy G. Thompson

ADDRESS: Office of the Governor

115 East State Capitol

Madison, WI 53702

HOME PHONE: 608/266-3554

BUSINESS PHONE: 608/266-6942

96043724849

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).

96043724850

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).

96043724851

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

9 6 0 4 3 7 2 4 8 5 2

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 4085
- 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 M. Noble
General Counsel

9 6 0 4 3 7 2 4 8 5 4

)
) **Agenda Document #X96-13**
)

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission, do hereby certify that the Commission decided by votes of 4-0 to take the following action in the above-captioned matter:

- (continued)

Federal Election Commission
Certification: Enforcement Priority
March 6, 1996

Page 2

10) MUR 4062
11) MUR 4063
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 4093
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

(continued)

96043724855

**Federal Election Commission
Certification: Enforcement Priority
March 3, 1996**

Page 3

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

96043724856



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hannah Rosenthal, Executive Director
Democratic Party of Wisconsin
222 State Street, Suite 400
Madison, WI 53703

RE: MUR 4211

Dear Ms. Rosenthal:

On May 22, 1995, 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 Governor Tommy G. Thompson and Thompson for Wisconsin Committee and Joseph J. Hasler, as treasurer. See attached narrative. Accordingly, the Commission closed 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. § 437g(a)(8).

Sincerely,

Mary L. Taksar (SBA)

Mary L. Taksar, Attorney
Central Enforcement Docket

Attachment
Narrative

96043724857

MUR 4211

GOVERNOR TOMMY THOMPSON/THOMPSON FOR WISCONSIN

Hannah Rosenthal filed a complaint alleging that Governor Tommy Thompson of Wisconsin has been actively exploring a federal candidacy and that in exploring his possible candidacy, Governor Thompson has traveled widely to make political appearances not related to his state office of Governor, travel which has been paid for by the State of Wisconsin. The complaint also alleges that on May 18, 1995, Governor Thompson appeared in New Hampshire and his state campaign committee, Thompson for Wisconsin, paid for the travel costs.

Governor Tommy Thompson and the Thompson Committee respond that as the current Vice-Chairman of the National Governor's Association and because of his involvement with many other national associations, Governor Thompson must frequently travel outside of the state. Respondents state that Governor Thompson has consistently promoted state issues nationally in both election and non-election years and that trips directly relating to the State of Wisconsin are paid for with state travel funds. Respondents also state in an affidavit from the assistant treasurer of the Thompson for Wisconsin Committee that the trip to New Hampshire was not paid for by the Thompson Committee. Respondents also state that Governor Thompson is not a candidate for Federal office and that he has neither received contributions or made expenditures in connection with seeking Federal office nor given consent to anyone to receive contributions or make expenditures on his behalf.

This matter is less significant relative to other matters pending before the Commission.

96043724858



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

**Christopher N. Green, Esquire
204 Heather Drive
Cottage Grove, WI 53527**

**RE: MUR 4211
Governor Tommy G.
Thompson
Thompson for Wisconsin
Committee and Joseph J.
Hasler, as treasurer**

Dear Mr. Green:

On May 24, 1995, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Governor Tommy G. Thompson, and Thompson for Wisconsin Committee and Joseph J. Hasler, as treasurer. See attached narrative. Accordingly, the Commission closed 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.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043724859

Mr. Green, Esq.
Page 2

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

Sincerely,

Mary L. Taksar (JLT)

Mary L. Taksar, Attorney
Central Enforcement Docket

Attachment
Narrative

96043724860

96043724861
MUR 4211

GOVERNOR TOMMY THOMPSON/THOMPSON FOR WISCONSIN

Hannah Rosenthal filed a complaint alleging that Governor Tommy Thompson of Wisconsin has been actively exploring a federal candidacy and that in exploring his possible candidacy, Governor Thompson has traveled widely to make political appearances not related to his state office of Governor, travel which has been paid for by the State of Wisconsin. The complaint also alleges that on May 18, 1995, Governor Thompson appeared in New Hampshire and his state campaign committee, Thompson for Wisconsin, paid for the travel costs.

Governor Tommy Thompson and the Thompson Committee respond that as the current Vice-Chairman of the National Governor's Association and because of his involvement with many other national associations, Governor Thompson must frequently travel outside of the state. Respondents state that Governor Thompson has consistently promoted state issues nationally in both election and non-election years and that trips directly relating to the State of Wisconsin are paid for with state travel funds. Respondents also state in an affidavit from the assistant treasurer of the Thompson for Wisconsin Committee that the trip to New Hampshire was not paid for by the Thompson Committee. Respondents also state that Governor Thompson is not a candidate for Federal office and that he has neither received contributions or made expenditures in connection with seeking Federal office nor given consent to anyone to receive contributions or make expenditures on his behalf.

This matter is less significant relative to other matters pending before the Commission.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4211

DATE FILMED 3/19/96 CAMERA NO. 2

CAMERAMAN EES

96043724862