



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4377

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JMW

97043792535

Foglietta for Congress
PO Box 40078
Philadelphia, PA 19107
215-732-8387

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

MAY 1 12 25 PM '96

April 22, 1996

Honorable Danny L. McDonald
Federal Elections Commission
999 New York Avenue NW
Washington, DC

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 1 12 37 PM '96

Dear Mr. McDonald:

97043792536
I write to make a complaint against my primary opponent John Braxton, Braxton for Congress, and his campaign consultants Keystone Strategies, Ken Smukler, Larry Ceisler and Jerome Mondesire for making improper campaign expenditures in the form of payments to a private detective to follow me around. John Braxton admitted, and indeed, bragged about this tactic. He is using information garnered through this surveillance to spread a rumor that I have cancer, a mean-spirited lie of the worst kind.

Prior to a televised debate on April 19, John Braxton was talking to my nephew Michael Foglietta and my campaign manager Stan White. They were in the presence of a newspaper reporter Dianna Marder. Mr. Braxton was asking my nephew about my military service and said, "Maybe he had cancer back then, too." Michael Foglietta was shocked by the statement and asked what he meant.

Mr. Braxton asked, "How's your uncle's health?"

"Fine," Michael Foglietta said. "It couldn't be better."

"Well, we know he has cancer," Mr. Braxton responded.

My nephew was astonished and said, "What are you talking about?"

Then, Mr. Braxton proceeded to unabashedly explain how his campaign had hired a private detective to "tail" me, that I was tracked making visits to a cancer specialist and, he said, this proved I had cancer.

"You have a private detective following him?" Michael Foglietta asked.

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"Yes," he said without any hesitation. "I hired a private detective to follow your uncle around. It was quite expensive. But we're not going to use it against him. I'll make sure your uncle doesn't die in office." (The foregoing is outlined in an article in the Sunday, April 21, 1996 Inquirer, attached as exhibit "1", written by Dianna Marder who witnessed the entire exchange.)

When I was asked about this following the debate, I recalled that in January I was visiting the office of a cancer specialist--helping a sick friend with prostate cancer--I do not have cancer! Thus, while one of Judge Braxton's consultants is now repudiating what his candidate bragged about as a "joke". Their words about the actions of this private detective are consistent with my movements during the month of January. Now, Judge Braxton is having agents spread around this rumor that I have cancer on radio and in the press. Further, I was told by one of the consultants prior clients that they resort to such desperate tactics.

This is also consistent with the *modus operandi* of my opponent and his consultants to develop a few facts and spin those facts into bizarre and untruthful stories suitable only for second-rate fiction.

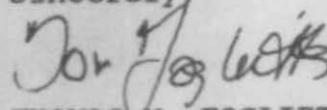
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My campaign has examined the FEC reports of the Braxton for Congress Committee and we are unable to find a payment for a vendor acting as a detective. Thus, the Braxton campaign is either 1) illegally paying for this service with private funds; 2) failing to report this disbursement in FEC reports or 3) improperly funnelling funds to the private detective through another vendor, possible Keystone Strategies.

I ask the FEC to investigate John Braxton and the other cited individuals and entities for these grossly improper campaign expenditures.

Sincerely,



THOMAS M. FOGLIETTA

Exhibit "1"

97043792538



The Philadelphia Inquirer / PETER TOBIA

puts in another day at Burston Variety Store, on Ridge Avenue. "the streets were full of people" and other shops. No longer.

ism three decades ago.

ists decay's spread

better for more than ton's ramshackle, little 22d Street and Ridge a old green-striped aw- and boxes piled waist- fresh produce — col- ntry radishes, oranges es and tomatoes. Inside a Dark & Lovely Hair All-Purpose Soap and ntas. The Little Harlem er is gone. So is Mill- and Maze's Market and

together. Burston's is one of the few small places left — and the only place for blocks — where you can buy a bunch of grapes and hear the latest gossip. Where, if you don't have quite enough money, it's: "Just get me tomorrow." And where, if you've got a big, heavy bundle and a good nature, Burston just might give you a ride home in his Cadillac.

"But that's only if you have a good nature," Burston says, raising an earnest index finger.

Burston sees the other stores closing up and can rattle off the reasons: Crime. Drugs. And, face it, some people from the bebop generation just want to slow down and spend some time at home with their hip-hop

STORE from B7

A testy battle in First District

U.S. Rep. Thomas M. Foglietta faces John L. Braxton in the primary.

By Dianna Marder
INQUIRER STAFF WRITER

It was a dark and stormy campaign — marked by accusations about who might be the worst slumlord and heated debate over whether a black man or a white man is best suited to represent a primarily African American district — but it's almost over.

On Tuesday, Democrats in the First Congressional District will select either Rep. Thomas M. Foglietta or his challenger, former Common Pleas Court Judge John L. Braxton, as their candidate in the November general election.

It is a primary race that pits the incumbent's record against the challenger's promise, and the odds are on Foglietta. At 67, he is the dean of the city's delegation, with 16 years in Congress, and he enjoys enormous popularity. He has been endorsed by the Democratic Party, the Black Clergy of Philadelphia & Vicinity, and virtually every labor union.

Braxton, 51, is generally recognized as an intelligent public servant and a former Eagle Scout, Vietnam veteran, assistant district attorney and Family Court judge with strong political potential who happens to be up against an immovable object.

"The political world will be shocked in Philadelphia if Tom Foglietta loses," said G. Terry Madonna of the Center for Politics and Urban Affairs at Millersville University.

Foglietta, he said, has a reputation for constituent services and a strong voting record on issues that affect the poor and minorities.

"Braxton is undoubtedly a fine guy," Madonna said, but voters will be hard-pressed to find a reason to replace Foglietta.

The Foglietta-Braxton race is part of a crowded ballot that includes Pennsylvania's presidential primary and nominating contests for

See PRIMARY on B2

race for nomination

PRIMARY from B1
three statewide offices — attorney general, auditor general and treasurer. Voters in the city and suburbs will also pick candidates in seven congressional districts and dozens of state legislative districts.

Polls will be open from 7 a.m. to 8 p.m. Tuesday.

During his 14 years as a judge, Braxton was ethically restricted from all-out community activism, and that may prove a political handicap, Foglietta released polling results on Friday showing that 56 percent of people in the district said they had never heard of Braxton.

Braxton discounted the results. In a district that encompasses some of the most economically depressed neighborhoods in Philadelphia and Chester, Foglietta "only polls people who have telephones" and speak English, Braxton said.

Here's how many this campaign has been: In the dimly lit studios of WPVI-TV (Channel 6), the candidates gathered Friday to tape Sunday's broadcast of *Issues and Answers*.

When Foglietta entered the room, Braxton's campaign manager, Larry Celsler of Keystone Strategies, held out his hand, and Foglietta walked right by. Then Braxton said to Foglietta, "Tom, Larry wanted to shake your hand." "I'm not interested in shaking Larry's hand," Foglietta replied, although he did exchange handshakes with Braxton.

A few minutes later, Braxton found himself sitting next to Michael Foglietta, Tom's nephew and treasurer of the Foglietta campaign.

"You know," Braxton told Michael Foglietta, "I hired a private

around." And the detective, Braxton said, trailed Tom Foglietta to several visits with a cancer specialist.

"I'll make sure your uncle doesn't die in office," Braxton boasted.

Michael Foglietta appeared too stunned to respond. When candidate Foglietta was asked about it later, he said he was in fine health, but a friend was recently diagnosed with prostate cancer. Foglietta said he arranged for the friend to see a specialist at the Hospital of the University of Pennsylvania and drove him there recently.

Foglietta said he knew the Braxton campaign was engaging in what's called "opposition research" and having him followed. He had already been blasted by Braxton for his role as part-owner of an eight-story eyeglass store near the Convention Center that owed more than \$41,000 in back taxes.

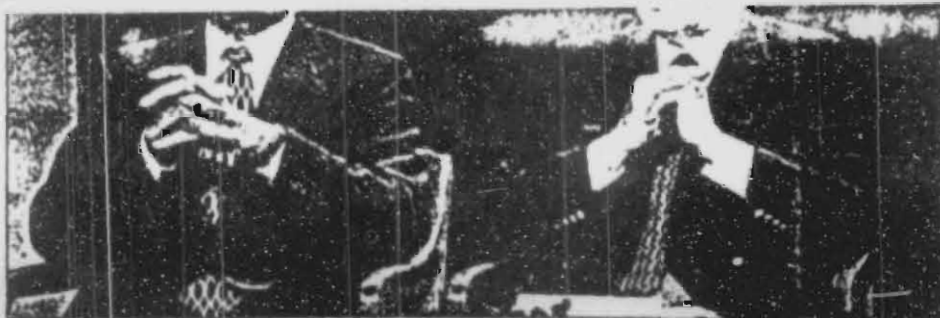
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Braxton has said repeatedly that he has nothing to apologize

for. "I have not been negative," he said last week. "I've tried to show that the man I'm running against is not perfect."

And when Braxton was asked specifically how he meant the remark about Foglietta's death, he offered this: "Meaning, if I win, he would not be dying in office."

Braxton has focused on race since he launched his campaign in Sep-



The Philadelphia Inquirer / REBECCA BARKER

ving for the Democratic nomination in the First District are John L. Braxton (left) and Thomas M. Foglietta. The "Issues and Answers" taping gave a glimpse at the stormy campaign. Foglietta refused to shake the hand of Braxton's campaign manager, and Braxton made a comment about Foglietta's health.

The First District was redrawn in 1992, and its ethnic minority population increased from roughly 35 percent to 55 percent. This has prompted many to say it is time for an African American to represent the district, which runs from North Philadelphia through South Philadelphia and then jogs southwest, extending to Chester.

As a white congressman representing a predominantly African American district, Foglietta is a rarity. His supporters, both black and white, say he has consistently voted in favor of issues that foster minority causes, and they caution against making character assessments on the basis of color.

Braxton argues that as an African American who was raised by a single mother and who attended public schools, he is best qualified to understand the needs of the poor and minorities in the district.

But many in the African American community say the time is not right to trade a representative with Foglietta's strength for a freshman. Foglietta sits on the House Appropriations Committee and co-chairs the Urban Caucus. And with Republicans in control of Congress, it is not in Philadelphia's best interest to ditch a powerful incumbent.

That's the opinion of Carol Ann Campbell, who does not live in the First District but is secretary of the Democratic City Committee and

Leaders. Campbell says she understands the tug-of-war some black voters may feel.

"As an African American, I understand the desire for an African American representative," Campbell said. "But I'm also a Democrat ... and this is about the party. ... Yes, the time is right for my people to have another congressman, but the city cannot afford to lose the expertise of Tom Foglietta."

The race issue showed its seams with the black clergy. The Black Clergy of Philadelphia & Vicinity endorsed Foglietta. But ministers from the Original Missionary Baptist Pastors' Conference of Philadelphia & Vicinity are backing Braxton. The split led the two groups to debate who really represents the black clergy.

The Rev. J.J. Barfield, of the Original Missionary, said his group speaks for the 84 million-member National Baptist Convention. "We endorsed Braxton because we felt the time was right to endorse a suitable black candidate, and as black ministers, we have an obligation to advance our people politically."

The Rev. Joseph D. Patterson, of the Black Clergy, said his group had no quarrel with either candidate, but preferred the proven to the untested. "We have high regard for Mr. Braxton. ... We really wish that it was not Mr. Braxton running against Tom Foglietta. We wish he

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Both candidates have complained that discussion of the issues became lost in the rhetoric of the campaign. Each speaks of the need to attack the district's problems, particularly crime, by providing jobs. And for the record, the two agree that the minimum wage should be raised.

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Not surprisingly, Braxton is in favor of imposing term limits. Foglietta points out the voters have proven in recent years their willingness to impose their own term limits by voting out unsatisfac-

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 24, 1996

Thomas M. Foglietta
Foglietta for Congress
PO Box 40078
Philadelphia, PA 19107

Dear Mr. Foglietta:

This acknowledges receipt of your FAX transmission on April 22, 1996, regarding the possibility of a violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

It is the Commission's practice not to accept FAX transmissions as proper complaints due to the statutory requirement that complaints be signed and sworn to in the presence of a notary public. See 2 U.S.C. § 437g(a)(1). In order to file a legally sufficient complaint otherwise meeting the requirements of 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4, you must submit the original complaint bearing your original signature and the notary's original jurat.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Lerner", is written over the typed name.

Lois G. Lerner
Associate General Counsel

cc: Judge John Braxton for Congress
Keystone Strategies
Ken Smukler
Jerome Mondesire
John Braxton
Larry Ceisler

97043792541

Foglietta for Congress

☐ P.O. Box 40078

Philadelphia, PA 19106-1638

☐ P.O. Box 15052

Washington, D.C. 20003-0052

May 22, 1996

Honorable Danny L. McDonald
Federal Elections Commission
999 New York Avenue NW
Washington, DC

MUR 4377

MAY 29 11 10 AM '96
FEDERAL ELECTION
COMMISSION
SECRETARIAT

Dear Mr. McDonald:

In response to a letter from the Federal Elections Commission ("FEC") dated April 22, 1996, I am filing the following complaint with your agency and I am including information which I learned about since I filed the initial complaint on April 22, 1996.¹ I am filing this complaint against my primary opponent John Braxton, Braxton for Congress, and his campaign consultants Keystone Strategies, Ken Smukler, Larry Ceisler and Jerome Mondesire for making improper campaign expenditures in the form of payments to a private detective to follow me around. John Braxton admitted, and indeed, bragged about this tactic. He used information garnered through this surveillance to spread a rumor that I have cancer, a mean-spirited lie of the worst kind.

Prior to a televised debate on April 19, John Braxton was talking to my nephew Michael Foglietta and my campaign manager Stan White. They were in the presence of a newspaper reporter Dianna Marder and a newspaper photographer. Mr. Braxton was asking my nephew about my military service and said, "Maybe he had cancer back then, too." Michael Foglietta was shocked by the statement and asked what he meant.

Mr. Braxton asked, "How's your uncle's health?"

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"Well, we know he has cancer," Mr. Braxton responded.

My nephew was astonished and said, "What are you talking about?"

Then, Mr. Braxton proceeded to unabashedly explain how his campaign had hired a private detective to "tail" me, that I was tracked making visits to a cancer specialist and, he said, this proved I had cancer.

"You have a private detective following him?" Michael Foglietta asked.

1

In a letter from Lois G. Lerner dated April 24, 1996, it is stated that the FEC does not accept complaints by fax. While I forwarded you a fax of the complaint to get this information to you as soon as possible, I also mailed you a hard copy of the complaint on April 24, 1996. This complaint is signed and sworn to in the presence of a notary public as required in 2 U.S.C. § 437 g(a)(1).

MAY 29 11 21 AM '96
RECEIVED
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Honorable Danny L. McDonald
May 22, 1996

"Yes," he said without any hesitation. "I hired a private detective to follow your uncle around. It was quite expensive. But we're not going to use it against him. I'll make sure your uncle doesn't die in office." (The foregoing is outlined in an article in the Sunday, April 21, 1996 Inquirer, attached as exhibit "1", written by Dianna Marder who witnessed the entire exchange.)

At this point, Stanley White said, "We looked at your campaign finance report and saw nothing like a private detective."

Braxton responded, "That's right. We're carrying him the same way you are carried on the report, as a consultant."

When I was asked about this following the debate, I recalled that in January I was visiting the office of a cancer specialist--helping a sick friend with prostate cancer--I do not have cancer! Thus, while one of Judge Braxton's consultants is now repudiating what his candidate bragged about as a "joke". Their words about the actions of this private detective are consistent with my movements during the month of January. Now, Judge Braxton is having agents spread around this rumor that I have cancer on radio and in the press. Further, I was told by one of the consultants prior clients that they resort to such desperate tactics.

Since this was revealed in the Philadelphia Inquirer, Braxton and the other respondents made various, contradictory statements to disavow the report. Braxton himself denied the conversation took place at all, despite the presence of the independent witnesses, a newspaper reporter and her photographer. Larry Ceisler said that the statements were made but made in jest and denied that they hired a private detective. However, the contradictory denials and the facts speak for themselves: especially that I was visiting a cancer specialist at the time (though not for myself) and that Braxton was so forthcoming about how they were disingenuously describing the detective on reports required by your agency. This is also consistent with the *modus operandi* of my opponent and his consultants to develop a few facts and spin those facts into bizarre and untruthful stories suitable only for second-rate fiction.

I ask the Federal Election Commission to carefully consider this amazing story and conduct an investigation.

I understand and accept the position of the FEC to give candidates broad discretion in spending campaign funds. However, I cannot believe it was the intent of Congress or the Commission to allow a campaign to hire private detective agents to tail a candidate and invade his privacy. There must be some constraints in campaign spending within your jurisdiction which would forbid a campaign from engaging in illegal or grossly unethical conduct.

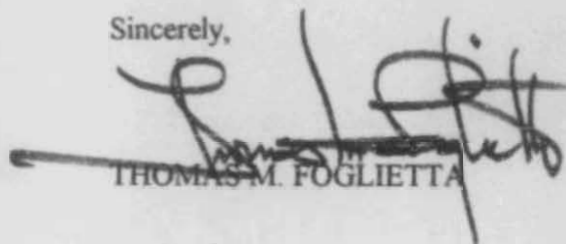
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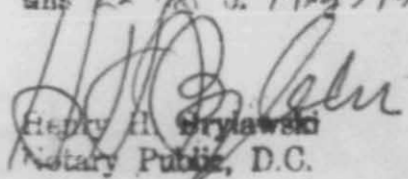
Sincerely,



THOMAS M. FOGLIETTA

TMF/ag

Subscribed and sworn to before me
this 22nd day of May, 1996



Henry H. Grylowski
Notary Public, D.C.

My Commission Expires July 21, 1996

97043792544



The Philadelphia Inquirer 7 PETER TOBIA

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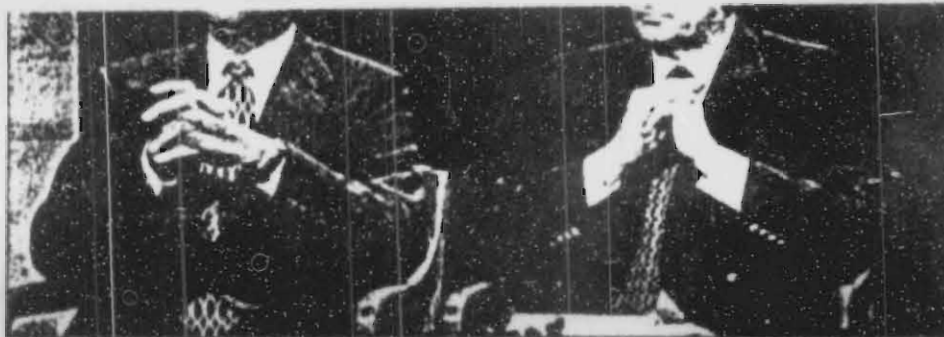
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Braxton has focused on race since he launched his campaign in Sep-



The Philadelphia Inquirer / REBECCA BARNER

ying for the Democratic nomination in the First District are John L. Braxton (left) and Thomas M. Foglietta. The "Issues and Answers" taping gave a glimpse at the stormy campaign. Foglietta refused to shake the hand of Braxton's campaign manager, and Braxton made a comment about Foglietta's health.

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Not surprisingly, Braxton is in favor of imposing term limits. Foglietta points out the voters have proven in recent years their willingness to impose their own term limits by voting out unsatisfactory

More

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DIV



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 5, 1996

Thomas M. Foglietta
Foglietta for Congress
P.O. Box 40078
Philadelphia, PA 19107

RE: MUR 4377

Dear Mr. Foglietta:

This letter acknowledges receipt on May 29, 1996, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4377. 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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", is written over the word "Sincerely,".

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

97043792547



FEDERAL ELECTION COMMISSION

Washington, DC 20463

June 5, 1996

John Braxton
Judge John Braxton for Congress
P.O. Box 25074
Philadelphia, PA 19147

RE: MUR 4377

Dear Mr. Braxton:

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 4377. Please refer to this number in all future correspondence.

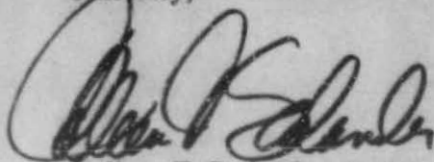
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

97043792548

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792549



FEDERAL ELECTION COMMISSION

Washington, DC 20463

June 5, 1996

Wayne O. Leevy, Treasurer
Judge John Braxton for Congress
P.O. Box 25074
Philadelphia, PA 19147

RE: MUR 4377

Dear Mr. Leevy:

The Federal Election Commission received a complaint which indicates that the Judge John Braxton for Congress 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 4377. 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.

9704379255C

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

9 7 0 4 3 7 9 2 5 5 1



FEDERAL ELECTION COMMISSION

Washington, DC 20463

June 5, 1996

Linda August, Registered Agent
Keystone Strategies
1 Presidential Blvd.
Suite 209
Bala Cynwyd, PA 19004

RE: MUR 4377

Dear Ms. August:

The Federal Election Commission received a complaint which indicates that Keystone Strategies 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 4377. Please refer to this number in all future correspondence.

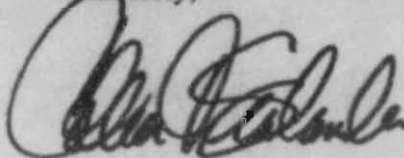
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Keystone Strategies in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be 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.

97043792552

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792553



FEDERAL ELECTION COMMISSION

Washington, DC 20463

June 5, 1996

Kenneth Smukler
614 Oxford Road
Bala Cynwyd, PA 19004-2217

RE: MUR 4377

Dear Mr. Smukler:

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 4377. Please refer to this number in all future correspondence.

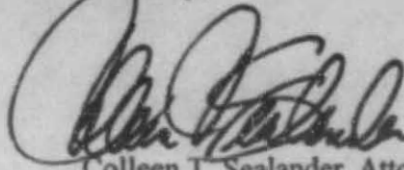
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

97043792554

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792555



FEDERAL ELECTION COMMISSION

Washington, DC 20463

June 5, 1996

Larry Ceisler
32 Hilltop Road
Philadelphia, PA 19118-3736

RE: MUR 4377

Dear Mr. Ceisler:

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 4377. 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.

97043792556

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792557



FEDERAL ELECTION COMMISSION

Washington, DC 20463

June 5, 1996

Jerome Mondesire
c/o Keystone Strategies
1 Presidential Blvd.
Suite 209
Bala Cynwyd, PA 19004

RE: MUR 4377

Dear Mr. Mondesire:

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 4377. Please refer to this number in all future correspondence.

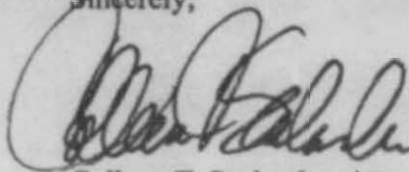
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

97043792558

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792559



KEYSTONE STRATEGIES

TO: Colleen Sealander Esq
Central Enforcement Docket

From: Larry Coisler
Ken Smukler
Keystone Strategies

Date: June 18, 1996

Re: MUR 4377

Larry Coisler and Ken Smukler are partners in Keystone Strategies. Our third partner is Linda August. Though we were noticed individually, we are responding as a group.

We deny all charges made in his complaint against us.

JUN 25 3 07 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

97043792560

MAR 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

97043792561

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*).

97043792562

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*).

III. RECOMMENDATIONS.

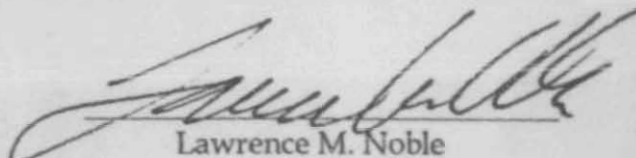
A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

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

97043792564

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)

97043792565

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

97043792566



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas M. Foglietta
Foglietta for Congress
P.O. Box 40078
Philadelphia, PA 19107

RE: MUR 4377

Dear Mr. Foglietta:

On May 29, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed 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. § 437g(a)(8).

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792567

MUR 4377

BRAXTON FOR CONGRESS

Tom Foglietta alleges that his primary opponent, John Braxton, Braxton for Congress ("the Committee") and Keystone Strategies (a campaign consultant), improperly spent campaign funds for surveillance over him by a private detective, and that the respondents used information gathered in such manner to spread rumors. Complainant further alleges that Mr. Braxton has either failed to properly report these payments or may be channeling payments for such services through other vendors, such as the Committee's consultants.

Respondent Keystone Strategies unequivocally denied the allegations. The Commission received no other responses.

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 1, 1997

John Braxton
Judge John Braxton for Congress
P.O. Box 25074
Philadelphia, PA 19147

RE: MUR 4377

Dear Mr. Braxton:

On June 5, 1996, 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 has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed 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 Jennifer Henry at (202) 219-3400.

Sincerely

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792569

MUR 4377
BRAXTON FOR CONGRESS

Tom Foglietta alleges that his primary opponent, John Braxton, Braxton for Congress ("the Committee") and Keystone Strategies (a campaign consultant), improperly spent campaign funds for surveillance over him by a private detective, and that the respondents used information gathered in such manner to spread rumors. Complainant further alleges that Mr. Braxton has either failed to properly report these payments or may be channeling payments for such services through other vendors, such as the Committee's consultants.

Respondent Keystone Strategies unequivocally denied the allegations. The Commission received no other responses.

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

97043792570



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Wayne O. Leevy, Treasurer
Judge John Braxton for Congress
P.O. Box 25074
Philadelphia, PA 19147

RE: MUR 4377

Dear Mr. Leevy:

On June 5, 1996, 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 has determined to exercise its prosecutorial discretion and to take no action against Judge John Braxton for Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed 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 Jennifer Henry at (202) 219-3400.

Sincerely

F. Andrew Tuttle
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792571

MUR 4377
BRAXTON FOR CONGRESS

Tom Foglietta alleges that his primary opponent, John Braxton, Braxton for Congress ("the Committee") and Keystone Strategies (a campaign consultant), improperly spent campaign funds for surveillance over him by a private detective, and that the respondents used information gathered in such manner to spread rumors. Complainant further alleges that Mr. Braxton has either failed to properly report these payments or may be channeling payments for such services through other vendors, such as the Committee's consultants.

Respondent Keystone Strategies unequivocally denied the allegations. The Commission received no other responses.

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

97043792572



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 1, 1997

Linda August, Registered Agent
Keystone Strategies
1 Presidential Blvd.
Suite 209
Bala Cynwyd, PA 19004

RE: MUR 4377

Dear Ms. August:

On June 5, 1996, 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 has determined to exercise its prosecutorial discretion and to take no action against Keystone Strategies. See attached narrative. Accordingly, the Commission closed 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 Jennifer Henry at (202) 219-3400.

Sincerely

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043792573

MUR 4377
BRAXTON FOR CONGRESS

Tom Foglietta alleges that his primary opponent, John Braxton, Braxton for Congress ("the Committee") and Keystone Strategies (a campaign consultant), improperly spent campaign funds for surveillance over him by a private detective, and that the respondents used information gathered in such manner to spread rumors. Complainant further alleges that Mr. Braxton has either failed to properly report these payments or may be channeling payments for such services through other vendors, such as the Committee's consultants.

Respondent Keystone Strategies unequivocally denied the allegations. The Commission received no other responses.

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

97043792574



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Kenneth Smukler
614 Oxford Road
Bala Cynwyd, PA 19004-2217

RE: MUR 4377

Dear Mr. Smukler:

On June 5, 1996, 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 has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed 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 Jennifer Henry at (202) 219-3400.

Sincerely

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792575

MUR 4377
BRAXTON FOR CONGRESS

Tom Foglietta alleges that his primary opponent, John Braxton, Braxton for Congress ("the Committee") and Keystone Strategies (a campaign consultant), improperly spent campaign funds for surveillance over him by a private detective, and that the respondents used information gathered in such manner to spread rumors. Complainant further alleges that Mr. Braxton has either failed to properly report these payments or may be channeling payments for such services through other vendors, such as the Committee's consultants.

Respondent Keystone Strategies unequivocally denied the allegations. The Commission received no other responses.

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

97043792576



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 1, 1997

Larry Ceisler
32 Hilltop Road
Philadelphia, PA 19118-3736

RE: MUR 4377

Dear Mr. Ceisler:

On June 5, 1996, 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 has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed 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 Jennifer Henry at (202) 219-3400.

Sincerely

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043792577

MUR 4377
BRAXTON FOR CONGRESS

Tom Foglietta alleges that his primary opponent, John Braxton, Braxton for Congress ("the Committee") and Keystone Strategies (a campaign consultant), improperly spent campaign funds for surveillance over him by a private detective, and that the respondents used information gathered in such manner to spread rumors. Complainant further alleges that Mr. Braxton has either failed to properly report these payments or may be channeling payments for such services through other vendors, such as the Committee's consultants.

Respondent Keystone Strategies unequivocally denied the allegations. The Commission received no other responses.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Jerome Mondesire
c/o Keystone Strategies
1 Presidential Blvd., Suite 209
Bala Cynwyd, PA 19004

RE: MUR 4377

Dear Mr. Mondesire:

On June 5, 1996, 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 has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed 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 Jennifer Henry at (202) 219-3400.

Sincerely

F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792579

MUR 4377
BRAXTON FOR CONGRESS

Tom Foglietta alleges that his primary opponent, John Braxton, Braxton for Congress ("the Committee") and Keystone Strategies (a campaign consultant), improperly spent campaign funds for surveillance over him by a private detective, and that the respondents used information gathered in such manner to spread rumors. Complainant further alleges that Mr. Braxton has either failed to properly report these payments or may be channeling payments for such services through other vendors, such as the Committee's consultants.

Respondent Keystone Strategies unequivocally denied the allegations. The Commission received no other responses.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4377

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JMD

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