



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4247

DATE FILMED 2-1-97 CAMERA NO. 2

CAMERAMAN JM H

97043821761



JACKSON COMMUNICATIONS  
Political Consulting • Public Relations

August 8, 1995

Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Dear sir/madam:

On the advice of a Federal Election Commission information officer, I hereby submit this formal request for an investigation into the fund-raising activities of the EMC Corporation of Hopkinton, Massachusetts.

Specifically, high ranking officials - including CEO Richard Egan - have facilitated hundreds of thousands of dollars in campaign contributions from EMC employees, family members and friends to federal candidates including, but not limited to: Massachusetts congressmen Peter Torkildsen and Peter Blute, U.S. Senate candidate of 1994 Mitt Romney, and presidential candidate Pete Wilson.

At issue is whether high ranking officials of the EMC Corp. have crossed the legal line between what federal finance law deems as individual incidental volunteer activity, and what federal finance law defines as the illegal activity of a corporation providing a federal candidate with something of value through the improper facilitating of campaign contributions. The vast sums of money contributed, sometimes in the tens of thousands on a single day, raises a red flag signaling the likely breach of said law, in a manner similar to that which Prudential Securities was found in 1994 to have violated.

In my own personal opinion, the contributions collected in short order by EMC Corp. officials points to a probable violation of federal finance law 11 CFR 114. 9 (a) (1) by likely overstepping the boundaries of what is considered "incidental" and what is an organized effort by top executives, utilizing corporate resources in a collective enterprise, to raise campaign contributions for federal candidates.

Of course, the light of truth can only shine if the Federal Election Commission chooses to investigate. The mere fact that the EMC Corp. is also a federal contractor facilitating campaign contributions to influential public officials, and on behalf of influential public officials, should magnify the importance to quickly begin its investigation on behalf of the public's best interests.

Sincerely,

Bud Jackson

8/7/95

Enc.

BJ/ls  
6 Merrimack Place, Suite 3 Haverhill, MA 01830 (508) 372-2058  
(6)

97043821762



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 11, 1995

Bud Jackson  
6 Merrimack Place, Suite 3  
Haverhill, MA 01830

Dear Mr. Jackson:

This is to acknowledge receipt on August 10, 1995, of your letter dated August 8, 1995. 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 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.

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.

97043821763

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

Sincerely,

*Retha Dixon by kcs*

Retha Dixon  
Docket Chief

Enclosure

cc: EMC Corporation  
Peter G. Torkildsen  
Peter I. Blute  
W. Mitt Romney  
Pete Wilson

97043821764





JACKSON COMMUNICATIONS  
Political Consulting • Public Relations

MUR 4247

August 16, 1995

Office of General Counsel  
Federal Election Commission  
Retha Dixon, Docket Chief  
Washington, D.C. 20463

RECEIVED  
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COUNSEL  
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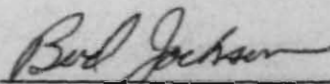
Dear Ms. Dixon:

Please find attached my letter dated August 8, 1995 which failed to meet your requirements for proper filing format.

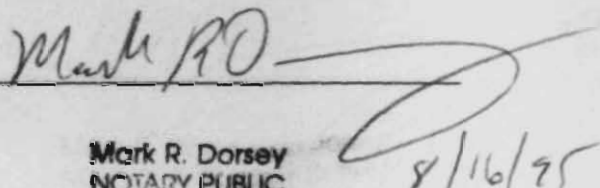
In order to meet your requirements, I hereby submit this letter to attach as an addendum to my August 8, 1995 letter.

In matters relative to this addendum and the August 8, 1995 letter, I hereby subscribe and swear to the contents of said documents. Thank you for your prompt attention to this matter.

Subscribed and sworn to before me on this 16th day of August, 1995.

  
Bud Jackson 8/16/95

I hereby acknowledge that this statement was subscribed and sworn before me. I also hereby acknowledge that Mr. Jackson's August 8, 1995 letter was subscribed and sworn before me.

  
Mark R. Dorsey  
NOTARY PUBLIC  
My Commission expires Oct. 5, 2001  
8/16/95

97043821765



**JACKSON COMMUNICATIONS**  
*Political Consulting • Public Relations*

August 8, 1995

Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Dear sir/madam:

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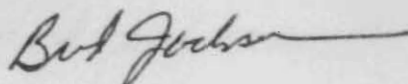
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At issue is whether high ranking officials of the EMC Corp. have crossed the legal line between what federal finance law deems as individual incidental volunteer activity, and what federal finance law defines as the illegal activity of a corporation providing a federal candidate with something of value through the improper facilitating of campaign contributions. The vast sums of money contributed, sometimes in the tens of thousands on a single day, raises a red flag signaling the likely breach of said law, in a manner similar to that which Prudential Securities was found in 1994 to have violated.

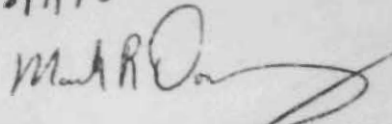
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Sincerely,

  
Bud Jackson

8/7/95



Enc.

97043821766

50 cents outside 30-mile zone



Monday, August 7, 1995

WEATHER: Becoming mostly sunny, high 71. Page 28/TV: Page 36/LOTTERIES: Page 63

# BOSTON



# HERALD

## Mass. executive pump\$ up GOP causes

By ANDREW MIGA

### WASHINGTON

Wealthy Hopkinton high-tech executive Richard J. Egan, who has helped raise more than \$250,000 for Massachusetts Republicans, says he cares about issues, not currying any favor with lawmakers.

"I have six grandchildren," said Egan, whose personal fortune is pegged at \$340 million by *Forbes* magazine. "I care about the issues, the future of this country."

But when a bitter contract dispute flared between his highly successful firm, Hopkinton-based EMC Corp., and the U.S. Postal Service, Egan turned to U.S. Rep. Peter I. Blute (R-Shrewsbury), a prime beneficiary of EMC-connected donations.

Blute, who has received more than \$120,000 from EMC executives and their families since 1992, was happy to oblige.

"He's a hero to me," said Blute.

The congressman arranged a 1993 meeting in his Capitol Hill office between postal officials and EMC attorneys. Senior Blute advisers and an aide

Turn to Page 14

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# Repub

From Page 1

to Sen. Edward M. Kennedy (D-Mass.) also attended.

Following the meeting, the Postal Service reinstated its contract with EMC, Blute aides confirmed.

"It's something I'd do for any other business in my district," said Blute. "It's nothing out of the ordinary."

Egan, 58, a blunt-spoken Dorchester native who is chairman of the state's highest flying high-tech firm, has emerged as the Massachusetts Republican Party's most lavish big-ticket donor.

He has forged fast friendships with top state Republicans such as Gov. William F. Weld, Blute and U.S. Rep. Peter G. Torkildsen (R-Danvers).

Egan, EMC executives and family members showered Weld's reelection campaign last year with \$109,000. They have chipped in more than \$50,000 for Torkildsen, including at least \$18,000 this year.

EMC cut a whopping \$50,000 check last fall to help defeat two ballot questions to create a graduated state income tax.

And some \$66,000 in EMC-connected contributions rolled in this spring at Weld-sponsored fundraisers for presidential hopeful California Gov. Pete Wilson. Egan serves as a co-chairman of Wilson's campaign finance committee.

"He's a true believer," said GOP consultant Charles Manning, noting that Egan's profile in the party has risen as profits at his computer storage technology firm soared over the past two years.

Friends describe Egan as crusty, highly driven and prone to grand gestures. He gave \$6.7 million to his alma mater, Northeastern University.

"Some people get rich and spend it all on the symphony, fine art and the opera," said one EMC employee. "Egan likes spending it on Republicans."

Privately, some politicians compare Egan to Ray Shamie, another successful industrial executive and

# donor making fa\$st frien

political novice who catapulted to party chairman in the 1980s.

Egan's rise in GOP money circles has already stirred controversy.

Democrats last fall accused Egan and EMC of skirting the federal ban on corporate donations by "bundling" checks — spreading donations among employees and family members.

"This is blatant stuff," said Jim McGovern, a Democratic primary loser last fall in Blute's 3rd District. "EMC is dumping loads of money to its friends," added McGovern, who now works as an aide to U.S. Rep. Joseph Moakley (D-South Boston).

Egan denied soliciting employees, but admitted he prods family members: "I put the thought in their head."

Torkildsen got a taste of Egan's brash fund-raising style last year. When the North Shore Republican first met Egan at the GOP state convention last spring, he asked the EMC chairman to host a fund-raising party at his Hopkinton home.

Egan replied that he could save both men a lot of time and effort, according to GOP sources. A few weeks later, Torkildsen's campaign received packets brimming with donations, the sources said. Checks totaling \$21,000 from EMC employees and family relations were all dated June 15.

Similar patterns of contributions are apparent among EMC-

connected donations to Blute and other Republicans, but Egan dismisses bundling charges.

"I've never asked anyone at EMC to contribute," he said.

EMC, a global \$1.3 billion firm, has also refused to divulge how much business it does with the U.S. government. Egan said the amount is "miniscule." EMC's annual report filed at the U.S. Securities and Exchange Commission states that its customers "are located worldwide and represent a cross-section of industries and government agencies."

EMC will share in the \$520 million, 12-year contract Unisys won last month from the Internal Revenue Service. An EMC spokesman termed the IRS contract "important."

EMC has no Washington lobbyist, but it maintains a sales office just outside the capital in Virginia.

"We've been helpful whenever (Egan) had interaction with the federal government," said Blute, though he declined to elaborate.

Blute said Egan has approached him mainly on issues that impact EMC, particularly trade and securities law. They have dinner about once a month. EMC is the district's largest private employer.

"He's asked me for support for various issues," Blute said. "He's not shy about giving his opinions."

Added Blute: "We listen."



RICHARD EGAN  
Lavish GOP donor

97043821768



Sunday  
Boston Globe



## Hopkinton high-tech firm becoming major player

As he raises money for California Gov. **Pete Wilson**, Gov. **Weld** is going back to fund-raising sources that he and his moneyman, **Peter Berlandi**, know well. Officials at EMC Corp. in Hopkinton, headed by **Richard J. Egan**, have contributed a total of \$66,000 so far, or about 16 percent of the \$407,000 Weld has raised for Wilson at events in March and early May. The high-flying Hopkinton high-tech company is fast becoming a major political force. Company officials pumped \$210,000 into Massachusetts races and referendum campaigns last year, including donations of \$75,000 to Weld and \$60,000 to Shrewsbury Republican Rep. **Peter Blute**.

Commerce Insurance, the politically connected company headed by **Arthur J. Benillard Jr.**, also rushed to help Weld raise money for Wilson. Directors, employees and even the lobbyist for the Webster firm contributed a total of \$52,000 at the two Wilson events, 13 percent of the total. Between 1990 and 1993, company officials donated \$122,775 to Weld, far and away his biggest source of funds, and also contributed heavily to influential lawmakers. Friends on Beacon Hill have helped Commerce become the state's largest auto insurer.

Other big givers tapped by Weld on Wilson's behalf were **Thomas F. Shields** and employees at Shields Health Care, who donated more than \$31,000. Members of the law firm of **Rubin & Rudman** contributed another \$4,550.

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# Torkildsen out to prove he's no fluke

CONTINUED FROM PAGE 1

What's more, he's made some tough votes that have cost him support of key constituency and special interest groups. And his difficult, low-key style is being sorely tested by an aggressive Democratic opponent who's making him answer for every move he makes, and who's helped by a party eager to regain a seat they see as rightfully theirs.

But don't underestimate Torkildsen. He's one of the North Shore's most resilient politicians, one who's demonstrated an uncanny ability to court voters like the one outside St. Joseph's Church without losing more liberal ones that make up much of the area's power structure.

And many voters may be willing to give him the benefit of the doubt after two years in office.

They're voters like Gordon Grant, a retired Salem Democrat who supported Nick Mavroules before the longtime Congressman's indictment and loss to Torkildsen two years ago. As he sits at the American Association of Retired Persons forum waiting for the candidates, Grant talks about how Torkildsen needs more time to make his own mark in Washington.

"I think he's trying, but remember that he's only a freshman," says Grant. "With luck, we could look back on things that he had done for the community. With Torkildsen only time will tell."

## Support in other places

It's warm for a fall day, which allows Bob Tozier to walk around outside General Electric's Main gate in just a red shirt, a "Shop Steward" identification tag clearly pinned on his chest.

Tozier is one of a group of GE workers huddled around Torkildsen, discussing what appears to be a weighty matter. But the men are not there by accident. They're shooting Torkildsen's television commercial, evidenced by the bustling cameramen that hover around them.

Oddly enough, the Republican does have roots at the Lynn plant: His father was a longtime employee there. But Robert Torkildsen was no union man. He was an engineer in the Aerospace division who moved to Danvers from Milwaukee.

Torkildsen tells of how, after he was elected in 1992, he shocked a group of workers there when he told them, "If it wasn't for GE, I wouldn't be here."

Still, a meeting like the one outside the gates might just have to be staged. Torkildsen doesn't have the support of GE's largest union, IUE Local 201, which is dominated by lunch-bucket Democrats who for years counted on Mavroules to preserve the jet fighters whose engines kept

them working.

The union didn't like Torkildsen's vote for the North American Free Trade Agreement, nor are members thrilled with the fact that he's the 17th-ranked Republican



Peter Torkildsen — "I've got to learn to talk in sound bites."

on the House Armed Services Committee, where key decisions about defense expenditures are made.

But the union has appreciated Torkildsen's fights to maintain funding for the F/A-18 Fighter, and efforts to keep the Apache Helicopter program alive.

Torkildsen voted against President Clinton's 1993 budget plan in part because the president's proposed defense cuts doubled from \$60 million to \$120 million, he says. He also voted against killing the Trident II missile program.

"I've already gotten a pledge from (IUE Local 201 official) Charlie Rutter that if the union membership exceeds 4,000, he'll stand on Lynn City Hall's steps and endorse me," Torkildsen says.

He probably doesn't need it. GE's influence on North Shore politics isn't what it once was, and Torkildsen is testimony to that fact. The plant now employs about 3,000 people, less than half of what it did during the defense buildup of the 1980's.

Yet much of GE's management is behind Torkildsen. And so are people like Tozier, a Lynn man who describes himself as "probably the only right-wing conservative you'll find here."

Tozier, a gun owner and a member of the Danvers Fish and Game Club, recalls being concerned about Torkildsen's vote for the Brady Bill, which required a waiting period for the purchase of handguns.

Torkildsen's gun control record is mixed. He voted earlier this year

against a ban on 19 types of automatic assault weapons, and has been endorsed by the National Rifle Association. Handgun Control Inc., a Washington-based advocacy group, rates him 67 out of 100.

John Tierney, the Salem Democrat running against Torkildsen, has made gun control a big issue in this campaign. Tierney even got a personal endorsement from Sarah Brady, the founder of Handgun Control Inc. whose husband has crusaded for handgun control since being shot along with President Ronald Reagan in 1981.

For Tozier, though, the fact that Torkildsen came to the Danvers Fish and Game Club to explain his vote for the Brady Bill shortly after it was cast meant more than the vote itself.

"Integrity is a big thing for me," he says.

## Reformer or in need of reform?

Indeed, integrity has always been a battle cry for Torkildsen. A career politician who has often played the role of a white-horred giant killer.

The sixth oldest in a family of 10 children, Torkildsen followed his family from Milwaukee to Danvers in 1966, when he was 11 years old. He graduated from St. John Preparatory School in 1976, and later studied political science at UMass-Amherst. He served as a Danvers Town Meeting member from 1983 to 1985.

CONTINUED ON PAGE 20

# Torkildsen's fund-raising raises ire of critics

By Gregory Liakos

On June 15, a company that operates well south of the North Shore showed a striking amount of financial support for the North Shore's Congressman, Peter Torkildsen (R-Danvers).

By the day's end, employees of EMC Corp., a Hopkinton-based high-tech manufacturer, and several of their family members, gave the Sixth District Congressman \$21,000, according to Federal Election Commission records. Taken in aggregate, it was the biggest single donation to Torkildsen from any interest group barring the Republican Party.

The company, which holds several federal contracts, got nothing in return from Torkildsen, according to his spokesman. But the fact that those donations were funneled to an outspoken advocate of campaign finance reform, and the chairman of the Freshman Republican Reform Task Force, has some Democratic critics crying foul.

"Bundled money is just hidden PAC money," says Helen Corbett, a Democratic political consultant from Danvers.

"There's real hypocrisy here," Tozier says. "Torkildsen has taken votes and positions that go toward reforming the way campaigns are funded. He voted to strengthen lobbying disclosure rules, has refused to take money

from political action committees (PACs) and gifts from lobbyists, and has cut his own office budget by 21 percent in large part by reducing taxpayer-funded mailings to constituents.

He also voted against his party to set a voluntary \$800,000 limit on House campaigns in November 1993, which he won't exceed this year.

But a look at Torkildsen's campaign finance reports from the last two years reveals that the Danvers Republican may be guilty of some of the fund-raising evils he himself has proposed correcting, according to records and Democratic critics.

The issue of influence is a central one in Torkildsen's campaign. A recent mailing he sent to voters says he has "promised to shake up the system. To fight the status quo. And to work only for us — the people back home."

And he has made much of Democrat John Tierney's refusal to disavow PAC money.

But consider three areas that Torkildsen made cornerstones of his reform agenda:

- Eliminating "bundling," a practice in which corporations and special interests enhance their giving power by spreading donations among employees and their families.

Rules to restrict such practices were part of a campaign finance reform bill that passed both houses of Congress, but died in conference committee, according to

Nathan Gibson, executive director of Common Cause Massachusetts. Torkildsen supported it.

Yet Tierney has accused Torkildsen of taking bundled money. And EMC Corp.'s donations seem to bear it out.

One of the company's vice presidents, John Egan, his family, and other company officials gave Torkildsen \$21,000, most of it in one day. In all, people connected with the company gave Torkildsen and his campaign committees \$27,000 during this election season, records show.

EMC Corp. is a burgeoning maker of computer memory devices that reportedly saw its profit rise by 80 percent to \$69 million in the last quarter.

In fiscal years 1993 and 1994, the company held contracts worth \$1.27 million with the Departments of Health and Human Services and Transportation, according to information provided by the General Services Administration.

"It would be less of an issue if it came over a number of days," says Gibson. "But such large chunks in one day really does raise questions."

Eric Convey, Torkildsen's campaign spokesman, says Egan is a big supporter of Republican candidates, but denies there was any deliberate bundling on the company's part.

"He's a successful businessman who has a history of sup-

porting Republican candidates," Convey says. "If you look at John Tierney's reports, there's a lot of support from the education business. To say it's bundling is a false accusation."

Egan did not return phone calls seeking comment for this story.

Also, employees of corporations under Fidelity Investments' wing are big donors to Torkildsen, giving him about \$7,500 that's spread over two years. Fidelity, the mutual fund giant whose newspaper wing publishes North Shore Sunday, was a big backer of the North American Free Trade Agreement. Torkildsen supported the trade pact.

Many of Fidelity's employees came to a fund-raising party for Torkildsen, and many "are in his social circles," says Convey.

- Doing away with "soft money," or cash funneled from political parties to candidates. Critics say soft money effectively skirts donation limits, since parties are subject to fewer restrictions than individual candidates.

Yet the Republican Party paid for almost \$25,000 worth of mailings on Torkildsen's behalf in 1993, and GOP political party committees gave him close to \$7,000 this year.

Though eliminating soft money was one of Torkildsen's planks last year, Convey says the Congressman sees PAC influence as more pernicious.

"The money he's sent back to PACs far exceeds the money he's taken from the party," Convey says. "Honoring his PAC pledge has cost him probably well over \$100,000."

He also points out that the Democratic Congressional Campaign Committee has pledged to spend as much as \$63,000 on Tierney's campaign.

- Banning unsolicited mail from incumbents close to election time. Torkildsen has held fast to this one, spending only \$30,000 of his allotted \$180,000. What's more, he has proposed slashing that budget by half.

But Democrats still point to the fact that he mailed out invitations to a series of "town meetings" on health care in July, violating the federal statute that governs when incumbents can mail out literature in an election year.

Torkildsen didn't have an opponent in the primary. Still, he admitted the mistake, and may have to pay back the money used for the mailing.

Meantime, the Danvers Republican says that his efforts to reform Congress, and make it adhere to federal laws it never had before, far outweigh anything his critics point to.

"I'm leading by example," he says.

Community Newspaper Co. staffer Patry McGaffigan assisted with the preparation of this article.

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SIXTH DISTRICT

# Tierney says Torkildsen is being hypocritical on fund-raising issue

By John Laidler  
SPECIAL TO THE GLOBE

PEABODY - Democratic challenger John Tierney, taking direct aim at Rep. Peter G. Torkildsen's reform credentials, last night accused the congressman of hypocrisy in his fund-raising practices and use of House mailing privileges.

At the end of a debate between the 6th District congressional candidates, Tierney produced a list showing that Torkildsen had accepted \$30,000 in campaign donations from nine employees or family members from one company, EMC Corp. of Hopkinton, including \$21,000 raised in one day.

The Democrat also pointed to \$26,735 Torkildsen raised from employees of Fidelity Investments and close to \$25,000 from employees or family members of Christian Book Distributors of Peabody.

Tierney, a Salem lawyer, said the donations were evidence that Torkildsen, a Danvers Republican, accepted "bundled" campaign donations despite claiming to oppose the practice, which involves many individuals from a firm or organization donating to a candidate in an organized way.

"That's bundling, Peter, whether you want to acknowledge it or not," said Tierney, adding that Torkildsen had "the nerve" to criticize him for accepting donations from political

action committees.

Torkildsen, who later denied engaging in bundling, took a shot at Tierney on the reform issue during the debate, jabbing the Democrat for failing to speak out on malpractice reform and later noting that Tierney had accepted \$5,000 in campaign donations from the Massachusetts Trial Lawyers Association.

The exchanges came in what could be the final meeting between the two in a race many observers say appears to be close.

Also participating in the event at the Peabody Community Life Center was Independent candidate Benjamin Gatchell of Marblehead.

The clashes between Torkildsen and Tierney reflected the pitched battle between the two to claim the mantle of reformer.

Torkildsen, questioned after the debate, said the donations cited by Tierney did not constitute bundling. "The bundling we're looking at eliminating is where groups say, 'Send us your contributions and we'll present it to a candidate all at once.' These are cases where people mailed checks to me. I know many came on the same day."

Torkildsen said he had met EMC Corp. chief Richard Egan at this year's GOP convention and asked for his help in fund-raising. "He was very successful at it . . . In the case of Fidelity, that's a company that employs many, many people in my

district, and I think they all have a right to donate money to my campaign."

Earlier in the debate, Tierney rapped Torkildsen for having spent \$107,000 on taxpayer-funded mailings from July through September, despite having urged reforms to congressional mailing privileges.

Torkildsen said the mailings were to alert his constituents to health care forums he was holding in the district. He said over a two-year period, he will have spent less than 50 percent of his franking budget.

Tierney pressed Torkildsen on whether he planned to repay the government \$40,000 to cover the cost of one of the mailings that was sent out after the election-year deadline for franked mailings. Torkildsen said he would accept the judgment of a congressional franking commission.

The candidates also clashed over health care, with Tierney again slamming the congressman for not embracing a plan to provide universal coverage.

"I committed to a series of health care reforms that apparently you don't want to deal with," Torkildsen said, noting his support for measures such as guaranteeing portability of insurance coverage.

Tierney said Torkildsen's health plan represented "tinkering around the margins. The fact of the matter is you have still yet to tell us how you would cover all Americans."

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 24, 1995

Bud Jackson  
6 Merrimack Place  
Suite 3  
Haverhill, MA 01830

RE: MUR 4247

Dear Mr. Jackson:

This letter acknowledges receipt on August 18, 1995, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4247. 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

97043821772





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 24, 1995

Judy Pagliuca, Treasurer  
Romney for U.S. Senate Campaign Committee  
68 Moulton Street  
Cambridge, MA 02138

RE: MUR 4247

Dear Ms. Pagliuca:

The Federal Election Commission received a complaint which indicates that the Romney for U.S. Senate Campaign ("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 4247. 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.

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043821773

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

cc: Mitt Romney

97043821774



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 24, 1995

David Walek, Service Agent  
920 Sudbury Road  
Concord, MA 01742

RE: MUR 4247

Dear Mr. Walek:

The Federal Election Commission received a complaint which indicates that the EMC Corporation 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 4247. 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 EMC Corporation 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.

97043821775

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

97043821776





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 24, 1995

Richard Egan, CEO  
EMC Corporation  
P.O. Box 1903  
Hopkinton, MA 01748

RE: MUR 4247

Dear Mr. Egan:

The Federal Election Commission received a complaint which indicates that and 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 4247. 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.

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043821777

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

97043821778



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 24, 1995

Edward P. Mcquire, Treasurer  
Citizens for Peter Torkildsen-94 Committee  
80 Prospect Street  
Peabody, MA 01960

RE: MUR 4247

Dear Mr. Mcquire:

The Federal Election Commission received a complaint which indicates that the Citizens for Peter Torkildsen-94 ("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 4247. 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.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043821779

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

cc: Rep. Peter G. Torkildsen

97043821780





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 24, 1995

Susan Copeland, Treasurer  
Peter Blute for Congress  
P.O. Box 246  
Worcester, MA 01613

RE: MUR 4247

Dear Ms. Cpoeland:

The Federal Election Commission received a complaint which indicates that the Peter Blute for Congress ("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 4247. 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.

97043821781

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

cc: Rep. Peter I. Blute

97043821782



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 24, 1995

Mark Hougland, Treasurer  
Pete Wilson for President Committee  
1020 12th Street  
Suite 300  
Sacramento, CA 95814

RE: MUR 4247

Dear Mr. Hougland:

The Federal Election Commission received a complaint which indicates that the Pete Wilson for President ("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 4247. 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.

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043821783

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

cc: Mr. Pete Wilson

97043821784



SKADDEN, ARPS, SLATE, MEACHAM & FLOM  
1440 NEW YORK AVENUE, N.W.  
WASHINGTON, D.C. 20005-4111

(202) 371-7000

FAX (202) 393-5760

DIRECT DIAL  
(202) 371-7007

BOSTON  
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HOUSTON  
LOS ANGELES  
NEWARK  
NEW YORK  
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WILMINGTON  
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BEIJING  
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BUDAPEST  
FRANKFURT  
HONG KONG  
LONDON  
MOSCOW  
PARIS  
PRAGUE  
SYDNEY  
TOKYO  
TORONTO

September 5, 1995

VIA FAX AND FEDERAL EXPRESS

Mary L. Taksar, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

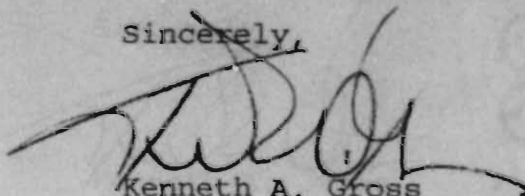
Re: MUR 4247 - Richard Egan

Dear Ms. Taksar:

This letter requests an extension of time for thirty (30) days to respond to the letter dated August 24, 1995, notifying Richard Egan of the complaint that was filed against him by Bud Jackson. Because counsel was only recently appointed to this matter, counsel requires this additional time to review the matter and surrounding facts.

Thank you for your consideration. If you have any questions, please call me.

Sincerely,

  
Kenneth A. Gross

97043821785

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Sep 6 11 53 AM '95

EMC<sup>2</sup>

EMC Corporation

171 South Street

Hopkinton, MA

01748-9103

508-435-1000

CONFIDENTIAL  
SENT VIA FEDERAL EXPRESS

September 5, 1995

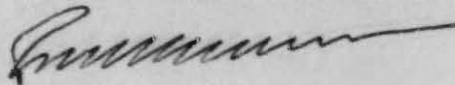
Mary L. Taksar, Esquire  
Central Enforcement Docket  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4247

Dear Attorney Taksar:

Enclosed herewith is a Statement of Designation of Counsel for each of EMC Corporation and Richard J. Egan. Please date stamp the enclosed copy of this letter and return it to me in the enclosed self-addressed stamped envelope. Thank you.

Very truly yours,



Paul T. Dacier  
Vice President and  
General Counsel

PTD/mhc  
Enclosures

paul/litig/taksar.doc

97043821786

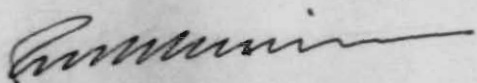
**STATEMENT OF DESIGNATION OF COUNSEL**

**NO:** 4247

<b>NAME OF COUNSEL:</b>	<u>Kenneth A. Gross</u>	<b>AND</b>	<u>Thomas J. Dougherty</u>
<b>ADDRESS:</b>	<u>Skadden, Arps, Slate,</u> <u>Meagher &amp; Flom</u> <u>1440 New York Ave., N.W.</u> <u>Washington, DC 20005</u>		<u>Skadden, Arps, Slate,</u> <u>Meagher &amp; Flom</u> <u>One Beacon Street</u> <u>Boston, MA 02108</u>
<b>TELEPHONE:</b>	<u>(202) 371-7000</u>		<u>(617) 573-4800</u>

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

August 31, 1995  
**Date**

  
Paul T. Dacier, Esq.  
**Signature Vice President & General Counsel**  
**EMC Corporation**

**RESPONDENT'S NAME:** EMC Corporation by Paul T. Dacier

**ADDRESS:** 35 Parkwood Drive  
Hopkinton, MA 01748

**HOME PHONE:** \_\_\_\_\_

**BUSINESS PHONE:** (508) 435-1000

97043821787

**STATEMENT OF DESIGNATION OF COUNSEL**

**NO:** 4247

**NAME OF COUNSEL:** Kenneth A. Gross AND Thomas J. Dougherty

**ADDRESS:** Skadden, Arps, Slate, Skadden, Arps, Slate,  
Meagher & Flom Meagher & Flom  
1440 New York Ave., N.W. One Beacon Street

Washington, DC 20005 Boston, MA 02108

**TELEPHONE:** (202) 371-7000 (617) 573-4900

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.

August 31, 1995  
**Date**

  
**Signature**

**RESPONDENT'S NAME:** Richard J. Egan

**ADDRESS:** 8 Queen Anne Road  
Hopkinton, MA 01748

**HOME PHONE:**

**BUSINESS PHONE:** (508) 435-1000

97043821788





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 7, 1995

Kenneth A. Gross, Esq.  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Ave., N.W.  
Washington, DC 20005

RE: MUR 4247  
Richard J. Egan

Dear Mr. Gross:

This is in response to your letter dated September 5, 1995, requesting an extension of thirty days to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on October 5, 1995.

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

Sincerely,

Eric S. Brown, Paralegal  
Central Enforcement Docket

cc:  
Thomas J. Dougherty, Esq.  
Skadden, Arps, Slate, Meagher & Flom  
One Beacon Street  
Boston, MA 02108

97043821789

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FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

SEP 11 10 19 AM '95

CONGRESSMAN ★ ★ ★  
**Peter Torkildsen**

September 7, 1995

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

RE: MUR 4247

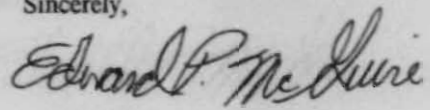
Dear Sir/Madam,

I am writing in response to the complaint filed against the Citizens for Peter Torkildsen '94 Committee by Mr. Bud Jackson of Jackson Communications. This complaint is frivolous and the allegations are unfounded. Therefore, no action should be taken against the Citizens for Peter Torkildsen '94 Committee.

The complaint alleges that contributions received by the Citizens for Peter Torkildsen '94 Committee were in violation of federal finance law 11 CFR 114, 9 (a) (1). All contributions received by our Committee have been within the guidelines of federal finance law and in no way violate any regulation. We have complied with all reporting requirements and our reports are accurate and complete.

In summary, the Citizens for Peter Torkildsen Committee request you dismiss this claim due to lack of substance as no violation of federal finance law has occurred. Please do not hesitate to contact me if you need additional information.

Sincerely,



Edward P. McGuire  
Treasurer

EPM/ajb

80 Prospect Street • Peabody, Massachusetts 01960  
(508) 977-9600

*Paid for by Citizens for Torkildsen*

97043821790

NUTTER, McCLENNEN & FISH

ATTORNEYS AT LAW

ONE INTERNATIONAL PLACE  
BOSTON, MASSACHUSETTS 02110-2699

TELEPHONE: 617 439-2000 FACSIMILE: 617 973-9748

CAPE COD OFFICE  
HYANNIS, MASSACHUSETTS

DIRECT DIAL NUMBER

(617) 439-2591

September 7, 1995

Mary L. Taksar, Attorney  
Central Enforcement Docket  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 4247

Dear Attorney Taksar:

I write on behalf of the Peter Blute for Congress Campaign Committee and Susan Copeland, Treasurer (hereafter referred to as "the Blute Committee"), in response to your August 24, 1995 letter in the above-referenced matter. A designation of counsel form is enclosed.

We have reviewed carefully the complaint submitted with your letter. There are no specific allegations of unlawful conduct on the part of the Blute Committee. The specific allegations of the Complaint deal with the fundraising activities of Mr. Richard Egan in support of a number of candidates, including Peter Blute. To the extent that the complaint can be read as alleging unlawful conduct on the Blute Committee's part, those allegations are denied. Moreover, we believe that Mr. Egan's efforts in support of the Blute campaign have been entirely lawful.

Mr. Egan resides in Hopkinton, in the Third Congressional District represented by Peter Blute. In addition to being a constituent, Mr Egan is a friend and strong supporter of Mr. Blute's candidacy. He has personally contributed his time and money to the campaign and has assisted the campaign's fundraising efforts. These activities, however, have not involved and do not constitute corporate support by EMC Corporation. The Blute Committee has never conducted a fundraiser at EMC Corporation's offices and has neither solicited nor received corporate funds, corporate resources or other support from EMC. The Committee is unaware of any factual basis for the complainant's allegation, based on his "personal opinion", that there "is an organized

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OFFICE OF GENERAL  
COUNSEL

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Mary L. Taksar  
September 7, 1995  
Page 2

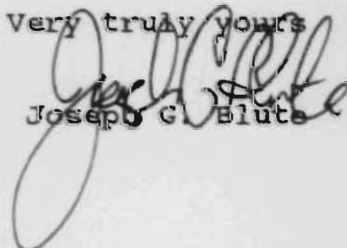
effort by top executives, utilizing corporate resources in a collective enterprise, to raise campaign contributions", or any other conduct which would constitute unlawful corporate support for the Blute Committee. The Prudential-Bache case, referred to by the complainant, is clearly inapposite.

Mr. Egan's efforts in support of the Blute Committee have been demonstrably personal. For example, in December, 1993, Mr. Egan and his wife hosted a reception at their home in Hopkinton, Massachusetts and introduced Mr. Blute to a large number of family and friends. This event resulted in a number of individual campaign contributions from those in attendance, as well as from invitees who could not attend. Many of these persons, like Mr. Egan, continue to be supportive of the Peter Blute for Congress effort and have urged others to lend their support. All such contributions have been reported in compliance with federal disclosure requirements.

In sum, there is no basis for any claim that the Blute Committee violated federal campaign finance laws or that Mr. Egan's effort's in support of Peter Blute constitute an unlawful corporate contribution by EMC. We believe no further action is warranted.

The Blute Committee will, of course, cooperate with the Commission's investigation of this matter. If you need additional information, please let me know.

Very truly yours

  
Joseph G. Blute

164006

97043821792



STATEMENT OF DESIGNATION OF COUNSEL

MUR

4247

NAME OF COUNSEL:

Joseph G. Blute

ADDRESS:

Nutter McClennen & Fish

One International Place 15<sup>th</sup> FL

Boston MA 02110

TELEPHONE:

617-437-2591

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RECEIVED  
FEDERAL BUREAU OF  
INVESTIGATION  
OFFICE OF GENERAL  
COUNSEL

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.

9-7-95

Date

Susan Copeland

Signature

Treasurer

RESPONDENT'S NAME:

Susan Copeland

ADDRESS:

5 Waters Road

Sutton MA 01590

HOME PHONE:

BUSINESS PHONE:

508-845-6860

97043821793

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2111

(202) 371-7000

FAX (202) 393-5760

DIRECT DIAL  
(202) 371-7007

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TOKYO  
TORONTO

September 11, 1995

VIA FAX

Mr. Eric S. Brown  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

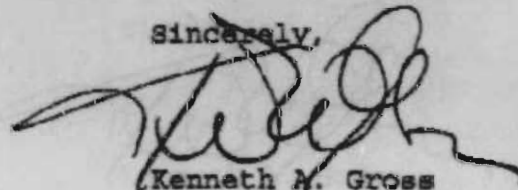
Re: MUR 4247 - EMC Corporation and  
Richard J. Egan

Dear Mr. Brown:

As we discussed today, this letter requests an extension of time until October 10, 1995, to respond to the letter dated August 24, 1995, notifying EMC Corporation of the complaint that was filed against it by Bud Jackson. Because counsel was only recently appointed to this matter, counsel requires this additional time to review the matter and surrounding facts. Also, we request that the response for Richard Egan be extended to October 10, 1995, so that both responses are due at the same time.

Thank you for your consideration. If you have any questions, please call me.

Sincerely,



Kenneth A. Gross

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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

97043821794



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 12, 1995

Kenneth A. Gross, Esq.  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Ave., N.W.  
Washington, DC 20005

RE: MUR 4247  
EMC Corporation  
Richard J. Egan

Dear Mr. Gross:

This is in response to your letter by facsimile dated September 11, 1995 and received September 12, 1995, requesting an extension, on behalf of EMC Corporation, until October 10, 1995 to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted this extension.

On September 7, 1995, you were notified that this Office granted an extension until October 5, 1995, to respond to the complaint in this matter on behalf of your client, Richard J. Egan. Your letter by facsimile dated September 11, 1995, requests until October 10, 1995 to respond. After considering the circumstances presented in your letter, this Office has granted the requested extension. Accordingly, your responses are due by the close of business on October 10, 1995.

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

Sincerely,

Eric S. Brown, Paralegal  
Central Enforcement Docket

cc:  
Thomas J. Dougherty, Esq.  
Skadden, Arps, Slate, Meagher & Flom  
One Beacon Street  
Boston, MA 02108

97043821795

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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

SEP 13 10 12 AM '95

## SHERIN AND LODGEN

COUNSELLORS AT LAW

100 SUMMER STREET  
BOSTON, MASSACHUSETTS 02110

TELEPHONE (617) 426-5720  
FAX (617) 542-5186

CHRISTOPHER A. KENNEY  
DIRECT DIAL NO. (617) 832-0193

IN RHODE ISLAND:  
55 PINE STREET  
PROVIDENCE, RHODE ISLAND 02903  
(401) 274-8080  
FAX (401) 751-4842

IN CALIFORNIA:  
11300 W. OLYMPIC BLVD., SUITE 700  
LOS ANGELES, CALIFORNIA 90064  
(310) 914-7881  
FAX (310) 952-5327

September 11, 1995

### BY FACSIMILE AND 1ST CLASS MAIL

Eric S. Brown  
Paralegal Specialist  
Office of the General Counsel  
Federal Election Commission  
999 E. Street, N.W.  
Washington, D.C. 20463

Re: Romney for U.S. Senate Committee  
MUR No. 4247

Dear Mr. Brown:

As I informed you during our recent telephone conversation, I am counsel to the Romney for U.S. Senate Campaign Committee. I enclose a signed statement from Judy Pagliuca, Treasurer of the Romney Committee, authorizing me to represent it in regard to the FEC's above-referenced investigation.

This matter arises from a complaint Jackson Communications filed with the FEC regarding fundraising practices by corporate executives at EMC Corporation of Hopkington, Massachusetts. Unfortunately, the complaint package the FEC sent to the Romney Committee was mailed to the Committee's former address at 68 Moulton Street in Cambridge, Massachusetts. The Committee had moved its office from that address to 171 Marsh Street in Belmont, Massachusetts, after the election. The Committee notified the FEC of the change of address, and, as reflected on the attached letter from the FEC to Ms. Pagliuca dated February 2, 1995, the new address has been in the FEC's data base for several months.

Because this complaint package was not mailed directly to the Committee's new address, Ms. Pagliuca's receipt of the complaint package was delayed until today. It was first rerouted by the postal service to the candidate, W. Mitt Romney's home, whereafter he assigned it to my office late last week, and I had

97043821796



97043821797  
SHERIN AND LODGEN

Eric S. Brown  
Paralegal Specialist  
September 11, 1995  
Page 2

a copy hand delivered to Ms. Pagliuca at her home this morning. Therefore, the Romney Committee is formally requesting that the 15-day period for it to respond to this complaint begin to run from today. Accordingly, the Committee's response to this complaint would be due at the FEC on or before September 26, 1995.

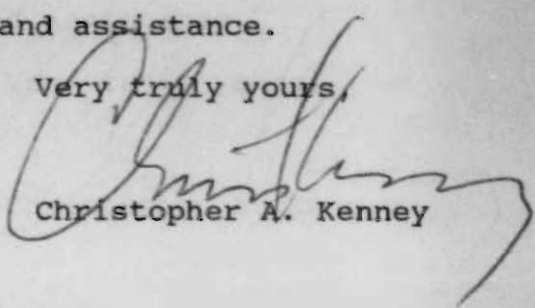
Although the letters that Jackson Communications sent to the FEC to initiate this complaint do not directly allege any wrong doing by the Romney Committee, to the extent that those letters could be construed to allege fundraising violations or other wrongdoing by the Romney Committee all such allegations are vigorously denied.

Now that Ms. Pagliuca has received a copy of the complaint package, the Romney Committee looks forward to the opportunity to review the complaint in detail so that it can provide a meaningful response to the FEC.

Please contact me upon your receipt of this letter to confirm that the FEC will grant the Romney Committee an extension of time to respond to this complaint.

Thank you for your courtesy and assistance.

Very truly yours,



Christopher A. Kenney

CAK/lak  
Enclosure

STATEMENT OF DESIGNATION OF COUNSEL

**WCR** 4247

**NAME OF COUNSEL:** Christopher A. Kenney

**ADDRESS:** Sherin and Lodgen

100 Summer Street

Boston, MA 02110

**TELEPHONE:** (617) 426-5720

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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.

9/11/95  
Date

Judy M. Pagliuca  
Signature

**RESPONDENT'S NAME:** Judy Pagliuca, Treasurer

**ADDRESS:** Romney for U.S. Senate Campaign Committee

171 Marsh Street

Belmont, MA 02178

**HOME PHONE:** \_\_\_\_\_

**BUSINESS PHONE:** \_\_\_\_\_

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 12, 1995

Christopher A. Kenney, Esq.  
Sherin and Lodgen  
100 Summer Street  
Boston, MA 02110

RE: MUR 4247  
Romney for U.S. Senate  
Committee, Inc., and  
Judy Pagliuca, as treasurer

Dear Mr. Kenney:

This is in response to your letter by facsimile dated and received September 11, 1995, requesting an extension until September 26, 1995 to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on September 26, 1995.

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

Sincerely,

Eric S. Brown, Paralegal  
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

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OFFICE OF GENERAL  
COUNSEL

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September 12, 1995

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

**Matter Under Review 4247 -- Pete Wilson**

Dear Ms. Tasker:

As Chief Financial Officer and Treasurer of the Pete Wilson for President Committee, Inc., I am in receipt of the complaint in the above-captioned matter.

As an initial matter, while I will respond on behalf of Pete Wilson, the complaint does not "clearly identify" this committee (or Governor Wilson personally) as the person or entity who is alleged to have committed a violation. 11 C.F.R. § 111.4(d)(1). Similarly, the complaint neither identifies any statements based on the complainant's personal knowledge or identifies the source of those alleged violations concerning Governor Wilson that do not come from personal knowledge. 11 C.F.R. § 111.4(d)(2). Indeed, there is no "clear and concise recitation of the facts which describe a violation of the statute or regulations" by this committee or Governor Wilson, 11 C.F.R. ( 111.4(d)(3), nor is there any documentation showing any violation by this committee or Governor Wilson. 11 C.F.R. § 111(d)(4).

In summary, it does not appear that this complaint meets any of the threshold tests of the Commission's regulations. Accordingly, the Commission should find no reason to believe regarding Governor Wilson and should dismiss this complaint.

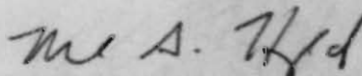
However, should the Commission decide to proceed, this committee has no knowledge of the underlying allegation against EMC Corp. Upon an examination of our records, we can find no reason to believe that the contributions we received from the events listed in the newspaper accounts accompanying the complaint were anything other than contributions that complied with the Federal Election Campaign Act ("Act") and the Commission's Regulations. It is the committee's belief that all contributions raised by Richard Egan for the committee comply fully with the Act and the regulations.



Mary L. Tasker, Esq.  
September 12, 1995  
page two

Its failure to offer any specifics suggests that this complaint is rooted solely in political motivations. As such, it should be dismissed by the Commission, particularly as it pertains to Governor Wilson and the Pete Wilson for President Committee, Inc.

Sincerely,



Mark G. Hoglund  
Chief Financial Officer  
and Treasurer

97043821801

# SHERIN AND LODGEN

COUNSELLORS AT LAW

100 SUMMER STREET  
BOSTON, MASSACHUSETTS 02110

TELEPHONE (617) 426-5720  
FAX (617) 542-5186

DIRECT TELEPHONE NUMBER  
(617) 832-0193

IN RHODE ISLAND:  
85 PINE STREET  
PROVIDENCE, RHODE ISLAND 02903  
(401) 274-8080  
FAX (401) 751-4842

IN CALIFORNIA:  
11300 W. OLYMPIC BLVD., SUITE 700  
LOS ANGELES, CALIFORNIA 90064  
(310) 914-7891  
FAX (310) 552-5327

September 25, 1995

**BY FEDERAL EXPRESS AND FACSIMILE**

Mary L. Taksar, Attorney  
Central Enforcement Docket  
Federal Election Commission  
Washington, DC 20463

Re: MUR 4247

Dear Ms. Taksar:

I am counsel to the Romney for U.S. Senate Campaign Committee (the "Romney Committee"), and I have been asked to respond to your letter dated August 24, 1995, with which you enclosed a letter from Jackson Communications dated August 8, 1995 (the "Complaint") which asked the FEC to investigate the fundraising activities of the EMC Corporation of Hopkington, Massachusetts. The purpose of this letter is to demonstrate why the FEC should take no action against the Romney Committee resulting from its investigation of EMC Corporation.

I first note that the complaint does not allege that the Romney Committee violated the Federal Election Campaign Act or otherwise engaged in any impermissible campaign finance activity. I understand that as part of its investigation, the Commission is following-up with the candidates' committees to whom EMC Corporation employees contributed. The Romney Committee is happy to cooperate with the Commission's investigation, and is confident that the Commission will find that the Romney Committee's campaign finance activity has been conducted in strict compliance with FEC regulations.

The sole issue pertaining to the Romney Committee is whether it knowingly received any campaign contributions from EMC Corporation employees which allegedly violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The Romney Committee's response to that question is clear and unequivocal: the Romney Committee endeavored to ensure that all

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COUNSEL

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Mary L. Taksar, Attorney  
September 25, 1995  
Page 2

campaign contributions it received were made in accordance with the campaign finance law, and if any of the contributions discussed in the complaint were given in violation of federal law, the Romney Committee did not know about the violations or acquiesce in improper activity by receiving them.

LEGAL ANALYSIS

2 U.S.C. § 441b(a) provides that:

It is unlawful for...any corporation whatever...to make a contribution or expenditure in connection with any election at which...a senator [is] to be voted for, or in connection with any primary election or political convention or caucus held to select candidates...or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation...to consent to any contribution or expenditure by the corporation...prohibited by this section.

[emphasis added].

The Federal Election Commission's regulations likewise prohibit a candidate's committee from knowingly accepting corporate donations. 11 C.F.R. 110.4(b) provides that: "(1) no person shall--(iv) knowingly accept a contribution made by one person in the name of another." Similarly, 11 C.F.R. 114.2 prohibits a "candidate, political committee, or other person...from knowingly accepting or receiving any contribution" from a corporation. (Emphasis added).

Judy Pagliuca, Treasurer of the Romney Committee, worked diligently throughout the campaign to ensure that the Romney Committee complied with the letter and spirit of Federal campaign finance law throughout its fundraising efforts. She has confirmed that, to her knowledge, EMC Corporation did not engage in any improper or impermissible fundraising activities for the Romney Committee. Moreover, to her knowledge, EMC personnel did not host any fundraising events at their residences or corporate offices for the Romney Committee. See Exhibit A, Affidavit of Judy Pagliuca.

Romney Committee records indicate that, of all the people who contributed to the Romney Committee throughout its existence, only 14 contributors are employed by EMC Corporation. Those

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SHERIN AND LODGEN

Mary L. Taksar, Attorney  
September 25, 1995  
Page 3

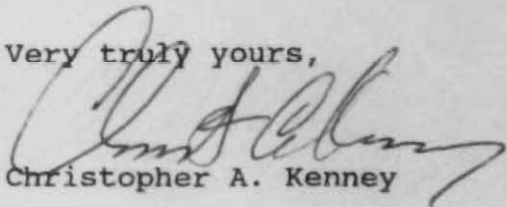
employees contributed a total of \$26,000. See list of contributors employed by EMC Corporation attached to Exhibit A. Please note that the contribution dates on the attached list of contributors vary, unlike the uniformly dated contributions alleged in the complaint. Simply put, to the best of Ms. Pagliuca's knowledge and belief, all contributions the Romney Committee received from contributors who were also employees of EMC Corporation were made and received in strict compliance with Federal campaign finance law.

Jackson Communications' attempt to analogize EMC Corporation's activity to impermissible fundraising activity Prudential Securities, Inc. engaged in from 1986 to 1993 (MUR 3540) seems misplaced in both scope and gravity. However, one similarity between the two cases is worth noting. At the conclusion of the FEC's investigation of the Prudential Securities case, the FEC made no findings of any wrongdoing against the political candidates who received contributions from employees of Prudential Securities, Inc. Likewise, the FEC should not make any findings or take any action against the Romney Committee in this case, because its receipt of campaign contributions from people who were employed by EMC Corporation was done in good faith.

Lastly, Jackson Communications' complaint cites "11 CFR 114, 9 (a) (1)." Assuming that this means 11 C.F.R. 114.9(a)(1), that regulation applies only to the use of corporate facilities, which likewise does not implicate the Romney Committee in this case, because, to Ms. Pagliuca's knowledge, none of EMC Corporation's corporate facilities were used for fundraising on behalf of the Romney Committee.

Please feel free to contact me directly if you need any additional information as part of your investigation of Jackson Communications' complaint. I trust that you will promptly notify me of the Commission's conclusion as it affects the Romney Committee. I look forward to hearing back from you.

Very truly yours,

  
Christopher A. Kenney

CAK/lak  
Enclosure



AFFIDAVIT OF JUDY M. PAGLIUCA

I, Judy M. Pagliuca, state the following under oath:

1. I serve as Treasurer to the Romney for U.S. Senate Campaign Committee.

2. I have reviewed the complaint Jackson Communications made to the FEC regarding EMC Corporation's fundraising activity, and have met with the Romney Committee's counsel, Christopher A. Kenney, to review contributions EMC Corporation employees made to the Romney Committee.

3. Attached to this affidavit is a computer printout of the EMC Corporation employees who contributed to the Romney Committee. In total, 14 EMC Corporation employees contributed a total of \$26,000 to the Romney Committee.

4. I have spoken to Teresa Arent, who was the officer manager for the Romney Committee, and Priscilla Russo, who was the finance director for the Romney Committee, about the allegations contained in Jackson Communications' complaint.

5. To my knowledge and belief, EMC Corporation did not engage in any improper or impermissible fundraising activities for the Romney Committee. Moreover to my knowledge and belief, EMC personnel did not host any fundraising events at their residences or corporate offices for the Romney Committee.

6. To my knowledge and belief, all contributions the Romney Committee has received from EMC Corporation employees were made in accordance with campaign finance law. If any of the contributions discussed in Jackson Communications' complaint were given in violation of federal law, the Romney Committee did not

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know about the violations or acquiesce in improper activity by receiving them.

Made under the penalties of perjury this 25th day of 1995.

*Judy M. Pagliuca*  
Judy M. Pagliuca

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Name	Address	Occupation/Employer
Egan, John	22 Old Farm Rd Hopkinton, MA 01748-2135	Executive EMC Corp
Contribution: 03/16/94 Primary: 1000.00		
Contribution: 05/16/94 General: 1000.00		
Egan, Beverly	22 Spruce Pond Rd Franklin, MA 02038-2500	Travel Manager EMC Corp
Contribution: 06/09/94 Primary: 1000.00 General: 1000.00		
Egan, Richard	8 Queen Anne Rd Hopkinton, MA 01748-2166	Chairman of the Board EMC Corporation
Contribution: 03/16/94 Primary: 1000.00		
Contribution: 05/16/94 General: 1000.00		
Fitzgerald, James	157 Clinton St Hopkinton, MA 01748-2630	Sales EMC Corp
Contribution: 06/29/94 Primary: 1000.00 General: 1000.00		
Fitzgerald, Daniel	16 Chester Ln Milford, MA 01757-1690	Manager EMC Corp
Contribution: 06/29/94 Primary: 1000.00		
Fitzgerald, David	79 Lakewood Rd Weymouth, MA 02190-1451	Account Associate EMC Corp
Contribution: 06/29/94 Primary: 1000.00 General: 1000.00		
Morley, Beth	119 Hecla St Uxbridge, MA 01569-1323	Customer Sales Manager EMC Corp
Contribution: 06/23/94 Primary: 1000.00 General: 1000.00		
Noble, Karen	13 Rockdale Hill Cir Upton, MA 01568-1705	Sales Education Manager EMC Corp
Contribution: 06/23/94 Primary: 1000.00 General: 1000.00		
Noble, Paul	7 Ridge Rd Norfolk, MA 02056-1747	Senior VP EMC Corp
Contribution: 06/23/94 Primary: 1000.00 General: 1000.00		
Petracca, Paul	13 Ridge Rd Hopkinton, MA 01748-1147	Info Systems Manager EMC Corp
Contribution: 03/16/94 Primary: 1000.00		
Contribution: 06/09/94 General: 1000.00		

Name	Address	Occupation/Employer
Ruettgers, Michael	453 Bedford Rd Carlisle, MA 01741-1815	Businessman EMC Corp
Contribution: 05/31/94	Primary:	500.00
Contribution: 09/09/94	Primary:	500.00 General: 500.00
Contribution: 10/11/94		General: 500.00
Ryan, John	5 Applewood Circle Shrewsbury, MA 01545	Dir Corp & Investor Relations EMC Corp
Contribution: 06/16/94		General: 1000.00
Wakefield, Tara	56 Harvard Ave Brookline, MA 02146-6202	Sales EMC
Contribution: 06/09/94	Primary:	1000.00 General: 1000.00
Yanai, Moshe	73 Dean Rd Brookline, MA 02146-4236	Vice President Eng EMC
Contribution: 05/26/94	Primary:	1000.00 General: 1000.00

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SKADDEN, ARPS, SLATE, MEAGHER & OFFICE OF GENERAL COUNSEL

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2111

(202) 371-7000

OCT 10 4 10 PM '95

FAX (202) 393-8760

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(202) 371-7007

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PARIS  
PRAGUE  
SYDNEY  
TOKYO  
TORONTO

October 10, 1995

VIA HAND DELIVERY

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4247 - EMC Corporation and  
Richard J. Egan

Dear Mr. Noble:

This letter is in response to the August 16, 1995 complaint filed against the EMC Corporation ("EMC") and Richard J. Egan, the Chairman of the Board of EMC. Specifically, the complaint alleges that Mr. Egan and EMC violated the Federal Election Campaign Act of 1971, as amended, ("FECA") by using corporate facilities to solicit contributions to the federal campaigns of Peter Torkildsen, Peter Blute, Mitt Romney, and Peter Wilson. This allegation is completely unfounded in law and in fact.

The solicitations at issue were the result of Mr. Egan's individual volunteer activity and not the result of a collective enterprise by EMC executives or personnel to raise funds for federal candidates. Indeed, Mr. Egan made the solicitations because of his personal relationships with the candidates and convictions in their fiscally conservative positions. He did not solicit the contributions on behalf of EMC in his capacity as an EMC executive. This is apparent in that he started soliciting political contributions in 1993 after stepping down as EMC's Chief Executive Officer and that many of the solicitees are members of Mr. Egan's family, some of whom are also executives of EMC. See Attached Affidavit of Richard J. Egan. Please note that the family members who decided to make contributions did so from their own personal assets. See id.

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Moreover, no EMC executive or employee other than Mr. Egan participated in soliciting contributions to federal candidates. See id. Mr. Egan's secretary helped him with minimal incidental tasks such as typing up lists of persons that he solicited and looking up phone numbers. However, she performed such functions as part of her duties as Mr. Egan's personal secretary and not as part of her functions as an employee of EMC. For tasks related to Mr. Egan's personal activities, his secretary is paid separately from a source other than EMC. See id. Therefore, contrary to allegations in the complaint, Mr. Egan's activity is not part of a corporate effort using corporate executives and personnel in carrying out political activities. This case could not be more different from the facts of the recent Prudential Case where executives routinely used subordinates including the head of government affairs in connection with their fundraising activities. See FEC, MUR 3540, Conciliation Agreement (December 1, 1994).

As for the use of EMC facilities, such use of corporate facilities is permitted if it is occasional, isolated, or incidental, i.e., one hour per week or four hours per month, to an executive's volunteer activities, such as the individual volunteer activities of Mr. Egan described above. 11 C.F.R. § 114.9(a).<sup>1</sup> Indeed, the majority of Mr. Egan's solicitations did not even make use of any corporate facilities. Rather, those solicitations consisted of phone calls made from his home. See Attached Affidavit of Richard J. Egan. Moreover, all notes sent by Mr. Egan were sent on personal stationery and postage paid for by Mr. Egan. The only use of corporate facilities involved a few phone calls made by Mr. Egan from his office and his personal secretary's use of a word processor to prepare lists of those who Mr. Egan solicited. Mr. Egan only held one fundraising event for a federal candidate and that was for Peter Blute. This

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<sup>1</sup> Even though the complaint mentions that EMC has contracts with the federal government, a corporation that qualifies as a federal contractor is granted the same exemptions from the FECA's prohibition on contributions as corporations that are not federal contractors. 11 C.F.R. § 115.3(a).

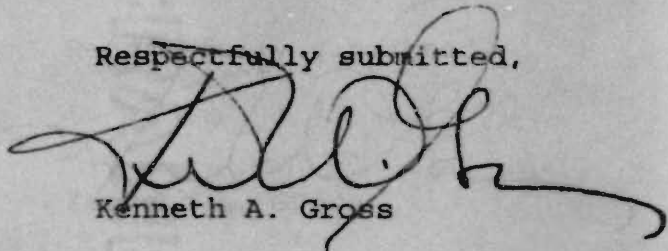
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Lawrence M. Noble, Esq.  
October 10, 1995  
Page 3

fundraiser was held at Mr. Egan's home and did not make use of any EMC facilities. In short, Mr. Egan did not even approach spending more than one hour a week or four hours a month using EMC facilities for his volunteer campaign activities. See id.

Since EMC facilities and personnel were not improperly used by Mr. Egan acting in his personal capacity, the Commission should find no reason to believe that a violation occurred.

Respectfully submitted,



Kenneth A. Gross

Attachment

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FEDERAL ELECTION COMMISSION

-----X  
In the Matter of

Richard J. Egan and  
EMC Corporation  
-----X

:  
:  
: MUR 4247  
:  
:

AFFIDAVIT OF RICHARD J. EGAN

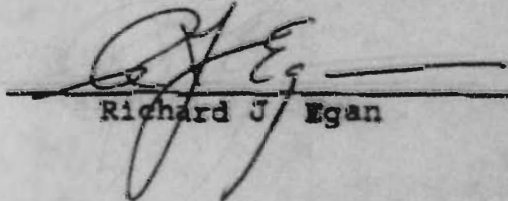
I, RICHARD J. EGAN, being duly sworn, depose and  
say:

1. I am the Chairman of the Board of the EMC Corporation and have been in that position since January 1988. I was also the President/Chief Executive Officer of EMC from 1979 to 1992. I started soliciting contributions to the federal campaigns of Peter Torkildsen, Peter Blute, Mitt Romney, and Peter Wilson in 1993 after I stepped down as the Chief Executive Officer of EMC.
2. I made these solicitations because of my personal relationships with the candidates and because of my belief in their conservative views. I did not engage in this activity for any interests or concerns related to EMC. Many of the persons I solicited are members of my family. Some of these family members are also executives of EMC. No EMC funds were used in any way regarding those personal contributions made by my family members.
3. I was the only EMC executive or employee who was involved in soliciting contributions to these federal candidates. My personal secretary helped me type up lists of persons that I solicited and look up phone numbers. These services were part of her duties as my personal secretary for which she was paid separately from a source other than EMC to serve my personal needs.

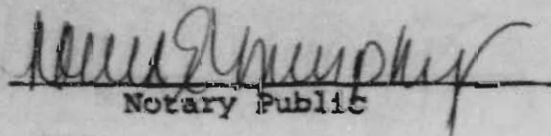
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4. I made most solicitations for political contributions on the telephone at my home. I made a few phone calls from the office. However, I spent less than one hour per week or four hours per month in connection with my political activities. Whenever I sent a note in connection with any solicitation, I sent them on stationery and postage for which I paid.
5. I held only one fundraising event. It was for Peter Blute and was held at my home.

  
Richard J. Egan

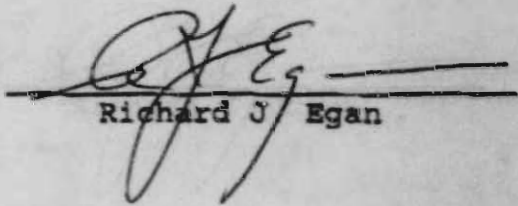
Sworn to and subscribed  
before me this 10th  
day of October 1995.

  
Notary Public

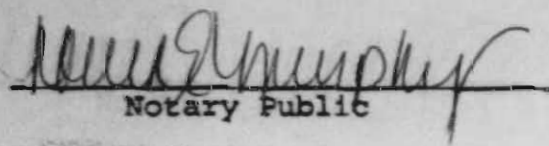
EILEEN E. MURPHY  
NOTARY PUBLIC  
MY COMMISSION EXPIRES JULY 18, 1997

4. I made most solicitations for political contributions on the telephone at my home. I made a few phone calls from the office. However, I spent less than one hour per week or four hours per month in connection with my political activities. Whenever I sent a note in connection with any solicitation, I sent them on stationery and postage for which I paid.

5. I held only one fundraising event. It was for Peter Blute and was held at my home.

  
Richard J. Egan

Sworn to and subscribed  
before me this 10th  
day of October 1995.

  
Notary Public

EILEEN E. MURPHY  
NOTARY PUBLIC  
MY COMMISSION EXPIRES JULY 18, 1997

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

One Financial Center  
Boston, Massachusetts 02111

701 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: 202/434-7300  
Fax: 202/434-7400

Telephone: 617/542-6000  
Fax: 617/542-2241

Joseph G. Blute, Esq.

Direct Dial Number  
617/348-3

July 22, 1996

Federal Election Commission  
General Counsel's Office  
999 East Street, NW  
Washington, D.C. 20463

Attention: Eric Green

Re: MUR 4247

Dear Mr. Green:

As we discussed, I write on behalf of the Peter Blute for Congress Committee to notify you of a change of firm association and mailing address. Please send all future correspondence in the above-referenced matter to my attention at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., One Financial Center, Boston, Massachusetts 02111.

Thank you.

Very truly yours,

  
Joseph G. Blute

JGB/jas

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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, D.C. 20463

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**FIRST GENERAL COUNSEL'S REPORT**

**SENSITIVE**

MUR No. 4247

Date Complaint Received: August 18, 1995

Date of Notification to Respondents:

August 24, 1995

Date Activated: March 13, 1996

Staff Member: Tracey L. Ligon

COMPLAINANT: Bud Jackson  
Jackson Communications

RESPONDENTS: EMC Corporation  
Richard J. Egan  
Citizens for Peter Torkildsen and  
Edward P. McGuire, as treasurer  
Peter Blute for Congress Committee and  
Susan Copeland, as treasurer  
Romney for U.S. Senate and  
Judy Pagliuca, as treasurer  
Pete Wilson for President Committee and  
Mark G. Hoglund, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441b  
2 U.S.C. § 441f  
11 C.F.R. §§ 110 and 114

INTERNAL REPORTS CHECKED: Contributor Index

FEDERAL AGENCIES CHECKED: None

**I. GENERATION OF MATTER**

This matter was initiated by a signed sworn complaint filed with the Federal Election Commission ("the Commission") by Bud Jackson of Jackson Communications on August 18, 1995. The complaint alleges that high-ranking officials of EMC

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Corporation (EMC),<sup>1</sup> including "CEO" Richard J. Egan, have facilitated hundreds of thousands of dollars in campaign contributions from EMC employees, family members and friends to federal candidates including Peter Torkildsen, Peter Blute, Mitt Romney, and Pete Wilson in violation of 2 U.S.C. § 441b.

## II. FACTUAL AND LEGAL ANALYSIS

### A. The Law

Pursuant to Section 441b(a) of the Federal Election Campaign Act of 1971, as amended (the "Act"), corporations are prohibited from making contributions or expenditures in connection with Federal elections. 2 U.S.C. § 441b(a). Contributions include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value made to any candidate for Federal office. 2 U.S.C. § 441b(b)(2); 11 C.F.R. § 114.1(a)(1). The Act provides for specific exemptions from the definition of contribution or expenditure, thereby setting forth permissible bounds of corporate activity in connection with Federal elections. 2 U.S.C. § 441b(b)(2). For example, a corporation may make partisan communications to its restricted class - its stockholders and executive or administrative personnel and their families. 2 U.S.C. § 441b(b)(2)(A); 11 C.F.R. § 114.3.<sup>2</sup> Although a corporation may

<sup>1</sup> According to the 1996 Million Dollar Directory published by Dun & Bradstreet, EMC Corporation, which was founded in 1979 and is incorporated in Massachusetts, sells computer storage devices, disk drives, and other computer products. In 1995, EMC Corporation's sales and number of employees were \$1.3 billion and 3,375, respectively.

<sup>2</sup> Under the Act, "executive or administrative personnel" means individuals employed by the corporation who are paid on a salary basis, and who have policymaking, managerial, professional or supervisory responsibilities. 2 U.S.C. § 441b(b)(7). See 11 C.F.R. § 114.1(c). The Commission's regulations define stockholder as "a person who has a

solicit or suggest in a communication sent to its restricted class that they contribute to a particular candidate or committee, a corporation may not actually facilitate the making of the individual's contribution to the candidate, see Advisory Opinions 1987-29, 1986-4, 1982-29 and 1982-2, or act as a conduit, see 11 C.F.R. § 110.6(b)(2)(ii). Commission regulations also permit the occasional, isolated or incidental use of a corporation's facilities for individual volunteer activity by stockholders and employees. 11 C.F.R. § 114.9(a). "Occasional, isolated, or incidental use" generally means activity which does not exceed one hour per week or four hours per month. See 11 C.F.R. § 114.9(a).<sup>3</sup>

The Act provides that "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect a contribution in another person's name. See Advisory Opinion 1986-41.

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vested interest in stock, has the power to direct how that stock shall be voted, if it is voting stock, and has the right to receive dividends." 11 C.F.R. § 114.1(h).

<sup>3</sup> We note that the Commission recently promulgated revised regulations on corporate facilitation at 11 C.F.R. § 114.2, which were published in the Federal Register on December 14, 1995, 60 Fed. Reg. 64260. However, the new regulations are not applicable to this case as the conduct alleged herein occurred prior to their March 13, 1996 effective date, see 61 Fed. Reg. 10269 (March 13, 1996).

Moreover, the prohibitions of Section 441f apply to individuals who help or assist in the making of contributions in the name of another. 11 C.F.R. § 110.4(b)(iii).

**B. Discussion**

As stated previously, the complaint alleges that high-ranking officials of EMC Corporation, including Richard J. Egan, have facilitated hundreds of thousands of dollars in campaign contributions from EMC employees, family members and friends to federal candidates in violation of 2 U.S.C. § 441b. The complainant asserts specifically that "the vast sums of money contributed, sometimes in the tens of thousands on a single day, raises a red flag signaling the likely breach of the law, in a manner similar to which Prudential Securities was found in 1994 to have violated." The complainant concludes that in his "personal opinion, the contributions collected in short order by EMC Corporation officials" point to a probable violation of the law by "likely overstepping the boundaries of what is considered incidental [into] an organized effort by top executives, utilizing corporate resources in a collective enterprise, to raise campaign contributions for federal candidates."

News articles attached to the complaint indeed reflect that EMC employees and their families contributed significant sums to candidates for federal office. Specifically, an article in the Boston Herald, dated August 7, 1995, reports that U.S. Representative Peter I. Blute received more than \$120,000 from EMC executives and their families since 1992; that U.S. Representative Peter G. Torkildsen received more than \$50,000 from EMC executives and family members; and that "some \$66,000 in EMC-connected

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contributions" were received in early 1995 at fundraisers for then presidential candidate Pete Wilson.<sup>4</sup>

In addition, the article relates that in the fall of 1994, Mr. Egan and EMC were accused of bundling checks, and describes a conversation between Representative Torkildsen and Mr. Egan. According to the article, Representative Torkildsen asked Mr. Egan to host a fundraising party at his home, to which Mr. Egan replied that he could save both men a lot of time and effort; a few weeks later Representative Torkildsen's campaign received packets of checks all dated June 15 totaling \$21,000 from EMC employees and their relatives. According to the article, Mr. Egan denied having ever solicited EMC employees, but admitted that he prods family members by "put[ting] the thought in their head."<sup>5</sup>

In response to the complaint, counsel for EMC and Richard J. Egan asserts that "the solicitations at issue were the result of Mr. Egan's individual volunteer activity and

<sup>4</sup> Regarding the level of overall contributions, a review of FEC disclosure indices reveals that during the 1993-1994 election cycle, individuals identified as being employed by EMC Corporation made approximately \$97,750 in contributions to federal candidates and committees. Of that amount, Richard J. Egan and EMC employees apparently related to Egan contributed at least \$48,900. Thus far in the 1995-96 election cycle, EMC employees have made \$89,200 in contributions, \$35,500 of which appear to have been made by Egan and family relatives that also work for EMC (the actual amount of contributions by EMC-employed relatives of Egan is probably greater as the foregoing figures only account for EMC-employed individuals sharing the Egan surname).

<sup>5</sup> There are three additional articles attached to the complaint - one is a Boston Globe article that reiterates some of the contributions noted in the main article, discussed, supra. The two remaining articles focus on criticism of Representative Torkildsen for perceived hypocrisy in fundraising practices. Specifically, a North Shore Sunday article dated October 30, 1994, reports criticism of Representative Torkildsen for accepting, inter alia, bundled money, and specifically identifies the \$21,000 in contributions made by EMC employees and their family members on June 15. The other news article, which contains the same criticism, was printed in the Boston Globe on November 2, 1994.



not the result of a collective enterprise by EMC executives or personnel to raise funds for federal candidates," and argues that this matter "could not be more different" from the matter involving Prudential Securities, Inc. In an affidavit attached to the response, Mr. Egan states that he started soliciting contributions to the federal campaigns of Peter Torkildsen, Peter Blute, Mitt Romney, and Peter Wilson in 1993. Referencing Mr. Egan's affidavit, counsel asserts that Mr. Egan made the solicitations because of his personal relationships with the candidates and his belief in their views, and that he did not solicit the contributions on behalf of EMC in his capacity as an EMC executive. Counsel argues that his claim that Mr. Egan did not solicit contributions in his capacity as an EMC executive "is apparent in that Mr. Egan started soliciting political contributions in 1993 after stepping down as EMC's Chief Executive Officer and that many of the solicitees are members of Mr. Egan's family, some of whom are also executives of EMC." Counsel further asserts that Mr. Egan's family members "who decided to make contributions" did so from their own personal assets. In his affidavit, Mr. Egan avers that no EMC funds were used in any way regarding those contributions.

In addition, counsel asserts that Mr. Egan was the only EMC executive or employee who was involved in soliciting contributions to federal candidates. Counsel asserts that Mr. Egan's secretary helped him with minimal incidental tasks such as typing up lists of persons that he solicited and looking up phone numbers. Counsel asserts that Mr. Egan's secretary performed such functions as part of her duties as his personal secretary and not as part of her functions as an employee of EMC, and that she was paid for tasks related to Mr. Egan's personal activities from a source other than EMC.

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With respect to the use of EMC facilities, counsel notes that such use of corporate facilities is permitted if it is occasional, isolated, or incidental, and asserts that "Mr. Egan did not even approach spending more than one hour a week or four hours a month using EMC facilities for his volunteer campaign activities." Specifically, in this regard, counsel asserts that the majority of Mr. Egan's solicitations did not make use of any corporate facilities; that most of Mr. Egan's solicitations were phone calls made from his home. Counsel asserts that whenever Mr. Egan sent a note in connection with any solicitation, he sent it on personal stationery and used postage for which he paid. Further, counsel asserts that the only use of corporate facilities involved a few phone calls made by Mr. Egan from his office and his personal secretary's use of a word processor to prepare lists of those who Mr. Egan solicited. Finally, counsel asserts that Mr. Egan only held one fundraising event for a federal candidate, which was held on behalf of Peter Blute at Mr. Egan's home. Counsel concludes that since EMC facilities and personnel were not improperly used by Mr. Egan who was acting in his personal capacity, the Commission should find no reason to believe that a violation occurred.

Given the respondents' response, it appears that the act of soliciting the contributions at issue was not the result of a collective enterprise by EMC executives or personnel, as the respondents contend. However, the respondents' response is not sufficient to rebut the complainant's allegation that the respondents engaged in corporate facilitation. The complaint alleges that the respondents facilitated hundreds of thousands of dollars in campaign contributions from EMC employees, family members and friends to federal candidates. However, in the response, the respondents characterize the

allegation as that of using corporate facilities to solicit contributions, and throughout the response, accordingly, focus only on the act of soliciting contributions. Nowhere in the response do the respondents explicitly deny having collected contributions from EMC employees and their families and/or delivering those contributions to federal candidates, or otherwise facilitating the contributions. The question of whether the respondents collected and delivered the solicited contributions is particularly relevant inasmuch as, as the complaint alleges, vast sums of money were contributed on the same day by EMC employees. In addition to the \$21,000 contributed to Representative Torkildsen's campaign on June 15, 1994 by EMC employees and individuals apparently related to Mr. Egan, on May 17, 1995, twelve EMC employees contributed, in the aggregate, \$19,500 to the campaign of then presidential candidate Pete Wilson. A review of the contributions of EMC employees to all four candidates on behalf of whom Mr. Egan solicited contributions reveals similar patterns of grouped contributions. Inasmuch as the respondents' response to the allegation of corporate facilitation addresses only the act of soliciting contributions, the record is completely devoid of information regarding the pertinent facilitating acts of collecting and delivering contributions. Thus, the respondents have not rebutted the complainant's allegation that they engaged in corporate facilitation.<sup>6</sup>

<sup>6</sup> This Office is also concerned that some of the contributions made by EMC employees may have been reimbursed by EMC or Richard J. Egan. The respondents specifically assert that Mr. Egan's family members "who decided to make contributions did so from their own personal assets" and that "no EMC funds were used in any way regarding those personal contributions made by [Mr. Egan's] family members." However, the respondents made no such assertions with respect to other EMC employees, who the evidence of record strongly suggests were also solicited for contributions by Mr. Egan. Further, the response does not state that Mr. Egan himself did not reimburse his family

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Based on the foregoing discussion, this Office recommends that the Commission find reason to believe that EMC Corporation and Richard J. Egan violated 2 U.S.C. § 441b. In an effort to ascertain whether the respondents collected and/or delivered the contributions solicited by Mr. Egan to the recipient committees or otherwise facilitated such contributions, we recommend that the Commission issue the attached subpoenas to EMC Corporation and Richard J. Egan. Further, we recommend that the Commission take no action at this time with respect to the other respondents in this matter.

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members and/or EMC employees from his own personal funds. According to various news articles, Mr. Egan has significant financial means and gives generously to various civic causes. The Boston Globe reported that Mr. Egan contributed \$6.7 million to his alma mater to help build a new engineering and science research center. FEC disclosure reports reflect that during the 1993-94 election cycle, Mr. Egan contributed \$31,300 to federal candidates and committees; thus far in the 1995-96 election cycle, Mr. Egan has made \$25,000 of such contributions.

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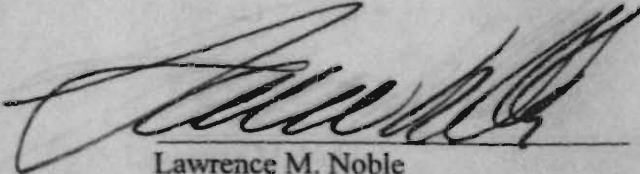


### III. RECOMMENDATIONS

1. Find reason to believe that EMC Corporation violated 2 U.S.C. § 441b.
2. Find reason to believe that Richard J. Egan violated 2 U.S.C. § 441b.
3. Approve the attached Factual and Legal Analysis.
4. Approve the attached subpoenas.
5. Approve the appropriate letters.
6. Take no action at this time with respect to Citizens for Peter Torkildsen and Edward P. McGuire, as treasurer, the Peter Blute for Congress Committee and Susan Copeland, as treasurer, the Romney for U.S. Senate committee and Judy Pagliuca, as treasurer, and the Pete Wilson for President Committee and Mark G. Hoglund, as treasurer.

Date

9/16/96

  
Lawrence M. Noble  
General Counsel

Attachments:

1. Factual and Legal Analysis
2. Subpoena and Order (2)


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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/LISA DAVIS   
COMMISSION SECRETARY

DATE: SEPTEMBER 20, 1996

SUBJECT: MUR 4247 - First General Counsel's Report  
dated September 16, 1996

The above-captioned document was circulated to the Commission  
on Tuesday, September 17, 1996 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s) as  
indicated by the name(s) checked below:

Commissioner Aikens	—
Commissioner Elliott	—
Commissioner McDonald	—
Commissioner McGarry	<u>XXX</u>
Commissioner Thomas	<u>XXX</u>

This matter will be placed on the meeting agenda for  
Wednesday, September 25, 1996.

Please notify us who will represent your Division before the Commission on this  
matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 4247  
EMC Corporation; )  
Richard J. Egan; )  
Citizens for Peter Torkildsen and )  
Edward P. McGuire, as treasurer; )  
Peter Blute for Congress Committee )  
and Susan Copeland, as treasurer; )  
Romney for U.S. Senate and )  
Judy Pagliuca, as treasurer; )  
Pete Wilson for President Committee )  
and Mark G. Hoglund, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session on  
September 25, 1996, do hereby certify that the Commission  
decided by a vote of 5-0 to take the following actions in  
MUR 4247:

1. Find reason to believe that EMC Corporation  
violated 2 U.S.C. § 441b.
2. Find reason to believe that Richard J. Egan  
violated 2 U.S.C. § 441b.
3. Approve the Factual and Legal Analysis  
attached to the General Counsel's  
September 16, 1996 report.
4. Approve the subpoenas attached to the  
General Counsel's September 16, 1996  
report.

(continued)

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5. Approve the appropriate letters as recommended in the General Counsel's September 16, 1996 report.
6. Take no action at this time with respect to Citizens for Peter Torkildsen and Edward P. McGuire, as treasurer, the Peter Blute for Congress Committee and Susan Copeland, as treasurer, the Romney for U.S. Senate committee and Judy Pagliuca, as treasurer, and the Pete Wilson for President Committee and Mark G. Hoglund, as treasurer.

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

9-25-96

Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SEP 30 1996

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Kenneth A. Gross, Esquire  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Avenue, NW  
Washington, DC 20005

RE: MUR 4247  
Richard J. Egan

Dear Mr. Gross:

On August 24, 1995, the Federal Election Commission notified your client, Richard J. Egan, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was enclosed with that notification.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on September 25, 1996, found that there is reason to believe that Richard J. Egan violated 2 U.S.C. § 441b, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Subpoena to Produce Documents and Order to Submit Written Answers must be submitted to the General Counsel's Office within 30 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the order. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If your client is interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED


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demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 investigation to be made public.

If you have any questions, please contact Tracey L. Ligon, the staff attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures  
Subpoena and Order  
Factual and Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 4247

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Richard J. Egan  
c/o Kenneth A. Gross  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Ave., N.W.  
Washington, D.C. 20005

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

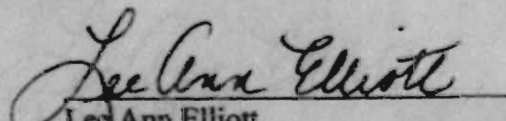
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MUR 4247

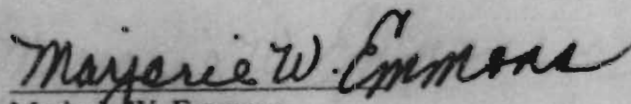
Page 2

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her hand in Washington, D.C. on this ~~30th~~ day of September, 1996.

For the Commission,

  
Lee Ann Elliott  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachment:  
Interrogatories and Request for Documents

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## INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1992 through the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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### DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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**INTERROGATORIES AND REQUEST FOR DOCUMENTS**

1. a). Identify each and every individual that you solicited for contributions to candidates or political committees in connection with federal elections.  
  
b). State what you said in soliciting such contributions.
2. a). Identify your secretary described in your response as having "helped ... with minimal incidental tasks such as typing up lists of persons that [you] solicited and looking up phone numbers." State the years of EMC service and the exact EMC job title of this individual. State whether this individual is an EMC stockholder.  
  
b). State the source consulted by you and/or your secretary in looking up telephone numbers of potential solicitees.  
  
c). Produce the lists of individuals that you solicited for contributions to candidates or political committees that was prepared by your secretary.
3. a). State whether you asked or directed any individual to collect the contributions that you solicited in connection with federal elections.  
  
b). If so, identify each and every individual so asked or directed.  
  
c). State what you said in making such requests of or in so directing the individual(s).
4. a). State whether you asked or directed any individual to deliver the contributions that you solicited in connection with federal elections to the recipient candidate(s) or political committee(s).  
  
b). If so, identify each and every individual so asked or directed.  
  
c). State what you said in making such requests of or in so directing individuals.
5. a). Identify any and every individual that collected the contributions that you solicited in connection with federal elections.  
  
b). Describe how the contributions that you solicited were collected.

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6. a). Identify any and every individual that delivered the contributions that you solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

b). Describe how the contributions that you solicited were delivered to the recipient candidate(s) or political committee(s).

7. Describe your relationship, familial or otherwise, with each of the individuals listed below.

Alan Bovi  
Paul A. Burke  
Beverly Egan  
Christopher Egan  
John Egan  
Maureen Egan  
Michael Egan  
Daniel J. Fitzgerald  
David A. Fitzgerald  
James P. Fitzgerald  
Mark J. Fitzgerald  
Paul F. Fitzgerald  
William P. Fitzgerald  
Kevin P. Foote

Michael Grilli  
Frank Griswold  
Lawrence Hepinstall  
Peter M. Jones  
Roderick M. Klinger  
Raymond R. Koehler, Jr.  
Tuvia Leneman  
Thomas E. McNulty  
Michael R. Mesarchik  
Beth Noble Morley  
David Noble  
Karen M. Noble  
Paul Noble  
Paul Noble, Jr.

Lee Packila  
Paul A. Petracca  
Stephen F. Plourde  
Jonathan Pulliam  
Scott F. Quinlan  
Stephen Reilly  
Robert F. Rinaldi  
Michael C. Ruettgers  
Eileen Sancomb  
Miryam Vishlitzky  
Natan Vishlitzky  
Douglas H. Volkmeier  
Tara Wakefield  
Moshe Yanai

8. a). State whether you reimbursed any individual for any contribution made in connection with a federal election.

b). Identify each and every such individual.

9. a). State whether any individual that you solicited for contributions in connection with federal elections was reimbursed from any source for their contribution(s).

b). Identify each and every such individual.

c). State the source of such reimbursement(s).

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: EMC Corporation  
Richard J. Egan

MUR: 4247

This matter was generated by a complaint filed with the Federal Election Commission ("the Commission") by Bud Jackson of Jackson Communications on August 18, 1995. See 2 U.S.C. § 437g(a)(1).

**A. The Law**

Pursuant to Section 441b(a) of the Federal Election Campaign Act of 1971, as amended (the "Act"), corporations are prohibited from making contributions or expenditures in connection with Federal elections. 2 U.S.C. § 441b(a). Contributions include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value made to any candidate for Federal office. 2 U.S.C. § 441b(b)(2); 11 C.F.R. § 114.1(a)(1). The Act provides for specific exemptions from the definition of contribution or expenditure, thereby setting forth permissible bounds of corporate activity in connection with Federal elections. 2 U.S.C. § 441b(b)(2). For example, a corporation may make partisan communications to its restricted class - its stockholders and executive or administrative personnel and their families. 2 U.S.C. § 441b(b)(2)(A); 11 C.F.R. § 114.3.<sup>1</sup> Although a corporation may

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<sup>1</sup> Under the Act, "executive or administrative personnel" means individuals employed by the corporation who are paid on a salary basis, and who have policymaking, managerial, professional or supervisory responsibilities. 2 U.S.C. § 441b(b)(7). See 11 C.F.R. §

solicit or suggest in a communication sent to its restricted class that they contribute to a particular candidate or committee, a corporation may not actually facilitate the making of the individual's contribution to the candidate, see Advisory Opinions 1987-29, 1986-4, 1982-29 and 1982-2, or act as a conduit, see 11 C.F.R. §§ 110.6(b)(2)(ii). Commission regulations also permit the occasional, isolated or incidental use of a corporation's facilities for individual volunteer activity by stockholders and employees. 11 C.F.R. § 114.9(a). "Occasional, isolated, or incidental use" generally means activity which does not exceed one hour per week or four hours per month. See 11 C.F.R. § 114.9(a).<sup>2</sup>

The Act provides that "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect

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114.1(c). The Commission's regulations define stockholder as "a person who has a vested interest in stock, has the power to direct how that stock shall be voted, if it is voting stock, and has the right to receive dividends." 11 C.F.R. § 114.1(h).

<sup>2</sup> We note that the Commission recently promulgated revised regulations on corporate facilitation at 11 C.F.R. § 114.2, which were published in the Federal Register on December 14, 1995, 60 Fed. Reg. 64260. However, the new regulations are not applicable to this case as the conduct alleged herein occurred prior to their March 13, 1996 effective date, see 61 Fed. Reg. 10269 (March 13, 1996).

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#### **B. Discussion**

As stated previously, the complaint alleges that high-ranking officials of EMC Corporation, including Richard J. Egan, have facilitated hundreds of thousands of dollars in campaign contributions from EMC employees, family members and friends to federal candidates in violation of 2 U.S.C. § 441b. The complainant asserts specifically that "the vast sums of money contributed, sometimes in the tens of thousands on a single day, raises a red flag signaling the likely breach of the law, in a manner similar to which Prudential Securities was found in 1994 to have violated." The complainant concludes that in his "personal opinion, the contributions collected in short order by EMC Corporation officials" point to a probable violation of the law by "likely overstepping the boundaries of what is considered incidental [into] an organized effort by top executives, utilizing corporate resources in a collective enterprise, to raise campaign contributions for federal candidates."

News articles attached to the complaint indeed reflect that EMC employees and their families contributed significant sums to candidates for federal office. Specifically, an article in the Boston Herald, dated August 7, 1995, reports that U.S. Representative Peter I. Blute received more than \$120,000 from EMC executives and their families since 1992; that U.S. Representative Peter G. Torkildsen received more than \$50,000 from EMC executives and family members; and that "some \$66,000 in EMC-connected

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contributions" were received in early 1995 at fundraisers for then presidential candidate Pete Wilson.<sup>3</sup>

In addition, the article relates that in the fall of 1994, Mr. Egan and EMC were accused of bundling checks, and describes a conversation between Representative Torkildsen and Mr. Egan. According to the article, Representative Torkildsen asked Mr. Egan to host a fundraising party at his home, to which Mr. Egan replied that he could save both men a lot of time and effort; a few weeks later Representative Torkildsen's campaign received packets of checks all dated June 15 totaling \$21,000 from EMC employees and their relatives. According to the article, Mr. Egan denied having ever solicited EMC employees, but admitted that he prods family members by "put[ting] the thought in their head."<sup>4</sup>

In response to the complaint, counsel for EMC and Richard J. Egan asserts that "the solicitations at issue were the result of Mr. Egan's individual volunteer activity and

<sup>3</sup> Regarding the level of overall contributions, a review of FEC disclosure indices reveals that during the 1993-1994 election cycle, individuals identified as being employed by EMC Corporation made approximately \$97,750 in contributions to federal candidates and committees. Of that amount, Richard J. Egan and EMC employees apparently related to Egan contributed at least \$48,900. Thus far in the 1995-96 election cycle, EMC employees have made \$89,200 in contributions, \$35,500 of which appear to have been made by Egan and family relatives that also work for EMC (the actual amount of contributions by EMC-employed relatives of Egan is probably greater as the foregoing figures only account for EMC-employed individuals sharing the Egan surname).

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With respect to the use of EMC facilities, counsel notes that such use of corporate facilities is permitted if it is occasional, isolated, or incidental, and asserts that "Mr. Egan did not even approach spending more than one hour a week or four hours a month using EMC facilities for his volunteer campaign activities." Specifically, in this regard, counsel asserts that the majority of Mr. Egan's solicitations did not make use of any corporate facilities; that most of Mr. Egan's solicitations were phone calls made from his home. Counsel asserts that whenever Mr. Egan sent a note in connection with any solicitation, he sent it on personal stationery and used postage for which he paid. Further, counsel asserts that the only use of corporate facilities involved a few phone calls made by Mr. Egan from his office and his personal secretary's use of a word processor to prepare lists of those who Mr. Egan solicited. Finally, counsel asserts that Mr. Egan only held one fundraising event for a federal candidate, which was held on behalf of Peter Blute at Mr. Egan's home. Counsel concludes that since EMC facilities and personnel were not improperly used by Mr. Egan who was acting in his personal capacity, the Commission should find no reason to believe that a violation occurred.

Given the respondents' response, it appears that the act of soliciting the contributions at issue was not the result of a collective enterprise by EMC executives or personnel, as the respondents contend. However, the respondents' response is not sufficient to rebut the complainant's allegation that the respondents engaged in corporate facilitation. The complaint alleges that the respondents facilitated hundreds of thousands of dollars in campaign contributions from EMC employees, family members and friends to federal candidates. However, in the response, the respondents characterize the

allegation as that of using corporate facilities to solicit contributions, and throughout the response, accordingly, focus only on the act of soliciting contributions. Nowhere in the response do the respondents explicitly deny having collected contributions from EMC employees and their families and/or delivering those contributions to federal candidates, or otherwise facilitating the contributions. The question of whether the respondents collected and delivered the solicited contributions is particularly relevant inasmuch as, as the complaint alleges, vast sums of money were contributed on the same day by EMC employees. In addition to the \$21,000 contributed to Representative Torkildsen's campaign on June 15, 1994 by EMC employees and individuals apparently related to Mr. Egan, on May 17, 1995, twelve EMC employees contributed, in the aggregate, \$19,500 to the campaign of then presidential candidate Pete Wilson. A review of the contributions of EMC employees to all four candidates on behalf of whom Mr. Egan solicited contributions reveals similar patterns of grouped contributions. Inasmuch as the respondents' response to the allegation of corporate facilitation addresses only the act of soliciting contributions, the record is completely devoid of information regarding the pertinent facilitating acts of collecting and delivering contributions. Thus, the respondents have not rebutted the complainant's allegation that they engaged in corporate facilitation. Therefore, there is reason to believe that EMC Corporation and Richard J. Egan violated 2 U.S.C. § 441b.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

September 30, 1996

Kenneth A. Gross, Esquire  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Avenue, NW  
Washington, DC 20005

RE: MUR 4247  
EMC Corporation

Dear Mr. Gross:

On August 24, 1995, the Federal Election Commission notified your client, EMC Corporation, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was enclosed with that notification.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on September 25, 1996, found that there is reason to believe that EMC Corporation violated 2 U.S.C. § 441b, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Order to Submit Written Answers must be submitted to the General Counsel's Office within 30 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the order. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If your client is interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

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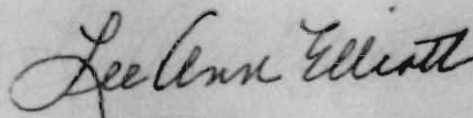


Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 investigation to be made public.

If you have any questions, please contact Tracey L. Ligon, the staff attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures  
Order  
Factual and Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
) MUR 4247  
)

ORDER TO SUBMIT WRITTEN ANSWERS

TO: EMC Corporation  
c/o Kenneth A. Gross  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Ave., N.W.  
Washington, D.C. 20005

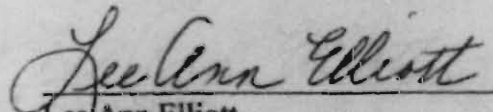
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

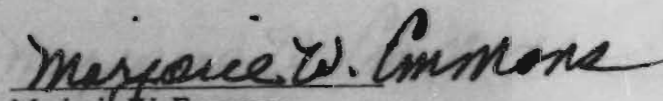
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WHEREFORE, the Chairman of the Federal Election Commission ~~has~~ hereunto set her hand in Washington, D.C. on this 30<sup>th</sup> day of September, 1996.

For the Commission,

  
Lee Ann Elliott  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachment:  
Interrogatories

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## INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1992 through the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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### **DEFINITIONS**

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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**INTERROGATORIES**

1. a). State whether any EMC employee asked or directed any individual to collect the contributions that Richard J. Egan solicited in connection with federal elections.

b). If so, identify each and every individual that made such request(s) of or so directed any individual. Identify each and every individual so asked or directed.

c). State what was said in making such requests of or in so directing the individual(s).

2. a). State whether any EMC employee asked or directed any individual to deliver the contributions that Richard J. Egan solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

b). If so, identify each and every individual that made such request(s) of or so directed any individual. Identify each and every individual so asked or directed.

c). State what was said in making such requests of or in so directing individuals.

3. a). Identify any and every individual that collected the contributions that Richard J. Egan solicited in connection with federal elections.

b). Describe how such contributions were collected.

4. a). Identify any and every individual that delivered the contributions that Richard J. Egan solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

b). Describe how such contributions were delivered.

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5. Identify each of the individuals listed below. State the period of EMC Corporation employment and job title of each of the individuals. State whether or not each individual is an EMC Corporation stockholder. If so, state the periods during which the individual owned stock in the corporation.

Alan Bovi	Michael Grilli	Lee Packila
Paul A. Burke	Frank Griswold	Paul A. Petracca
Beverly Egan	Lawrence Hepinstall	Stephen F. Plourde
Christopher Egan	Peter M. Jones	Jonathan Pulliam
John Egan	Roderick M. Klinger	Scott F. Quinlan
Maureen Egan	Raymond R. Koehler, Jr.	Stephen Reilly
Michael Egan	Tuvia Leneman	Robert F. Rinaldi
Daniel J. Fitzgerald	Thomas E. McNulty	Michael C. Ruettgers
David A. Fitzgerald	Michael R. Mesarchik	Eileen Sancomb
James P. Fitzgerald	Beth Noble Morley	Miryam Vishlitzky
Mark J. Fitzgerald	David Noble	Natan Vishlitzky
Paul F. Fitzgerald	Karen M. Noble	Douglas H. Volkmeier
William P. Fitzgerald	Paul Noble	Tara Wakefield
Kevin P. Foote	Paul Noble, Jr.	Moshe Yanai

6. a). State whether any individual that Richard J. Egan solicited for contributions to candidates or political committees in connection with federal elections was reimbursed with EMC funds for their contribution(s).

b). Identify each and every such individual.

c). Identify the individuals that issued and/or authorized such reimbursement(s).

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: EMC Corporation  
Richard J. Egan

MUR: 4247

This matter was generated by a complaint filed with the Federal Election Commission ("the Commission") by Bud Jackson of Jackson Communications on August 18, 1995. See 2 U.S.C. § 437g(a)(1).

**A. The Law**

Pursuant to Section 441b(a) of the Federal Election Campaign Act of 1971, as amended (the "Act"), corporations are prohibited from making contributions or expenditures in connection with Federal elections. 2 U.S.C. § 441b(a). Contributions include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value made to any candidate for Federal office. 2 U.S.C. § 441b(b)(2); 11 C.F.R. § 114.1(a)(1). The Act provides for specific exemptions from the definition of contribution or expenditure, thereby setting forth permissible bounds of corporate activity in connection with Federal elections. 2 U.S.C. § 441b(b)(2). For example, a corporation may make partisan communications to its restricted class - its stockholders and executive or administrative personnel and their families. 2 U.S.C. § 441b(b)(2)(A); 11 C.F.R. § 114.3.<sup>1</sup> Although a corporation may

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<sup>1</sup> Under the Act, "executive or administrative personnel" means individuals employed by the corporation who are paid on a salary basis, and who have policymaking, managerial, professional or supervisory responsibilities. 2 U.S.C. § 441b(b)(7). See 11 C.F.R. §



solicit or suggest in a communication sent to its restricted class that they contribute to a particular candidate or committee, a corporation may not actually facilitate the making of the individual's contribution to the candidate, see Advisory Opinions 1987-29, 1986-4, 1982-29 and 1982-2, or act as a conduit, see 11 C.F.R. §§ 110.6(b)(2)(ii). Commission regulations also permit the occasional, isolated or incidental use of a corporation's facilities for individual volunteer activity by stockholders and employees. 11 C.F.R. § 114.9(a). "Occasional, isolated, or incidental use" generally means activity which does not exceed one hour per week or four hours per month. See 11 C.F.R. § 114.9(a).<sup>2</sup>

The Act provides that "[n]o person shall make a contribution in the name of another or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person." 2 U.S.C. § 441f. A contribution in the name of another includes giving money or anything of value, all or part of which is provided to the contributor by another person without disclosing the source of the money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i). The Commission has noted previously that the provisions of Section 441f apply to any person, including an incorporated or unincorporated entity, who gives money to another to effect

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As stated previously, the complaint alleges that high-ranking officials of EMC Corporation, including Richard J. Egan, have facilitated hundreds of thousands of dollars in campaign contributions from EMC employees, family members and friends to federal candidates in violation of 2 U.S.C. § 441b. The complainant asserts specifically that "the vast sums of money contributed, sometimes in the tens of thousands on a single day, raises a red flag signaling the likely breach of the law, in a manner similar to which Prudential Securities was found in 1994 to have violated." The complainant concludes that in his "personal opinion, the contributions collected in short order by EMC Corporation officials" point to a probable violation of the law by "likely overstepping the boundaries of what is considered incidental [into] an organized effort by top executives, utilizing corporate resources in a collective enterprise, to raise campaign contributions for federal candidates."

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# JACKSON COMMUNICATIONS

PRODUCTIONS

6 Merrimack Place • Suite 3 • Haverhill, MA 01830  
(508) 469-9885 • fax (508) 469-9881 • JaxonComm@aol.com

October 1, 1996

Office of General Counsel  
Federal Elections Commission  
Office of the General Counsel  
Washington, D.C. 20463

MUR # 4247

Dear sir/madam:

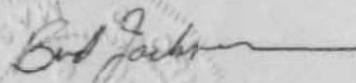
I hereby amend my original request (8/8/95 and 8/16/95) -- MUR #4247 -- for a Federal Elections Commission investigation into the fundraising practices of the EMC Corporation of Hopkinton, Massachusetts.

Specifically, I am providing evidence to substantiate the claim that subordinates of EMC, Inc. CEO Richard Egan were directed to undertake actions which clearly constitute a breach of law relative to fundraising within a corporation.

In addition, I wish to add the name of Republican U.S. Senate candidate William F. Weld for knowingly engaging in the Egan fundraiser which illegally used corporate subordinates and facilities to raise over \$300,000 for Weld last June.

Once again, keeping in mind the vast amounts of money EMC Corporation contributes to federal candidates and the fact that they are a federal contractor, I believe it to be in the public's best interests for the Federal Elections Commission to move swiftly on this complaint.

Sincerely,

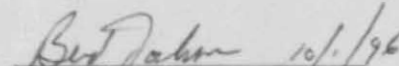


Bud Jackson

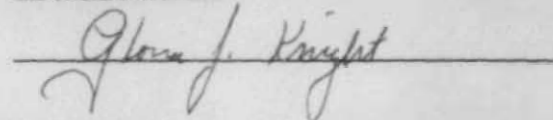
CC: Massachusetts Democratic Party

Enclosure

In matters relative to this addendum to MUR #4247, I hereby subscribe and swear to the contents of said documents. Subscribed and sworn to before me on this 1st day of October, 1996.

  
Bud Jackson 10/1/96

I hereby acknowledge that this statement was subscribed and sworn before me.



MY COMMISSION EXPIRES JULY 10, 2001

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 3 11 53 AM '96

97043821858

## SUMMARY

The attached documents are evidence relative to an illegal fund-raising activity being undertaken at the EMC Corporation of Hopkinton, MA

Specifically, a high-ranking EMC official has directed subordinates to undertake activities on behalf of raising money for federal candidate(s). Such activity within a corporate facility is prohibited by law.

## BACKGROUND OF DOCUMENTS

1. On January 22, 1996 the Weld for U.S. Senate Committee faxed fund-raising guidelines directly to the office of Richard Egan. Note: The fax number on the Weld cover-sheet is Egan's office fax number. Also note the handwritten date on the cover-sheet as well as the Weld Committee's fax machine imprint -- "WELD FOR SENATE" -- at the top which also identifies the date and the Weld Committee's fax number.
2. On March 4, 1996 Noreen Murphy (Richard Egan's administrative assistant) faxed from Egan's fax machine a copy of the Weld guidelines. The guidelines were readily available to Murphy over a month and a half later which implies they were kept on file in Egan or Murphy's office. Note: the "Post it" fax memo which was placed on the guidelines by Murphy (she is identified as the sender) rather than the use of a cover-sheet. Also note: at the top of the page is the fax imprint of Egan's EMC office -- "EMC EXEC ADMIN" -- fax machine which identifies their phone number and time and date of transmission.

-more-

97043821859



3. (Second document) Also on March 4, 1996 Noreen Murphy faxed from Egan's corporate office an invitation to a June 6, 1996 Weld fund-raiser. Again, note: Noreen Murphy is identified as the sender and at the top is a fax imprint identifying that the fax was sent from Egan's office -- "03/04/96 16:55 1 508 435 7954 EMC EXEC ADMIN"
4. (Third document) On March 12, 1996 Helen Tanchel, a marketing employee of EMC sent a fax from her corporate office which shows the artwork for Weld's June 6th fund-raiser was designed and/or typeset within the corporation. Tanchel goes as far as to identify the various fonts and point sizes used to produce the invitation. Note: At the top of Tanchel's fax cover-sheet is her fax machine's imprint which identifies her marketing/communication's office fax machine and when the fax was sent -- "03/12/96 15:59 5084976904 MARCOM"
5. (Fourth document) On March 15, 1996, in a fax sent from Jim Glennon of Mac/Donnell Printers, Glennon confirms that he printed the invitations and that EMC Corporation provided him the artwork. Glennon also shows that EMC Corp. saved roughly \$100. by producing the invitation in-house.

#### EVIDENCE SHOWS:

1. Subordinates of high-ranking officials being directed to undertake an activity to assist raising money for federal candidate(s) which is, in effect, an illegal corporate contribution.

97043821860

OTHER INFO:

EMC has contributed hundreds of thousands of dollars in campaign contributions to federal candidates.

In August 1995, citing questionable fund-raising activity, one Democratic consultant requested a formal investigation into the fund-raising practices of EMC.

The FEC is currently investigating the matter. The new documents should bolster the validity and evidence relative to the investigation.

EMC has multi-million dollar contracts with both the federal and state government, including a \$520 million contract with the I.R.S..

FOR FURTHER CLARIFICATION  
CALL (508) 469-9885

97043821861

03/04/96 16:02  
JAN-22-96 MON 16:27

01 5 435 7954  
WELD FOR SENATE

EMC EXEC ADMIN

FAX NO. 617-367-4255

001  
P.01

**Weld** **U.S.**  
**Senate**

90 Canal Street 4th Floor, Boston MA 02114  
617-573-WELD (9355) Fax 617-367-4255

Post-it 7 transmittal memo 571		# of pages 4
To	[Redacted]	Co. [Redacted]
Co.	[Redacted]	Phone # [Redacted]
Dept.	[Redacted]	Fax # [Redacted]
Fax #	[Redacted]	

TO:

ATTN:

OF:

PHONE:

FAX:

508-435-7954

FROM: Martha Chayet and Mary Kate Kelly

PHONE: (617) 573-WELD (9355)

FAX: (617) 367-4255

DATE:

1/22/96

For your event on:

at:

June 16th

Number of pages (including cover sheet):

#### MEMORANDUM

To: All Event Hosts  
From: Martha Chayet, Mary Kate Kelly  
Re: Event Planning

Thank you for agreeing to host a fundraising event for Governor Weld's campaign for U.S. Senate. We look forward to working with you to ensure a successful event and a winning campaign. We have prepared some information to help you plan for your event and comply with federal regulations. If you have questions regarding your event, please feel free to call us.

This fax transmission is confidential. If you have received it in error please call (617) 573-9515 immediately.

97043821862

03/04/96 18:03  
JAN-22-96 MON 18:19

31 435 7854  
WELD FOR SENATE

EMC EXEC ADMIN

FAX NO. 6173674255

P. 02

### Campaign Contribution Guidelines

#### CHECKS:

Checks are to be made payable to "WELD FOR SENATE".

As soon as you receive checks, please forward immediately to the attention of Martha Chayer at Weld for Senate, 90 Canal Street, Boston, MA 02114. Federal law requires that checks be deposited into the campaign's bank account within ten days of receipt.

Personal checks only. Corporate checks, including checks from P.C.'s and L.L.C.'s, are not allowed. Although sole proprietorship checks can be accepted, a personal check is preferred. Business checks of this nature must be accompanied by a written and signed statement including language that it is not a corporation and rather that it is a personal donation from the specific individual as stated.

Money orders which are in excess of \$50 are not accepted. Bank checks may be accepted - contributor's name and address must be stated.

#### Maximum contribution:

\$1,000 per person for the Primary Election

\$1,000 per person for the General Election

Total: \$2,000 max per person for this race

(Note: not based on a calendar year)

#### COMPLIANCE:

Contributors should indicate whether contribution is for primary or general election in the memo section of the check. [A \$2,000 check must clearly state "\$1,000-Primary, \$1,000-General"]

Contributions drawn on joint checking accounts will be designated as being from the signator on the check unless otherwise noted or signed by both parties.

FEC requires all donors of over \$200 to complete a disclosure card with their name, mailing address (prefer home address), occupation and employer.

#### EVENT COSTS:

The cost of food and beverage for events held in the donor's home must be paid from a personal account and may not exceed \$2,000 in the aggregate for this race. This amount is not considered an in-kind donation.

Events may be held in corporate-owned facilities if the corporation typically makes space available to outside clubs and organizations, and if provision of space for political activities has historically been made on a non-partisan basis for meetings and gatherings of this type. If the corporation typically charges a fee for use of its space, similar fees and such costs should be billed to Weld for Senate, Inc. Private clubs, hotels and other function facilities are allowed and costs should also be billed to Weld for Senate, Inc. The campaign must authorize all expenditures.

#### INVITATIONS:

Printing for invitations will be made available to hosts by Weld for Senate or hosts may choose to invite their guests by phone or letter on personal stationery. For hosts who choose to mail invitations, postage will be made available by Weld for Senate, Inc.

Please send drafts of all materials to the Weld for Senate Campaign for approval before printing. Weld for Senate; 90 Canal Street; Boston, MA 02116; Tel.: (617) 573-WELD (9353). FAX: (617) 367-4255.

97043821863



03/04/86 18:03  
JAN-22-86 MON 18:19

435 7854  
WELD FOR SENATE

EMC EXEC ADMIN  
FAX NO. 0173674255

003  
P.03

### SAMPLE INVITATION:

You are cordially invited to a reception honoring

GOVERNOR WILLIAM F. WELD  
Candidate for the U.S. Senate

----- Date -----  
----- Time -----

At the home of \_\_\_\_\_  
or public location  
(no corporate facilities)  
----- Address -----  
----- City, State -----

### Optional Information:

R.S.V.P (XXX) xxx-xxxx Contribution \$xxx per person:

Paid for by Weld for Senate

Note: Please do not list names of co-sponsors or host committees on invitations.

---

### SAMPLE INVITATION LETTER:

Dear \_\_\_\_\_:

A number of Governor Weld's friends and supporters are having a < breakfast/lunch etc. > on < date > to help him in his 1996 race for a U.S. Senate seat. The event will be held at < time, location >.

The Governor will join us to tell us about his plans and reasons for seeking the U.S. Senate office.

The requested contribution < amount > and checks should be made payable to "WELD FOR SENATE". If you can attend or support the Governor financially, we would request that you fill out the enclosed form and return it to me along with your contribution.

We look forward to seeing you on < date of event >.

Sincerely,

Host's Name

Paid for by Weld for Senate

97043821864

03/04/98 18:04  
JAN-22-98 MON 18:19

31 5 35 7954  
WELD FOR SENATE

EMC EXEC ADMIN  
FAX NO. 6173674255

004  
P. 04

# STANDARD RESPONSE CARD:

Yes, I will attend the event on Jan 23! Enclosed is my contribution of (xxx).

I am unable to attend, but have enclosed my contribution of:

\$2,000 \$1,000 \$500 Other\$

The maximum legal contribution is \$1,000 per election. If your contribution exceeds \$1,000, please designate \$1,000 for the Primary Election and the balance for the General Election.

\$ is designated for the Primary Election (\$1,000 maximum)

\$ is designated for the General Election (\$1,000 maximum)

Signature [Signature]

Please make checks payable to: WELD FOR SENATE.

Federal law requires political committees to report the name, address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Employer \_\_\_\_\_  
Occupation \_\_\_\_\_

Paid for and designed by Weld for Senate.  
40 Canal Street, Boston, MA 02114. Tel.: (617) 573-WELD (9355), FAX: (617) 547-4255.  
Political contributions are not tax deductible as charitable contributions for federal income tax purposes.  
Corporate contributions are prohibited.

## REPLY ENVELOPE RETURN ADDRESS:

John or Jane Doe (Sponsor's Name)  
For the Weld For Senate Event  
Street Address (Sponsor's Address)  
City, State Zip Code

97043821865

*Directions to:*

*The residence of  
Dick and Maureen Egan  
8 Queen Anne Road  
Hopkinton, Mass.  
508-435-8363*

Route 495 to Exit 21B towards Upton.  
(This is one exit south of the Mass Pike.)

Take a right off the exit and proceed to first set of lights.

Proceed straight through the South Street lights.  
(You will be on West Main Street.)

Take first right onto Gassett Road.

At fork, take right. This is Priscilla Road.

When Priscilla Road ends, take left onto Elm.

Take first right onto Old Farm Road.

The first left is Queen Anne Road.

8 Queen Anne (Tudor) is on the right.

*You are cordially invited  
to a reception honoring*

GOVERNOR  
**WILLIAM F. WELD**  
Candidate for the U.S. Senate

*Thursday, June 6, 1996*

*From 5:30 to 7:00 p.m.*

*at*

*The Home of  
Dick and Maureen Egan  
8 Queen Anne Road  
Hopkinton, Massachusetts*

*Please respond by May 23, 1996*

Post-It brand fax transmittal memo 767

# of pages 1

To	From
Co	Co.
Dept	Phone #
	Fax #

*Nancy Murphy*

\_\_\_ Yes, I will attend the event on June 6, 1996. Enclosed is my contribution of \$\_\_\_\_\_

\_\_\_ I am unable to attend, but have enclosed my contribution of:

\_\_\_ \$2,000 \_\_\_ \$1,000 \_\_\_ \$500 Other \$\_\_\_\_\_

The maximum legal contribution is \$1,000 per election. If your contribution exceeds \$1,000, please designate \$1,000 for the Primary Election and the balance for the General Election.

\$\_\_\_\_\_ is designated for the Primary Election (\$1,000 maximum)

\$\_\_\_\_\_ is designated for the General Election (\$1,000 maximum)

Please make checks payable to: WELD FOR SENATE

Federal law requires political committees to report the name, address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

Name \_\_\_\_\_

Home Address \_\_\_\_\_

Employer \_\_\_\_\_ Occupation \_\_\_\_\_

Paid for and authorized by Weld for Senate.

90 Canal Street, Boston, MA 02114 Tel: 617-573-WELD, Fax: 617-367-4255. Political contributions are not tax deductible as charitable contributions for federal income tax purposes. Corporate contributions are prohibited.

EMC<sup>2</sup>

## EMC Fax Transmission

No. of pages including cover sheet: 6

From: Helen Tanchel  
EMC Corporation  
35 Parkwood Ave.  
Hopkinton, MA 01748  
(508) 435-1000, ext. 7203  
Fax: (508) 497-6904

Date:

3/12/96

To:

Company:

Fax:

Comments:

The fonts throughout are Adobe  
Garamond: Plain, Italic, Expert, +  
Titling. Sizes and leading are  
marked throughout

-Heleen

97043821867



002/005  
WU

WARCOM  
RIP IIRUCARPHUS - - - - - LAL CUSFURALLUN

03/12/96 18:00 5084978904  
03/12/96 13:19 FAX 508 861 3200

invitation

*You are cordially invited  
to a reception honoring*

GOVERNOR  
**WILLIAM F. WELD**  
Candidate for the U.S. Senate

*Thursday, June 6, 1996*

*From 5:30 to 7:00 p.m.*

*at*

*The Home of  
Dick and Maureen Egan  
8 Queen Anne Road  
Hopkinton, Massachusetts*

*Please respond by May 23, 1996*

14/17 Ital

12/32 Export

24/24 Export ("W" is Titting)

14/21 Exp

16/30 Ital

13.5/30 Ital

13.5/17 Ital

13.5/30 Ital

9 7 0 4 3 8 2 1 8 6 8

DATE: 3/15/96TIME: 1:05

## FACSIMILE CORRESPONDENCE

FROM:

Jim Gleason  
**mac/donnell printers**  
of massachusetts, inc.

125 Brooks Street, Worcester, MA 01608

TEL: (508) 852-0347

FAX: (508) 852-8142

To:

EMC

TEL:

FAX:

## COMMENTS

           -- WE PRODUCED 500 OF THIS INVITATION  
PACKAGE, AS WELL AS 500 EXTRAS OF THE  
TWO ENVELOPES, AND 400 BLANK NOTE CARDS.  
THE COST FOR THIS JOB WAS \$540.00.  
EMC DID THE NETWORK IN THIS PARTICULAR  
JOB; IF YOU WOULD LIKE ME TO CREATE THE  
NETWORK, THE ADDITIONAL COST WOULD BE  
APPROXIMATELY \$100.00

CORRESPONDENCE SHEET PLUS

3 SHEETS TO FOLLOW

RESPONSE REQUIRED

☐ YES☒ NO

97043821869



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 23, 1996

Bud Jackson  
Jackson Communications & Productions  
6 Merrimack Place, Suite 3  
Haverhill, MA 01830

RE: MUR 4247

Dear Mr. Jackson:

This letter acknowledges receipt on October 3, 1996, of the amendment to the complaint you filed on August 16, 1995. The respondents will be sent copies of the amendment. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

Tracey L. Ligon  
Attorney

97043821870



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 23, 1996

The Honorable William F. Weld  
The Governor of Massachusetts  
28 Fayerweather Street  
Cambridge, MA 02138

RE: MUR 4247  
The Honorable William F. Weld

Dear Governor Weld:

The Federal Election Commission received an amendment to a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the amended complaint and the original complaint are enclosed. We have numbered this matter MUR 4247. 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.

97043821871



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,



Tracey L. Ligon  
Attorney

Enclosures

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

97043821872



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 23, 1996

Anthony Russo, Treasurer  
Weld for Senate, Inc.  
90 Canal Street, 4th Floor  
Boston, MA 02114

RE: MUR 4247  
Weld for Senate, Inc., and  
Anthony Russo, as treasurer

Dear Mr. Russo:

The Federal Election Commission received an amendment to a complaint which indicates that Weld for Senate, Inc., ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the amended complaint and the original complaint are enclosed. We have numbered this matter MUR 4247. 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.

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043821873

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,

A handwritten signature in dark ink, appearing to read "Tracey L. Ligon", followed by a horizontal line.

Tracey L. Ligon  
Attorney

Enclosures

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

97043821874



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 23, 1996

Kenneth A. Gross, Esq.  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Ave., N.W.  
Washington, DC 20005

RE: MUR 4247  
Richard J. Egan  
EMC Corporation

Dear Mr. Gross:

On August 24, 1995, your clients were notified that the Federal Election Commission received a complaint from Bud Jackson alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On September 30, 1996, you were notified that the Commission made reason-to-believe findings with respect to your clients and that answers to the subpoena and order included with the notification must be submitted within thirty days of receipt.

On October 3, 1996, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond.

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

Sincerely,

Tracey L. Ligon  
Attorney

Enclosure

97043821875



SKADSEN, ARPS, SLATE, MEAGHER &amp; FLOM

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2111

(202) 371-7000

FAX (202) 393-5760

DIRECT DIAL  
(202) 371-7007BOSTON  
CHICAGO  
HOUSTON  
LOS ANGELES  
NEWARK  
NEW YORK  
SAN FRANCISCO  
WILMINGTONBEIJING  
BRUSSELS  
BUDAPEST  
FRANKFURT  
HONG KONG  
LONDON  
MOSCOW  
PARIS  
PRAGUE  
SYDNEY  
TOKYO  
TORONTO

October 23, 1996

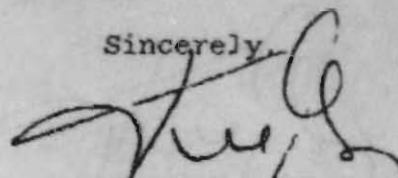
VIA FAXTracey L. Ligon, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463Re: MUR 4247 - Richard J. Egan and RMC  
Corporation

Dear Ms. Ligon:

This letter requests an extension of time of twenty (20) days to respond to the letters dated September 30, 1996 giving notice of a reason to believe finding against the above mentioned respondents. Counsel requires this additional time to review the matter and surrounding facts so he can prepare a complete response. Based on the date of receipt, October 3, 1996, the original response date would be November 2, 1996. If the requested extension is granted, the response will be due November 22, 1996.

Please call me with any questions.

Sincerely,

  
Kenneth A. Gross

 OCT 23 4 52 PM '96  
 RECEIVED  
 FEDERAL ELECTION  
 COMMISSION  
 OFFICE OF GENERAL  
 COUNSEL

97043821876



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 24, 1996

Kenneth A. Gross, Esq.  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Ave., N.W.  
Washington, DC 20005

RE: MUR 4247  
Richard J. Egan  
EMC Corporation

Dear Mr. Gross:

This is in response to your letter dated October 23, 1996, requesting an extension of twenty days, until November 22, 1996, to respond to the Federal Election Commission's reason to believe findings and subpoena and order on behalf of the above-referenced respondents.

As stated in a letter from this Office dated October 23, 1996, which apparently crossed your letter in the mail, you have already been afforded an additional 15 days in which to respond, or until November 17, 1996, based on the Commission's receipt of an amendment to the original complaint in this matter. In light of this extension and the circumstances presented in your letter, your request for an extension of time until November 22, 1996 is granted. Accordingly, responses to the Commission's subpoena and order propounded to the above-referenced respondents, and any additional factual or legal materials that you believe are relevant to the Commission's consideration of this matter, must be received in this Office by the close of business on November 22, 1996.

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

Sincerely,

Tracey L. Ligon  
Attorney

97043821877

# Peter Blute

## CONGRESSMAN

November 19, 1996

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E. Street, N.W.  
Washington, DC 20463

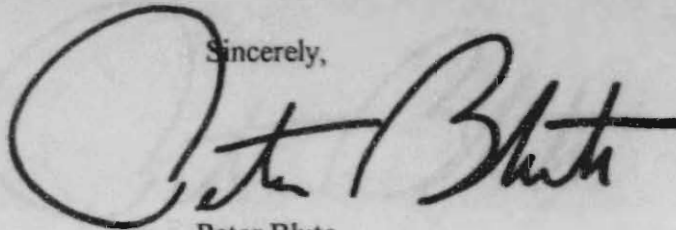
Re: Richard Egan

MUR 4247

Dear Mr. Noble:

This letter confirms that I expressly authorized Richard Egan, since 1992 to accept contributions on behalf of all three of my campaigns for election to the U.S. House of Representatives. I also considered him a member of the campaign's Finance Committee since 1993.

Sincerely,



Peter Blute

P.O. Box 246, Worcester, MA 01613 Tel: (508) 845-6860 Fax: (508) 845-6982

Paid for by the Peter Blute for Congress Re-election Committee

No public or taxpayer funds used to print this literature

97043821878

FOLEY, HOAG & ELIOT LLP

ONE POST OFFICE SQUARE

BOSTON, MASSACHUSETTS 02109-2173

TELEPHONE: (617) 832-1000

FACSIMILE (617) 832-7000

TELEX 940693

<http://www.fhe.com>

IN WASHINGTON, D.C.

1015 L STREET, N.W.

SUITE 900

WASHINGTON, D.C. 20038

TELEPHONE (202) 775-0800

GREGORY T. MOFFATT

(617) 832-1221

[gmofoffatt@fhe.com](mailto:gmofoffatt@fhe.com)

November 13, 1996

By Telefacsimile and Registered Mail

Tracey L. Ligon, Esq.  
Office of General Counsel  
Federal Election Commission  
999 E. Street, N.W.  
Washington, DC 20463

NOV 21 2 20 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Re: Matter Under Review 4247 (Weld For Senate, Inc. and  
Anthony Russo, as Treasurer)

Dear Ms. Ligon:

I am writing in response to the notification letter you sent to Weld For Senate, Inc. dated October 23, 1996, along with attached materials. Your letter was received by Weld For Senate, Inc. on October 29, 1996, and was forwarded to me as counsel.

I have reviewed the letter and attached materials sent by a Mr. Bud Jackson to the Office of General Counsel on October 1, 1996. In addition, I have reviewed the materials previously sent by Mr. Jackson to the Office of General Counsel in August 1995. Despite Mr. Jackson's allegation in his October 1 letter, the materials forwarded to Weld For Senate, Inc. demonstrate that no action should be taken by the Federal Election Commission against Weld For Senate, Inc. or Anthony Russo as treasurer for Weld For Senate, Inc.

With respect to Weld For Senate, Inc., the materials demonstrate nothing other than that Weld For Senate sent the event host a one-page notice entitled "Campaign Contribution Guidelines," which provided event hosts with general parameters to insure that all fundraising efforts undertaken were in compliance with federal law, along with a sample invitation, invitation letter and response card. No provision of federal law prohibits either the provision of such information or the forwarding of such information to an event host at the event host's place of business.

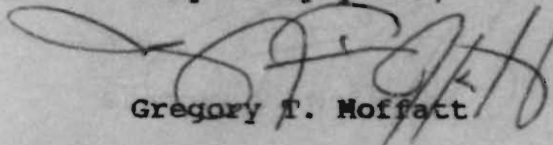
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Tracey L. Ligon, Esq.  
Office of General Counsel  
Federal Election Commission  
November 13, 1996  
Page 2

If I can be of further assistance to you in this matter,  
please feel free to contact me.

Very truly yours,



Gregory T. Moffatt

Enclosure (Designation of Counsel)

cc: Weld For Senate, Inc.  
Anthony Russo, C.P.A.

97043821880

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4247

NAME OF COUNSEL: Gregory T. Moffatt

ADDRESS: Foley, Hoag & Eliot

One Post Office Square

Boston, MA 02109

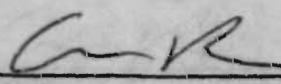
TELEPHONE: (617) 832-1000

NOV 21 2 20 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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

11/13/96  
Date

  
Signature

RESPONDENT'S NAME: Anthony Russo

ADDRESS: Weld for Senate, Inc.

90 Canal St., 4th Floor

Boston, MA 02114

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: (617) 573-9353

18812821881

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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DIRECT FAX  
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TOKYO  
TORONTO

November 22, 1996

VIA HAND DELIVERY

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4247 - Richard J. Egan and EMC Corporation

Dear Mr. Noble:

This is in response to the Federal Election Commission ("FEC" or "Commission") letter, dated October 23, 1996, notifying Richard J. Egan and EMC Corporation ("EMC") of an amendment to the complaint that initiated this MUR. The amended complaint alleges that EMC's corporate resources were used for a fundraiser held in June 1996 to benefit Governor William Weld's senatorial campaign, thus violating the Federal Election Campaign Act of 1971's, as amended, ("FECA's") prohibition on corporate contributions. Specifically, the complaint alleges that (1) fundraising guidelines from the Weld campaign were sent to Mr. Egan's office fax machine; (2) Noreen Murphy, Mr. Egan's executive assistant, faxed those guidelines and invitations to the fundraiser from Mr. Egan's office fax machine; (3) artwork prepared by EMC was used in the invitation to the fundraiser; and (4) Helen Tanchel, an EMC employee, faxed material related to the artwork using her office fax machine.

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#### **Use of Mr. Egan's Fax Machine**

Mr. Egan received the fundraising guidelines on his office fax machine and that fax machine was used to send those guidelines and an invitation to a person identifying himself as Bill Johnson, an executive at Oracle Corporation, who had requested those materials. The use of the fax machine, however, was permissible under FECA because it was in connection with Mr. Egan's volunteer activity. FEC regulations permit an employee to use corporate resources in connection with his or her volunteer activity as long as it is on an isolated and incidental basis, i.e., one hour per week or four hours per month. 11 C.F.R. § 114.9. Mr. Egan served on the finance committee of Weld's campaign and his work for that campaign took less than one hour per week or four hours per month.

We have reason to believe that the person who claimed to be Bill Johnson and requested that the guidelines and invitation be sent to him is in fact Bud Jackson, the complainant in this MUR. The guidelines were sent to the person falsely identifying himself as Bill Johnson (actually Bud Jackson) because he said he would be hosting a fundraising event for the Weld campaign.

The complaint also alleges that because Mr. Egan faxed the guidelines over a month after receiving them, this implies that he had the guidelines in a file in his office. This does not violate FECA in that Mr. Egan also has other personal materials filed in his office. There is no measurable benefit of having a file in one office rather than another.

#### **Noreen Murphy's Activity Was Minimal**

Noreen Murphy is Mr. Egan's executive assistant, and she performs a variety of personal and business tasks for Mr. Egan. Her assistance to Mr. Egan regarding the Weld campaign was minimal and included such tasks as sending faxes and looking up phone numbers. Ms. Murphy assisted in this matter as she would have for any other personal matter of Mr. Egan.

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#### **The Artwork Was Not Prepared by EMC**

EMC did not prepare the artwork for the invitation but rather, the artwork was prepared outside EMC. Mr. Egan took an invitation he used for a fundraiser in 1993 for William Weld's gubernatorial campaign and marked it up for the June 6, 1996 fundraiser. Mr. Egan gave this markup of the invitation to a source unrelated to EMC for the technical design work. A copy of this marked up invitation is enclosed. The bill for the artwork was sent to EMC and ultimately paid for by Mr. Egan out of his personal account. No one saved \$100 for having the invitation done in-house at EMC as the complaint alleges. The complaint bases this allegation on the note on the fax cover page from Jim Glennon, the printer who prepared the invitations. Mr. Glennon, however, erroneously assumed that EMC prepared the artwork based on Mr. Egan's suggested changes to the invitation.

#### **Helen Tanchel's Activity Was Minimal**

Helen Tanchel, an employee of EMC, received a phone call from someone identifying himself as Bill Johnson (who is in fact Bud Jackson) who asked for a description of the type fonts used in printing the invitations and asked that this information be faxed to him. Ms. Tanchel got a copy of the invitation and noted on a fax cover sheet the type fonts that were used. She faxed the cover sheet and the invitation to Bill Johnson (Bud Jackson). Her activity regarding the invitation was isolated and prompted solely by the request from Bill Johnson (actually Bud Jackson).

#### **Bud Jackson Created Artificial Misleading Evidence**

Bud Jackson misrepresented himself in a fraudulent manner by identifying himself to two separate EMC employees as Bill Johnson of Oracle Corporation and to Jim Glennon, the printer, as Bill Johnson of EMC. In addition to the misrepresentations he made to Ms. Tanchel as discussed above, the fax cover page from Mr. Glennon discussing his erroneous assumption that the artwork was

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prepared by EMC was solely the result of an effort by Bud Jackson to artificially create misleading evidence. Mr. Glennon received a phone call from Bill Johnson (Bud Jackson) who identified himself as an employee at EMC. Bill Johnson (Bud Jackson) said that he was holding a fundraising event for Congressman Peter Blute and that he wanted a price quote for invitations. He informed Mr. Glennon that the invitations were going to be in the same quantity and same type fonts as used in printing the invitations for Mr. Egan's Weld event. Mr. Glennon faxed Bill Johnson (Bud Jackson) this information. It is interesting that Bud Jackson has redacted from the fax cover sheets that he has enclosed the name of the individual to whom the fax is addressed - which is himself under the pseudonym of Bill Johnson.

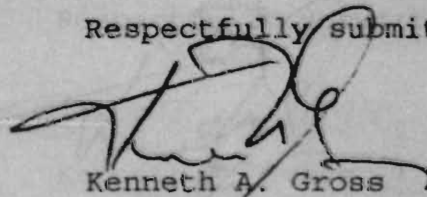
We have reason to believe that under the disguise of Bill Johnson of Oracle or EMC (depending on to whom he is talking), Bud Jackson is working either directly or through other individuals for the Massachusetts Democratic Party and that this attack on Mr. Egan and EMC is part of a "dirty tricks" campaign. Indeed, Bud Jackson makes a living by doing opposition research. As part of his "dirty tricks" campaign, Bud Jackson provided the reporters with the information for the newspaper articles upon which his original complaint is based. It is unfair for Mr. Egan and EMC to be found to have violated the law due to a minor error (i.e., the isolated occasions when campaign materials were faxed from EMC offices) that was induced fraudulently by Bud Jackson and then fed by him to the press to provide a facade of credibility to the charges that Jackson concocted. In short, this MUR is essentially the result of a fraudulent complaint by Bud Jackson.

Lawrence M. Noble, Esq.  
November 22, 1996  
Page 5

Mr. Egan's Request for a Meeting

For the foregoing reasons, the Commission should cease taking any further action regarding this amended complaint. We also request a meeting with the General Counsel's staff at which Mr. Egan and his counsel may further discuss this matter. I will contact you to set up the date and time of this meeting.

Respectfully submitted,



Kenneth A. Gross

Enclosure

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MOVE → ~~The Friends of~~ <sup>*This should do it*</sup>

~~Governor~~ *William F. Weld*

~~Governor~~

~~The Commonwealth of Massachusetts~~

~~CANDIDATE FOR THE U.S. SENATE~~

*You are cordially invite you to attend a Reception in his honoring*

*Thursday, September 30, 1993*  
*JUNE 6<sup>th</sup>, 1996*

From 5:30 to 7:00 p.m.

at

The Home of Dick and Maureen Egan  
8 Queen Anne Road  
Hopkinton, Massachusetts

\$1,000.00 per person ~~OMIT~~

Please respond by ~~September 16, 1993~~  
*MAY 7, 1996*

~~(508) 435-1000 - OMIT~~  
*Will send some directions and map*



SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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WASHINGTON, D.C. 20005-2111

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DIRECT DIAL  
(202) 371-7007

DIRECT FAX  
(202) 371-7956

November 22, 1996

VIA HAND DELIVERY

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4247 - Richard J. Egan and EMC  
Corporation

Dear Mr. Noble:

This is in response to the September 30, 1996 letters from the Federal Election Commission ("FEC" or "Commission") notifying Richard J. Egan and EMC Corporation ("EMC") that the Commission found reason to believe that they violated the Federal Election Campaign Act of 1971, as amended ("FECA"). Enclosed is background information which provides a brief summary regarding Mr. Egan, his family, and the charitable organizations and associations to which he belongs and information regarding EMC. Enclosure 1. Also enclosed are responses to the requests for interrogatories and document requests that accompanied those letters. Enclosure 2. The Commission alleges that Mr. Egan and EMC impermissibly facilitated contributions to the campaigns of Peter Blute, Peter Torkildsen, Pete Wilson and Mitt Romney by "bundling" contributions (i.e., collecting and forwarding contributions) to those campaigns. Mr. Egan and EMC deny that they ever improperly "bundled" contributions for those candidates.

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Mr. Egan solicited contributions at the request of the candidates and started engaging in fundraising activity only after he stepped down as Chief Executive Officer of EMC. Other than some incidental de minimis help from his secretary, such as looking up phone numbers and helping type solicitations, Mr. Egan worked alone on the fundraisers without using any EMC employees. For the most part, he solicited his adult family members. Moreover, most of Mr. Egan's immediate family members and numerous extended family members work at EMC in some capacity.

**Mr. Egan and EMC Did Not "Bundle" Contributions**

Neither Mr. Egan nor any employee of EMC "bundled" contribution checks to any of the four candidates. Indeed, Mr. Egan does not remember physically handling any contribution check except possibly those made by his mother who is confined to her home, although this may have been on behalf of William Weld's gubernatorial campaigns for election as Governor of Massachusetts. Also, when soliciting contributions, Mr. Egan remembers instructing prospective contributors to send their contributions directly to the campaign, usually to the campaign's finance committee. He has never directed an EMC employee to collect contribution checks on behalf of a candidate nor is he aware of any EMC employee having done so.

The Commission bases its allegations on newspaper articles that accompanied the complaint which instigated this MUR. Those articles claim that Mr. Egan raised substantial funds for the four candidates and that many of the contribution checks that Mr. Egan solicited arrived at the campaign on the same day. In particular, according to one article that was attached to the complaint, Peter Torkildsen's campaign is supposed to have received "packets brimming with donations" from Mr. Egan. Boston Herald (August 7, 1995). However, another article attached to that same complaint squarely repudiates this allegation. The Boston Globe quotes Mr. Torkildsen as saying that "These are cases where people mailed checks to me. I know many came on the same day." Boston Globe

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(November 2, 1994). This repudiation is not surprising in that we have reason to believe that an operative, specializing in selling opposition research to Democratic candidates, by the name of Bud Jackson (who also filed the complaint that initiated this MUR) fed the story to the Boston Herald to misleadingly corroborate his allegations. Indeed, the candidate did not and could not have received such packets from Mr. Egan.

Moreover, most of the contributors that Mr. Egan solicited were family members many of whom are or were EMC employees. The contributions arrived at the campaigns on the same day because those contributors, due to their close relationship with Mr. Egan, were extremely responsive to Mr. Egan's solicitation and his request that they contribute promptly. Mr. Egan and his family members have succeeded individually and collectively by being unusually responsive to one another in a business and personal setting. Mr. Egan should not be penalized for being a good fundraiser or having the loyal respect of his family and friends.

**Mr. Egan Had Significant Positions with the Campaigns**

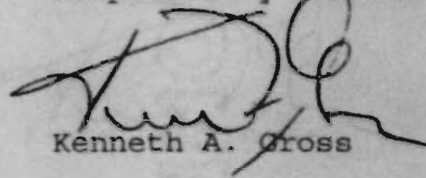
Even if Mr. Egan had "bundled" contribution checks, which he did not, he was permitted to do so because he occupied a significant position in each of those campaigns and was expressly authorized by the campaigns to accept contributions. See 11 C.F.R. § 110.6(b)(2)(i)(E). For example, Mr. Egan was serving as a Co-Chairman of the Finance Committee for Pete Wilson's presidential campaign when the contributions at issue were made. A letter and an organization chart from the Wilson campaign confirming Mr. Egan's position is enclosed as Enclosure 3. He was also asked by Mr. Torkildsen, Mr. Blute, and Mr. Romney to serve in similar significant positions with their campaigns.

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Lawrence M. Noble, Esq.  
November 22, 1996  
Page 4

Therefore, given that Mr. Egan and EMC did not facilitate the making of contributions and Mr. Egan served in significant positions with the campaigns, the Commission should dismiss this MUR.

Respectfully submitted,



Kenneth A. Gross

Enclosures

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Enclosure 1

97043821892

### Information About Richard J. Egan

- Mr. Egan is a Father and Husband with five children (all of whom are college educated and worked at EMC) and seven grandchildren.
- Mr. Egan is a graduate of Northeastern University, B.S.E.E. 1961, who worked his way through college and is a Marine Corps Veteran. He received an Honorary Doctorate of Law degree in June 1995 from Northeastern University.
- Mr. Egan has worked at: Honeywell as an Engineer (1961); MIT Draper Labs as a Graduate Student; NASA as a Design Engineer; Lockheed Electronics as a Product Marketing Manager; Cambridge Memories as a V.P. of Sales and Marketing; Intel Corp. as a General Manager; and EMC as founder and President (1979).
- Mr. Egan believes jobs and education are the solution to most of society's ills, that businesses create jobs and the wealth to accomplish this, and that the Republicans come closer to sharing these same views than Democrats. Thus, he has served in the following organizations:

Director of Mass. High Tech Council  
Director of Mass. Business Roundtable  
Member of the American Electronics Association  
Director of Cognition Corporation  
Director of the New York Stock Exchange Advisory Committee  
Member of Congressman Blute's, Torkildsen's, and Romney's Campaign Finance Committees  
Co-Chairman of the Finance Committee for Gov. Wilson's Presidential Campaign  
Member of the Finance Committee for Gov. Weld's Senatorial Campaign  
Benefactor of The Boston Pops  
Trustee of Northeastern University  
Benefactor of Boston College  
Elected Delegate to the Republican National Convention  
Member of Citizens for Limited Taxation  
Member of the Hopkinton Republican Town Committee  
Founder and Trustee of the Hopkinton Technology for Education Trust  
Benefactor of the Barrelstown Gang  
Member of the Semper Fidelis Society  
Trustee of the Inner-City Scholarship Fund

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### Information About EMC Corporation

- Richard J. Egan and Roger M. Marino founded the EMC Corporation ("EMC") in August 1979.
- EMC is a Massachusetts based corporation with 4,400 employees worldwide.
- Initially, EMC was primarily financed By Richard and Maureen Egan's personal savings and credit (e.g., credit cards). EMC is now a public company and is the leading worldwide supplier of data management and storage systems. EMC is a Fortune 500 company.
- EMC has (1) manufacturing facilities in Massachusetts, Colorado, and Ireland, (2) research and development facilities in Massachusetts, Colorado, Israel, and France, and (3) over one hundred sales and service offices in the U.S., Europe, and the Pacific Rim.

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Enclosure 2

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INTERROGATORIES AND REQUEST FOR DOCUMENTS FOR RICHARD J. EGAN

The following responses are based on the best knowledge and recollection of Richard J. Egan.

1. a). Identify each and every individual that you solicited for contributions to candidates or political committees in connection with federal elections.

This list may not be complete or accurate for I may have solicited others and some on this list may have been solicited for State elections.

**FAMILY:**

Egan, Beverly  
22 Spruce Pond Road  
Franklin, MA 02038

EMC Corp.; Manager  
Sister

Egan, Christopher  
2 Comm. Ave.  
Boston, MA

True Company  
President  
Son

Egan, Jack  
22 Old Farm Road  
Hopkinton, MA 01748

EMC Director  
Son

Egan, Maureen  
403 Alexander Palm Road  
Boca Raton, FL 33432

EMC Director/Homemaker  
Spouse

Egan, Michael  
25 Alprilla Farm Road  
Hopkinton, MA 01748

Egan Family Office  
General Manager  
Son

Fitzgerald, Dan  
14 Harvard Drive  
Milford, MA 01757

EMC Corporation  
Facilities Manager  
Nephew

Fitzgerald, Jack  
30 Brown Drive  
Walpole, MA 02081

Semi-retired  
Brother-in-law

Fitzgerald, Jim  
157 Clinton Street  
Hopkinton, MA 01748  
EMC Corporation

District Manager  
Nephew

97043821896

Fitzgerald, Paul  
27 Seacrest Drive  
Orleans, MA 02653

EMC Corporation  
Director/Retired  
Brother-in-law

Noble, Paul Jr.  
17 Ridge Road  
Norfolk, MA 02056

EMC Corporation  
Vice President  
Nephew

Petracca, Maureen  
1 Princess Lane  
Hopkinton, MA 01748

Homemaker  
Daughter

Petracca, Paul  
1 Princess Lane  
Hopkinton, MA 01748

Retired  
Son-in-law

Walkey, Catherine  
253 Malboro Street, #8  
Boston, MA 02116

Homemaker  
Daughter

# **FRIENDS & BUSINESS ASSOCI- ATES:**

Cronin, Michael  
19 Wight Street  
Medfield, MA 02052

EMC Corporation/Cognition  
Corporation

Director/President -  
Friend

Drew, Jim  
O'Connor & Drew  
172 Collincote  
Stoneham, MA

Owner, Friend

Leeman, John  
12 Glen Meadow Road  
Andover, MA 01810

Leeman Labs  
President; Friend

Oliveri, Joseph  
11 Queen Anne Road  
Hopkinton, MA 01748

EMC Corp/Interface  
Electronics  
Director/President & CEO  
Friend

Cunningham, John  
14 Dellbrook Road  
Weston, MA 02193  
Cunningham & Co./EMC

President/Director

Dacier, Paul  
9 Colony Brook Lane  
Derry, NH 03038

EMC Corporation  
General Counsel

Reilly, Steve  
21 Walcott Valley Drive  
Hopkinton, MA 01748

EMC Corporation  
Vice President

Ruettgers, Mike  
453 Bedford Road  
Carlisle, MA 01741

EMC Corporation  
Director/President & CEO

Yanai, Moshe  
15 Catlin Road  
Brookline, MA 02146

EMC Corporation  
Vice President

Landry, Kevin  
TA Associates  
125 High Street  
Boston, MA 02110

Managing Director  
Venture Capitalist

Pontikes, Ken  
Comdisco  
6111 North River Road  
Rosemont, IL 60018

President

Anthony Medaglia  
Hutchins, Wheeler & Ditmar  
101 Federal Street  
Boston, MA 02110

Attorney

John Beard  
Ropes & Gray  
One International Place  
Boston, MA 02110

Attorney

97043821899

Rinaldi, Bob  
Berkshire Computer Products  
35 South Street  
Hopkinton, MA 01748

President  
Ex-EMC District Manager

b). **State what you said in soliciting such contributions.**

In most cases, I either called or sent a note or letter on my stationery or note paper stating why I thought the candidate was worthy of support and included a Finance Committee subscription (contribution) card. In many cases I encouraged them to ask others to support the candidates. Here is an example.

Richard J. Egan  
8 Queen Anne Road  
Hopkinton, MA 01748

Dear

I would like to bring to your attention two Congressmen for whom I have the highest regard and for whom I ask your support.

Both Peter Blute and Peter Torkildsen will be running for re-election next year and will need all the help they can get. May I ask you to contribute as much as you can to their re-election efforts.

Each of us is allowed to donate up to \$2,000 to each candidate. One thousand for the Primary Election and another thousand for the General Election. Each check should be noted "Primary" and/or "General".

Please send your contributions to their respective Finance Committees.

Thanks for whatever you can do for these two fine gentlemen.

Yours truly,



PS: Please call me if you would like to know more about these fellows or for any other reason.

2. a). Identify your secretary described in your response as having "helped....with minimal incidental tasks such as typing up lists of persons that [you] solicited and looking up phone numbers." State the years of EMC service and the exact EMC job title of this individual. State whether this individual is an EMC stockholder.

Ms. Noreen Murphy  
Commenced employment April 25, 1988  
Executive Assistant  
Stockholder

- b). State the source consulted by you and/or your secretary in looking up telephone numbers of potential solicitees.

My telephone book; telephone directories; Membership Directory of Massachusetts High Technology Council, Massachusetts Business Roundtable, American Electronics Association, Northeastern University Alumni Directory, and others.

- c). Produce the lists of individuals that you solicited for contributions to candidates or political committees that was prepared by your secretary.

The list in 1 a) was typed by my secretary.

3. a). State whether you asked or directed any individual to collect the contributions that you solicited in connection with federal elections.

No one was asked or directed by me or anyone else to collect the contributions to the recipient Candidate(s) or political committee(s).

- b). If so, identify each and every individual so asked or directed.

None.

- c). State what you said in making such requests of or in so directing the individual(s).

Not applicable.

4. a). State whether you asked or directed any individual to deliver the contributions that you solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

I asked people to send their contributions to the candidates and did not direct any individual to deliver contributions of others to any candidate.

- b). If so, identify each and every individual so asked or directed.

Not applicable.

5. a). Identify any and every individual that collected the contributions that you solicited in connection with federal elections.

None, except possibly those made by my mother who is confined to her home, although this may have been on behalf of William Weld's gubernatorial campaigns for election as Governor of Massachusetts.

- b). Describe how the contributions that you solicited were collected.

No one was asked or directed by me or anyone else to collect the contributions to the recipient Candidate(s) or political committee(s).

6. a). Identify any and every individual that delivered the contributions that you solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

I do not have records of who sent contributions.

- b). Describe how the contributions that you solicited were delivered to the recipient candidate(s) or political committee(s).

They were mailed directly to the respective Finance Committees by the contributors.

7. Describe your relationship, familial or otherwise, with each of the individuals listed below.

Alan Bovi, EMC	Thomas E. McNulty, EMC
Paul A. Burke, EMC	Michael R. Mesarchik, EMC
Beverly Egan, Sister	Beth Noble Morley, Niece
Christopher Egan, Son	David Noble, Nephew
John Egan, Son	Karen M. Noble, Niece
Maureen Egan, Spouse	Paul Noble, Nephew
Michael Egan, Son	Paul Noble, Jr., same person as above
Daniel J. Fitzgerald, Nephew	Lee Packila, EMC
David A. Fitzgerald, Nephew	Paul A. Petracca, Son-in-law
James P. Fitzgerald, Nephew	Stephen F. Plourde, EMC
Mark J. Fitzgerald, Nephew	Jonathan Pulliam, EMC
Paul F. Fitzgerald, (Same person as below)	Scott F. Quinlan, EMC
William P. Fitzgerald, Brother-in-law	Stephen Reily, EMC
Kevin P. Foote, EMC	Robert F. Rinaldi, EMC
Michael Grilli, EMC	Michael C. Ruettgers, EMC
Frank Griswold, relationship unknown	Eileen Sancomb, EMC
Lawrence Hepinstall (spouse of Karen Noble, niece)	Miryam Vishlitzky (spouse of Natan)
Peter M. Jones, EMC	Natan Vishlitzky, EMC
Roderick M. Klinger, EMC	Douglas H. Volkmeier, EMC
Raymond R. Koehler, Jr., EMC	Tara Wakefield, EMC
Tuvia Leneman, EMC	Moshe Yanai, EMC

8. a). State whether you reimbursed any individual for any contribution made in connection with a federal election.

I did not reimburse or compensate anyone for contributions to any candidate.

- b). Identify each and every such individual.

Not applicable.

9. a). State whether any individual that you solicited for contributions in connection with federal elections was reimbursed from any source for their contribution(s).

I do not know.

- b). Identify each and every such individual.

Not applicable.

- c). State the source of such reimbursement(s).

Not applicable.

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INTERROGATORIES AND RESPONSES FOR EMC

The following are based on the best knowledge and information of EMC.

1. a). State whether any EMC employee asked or directed any individual to collect the contributions that Richard J. Egan solicited in connection with federal elections.

EMC does not know of any EMC employee that was asked or directed to collect contributions that Richard J. Egan solicited in connection with federal elections.

- b). If so, identify each and every individual that made such request(s) of or so directed any individual. Identify each and every individual so asked or directed.

EMC does not know of any such individuals.

- c). State what was said in making such requests of or in so directing the individual(s).

EMC does not know that anything was said.

2. a). State whether any EMC employee asked or directed any individual to deliver the contributions that Richard J. Egan solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

No EMC employee was asked or directed to deliver the contributions that Richard J. Egan solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

- b). If so, identify each and every individual that made such request(s) of or so directed any individual. Identify each and every individual so asked or directed.

No EMC employee was asked or directed to deliver the contributions that Richard J. Egan solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

97043821904

- c). State what was said in making such requests of or in so directing individuals.

Not applicable.

3. a). Identify any and every individual that collected the contributions that Richard J. Egan solicited in connection with federal elections.

No individual collected any contribution that Richard J. Egan solicited in connection with federal elections.

- b). Describe how such contributions were collected.

Not applicable. No individual collected any contribution that Richard J. Egan solicited in connection with federal elections.

- 4 a). Identify any and every individual that delivered the contributions that Richard J. Egan solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

No individual collected or delivered the contributions that Richard J. Egan solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

- b). Describe how such contributions were delivered.

Not applicable. No individual collected or delivered the contributions that Richard J. Egan solicited in connection with federal elections to the recipient candidate(s) or political committee(s).

5. Identify each of the individuals listed below. State the period of EMC Corporation employment and job title of each of the individuals. State whether or not each individual is an EMC Corporation stockholder. If so, state the periods during which the individual owned stock in the corporation.

See Attached.

6.a). State whether any individual that Richard J. Egan solicited for contributions to candidates or political committees in connection with federal elections was reimbursed with EMC funds for their contribution(s).

None were reimbursed.

b). Identify each and every such individual.

None.

c). Identify the individuals that issued and/or authorized such reimbursement(s).

Not applicable.

97043821906

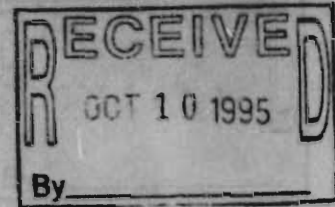
Enclosure 3

97043821907



PETE  
**WILSON**  
for PRESIDENT

OCT 04 1995



October 2, 1995

Mr. Richard Egan, Chairman  
EMC Corporation  
P.O. Box 9103  
Hopkinton, MA 01748-9103

Dear Mr. Egan,

Enclosed is a copy of the Pete Wilson for President National Finance Committee Organizational Chart. Also, I have included a copy of the correspondence from Peter Berlandi to the Alexander Company confirming your position as a National Finance Co-chairperson.

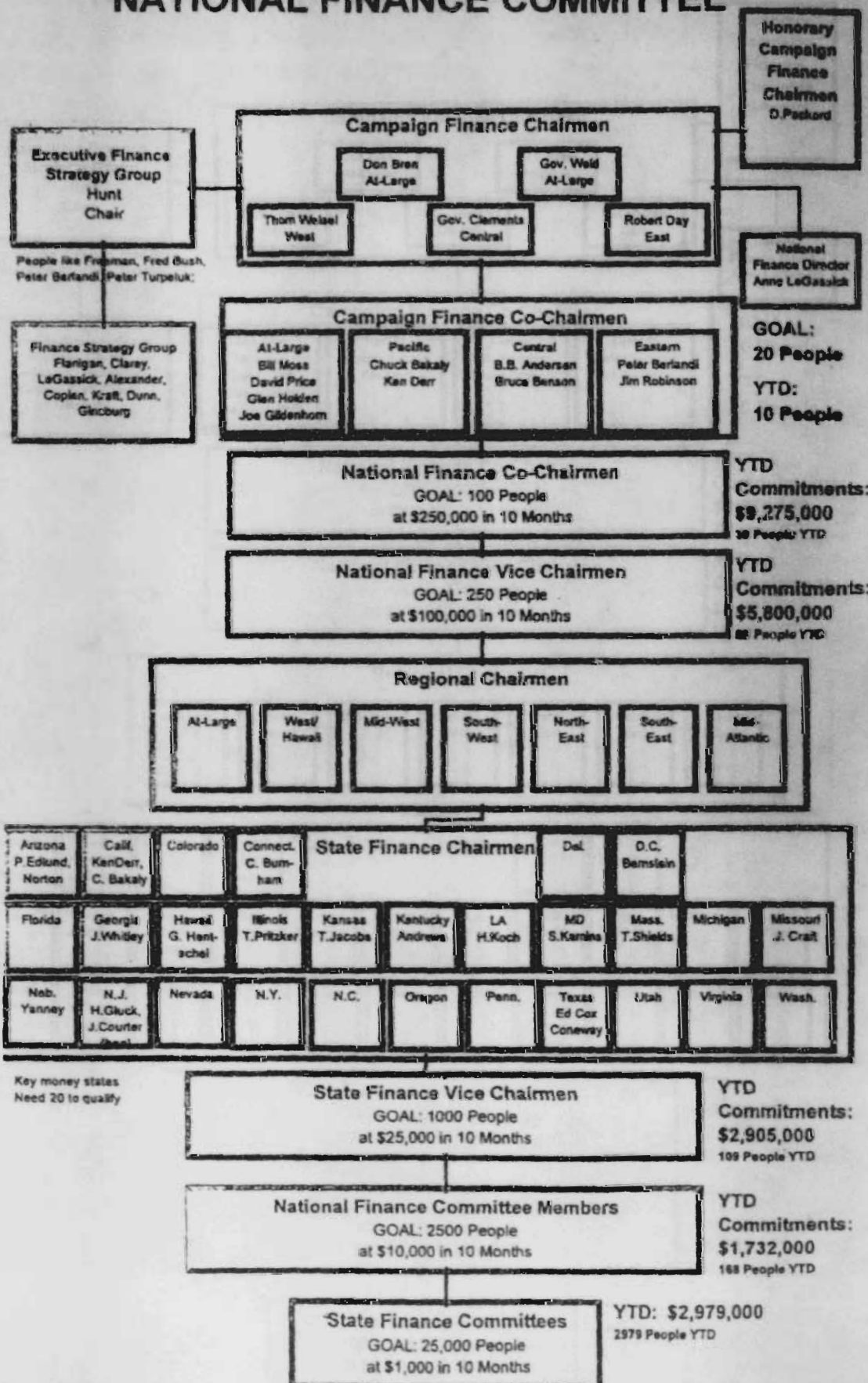
Should this information not be sufficient for your needs, or if you need any additional information from the Wilson for President Committee (either in Boston or from Sacramento) please feel free to call me or Wendy Berig at the Wilson Committee office at 617-723-1996.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dean Serpa".

Dean Serpa  
Deputy Regional Field  
Director

# NATIONAL FINANCE COMMITTEE



PETE  
**WILSON**  
for PRESIDENT

April 25, 1995

Ms. Margaret Alexander  
The Alexander Company  
1016 1/2 Oronco Street  
Alexander, Virginia 22314

Dear Margaret,

I am pleased to inform you that the following have agreed to be National Finance Co-Chairmen for us:

Thomas F. Shields  
Shields Health Care  
265 Westgate Drive  
Brockton, MA 02401  
508-559-7616

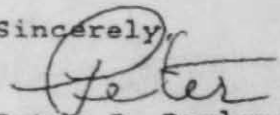
Daniel I. Sargent  
Senior Managing Director  
Salomon Brothers, Inc.  
7 World Trade Center  
New York, New York 10048  
212-783-5969

Richard J. Egan  
Chairman  
EMC Corporation  
South Street  
Hopkinton, MA 01748  
508-435-1000

Thomas Shields has also agreed to be Massachusetts State Finance Chairman.

I will forward to you the names of other people who want to become involved as soon as possible.

Sincerely,

  
Peter J. Berlandi

cc: Anne LaGassick

97043821910

W. Mitt Romney  
171 Marsh Street  
Belmont, MA 02178

MUR 4247

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
NOV 25 3 14 PM '96

November 21, 1996

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E. Street, N.W.  
Washington, DC 20463

Re: Richard Egan

Dear Mr. Noble:

This is to confirm that I authorized Richard Egan to solicit and accept contributions on behalf of my campaign for election to the U.S. Senate in 1994. I also considered him a member of my campaign's Finance Committee.

Sincerely,

  
W. Mitt Romney



Congressman  
**Peter Torkildsen**

November 7, 1996

Nov 29 10 19 AM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E. Street, N.W.  
Washington, DC 20463

MUR 4247

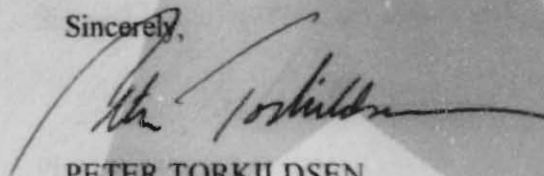
Re: Richard Egan

Dear Mr. Noble:

This letter confirms that Richard Egan has been expressly authorized by me since early 1994 to accept contributions on behalf of my campaigns for election to the U.S. House of Representatives in 1994 and 1996. I first asked him to be a member of the campaign's Finance Committee in 1994.

At no time did any of my campaigns receive "packets brimming with checks" from Mr. Egan.

Sincerely,



PETER TORKILDSSEN  
Member of Congress

80 Prospect Street  
Peabody, Massachusetts 01960

508-977-9600 • 508-977-0645 (fax)  
<http://www.torkildsen.com>

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To: MARTY LEWIS

Fax Number: (202) 219-3923

From: | Bud Jackson

Total Pages

(including this cover sheet):

8

Message:

MUR #4247

Marty - Some more background clips for you. Still missing is the Boston Herald story reporting the amount raised at EMC Egan's June '96 fundraiser. If you have access to "Data Quest" database, it carries the Boston Herald. Bud

If you have received this facsimile in error or have experienced any difficulties, please contact us at the below phone number.

All documents are strictly proprietary and confidential, intended only for the parties listed on this sheet.

(508) 469-9885 ~ FAX (508) 469-9881 ~ e-mail: jaxoncomm@aol.com  
6 Merrimac Place - Suite 3 - Haverhill, MA 01830

DEC 26 9 08 AM '96

RECEIVED  
GENERAL ELECTION  
OFFICE OF GENERAL  
JOSWELL

97043821913

97043821914

~~\_\_\_\_\_~~

I can't  
find the rest  
of this article...  
you might want  
to check it out,  
though.

If you don't already  
have this story, k4  
me so I can find  
the second page.

## Mass. executive pump\$ up GOP causes

By ANDREW MIGA

WASHINGTON

Wealthy Hopkinton high-tech executive Richard J. Egan, who has helped raise more than \$250,000 for Massachusetts Republicans, says he cares about issues, not carrying any favor with lawmakers.

"I have six grandchildren," said Egan, whose personal fortune is pegged at \$340 million by Forbes magazine. "I care about the issues, the future of this country."

But when a bitter contract dispute flared between his highly successful firm, Hopkinton-based EMC Corp., and the U.S. Postal Service, Egan turned to U.S. Rep. Peter I. Blute (R-Shrewsbury), a prime beneficiary of EMC-connected donations.

Blute, who has received more than \$120,000 from EMC executives and their families since 1992, was happy to oblige.

"He's a hero to me," said Blute.

The congressman arranged a 1993 meeting in his Capitol Hill office between postal officials and EMC attorneys. Senior Blute advisers and an aide

Turn to Page 14

MS 50 cents outside 30-cents zone

\*\*\*

Monday, August 7, 1995

WEATHER: Becoming mostly sunny high 71. Page 28/TV: Page 36/LOTTERIES: Page 63

# BOSTON



# HERALD



SENATE, PAGE 7A



NEWS PHOTO BY KEN McCAUGH  
 A man accused of trying to kidnap a 3-year-old girl, was denied bail yesterday. Judge Gregory Flynn said, "to find (him) a danger to the community at large."

## ney start for 4, 5



ASSOCIATED PRESS PHOTO

vision for the next two weeks, you may think the Olympics in Atlanta are a big test right to the Games, Channel 7 is where the action will be.

2A

a singer Dolores O'Riordan has a newspaper that said she a stage without underpants.

WEATHER/2A

Sunny and hot. High in the lower 90s. West wind 10 to 15 mph. Tonight, mostly clear, 65 to 70. Sunrise at 5:22; sunset at 8:18.

## EMC equals big bucks for Weld

### Hopkinton firm gives 84K for Senate bid

By Steve LeBlanc

CIVIC STATEHOUSE BUREAU

BOSTON — Employees and managers at Hopkinton-based computer systems giant EMC Corp. have pumped more than \$80,000 into Gov. William Weld's campaign since April.

The contributions have come from the Fortune 500 company's founder and chairman Richard Egan — as well as EMC managers and sales representatives, their husbands, wives and relatives.

All told in the past three months, the group of more than 70 people has donated a total of \$84,159 to Weld, according to campaign finance reports filed with the Federal Election Commission on Monday.

EMC, PAGE 7A



### Showdown FOR THE Senate

COMMUNITY NEWSPAPER COMPANY CIRCULATION

## Stocks go for a roller coaster ride

### From 166 down to 9 up at close

By Greg Gatlin

NEWS BUSINESS WRITER

Wait

That was the advice a Framingham portfolio manager had for investors at 1 p.m. yesterday as the Dow Jones Industrial Average plummeted in a seemingly endless spiral.

"I wouldn't do a thing as of today," said Dick Wilson, senior investment officer for Framingham-based First Financial Trust N.A. "That includes sell. It's unclear as to whether the market will have a significant correction from here."

Moments later the market began rebounding.

By just after 1 p.m. the Dow was off 166 points, slightly more than Monday's 161 point disaster, and last week's 145-point drop.

But in a roller coaster ride that matched the best Six DOW, PAGE 6A

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## Atlanta

called flavor pieces — pits in Atlanta; how to eneral interest stories. a report each day at 4 anchor the sports re- 20 — talking about the well as tracking down ites.

hannel 7 will be re- much it can offer the. According to Parent, he can only show two mpelition highlights lock of news. So be- 5:30, the station will two minutes with sca- and Lavanchy.

Lavanchy will not be live each night at 11 he network telecast ere are only certain 7 has that privilege. the sports will be re- newroom.

at you want, every s," said Parent. more than the com-

News Tonight and re a combined three id Fernandes. "In



ASSOCIATED PRESS PHOTO

Want to see gymnast Shannon Miller compete in the Atlanta Summer Games? Better tune in to Channel 7.

NBC's defense, they're not going to spend billions to have people turning away when events are still going on. It's always been like this."

## EMC big bucks for Weld

EMC, FROM 1A

Calls to Egan's office were not returned yesterday.

Weld campaign spokesman Rob Gray said there is nothing unusual about the amount of contributions coming from EMC.

"EMC is a company that has done well in Massachusetts in part because of the fiscal policies and tax cuts the governor has been able to pass," Gray said.

"It's not surprising that people would like to see him do the same for the country."

Gray said Egan has been a long-time supporter of Weld and hosted a fund-raiser for the governor in June.

By law, individuals are limited to donations of up to \$2,000 per candidate in national general elections. Political action committees or PACs are limited to \$5,000 donations. The laws are intended to blunt the influence of big money on political candidates.

Companies and business groups sometimes try to go around the law by encouraging executives and their relatives to contribute to a single candidate. The practice, known as

"bundling," is intended to help a company maintain its political clout.

In the past, Egan has dismissed suggestions he pressured his employees to make political donations. He has also said his political contributions reflect his personal beliefs and are not an attempt to purchase power.

EMC, which produces computer storage systems, is one of the largest corporations in the MetroWest area. It employs more than 3,000 employees and has annual sales approaching \$2 billion.

Egan's contributions to Weld are not the first time he has used his finances to back political candidates.

Last year, newspapers reports showed Egan and other EMC executives had contributed more than \$120,000 to US Rep. Peter Blute, R-3rd, since 1992. The group also backed US Rep. Peter Torkildsen, R-8th and Republican California Governor Pete Wilson.

The group also reportedly spent \$50,000 to help defeat to 1994 ballot questions that would have created a graduated state income tax.

THE CVS SENIOR EXPO AT THE HYNES CONVENTION CENTER, AUGUST 2-3.

Y ON THE  
RS AND STAFF  
T SENIORITY'S  
CENTERS AND  
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COME TO A FREE  
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NEWS II

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COVER STORY

# Torkildsen out to prove he's no fluke

COVERED FROM PAGE 1

What's more, he's made some tough votes that have cost him support of key constituency and special interest groups. And his difficult, low-key style is being sorely tested by an aggressive Democratic opponent who's making him answer for every move he makes, and who's helped by a party eager to regain a seat they see as rightfully theirs.

But don't underestimate Torkildsen. He's one of the North Shore's most resilient politicians, one who's demonstrated an uncanny ability to court voters like the one outside St. Joseph's Church without losing more liberal ones that make up much of the area's power structure.

And many voters may be willing to give him the benefit of the doubt after two years in office.

They're voters like Gordon Grant, a retired Salem Democrat who supported Nick Mayors before the longtime Congressman's indictment and loss to Torkildsen two years ago. As he sits at the American Association of Retired Persons forum waiting for the candidates, Grant talks about how Torkildsen needs more time to make his own mark in Washington.

"I think he's trying, but remember that he's only a freshman," says Oms. "With Nick, we could look back on things that he had done for the community. With Torkildsen only that will tell."

## Support in other places

It's warm for a fall day, which allows Bob Torkler to walk around outside General Electric's Maine gate in just a red polo shirt, a "Shop Steward" identification tag clearly pinned on his chest.

Torkler is one of a group of GE workers huddled around Torkildsen, discussing what appears to be a weighty matter. But the men are not there by accident: They're shouting Torkildsen's reelection commercial, evidenced by the bustling cameramen that hover around them.

Oddly enough, the Republican does have roots at the Lynn plant: His father was a longtime employee there. But Robert Torkildsen was no union man. He was an engineer in the Aerospace division who moved to Danvers from Milwaukee.

Torkildsen tells of how, after he was elected in 1992, he checked a group of workers there when he told them, "If it wasn't for GE, I wouldn't be here."

Still, a meeting like this one outside the gates might just have to be staged. Torkildsen doesn't have the support of GE's largest union, IUE Local 201, which is dominated by lunch-bucket Democrats who for years counted on Mayors to preserve the jet fighters whose engines kept

them working.

The union didn't like Torkildsen's vote for the North American Free Trade Agreement, nor are members thrilled with the fact that he's the 17th-ranked Republican

in the state. Torkildsen voted against President Clinton's 1993 budget plan in part because the president's proposed defense cuts doubled from \$60 million to \$120 million, he says. He also voted against killing the Trident II missile program.

"I've already gotten a pledge from (IUE Local 201 official) Charlie Ruter that if the union membership exceeds 4,000, he'll stand on Lynn City Hall's steps and endorse me," Torkildsen says.

He probably doesn't need it. GE's influence on North Shore politics isn't what it once was, and Torkildsen is testimony to that fact. The plant now employs about 3,000 people, less than half of what it did during the defense buildup of the 1980's.

Yet much of GE's management is behind Torkildsen. And so are people like Torkler, a Lynn man who describes himself as "probably the only right-wing conservative you'll find here."

Torkler, a gun owner and a member of the Danvers Fish and Game Club, recalls being concerned about Torkildsen's vote for the Brady Bill, which required a waiting period for the purchase of handguns.

Torkildsen's gun control record is mixed. He voted earlier this year

against a ban on 17 types of automatic assault weapons, and has been endorsed by the National Rifle Association. Handgun Control Inc., a Washington-based advocacy group, rates him 67 out of 100.

John Tierney, the Salem Democrat running against Torkildsen, has made gun control a big issue in this campaign. Tierney even got a personal endorsement from Sarah Brady, the founder of Handgun Control Inc., whose husband has crusaded for handgun control since being shot along with President Ronald Reagan in 1981.

For Torkler, though, the fact that Torkildsen came to the Danvers Fish and Game Club to explain his vote for the Brady Bill shortly after it was cast meant more than the vote itself.

"Integrity is a big thing for me," he says.

## Reformer or in need of reform?

Indeed, integrity has always been a battle cry for Torkildsen. A career politician who has often played the role of a white-knuckled giant killer.

The sixth oldest in a family of 10 children, Torkildsen followed his family from Milwaukee to Danvers in 1956, when he was 5 years old. He graduated from St. John Preparatory School in 1976, and later studied political science at UMass-Amherst. He served as a Danvers Town Meeting member from 1983 to 1985.

COVERED ON PAGE 10



Peter Torkildsen — "I've got to learn to talk in sound bites."

on the House Armed Services Committee, where key decisions about defense expenditures are made.

But the union has appreciated Torkildsen's fight to maintain funding for the F/A-18 Fighter, and efforts to keep the Apache Hel-

# Torkildsen's fund-raising raises ire of critics

By Gregory Iliakos

On June 15, a company that operates well south of the North Shore showed a striking amount of financial support for the North Shore's Congressman, Peter Torkildsen (R-Danvers).

By the day's end, employees of EMC Corp., a High-Tech-based high-tech manufacturing, and several of their family members, gave the Sixth District Congressman \$21,000, according to Federal Election Commission records. Taken in aggregate, it was the biggest single donation in Torkildsen from any interest group backing the Republican Party.

The company, which holds several federal contracts, got nothing in return from Torkildsen, according to his spokesmen. But the fact that these donations were funneled to an outspoken advocate of campaign finance reform, and the chairman of the Freshman Republican Reform Task Force, has some Democratic critics crying foul.

"Bundled money is just hidden PAC money," says Helen Cowlett, a Democratic political consultant from Danvers.

"There's real hypocrisy here." To be sure, Torkildsen has taken votes and positions that go toward reforming the way campaigns are funded. He voted to strengthen lobbying disclosure rules, has refused to take money

from political action committees (PACs) and gifts from lobbyists, and has cut his own office budget by 21 percent in large part by reducing taxpayer-funded mailings to constituents.

He also voted against his party to set a voluntary \$800,000 limit on House campaigns in November 1992, which he won't exceed this year.

But a look at Torkildsen's campaign finance reports from the last two years reveals that the Danvers Republican may be guilty of some of the fund-raising evils he himself has proposed correcting, according to records and Democratic critics.

The issue of influence is a central one in Torkildsen's campaign. A recent mailing he sent to voters says he has "promised to shake up the system. To fight the status quo. And to work only for us... the people back home." And he has made much of Democrat John Tierney's refusal to disavow PAC money.

But consider three areas that Torkildsen made cornerstones of his reform agenda:

- Eliminating "bundling," a practice in which corporations and special interests enhance their giving power by spreading donations among employees and their families.

Rules to restrict such practices were part of a campaign finance reform bill that passed both houses of Congress, but died in one Senate committee, according to

Nathan Gibbons, executive director of Common Cause Massachusetts. Torkildsen supported it.

Yet Tierney has accused Torkildsen of taking bundled money. And EMC Corp.'s donations seem to bear it out.

One of the company's vice presidents, John Egan, his family, and other company officials gave Torkildsen \$21,000, most of it in one day. In all, people connected with the company gave Torkildsen and his campaign committees \$27,000 during this election season, records show.

EMC Corp. is a burgeoning maker of computer memory devices that reportedly saw its profits rise by 80 percent to \$69 million in the last quarter.

In fiscal years 1993 and 1994, the company held contracts worth \$1.27 million with the Departments of Health and Human Services and Transportation, according to information provided by the General Services Administration.

"It would be less of an issue if it came over a number of days," says Gibbons. "But such large checks in one day really does raise questions."

Eric Conway, Torkildsen's campaign spokesman, says Egan is a big supporter of Republican candidates, but denies there was any deliberate bundling on the company's part.

"He's a successful businessman who has a history of sup-

porting Republican candidates," Conway says. "If you look at John Tierney's reports, there's a lot of support from the education business. To say it's bundling is a false accusation."

Egan did not return phone calls seeking comment for this story.

Also, employees of corporations under Fidelity Investments' wing are big donors to Torkildsen, giving him about \$7,500 that's spread over ten years. Fidelity, the mutual fund giant whose newspaper wing publishes North Shore Sunday, was a big backer of the North American Free Trade Agreement. Torkildsen supported the trade pact.

Many of Fidelity's employees came to a fund-raising party for Torkildsen, and many "are in his social circles," says Conway.

• Doing away with "soft money," or cash funneled from political parties to candidates. Critics say soft money effectively skirts donation limits, since parties are subject to fewer restrictions than individual candidates.

Yet the Republican Party paid for almost \$25,000 worth of mailings on Torkildsen's behalf in 1993, and GOP political party committees gave him close to \$7,000 this year.

Though eliminating soft money was one of Torkildsen's planks last year, Conway says the Congressman sees PAC influence as more pernicious.

"The money he's got back in PACs far exceeds the money he's taken from the party," Conway says. "Honoring his PAC pledge has cost him probably well over \$100,000."

He also points out that the Democratic Congressional Campaign Committee has pledged to spend as much as \$50,000 on Tierney's campaign.

• Banning unsolicited mail from incumbents close to election time. Torkildsen has held fast to this one, spending only \$30,000 of his allotted \$180,000. What's more, he has proposed slashing that budget by half.

But Democrats still point to the fact that he mailed out invitations to a series of "town meetings" on health care in July, violating the federal statute that governs when incumbents can mail out literature in an election year.

Torkildsen didn't have an opponent in the primary. Still, he admitted the mistake, and may have to pay back the money used for the mailing.

Meanwhile, the Danvers Republican says that his efforts to reform Congress, and make it adhere to federal laws it never had before, far outweigh anything his critics point to.

"I'm leading by example," he says.

Community Newspaper Co., staffer Penny McGuffigan assisted with the preparation of this article.

97043821917

THE BOSTON GLOBE • TUESDAY, MAY 23, 1995

**OVERALL PERFORMANCE****THE GLOBE 100**

# Stealing IBM's thunder — and profits

## EMC turns its unassuming 'electronic filing cabinets' into a \$1.37b business

By Aaron Zitner  
GLOBE STAFF

**1** HOPKINTON — Imagine the small shoemaker New Balance jumping up, stomping on the toes of Nike and then sprinting past the stunned giant. Imagine local favorite Samuel Adams taking a big swig out of Budweiser's business. Or Ford driving into Japan and hauling off a third of the auto market.

All improbable. In essence, however, that is what EMC Corp. of Hopkinton has done to giant IBM. EMC's products may not sound sexy; the company makes a refrigerator-sized machine that stores data for mainframe computers, a kind of "electronic filing cabinet." But by stealing customers from the market leader, EMC has made a fortune.

Seemingly out of nowhere, the 16-year-old EMC has grown into a \$1.37 billion business, bigger than Lotus Development Corp., BayBanks Inc., Filene's Basement Corp. and scores of other well-known Boston names. This year, EMC's co-founder, Richard J. Egan, joined the Forbes magazine list of the 400 richest Americans, with his estimated \$340 million in net worth placing him just behind the Kennedy clan.

And today, EMC takes the Globe 100's top award, Company of the Year — for the second year in a row. It is the only time in the seven-year history of the Globe 100 that one company has landed on top twice. The Company of the Year award honors the best-performing publicly traded company in Massachusetts, based on four factors: total sales, sales growth, return on equity, and increase in profits as a percentage of sales.

Data storage for mainframes is a \$4 billion business, and for years the business was owned by IBM. After all, Big Blue built the big computers, so it made sense that the company would also design the best storage devices — an essential part of the system.

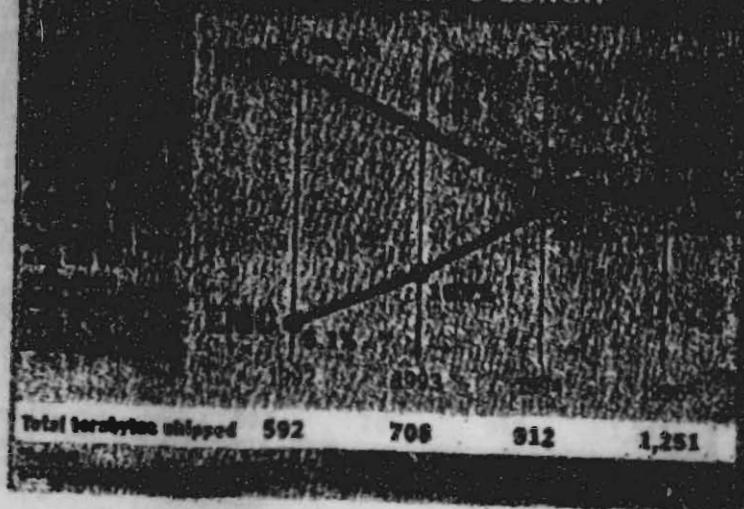
Any airline that books tickets on an IBM mainframe needs a vast electronic filing cabinet to store passenger and flight records. Any bank or credit card company that tracks

transactions on a mainframe needs to store all those numbers and accounts. Without storage, and the ability to retrieve stored information quickly, a computer is not very useful.

9704 382 1918



## EATING BIG BLUE'S LUNCH



## No time for humility

Only three years ago, IBM had 61 percent of this market, with EMC barely topping 5 percent. But EMC outshipped IBM in the first quarter of this year, analysts say. And according to projections from two major research firms, EMC will top IBM in market share during the course of 1995.

That's like your corner sub shop outselling Pizza Hut, or your mother knocking Mrs. Fields out of the cookie competition.

Don't expect EMC to be humble in its achievement.

"The war is over in mainframe storage, and it's just a mopping up operation now," said Michael Ruettgers, 52, president and chief executive. Don't any competitors have a chance? "We will have the largest market share in 1995, and I don't see it going down," Ruettgers replied, adding that IBM's latest product is "a dud" and "a dead-end offering."

"That's dangerous stuff," answered Ed Zschau, the former California congressman who heads IBM's storage business. "Arrogance is the first step on the road to failure. We don't get into these mud-wrestling deals and commentary on our competition. Instead of viewing this as a war and beating the competition, we view our business as serving customers."

The IBM-EMC rivalry has been hot for several years, but the story really begins in 1979.

That year, Dick Egan quit his job as a manager for Intel Corp., the California computer chip maker, to try something new. Dorchester-born, a veteran of the Marines, Egan already had long experience in the computer memory business. He had worked on the memory system that guided the Apollo spacecraft and had held a senior position at Cambridge Memories Inc., now called Cambex Corp. of Waltham, which made memory devices for IBM machines.

When he left Intel, Egan teamed up with Roger Marino, an old friend from Northeastern University, where they had both earned their undergraduate degrees. With a vague mission to find a niche making computer components, the two formed EMC in Egan's Wellesley home. (The "C" in EMC came from a third partner who left the venture early on, Egan said.)

They started in the memory board business, but Egan and Marino in the late 1980s began making data storage devices for IBM mainframe systems. The company now employs 3,200, up 23 percent from early 1994.

An EMC system is built from small disk drives, the same kind of "hard drives" that act as the permanent memory in a personal computer. By linking dozens of disk drives together, an EMC machine can hold a huge amount of information. The company's biggest machine holds a terabyte of information - 1 trillion bytes, the equivalent of 600 million

pages of typewritten text.

Linking disks was not EMC's idea. But EMC figured out how to make its machines fast and inexpensive. That comes from using small, low-priced disks and from a feature called "caching."

The cache is a kind of staging area, a short-term memory that holds the most-used data so that the computer does not have to make a lengthy trip to remote disks to retrieve information. A key feature of EMC software is that it can study the habits of computer users and anticipate what data they will need most frequently, then move that data to the cache before it is requested.

"EMC offered a high level of caching at a lower price than IBM," said James Porter of Disk/Trend Inc., a research firm in Mountain View, Calif. "EMC found a hole in IBM's armor and started shipping a lot of product."

Taking the lead

It was the end of last year that the

company put out a heavily cached system made of small disks. Because of IBM's delay, "you've got a billion-dollar company out in Hopkinton that otherwise wouldn't have been there," Porter said.

For the first time, EMC will out-sell IBM this year, some analysts say. International Data Corp. of Framingham says EMC will take 38 percent of the market, to 35 percent for IBM. Gartner Group says EMC will outpace IBM, 38 percent to 37 percent. IBM disagrees. "To make those numbers, we'd have to quit selling in August, which we don't intend to do," Zschau said.

The future could be more difficult for EMC as IBM builds momentum for its new product, called Ramac, and because rival Storage Technology Corp. of Colorado has released a long-delayed machine. Moreover, the storage business is much like the personal computer business: Prices fall steeply each year because of competition and technological advances.

To make things tougher, mainframe computers have long been losing popularity as corporations turn to arrays of smaller computers, the so-called client-server networks. Between falling prices and a declining mainframe market, the storage business is expected to shrink about 10

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percent this year, to under \$3.6 billion, according to IDC. That expectation, along with the renewed effort from rivals, has made EMC shares somewhat volatile recently.

#### New field of battle

EMC has long been aware of the shrinking market. The "new battle," Ruetigern said, is for the client-server business.

But Paul Wolfstetter of Gartner Group, a Stamford, Conn., research firm, said EMC will not find its new market a cakewalk. The client-server market is more crowded than the IBM dominated mainframe market. And while EMC will try to sell client-server storage to suit an entire company, those networks are often run by an individual department that wants to retain its independence. "It's a tougher sell," Wolfstetter said.

To 59-year-old Egan, however, the future is bright. Already, his newfound wealth has allowed him and his wife, Maureen, to become major political donors and to give \$6.7 million to his alma mater, Northeastern, the school's largest-ever contribution.

The new client-server strategy "may only appeal to 20 percent of the customers, but we're probably talking about 80 percent of the money to be spent," he said, "and that's what this is about."



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BEFORE THE FEDERAL ELECTION COMMISSION

MAY 15 11 30 AM '97

**SENSITIVE**

In the Matter of

EMC Corporation  
Richard J. Egan

)  
) MUR 4247  
)  
)  
)

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

This matter was initiated by a signed and sworn complaint filed with the Federal Election Commission ("the Commission") by Bud Jackson of Jackson Communications on August 18, 1995. On September 25, 1996, the Commission found that there was reason to believe that EMC Corporation (EMC) and Richard J. Egan, the Chairman of the Board of EMC, violated 2 U.S.C. § 441b by facilitating corporate contributions to federal candidates.

The complaint in this matter alleged that high-ranking officials of EMC, including Richard J. Egan, facilitated hundreds of thousands of dollars in campaign contributions from EMC employees, family members and friends to federal candidates, including Peter Torkildsen, Peter Blute, Mitt Romney, and Pete Wilson, in violation of 2 U.S.C. § 441b. The complainant argued specifically that "the vast sums of money contributed, sometimes in the tens of thousands on a single day, raises a red flag signaling the likely breach of the law...."

In their response to the complaint, the respondents failed to fully rebut the complaint's allegation that the respondents engaged in corporate facilitation. Specifically, while the respondents asserted that Mr. Egan alone solicited contributions to federal candidates in an individual volunteer capacity, the respondents failed to deny having collected contributions from

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EMC employees and their families and/or delivering those contributions to federal candidates, or otherwise facilitating the contributions that were solicited by Mr. Egan. Accordingly, the Commission concluded that there was reason to believe that the respondents violated 2 U.S.C. § 441b and approved the issuance of interrogatories and document requests to the respondents in order to ascertain the pertinent information.

## II. ANALYSIS

### A. ~~Facts~~

The respondents responded to this Office's interrogatories, making various averments regarding the activity at issue and the general background of EMC and Mr. Egan, along with their specific interrogatory responses. The respondents deny ever collecting or distributing contributions to the campaigns of Peter Blute, Peter Torkildsen, Pete Wilson and Mitt Romney.<sup>1</sup> The respondents assert that Mr. Egan started soliciting contributions at the request of each of the four candidates, and that he worked alone on the fundraisers without assistance from any EMC employees other than his administrative assistant, Noreen Murphy, who provided some incidental de minimis help, such as looking up phone numbers and helping type solicitations.<sup>2</sup> Previously, in their response to the complaint, the respondents explained that Ms. Murphy is also Mr. Egan's personal secretary and that she performs tasks related to Mr. Egan's personal activities as part of

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<sup>1</sup> However, Mr. Egan acknowledges possibly "handling" contributions made by his mother, who is confined to her home, but asserts that those contributions may have been made in connection with a state election.

<sup>2</sup> Mr. Egan stated that his telephone book, telephone directories, and the directories of various membership organizations were consulted for the names of potential solicitees.



her duties as his personal secretary and not as part of her functions as an employee of EMC, and asserted that Ms. Murphy was paid for such tasks from a source other than EMC.

The respondents averred that for the most part, Mr. Egan solicited his adult family members, most of whom also work at EMC; that Mr. Egan remembers instructing prospective contributors to send their contributions directly to the candidates' respective campaign finance committees; and that the contributions arrived at the campaigns on the same day because the contributors, due to their close relationship with Mr. Egan, were extremely responsive to Mr. Egan's solicitation and his requests that they contribute promptly. The respondents argue, citing 11 C.F.R. § 110.6(b)(2)(i)(E), that even if Mr. Egan had collected and distributed contribution checks, he was permitted to do so because he occupied a significant position in each of those campaigns and was expressly authorized by the campaigns to accept contributions.<sup>3</sup>

In specific responses to interrogatories, Mr. Egan identified all of the individuals that he recalled soliciting for contributions to federal candidates,<sup>4</sup> and described his relationship to each

<sup>3</sup> A letter dated April 25, 1995, printed on Pete Wilson for President letterhead, is attached to the respondents' responses. The letter indicates that Mr. Egan was a National Finance Co-Chairman for Mr. Wilson's campaign committee. Similarly, this Office has received letters from Peter Blute stating that Mr. Egan was authorized to accept contributions on behalf of his campaigns since 1992, and from Mitt Romney and Peter Torkildsen stating that Mr. Egan was so authorized since 1994; they each also stated that Mr. Egan was a member of their respective campaign Finance Committees.

While Section 110.6(b)(2)(i)(E) exempts from the definition of conduit or intermediary individuals who are expressly authorized by the candidate or his/her committee to engage in fundraising and who occupy a significant position within the campaign, this section does not permit the corporate facilitation that results when such individual collects and/or delivers a contribution in his or her capacity as a representative of a corporation. See 11 C.F.R. § 110.6(b)(2)(i)(E).

<sup>4</sup> Mr. Egan provided the names of twenty-six individuals, identifying thirteen as family members and thirteen as friends and associates.



EMC employee who made a contribution to federal candidates during the past two election cycles. Mr. Egan explained that he solicited contributions by either calling or sending a note or letter on his personal stationery, and that neither he nor anyone else asked or directed anyone to collect or deliver the contributions that he solicited. Rather, Mr. Egan stated that contributions were sent by the contributors directly to the respective campaign committees, and that he has no record of who ultimately sent contributions. Further, Mr. Egan stated that he did not reimburse anyone for their contributions to any candidate.

Similarly, in its responses, EMC stated that it does not know of any EMC employee that was asked or directed to collect contributions that Mr. Egan solicited, and that no EMC employee was asked or directed to deliver such contributions. In addition, EMC stated that no individual solicited by Mr. Egan was reimbursed for their contributions with EMC funds. Finally, based on a list provided by this Office, EMC identified employees that contributed to federal candidates during the past two election cycles, providing, inter alia, each individual's period of employment and stockholder status.<sup>5</sup>

In a further effort to ascertain the nature of the activity in this matter, an enforcement investigator interviewed four former EMC employees who are not relatives of Mr. Egan, and most of whom contributed to at least one of the federal candidates for whom Mr. Egan solicited contributions. Of the four individuals interviewed, three stated that they made their respective contributions on their own initiative and had never been solicited by any EMC employee. The fourth individual stated that she received at her home an invitation to a fundraiser for U.S. Senate

<sup>5</sup> According to the responses, thirty-eight of the forty-two individuals listed are EMC stockholders and it is unknown whether the remaining four individuals are stockholders.

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candidate William F. Weld that was being held at Mr. Egan's home; and that she felt no pressure to contribute and was not reimbursed for her contribution. This individual and one other person stated that they specifically recall mailing their contributions directly to the candidate's campaign committee; the other two individuals stated that because they were not solicited by anyone at EMC, they are sure that their contributions were not sent through EMC.

#### B. Discussion

As a result of the Commission's investigation, the questions that were initially unresolved have been clarified. Specifically, in their interrogatory responses, the respondents denied ever collecting or delivering the contributions solicited by Mr. Egan to federal candidates. This denial is corroborated by the statements of the individuals who specifically recalled mailing their contributions directly to campaign committees.

Further, as noted in the First General Counsel's report, it appears that the act of soliciting the contributions at issue was not the result of a collective enterprise by EMC executives or personnel, but rather was Mr. Egan's activity. In any event, the solicitations would appear to be permissible inasmuch as the Act permits a corporation to make communications on any subject to its restricted class -- its stockholders and executive or administrative personnel and their families, see 2 U.S.C. § 441b(b)(2)(A); 11 C.F.R. § 114.3; based on the respondents' responses, the vast majority -- thirty-eight of forty-two -- of the EMC employees that contributed to the candidates for whom Mr. Egan solicited contributions are EMC stockholders. While the respondents state that they are not aware of whether the remaining four individuals are stockholders, the record contains neither specific allegations nor evidence that these four individuals were solicited by Mr. Egan or any other EMC employee; the four individuals were not named among those who Mr. Egan

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recalled having solicited; and the record contains no evidence that these individuals were not stockholders. Moreover, EMC has no records of the employment of three of the four individuals. In sum, the original complaint does not contain any specific evidence that the respondents engaged in corporate facilitation, and the respondents' assertions denying the charge are plausible and, to some extent, corroborated by independent evidence.

Subsequent to the Commission's reason to believe findings, the complainant filed an amendment to the original complaint alleging that EMC utilized corporate resources to facilitate the making of contributions on behalf of then-U.S. Senate candidate William F. Weld, and that Mr. Weld knowingly participated in the impermissible fundraising efforts. In support of the charges, the complainant makes various minor allegations. Specifically, the complainant alleges that Mr. Egan and two EMC employees -- Noreen Murphy, Mr. Egan's administrative assistant, and Helen Tanchel, a marketing employee -- used EMC's fax machine to transmit campaign materials, and that EMC designed invitations to a fundraiser sponsored by Mr. Egan on behalf of Mr. Weld.<sup>6</sup>

<sup>6</sup> In support of the allegation, the amendment contains the following: 1) a copy of fundraising guidelines that the Weld for U.S. Senate Committee faxed to Mr. Egan's office; 2) a copy of fundraising guidelines that Mr. Egan's administrative assistant faxed to an undisclosed recipient from Mr. Egan's corporate office; 3) a copy of an invitation to a June 6, 1996 fundraiser on behalf of Mr. Weld that Mr. Egan's administrative assistant faxed to an undisclosed recipient from Mr. Egan's corporate office; 4) a copy of the invitation to the June 6, 1996 fundraiser bearing handwritten notations of the various fonts and point sizes of the invitation's text that a marketing employee of EMC faxed to an undisclosed recipient; and 5) a copy of a correspondence that MacDonnell Printers faxed to an undisclosed recipient stating that artwork prepared by EMC was used in the invitation to the Weld fundraiser.

In response to the amendment, the respondents argue, citing 11 C.F.R. § 114.9, that Mr. Egan permissibly used the fax machine in connection with his individual volunteer activity;<sup>7</sup> that the faxing activity of Ms. Murphy and Ms. Tanchel was minimal and was induced by the complainant; and that the artwork on the invitation to the June 6, 1996 Weld fundraiser was not prepared by EMC.<sup>8</sup> The respondents assert that the complainant is the undisclosed recipient of the faxes at issue, and that in order to artificially create misleading evidence, he falsely identified himself and requested the faxed material claiming that he planned to hold a fundraiser. In sum, the respondents argue that the amended complaint is based on fraud.

According to affidavits provided by Ms. Murphy and Ms. Tanchel, the specific circumstances surrounding the faxing of the campaign materials are as follows: On or about March 4, 1996, a man identifying himself as Bill Johnson telephoned Ms. Murphy.<sup>9</sup> Mr. Johnson stated that he had met Mr. Egan a few weeks earlier and had learned that Mr. Egan was hosting a fundraising event for William Weld. Mr. Johnson claimed to be interested in doing

<sup>7</sup> There appears to be no evidence indicating that Mr. Egan acted in anything other than his capacity as an individual volunteer, or that he made more than occasional, isolated or incidental use of the EMC fax machine.

<sup>8</sup> The respondents explain that the invitation to the Weld fundraiser was typeset at EXP Typographics (EXP), and printed at MacDonnell Printers. The respondents assert that the printer at MacDonnell Printers erroneously assumed that EMC prepared the artwork. The respondents' assertion that EXP did the artwork for the invitation appears to be supported by the evidence as the investigation has revealed that the respondents paid EXP for such services. See discussion, *infra*.

<sup>9</sup> Ms. Murphy is now known as Noreen Mastroianni. However, herein she is referred to as Noreen Murphy. As noted previously, the respondents contend that, in addition to her position at EMC, Ms. Murphy is also Mr. Egan's personal secretary and that she performs tasks related to Mr. Egan's personal activities as part of her duties as his personal secretary, and is paid for such tasks from a source other than EMC. In a sworn affidavit, Mr. Egan testified to the same.



the same, and requested the specifics of Mr. Egan's fundraising invitation to use as a model. Ms. Murphy offered to send Mr. Johnson a copy of the Weld campaign guidelines, which she faxed to him; later that day, Ms. Murphy faxed a copy of Mr. Egan's invitation to Mr. Johnson as well.

On or about March 12, 1996, Mr. Johnson telephoned Ms. Tanchel. Ms. Tanchel, in turn, telephoned Ms. Murphy to say that Mr. Johnson phoned requesting information about Mr. Egan's invitation to the Weld fundraiser. Ms. Murphy told Ms. Tanchel that it was okay to assist Mr. Johnson with the information he requested. Ms. Tanchel phoned EXP Typographics (EXP) because she knew that they had set the type for Mr. Egan's invitation. Ms. Tanchel asserts that she spoke with a woman named Margaret at EXP about Mr. Johnson's request; that Margaret handwrote on a copy of Mr. Egan's invitation to the Weld fundraiser the size and style of the type; and that she, Ms. Tanchel, faxed the same to Mr. Johnson.

It appears possible that the complainant may have requested the faxes under false pretenses and altered his name so that it was not recognizable. In fact, in an interview with the enforcement investigator, the complainant refused to reveal how he obtained the faxed materials, or comment on whether he knew "Bill Johnson," the alias that the respondents assert the complainant used in requesting the faxed information. Further, the complainant stated that he and Mr. Egan were once "friendly" but had a "falling out."

In conclusion, there appears to be no evidence indicating that Mr. Egan acted in anything other than his capacity as an individual volunteer, or that he made more than occasional, isolated or incidental use of the EMC fax machine. See 11 C.F.R. § 114.9. Regarding Ms. Murphy and Ms. Tanchel, the record reflects minimal, isolated use of an EMC fax machine for campaign purposes that appears to have been fraudulently induced by the complainant, as the respondents

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contend. However, the record contains no evidence indicating that, in faxing the campaign material, Ms. Tanchel was acting as an individual volunteer rather than as an employee of EMC.<sup>10</sup> As such, Ms. Tanchel's use of the corporate fax machine to transmit the campaign materials at issue, although *de minimis*, was technically impermissible; this fact is negated by neither the potential fraudulent inducement nor the minimal scope of the activity. Hence, it appears that EMC made a corporate contribution in violation of 2 U.S.C. § 441b. However, while the circumstances surrounding Ms. Tanchel's use of the fax machine may not negate EMC's violation, they significantly mitigate it. Accordingly, this Office recommends that the Commission take no further action with respect to this apparent violation.

In addition, the investigation has revealed that EMC paid \$300.00 to EXP Typographics for its work on the invitation to the Weld fundraiser. The respondents assert that EMC inadvertently paid the \$300.00 to EXP. They state that on February 23, 1996, EXP erroneously billed EMC \$300.00 for the Weld invitation; that EMC paid EXP on March 26, 1996; and that in December, 1996, Mr. Egan determined that EXP had not billed him but instead had billed EMC and that EMC had paid EXP the amount by mistake. The respondents assert that on December 24, 1996, Mr. Egan sent a check to EXP for \$300.00 and requested that EXP refund the original payment to EMC. Based on the foregoing, it appears EMC Corporation also made a corporate contribution in violation of 2 U.S.C. § 441b by paying EXP Typographics for work on the invitation to a fundraiser on behalf of then U.S. Senate candidate William Weld. However, the value of the apparent contribution was only \$300.00, and the respondents appear to have taken

<sup>10</sup> Based on Ms. Murphy's apparent separate employment as Mr. Egan's personal secretary, her activity does not appear to have been violative of Section 441b.

corrective action upon discovery of their error. Accordingly, this Office also recommends that the Commission take no further action with respect to this violation.

**III. RECOMMENDATIONS**

1. Take no further action with respect to Richard J. Egan and EMC Corporation.
2. Approve the appropriate letters.
3. Close the file.

Lawrence M. Noble  
General Counsel

Date

5/14/97

BY:

Lois G. Lerner

Associate General Counsel

Staff assigned: Tracey L. Ligon

97043821930

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of  
EMC Corporation;  
Richard J. Egan.

)  
)  
)  
)

MUR 4247

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 20, 1997, the Commission decided by a vote of 5-0 to take the following actions in MUR 4247:

1. Take no further action with respect to Richard J. Egan and EMC Corporation.
2. Approve the appropriate letters, as recommended in the General Counsel's Report dated May 14, 1997.
3. Close the file.

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

5-21-97  
Date

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

Received in the Secretariat: Thurs., May 15, 1997 11:30 a.m.  
Circulated to the Commission: Thurs., May 15, 1997 4:00 p.m.  
Deadline for vote: Tues., May 20, 1997 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 30, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bud Jackson  
6 Merrimack Place  
Suite 3  
Haverhill, MA 01830

RE: MUR 4247

Dear Mr. Jackson:

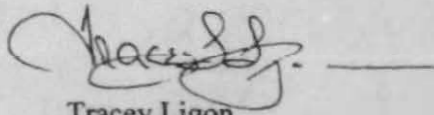
This is in reference to the complaint you filed with the Federal Election Commission on August 18, 1995, and an amendment filed on October 23, 1996, concerning possible violations of the Federal Elections Campaign Act of 1971, as amended ("the Act").

Based on those submissions, on September 30, 1996, the Commission found that there was reason to believe Richard J. Egan and EMC Corporation violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter. However, after considering the circumstances of this matter, the Commission determined to take no further action against the respondents and closed the file in this matter on May 14, 1997.

This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

  
Tracey Ligon  
Attorney

Enclosure:  
General Counsel's Report

97043821932



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 30, 1997

Edward P. McQuire, Treasurer  
Citizens for Peter Torkildsen  
80 Prospect Street  
Peabody, MA 01960

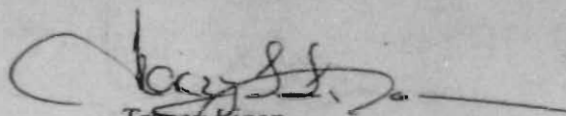
RE: MUR 4247

Dear Mr. McQuire:

This is to advise you that this matter is now closed. The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

  
Tracey Ligon  
Attorney

Enclosure:  
General Counsel's Report

97043821933



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 30, 1997

Christopher A. Kenny  
Sherin and Lodgen  
100 Summer Street  
Boston, MA 02110

RE: MUR 4247  
Romney for U.S. Senate Campaign Committee  
Judy Pagliuca, as Treasurer

Dear Mr. Kenny:

This is to advise you that this matter is now closed. The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

Tracey Ligon  
Attorney

Enclosure:  
General Counsel's Report

97043821934



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 30, 1997

Joseph G. Blute  
Mitz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, MA 02110

RE: MUR 4247  
Peter Blute for Congress Campaign Committee  
Susan Copeland, as Treasurer

Dear Mr. Blute:

This is to advise you that this matter is now closed. The confidentiality provisions at 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 [actual] 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

Tracey Ligon  
Attorney

Enclosure:  
General Counsel's Report

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 30, 1997

The Honorable William F. Weld  
The Governor of Massachusetts  
28 Fayerweather Street  
Cambridge, MA 02138

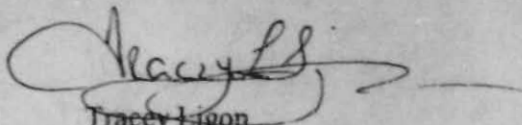
RE: MUR 4247

Dear Governor Weld:

This is to advise you that this matter is now closed. The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

  
Tracey Ligon  
Attorney

Enclosure:  
General Counsel's Report

97043821936



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 30, 1997

Gregory T. Moffatt  
Foley, Hoag & Eliot  
One Post Office Square  
Boston, MA 02109

RE: MUR 4247  
Weld for Senate, Inc.  
Anthony Russo, as Treasurer

Dear Mr. Moffatt:

This is to advise you that this matter is now closed. The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

Tracey Ligon  
Attorney

Enclosure:  
General Counsel's Report

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043821937



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 30, 1997

Mark G. Hoglund, Treasurer  
Pete Wilson for President Committee, Inc.  
1020 12th Street  
Suite 300  
Sacramento, CA 95814


RE: MUR 4247

Dear Mr. Hoglund:

This is to advise you that this matter is now closed. The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,



Tracey Eigon  
Attorney

Enclosure:  
General Counsel's Report

97043821938



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 30, 1997

Kenneth A. Gross, Esq.  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Ave., N.W.  
Washington, DC 20005

RE: MUR 4247  
Richard J. Egan  
EMC Corporation

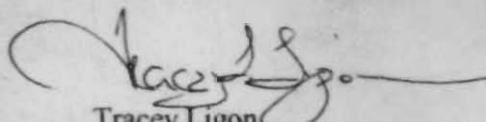
Dear Mr. Gross:

On September 30, 1996, you were notified that the Federal Election Commission found reason to believe that your clients, Richard J. Egan and EMC Corporation, violated 2 U.S.C. § 441b. On November 22, 1996, you submitted a response to the Commission's reason to believe findings. After considering the circumstances of the matter, the Commission determined on May, 14, 1997, to take no further action against Richard J. Egan and EMC Corporation, and closed the file in this matter.

The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

  
Tracey Ligon  
Attorney

Enclosure:  
General Counsel's Report

97043821939





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4247

DATE FILMED 7-1-97 CAMERA NO. 2

CAMERAMAN JMN

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