



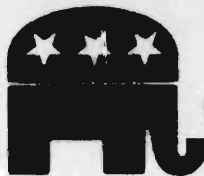
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4268

DATE FILMED 11-7-96 CAMERA NO. 4

CAMERAMAN JMN

96043764715



RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT



South Dakota Republican Party

SEP 11 12 19 PM '95

September 6, 1995

Mr. Danny McDonald, Chairman
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Mr. Chairman,

A group calling itself the South Dakota Long Term Care Campaign has been airing distorted radio ads critical of Senator Larry Pressler and Republican efforts to reform the Medicaid system.

The group began airing the ads last week without any disclaimer. They are now using a disclaimer at the end of their ads.

These ads are solely of a political nature. It is clear they are being run to bolster Congressman Tim Johnson's campaign for the United State Senate. These ads are very misleading and extremely distorted. They should be pulled from the airwaves.

I believe that Federal Election Commission (FEC) rules may have been violated. I would appreciate your reviewing this matter and determining the following:

- Did Congressman Tim Johnson or anyone from his campaign organization have anything to do with the ads?
- Did the National Democratic Senatorial Committee (NDSC) or any of its employees have anything to do with the ads?
- Have any Federal Election Commission (FEC) laws or regulations been violated, such as 2 USC Section 441A, 441B, 433 or 434?
- Did the Long Term Care Campaign violate disclaimer laws under 2 USC 441D?
- Did the Long Term Care Campaign break any other federal election laws?
- Would this be considered a coordinated expenditure effort between the South Dakota Long Term Care Campaign and Congressman Tim Johnson resulting in an in kind contribution, under 2 USC, Section 431 (17), 431 (8) (A), 441a(a) (7) (B)?

I have attached a script of the ads. These spots have been playing on KSOO, KTWB, KXRB, KIKN and KKLS radio stations in Sioux Falls, South Dakota.

Please consider this letter a complaint filed pursuant to 2 USC, Section 437 G(a) (1).

Signed and Sworn to:

Joel Rosenthal

Chairman, South Dakota Republican Party

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 11 1 06 PM '95

96043764716



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 15, 1995

Joel Rosenthal
Chairman, South Dakota
Republican Party
P.O. Box 1099
Pierre, SD 57501

Dear Mr. Rosenthal:

This is to acknowledge receipt on September 11, 1995, of your letter dated September 6, 1995. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to. Please Note that no attachments were included with your letter.

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

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

Celebrating the Commission's 20th Anniversary

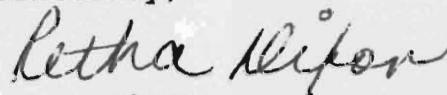
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043764717

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

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

Sincerely,

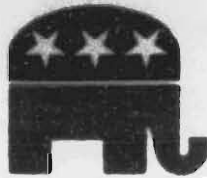
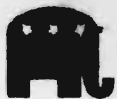


Retha Dixon
Docket Chief

Enclosure

cc: South Dakota Long Term Care
Democratic Senatorial Campaign Committee
Jim Johnson for South Dakota

96043764718



South Dakota Republican Party

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

OCT 2 10 34 AM '95

September 6, 1995

Mr. Danny McDonald, Chairman
Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR 4268

Dear Mr. Chairman,

A group calling itself the South Dakota Long Term Care Campaign has been airing distorted radio ads critical of Senator Larry Pressler and Republican efforts to reform the Medicaid system.

The group began airing the ads last week without any disclaimer. They are now using a disclaimer at the end of their ads.

These ads are solely of a political nature. It is clear they are being run to bolster Congressman Tim Johnson's campaign for the United State Senate. These ads are very misleading and extremely distorted. They should be pulled from the airwaves.

I believe that Federal Election Commission (FEC) rules may have been violated. I would appreciate your reviewing this matter and determining the following:

- Did Congressman Tim Johnson or anyone from his campaign organization have anything to do with the ads?
- Did the National Democratic Senatorial Committee (NDSC) or any of its employees have anything to do with the ads?
- Have any Federal Election Commission (FEC) laws or regulations been violated, such as 2 USC Section 441A, 441B, 433 or 434?
- Did the Long Term Care Campaign violate disclaimer laws under 2 USC 441D?
- Did the Long Term Care Campaign break any other federal election laws?
- Would this be considered a coordinated expenditure effort between the South Dakota Long Term Care Campaign and Congressman Tim Johnson resulting in an in kind contribution, under 2 USC, Section 431 (17), 431 (8) (A), 441a(a) (7) (B)?

I have attached a script of the ads. These spots have been playing on KSOO, KTWB, KXRB, KIKN and KKLS radio stations in Sioux Falls, South Dakota.

Please consider this letter a complaint filed pursuant to 2 USC, Section 437 G(a) (1).

Signed and Sworn to,

[Signature]
J. Rosenthal
Chairman, South Dakota Republican Party

Subscribed and sworn to before me on this
29th day of September, 1995

[Signature]
Signature of Notary

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 2 11 07 AM '95

96043764719

August 28, 1995

RADIO:

KSOO at 9:25 a.m. (Monday)

Senior Citizen Lady: "My husband and I worked hard raising our children, being careful and saving for retirement. You know John put money in the savings almost every paycheck for forty years right up until the cancer took him. I thought he left me with enough savings to get by on. But the thing is that my health is not getting any better. The doctor says I should be thinking about a nursing home before much longer and I've looked into it. Couple of years in a home will wipe out every penny we've saved. I just say thank God there's Medicaid. You know the long-term care protection. But can you believe this, I heard on T.V. Congress is cutting Medicaid. How can they be so heartless? What in heaven's name do they expect me to do?"

Announcer: "There is something you and I can do. Call Senator Pressler. Ask him not to cut long-term Medicaid care."

Senior Citizen Lady: "Please don't cut my Medicaid Senator Pressler."

Announcer: "Call Senator Pressler here in Sioux Falls at 335-1990. That's 335-1990."

KSOO at 09:58 a.m.

Senior Citizen Lady: (Crying) "I don't know"

96043764720

August 28, 1995

RADIO

KSOO at 9:58 a.m. (Monday)

Senior Citizen Lady: (Crying) "I don't know."

Daughter: "Oh mom please don't cry. Don't cry, we're going to take care of you."

Son-in-law: "What's going on?"

Daughter: "Mom fell down this morning and couldn't get any help until I checked on her tonight."

Son-in-law: "We're going to have to find someone to look after her when we're at work."

Daughter: "Can we afford that?"

Son-in-law: "I don't know. The day is coming when she'll need help around the clock."

Daughter: "But that could cost what, thousands of dollars a month? Where do we come up with that kind of money? Her savings won't last six months."

Son-in-law: "Well if we have to there's Medicaid to protect us."

Daughter: "Maybe, maybe not!"

Son-in-law: "What?"

Daughter: "I heard on T.V. that Congress is cutting Medicaid."

Senior Citizen Lady: (Crying in the background)

Son-in-law: (Sighs) "I don't know what we'll do then."

Announcer: "Here's what you and I can do. Call Senator Pressler. Tell him not to cut Medicaid Long-Term Care. Call Senator Pressler here in Sioux Falls at 335-1990. That's 335-1990."

96043764721



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 10, 1995

Joel Rosenthal, Chairman
South Dakota Republican Party
P.O. Box 1099
Pierre, SD 57501

RE: MUR 4268

Dear Mr. Rosenthal:

This letter acknowledges receipt on October 2, 1995, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4268. 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 (H2S)

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

96043764722



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 10, 1995

The Honorable Tim Johnson
2438 Rayburn Building
Washington, D.C. 20515

RE: MUR 4268

Dear Representative Johnson:

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 4268. 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

96043764723

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

Sincerely,

Mary L. Taksar (JES)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel

96043764724



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 10, 1995

The Honorable Tim Johnson
102 N. Plum
Vermillion, SD 57069

RE: MUR 4268

Dear Representative Johnson:

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 4268. 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.

96043764725

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

Sincerely,

Mary L. Taksar (HES)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel

96043764726



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 10, 1995

Bernice F. Mayer, Treasurer
Tim Johnson for South Dakota
P.O. Box 88113
Sioux Falls, SD 57015

RE: MUR 4268

Dear Ms. Mayer:

The Federal Election Commission received a complaint which indicates that Tim Johnson for South Dakota 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 4268. 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

96043764727

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

Sincerely,

Mary L. Taksar (x28)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel

96043764728



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 10, 1995

Donald J. Foley, Treasurer
Democratic Senatorial Campaign Committee
430 South Capitol Street, SE
Washington, D.C. 20003

RE: MUR 4268

Dear Mr. Foley:

The Federal Election Commission received a complaint which indicates that the Democratic Senatorial Campaign 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 4268. Please refer to this number in all future correspondence.

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

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Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043764729

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

Sincerely,

Mary L. Taksar (X28)

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel

9604376473C



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 12, 1995

South Dakota Long Term Care Campaign
c/o Bennett Agency
P.O. Box 27384
Washington, D.C. 20038

RE: MUR 4268

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that the South Dakota Long Term Care Campaign 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 4268. 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 South Dakota Long Term Care Campaign 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

96043764731

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.

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

96043764732

TIM JOHNSON

P.O. Box 88113 • SIOUX FALLS, SD 57105

October 26, 1995

Mary L. Taksar, Attorney
Central Enforcement Docket
General Counsel's Office
Federal Election Commission
999 E Street, NW
Washington, DC 20463

OCT 30 11 37 PM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Ms. Taksar:

As treasurer of the Tim Johnson for South Dakota Committee ("the Committee"), I am writing to respond to the complaint (MUR 4268) filed against Congressman Tim Johnson and the Committee. The complaint asks that the FEC determine whether Tim Johnson or the Committee was involved with ads run by the South Dakota Long Term Care Campaign requesting that Senator Larry Pressler vote against cuts in the Medicaid program.

Neither Tim Johnson nor the Committee had any involvement with any aspect of this ad campaign. Neither Tim Johnson nor the Committee had any involvement with inspiring, planning, producing, placing, or funding these advertisements.

The scripts of the advertisements (which were provided by the filer of the complaint) show clearly that the ads were part of a legislative advocacy effort attempting to persuade Senator Pressler to vote against legislation being considered in Congress. The South Dakota Long Term Care Campaign is headed by the South Dakota Alzheimer's Association. At the onset of the ad campaign in question, the director of that organization, Mr. Randy Maas, held a press conference to distribute information about his organization's objectives. Information distributed at that press conference indicates that the South Dakota Long Term Care Campaign is part of a national coalition "dedicated to enacting comprehensive legislation to protect American families against the devastating costs of long term care." It seems clear that the South Dakota Alzheimer's Association would have an interest in any legislation that could reduce funding for persons in need of long-term nursing home care. Copies of this information have been attached for your review.

The allegation that these ads are part of an effort to "bolster Congressman Tim Johnson's campaign for the United States Senate" is absolutely untrue. This complaint is politically inspired and without merit. I urge that it be dismissed.

Sincerely,

Berniece Mayer

Berniece Mayer, Treasurer
Tim Johnson for South Dakota

THE LONG TERM CARE CAMPAIGN

What is The Long Term Care Campaign?

The Long Term Care Campaign is a coalition of 143 national organizations dedicated to enacting comprehensive legislation to protect American families against the devastating costs of long term care. The Campaign's cooperating organizations reflect a diverse community: religious denominations, business, organized labor, nurses, veterans, women, the elderly, racial and ethnic groups, people with disabilities, youth, consumer, and grassroots organizations. Their combined memberships include more than 60 million Americans.

The Long Term Care Campaign emerged in 1987 in response to the tremendous outpouring of concern expressed by American families who are struggling with the emotional and financial stresses of long term care. The Campaign provides an opportunity for families to express these concerns to their elected representatives and to press for a comprehensive, national solution.

The principal sponsors of the Campaign are the American Association of Retired Persons (AARP), the Alzheimer's Association, and the Paralyzed Veterans of America.

Key Legislative Principles

- Services should be available to all who need them, regardless of age or income.
- A national program should provide a comprehensive range of facility-based and community-based health, social, and support services to maintain and enhance personal independence.
- Long term care should be financed through a social insurance program like Social Security or Medicare; paid for by all ages.

Campaign Activities

- The national organizations are joined in their efforts by state and local campaigns in 30 states. The state-level campaigns conduct a continuing series of events with policymakers and the media aimed at educating the general public and raising the visibility of long term care.
- The national campaign provides strategic support and printed materials to the states.

A full list of principles is available upon request.
For more information about current activities and materials,

call 202-434-3744.

143 Cooperating Organizations

Alzheimer's Association
 Amalgamated Clothing & Textile Workers Union
 American Association for Marriage and Family Therapy
 American Association of Retired Persons
 American Association of University Women
 American Association on Mental Retardation
 American Baptist Churches
 American Cancer Society
 American Counseling Association
 American Diabetes Association
 American Federation of Government Employees
 American Federation of Teachers
 AFL-CIO (American Federation of Labor - Congress of Industrial Organizations)
 AFSCME (Amer. Fed. of State, County and Municipal Employees)
 American Geriatric Society
 American Jewish Congress
 American Nurses Association
 American Health Planning Association
 American Medical Student Association
 American Occupational Therapy Association
 American Physical Therapy Association
 American Psychological Association
 American Public Health Association
 American Public Welfare Association
 American Society on Aging
 American Speech-Language-Hearing Association
 Americans for Democratic Action
 Americans for Indian Opportunity Association
 Amyotrophic Lateral Sclerosis Association
 ACORN (Assn. of Community Organizations for Reform Now)
 B'nai B'rith Women
 BPW/USA (Nat. Fed. of Business and Prof. Women's Clubs)
 Catholic Charities USA
 Catholic Golden Age
 Center for Community Change
 Center for Law and Social Policy
 Center on Budget and Policy Priorities
 Central Conference of American Rabbis
 Child Welfare League
 Christic Institute
 Church Women United
 Citizen Action
 Coalition of Labor Union Women
 Congress of National Black Churches
 Consumer Federation of America
 Consumers Union
 Council of Jewish Federations
 Displaced Homemakers Network
 Epilepsy Foundation of America
 Family Caregiver Alliance
 Family Service America
 Families USA
 Family Voices
 Federally Employed Women
 Gray Panthers
 Huntington's Disease Society of America
 International Ladies' Garment Workers' Union
 Joseph P. Kennedy Jr. Foundation
 Judge D.L. Bazelon Center for Mental Health Law
 Justice For All and Project: AccessAbility
 Lupus Foundation of America, Inc.
 National Alliance for the Mentally Ill
 NAACP (Nat. Assn. for the Advancement of Colored People)
 National Association for the Hispanic Elderly
 National Association for Home Care
 National Association of Area Agencies on Aging
 National Association of Counties
 National Assn. of Developmental Disabilities Council
 National Assn. of Foster Grandparent Program Directors
 National Association of Meal Programs
 National Association of Neighborhoods
 National Assn. of Nutrition and Aging Services Programs
 National Assn. of Professional Geriatric Care Managers
 National Assn. of Protection and Advocacy Systems
 National Assn. of Rehab. Prof. in the Private Sector
 National Assn. of Retired Federal Employees
 National Assn. of RSVP Directors
 National Assn. of Senior Companion Program Directors
 National Assn. of Social Workers
 National Assn. of State Units on Aging
 National Caucus and Center on Black Aged
 National Center for Policy Alternatives
 National Citizens' Coalition for Nursing Home Reform
 National Community Action Foundation
 National Consumers League
 National Council of Catholic Women
 National Council of Churches
 National Council of Jewish Women
 National Council of Negro Women
 National Council of Senior Citizens
 National Council on Independent Living
 National Council on the Aging
 National Easter Seal Society
 National Education Association
 National Family Caregivers Association
 National Farmers Union
 National Head Injury Foundation
 National Health Council
 National Hispanic Council on Aging
 National Institute on Adult Daycare
 National Institute on Community-Based Long-Term Care
 National League for Nursing
 National Mental Health Association
 National Multiple Sclerosis Society
 National Organization for Women
 National Parkinson Foundation
 National PTA
 National Rehabilitation Association
 National Union of Hospital and Health Care Employees
 National Urban League
 National Voluntary Organizations for Independent Living for the Aging
 National Women's Health Network
 National Women's Law Center
 National Women's Political Caucus
 9 to 5 - National Association of Working Women
 NOW Legal Defense and Education Fund
 Older Women's League
 Oley Foundation for Home Parenteral and Enteral Nutrition
 Organization of Chinese Americans
 Paralyzed Veterans of America
 Public Employees Department, AFL-CIO
 Religious Action Center
 Retired Officers Association
 Rural Coalition
 SEIU (Service Employees International Union)
 Self Help for Hard of Hearing People
 The Arc
 Tourette Syndrome Association
 United Auto Workers
 United Cerebral Palsy Association
 United Church of Christ
 United Food and Commercial Workers Union
 United Methodist Church Board of Global Ministries, Health & Welfare Ministries Department and Women's Division
 United Seniors Health Cooperative
 United States Conference of Local Health Officers
 United States Conference of Mayors
 United States Student Association
 Visiting Nurse Associations of America
 Well Spouse Foundation
 Women's League for Conservative Judaism
 Women's Legal Defense Fund
 World Institute on Disability

Rhode Island

Susan Venezia
33 Freeway Drive
Cranston, RI 02920

South Dakota

Randy Moss
Alzheimer's Association
208 E. 13th Street
Sioux Falls, SD 57102

Vermont

Michael Sirotkin
Coalition of Vermont Elders

Barbara Leitenberg
Coalition of Vermont Elders

Peter Youngbaer
Vermont Coalition for Disability Rights

Elizabeth Resnick Vonck
NH Long Term Care Campaign
The Concord Center
10 Ferry Street, Unit 320
Suite 438
Concord, NH 03301

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PERKINS COIE

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

ROBERT F. BAUER
(202) 434-1602

November 13, 1995

Nov 20 10 31 AM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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

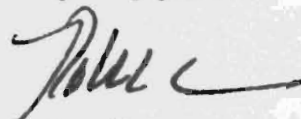
Re: MUR 4268

Dear Mr. Noble:

The South Dakota Republican Party, through its Chairman, asks whether "the National Democratic Senatorial Committee ("NDSC") (sic) or any of its employees have anything to do" with radio advertisements run by a group called South Dakota Longterm Care Campaign.

DSCC did not organize, participate, finance, coordinate, advise or have other connection to or involvement in that campaign.

Very truly yours,



Robert F. Bauer
Counsel to Democratic Senatorial
Campaign Committee

RFB:smb

[04005-0001/DA953140.048]

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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THE LONG TERM CARE CAMPAIGN

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

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March 4, 1996

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

RE: MUR 4268

Dear Sir or Madam,

I am writing in response to the complaint filed by the South Dakota Republican Party. A copy of this complaint was transmitted to the "South Dakota Long Term Care Campaign" at P. O. Box 27384, Washington D.C. 20038, under cover of a letter dated October 12, 1995, from Mary L. Taskar, Attorney, Central Enforcement Docket. This letter was not received by us until February 27th, 1996. Our correct P.O. Box number is 27394.

The Commission should take no action with respect to the complaint for the following reasons:

1. The scripts for the August 28th radio announcements do not contain "express advocacy" and they therefore do not constitute "expenditures" within the prohibition of section 441b(a) of FECA or within FECA's provisions relating to disclosure and reporting.
2. The announcements were not coordinated with any candidate, campaign committee, or party committee, and therefore they do not constitute "contributions" within the prohibition of section 441b(a) or for any other purposes under FECA.

Sincerely,

JEFF EAGAN

Jeff Eagan
Director

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

RECEIVED
FEDERAL ELECTION COMMISSION
SECRET

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FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR: 4268

DATE COMPLAINT FILED: 10/2/95

DATE OF NOTIFICATION: 10/10/95

DATE ACTIVATED: 4/25/96

STAFF MEMBER: Caryn L. Zimmerman

COMPLAINANT: Joel Rosenthal, Chairman
South Dakota Republican Party

RESPONDENTS: The Long Term Care Campaign

Tim Johnson for South Dakota Committee and
Berniece F. Mayer, as Treasurer

Rep. Tim Johnson

Democratic Senatorial Campaign Committee and
Donald J. Foley, as Treasurer

RELEVANT STATUTE(S): 2 U.S.C. § 441a(a)
2 U.S.C. § 441b
2 U.S.C. § 441d(a)

INTERNAL REPORTS CHECKED: FEC Indices

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was initiated by a complaint filed on October 2, 1995, by Joel Rosenthal, Chairman of the South Dakota Republican Party. Rosenthal alleges that The Long Term Care Campaign sponsored radio advertisements which were critical of Senator Larry Pressler and Republican efforts to reform Medicaid. He claims that some of the advertisements were broadcast with no disclaimer, and alleges coordination with Rep. Tim Johnson's senatorial

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campaign and the Democratic Senatorial Campaign Committee ("DSCC"). Mr. Rosenthal also asks whether "any Federal Election Commission (FEC) laws or regulations [have] been violated, such as 2 USC Section 441A, 441B, 433 or 434?" Notification letters were sent to the Long Term Care Campaign, Rep. Johnson and his principal campaign committee, and the DSCC. Responses were received from all respondents.

II. FACTUAL AND LEGAL ANALYSIS

A. The Facts

Complainant alleges that "the South Dakota Long Term Care Campaign¹ has been airing distorted radio ads critical of Senator Larry Pressler and Republican efforts to reform the Medicaid system." According to the complaint, the advertisements were first broadcast with no disclaimer, but a disclaimer was eventually added to the end of the advertisements. The complaint states that the "ads are solely of a political nature[,] are being run to bolster Congressman Tim Johnson's campaign for United State[s] Senate [and] are very misleading and extremely distorted." The complaint indicates that the advertisements were broadcast on five different radio stations in Sioux Falls, South Dakota. Two radio scripts are attached to the complaint, both dated August 28, 1995. (Attachment 1).

The first script reads as follows:

Senior Citizen Lady: My husband and I worked hard raising our children, being careful and saving for retirement. You know John put money in the savings almost every paycheck for forty years right up until the cancer took him. I thought he left me with enough savings to get by on. But the thing is that my health is not getting any better. The doctor says I should be thinking about a nursing home before much longer and I've looked into it. Couple of years in a home will wipe out every penny we've saved. I just say thank God there's Medicaid. You know the

¹ The "South Dakota Long Term Care Campaign" appears to be a misnomer. Jeff Eagan, director of The Long Term Care Campaign, which is based in Washington, D.C., filed the response on behalf of his organization and took responsibility for the South Dakota radio advertisements.

long-term care protection. But can you believe this, I heard on T.V. Congress is cutting Medicaid. How can they be so heartless? What in heaven's name do they expect me to do?"

Announcer: "There is something you and I can do. Call Senator Pressler. Ask him not to cut long-term Medicaid care."

Senior Citizen Lady: "Please don't cut my Medicaid Senator Pressler."

Announcer: "Call Senator Pressler here in Sioux Falls at 335-1990. That's 335-1990."

The second script reads as follows:

Senior Citizen Lady: (Crying) "I don't know."

Daughter: "Oh mom please don't cry. Don't cry, we're going to take care of you."

Son-in-law: "What's going on?"

Daughter: "Mom fell down this morning and couldn't get any help until I checked on her tonight."

Son-in-law: "We're going to have to find someone to look after her when we're at work."

Daughter: "Can we afford that?"

Son-in-law: "I don't know. The day is coming when she'll need help around the clock."

Daughter: "But that could cost, what, thousands of dollars a month. Where do we come up with that kind of money. Her savings won't last six months."

Son-in-law: "Well if we have to there's Medicaid to protect us."

Daughter: "Maybe, maybe not!"

Son-in-law: "What?"

Daughter: "I heard on T.V. that Congress is cutting Medicaid."

Senior Citizen Lady: (Crying in background)

Son-in-law: (Sighs) "I don't know what we'll do then."

Announcer: "Here's what you and I can do. Call Senator Pressler. Tell him not to cut Medicaid Long-Term Care. Call Senator Pressler here in Sioux Falls at 335-1990. That's 335-1990."

Berniece Mayer, treasurer for Tim Johnson for South Dakota, responded that neither the candidate nor the committee was involved in any aspect of The Long Term Care Campaign's advertising effort. Specifically, Mayer denied "any involvement with inspiring, planning, producing, placing, or funding these advertisements." The response suggests that the advertisements were "part of a legislative advocacy effort attempting to persuade Senator

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Pressler to vote against legislation being considered in Congress." The response included written materials distributed at a press conference held at the outset of the advertising campaign.

Those materials include a flyer, (Attachment 2), describing The Long Term Care Campaign, its key legislative principles, and the campaign's activities. The flyer states that "The Long Term Care Campaign is a coalition of 143 national organizations dedicated to enacting comprehensive legislation to protect American families against the devastating costs of long term care." Its principal sponsors are the American Association of Retired Persons, the Alzheimer's Association, and the Paralyzed Veterans of America. According to the flyer, the campaign's key legislative principles include the broad availability of comprehensive services funded through a social insurance program. The flyer states that at the state level, the campaign conducts events with policymakers and the media directed toward educating the public and raising the visibility of long term care; the national campaign provides support and printed materials to the states. The attachments to the response also included a list of The Long Term Care Campaign's cooperating organizations. (Attachment 3).

The Democratic Senatorial Campaign Committee stated in its response that the "DSCC did not organize, participate, finance, coordinate, advise or have other connection to or involvement in that campaign." The Long Term Care Campaign stated in its response that the radio announcements contain no express advocacy and were not coordinated with any candidate, campaign committee, or party committee and, therefore, could not have violated the Act. A telephone inquiry to the District of Columbia Corporation Commission revealed that The Long Term Care Campaign is incorporated in the District of Columbia.

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B. The Law

The Federal Election Campaign Act of 1971, as amended (the "Act"), requires that whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, such communication shall clearly state who paid for and authorized the communication. 2 U.S.C. § 441d(a).

"Express advocacy" was first defined by the U.S. Supreme Court as "communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" Buckley v. Valeo, 424 U.S. 1, 44 n.52 (1976). Subsequently, in Federal Election Commission v. Massachusetts Citizens for Life, Inc., 479 U.S. 238, 249 (1986), the Supreme Court explained further that express advocacy could be "less direct" than the examples given in Buckley so long as the "essential nature" of the communication "goes beyond issue discussion to express electoral advocacy." Id. If the message contained an "explicit directive" to vote for or against a candidate, it is express advocacy. Id.

The United States Court of Appeals for the Ninth Circuit has stated that "speech need not include any of the words listed in Buckley to be express advocacy under the Act, but it must, when read as a whole, and with limited reference to external events, be susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate." FEC v. Furgatch, 807 F.2d 857 (9th Cir.), cert. denied, 484 U.S. 850 (1987). Under the Ninth Circuit's test, speech is express "if its message is unmistakable and unambiguous, suggestive of only one plausible meaning," and constitutes advocacy only if "it presents a clear plea for action," and it is clear what that action is. Id. at 864. *But see* Faucher v. FEC, 928 F.2d 468 (1st

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Cir. 1991), cert. denied, 502 U.S. 820 (1991) (limiting express advocacy to the magic words of Buckley); FEC v. Christian Action Network, Inc., 894 F. Supp. (W.D. Va. 1995) aff'd, 92 F.3d 1178 (4th Cir. 1996) (finding that only actual language contained in a communication, instead of any context, is appropriate in an express advocacy analysis).

In recently enacted regulations which were not in effect at the time this activity occurred, the Commission codified its interpretation of the scope of express advocacy. In its definition, the Commission stated that a communication contains express advocacy if the communication uses specifically listed words and phrases, or if it includes the communication of campaign slogans or individual words which "in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates." 11 C.F.R. § 100.22(a).²

The Act provides the definition of a contribution and establishes dollar limits on contributions to candidates for federal office. 2 U.S.C. § 441a(a). Under the Act, an expenditure made by an individual "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)(i). That is, any arrangement, coordination, or direction by the candidate or agent prior to an expenditure being made would qualify as a contribution. 11 C.F.R. § 109.1(b)(4)(i).³

² One U.S. District Court recently held that 11 C.F.R. § 100.22(b) is contrary to the Act as interpreted by the First Circuit and has enjoined enforcement of the regulation. Maine Right to Life Committee, Inc. v. FEC, 914 F. Supp. 8 (D. Maine 1996). That opinion is currently on appeal.

³ See also Colorado Republican Fed. Campaign Comm. v. FEC, 116 S. Ct. 2308 (1996) (to demonstrate coordination in a party committee's advertising campaign between the party committee and its candidate, there must be evidence that the party had a "general or particular understanding" with the candidate).

The Act also provides that no corporation whatever shall make any contribution or expenditure in connection with any election for federal office and no political committee shall knowingly accept such a contribution or expenditure. 2 U.S.C. § 441b(a). The definition of "contribution or expenditure" for purposes of 2 U.S.C. § 441b includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money or any services, or anything of value (except a lawful bank loan made in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election. 2 U.S.C. § 441b(b)(2).⁴

C. Analysis

The radio advertisements at issue do not appear to expressly advocate either the defeat of Sen. Larry Pressler, or the election of Rep. Tim Johnson or any other Democratic candidate. The advertisements do not use any of the classic electoral language such as "vote for," "elect," or "defeat." Moreover, even when taken as a whole, the advertisements appear to contain no electoral message. Rather, these advertisements appear to be examples of issue advocacy.

Each advertisement sets up the scenario of an elderly woman in failing health. In the first advertisement, the woman expresses the concern that nursing home care will deplete her savings, leaving her reliant on Medicaid, which she has learned through the media may be subject to cuts by Congress. She then asks the rhetorical question "What in heaven's name do they expect me to do?" An announcer then breaks in, suggesting that the listener call Senator Pressler and ask him not to cut Medicaid. The elderly woman states: "Please don't cut my Medicaid Senator

⁴ See also Clifton v. FEC, 927 F. Supp. 493 (D. Maine 1996), in which the same court that decided Maine Right to Life Committee held that the Commission cannot limit corporate expenditures made for the purpose of issue advocacy.

Pressler." The announcer breaks in again, reiterating the suggestion to call Senator Pressler and providing the senator's local telephone number. In the second advertisement, an elderly woman's daughter and son-in-law express concern over the cost of caring for their aging mother in the face of possible cuts in Medicaid. An announcer breaks in to say "Here's what you and I can do. Call Senator Pressler. Tell him not to cut Medicaid Long-Term Care." The announcer then provides the senator's local telephone number.

Both of these advertisements focus on the issue of Medicaid cuts. Rather than encouraging the election of Rep. Johnson or the defeat of Sen. Pressler, the advertisements exhort constituents to call their senator and express their views. They mention neither any election nor any political opponent. In fact, Rep. Johnson is Sen. Pressler's opponent in the general election; these advertisements were broadcast more than fourteen months before that election will be held. Because the advertisements do not appear to contain express advocacy, no disclaimer is required. Accordingly, this office recommends that the Commission find no reason to believe that The Long Term Health Care Campaign violated 2 U.S.C. § 441d(a).

Complainant's allegations of coordination between The Long Term Health Care Campaign and either or both of the Tim Johnson committee and the DSCC are without support or substantiation. The complaint states that "[it] is clear they [the advertisements] are being run to bolster Congressman Tim Johnson's campaign for the United State[s] Senate." It then goes on to ask the questions: "Did Congressman Tim Johnson or anyone from his campaign organization have anything to do with the ads?" and "Did the National Democratic Senatorial Committee (NDSC) or any of its employees have anything to do with the ads?" and, finally, "Would this be considered a coordinated expenditure effort between the South Dakota Long Term Care

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Campaign and Congressman Tim Johnson resulting in an in kind contribution, under 2 USC, Section 431 (17), 431 (8)(A), 441a(a)(7)(B)?” In fact, these questions, accompanied by no factual support, barely rise to the level of allegations on which the Commission could begin an investigation. In addition, Commission records reveal no contributions from The Long Term Care Campaign to either the Tim Johnson Committee or the DSCC, and no expenditures, independent or otherwise, by the Campaign on behalf of either committee. Further, all respondents have categorically denied that any coordination occurred.

Accordingly, this Office recommends that the Commission find no reason to believe that The Long Term Care Campaign; Rep. Tim Johnson; Tim Johnson for South Dakota and Berniece F. Mayer, as treasurer; and the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, violated 2 U.S.C. § 441a(a). Finally, because there is no record of contributions from The Long Term Care Campaign, a District of Columbia corporation, to either committee, this Office recommends that the Commission find no reason to believe that The Long Term Care Campaign; Rep. Tim Johnson; Tim Johnson for South Dakota and Berniece F. Mayer, as treasurer; and the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, violated 2 U.S.C. § 441b.⁵

⁵ In addition, the complaint broadly asks: “Have any Federal Election Commission (FEC) laws or regulations been violated, such as 2 USC Section 441A, 441B, 433 or 434?” Without any support for these “allegations” provided by the complainant, this office can find no evidence of violations 2 U.S.C. §§ 433 or 434 .

III. RECOMMENDATIONS

1. Find no reason to believe that The Long Term Care Campaign violated 2 U.S.C. §§ 441a(a), 441b or 441d(a).
2. Find no reason to believe that Rep. Tim Johnson violated 2 U.S.C. §§ 441a(a) or 441b.
3. Find no reason to believe that Tim Johnson for South Dakota and Berniece F. Mayer, as treasurer, violated 2 U.S.C. §§ 441a(a) or 441b.
4. Find no reason to believe that the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, violated 2 U.S.C. §§ 441a(a) or 441b.
5. Approve the appropriate letters.
6. Close the file.

Lawrence M. Noble
General Counsel

Date

9/24/96

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. The Long Term Care Campaign radio scripts, August 28, 1995
2. The Long Term Care Campaign flyer
3. List of organizations cooperating in The Long Term Care Campaign

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

The Long Term Care Campaign;)

Tim Johnson for South Dakota)

Committee and Berniece F. Mayer,)

as Treasurer;) MUR 4268

Rep. Tim Johnson;)

Democratic Senatorial Campaign)

Committee and Donald J. Foley,)

as Treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 30, 1996, the Commission decided by a vote of 4-0 to take the following actions in MUR 4268:

1. Find no reason to believe that The Long Term Care Campaign violated 2 U.S.C. §§ 441a(a), 441b or 441d(a).
2. Find no reason to believe that Rep. Tim Johnson violated 2 U.S.C. §§ 441a(a) or 441b.
3. Find no reason to believe that Tim Johnson for South Dakota and Berniece F. Mayer, as treasurer, violated 2 U.S.C. §§ 441a(a) or 441b.
4. Find no reason to believe that the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, violated 2 U.S.C. §§ 441a(a) or 441b.

(continued)

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5. Approve the appropriate letters, as recommended in the General Counsel's Report dated September 24, 1996.
6. Close the file.

Commissioners Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Aikens did not cast a vote.

Attest:

10-1-96
Date

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

Received in the Secretariat: Wed., Sept. 25, 1996 10:05 a.m.
Circulated to the Commission: Wed., Sept. 25, 1996 11:00 a.m.
Deadline for vote: Mon., Sept. 30, 1996 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 3, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joel Rosenthal, Chairman
South Dakota Republican Party
P.O. Box 1099
Pierre, S.D. 57501

RE: MUR 4268
The Long Term Care Campaign
Tim Johnson for South Dakota Committee and Berrnice F. Mayer, as Treasurer
Rep. Tim Johnson
Democratic Senatorial Campaign Committee and Donald J. Foley, as Treasurer

Dear Mr. Rosenthal:

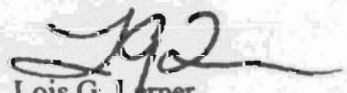
On September 30, 1996, the Federal Election Commission reviewed the allegations of your complaint received October 2, 1995, and found that on the basis of the information provided in your complaint, and information provided by one of the respondents, there is no reason to believe the Tim Johnson for South Dakota Committee and Bernice F. Mayer, as treasurer; Rep. Tim Johnson; or the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, violated 2 U.S.C. §§ 441a(a) or 441b; or The Long Term Care Campaign violated 2 U.S.C. §§ 441a(a), 441b or 441d(a). Accordingly, on September 30, 1996, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures
General Counsel's Report
Certification of Commission action

96043764751



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 3, 1996

Jeff Eagan, Director
The Long Term Care Campaign
P.O. Box 27394
Washington, D.C. 20038

RE: MUR 4268
The Long Term Care Campaign

Dear Mr. Eagan:

On October 12, 1995, the Federal Election Commission notified The Long Term Care Campaign of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On September 30, 1996, the Commission found, on the basis of the information in the complaint, and information provided by another respondent, that there is no reason to believe The Long Term Care Campaign violated 2 U.S.C. §§ 441a(a), 441b or 441d(a). Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "L92er", written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 3, 1996

The Honorable Tim Johnson
102 N. Plum
Vermillion, SD 57069

RE: MUR 4268
The Honorable Tim Johnson

Dear Representative Johnson:

On October 12, 1995, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On September 30, 1996, the Commission found, on the basis of the information in the complaint, and information provided by another respondent, that there is no reason to believe that you violated 2 U.S.C. §§ 441a(a) or 441b. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 3, 1996

The Honorable Tim Johnson
2438 Rayburn Building
Washington, D.C. 20515

RE: MUR 4268
The Honorable Tim Johnson

Dear Representative Johnson:

On October 12, 1995, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On September 30, 1996, the Commission found, on the basis of the information in the complaint, and information provided by another respondent, that there is no reason to believe that you violated 2 U.S.C. §§ 441a(a) or 441b. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

October 3, 1996

Robert F. Bauer
Perkins Coie
607 Fourteenth Street, NW
Washington, D.C. 20005-2011

RE: MUR 4268
Democratic Senatorial Campaign Committee
and Donald J. Foley, as Treasurer

Dear Mr. Bauer:

On October 12, 1995, the Federal Election Commission notified your clients, the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On September 30, 1996, the Commission found, on the basis of the information in the complaint, and information provided by another respondent, that there is no reason to believe the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, violated 2 U.S.C. §§ 441a(a) or 441b. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

96043764755



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 3, 1996

Bernice F. Mayer, Treasurer
Tim Johnson for South Dakota
P.O. Box 88113
Sioux Falls, SD 57015

RE: MUR 4268
Tim Johnson for South Dakota and Bernice F. Mayer, as Treasurer

Dear Ms. Mayer:

On October 12, 1995, the Federal Election Commission notified Tim Johnson for South Dakota and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On September 30, 1996, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Tim Johnson for South Dakota and you, as treasurer, violated 2 U.S.C. §§ 441a(a) or 441b. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

THIS IS THE END OF MJR # 4268

DATE FILMED 11-7-96 CAMERA NO. 4

CAMERAMAN JMO

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