



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4444

DATE FILMED 12-24-57 CAMERA NO. 2

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ORIGINAL



National Republican Congressional Committee

Bill Paxon, M.C.
ChairmanMaria Cino
Executive Director

August 22, 1996

BEFORE THE FEDERAL ELECTION COMMISSION

Darryl Roberts For Congress

)
)
)MUR # 4444

Choctaw Nation of Oklahoma

COMPLAINT**I. SUMMARY**

Darryl Roberts, Democratic candidate for U.S. Congress from the 3rd District of Oklahoma, is improperly accepting excessive and illegal contributions to his federal campaign from a Native American tribal entity. Specifically, Roberts must return at least \$4,000 given to his campaign by the Choctaw Nation of Oklahoma.

II. JURISDICTION

The NRCC, by and through its Executive Director, Maria Cino, brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) (1994). The N.R.C.C. is located at 320 First Street, S.E., Washington, D.C. 20003.

III. FACTS & DISCUSSION

On his mid-year FEC filing, Oklahoma State Senator Darryl Roberts reports receipt of \$5,000 from the Choctaw Nation of Oklahoma. *See Roberts 7/15/96 FEC Report (Exh. 1)*. According to the Federal Election Commission, the Choctaw Nation does not have a political action committee, let alone a multi-candidate PAC capable of contributing \$5,000 per candidate per election.

An unincorporated Native American tribal entity is considered a "person" under the Federal Election Campaign Act subject to the various contribution prohibitions and limitations. *See FEC Advisory Opinion 1978-51; see also Advisory Opinion 1993-12*. Federal law dictates that "No person shall make contributions to any candidate ... with respect to any election for Federal office which, in the aggregate, exceed \$1,000." 2 U.S.C. § 441a(a)(1)(A) (1994).

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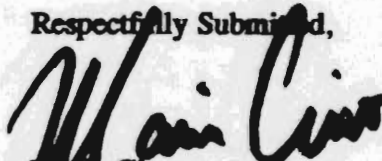
320 First Street, S.E.
Washington, D.C. 20003
(202) 479-7020

The Choctaw Nation's \$5,000 contribution to Darryl Roberts is five times the legally-permissible limit. Mr. Roberts must return at least \$4,000 to the Nation, and the Nation must register as a "political committee" under the Act if it wishes to contribute any further funds this calendar year. 2 U.S.C. § 431(4)(A) (1994).

IV. PRAYER FOR RELIEF

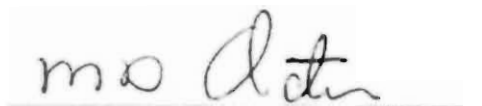
The Commission should investigate the campaign practices of the Darryl Roberts for Congress Campaign with particular attention to its solicitation and acceptance of excessive contributions from an unregistered Native American tribal entity. The Commission should take appropriate actions to deter future violations pursuant to 2 U.S.C. § 437g(d)(1).

Respectfully Submitted,


Maria Cino
Executive Director

District of Columbia

Signed and sworn to before me this 22th day of August, 1996.



NOTARY PUBLIC
My commission expires: _____

M. D. Acton
Notary Public, District of Columbia
My Commission Expires July 14, 1999



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NAME OF COMMITTEE (IF FILL)
Roberts for C

C00312884

A. Full Name, Mailing Address and ZIP Code American Society of Internal Medicine PAC 2011 Pennsylvania Ave, NW, Ste 800 Washington, DC 20005-1003	Name of Employer ASIM	Date 4-29-96	Amount this pd. \$500.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Prof Assoc PAC Year-to-Date > \$500.00		
B. Full Name, Mailing Address and ZIP Code OVA-OVTEC 1218 West Green Rochester, NY 48205-1003	Name of Employer OVTEC	Date 5-13-96	Amount this pd. \$200.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Govn Relations Year-to-Date > \$200.00		
C. Full Name, Mailing Address and ZIP Code Oklahoma C.A.P. P.A.C. P.O. Box 1888 Altus, OK 73422	Name of Employer Information Requested	Date 6-13-96	Amount this pd. \$1,000.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Info Requested Year-to-Date > \$1,000.00		
D. Full Name, Mailing Address and ZIP Code Cheekaw Nation of Oklahoma P.O. Drawer 1218 Durant, OK 74702	Name of Employer Cheekaw Nation	Date 6-28-96	Amount this pd. \$5,000.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Chief Year-to-Date > \$5,000.00		
E. Full Name, Mailing Address and ZIP Code NEA PAC 1201 16th Street, NW Washington, DC 20036	Name of Employer NEA	Date 6-29-96	Amount this pd. \$5,000.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Education Year-to-Date > \$5,000.00		
F. Full Name, Mailing Address and ZIP Code DRIVE 26 Louisiana Avenue, NW Washington, DC 20001	Name of Employer Teamsters	Date 6-29-96	Amount this pd. \$2,500.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation Teamsters Year-to-Date > \$2,500.00		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date	Amount this pd.
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Year-to-Date >		
SUBTOTAL of Receipts This Page (optional) >			\$14,200.00
TOTAL This Period (last page this line number only) >			\$14,200.00

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[95343] AO 1978-51: Contributions by Indian Community

[Contributions may be accepted from an American Indian Community. Answer to C. N. Brooks, Finance Chairman, The Friends of Eldon Radd, P. O. Box 873, Scottsdale, Arizona 85252.]

This is in response to your letter of July 26, 1978, requesting an advisory opinion concerning applicability of the Federal Election Campaign Act of 1971, as amended ("the Act"), to a contribution from an American Indian tribe.

Your letter states that the Friends of Eldon Radd ("the Friends Committee") has received a \$250 contribution from the Ak-Chin Indian Community ("the Community"). You ask whether the Act permits acceptance of such a contribution, and, if so, what are the contribution limitations and how are the contributions to be reported.

The Community is a non-corporate entity organized pursuant to 25 U.S.C. §476 and none of its members are corporations. The Community has filed Articles of Association with the Secretary of the Interior of the United States which vest in the Community's Council the right, *inter alia*, "to assess fees on Community members for public purposes, or to finance any project or enterprise which it deems beneficial to the interests of the Community as a whole."

For purposes of the Act and Commission regulations, the Community would be considered a "person," as such term is defined by 2 U.S.C. §431(h). As a discrete person, contributions by the Community to the Friends Committee may not exceed \$1,000 per election. 2 U.S.C. §441a(a)(1)(A). The Community may make a contribution only if its general funds do not include monies from entities or persons that could not make contributions directly under the Act. Furthermore, the contribution, assuming it is made from general funds of the Community and not from funds provided by another person on an earmarked basis for transmittal through the Community to the Friends Committee, would not have to be attributed to individuals comprising the Community. However, if the Community's total contributions to all candidates for Federal office and political committees (as defined in the Act) exceed \$1,000 in a calendar year, the Community would itself become a "political committee" subject to the registration and reporting requirements of 2 U.S.C. §433 and §434. See also Commission regulations at 11 CFR 102.6.

As stated above, the Community may make contributions to the Friends Committee as a "person," subject to the \$1,000 per election limit of the Act as applied to contributions from any "person." Contributions from the Community would be reported by the Friends Committee as a contribution from the "Ak-Chin Indian Community."

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Dated: September 1, 1978.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1996

Maria Cino, Executive Director
National Republican Congressional Committee
320 First Street, N.E.
Washington, D.C. 20003

RE: MUR 4444

Dear Ms. Cino:

This letter acknowledges receipt on August 23, 1996, 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 4444. 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,

Colleen T. Sealander
Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

27043851522



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 28, 1996

**Kaye Roberts, Treasurer
Roberts for Congress
P.O. Box 672
Ardmore, Oklahoma 73402**

RE: MUR 4444

Dear Ms. Roberts:

The Federal Election Commission received a complaint which indicates that Roberts for Congress 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 4444. 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 Roberts for Congress 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. Sc 437g(a)(4)(B) and Sc 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.

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Kaye Roberts
Page 2

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,

Colleen T. Sealander by mas

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

cc: Darryl F. Roberts
P.O. Box 672
Ardmore, OK 73402

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1996

Hollis E. Roberts, Chief
Choctaw Nation of Oklahoma
P.O. Drawer 1210
Durant, Oklahoma 74702

RE: MUR 4444

Dear Chairman Roberts:

The Federal Election Commission received a complaint which indicates that the Choctaw Nation of Oklahoma 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 4444. 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 Choctaw Nation of Oklahoma 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. Sc 437g(a)(4)(B) and Sc 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.

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Hollis E. Roberts, Chief
Page 2

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,

Colleen T. Sealander by mms

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

27043851526



RABON, WOLF & RABON

LAWYERS

Bob Rabon
J. Frank Wolf, III
Robert Lee Rabon

September 10, 1996

402 E. Jackson
P.O. Box 726
Hugo, Oklahoma 74743
Tel: (405) 326-6427
Fax: (405) 326-6032

Colleen T. Sealander, Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

RE: MUR 4444

Dear Ms. Sealander,

I am General Counsel for the Choctaw Nation of Oklahoma. I have been handed your letter of August 28, 1996 with enclosures concerning the above matter. Before the Choctaw Nation responds to your letter I wish to make two inquiries.

First, as you are probably aware, the Choctaw Nation is a federally recognized Indian tribe with certain treaty rights and attributes of sovereignty which causes it to be immune from jurisdiction of the courts or quasi judicial agencies absent an unequivocal waiver by the Congress or the tribal government. My first question is how does your agency perceive that this immunity does not extend to actions before the FEC? You might take a look at Puyallup Tribe vs. Department of Game of Washington, 433 U.S. 165 (1977); Santa Clara Pueblo vs. Martinez 436 U.S. 49, 58-59 (1978); Oklahoma Tax Commission v. Citizens Band Potawatomi, 498 U.S. 505 (1991); Cherokee Nation v. E.E.O.C., 871 F.2d 937 (1989). When considering this last case you should be cognizant of Article IV of the Treaty of 1830 at Dancing Rabbit Creek, (Choctaw Removal Treaty).

Since I cannot find Indian tribes mentioned any where in the federal election laws, I would also appreciate knowing the bases for the advisory opinion's conclusion that an Indian tribal government should be defined as a "person" under the act. Perhaps there is something in the legislative history that would assist in that regard.

Your assistance will be very much appreciated.

Sincerely,

Bob Rabon

BR/lal

cc: Chief Hollis E. Roberts
Council Speaker Randle Durant

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4444

NAME OF COUNSEL: Bob Rabon

FIRM: Rabon, Wolf & Rabon

ADDRESS: P.O. Box 726

402 East Jackson

Hugo, OK 74743

TELEPHONE: (405) 326-6427

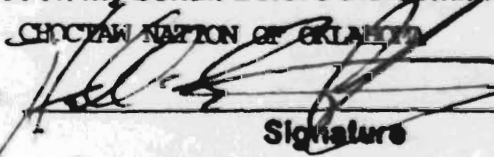
FAX: (405) 326-6032

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

CHOCTAW NATION OF OKLAHOMA

9-10-96
Date

By:



Signature

Chief

RESPONDENT'S NAME: Choctaw Nation of Oklahoma

ADDRESS: P.O. Drawer 1210

Durant, OK 74702

TELEPHONE: HOME () N/A

BUSINESS (405) 924-8280

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BEFORE THE FEDERAL ELECTION COMMISSION

DARRYL ROBERTS FOR CONGRESS

MUR 4444

CHOCTAW NATION OF OKLAHOMA

RESPONSE OF DARRYL ROBERTS FOR CONGRESS

COMES NOW Darryl Roberts for Congress ("Respondent") and for Response to the Complaint of the National Republican Congressional Committee and states as follows:

I. RECEIPT OF COMPLAINT

The Complaint in the above styled and numbered cause was received at the Roberts for Congress campaign headquarters on the 1st day of September, 1996.

II. FACTS & DISCUSSION

a) The Respondent Darryl Roberts for Congress acknowledges that it reported in it's mid-year filing that the campaign received the sum of \$5,000 from the Choctaw Nation of Oklahoma.

b) The Respondent is unaware if the Choctaw Nation has a political action committee or multi-candidate PAC as alleged by the Complainant.

c) Upon receipt of the contribution of the \$5,000 check from the Choctaw Nation of Oklahoma the Respondent, and prior to negotiating the \$5,000 check, the Respondent telephonically contacted a representative of the Choctaw Nation of Oklahoma to ensure that the Choctaw Nation was eligible to make the \$5,000 contribution, and Choctaws responded in the affirmative.

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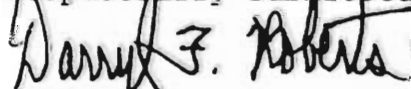
d) At the time of the receipt of the contribution the Respondent was aware of the unique relationship of the federal government and the Choctaw Nation of Oklahoma under the Treaty of 1830 at Dancing Rabbit Creek, as well as subsequent treaties and federal case law.

e) Further, the Respondent was aware that the Choctaw Nation of Oklahoma was not a corporation under the laws of the State of Oklahoma or the United States at the time the contribution was made.

f) The Respondent in reviewing the Federal Election Commission Rules found no references specifically disqualifying the Choctaw Nation of Oklahoma from making the \$5,000 contribution.

g) That if the Choctaw Nation of Oklahoma is disqualified under federal law from making the \$5,000 contribution and is limited to a contribution of \$1,000 as suggested by the Complaint of the National Republican Congressional Committee, then the Respondent should be allowed to retribute a portion of the contribution to the run-off election and general election.

Respectfully submitted,



Darryl F. Roberts
Roberts for Congress

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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ENFORCEMENT PRIORITY

May 10 10 02 AM '97
SENSITIVE

GENERAL COUNSEL'S REPORT

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.

This is the first Enforcement Priority Report that reflects the impact of the 1996 election cycle cases on the Commission's enforcement workload. We have identified cases that are stale which are recommended for dismissal at this time. This is the highest number of cases identified as stale in a single report, and the highest number of stale cases recommended for closure at one time, since the inception of EPS in 1993.

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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 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, resulting in a numerical rating for 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 cases that do not warrant further action relative to other pending matters.³ Attachment I 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 difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of this fact, EPS provides us with the

³ These cases are:

RAD 97L-10 (*Citizens for Randy Borow*); RAD 97L-16 (*Republican State Central Committee of South Dakota*); Pre-MUR 347 (*Producers Lloyds Insurance Company*); Pre-MUR 348 (*Peoples National Bank of Commerce*); Pre-MUR 349 (*Trump Plaza*); Pre-MUR 350 (*Citibank, N.A.*); Pre-MUR 355 (*Feingold Senate Committee*); MUR 4494 (*Georganna Lincoln*);

MUR 4586 (*Friends of Zach Wamp*); MUR 4590 (*Oklahoma Education Association*); MUR 4600 (*San Diego Police Officers Assoc.*); MUR 4612 (*Teresa Doggett for Congress*); MUR 4615 (*Catholic Democrats for Christian Values*); MUR 4616 (*American Legislative Exchange Council*); MUR 4620 (*Eastern Connecticut Chamber of Commerce*); MUR 4622 (*Telles for Mayor*); MUR 4628 (*Gutknecht for Congress*); MUR 4629 (*Janice Schakowsky*); MUR 4636 (*IBEW Local 505*); MUR 4637 (*Deltman for Congress*); MUR 4639 (*Larson for Congress*); MUR 4641 (*Becker for Congress*); MUR 4644 (*Detroit City Council*); MUR 4651 (*Mike Ryan*); MUR 4653 (*Pritzker for Congress*); MUR 4656 (*H. Carroll for Congress*); and MUR 4657 (*Buchanan for President*).

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means to identify those cases which, though earning a higher rating when received, remained unassigned for a significant period due to a lack of staff resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We are recommending the closure of cases based on staleness.⁶

⁶ These cases are: MUR 4283 (*Chenoweth for Congress*); MUR 4341 (*Juan Soliz for Congress*); MUR 4402 (*U.S. Representative Helen Chenoweth*); MUR 4435 (*Lincoln for Congress*); MUR 4439 (*UAW*); MUR 4442 (*Lipinski for Congress*); MUR 4444 (*Roberts for Congress*); MUR 4445 (*Randy Tate for Congress*); MUR 4446 (*Clinton/Gore '96 Primary*); MUR 4447 (*Random House, Inc.*); MUR 4449 (*Clinton Administration*); MUR 4453 (*Mike Ward for Congress*); MUR 4454 (*Ralph Nader*); MUR 4459 (*Clinton/Gore '96*); MUR 4474 (*Salvi for Senate*); MUR 4477 (*BBDO-New York*); MUR 4481 (*Diamond Bar Caucus*); MUR 4485 (*Perot '92 Petition Committee*); MUR 4486 (*Bunda for Congress*); MUR 4495 (*Pennsylvania PACE for Federal Elections*); MUR 4496 (*Norwood for Congress*); MUR 4497 (*Pease for Congress*); MUR 4510 (*Stabenow for Congress*); MUR 4511 (*Bob Coffin for Congress*); MUR 4514 (*Friends for Franks*); MUR 4515 (*Clinton Investigative Commission*); MUR 4521 (*VMAL 630 AM*); MUR 4525 (*Senator Larry Pressler*); MUR 4527 (*Brennan for Senate*); MUR 4536 (*Signature Properties, Inc.*); MUR 4540 (*Tim Johnson for SD*); MUR 4542 (*Dan Frisa for Congress*); MUR 4552 (*Charles W. Norwood*); MUR 4554 (*John Byron for Congress*); MUR 4556 (*Jim Wiggins for Congress*); MUR 4561 (*Jay Hoffman for Congress*); MUR 4564 (*National Republican Congressional Committee*); MUR 4567 (*DNC Services Corp.*); MUR 4569 (*McGovern Committee*); RAD 96L-11 (*New York Republican County Committee*); Pre-MUR 343 (*NRSC*); and Pre-MUR 312 (*Joseph Demio*). The Demio case involves fundraising related to former Congresswoman Mary Rose Oskar's 1992 congressional campaign. It was held as a courtesy to the Department of Justice pending resolution of a parallel criminal matter in the District Court for the District of Columbia. Mr. Demio recently entered into a plea agreement with the Department of Justice (on which we were not consulted) in which he agreed, among other things, to waive the statute of limitations regarding civil violations of the FECA. Considering the age of the case and activity, the fact that DOJ has not formally referred this matter to us, and the Commission's continuing resource constraints, dismissal is the appropriate disposition of this matter.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective November 17, 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.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

RAD 96L-11

Pre-MUR 312

Pre-MUR 349

Pre-MUR 343

Pre-MUR 350

RAD 97L-10

Pre-MUR 347

Pre-MUR 355

RAD 97L-16

Pre-MUR 348

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B. Take no action, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

MUR 4283
MUR 4341
MUR 4402
MUR 4435
MUR 4439
MUR 4442
MUR 4444
MUR 4445
MUR 4446
MUR 4447
MUR 4449
MUR 4453
MUR 4454
MUR 4459
MUR 4474
MUR 4477
MUR 4481
MUR 4485
MUR 4486

MUR 4494

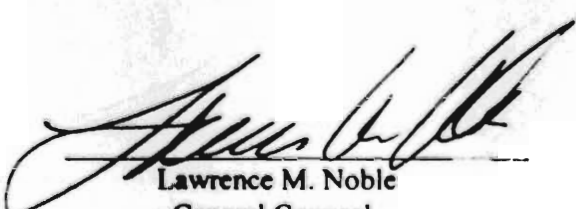
MUR 4495
MUR 4496
MUR 4497
MUR 4510
MUR 4511
MUR 4514
MUR 4515

MUR 4521
MUR 4525
MUR 4527
MUR 4536
MUR 4540
MUR 4542
MUR 4552
MUR 4554
MUR 4556
MUR 4561

MUR 4564
MUR 4567

MUR 4569
MUR 4586
MUR 4590
MUR 4600
MUR 4612
MUR 4615
MUR 4616
MUR 4620
MUR 4622
MUR 4628
MUR 4629
MUR 4636
MUR 4637
MUR 4639
MUR 4641
MUR 4644
MUR 4651
MUR 4653
MUR 4656
MUR 4657

11/7/97
Date


Lawrence M. Noble
General Counsel

Attachment
Tier 3 Case Summaries

27043851535

27043851536

In the Matter of)
)
Enforcement Priority) Agenda Document No. X97-77

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on December 2, 1997, do hereby certify that the Commission took the following actions with respect to Agenda Document No. X97-77:

1. Decided by a vote of 5-0 to

A. Decline to open a MUR, close the file effective December 15, 1997, and approve the appropriate letters in the following matters:

- | | | | |
|----|-------------|-----|-------------|
| 1. | RAD 96L-11 | 7. | Pre-MUR 347 |
| | | 8. | Pre-MUR 348 |
| 3. | RAD 97L-10 | 9. | Pre-MUR 349 |
| 4. | RAD 97L-16 | 10. | Pre-MUR 350 |
| 5. | Pre-MUR 312 | 11. | Pre-MUR 355 |
| 6. | Pre-MUR 343 | | |

B. Take no action, close the file effective December 15, 1997, and approve the appropriate letters in the following matters:

- | | | | | | |
|----|-----|------|-----|-----|------|
| 1. | MUR | 4283 | 6. | MUR | 4442 |
| 2. | MUR | 4341 | 7. | MUR | 4444 |
| 3. | MUR | 4402 | 8. | MUR | 4445 |
| 4. | MUR | 4435 | 9. | MUR | 4446 |
| 5. | MUR | 4439 | 10. | MUR | 4447 |

(continued)

Federal Election Commission
Certification: Agenda Document
No. X97-77
December 2, 1997

Page 2

11. MUR 4449	36. MUR 4556
12. MUR 4453	37. MUR 4561
13. MUR 4454	38. MUR 4564
14. MUR 4459	39. MUR 4567
15. MUR 4474	40. MUR 4569
16. MUR 4477	41. MUR 4586
17. MUR 4481	42. MUR 4590
18. MUR 4485	43. MUR 4600
19. MUR 4486	44. MUR 4612
20. MUR 4494	45. MUR 4615
21. MUR 4495	46. MUR 4616
22. MUR 4496	47. MUR 4620
23. MUR 4497	48. MUR 4622
24. MUR 4510	49. MUR 4628
25. MUR 4511	50. MUR 4629
26. MUR 4514	51. MUR 4636
27. MUR 4515	52. MUR 4637
28. MUR 4521	53. MUR 4639
29. MUR 4525	54. MUR 4641
30. MUR 4527	55. MUR 4644
31. MUR 4536	56. MUR 4651
32. MUR 4540	57. MUR 4653
33. MUR 4542	58. MUR 4656
34. MUR 4552	59. MUR 4657
35. MUR 4554	

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

Attest:

12-4-97
Date

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

97043851537



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ted Maness, Executive Director
National Republican Congressional Committee
320 First Street, N.E.
Washington, D.C. 20003

RE: MUR 4444

Dear Mr. Maness:

On August 23, 1996, the Federal Election Commission received the complaint filed by Mario Cino alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on December 15, 1997. This matter will become part of the public record within 30 days.

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

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

97043851538



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Kaye Roberts, Treasurer
Roberts for Congress
PO Box 672
Ardmore, OK 73402

RE: MUR 4444

Dear Ms. Roberts:

On August 28, 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 exercised its prosecutorial discretion to take no action against Roberts for Congress and you, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in the matter on December 15, 1997.

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

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

27043851539



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Bob Rabon, Esquire
RABON, WOLF & BABON
PO Box 726, 402 East Jackson
Hugo, OK 74743

RE: MUR 4444
Choctaw Nation of Oklahoma

Dear Mr. Rabon:

On August 28, 1996, the Federal Election Commission notified your client, Choctaw Nation of Oklahoma, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against your client. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in the matter on December 15, 1997.

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

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Tunley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4444

DATE FILMED 12-21-97 CAMERA NO. 8

CAMERAMAN JMH

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