



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4260

DATE FILMED 4-16-92 CAMERA NO. 1

CAMERAMAN Jm N

97043791115

BEFORE THE
FEDERAL ELECTION COMMISSION

SEP 15 2 04 PM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

THE CENTER FOR RESPONSIVE POLITICS,)

1320 19th Street, NW)

Suite 700)

Washington, D.C. 20036)

(202) 857-0044)

Complainant,)

v.)

Automobile Dealers and Drivers for)

Free Trade PAC, Senator Robert)

Packwood, Re-elect Packwood)

Campaign Committee)

Respondents.)

MUR 4260

COMPLAINT

COMPLAINT OF THE CENTER FOR RESPONSIVE POLITICS

1. This complaint charges that respondent Automobile Dealers and Drivers for Free Trade PAC ("Automobile Dealers") has violated the Federal Election Campaign Act, 2 U.S.C. § 431 et seq., as amended ("FECA" or the "Act"), by making aggregate contributions in excess of the limits provided by the FECA.

2. This complaint also charges that respondents Senator Robert Packwood and the Re-elect Packwood Campaign Committee ("Campaign Committee") have violated the FECA by knowingly accepting contributions in excess of the limits provided by the FECA, and by failing to report certain contributions and expenditures.

PARTIES

3. Complainant Center for Responsive Politics ("Center") is a nonprofit, nonpartisan research organization incorporated in the State of Iowa and headquartered in Washington, D.C. that studies the role that money plays in Federal elections. Founded in 1983, the Center was designed to study Congress and examine potential reforms that could improve both its internal

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operation and its responsiveness to the American public.

4. Respondent Packwood is a Senator in the United States Senate, representing the state of Oregon.

5. Respondent Campaign Committee is the principle campaign committee for Senator Packwood's 1992 re-election campaign.

6. Respondent Automobile Dealers is a multicandidate committee that has made expenditures to or on behalf of Senator Packwood or the Campaign Committee.

APPLICABLE STATUTES AND REGULATIONS

7. The FECA limits to a total of \$5,000 per election all contributions by multicandidate committees to any candidate or his authorized political committees with respect to any election for Federal office. 2 U.S.C. §441a(a)(2)(A); 11 C.F.R. 110.2(b). For purposes of this limit, each of the following is considered a separate election: primary election, general election, runoff election, special election, and party caucus or convention which has authority to select the nominee. 2 U.S.C. § 431(1); 11 C.F.R. § 100.2.

8. The term contribution includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8).

9. The FECA prohibits candidates and political committees from knowingly accepting any contributions in excess of the limits provided by the Act. 2 U.S.C. § 441a(f); 11 C.F.R. 110.9(a).

10. The FECA defines "independent expenditure" as an expenditure expressly advocating the election or defeat of a clearly identified candidate that is made "without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate," and which is "not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate." 2 U.S.C. § 431(17); 11 C.F.R.

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§§ 100.16, 109.1.

11. Expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate. 2 U.S.C. § 441a(a)(7)(B).

12. The reporting requirements of the FECA require that the total amount of contributions from political committees, and expenditures made to meet candidate or committee operating expenses be reported. 2 U.S.C § 434(b); 11 C.F.R. §104.3.

GROUNDS FOR COMPLAINT

13. Attached as Exhibit 1 is an excerpt, dated March 20, 1992, from Senator Packwood's diaries, as well as the comments of the Senate Select Committee on Ethics ("Ethics Committee") as reprinted in Appendix C of the Summary of the Counsel's Report Regarding Documents Related to the Investigation of Senator Robert Packwood (Sept. 7, 1995) ("Appendix C") in which the Senator refers to Automobile Dealers, saying:

Elaine has been talking to me privately about independent expenditures. Apparently the Automobile Dealers are willing to do some spending against AuCoin. Of course we can't know anything about it. We've got to destroy any evidence we've ever had of _____ so that we have no connection with any independent expenditure. Elaine says that Tim Lee is also willing to do an independent expenditure, but I don't know how we've ever given the impression we have of no connection to him. Appendix C at 124 (blanks reflect names omitted on transcript by Ethics Committee).

14. Regarding the March 20, 1992, entry, the Ethics Committee states that it,

suggests that Senator Packwood knew about possible "independent expenditures" by the Automobile Dealers and possibly Tim Lee, a former staffer, on his behalf, and that he intended to destroy any evidence of a link to the individual who would make the expenditures for the Auto Dealers. This entry

raises possible questions about campaign finance improprieties.
Appendix C at 125.

15. Attached as Exhibit 2 is Automobile Dealers' Thirtieth Day Report Following the General Election, on file at the FEC as of September 12, 1995. Exhibit 2 shows that on October 27, 1992, and November 2, 1992, Automobile Dealers made expenditures of \$40,000 and \$25,539, respectively, to Telemark for telephone banks in support of Senator Packwood. These expenditures were made in addition to the following contributions to the Campaign Committee, as reported by Automobile Dealers' January 31, April 15, and July 15 Reports of Receipts and Disbursements, attached as Exhibit 3, 4, and 5, respectively, and on file with the FEC as of September 12, 1995:

11/1/91	\$5,000 for the primary election.
3/30/92	\$3,000 for the general election.
5/21/92	\$2,000 for the general election.

16. Upon information and belief, the expenditures made by Automobile Dealers on or around October 27, 1992, and November 2, 1992, totaling \$65,539, were not independent expenditures, as they were made in cooperation, consultation, or concert, with, or at the suggestion of, Senator Packwood, his Campaign Committee, or his agents.

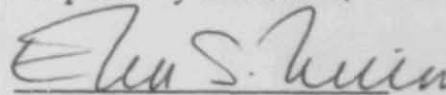
17. Upon information and belief, respondent Automobile Dealers expenditures, made in cooperation, consultation, or concert, with, or at the suggestion of, Senator Packwood, his Campaign Committee, or his agents, were contributions totaling \$75,539 (\$65,539 in in-kind contributions and \$10,000 in contributions to the primary and general elections). These contributions exceeded the contribution limit imposed by the FECA on all contributions made by any multicandidate committee by \$65,539.

18. Upon information and belief, respondents Senator Packwood and the Campaign Committee knowingly accepted contributions in excess of the limits provided by the FECA, and failed to report in-kind contributions as contributions or expenditures.

RELIEF

19. The Center respectfully urges the Commission to conduct a prompt and thorough investigation into the allegations in this Complaint, to declare that the Respondents have violated the FECA and Commission regulations, and to impose penalties for each violation. Finally, the Center urges the Commission to investigate whether the violations described above were knowing and willful so as to mandate enhanced penalties.

Respectfully submitted,



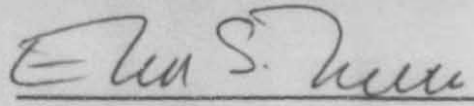
Ellen S. Miller
Executive Director
CENTER FOR RESPONSIVE POLITICS
1320 19th Street, NW
Washington, D.C. 20036
(202) 857-0044

Dated: September 15, 1995

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VERIFICATION

The undersigned complainant, on behalf of the Center for Responsive Politics, swears that the statements in this Complaint are based on the sources indicated, and, as such, are true and correct to the best of her information and belief.

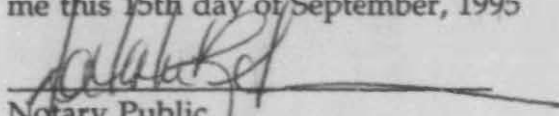


Ellen S. Miller

District of Columbia)

) ss

Subscribed and sworn to before
me this 15th day of September, 1995



Notary Public

NATALIE R. AROSEMENA

NOTARY PUBLIC

My Commission Expires April 15, 1999

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Exhibit 1

Appendix C of the Summary of the Counsel's Report Regarding Documents
Related to the Investigation of Senator Robert Packwood (Sept. 7, 1995)

March 20, 1992, Excerpt from Senator Packwood's Diaries.
Comments of the Senate Select Committee on Ethics

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words attributed to the other Senator, and they do not even reflect the essence of something that the other Senator said to him.

Senator Packwood testified that the meeting reflected in this entry actually took place. But beyond that, he stated that the entry was simply wrong. He testified that the conversation in fact reflected nothing that was illegal, that the entry was in jest, and that nobody in Senator X's position would take that kind of a risk.

AUDIOTAPE	CORMACK TRANSCRIPT
March 20, 1992 <u>Elaine has been talking to me privately about independent expenditures. Apparently the Automobile Dealers are willing to do some spending against AuCoin. Of course we can't know anything about it.</u> <u>going to do it. We've got to destroy any evidence we've ever had of so that we have no connection with any independent expenditure.</u> <u>Elaine says that Tim Lee is also willing to do an independent expenditure, but I don't know how we've ever given the impression we have of no connection to him.</u> ***** <u>We decided to not play up Hispanics very much. We have a - not Hispanics, but coalitions generally, ethnic coalitions. We have</u> <u>is Chairman of our Hispanic Coalition. We need probably a black chair and several Asians, and that's about it. But don't have the group do very much. Just have the names.</u> <u>We talked about The Oregon Citizen Alliance. They have now reserved an auditorium in June in Salem to put an independent on the ballot, but I am confident with I can beat and the OCA.</u> <u>Nevertheless, they've reserved an auditorium in Salem.</u>	<u>We talked about independent expenditures. I said I didn't want to know about that and none of us were to know about that. We want independent expenditures to be truly independent. Those who are going to support us will support us. Those who won't won't. Let's let the chips fall where they may.</u>

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The deleted entries suggest that Senator Packwood knew about possible "independent expenditures" by the Automobile Dealers and possibly Tim Lee, a former staffer, on his behalf, and that he intended to destroy any evidence of a link to the individual who would make the expenditures for the Auto Dealers. This entry raises possible questions about campaign finance improprieties.

The substituted entry is a self-serving passage portraying Senator Packwood as having no knowledge of any independent expenditures made on his behalf, and being above any involvement with or knowledge of any such expenditures.

Senator Packwood testified that he suspected that Ms. Cormack left out the first entry on this date, although he was not sure.¹³⁸ He thought that he would have taken out the paragraph about the coalition. He was sure that he deleted the paragraph about the OCA, as the OCA had been a major problem for him in his campaign. He stated that he had been terribly afraid that the OCA was going to put a candidate on the ballot against him in the 1992 election. The OCA also had a measure on the ballot on anti-gay rights that was the hottest issue he had ever seen on the Oregon ballot, and which was heavily editorialized by the Oregonian. He was not on their side on this issue, or the abortion issue or the compulsory school prayer issue, and the OCA was going to try to take a shot at him. His campaign did everything they could do to prevent this.

Senator Packwood's opponent in the 1992 election accused him of making deals with the OCA, and the press questioned him repeatedly about this. He did not want to have anything in his diaries about the OCA. Senator Packwood agreed that there was not anything in this particular entry that would offend the OCA, but he stated that he had attempted to take out anything he could find about the OCA.

Senator Packwood was asked why he was concerned about the entries referring to the OCA when at the time that he took them out, in the spring of 1993, the election was over. He stated that at the time, he was beset by the press, which was looking for everything they could find about him from the time the story came out in the Washington Post about the allegations of sexual misconduct. He did not want the press reliving the election. The press was excoriating him, and he did not want to give them this information.

Senator Packwood stated that there was no particular reason that he substituted the information in the Cormack transcript about independent expenditures, other than that they may have been talking about it at the time. The subject was on his mind the same day that he was changing his tapes, and he wanted to fill the space on the tape.¹³⁹

Senator Packwood testified that the industry group in general did not do any independent expenditures against his opponent. This particular group did not do anything for or against Senator Packwood, or for or against his opponent. He did not recall this conversation with Elaine Franklin about independent expenditures, or any conversation about the individual who was to make the expenditures and the industry group, or about Tim Lee and independent expenditures.

Senator Packwood was asked what he meant by the reference to

¹³⁸Ms. Cormack testified that the first passage was not the type of entry that she would have left out of the transcript as she was typing, although it was possible that she could have missed it as she typed the transcript. She did not believe she would intentionally have left it out.

¹³⁹ Senator Packwood stated that he added this information to the tape sometime between January and April of 1993.

Exhibit 2

Automobile Dealers' Report of Receipts and Disbursements
For Other Than An Authorized Committee

Thirtieth Day Report

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REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

NAME OF COMMITTEE (in full)
 AUTO DEALERS & DRIVERS FOR FREE TRADE PAC
 ADDRESS (number and street) (if not different than previously reported)
 153-12 Hillside Avenue
 CITY, STATE and ZIP CODE
 Jamaica, NY 11432

6-2-10-01-4
 2. FEC IDENTIFICATION NUMBER
 C00141903
 3. This committee qualified as a _____ committee DURING THIS Reporting Period

4. TYPE OF REPORT

- 1a. April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Non election Year Only)
 Termination Report
- Monthly Report Due On
 February 20 June 20 October 20
 March 20 July 20 November 20
 April 20 August 20 December 20
 May 20 September 20 January 21
- Twelfth day report preceding
 election on _____ in the State of _____
 XX Thirtieth day report following the General Election
 11/3/92 in the State of AL1

Is this Report an Amendment? YES ☒ NO

SUMMARY

Covering Period 1/1/92 through 11/21/92

Amount on Hand January 1, 1992

Amount on Hand at Beginning of this Period

Amount Received from

Contributions from Individuals and Organizations

Amount Received from

Other Sources (including loans and interest)

Amount Received from

Other Sources (including loans and interest)

Amount Received from

Other Sources (including loans and interest)

COLUMN A
This Period

COLUMN B
Calendar Year-to-Date

	\$ 1,446,611.00
\$ 1,251,912.00	
\$ 2,514,000.00	\$ 1,100,000.00
\$ 1,251,912.00	\$ 1,251,912.00
\$ 1,251,912.00	\$ 1,251,912.00
\$ 1,251,912.00	\$ 1,251,912.00
\$ 1,251,912.00	\$ 1,251,912.00
\$ 1,251,912.00	\$ 1,251,912.00
\$ 1,251,912.00	\$ 1,251,912.00

For further information see
 Instructions to Candidates
 and Committees

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

Page 1 of 1 Pages

(See Reverse Side for Instructions)

Name of Committee (in Full)			ID No.	
Auto Dealers & Drivers for Free Trade PAC			C00141903	
Full Name, Mailing Address & ZIP Code of Each Payer	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Telemark 5600 S.W. Sa'ish Lane Wilsonville, OR 97070	Telephone bank	10/29/92	40,000.00	Sen. Rbt. Packwood U.S. Senate (Oregon) ☒ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose

SUBTOTAL

SUBTOTAL

TOTAL

\$ 40,000.00

\$

10/29/92

29th

2/27/93

F. CHRIS TEBBACH-POLK
NOTARY PUBLIC, State of New York
No. 4801838
Qualified to Receive & Return Oath
Commission Expires July 27, 1997

SCHEDULE 2

ITEMIZED INDEPENDENT EXPENDITURES

Page 1 of 1 Page

(See Reverse Side for Instructions)

Name of Committee (in Full)		ID No		
Auto Dealers & Drivers for Free Trade PAC		C00141903		
Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Telemark 8600 S.W. Salish Lane Wilsonville, OR 97070	Telephone banks	11/2/92	25,539.00	Sen. Rbt. Packwo U.S. Senate (Oregon) ☒ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
a. SUBTOTAL of itemized independent expenditures				
b. SUBTOTAL of unitemized independent expenditures				
c. TOTAL independent expenditures				

Under penalty of perjury, I declare that the independent expenditures listed herein were not made in violation of any law, regulation, or order of the Federal Election Commission, and that the information furnished herein is true and correct. I understand that any false or misleading statement made herein may constitute a criminal offense under the Federal Election Campaign Act, 2 U.S.C. § 3035, and may also constitute a civil offense under the same Act, 2 U.S.C. § 3035a. I understand that any such violation may result in the imposition of a fine, imprisonment, or both, and may also result in the imposition of civil penalties, including the requirement to pay a civil penalty of up to \$10,000 per violation.

Signature of the person making the expenditure

Date

Signature of the person making the expenditure

Date

U.S. ELECTIONS
NOT A PUBLIC LAW
1975-10-1

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Exhibit 3

Automobile Dealers' Report of Receipts and Disbursements
For Other Than An Authorized Committee

Year End Report

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REPORT OF CANDIDATE FOR ELECTION

For Other than Political Committee

(Primary Page)

RECEIVED
FEDERAL ELECTION COMMISSION
MAR 16 1991

USE FOR CANDIDATE
TYPE OR PRINT

1. NAME OF COMMITTEE (Print)		E. FEC ID NUMBER (FEDERAL ID NO.) 000141903
Auto Dealers & Drivers for Free Trade PAC		
ADDRESS (Number and Street) ☐ Check if address has previously reported 153-12 Hillside Avenue		☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on (Date)
CITY, STATE and ZIP CODE Jamaica, N.Y. 11432		

4. TYPE OF REPORT

- (a) ☐ April 15 Quarterly Report
☐ July 15 Quarterly Report
☐ October 15 Quarterly Report
☒ January 31 Year End Report
☐ July 31 Mid Year Report (Non-election Year Only)
- Monthly Report Due On:
☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31
- ☐ Twelfth day report preceding _____ (Type of Election)
 election on _____ in the State of _____
- ☐ Thirtieth day report following the General Election on _____
 in the State of _____
- ☐ Termination Report

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	7/1/91 through 12/31/91		
6. (a) Cash on Hand January 1, 1991			\$ 1,680,571.22
(b) Cash on Hand at Beginning of Reporting Period		\$ 1,681,146.27	
(c) Total Receipts (from Line 18)		\$ 336,647.40	\$ 693,278.11
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 2,017,793.67	\$ 2,373,849.33
7. Total Disbursements (from Line 20)		\$ 481,647.93	\$ 837,703.59
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 1,536,145.74	\$ 1,536,145.74
9. Debts and Obligations Owed TO the Committee (Reimburse all on Schedule C and/or Schedule D)		\$ -0-	For further information contact: Federal Election Commission 880 E Street, NW Washington, DC 20543 Toll Free 800-424-9530 Local 202-549-3120
10. Debts and Obligations Owed BY the Committee (Reimburse all on Schedule C and/or Schedule D)		\$ -0-	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Edward G. Connelly

Signature of Treasurer

Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

FEC FORM 3X

(Revised 1/1/91)

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SCHEDULE B

ITEMIZED DISBURSEMENTS
(Contributions to Federal Candidates
and Other Political Committees)

Use separate schedule(s) Page 1 of 2
for each category of the SF 21
Detailed Summary Page FOR LINE NUMBER
21

NAME OF COMMITTEE (in Full)
Auto Dealers and Drivers for Free Trade PAC

[Any information copied from such reports and statements may not be sold or used by any person
for the purpose of soliciting contributions or for commercial purposes, other than using the
name and address of any political committee to solicit contributions from such committee.]

For the period 07-01-91 thru 12-31-91 Over \$200 YTD

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Disbursement This Period	Disc. for
Participation 2000 1372 Grandview Ave, #042 Columbus, GA, 31912	Contribution Aggregate Year to date: \$1,000.00	07-15-91	1,000.00	Not App
Friends of Bill Zelliff P.O. Box 25026 Washington, DC, 20007	Contribution RR-1 Aggregate Year to date: \$2,000.00	09-19-91 11-15-91	1,000.00 1,000.00	Primary Primary
Ray Thornton for Congress P.O. Box 826 Little Rock, AR, 72203	Contribution RR-2 Aggregate Year to date: \$500.00	09-25-91	500.00	Primary
George Allen, Jr. for Congress P.O. Box 148 Charlottesville, VA, 22902	Contribution RR-7 Aggregate Year to date: \$1,000.00	10-16-91	1,000.00	Special Election
Re-Elect Bob Packwood Comm. P.O. Box 309 Portland, OR, 97207	Contribution OR-Senate Aggregate Year to date: \$5,000.00	11-01-91	5,000.00	Primary
N.R.C.C. - State Account 320 1st Street, S.E. Washington, DC, 20003	Contribution Aggregate Year to date: \$20,000.00	11-25-91	20,000.00	Not App

SUBTOTAL of Disbursements This Page (optional)..... \$29,500.00

TOTAL This Period (last page this line number only).....

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Exhibit 4

Automobile Dealers' Report of Receipts and Disbursements
For Other Than An Authorized Committee

April 15 Quarterly Report

97043791162

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Mar 15 12 44 PM '92

USE PREPARED LABEL
FOR
YOUR FDC PACKET

1. NAME OF CONTRIBUTOR OR PAC

Auto Dealers & Drivers for Free Trade PAC

ADDRESS (number and street) ☐ Check if different than previously reported

133-12 Hillside Avenue

CITY, STATE and ZIP CODE

Jamaica, NY 11432

FEC IDENTIFICATION NUMBER

000141903

☒ This committee qualified as a non/semi-candidate committee DURING THIS Reporting Period on (date)

4. TYPE OF REPORT

(a) ☒ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

☐ July 31 Life Year Report (Non-election Year Only)

☐ Termination Report

Monthly Report Due On:

☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☐ Twelfth day report preceding (Type of Election)

election on in the State of

☐ Thirtieth day report following the General Election on

in the State of

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
3. Covering Period <u>01-01-92</u> through <u>03-31-92</u>		
4. (a) Cash on Hand January 1, 19 <u>92</u>		\$ 1,538,645.74
(b) Cash on Hand at Beginning of Reporting Period	\$1,538,645.74	
(c) Total Receipts (from Line 1b)	\$ 37,888.99	\$ 37,888.99
(d) Subtotal (add Lines 4(b) and 4(c) for Column A and Lines 4(a) and 4(c) for Column B)	\$1,576,534.73	\$ 1,576,534.73
7. Total Disbursements (from Line 2c)	\$ 143,566.78	\$ 143,566.78
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 4(d))	\$1,432,967.95	\$ 1,432,967.95
9. Debts and Obligations Owed TO the Committee (Remain all on Schedule C and/or Schedule D)	\$ 0.00	
10. Debts and Obligations Owed BY the Committee (Remain all on Schedule C and/or Schedule D)	\$ 0.00	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Typed Print Name of Treasurer

Vincent J. Koenig, Asst. Treasurer

Signature of Treasurer

Date

4/14/92

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 437g.

FEC FORM 3X

(Revised 1/1/91)

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92037475028

CONVULS 6

(TOWARD DISBURSEMENTS
(Contributions to Federal Candidates
and Other Political Committees)

Use separate schedule(s) for each category of the
Detailed Summary Page FOR LINE NUMBER
21

NAME OF COMMITTEE (in Full)

Auto Dealers and Drivers for Free Trade PAC

Any information supplied from such reports and statements may not be sold or used by any person for the purpose of collecting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

For the period 01-01-92 thru 03-31-92 Over \$200 YTD

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Disbursement This Period	Dist. for
Bonforth for Senate 799 New Dallas Road South Suite 200 St. Louis, MO 63141	NO Senate Aggregate Year to date: \$1,000.00	02-27-92	1,000.00	Primary
Pick Nichols for Congress 404 Lakeside Drive Rockham, FL 32940	Contribution CB-S CB-S Aggregate Year to date: \$000.00	02-16-92	500.00	Primary
Friends of Bill Beliff P.O. Box 25885 Washington, DC 20087	Contribution SB-S Aggregate Year to date: \$2,500.00	01-30-92	2,500.00	Primary
Re-Elect Bob Peckwood Comm. P.O. Box 309 Portland, OR 97207	Contribution SB-Senate Aggregate Year to date: \$5,000.00	05-30-92	1,000.00	General
Lieberman '96 Committee P.O. Box 231296 State House Square Hartford, CT 06123	Contribution CT-Senate Aggregate Year to date: \$1,000.00	02-14-92	1,000.00	General

SUBTOTAL of Disbursements This Page (optional):..... 10,000.00

TOTAL This Period (last page this line number only):..... \$43,500.00

92037475050

Exhibit 5

Automobile Dealers' Report of Receipts and Disbursements
For Other Than An Authorized Committee

July 15 Quarterly Report

97043791165

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

NAME OF COMMITTEE (in full)

Auto Dealers & Drivers for Free Trade PAC

Address (number and street) (Check if different than previously reported)

153-12 Hillside Avenue

CITY, STATE and ZIP CODE

Jamaica, N.Y. 11432

FEDERAL ELECTION NUMBER

CO0141903

This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)

4. TYPE OF REPORT

a. April 15 Quarterly Report

Month, Report Due On

July 15 Quarterly Report

February 20 June 20 October 20

October 15 Quarterly Report

March 20 July 20 November 20

January 31 Year End Report

April 20 August 20 December 20

July 31 Mid Year Report (Non-election Year Only)

May 20 September 20 January 31

Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

Thirtieth day report following the General Election on _____

Termination Report

_____ in the State of _____

b. Is this Report an Amendment? YES ☐ NO ☒

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>3/31/92</u> through <u>6/30/92</u>		
6. (a) Cash on Hand January 1, 19 <u>92</u>		\$ 1,496,645.74
(b) Cash on Hand at Beginning of Reporting Period	\$ 1,390,967.95	
(c) Total Receipts (from Line 19)	\$ 43,177.48	\$ 81,066.47
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 1,434,145.43	\$ 1,577,712.21
7. Total Disbursements (from Line 30)	\$ 70,101.64	\$ 213,668.42
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6-d)	\$ 1,364,043.79	\$ 1,364,043.79
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	\$ 0	
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	\$ 0	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete. Edward G. Connolly
Type or Print Name of Treasurer

Signature of Treasurer

Date

Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

FEC FORM 3X

revised 1/1/91

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page	PAGE	OF
	1	1
FOR LINE NUMBER		
23		

Any information received from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for carrying a business with the using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (in Full)

Auto Dealers & Drivers for Free Trade PAC

A. Full Name, Mailing Address and ZIP Code Specter for Senate Lafayette Bldg, Suite 715 5th & Chestnut Philadelphia, PA 19106	Purpose of Disbursement Contribution PA-Senate Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 4/15/92	Amount of Each Disbursement This Period 1,000.00
B. Full Name, Mailing Address and ZIP Code Tom Campbell for Senate P.O. Box 1389 Mountain View, CA 94042	Purpose of Disbursement Contribution CA-Senate Disbursement for: ☒ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 4/15/92	Amount of Each Disbursement This Period 1,000.00
C. Full Name, Mailing Address and ZIP Code Wayne Owens for Senate P.O. Box 1747 Salt Lake City, UT 84110	Purpose of Disbursement Contribution UT-Senate Disbursement for: ☒ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 4/24/92	Amount of Each Disbursement This Period 2,500.00
D. Full Name, Mailing Address and ZIP Code Re-Elect Bob Packwood P.O. Box 309 Portland, OR 97207	Purpose of Disbursement Contribution OR-Senate Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 5/21/92	Amount of Each Disbursement This Period 2,000.00
E. Full Name, Mailing Address and ZIP Code Friends of Sen. Don Nickles P.O. Box 1549 Tulsa City, OK 74601	Purpose of Disbursement Contribution OK-Senate Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 5/21/92	Amount of Each Disbursement This Period 3,000.00
F. Full Name, Mailing Address and ZIP Code Ackerman for Congress 7424 Miller Fall Road Derwood, MD 20855	Purpose of Disbursement Contribution NY-8 Disbursement for: ☐ Primary ☒ General ☐ Other (specify)	Date (month, day, year) 6/8/92	Amount of Each Disbursement This Period 5,000.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

14,500.00

TOTAL for Period (last page this line number only)

14,500.00

07043791147



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 20, 1995

Ellen S. Miller, Executive Director
Center for Responsive Politics
1320 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 4260

Dear Ms. Miller:

This letter acknowledges receipt on September 15, 1995, of the complaint you filed on behalf of the Center for Responsive Politics alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by Automobile Dealers PAC, Senator Packwood and the Re-Elect Packwood Committee. The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4260. 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

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043791168



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 20, 1995

Edward G. Connelly, Treasurer
Auto Dealers and Drivers for Free Trade PAC
153-12 Hillside Avenue
Jamacia, NY 11432

RE: MUR 4260

Dear Mr. Connelly:

The Federal Election Commission received a complaint which indicates that the Auto Dealers and Drivers for Free Trade PAC ("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 4260. Please refer to this number in all future correspondence.

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

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

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043791169

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

9704379117C



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 20, 1995

Geoffrey D. Brown, Treasurer
Re-Elect Packwood Committee
5301 Wisconsin Avenue, N.W.
Suite 300
Washington, D.C. 20015

RE: MUR 4260

Dear Mr. Brown:

The Federal Election Commission received a complaint which indicates that the Re-Elect Packwood Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4260. Please refer to this number in all future correspondence.

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

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

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043791171

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

97043791172



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 1995

The Honorable Robert Packwood
259 Russell Building
Washington, D.C. 20510

RE: MUR 4260

Dear Senator Packwood:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4260. 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

97043791173

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

97043791174



RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

OCT 10 9 53 AM '95

WASHINGTON, D.C.

BOB PACKWOOD
OREGON

October 6, 1995

Mary L. Taksar, Esquire
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 4260, MUR 4261, MUR 4262

Dear Ms. Taksar:

I have received the above-referenced matters from the Federal Election Commission. While your letters note that my responses are due within 15 days of receipt, I would like to request a 20 day extension to submit my responses in these three matters. This extension is needed so that I may prepare complete answers to the charges made.

Thank you for your consideration. In anticipation of your granting this request, my responses are due on October 30, 1995.

Sincerely,

BOB PACKWOOD

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 10 10 35 AM '95

97043791175



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 17, 1995

The Honorable Robert Packwood
United States Senate
259 Russell Building
Washington, D.C. 20510

RE: NUR 4260

Dear Senator Packwood:

This is in response to your letter dated October 6, 1995, requesting an extension until October 30, 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 October 30, 1995.

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

Sincerely,

A handwritten signature in cursive script, reading "Alva E. Smith".

Alva E. Smith, Paralegal
Central Enforcement Docket

97043791176

OCT 11 9 32 AM '95

Auto Dealers and Drivers for Free Trade PAC
153-12 Hillside Avenue
Jamaica, NY 11432

October 10, 1995

Mary L. Taskar, Esquire
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

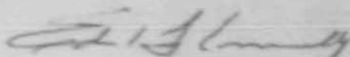
RE: MUR 4260 -- Automobile Dealers and Drivers for Free Trade PAC

Dear Ms. Taskar:

We received the above-referenced matter from the Federal Election Commission on October 6, 1995, and your letter notes that our responses are due within 15 days of receipt. We believe that we will require additional time and so would like to request a 20-day extension to submit our responses in this matter. This extension is needed so that we may prepare complete answers to the charges made.

Thank you for your consideration. In anticipation of your granting this request, our responses would be due November 10, 1995.

Sincerely,



Edward G. Connelly, Treasurer

97043791177



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 17, 1995

Edward G. Connelly, Treasurer
Auto Dealers and Drivers for Free Trade PAC
153-12 Hillside Avenue
Jamaica, NY 11432

RE: MUR 4260

Dear Mr. Connelly:

This is in response to your letter dated October 10, 1995 requesting an extension until November 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 the requested extension. Accordingly, your response is due by the close of business on November 10, 1995.

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

Sincerely,

A handwritten signature in cursive script, reading "Alva E. Smith", is positioned above the typed name.

Alva E. Smith, Paralegal
Central Enforcement Docket

97043791173

United States Senate

WASHINGTON, D.C. 20510

October 30, 1995

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 30 12 52 AM '95

Mary L. Tasker, Esquire
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Tasker:

Re: MUR 4260, MUR 4261, MUR 4262, MUR 4265

I have your letters regarding various complaints. In this letter I respond to the allegations.

As an initial matter, I believe it is important to note one fact common to each of the complaints. Each is based solely on entries from my diary. As you may know, the diary itself was the subject of considerable discussion with the Senate Ethics Committee. Before the FEC uses my diary, for any purpose, it should be familiar with my testimony regarding my diary. This can be found in the depositions, which are part of the public record, see depositions dated January 17, 1995 and June 27, 1995 (sample pages are appended).

1. MUR 4260 -- the Auto Dealers complaint

The complaint filed in the above-captioned case charges that my campaign improperly consulted on independent expenditures conducted by, and therefore received excessive contributions from, the Automobile Dealers and Drivers for Free Trade PAC ("Automobile Dealers"). The complaint is baseless because the facts contained in it do not support the charges made. No violation occurred and the Commission should dismiss this matter promptly.

97043791179

FACTS: This complaint charges that there was impermissible consultation or coordination between persons associated with my 1992 Senate campaign and the Automobile Dealers. The complaint states that the Automobile Dealers made independent expenditures of \$65,539 in the form of telephone banks supporting my candidacy between October 27, 1992 and November 2, 1992.

The only evidence of alleged improper contact is an excerpt from my diary that has been made public. The diary entry is from March 20, 1992. It states, in part: "Apparently the Automobile Dealers are willing to do some spending against AuCoin."

As demonstrated by the enclosed affidavit from Elaine Franklin, my chief of staff and campaign manager who is referred to in the diary entry, and by my testimony before the Ethics Committee, there was no consultation, coordination or other impermissible contact between us (or anyone associated with my campaign to the best of my knowledge) and the Automobile Dealers regarding the October 27, 1992 to November 2, 1992 expenditures which are the subject of this complaint. Affidavit of Elaine Franklin, at paragraph 4.

LAW: Federal election law defines an independent expenditure as an expenditure expressly advocating the election or defeat of a clearly identified candidate that is made "without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate," and which is "not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate." 2 U.S.C. Section 431(17).

DISCUSSION: I do not recall the conversation the diary entry reflects that I had with Elaine Franklin. However, the activities discussed in the diary entry did not happen. There were no contacts regarding these expenditures that would violate 2 U.S.C. Section 431 (17). Franklin affidavit paragraph 4.

97043791180

A fair reading of the complaint itself makes clear there was no violation of the Federal Election Campaign Act or the Regulations. First, the Automobile Dealers did not "do some spending against AuCoin." (emphasis added). There is no charge in the complaint, and no evidence in their reports filed with the Commission, that the Automobile Dealers ever spent any money against AuCoin (the complaint itself notes the independent expenditure was a phone bank in support of my candidacy). To my knowledge, there was no spending against AuCoin. Packwood affidavit paragraph 4; Franklin affidavit paragraph 3.

The second piece of evidence that there was no violation is the timing involved. The Automobile Dealers' spending that is the subject of the complaint began in October 1992. The diary entry upon which the complaint is based took place in March 1992, some seven months earlier, and prior even to the conclusion of the Democratic primary to select a candidate to run against me. There was no improper coordination in this case. In fact, it would be impossible (and certainly counterproductive) to coordinate or consult before a Democratic nominee was even selected.

Therefore, the cooperation or consultation, request or suggestion that allegedly poisons this independent expenditure never happened. This complaint was filed only because of an entry from my diary about activity that never took place which was written seven months before the election it supposedly would have influenced.

While the wording of the diary entry is unfortunate, the complaint is not about any activity that violated the Act. Accordingly, this matter should be dismissed.

97043791131

2. MUR 4261 -- the National Rifle Association
complaint

For the reasons set forth below, the complaint is
without merit and must be dismissed by the FEC.

FACTS: The complaint charges that my campaign
committee accepted illegal corporate contributions
in the form of independent expenditures that the
Center alleges were not independent, as a matter
of law. These expenditures were made by the
National Rifle Association's Institute for
Legislative Action (NRA's Institute"), a
membership organization constituted as a nonprofit
corporation. The complaint includes as an
attachment the NRA's Institute's "Report of
Communication Costs by Corporations and Membership
Organizations" showing two expenditures against
Les AuCoin, my opponent in the 1992 general
election.¹ Both expenditures are reported by the
NRA as communications with the organization's
"members."

DISCUSSION: In filing the complaint, the Center
was apparently unaware that federal election law
permits membership organizations to mail partisan
communications to their members. 11 C.F.R.
Sections 100.8(b)(4), 114.3(a)(2), 114.3(c) and
114.7(h). "Any cost incurred for any
communication by a membership organization to its
members ... is not an expenditure ..." so long as
an FEC Form 7 is filed. 11 C.F.R. Section
100.8(b)(4). Since the Center itself attaches the
NRA Institute's required form, it is self-evident
there is no violation.

¹ For the record, although not dispositive in this matter
(see below), the first expenditure cited in the complaint came on
May 8, 1992, in advance of the Oregon primary in which Mr. AuCoin
faced a Democratic opponent. This expenditure cannot be called an
expenditure on behalf of me or my campaign committee, especially
since the diary entry attached to the complaint concerns an
October 6, 1992 meeting.

The Act specifically permits organizations such as the NRA's Institute to mail to its members the communications, even if partisan, that are the subject of this complaint. 11 C.F.R. Sections 114.3(a)(2) and 114.7(h). There is no allegation that the communications do not meet the requirements of the regulations, and it is my belief that they did comply with 11 C.F.R. Section 114.3(c).

CONCLUSION: The law does not consider the communications at issue a contribution or expenditure on behalf of the candidate supported or opposed; such communications are not considered independent expenditures, and there is no prohibition on showing such communications to a candidate. *Id.* Accordingly, there are no grounds for this complaint and it must be dismissed.

3. MUR 4262 and MUR 4265 -- the Phil Gramm complaints

After reviewing the allegations, the facts and the law, it is apparent that the sole reason this complaint was filed was that I made an statement in a publicly released diary entry. Since no actual violation of law occurred,² the Commission must dismiss this matter.

The complaint attaches reports to the Federal Election Commission from the National Republican Senatorial Committee ("NRSC") indicating that \$96,500 in non-federal funds were transferred to the Oregon Republican Party in 1992. Such transfers are permissible under 11 C.F.R. Section 102.6(a)(1)(ii) ("Transfers of funds may be made without limit on amount between or among a national party committee, a State party committee and/or any subordinate party committee whether or not they are political committees ... and whether or not such committees are affiliated.") and 11 C.F.R. Section 110.3(c)(1) ("The contribution limitations of 11 C.F.R. Sections 110.1 and 110.2 shall not limit the transfers of funds between .. party committees of the same political party.").

² As a technical matter, the Conciliation Agreement in MUR 3524 notes that a state party vendor, Robeson Marketing Communications, without the state party's consent, did use \$1,670 from the non-federal account to pay for a federal account disbursement. That matter has been fully conciliated in MUR 3524, and neither I nor anyone involved with my re-election committee knew about the activity or were involved in it.

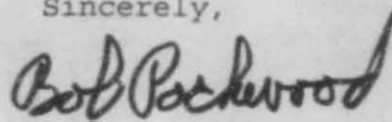
97043791183

Mary L. Tasker, Esquire
October 30, 1995
Page 6

My statement before the Senate Ethics Committee explains that entry. Both major parties make frequent transfers of both federal and non-federal dollars to their respective state parties to assist with party building activities, as permitted by federal and state campaign laws. This party building activity helps all candidates who run on the party's ticket in a given election.

In conclusion, these complaints should be dismissed for two reasons: first, we did not violate the Federal Election Campaign Act, and, secondly, the diary entry is explained by my testimony before the Senate Ethics Committee.

Sincerely,



BOB PACKWOOD

97043791184

BEFORE THE FEDERAL ELECTION COMMISSION

Matter Under Review 4260,

Senator Robert Packwood and the Re-elect Packwood Committee

AFFIDAVIT

Elaine Franklin, being duly sworn, deposes and states
as follows:

1. During the 1992 election, I was chief of staff to Senator Bob Packwood, who was seeking re-election to the United States Senate. As one of his office's designated political employees, I was involved in aspects of the campaign and talked frequently with Senator Packwood about political developments. *and Campaign manager*
2. I do not recall any conversation with Senator Packwood on the subject of Auto Dealers independent expenditures. However, Senator Packwood was generally very supportive of free trade issues, a position that the Auto Dealers also supported, so it would not be unusual for Auto Dealers to support Senator Packwood.
3. To the best of my knowledge and belief, the Automobile Dealers never campaigned or otherwise did anything against Les AuCoin.
4. To the best of my knowledge, information and belief, there was no cooperation, consultation with, request or suggestion by me or agent of the campaign or staff concerning the Automobile Dealers October 27, 1992 to November 2, 1992 independent expenditures in Oregon.

Elaine Franklin

Elaine Franklin

Sworn to be before this

25th day of OCTOBER 1995

Therese J. Wilson

Notary Public

NOTARY PUBLIC

DISTRICT OF COLUMBIA

My Commission Expires: 11-14-98

Transcript of Hearings

Before The

United States Senate

SELECT COMMITTEE ON ETHICS

PRELIMINARY INQUIRY

DEPOSITION OF ROBERT PACKWOOD (VOLUME 3)

WASHINGTON, D. C.

TUESDAY, JANUARY 17, 1995

ACE - FEDERAL REPORTERS, INC.

Official Reporters

1120 G Street, NW
Washington, D.C. 20005
(202) 347-3700

NATIONWIDE COVERAGE

9704379136

1 A I don't know.

2 Q When you would get the diary pages back
3 from Ms. Cormack, would you do any editing on them?
4 Would you review them to see if they were accurate?

5 A On occasion, I would. Again, it would
6 depend upon the mood and the time. If I was harried
7 and hurried, they're in this envelope and I would
8 think well, I'll put the envelope in the safe and
9 I'll review it before I put it in a binder.
10 Sometimes I would. Sometimes I wouldn't.

11 Q How would you do the editing?

12 A Oh, well, I'd review it. Of course, now,
13 it's a year and a half behind, so my memory of what I
14 might want in it would be different than if I were
15 reviewing it closer to the time, but if I -- it
16 didn't happen very often but if I found something I'd
17 want to change, I'd take it back to Cath.

18 Q How often did that happen?

19 A 10, 20 times.

20 Q Since 1969?

21 A Yeah, I think so. It wasn't very often. I
22 was so far behind when I was looking at them and, you

1 know, very frankly you'd see something that was in
2 error and if the spirit moved you, you'd say change
3 it. If you thought what the heck, years later when
4 historians look at it they can figure it out for
5 themselves. It was kind of as the mood moved you.

6 Q Did you share the contents or excerpts of
7 your diary with anyone over a period of years?

8 A Ask that again. I'm not sure I understand
9 it.

10 Q Did you permit anyone to look at your
11 diaries or to read portions of them, or was this
12 something that you held close to yourself?

13 A I'm trying to remember if prior to my
14 divorce I might have made some notes or some excerpts
15 from the diary and showed them to some people, some
16 friends involving personal family matters, but I
17 can't remember if I actually showed them the diaries
18 or not, or rather I looked at them, made notes and
19 talked about it. It's so long ago, I can't remember
20 now.

21 Q To the extent -- would it be fair to say to
22 the extent anyone had seen a diary page or any

1 information from the diary, that would have been
2 exceptionally rare?

3 A Oh, yeah. To the best of my knowledge,
4 yes, it would be very rare.

5 Q Nevertheless, would your friends -- were
6 they aware that you kept the diary, or was that also
7 something that --

8 A Well, I don't know who was aware, but I had
9 been asked by the press in Oregon over time, over the
10 years -- or you're at an informal gathering and
11 somebody says well, do you keep a diary, and I'd say
12 yes. So it was that kind of a thing. It wasn't a
13 secret, but I didn't scatter notice of it from the
14 Washington Monument.

15 Q You made reference earlier to historians
16 might be able to figure something out from a diary
17 entry. What was the purpose of your diaries, as you
18 saw it?

19 A Oh, it had 100 purposes. Therapy. Some
20 people stop and talk to themselves or walk down the
21 street and talk to themselves. I talk to the diary.
22 Some people talk to their psychiatrist. I shouldn't

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1 say I talk to the diary. I talk to the dictating
2 machine. I almost talk to it like I'm talking to
3 Cath. So that was there, moments of humor, pathos,
4 arguments with car mechanics, recountings of meetings
5 with President Reagan, President Nixon, President
6 Carter. So it's a potpourri of everything.

7 Q Understanding that it contains a little bit
8 of everything and that one of the purposes might have
9 been therapy, what were other purposes, as you saw
10 it?

11 A Well, there was no single purpose.
12 Sometimes when I'd be down, I suppose you can notice
13 this, there'd be periods where the diary is much
14 shorter than other periods. And you can tell when a
15 day ends up being half a paragraph and some days ends
16 up being four pages. So it would be a moment of the
17 mood. Part of it would be putting my thoughts in
18 narrative form. I have a habit of thinking to myself
19 and putting it in narrative form. There is no
20 overwhelming reason why I kept it. Maybe it was just
21 compulsion.

22 Q Did you see it as having perhaps some

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1 historical significance?

2 A Oh, yes and no. That would be more for
3 historians, I assume. You can go back to -- this is
4 especially true of the Eisenhower years -- you look
5 at memoirs of people at the same meeting who come out
6 of it with different conclusions and even attribute
7 quotes to people and somebody else attributes a
8 different quote to them. So was it accurate? Was it
9 accurate in the sense that you would edit something
10 before you send it on? Could be, could not be.

11 Q Was it your intention to create an accurate
12 record of events?

13 A Well, sometimes yes. Sometimes I say I
14 would give voice to conversations or thoughts and I
15 would put them in narrative form, even though they
16 may not have happened in that fashion.

17 Q Let me ask the question this way: Was it
18 your intent in recording diary material to create a
19 nonfictional account?

20 A No, not necessarily. I don't mean to say I
21 was writing a novel with it, and I don't mean to say
22 I was lying to it, but to the extent -- have you ever

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1 seen this situation? In fact, I've seen memos to
2 this effect. You have a meeting with somebody, some
3 lobbyist comes in. And then the memo later -- you
4 get a memo later that's given to you of the
5 lobbyist's report of the meeting. And it doesn't
6 comport with what you remember at all. And you may
7 say to your staff, God, did I say that? And they'll
8 say well, no, or maybe, Senator, unfortunately you
9 did, and the lobbyist thought totally different than
10 you remembered it. So I may put things in there that
11 others would totally remember as different.

12 Q But the point that I'm trying to get to is
13 you would, would you not, attempt to honestly record
14 what you saw and heard and your impressions of what
15 took place at a meeting? You weren't trying to
16 record something that didn't happen, were you?

17 A No -- I don't mean no as the answer. As I
18 said, I would put things into narrative form,
19 conversations, between Jones and Smith or Packwood
20 and Green that I would picture I would have thought
21 or they might have thought that might not have been
22 said.

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1 Q Give us an example of that.

2 A Well, I mean, it's not like the court
3 reporter taking it down. It's the next morning or
4 it's two mornings later, and I'm looking back and
5 there's one fellow that forever says to me you're a
6 great American. So if he were in my office -- and by
7 God, the country is glad to have you. So if he were
8 in my office, I might put that in the diary, even if
9 he never said that when he was in my office.

10 Q You would attribute that to him because he
11 said that on practically every occasion that he saw
12 you?

13 A No, he doesn't go around saying that all
14 the time. But I would attribute something if I
15 thought that's what he felt, even if he hadn't said
16 it at that time.

17 I can give you another example. Let's say
18 you're working on a particular problem and your staff
19 says well, I talked with Senator Exon's staff, and
20 we've worked it out and I might put in there we've
21 talked with Senator Exon and taken care of the
22 problem.

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1 Q But an entry such as that example would, of
2 course, be an attempt by you to honestly record your
3 impression of what had taken place.

4 A Except Senator Exon might say well, that
5 conversation never took place.

6 Q You made it a conversation as opposed to --

7 A I would say I talked to Senator Exon and
8 then Senator Exon said okay, we've worked out the
9 problem. When indeed, our two staffs had worked it
10 out.

11 Q You wouldn't, for example, then, record a
12 detailed conversation between you and Senator Exon
13 about what was said between the two of you to work it
14 out, would you?

15 A Yeah, I might.

16 Q You might do that?

17 A Well, would it go on for two or three
18 pages? Probably not. But would it appear in the
19 diary that I had talked to Senator Exon? It would
20 appear that way.

21 Q So you might actually create a fictional
22 conversation?

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1 A Well, fiction is the wrong word. People
2 say I talked to the White House today. What they did
3 is they called and got the operator. Did they talk
4 to the White House? I guess so. If your agent talks
5 to somebody else's agent and you say I talked to the
6 principal, you don't mean it in the sense of lying,
7 but as I say, I'm very inclined to put into
8 conversational form narrative events or thoughts of
9 my own.

10 Q But it was your intent, was it not, to
11 capture the essence of what happened and to express
12 that accurately?

13 A Again, I don't think I can answer the
14 question any better than I have.

15 Q I'm not sure that the question has been
16 answered here quite yet. And that is a very simple
17 question. Were you, in dictating the diary entries,
18 making an effort, or was it your intent to record
19 events or your impression of events accurately,
20 truthfully and honestly?

21 A Well, again, I'll try to answer it once
22 more. I could put into it conversations, because I

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1 dictate in a conversational narrative form that may
2 not have taken place.

3 Q But were you trying accurately and
4 truthfully to capture the substance of what took
5 place?

6 A I'm saying the conversation may not have
7 taken place.

8 Q But as you dictated the conversation, which
9 didn't take place, were you -- was it your intent to
10 have that conversation reflect the substance of what
11 happened?

12 (Witness conferred with counsel.)

13 MR. MUSE: Ask that question again, because
14 you combine a whole lot with those questions.

15 BY MR. BAIRD:

16 Q Was it your intention in dictating entries
17 to the diary and relating an event or a meeting to
18 capture and express accurately the substance of what
19 took place at that meeting or event?

20 A Well, it would depend on my mood, the day,
21 the thoughts, the pressure. But I'll say once more,
22 I might relate a conversation that did not take place

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1 on a subject that did not take place.

2 MR. STEIN: Let me stop there, if I may.

3 The label you want to put -- you invited examples,

4 and he gave you several examples. You may put a

5 different construction on it than he has, and I don't

6 see where it's going to further this for you to press

7 him for his label and you to insist on your label.

8 What I've heard here is not unusual. He has told you

9 what took place, and he can repeat it over and over

10 again, and you may say well, that doesn't qualify

11 according to my expectations. What is the core?

12 What is the substance? What is the peel? What is

13 the apple? What is the seed? Those are just some

14 observations that I think are appropriate.

15 BY MR. BAIRD:

16 Q Senator Packwood, when you would record

17 your observations or impressions of a meeting that

18 you had with someone, was there no attempt on your

19 part to accurately convey either the substance or the

20 essence of what took place at that meeting or event?

21 A Mr. Baird, have you ever had some

22 relatively calm conversation with somebody and when

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1 it was over, talked to Mr. Feitel or somebody else
2 and said boy, I really told him off? You didn't tell
3 him off. You might even put in your diary boy did I
4 tell him off. You didn't tell him off at all. You
5 may not have even actually had that conversation with
6 him.

7 This is what I mean. To try to say that a
8 day later or two days later when I might meet with
9 somebody that I've met with frequently or even not
10 frequently or maybe even don't know and try to
11 remember what did I say or what did he say or put
12 into conversation thoughts I had that I never said is
13 all possible.

14 Q To use your example there, if I went to
15 Mr. Feitel and told him I had a conversation with
16 somebody that I didn't even have, wouldn't that be
17 pure fiction?

18 A It would be in the sense of putting into
19 narrative form thoughts that I might have.

20 MR. STEIN: You know, Mr. Baird, there's a
21 big controversy in trying to define fiction.

22 MR. BAIRD: I'm sorry?

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1 MR. STEIN: There's quite a controversy of
2 people trying to define fiction as distinguished from
3 reality.

4 MR. BAIRD: I can well imagine there might
5 be.

6 BY MR. BAIRD:

7 Q If you described something as a
8 conversation and that actually had not occurred,
9 would, nevertheless, the substance of the information
10 that you put within that conversation have taken
11 place?

12 A Not necessarily.

13 Q So it might not have anything to do with
14 reality? Is that what you're saying?

15 A I might have put into a conversational form
16 what I thought the person thought and what I would
17 have said had he said something and it didn't occur,
18 but it is simply a narrative of my thoughts or what I
19 thought he thought or what he thought I thought.
20 Often I think you'll find that -- well, I probably
21 thought was -- well, I don't know what he thought.

22 Q You told us back in October of '93, and I

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Transcript of Hearings

Before The

United States Senate

SELECT COMMITTEE ON ETHICS

PRELIMINARY INQUIRY

DEPOSITION OF ROBERT PACKWOOD (VOLUME 3)

WASHINGTON, D. C.

TUESDAY, JANUARY 17, 1995

ACE - FEDERAL REPORTERS, INC.

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1 Q Would the reason you've just given for the
2 deletion also explain the addition or why would you
3 have added the material?

4 A Well, again, I'd have a big blank on the
5 tape and a compulsion to fill it in. There's
6 nothing, I suppose I should have dropped the whole
7 thing, but I just put something in.

8 Q Move on to 317. And here we're at page 15
9 on 317.

10 MR. BREDHOFF: What's the date, Victor?

11 BY MR. BAIRD:

12 Q March 6th, down about four paragraphs. "He
13 finished. Craig and I and Elaine and Phil, Craig
14 Burkman and the guy traveling with Phil met for just
15 10 or 15 minutes. Phil again promised \$100,000 for
16 party building activities and what was said in that
17 room would be enough to convict us all of something.

18 "He says now, of course, you know there
19 can't be any legal connection between this money and
20 Senator Packwood, but we know it will be used for his
21 benefit. Craig said oh, yes. God, there's Elaine
22 and I sitting there. I think that's a felony. I'm

1 not sure, this is an area of the law I don't want to
2 know. Phil left Elaine and I headed back to the
3 motel."

4 And if we look at Exhibit 317-B, the last
5 entry on March 7 on page 2 of that exhibit, you'll
6 find the language about halfway down that big
7 paragraph in the middle "he finished and Craig and I
8 and Elaine and Phil, Craig Burkman and the guy
9 traveling with Phil met for just 15 or 20 minutes"
10 and then the following language "there was the usual
11 argument, I suppose a more polite word for it would
12 be discussion, of how much money the national
13 committee or Senatorial committee or any committee
14 was going to give to the state party.

15 "I remember all those arguments all my
16 life. When I was the county chairman, it was how
17 much was the state going to give the county. The
18 lesser unit always wants the greater unit to give
19 them money of some kind. Well, anyway, the
20 discussion ended in a draw. Phil left and Elaine and
21 I headed back to the motel."

22 Senator, it appears that the information

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1 that I read almost in its entirety from 317-A was
2 deleted in the Cathy Cormack transcript and that the
3 information about national committee or Senatorial
4 committee was added to 317-B. Would you agree with
5 that?

6 A Yes.

7 Q And are those changes which you made when
8 you changed the tapes?

9 A Yes.

10 Q And why did you do the deletion and why the
11 addition?

12 A Well, again, I can't remember if -- at the
13 start you said what kind of changes I made, but if I
14 made reference to senators or not wanting to
15 embarrass senators, this is clearly not only one
16 where I would not want to embarrass him, but it was
17 factually wrong. This is no crime. Party building
18 activities are perfectly legal and the Senatorial
19 committee gives money to the party if the party puts
20 up money for the Senate candidate. It cannot just be
21 a passthrough where they give them 100 and they pass
22 it on.

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1 Indeed, when it was first wrong, when I
2 realized it was wrong, factually wrong, secondly when
3 I was talking about Phil like this, this isn't
4 something I'd want out in the press. Again, you can
5 see what the press would do with this and especially
6 when it's wrong.

7 Q Why did you add the material in 317-B?

8 A Again, just filling up the tape, but you
9 know, here's an example of a quote that I'll betcha
10 never occurred. "But he says now" -- there's no
11 quotation marks -- "of course there can't be any
12 legal connection between this money and Senator
13 Packwood." He wouldn't have said that. Those are my
14 words attributed to him.

15 Q Were you capturing the essence of something
16 which he said to you?

17 A No, because the way I phrase it, it looks
18 illegal. I wasn't even capturing it.

19 Q Would it be permissible to take the party
20 building money and to spend it for your benefit?

21 A Not if it's a passthrough. And there's
22 certain kinds of things the party can spend it on and

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1 certain kinds of things the party cannot spend it
2 on. I remember this from my days as Senatorial
3 committee chairman. But if you're the Oregon
4 Republican party and you raise \$100,000 and you're
5 going to legally spend it on me, that's okay. The
6 Senatorial committee -- in other words, use it for
7 party building activities. The Senatorial committee
8 can give you \$100,000 for party building activities
9 and that's okay.

10 Q Did this meeting as described on page 15 of
11 the tape -- did this meeting actually take place
12 between you and Craig and Elaine and Phil, I assume
13 it's Senator Gramm --

14 A Yes.

15 Q -- am I correct about that? Did that
16 meeting take place?

17 A Yes. He'd come out to speak to the
18 Dorchester conference. But as I say, here's another
19 good example of a quote -- of a statement that was
20 never made.

21 Q Were you, as reflected in your entry here,
22 concerned at the time about the legality of what was

1 being proposed?

2 A I don't think I was. I can't remember, but
3 I know that nobody in Phil's position or Senatorial
4 committee chairman would take that kind of a risk.
5 It is the kind of thing, when this gets out to the
6 press, they'll say -- they'll read it like this and
7 say well, Gramm was going to do something illegal
8 when indeed he wasn't.

9 Q If you weren't concerned about the legality
10 of what was said, why would you have made that entry
11 in your diary?

12 A It is not illegal, and when I read it, I
13 realized God, that's not right.

14 MR. MUSE: You're asking him if he was
15 concerned -- what was his thinking at that moment as
16 he made an entry? This morning he explained that the
17 process doesn't get that kind of reflective
18 thinking. You want to pull from that some reflective
19 notion that is not built into the process. It goes
20 all the way back to your characterizations that
21 create a lot of trouble here, words like accurate,
22 inaccurate. This is a good example.

1 THE WITNESS: You picture -- you picture
2 sitting there -- and this is dictated, obviously,
3 later. Phil left and Elaine and I headed back to the
4 motel so I probably didn't dictate it that night.
5 And I say -- and I don't know what my intonation
6 would be on the tape -- he says "now, of course" --
7 never said this -- "can't be any legal connection
8 between this money and Senator Packwood. We all know
9 it would be used for his benefit."

10 And I go oh, God, that's probably a felony
11 or something like that. Cathy may have changed my
12 words slightly. I don't know. But it is said in
13 that tenor and what you're trying to do and what the
14 press would try to do is put a totally different
15 tenor on that. And that isn't fair.

16 BY MR. BAIRD:

17 Q All I'm trying to do is figure out why you
18 would raise a question about the legality of what was
19 proposed. If you had no question about its legality,
20 why would you do that?

21 A You say -- my God, is that a felony? It
22 isn't.

1 MR. MUSE: Excuse me. You say he's raising
2 the question. He's not questioning anybody or
3 anything. He's speaking into a dictating machine and
4 it's not a matter of him reflecting, saying something
5 like that. That's the unfairness of the process.

6 THE WITNESS: You seem to think every word
7 I put into this machine that I never see again, for
8 all practical purposes, is done with precision
9 laser-like quality. You don't pick up any of the
10 jest and humor and intonation in the flat paper. Did
11 I think that he was going to commit a crime? Of
12 course not.

13 BY MR. BAIRD:

14 Q Let me ask it this way: At the time you
15 made the entry, did you think it could have been --

16 A This, I am convinced, I said in jest. Oh,
17 God, I think it's a felony. I'm talking to Elaine,
18 my God, it must be a felony. No.

19 Q Where does it indicate here you're talking
20 about Elaine?

21 A "God, there's Elaine and I sitting here. I
22 think that's a felony. I'm not sure." There's only

1 four or five of us there and don't forget, I don't
2 run out of the room and now dictate this thing into a
3 machine at 10:00 at night.

4 Q You're not saying at that meeting, I think
5 that's a felony, are you? Aren't you saying that
6 later to the diary when you dictate?

7 A Yeah, and I'm saying it in jest. My God, I
8 was chairman of the Senatorial committee.

9 Q That's what I wanted to ask you about a
10 little bit. You were chairman of the Senatorial
11 committee prior to this time?

12 A Twice, 1977-78 and '81 to '82.

13 Q So you were very familiar with what the
14 permissible uses of Senatorial funds by state parties
15 were and were not?

16 A I was much more familiar 10 years ago than
17 I am now, but I have been off and on the Senatorial
18 campaign committee, even when I wasn't chairman, and
19 I'm reasonably familiar. I'm not expert in the law.

20 Q With your understanding of permissible uses
21 of campaign funds from your experience on the NRSC,
22 wouldn't you have been very knowledgeable about what

1 might have been legal or illegal at this time?

2 A It had been 10 years since I'd been
3 chairman. I was more familiar with what directly
4 affected us in collecting money than I was in
5 spending money, than I was coordinated funds and
6 money from the committee. But this was not said as
7 if to say Phil Gramm is a criminal. I mean, if you
8 want to attempt to make the case that Senator Gramm
9 is a criminal, go ahead. That's what you're saying
10 that he is saying because I say this must be a
11 felony.

12 Q Senator, what I am saying is that you wrote
13 here that you thought it must be a felony --

14 MR. MUSE: He never wrote it --

15 BY MR. BAIRD:

16 Q -- and I'm asking you -- you dictated it?

17 A I never wrote it. I dictated it. Never
18 saw it again.

19 Q But you dictated that entry --

20 A Oh, get off of it.

21 Q -- and I'm asking whether you thought it
22 was or not?

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1 A No. I said it, I'm sure, in jest on the
2 assumption that no one else was ever going to see
3 it. I said it to myself.

4 Q Exhibit 318, Friday, March 20th, page 11.
5 "I just blew my hair. I didn't use any gel on it at
6 all. I just blew it until it was about dry, combed
7 it. Didn't come out looking just right. It had just
8 the right amount of bounce, wave to it. I came back
9 rather confident. I now think we can beat AuCoin or
10 Lonsdale. Elaine had been talking to me privately
11 about expenditures. Apparently the auto dealers are
12 willing to do some spending against AuCoin. Of
13 course, we can't know anything about it. John Grotta
14 is going to do it. We've got to destroy any evidence
15 we've ever had of John Grotta" -- that's phonetic --
16 "so that we have no connection with any independent
17 expenditures.

18 "Elaine says that Tim Lee is also willing
19 to do an independent expenditure, but I don't know
20 how we've ever given the impression we have of no
21 connection to him."

22 And continuing on down, "a quick aside,

Transcript of Hearings

Before The

United States Senate

SELECT COMMITTEE ON ETHICS

PRELIMINARY INQUIRY

DEPOSITION OF ROBERT PACKWOOD (VOLUME 3)

WASHINGTON, D. C.

TUESDAY, JANUARY 17, 1995

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1 the way I refer to this it's what I call the regular
2 auto dealers, the larger of the groups.

3 Q Do you recall this conversation with Elaine
4 about independent expenditures?

5 A No.

6 Q Do you recall any conversation about John
7 Grotta and the auto dealers?

8 A No.

9 Q And independent expenditure?

10 A No.

11 Q You have no recollection of that?

12 A No.

13 Q How about any discussion of Tim Lee and
14 independent expenditures?

15 A No, I don't recall that either. I don't
16 think Tim ever did anything, but I don't recall the
17 discussion.

18 Q At the time you were making these changes,
19 this would have been in the 1992 tapes so it would
20 have been January, February of '93; correct?

21 A Or March or April.

22 Q February, March or April. But the election

Transcript of Hearings

Before The

United States Senate

SELECT COMMITTEE ON ETHICS

EXECUTIVE SESSION

97043791211

WASHINGTON, D. C.

TUESDAY, JUNE 27, 1995

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1 by Senator Bryan, where you have at least in your mind, the
2 idea that some portion of these diaries perhaps with
3 reasonable masking, at some time in the future, would be
4 released to the Oregon Historical Society. We didn't, I
5 don't mean to apply that every single comment about every
6 individual that you wrote about would necessarily be
7 released, but with some reasonable masking, that the
8 historical data would be in fact released at some point?
9 Whether it's after your death or whenever you, that decision
10 was to be made?

11 What would be the purpose of creating a conversation?

12 I can understand your own characterization of a
13 conversation, but what would be the point of creating
14 something that didn't happen, a conversation between two
15 people?

16 Senator Packwood. I'm not sure I can fully answer that
17 because I didn't, I never really studied these diaries until
18 this situation. I never looked back on them, really read
19 them in detail.

20 All I can say is this. I'm inclined to dictate in a
21 conversational form conversations that didn't occur. Now, do
22 they somehow represent an amalgam of my thoughts or what I
23 thought this person thought and what that person thought?

24 All I can tell you, Senator Smith, is I have now
25 learned, and I did not realize it, it wasn't just the one

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1 example that I mentioned about my speech, and I was not
2 consciously creating fiction, making up things in a
3 conscious sense, but there are conversations in there that
4 parties to the conversations have been questioned about by
5 the staff that say that utterly did not happen, period. The
6 topic wasn't even discussed.

7 So I can't fully explain what goes into a person's
8 thought when he, I mean, is it like somebody says, you're on
9 the telephone and by golly, I told that dirty guy what a
10 rotter he is, and I never -- well, if you actually listened
11 to what he said, it's a much milder version of that than
12 what you said.

13 But is there some cases, it is dreams or hopes that I
14 put in conversational, is there some cases where I think
15 somebody is appreciative to me, and I'll put in he said,
16 you're a great American, but he never said it or never even,
17 maybe never even thought it.

18 I can't answer that question fully. I just know that
19 there, now know that there are conversations, especially
20 conversations in there that are simply not just inaccurate,
21 they just didn't happen. I did not realize that before.

22 Senator Dorgan. Would the Senator yield on that point?

23 Senator Smith. I'm finished.

24 Senator Dorgan. Would you characterize the diaries as
25 mostly accurate?

1 Senator Packwood. Well, I think they're accurate --
2 Senator Dorgan. Or mostly inaccurate?

3 Senator Packwood. No, I don't know. But I think
4 they're accurate as to time and place. At 10:00 o'clock,
5 who did I meet with, because I will, we all have a little
6 schedule we carry around, and if I hadn't dictated the
7 diary, I will have that, notes on it, at 10:00 o'clock so
8 and so, 11:00 o'clock, so and so, 12:00 o'clock Farm Bureau,
9 and what-not.

10 And so it is probably accurate as to time, probably
11 accurate on occasion as to general tone, and many of the
12 conversations I'm sure are accurate. It was not a conscious
13 effort to create fiction.

14 I wasn't thinking that at all. It was not a conscious
15 effort to be exactly accurate. Maybe the only exception to
16 that would be if I was at a White House meeting, and I would
17 take copious notes. I might go back then and dictate that
18 right now.

19 In fact, there are occasions when you'll find in the
20 diary where I will have gone back and dictated that right
21 now, even though I have not dictated for a day previously
22 but I wanted to get that part down.

23 So, Senator Dorgan, it, as I say, they may be dreams,
24 they may be hopes, they may be thoughts, but in some cases,
25 they're simply, as I say, especially in conversations, I

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1 have learned there are conversations that did not occur.

2 Chairman McConnell. Senator Mikulski?

3 Senator Mikulski. Thank you, Mr. Chairman.

4 Senator Packwood, the reason I want to ask questions
5 about the diary is that in the bill of particulars posted by
6 the Committee, we say that we believe that between some time
7 in December of 1992 and some time in November of 1993, you
8 intentionally altered diary material that you knew or should
9 have known the Committee had sought or would like to seek as
10 part of its preliminary inquiry, which is a pretty serious
11 charge because it goes to intentionality?

12 In listening to the line of questioning and so on, I'm
13 still confused by that intention.

14 And based on what you said, and tell me if it's so, that
15 you said you changed the diary because you believed that
16 these things could, that one, you either feared leaks or
17 that information would, if made public through a leak or
18 whatever means, would be embarrassing to other people.

19 Is that --

20 Senator Packwood. I almost expected leaks.

21 Senator Mikulski. But answer the question about
22 intentionality, Senator.

23 Why did you change the diaries?

24 Senator Packwood. To keep it from the press.

25 Senator Mikulski. And why did you want to keep it from

1 the press?

2 Senator Packwood. Well, there are all kinds of things
3 in there I didn't want the press to have.

4 Senator Mikulski. Then Senator, why did you not then
5 change the written or the already typed transcripts?

6 Senator Packwood. You mean that I sent to the lawyers?

7 Senator Mikulski. Yes. No, no, no, no.

8 Ms. Cormack has been essentially typing these things for
9 years.

10 Senator Packwood. Yes.

11 Senator Mikulski. There's a lot of material out there
12 which I would imagine are embarrassing, as I understand it.
13 In these diaries, there's a lot about consensual sexual
14 acts. Lots of people could have been embarrassed, the
15 women, other Senators, your family or whatever.

16 Why is it that you changed the audio tapes and you
17 didn't change the already typed material that Ms. Cormack
18 had done?

19 Senator Packwood. The lawyers never gave me any
20 impression they wanted anything from 1969 to 1992, actually,
21 we just hadn't finished typing 1991 yet.

22 Senator Mikulski. So you changed --

23 Senator Packwood. No, let me finish. Except what I
24 could find that made any reference to any complainant. So
25 from time to time, I would run my finger down the page, and



AUTO DEALERS & DRIVERS FOR FREE TRADE
Political Action Committee

November 2, 1995

Alva Smith, Esquire
Office of the General Counsel
999 E. Street, N.W.
Washington, D.C. 20463

NOV 8 11 25 AM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

RE: Matter Under Review 4260

Dear Ms. Smith:

On behalf of the Auto Dealers and Drivers for Free Trade PAC ("Autopac"), this letter will respond to the complaint filed by the Center for Responsive Politics. For the reasons set forth below, the Federal Election Commission should dismiss this complaint.

This complaint should be dismissed because all persons involved in Autopac's independent expenditures know the law on independent expenditures, have adhered scrupulously to it at all times and did not violate the law concerning any expenditures it made in connection with the 1992 Oregon Senate election. Affidavits of Tom Nemet ("Nemet Aff.") at paragraph 2 and Frank Glacken ("Glacken Aff.") at paragraph 2.

This complaint is based solely on a diary entry from Senator Packwood. This entry discusses information relayed to Senator Packwood, which was erroneous, that: "Apparently the Automobile Dealers are willing to do some spending against AuCoin."

Autopac did not do any independent expenditures against Les AuCoin. Nemet Aff. paragraph 4; Glacken Aff. paragraphs 4-5. Any such expenditures would be contrary to Autopac's policy of supporting candidates who advocate free trade. Autopac does not do independent expenditures against members of Congress who are supportive on our issues; Les AuCoin was supportive on our issues. Nemet Aff. paragraph 3. Therefore, Autopac never did, and never had any plans to do, an independent expenditure against Les AuCoin. Nemet Aff. paragraph 4; Glacken Aff. paragraph 5. In fact, Autopac over the years has contributed \$10,000 to Les AuCoin's campaigns. Nemet Aff. paragraph 4; Glacken Aff. paragraph 4.

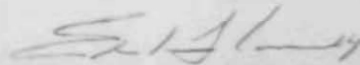
Furthermore, the Packwood diary entry was in March 1992. That was prior to the primary election. The only independent expenditure by Autopac in Oregon in 1992 came in late October and early November (a phone bank that was positive aimed at turning out

Alva Smith, Esquire
November 2, 1995
Page 2

voters for Senator Packwood). The diary entry is some seven months before the independent expenditure activity complained of. Autopac engaged in no improper consultation or coordination about the October-November activity, Nemet Aff. paragraph 5, but by definition even if conversations had occurred in March, they would have been useless for coordinating or planning a political activity such as a positive phone bank that occurred seven months later. Indeed, the Democratic nominee had not even been selected when Senator Packwood put the inaccurate information in his diary, so no useful coordination, consultation or request could have even occurred.

In summary, there were no consultations, coordination or any other activity concerning the October-November telephone bank Autopac paid for as an independent expenditure that did or could violate 2 U.S.C.; 431(17) or 11 C.F.R.; 100.16 and 109.1. This phone bank was Autopac's only independent expenditure in Oregon's 1992 Senate elections. The Commission should dismiss this complaint since, on its face, it fails to sustain a violation of the Federal Election Campaign Act or the Commission's Regulations.

Respectfully submitted,



Edward G. Connelly, Treasurer
Auto Dealers and Drivers for Free Trade PAC

97043791221



AUTO DEALERS & DRIVERS FOR FREE TRADE
Political Action Committee

BEFORE THE FEDERAL ELECTION COMMISSION

Matter Under Review 4260,
Auto Dealers and Drivers for Free Trade PAC

AFFIDAVIT

Tom Nemet, being duly sworn, deposes and states as follows:

1. I have been chairman of the Auto Dealers and Drivers for Free Trade PAC ("Autopac") since 1981, including the 1992 calendar year (with the exception of 1983-84, when I took a leave of absence).

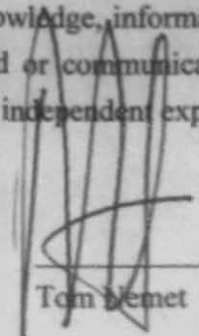
2. Autopac has frequently conducted independent expenditure campaigns since 1986 in the belief they are a very effective way for our members to support candidates who support our position on the free trade issue. Because we recognize independent expenditures to be an extremely important way for our members to participate in elections, all persons associated with Autopac's independent expenditures are well aware of the Federal Election Campaign Act provisions on the subject. Because we want to remain effective, we have always educated ourselves on the law and adhered to it scrupulously. We did so in the 1992 Oregon United States Senate election.

3. In terms of deciding which candidates to help, Autopac supports candidates who agree with our position on issues involving free trade. Autopac, as a matter of policy, does not do independent expenditures against members of Congress who are supportive on our issues.

4. Les AuCoin's record in Congress was supportive on free trade issues. Autopac has contributed \$10,000 to Mr. AuCoin's campaigns since 1984. Therefore, Autopac never did, and never had any plans to do, independent expenditures against Les AuCoin. Senator Packwood's diary entry is, accordingly, inaccurate.

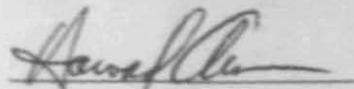
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5. The only independent expenditure conducted by Autopac in the 1992 Oregon Senate race was a telephone bank in late October and early November to Republican voters supportive of Senator Packwood. To the best of my knowledge, information and belief, no one associated with Autopac consulted, coordinated or communicated with anyone associated with the Packwood campaign concerning this independent expenditure.


Tom Demet

Sworn to before me this

3rd day of NOVEMBER, 1995



Notary Public

HOWARD AREM
Notary Public, State of New York
No. 4913877
Qualified in Nassau County
Certificate Filed in Queens County
Commission Expires Nov. 30th, 1997

97043791223



AUTO DEALERS & DRIVERS FOR FREE TRADE
Political Action Committee

BEFORE THE FEDERAL ELECTION COMMISSION

Matter Under Review 4260,
Auto Dealers and Drivers for Free Trade PAC

AFFIDAVIT

Frank Glacken, being duly sworn, deposes and states as follows:

1. I was political director of the Auto Dealers and Drivers for Free Trade PAC ("Autopac") from 1981 until June 1992.

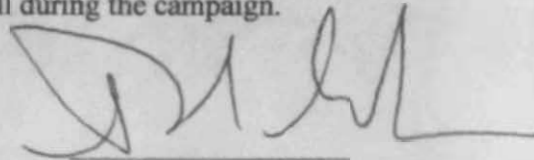
2. Autopac frequently conducted independent expenditure campaigns in the time that I worked there. We believed independent expenditures to be an extremely potent force in an election, and therefore a very important way for our members to participate in elections. So that we could carry out independent expenditures without encountering legal impediments, we became very aware of the Federal Election Campaign Act provisions on the subject. Because Autopac wanted to continue to do independent expenditure campaigns, there was a great premium placed on educating ourselves about the law and in adhering to it scrupulously. During the time I was associated with Autopac, there were no violations of the law concerning any expenditures made in the 1992 U.S. Senate election that I knew about.

3. In terms of deciding which candidates to help, Autopac supported candidates who agreed with its position on issues involving free trade. Autopac did not do independent expenditures against members of Congress who were supportive of its issues.

4. In my capacity, I knew that Les AuCoin's record in Congress was supportive on free trade issues. Therefore, Autopac never spent any money against Les AuCoin and never had any plans to spend money against Les AuCoin in the time period I worked

there. In fact, the records show that Autopac contributed \$10,000 to his re-election campaigns since 1984.

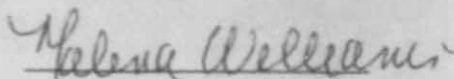
5. Until I left Autopac in June 1992, Autopac had conducted no independent expenditure activity in the Oregon Senate race. There was no spending against Les AuCoin in that period, and I do not believe there was any at all during the campaign.



Frank Glacken

Sworn to before me this

6th day of November 1995


Notary Public

MALINA WILLIAMS
Notary Public, State of New York
No. 5006421
Qualified in New York County
Commission Expires December 7, 1996

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FED
11:27 5 11:40 AM '97

In the Matter of)
)
)
)

ENFORCEMENT PRIORITY

SENSITIVE

GENERAL COUNSEL'S REPORT

MAR 11 1997

EXECUTIVE SESSION

I. INTRODUCTION

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

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

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 25 cases which do

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not warrant further action relative to other pending matters.¹ Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community.

¹ These cases are: MUR 4332 (Bill Thomas Campaign Committee); MUR 4347 (Anonymous Respondent); MUR 4354 (Brian Steel for Congress); MUR 4367 (Philipstown Republicans); MUR 4371 (Employment Group); MUR 4373 (Cannon for Congress); MUR 4374 (Mark Stodola for Congress Primary Committee); MUR 4375 (Westchester County Conservative Party); MUR 4377 (Braxton for Congress); MUR 4379 (Teamsters Local Union No. 135); MUR 4383 (Pauken for Congress); MUR 4384 (Willie Colon for U.S. Congress); MUR 4388 (Bill Witt for Senate and Congress); MUR 4390 (Kolbe 96); MUR 4391 (Pat Roberts for Congress Committee); MUR 4393 (Cecil J. Banks); MUR 4397 (AFL-CIO); MUR 4405 (Katz for Congress Committee); MUR 4411 (First Evangelical Presbyterian Church); MUR 4414 (Turietta-Koury for Congress Committee); MUR 4418 (Bell Atlantic); MUR 4421 (Butler for Mayor); MUR 4448 (Friends for Jim Rapp); Pre-MUR 334 (Kinnamon for Congress); and Pre-MUR 335 (Davis for Congress).

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We have identified cases which have remained on the Central Enforcement Docket for a sufficient period of time to render them stale 12 are not worthy of further action, and merit closure.⁴

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective April 1, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

⁴These cases are: MUR 4139 (*Enid 94*); MUR 4150 (*Frank Fasi*); MUR 4257 (*DSCC*); MUR 4258 (*NRSC*); MUR 4260 (*Packwood & Auto Dealers*); MUR 4261 (*NRA Institute for Legis.*); MUR 4262 (*Oregon Republican Party*); MUR 4265 (*NRSC; Sen. Phil Gramm*); MUR 4272 (*Bishop for Congress*); MUR 4279 (*Russ Berrie Co.*); MUR 4284 (*United We Stand America*); and Pre-MUR 322 (*Royal Hawaiian Country Club*).

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III. RECOMMENDATIONS.

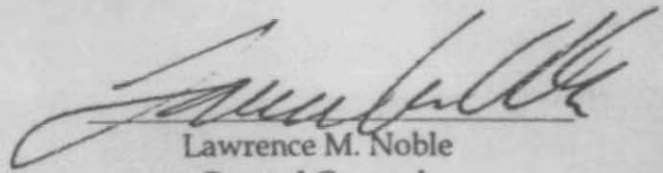
A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 322
2. Pre-MUR 334
3. Pre-MUR 335.

B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

- | | | |
|--------------|--------------|--------------|
| 1. MUR 4139 | 13. MUR 4347 | 25. MUR 4390 |
| 2. MUR 4150 | 14. MUR 4354 | 26. MUR 4391 |
| 3. MUR 4257 | 15. MUR 4367 | 27. MUR 4393 |
| 4. MUR 4258 | 16. MUR 4371 | 28. MUR 4397 |
| 5. MUR 4260 | 17. MUR 4373 | 29. MUR 4405 |
| 6. MUR 4261 | 18. MUR 4374 | 30. MUR 4411 |
| 7. MUR 4262 | 19. MUR 4375 | 31. MUR 4414 |
| 8. MUR 4265 | 20. MUR 4377 | 32. MUR 4418 |
| 9. MUR 4272 | 21. MUR 4379 | 33. MUR 4421 |
| 10. MUR 4279 | 22. MUR 4383 | 34. MUR 4448 |
| 11. MUR 4284 | 23. MUR 4384 | |
| 12. MUR 4332 | 24. MUR 4388 | |

3/5/97
Date


Lawrence M. Noble
General Counsel

97043791239

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) Agenda Document #X97-16
Enforcement Priority)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 11, 1997, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned matter:

A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 322;
2. Pre-Mur 334;
3. Pre-MUR 335.

B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

- | | |
|--------------|---------------|
| 1. MUR 4139; | 10. MUR 4279; |
| 2. MUR 4150; | 11. MUR 4284; |
| 3. MUR 4257; | 12. MUR 4332; |
| 4. MUR 4258; | 13. MUR 4347; |
| 5. MUR 4260; | 14. MUR 4354; |
| 6. MUR 4261; | 15. MUR 4367; |
| 7. MUR 4262; | 16. MUR 4371; |
| 8. MUR 4265; | 17. MUR 4373; |
| 9. MUR 4272; | 18. MUR 4374; |

(continued)

9704379123C

Federal Election Commission
Certification: Enforcement Priority
March 11, 1997

Page 2

19. MUR 4375;	27. MUR 4393;
20. MUR 4377;	28. MUR 4397;
21. MUR 4379;	29. MUR 4405;
22. MUR 4383;	30. MUR 4411;
23. MUR 4384;	31. MUR 4414;
24. MUR 4388;	32. MUR 4418;
25. MUR 4390;	33. MUR 4421;
26. MUR 4391;	34. MUR 4448.

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

Attest:

3-12-97
Date

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

97043791231



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APR 01 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kent Cooper, Executive Director
Center for Responsive Politics
1320 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 4260

Dear Mr. Cooper:

On September 15, 1995, the Federal Election Commission received the complaint filed by Ellen S. Miller on behalf of the Center for Responsive Politics alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on April 1, 1997. This matter will become part of the public record within 30 days.

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

Sincerely,

F. Andrew Tutley
Supervisory Attorney
Central Enforcement Docket

9704379122



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APR 01 1997

Edward G. Connelly, Treasurer
Auto Dealers and Drivers for Free Trade PAC
153-12 Hillside Avenue
Jamaica, NY 11432

RE: MUR 4260

Dear Mr. Connelly:

On September 20, 1995, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against Auto Dealers and Drivers for Free Trade PAC and you, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on April 1, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

9704379123



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

APR 01 1997

Geoffrey D. Brown, Treasurer
Re-Elect Packwood Committee
5301 Wisconsin Avenue, N.W., Suite 300
Washington, D.C. 20015

RE: MUR 4260

Dear Mr. Brown:

On September 20, 1995, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against the Re-Elect Packwood Committee and you, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on April 1, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043791234



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APR 01 1997

The Honorable Robert Packwood
American Business Task Force
PO Box 91195
Washington, D.C. 20090-1195

RE: MUR 4260

Dear Senator Packwood:

On September 20, 1995, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against you. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on April 1, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4260

DATE FILMED 4-16-99 CAMERA NO. 1

CAMERAMAN Jm N

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