



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4517

DATE FILMED 9-23-97 CAMERA NO. 4

CAMERAMAN JMN

97043634233

STATEMENT OF
John C. Hayes
345 St. John's Place 4M
Brooklyn, N.Y. 11238

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Apr 20 10 30 AM '96

April 16, 1996

State of New York
County of Kings

Federal Elections Commission
Office of the General Counsel
999 E Street NW
WASHINGTON, D.C. 20463

Apr 22 10 42 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Sirs and Ladies,

I am organizing Veterans to support our fellow veteran and war hero, Senator Bob Dole, as our next President of the United States. I have had vague threats every time I put up political posters (such as the Ace of Spades posted nearby - a military symbol used in Vietnam for psychological intimidation). Also, ^{pictures of} trees have been posted on top of my posters - suggesting "we will bury you!"

But these are all ambiguous and simply dirty tricks. Yesterday, April 15, 1996, a man said "WE will take that poster down" This suggests the opposition party is deliberately suppressing free speech - IN AN ORGANIZED WAY. In addition, the man who threatened to take my poster down may be a government employee, as this took place in the vicinity of a Post Office and I recognize the man from the neighborhood.

I will cooperate with any inquiry the Commission undertakes.

Respectfully,

John C. Hayes

John C. Hayes

Sworn to before me
This 16th day of April, 1996.
[Signature]

JOSEPH BERMAN
Notary Public, State of New York
No. 24-0265320
Qualified in Kings County
Commission Expires July 31, 1997



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 24, 1996

John C. Hayes
345 St. John's Place 4M
Brooklyn, NY 11238

Dear Mr. Hayes:

This acknowledges receipt of your letter on April 22, 1996, inquiring about a possible violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Federal Election Commission has jurisdiction over the Act and Chapters 95 and 96 of Title 26, United States Code. After careful review of your correspondence, we have determined that your letter does not state any acts which appear to constitute a violation under our jurisdiction. If you feel your complaint does constitute a violation of the Act or Chapters 95 or 96 of Title 26, United States Code, the Commission will be glad to review the matter again.

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

Sincerely,

Retha Dixon
Docket Chief

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VETERANS FOR DOLE COMMITTEE

John Hayes, Chairman

April 29, 1996

Federal Elections Commission,

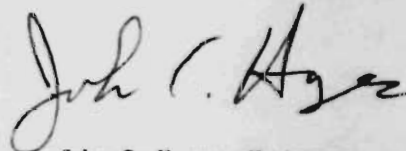
Attached is a copy of my statement of April 16, 1996 - sent via Certified Mail

Number Z 785 496 715.

The pattern of interference continues against my Veterans For Dole Committee.

Verbal and Gestural threats have been made against me as I distribute my political campaign material.

Respectfully Submitted,



John C. Hayes, Chairman
Veterans For Dole Committee

9704334236

State of New York
County of Kings

345 St. John's Place 4M
Brooklyn, N.Y. 112

April 16, 1996

Federal Elections Commission
Office of the General Counsel
999 E Street NW
WASHINGTON, D.C. 20463

CERTIFIED

Z 785 496 715

MAIL

Dear Sirs and Ladies,

I am organizing Veterans to support our fellow veteran and war hero, Senator Bob Dole, as our next President of the United States. I have had vague threats every time I put up political posters (such as the Ace of Spades posted nearby - a military symbol used in Vietnam for psychological intimidation). Also, ^{pictures of} trees have been posted on top of my posters - suggesting 'we will bury you!'

But these are all ambiguous and simply dirty tricks. Yesterday, April 15, 1996, a man said 'WE will take that poster down' This suggests the opposition party is deliberately suppressing free speech - IN AN ORGANIZED WAY. In addition, the man who threatened to take my poster down may be a government employee, as this took place in the vicinity of a Post Office and I recognize the man from the neighborhood.

I will cooperate with any inquiry the Commission undertakes.

Respectfully,

John C. Hayes

John C. Hayes

Sworn to before me
this 16th day of April, 1996.

JOSEPH BERMAN
Notary Public, State of New York
No. 24-0265320
Qualified in Kings County
Commission Expires July 31, 1997



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 6, 1996

John C. Hayes, Chairman
Veterans For Dole Committee
345 St. John's Place 4M
Brooklyn, NY 11238

Dear Mr. Hayes:

This acknowledges receipt of your letter on May 2, 1996, inquiring about a possible violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Federal Election Commission has jurisdiction over the Act and Chapters 95 and 96 of Title 26, United States Code. After careful review of your correspondence, we have determined that your letter does not state any acts which appear to constitute a violation under our jurisdiction.

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

Sincerely,

Retha Dixon
Retha Dixon
Docket Chief

9704334253

CERTIFIED

Z 785 496 742

MAIL

Veterans for Dole
John C. Hayes
345 St. John's Place 4M
Brooklyn, N.Y. 11238

July 3, 1996

STATEMENT AND LETTER OF COMPLAINT

United States Department of Justice
Office of the U.S. Attorney
Southern District of New York

via CERTIFIED MAIL Z 785 496 742

At 1:15 P.M. I was distributing political advocacy material at Court and Montague Street at the Civic Center of Downtown Brooklyn, New York. A policeman approached me as I was putting a SENATOR BOB DOLE FOR PRESIDENT poster on the lamppost on said corner (that part of the corner nearer the main Post Office). This occurred Tuesday, July 2, 1996.

He ordered me to remove the poster. I protested that it was NOT A COMMERCIAL FLYER but political material. He repeated his order and, being afraid to inflame his anger, I complied immediately and left the corner.

I walked less than half a block away and saw that the officer was not intent on molesting me further, and appeared calm. So I approached him and asked what ordinance forbade my peaceful political advocacy. He admitted he did not know the ordinance and said "THEY DON'T WANT ANYTHING ON THE POLES". I replied "DOES THAT INCLUDE POLITICAL MATERIAL"? He said yes. I did not feel comfortable engaging the officer further. Two police officers were standing together on Court Street and I asked them if the first officer was correct in ordering the removal of my election poster. They said yes - nothing is allowed on the poles - but also did not know of any ordinance to that effect.

I would appreciate it if the Dept. of Justice, U.S. Attorney's office, could investigate this interference in the electoral process for the office of the President of the United States.

Respectfully,

John C. Hayes
John C. Hayes
Veterans for Dole

copy
for
F.E.C.
sent via
cert. mail
me. /
P 289 366 131

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUL 11 12:00 PM '96

9704034239

Veterans for Dole
345 St. John's Place
Brooklyn, N.Y. 11233

July 6, 1996
Via Cert. Mail
Mail P289366131

General Counsel
Federal Election Commission

Dear Sirs and Ladies,

Thank you for your referrals in the
past to the U.S. Attorney for help in
investigating interference in the electoral process.
I enclose the latest episode, which
occurred July 2, 1996.

I realize the F.E.C. is primarily
a financial regulatory entity. BUT I make
the assertion that if there is an organized
effort to interfere with my advocacy, then
there must be financial resources fueling it.

I Trust in the F.E.C.'s
judgment on the matter

Respectfully,
John C. Dole
Veterans for Dole

total of 2 pages - this one
and xerox of Complaint
to Justice Department dated July 3, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUL 11 12 00 PM '96

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000317552
JOHN C. HAYES
VETERANS FOR DOLE
345 ST JOHN'S PLACE 4M
BROOKLYN NY 11238

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

OCT 24 1 49 PM '96

October 11, 1996

OFFICE OF GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
999 E STREET NW
WASHINGTON, D.C. 20463

Sent via U.S. Mail

Receipt for Certified Mail Z 229 402 209

STATEMENT AND LETTER OF COMPLAINT

MUR 4517

SENSITIVE

1. This is a follow up to my statement of April 16, 1996 to the F.E.C. complaining of organized efforts to disrupt my express advocacy for the election of Senator Bob Dole to the office of President of the United States.
2. This is furthermore related to the incident of Tuesday, July 2, 1996 at the Civic Center of Brooklyn, New York involving electoral interference by public employees. This was reported to the United States Department of Justice.
3. I have been in correspondence with the Justice Department regarding the above matters and hope to see adequate investigations and resolutions of these incidents.
4. I formally request that the Federal Election Commission investigate the financial aspects of interference with my electoral advocacy and what I believe have been attempts at political intimidation. I request that the F.E.C. investigate as to the source of funds used to impede my peaceful, lawful electioneering. Since the Federal Election Commission is mandated to oversee campaign financing, I believe this matter is completely within F.E.C. jurisdiction.

Respectfully,

John C. Hayes

John C. Hayes
Veterans for Dole

OCT 15 3 25 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

STATE OF NEW YORK
COUNTY OF KINGS
SWORN TO BEFORE ME
ON THIS 11th DAY OF OCTOBER 1996
BY John C. Hayes

Ashvin R. Patel

ASHVIN R. PATEL
Notary Public, State of New York
No. 01PA4799045
Qualified in Queens County
Certificate Filed in Kings County
Commission Expires September 30, 1998



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 24, 1996

John C. Hayes
Veterans for Dole
345 St. John's Place, 4M
Brooklyn, NY 11238

RE: MUR 4517

Dear Mr. Hayes:

This letter acknowledges receipt on October 17, 1996, of the complaint you filed alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

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 4517. 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, Attorney
Central Enforcement Docket

Enclosure
Procedures

9704334242

000317552
Veterans for Dole
John C. Hayes
345 St. John's Place 4M
Brooklyn, N.Y. 11238

November 7, 1996

To:
Federal Election Commission
Office of General Counsel
Enforcement Division

Re: Matter Under Review 4517

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The complainant, Veterans for Dole, thanks the Commission for accepting our sworn statement and letter of complaint regarding the financing of electoral interference into the peaceful, lawful advocacy for the election of Senator Robert (Bob) Dole to be President of the United States.

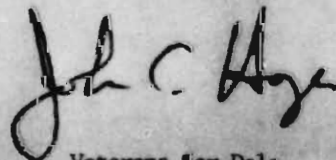
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Your communication of October 24, 1996 solicits further sworn testimony for submission to the General Counsel. We have a very extensive collection of documents, photographs, tape recordings, and physical evidence that would all be relevant to the Commission's inquiry.

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Since interference in our communications and files is part of the pattern of electoral interference under review, we would like this evidence to be considered by the Commission.

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Furthermore, the Attorney General of the United States has information relevant to this Matter Under Review.

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Again, we thank the Commission for accepting this complaint and will cooperate fully in its inquiry.

Respectfully,



Veterans for Dole
John C. Hayes

State of New York
County of King
St. 11/7/96
[Signature]

ASHVIN R. PATEL
Notary Public, State of New York
No. 019447503
Qualified in Queens County
Certificate Filed in Kings County
Commission Expires September 30, 1999

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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ENFORCEMENT PRIORITY

AUG 14 4 20 PM '97

SENSITIVE

AUG 19 1997

**EXECUTIVE SESSION
SUBMITTED LATE**

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.

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 34 cases which do not warrant further action relative to other pending matters.¹

¹ These cases are: MUR 4470 (*Ward for Congress*); MUR 4478 (*Citizens for Tom Reynolds*); MUR 4492 (*Friends of Ken Poston*); MUR 4498 (*Darryl Roberts for Congress*); MUR 4506 (*The Hon. Ted Little*); MUR 4512 (*Friends of Lane Evans*); MUR 4517 (*Unknown Respondent*); MUR 4518 (*Kansans for Rathbun*); MUR 4520 (*Larry Lerner for*

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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 distant 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. In recognition of these facts, EPS also provides us with the means to identify those cases which, though earning a higher rating when received, remained unassigned due to a lack of 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.

Congress); MUR 4522 (Republican Party of Bexar County); MUR 4523 (Cong. Andrea Seastrand); MUR 4524 (Danny Covington Campaign Fund Committee); MUR 4526 (Hoeffel for Congress); MUR 4528 (Pete King for Congress); MUR 4529 (Pete King for Congress); MUR 4532 (Citizen's Committee for Gilman for Congress); MUR 4535 (Visclesky for Congress); MUR 4537 (Di Nicola for Congress); MUR 4541 (Ross Perot); MUR 4548 (Blagojevich for Congress); MUR 4550 (Friends of Wamp for Congress); MUR 4551 (John N. Hostettler); MUR 4557 (De La Rosa for Congress); MUR 4559 (Bill Baker for Congress); MUR 4560 (George Stuart Jr. for Congress); MUR 4562 (Wayne E. Schile); MUR 4566 (Al Gore); MUR 4574 (Danny Covington Campaign Fund Committee); MUR 4576 (Volunteers for Shinkus); MUR 4579 (New Zion Baptist Church); MUR 4580 (Friends of Mike Forbes); MUR 4584 (Bill Baker for Congress); MUR 4588 (Navarro for Congress); and MUR 4613 (Guy Kelley for Congress).

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The U.S. District Court for the District of Columbia, however, held in *Democratic Senatorial Campaign Committee v. FEC*, Civil Action No. 95-0349 (D.D.C. April 17, 1996) that 24 months was too long a time in which to hold a case in an inactive status.

9704334245

Twenty one cases have remained on the Central Enforcement Docket for a sufficient period of time to render them stale, all of which are recommended for closure in this Report.⁴ This group includes four MURs that became stale several months ago, but were held pending criminal prosecution by the Department of Justice.⁵ DOJ obtained convictions in the two criminal cases related to these four MURs (*U.S. v. Jay Kim* and *U.S. v. Dynamic Energy Resources*) based upon guilty pleas by the key defendants, who are also the principal respondents in our pending matters. Pursuit of civil enforcement action in view of the satisfactory results obtained in the criminal cases would not be the most effective use of the Commission's scarce resources at this time.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective August 29, 1997. Closing these cases as

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⁴ These cases are: MUR 4274 (GOPAC); MUR 4358 (Miller for Senate); MUR 4361 (ABC-TV); MUR 4368 (Citizens Business Bank); MUR 4380 (AFGE Local 2391 PAC); MUR 4385 (Dial for Congress); MUR 4386 (Zimmer for Senate); MUR 4396 (ABC); MUR 4404 (Friends of Steve Stockman); MUR 4410 (30th Legislative District); MUR 4417 (Our Choice II); MUR 4422 (Desana for Congress Committee); and Pre-MUR 336 (Park National Bank & Trust).

⁵ These cases are: MUR 3796 (Jay Kim for Congress); MUR 3798 (Jay Kim); MUR 4275 (Jay Kim); and MUR 4355 (Dynamic Energy Resources). In dismissing the Jay Kim cases, we also recommend closing Pre-MUR 352, which is the transmittal of the guilty plea agreement and related documentation in the criminal case against Congressman Kim forwarded by United States Attorney's office.

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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 August 29, 1997, and approve the appropriate letters in the following matters:

Pre-MUR 336

Pre-MUR 352

B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

MUR 3796	MUR 4396	MUR 4522	MUR 4559
MUR 3798	MUR 4404	MUR 4523	MUR 4560
MUR 4274	MUR 4410	MUR 4524	MUR 4562
MUR 4275	MUR 4417	MUR 4526	MUR 4566
	MUR 4422	MUR 4528	MUR 4574
MUR 4356	MUR 4470	MUR 4529	MUR 4576
MUR 4358	MUR 4478	MUR 4532	MUR 4579
MUR 4361	MUR 4492	MUR 4535	MUR 4580
MUR 4368	MUR 4498	MUR 4537	MUR 4584
	MUR 4506	MUR 4541	MUR 4588
MUR 4380	MUR 4512	MUR 4548	MUR 4613
MUR 4385	MUR 4517	MUR 4550	
MUR 4386	MUR 4518	MUR 4551	
	MUR 4520	MUR 4557	

8/14/97
Date

Lawrence M. Noble (712)
Lawrence M. Noble
General Counsel

Attachment:
Case Summaries

97040034247

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In the Matter of)
)
Enforcement Priority) Agenda Document No. X97-55

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 19, 1997, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions with respect to Agenda Document No. X97-55:

- A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:
1. Pre-MUR 336. 2. Pre-MUR 352.
- B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:
1. MUR 3796. 2. MUR 3798. 3. MUR 4274.
4. MUR 4275. 5. MUR 4356. 6. MUR 4358.
7. MUR 4361. 8. MUR 4368. 9. MUR 4380.
10. MUR 4385. 11. MUR 4386. 12. MUR 4396.
13. MUR 4404. 14. MUR 4410. 15. MUR 4417.
16. MUR 4422. 17. MUR 4470. 18. MUR 4478.

(continued)

**Federal Election Commission
Certification: Enforcement Priority
August 19, 1997**

Page 2

19. MUR 4492.	20. MUR 4498.	21. MUR 4506.
22. MUR 4512.	23. MUR 4517.	24. MUR 4518.
25. MUR 4520.	26. MUR 4522.	27. MUR 4523.
28. MUR 4524.	29. MUR 4526.	30. MUR 4528.
31. MUR 4529.	32. MUR 4532.	33. MUR 4535.
34. MUR 4537.	35. MUR 4541.	36. MUR 4548.
37. MUR 4550.	38. MUR 4551.	39. MUR 4557.
40. MUR 4559.	41. MUR 4560.	42. MUR 4562.
43. MUR 4566.	44. MUR 4574.	45. MUR 4576.
46. MUR 4579.	47. MUR 4580.	48. MUR 4584.
49. MUR 4588.	50. MUR 4613.	

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

Attest:

8-21-97
Date

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

9704334249



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John C. Hayes
Veterans for Dole
345 St. John's Place, 4M
Brooklyn, NY 11238

RE: MUR 4517

Dear Mr. Hayes:

On October 17, 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 August 29, 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,

A handwritten signature in black ink, appearing to read "F. Andrew Turley", is written over the typed name.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

9704383425C

MUR 4517

UNKNOWN RESPONDENT

John C. Hayes of Veterans for Dole claims that an unknown political entity has attempted to systematically interfere with his advocacy of Bob Dole's presidential candidacy. This interference is manifested, according to the complainant, in activities such as veiled threats and intimidation, posting of discrete warning signs in the vicinity of signs he has erected, and express prohibition by certain unidentified police or municipal employees to place his signs in specified areas in his neighborhood. He postulates that it may be inferred from the systematic nature of these actions against him that this activity involves improper expenditure of campaign funds.

No respondents could be identified from the complaint and supporting materials.

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

9704334251



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4517

DATE FILMED 9-23-97 CAMERA NO. 4

CAMERAMAN Jm12

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