



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4550

DATE FILMED 9-25-97 CAMERA NO. 4

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TENNESSEE DEMOCRATIC PARTY

WILL T. CHEEK
Chairman

October 24, 1996

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MUR 4550

Mr. Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Complaint against Congressman Zach Wamp, Wamp for Congress, and L. Dan Johnson as Treasurer; and Gene McKissick

Dear Mr. Noble:

This letter constitutes a complaint against Representative Zach Wamp, Wamp for Congress (the "Committee"), and L. Dan Johnson as Treasurer; and Gene McKissick (collectively "Respondents"), alleging violations of the Federal Election Campaign Act of 1971, as amended ("FECA" or the "Act"), 2 U.S.C. 431 et seq., and related regulations of the Federal Election Commission ("FEC" or the "Commission"), 11 C.F.R. 110.1 et seq.

Since mid-August of 1996, Representative Zach Wamp has been distributing two newsletters in his district. See Exhibits A and B. The newsletters discuss official action taken by Congressman Wamp, provide information on Congressman Wamp's congressional office and encourages readers to contact the office for further information. Both newsletters were produced at government expense.

Congressman Wamp was apparently unable to send these newsletters out under the frank because such mailings would be in violation of 39 U.S.C. 3210(a)(6)(A) which prohibits the franked materials in mass quantities less than ninety days before the general election. See exhibit C (Complaint to Franking Commission). Congressman Wamp originally stated that the newsletter addressing African-American issues was not mailed, but instead distributed to constituents in response to inquiries. Now, however, Congressman Wamp's office has admitted that almost 6,500 newsletters were mailed. It is unknown how the postage was paid or what other resources may have been devoted to this distribution.

Based on information and belief, however, Congressman Wamp received mailing lists from a local vendor, Mr. Gene McKissick ("McKissick"), to distribute the mailing. McKissick operates a local newsletter in Congressman Wamp's district. It is not known whether or not Mr. McKissick's business is incorporated.

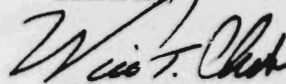
Section 104.13(a) of the Commission's regulations requires a campaign to report in-kind contributions pursuant to 11 C.F.R. 104.3(a). An in-kind contribution is defined as "the provision of any goods or services without charge or at a charge which is less than the normal charge for such goods and services." 11 C.F.R. 100.7(a)(1)(iii)(A). Mailing lists are specifically listed in the FEC regulations as an example of such goods and services. Further, the FECA specifically prohibits contributions from corporations. 2 U.S.C. 441b.

Campaign committees are also required to report all disbursements made during the reporting period. 11 C.F.R. 104.3(b). These disbursements include any operating expenditures for the campaign, such as postage and other office supplies.

Pursuant to these reporting requirements, if Mr. McKissick's lists were donated to the campaign for the purpose of distributing the newsletters, the fair market value of the lists should appear on Mr. Wamp's campaign reports as an in-kind contribution. 11 C.F.R. 104.13(a) and 104.3(a). If the mailing was an in-kind contribution, and Mr. McKissick's business is incorporated, such an in-kind contribution violates the prohibition on corporate contributions under the FECA. Alternatively, if the Committee purchased the lists from Mr. McKissick, the amounts paid should be reflected as an expenditure under Section 104.3(b). The Wamp Committee has not listed the receipt of any mailing lists as in-kind contributions on its FEC reports. Moreover, the campaign lists no disbursements for the purchase of mailing lists.

In light of these violations and possibly other violations related to the distribution of these newsletters, the Commission should conduct an immediate investigation into the Respondents' actions. Based upon the investigation, the undersigned asks the Commission to impose the highest civil penalties authorized by law.

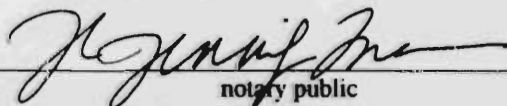
Sincerely,



Will T. Cheek

Chairman, Tennessee Democratic Party

SWORN TO AND SUBSCRIBED BY ME
IN THE COUNTY OF Davidson
AND THE STATE OF Tennessee
THIS 24 DAY OF October 19 96


notary public

MARCH 25, 2000

commission expires

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HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

WILL T. CHEEK, Chairman, Tennessee Democratic Party

Complainant,

v.

CONGRESSMAN ZACH WAMP,

Respondent

COMPLAINT

The Complainant, for his complaint against the Respondent, states:

1. I, Will T. Cheek, reside at 1808 Westford Avenue, Suite 515, Nashville, Tennessee 37203.
2. This Complaint arises under the franking laws extended to Members of the House of Representatives of the United States as hereinafter more fully appears.

FACTUAL BACKGROUND

3. In mid-August, after the 90 day cut-off for franked mail, two franked mail pieces, both in newsletter format, appeared in the Third Congressional District bearing Respondent's signature. One piece addressed issues related to senior citizens; the other appeared to be oriented toward African-American constituents. See Exhibits A and B. The newsletters discussed official actions Respondent has taken, provide information about Respondent's official Congressional offices and encourage readers to contact these offices for more information. Both newsletters were produced at government expense.

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4. Respondent confirmed in press inquiries regarding these pieces that they were approved franking materials and produced with official funds. With regard to the African-American piece, he stated that "the franking budget allowed the printing of it but not the mailing of it." See Exhibit C, Transcript of Insiders Journal. Respondent at first denied that this piece was mailed within the district, stating that it was produced only for the purpose of responding to inquiries or requests. See Exhibit C.

5. Contrary to Respondent's original statements, however, constituents began receiving the newsletter in the mail. Indeed, it appears that Respondent arranged for the mailing of approximately 6,500 pieces to targeted households across the Third Congressional District. See Exhibit D, Chattanooga Free Press, October 16, 1996.

6. According to Respondent's office, it contracted with local vendors to distribute this piece "to be more effective and less expensive." See Exhibit E, Chattanooga Times, October 12, 1996, and Chattanooga Free Press, October 18, 1996. Respondent has repeatedly refused to disclose who paid for the mailing of this officially-prepared material. Therefore, it is not clear whether Respondent used campaign funds or a third party paid these costs. In any case, using private funds of any sort to distribute franked mail materials violates both the Rules of the House of Representatives and the franking laws.

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7. After repeated press inquiries, Respondent identified a local vendor, Mr. Gene McKissick from Bradley County, as having been in some manner involved in the distribution of the newsletters. Mr. McKissick operates a small African-American newsletter in the district.

8. Mr. McKissick has confirmed that he provided Respondent with addresses of prominent African-Americans from Bradley, Marion and Hamilton counties to send the franked mail piece. Mr. McKissick, by his own account, exchanged addresses with Respondent. While it is unclear what was involved in this transaction, it appears to confirm that a newsletter paid for with government funds was sent out improperly through private channels using third party lists.

9. Respondent's office has also admitted that more than one vendor was involved in the mailing of the African-American mailing piece. See Exhibit D, Chattanooga Free Press, October 16, 1996. Based on information and belief, Postmark, Inc., a printing firm, printed the newsletter and was paid with government funds. Also based on information and belief that third vendor, who the Wamp campaign has declined to identify, may have been the Moriah Group, for whom W. Davis Lundy is a principal. Moriah Group is a public relations firm. Mr. Lundy is a former campaign manager for Respondent and payments to the Moriah Group appear on the 1996 FEC disbursement reports filed by Respondent's campaign. See Exhibit F.

10. The franked mail pieces on senior citizens and African-American issues have also been distributed in bulk throughout the district, but it is not at all clear by what means and it is not possible to establish this based on the public record. On information and belief, these materials appear to have been distributed by the Wamp reelection committee.

LEGAL ANALYSIS

11. Section 3210(a)(5)(C), Title 39, United States Code states that a Member of Congress "may not mail as franked mail...mail matter which specifically solicits political support for the sender." Respondent has admitted that the franking laws would not have permitted this newsletter to be mailed at government expense. This does not, however, entitle Respondent to use private source funds to mail government material in furtherance of his reelection. Thus, Respondent caused to be mailed a franked newsletter for the apparent purpose of soliciting political support for his candidacy in violation of Section 3210(a)(5)(C), Title 39, United States Code.

12. Moreover, both newsletters are being distributed and, at least in the case of the African-American piece, mailed in mass quantities less than ninety days before the general election in violation of Section 3210(a)(6)(A), Title 39, United States Code. Section 3210(a)(6)(A) states that a Member of Congress "may not mail any mass mailing as franked mail if the mass mailing is postmarked fewer than 90 days immediately before the date of any

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primary or general election...in which the Member is a candidate for reelection." A mass mailing is any mailing of newsletters with substantially similar content totaling more than 500 pieces in that session. 39 U.S.C. § 3210. Respondent appears to have been aware of this restriction on mass mailings during the pre-election period. He confirmed during an interview that "the franking budget allowed the printing of [the African-American newsletter] but not the mailing of it." See Exhibit C. Therefore, it appears that Respondent intentionally disregarded this prohibition by circumventing the law and mailing an official newsletter with private funds.

13. While there are exceptions to the mass mailing prohibition prior to an election, none of those exceptions apply in this case. Section 3210(a)(6)(E) provides that mailings which are in "direct response to inquiries or requests" are not subject to the prohibition. The Franking Commission has interpreted this exception narrowly. For example, "follow-up letters to constituents who had previously written and had been answered" are specifically not included under this exception. See Regulations on the Use of the Congressional Frank By Members of the House of Representatives, March 1996. Respondent originally claims that the pieces were being distributed in response to inquiries. This is clearly not the case based on the evidence that these materials have been mailed or otherwise distributed in mass quantities apparently to people who have not made any initial request or

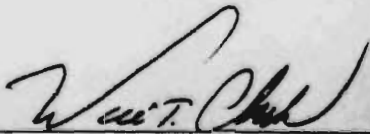
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inquiry. In the case of the African-American newsletter, the piece was apparently mailed to privately owned lists of targeted constituents in a manner similar to the distribution of campaign direct mail literature.

14. Section 3215 of Title 39 provides "a person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization or association." Respondent has confirmed that the two newsletter in question were produced at government expense. While it remains unclear how the mailings and distribution of these newsletters is being funded, any involvement by Respondent's campaign committee would clearly violate Section 3215.

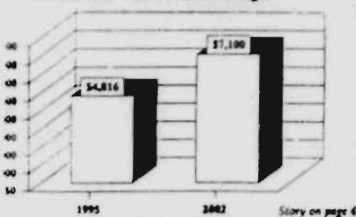
WHEREFORE, the Complainant requests that the Commission conduct a thorough investigation regarding Respondent apparent misuse of government funds through the conversion of franked mail matter to personal campaign literature. Complainant further demands that the Respondent be found in violation of the franking laws as hereinbefore alleged and that the Commission order such other relief as is proper and lawful for such intentional use of the frank in an improper and unlawful manner.

Signed at NASHVILLE, TN (city, state) this 24th day of OCTOBER, 1996.



Medicare Myths and Medicare Facts

Medicare Spending Per Beneficiary will
increase 50% Under Balanced Budget



Congressman ZACH WAMP Working for Seniors

Wamp gets Award From Veterans

Story on page 3



Dear Friend,

I strongly believe that anyone who is in public office should put the very highest priority on focusing on the needs of two groups in our society: senior citizens and our children. Senior citizens have spent their entire lives working for their families and saving for their retirement. And the present generation of seniors is even more deserving because it endured the Depression, World War II and the Korean War to build the free and prosperous nation my generation inherited.

That legacy makes it especially important that responsible public officials stand by and protect seniors as they move from their working years into retirement where they can be vulnerable if responsible government leaders do not carefully guard their interests. We should make sure that our seniors' right to good, affordable medical care is always protected. We also need to make sure that pensions and Social Security are kept safe.

But my job also involves helping seniors in their dealings with federal agencies. That is why I maintain two offices in the 3rd District and why people from my office make regular trips into all counties of the district to meet with citizens. Helping the people of my district in this direct and personal way is one of the most rewarding and important parts of my job. To make sure that you can contact my office easily, we have included the addresses and phone numbers of my offices on the last page of this newsletter.

To give you an idea of how we can help you, we have included a few letters from people we have been able to assist. Please do not hesitate to call on us anytime we can help you. That is why we are here!

Thank you for the opportunity to represent you.

Warmest regards,

Zach Wamp
Zach Wamp
Member of Congress

Congressman Zach Wamp has been labeled "senior friendly" by a non partisan group representing senior citizens from across the nation.

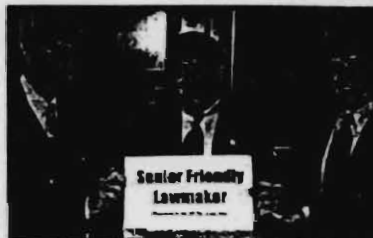
The 60 Plus Association, which has over 425,000 members, made its decision based on Congressman Wamp's votes and other work for seniors during the 104th Congress. The 60 Plus Association cited Wamp's strong support for legislation to preserve and protect Medicare and to save it from impending bankruptcy.

The plan Congressman Wamp supports would increase funding from \$4,800 per beneficiary to \$7,100 by the year 2002.

"Clearly Congressman Wamp is a champion of seniors' rights," said Jim Martin, president of 60 Plus. "He is a deserving recipient of our 'Senior Friendly' designation."

Martin said that other than supporting efforts to preserve and protect Medicare, Congressman Wamp's most important vote was the one he cast in favor of a bill increasing the amount of money seniors can earn each year before they begin to lose

See story page 3



The 60 Plus Association has honored Congressman Wamp as a "Senior Friendly" lawmaker. From left are Roger Zion, honorary chairman of the 60 Plus Association, Congressman Wamp and Jim Martin, president of the 60 Plus Association.



Kenneth F. Luckmann, MD

"I recently traveled to Russia to bring a 15-year-old girl and her mother to the United States to repair a lower leg prosthetics, a procedure which required surgery. The young lady is very brave but was having a very tough time because other children ridiculed her because of her disability. During my flight to Russia, I learned that the young girl's Visa to travel to America had been denied for reasons that are still unknown to me. I immediately contacted Congressman Wamp, and with his assistance was able to get a Visa approved for the girl and her mother. The surgery went well and she was able to return to Russia. This would not have been possible had it not been for the prompt and caring

attention I received from Congressman Wamp. Thank you."

—Kenneth F Luckmann, MD

"I want to take this opportunity to thank you for the considerable effort expanded on behalf of the Roane County Military Memorial Honor Guard, an all-volunteer organization to provide the promised military honors for deceased veterans in the area. After several months of frustration while attempting to get blank ammunition for the ceremonial rifles (your office) accepted the challenge to expedite the shipment of the ammunition. Without the help, we would be yelling 'Bang' by now."



Robert E. Monroe, Major,
US Army, Retired

—Robert E. Monroe

"Thank you for your expert help in expediting the issuance of new passports for my wife and me. The new documents arrived in the nick of time. Your immediate and effective response in our time of crisis reflects well. We are most grateful."

—Stephen Kaplan

"I want to thank you and your staff as to your prompt professional response to my requests. My problems with the Internal Revenue Service have been resolved to my satisfaction."



Howard Wansley

—Howard Wansley

LET'S FIX IT NOW

Everybody knows that there are good ways and bad ways to deal with problems.

The good way is to get on top of a potential problem before it has a chance to become a crisis. If your hand is cut, you clean the wound, put a bandage on it and let it heal. You don't wait around to let infection set in, spread, and possibly cost you an amputated hand — or even your life. If the roof is leaking, you get it fixed. You don't wait until it falls in and destroys your house.

That's pretty basic common sense — but not in Washington. In Washington, politicians would rather point the finger than roll up their sleeves and pitch in. Too many of our national leaders are sticking their heads in the sand about a potential problem that we can easily fix now but that will cause us real problems if we waste time and delay.

— The problem is that the Medicare Trust Fund is going broke — and it's going broke even faster than expected last year. The predictions are coming — not from those of us in Congress — but from the Medicare Trustees, including three members of President Clinton's cabinet!

— Last year they warned that the Trust Fund would become broke in the year 2002 unless we acted. Congress passed a plan to deal with the problem and to protect and preserve Medicare. But unfortunately, President Clinton vetoed the plan.

— Another year has passed, and the problem has only gotten worse. This year the trustees predict the Trust Fund will have a deficit \$106 million greater than predicted last year.

We stand ready to work with the president to deal with the situation NOW. Our plan lets per person Medicare spending increase nearly 50 percent between now and the year 2002. But it slows the rate of growth in Medicare spending and cracks down on waste, fraud and abuse.

If we deal with the problem now, there is no need for fear.

As a great president — Franklin D. Roosevelt — said, "the only thing we have to fear is fear itself." We should not be distracted by those who want to play politics with this important program. We need to act.

WE'LL PROTECT YOUR PENSION

One of the most important nest eggs American senior citizens have is their pensions. And we've taken a strong step to make sure that senior citizens' pensions are kept safe.

And Congress has done several things to make sure that seniors' pensions are fully secure and protected.

The House — with my support — passed legislation to make sure that companies that put money into pension plans for their workers cannot take any money out of pension plans that are not fully funded. The legislation I sup-



Congressman Wamp meets with Tom Andrews of East Ridge that pensions are being protected.

ported provides that any surplus money that companies take out of their fully funded plans will go to pay for other benefits for retirees.

We've also passed legislation to prevent the Secretary of Labor from pressuring pension plans to invest their money in so-called socially desirable projects. This plan, developed by Robert Reich, President Clinton's Secretary of

Labor, involves trying to get private pension plans to put their money in enterprises considered to have socially desirable or "politically correct" purposes. These are called Economically Targeted Investments.

But the federal government has no business using pension monies for these kinds of ventures. It has no business telling private pension fund managers to put their money in these kinds of deals.

Some have pointed out that the Clinton administration is not actually requiring pension fund managers to invest in these so-called socially desirable ventures. They say managers are only *encouraged* to take that step. But let's remember that if a particular venture is a solid, good investment, the pension fund managers won't have to be encouraged to invest in it. They will put the money into the investment on their own, for the right reason: confidence that the investment will grow and earn money for the people covered by the pension plan. If the government has to *encourage* managers to put money into a venture, that's when we all should start asking questions.

Whether the investment is a good business venture is the only standard that pension fund managers are supposed to use under the pension fund reform law that Congress passed more than 20 years ago to correct abuses in the pension system. The law to protect workers in pension plans was a good idea then, and it's a good idea now. We shouldn't fool with it. And we will continue to do whatever is necessary to keep your pension safe from the dreamers and the schemers.

STAND BY OUR VETERANS

Congress should stand by those who have served our country and — in many cases — risked their lives or suffered grave injuries for it.

During the present Congress, we have taken several important actions to make sure our veterans get the services that they have done so much to earn.

Here are some of the things Congress has done to stand by our veterans:

- Voted to reverse a law enacted by the previous Congress and President Clinton that delayed the cost-of-living benefit increases due military retirees from January to October.
- Supported the 1997 Defense Authorization Bill that restored \$473 million in defense funding for medical care that had not been adequately funded by the Clinton administration.
- I co-sponsored legislation that allows



Standing in front of the Tennessee Vietnam Memorial, Congressman Wamp discusses veterans' issues with members of the Vietnam Veterans of America, Chapter 103, of Chattanooga. From left are Gary Miller, Charlie Richardson, president; Dan Taylor, Congressman Wamp; Dan Lovin; Harry Jackson; Larry Orr; Truman Christopher and John Sparks.

Medicare to reimburse the Department of Defense for medical care provided to military retirees. Funding that helps to make medical care more easily available to military retirees.

• I also co-sponsored a bill to give Medicare-eligible retirees and their spouses the option of enrolling in the Federal Employees Health Benefit Program.

VETERANS FOR GOOD GOVERNMENT



The Veterans for Good Government giving Congressman Wamp an award of appreciation for voting for veterans' efforts and for common sense government and for working in a non-partisan manner for veterans.

From left are Mike Hair, U.S. Marine Corps veteran; Shawn Tilley; a retired sergeant, Congressman Wamp; and Ralph Wilson, a World War II veteran of the 82nd Airborne division.

SENIOR FRIENDLY CONT...

Social Security benefits. The bill would gradually increase the maximum amount from \$11,520 to \$30,000 annually. The bill, HR 1215, also includes a capital gains tax cut, an increase in the estate tax exemption from \$600,000 to \$750,000 and many other "senior friendly" items, Martin said.

"HR 1215 alone qualifies Congressman Wamp; as a major friend of seniors, their children and grandchildren, in effect all Americans, regardless of age," Martin said.

Former Congressman Roger Zion of Indiana also praised Wamp. "Zach Wamp is owed a debt of gratitude by seniors," Zion said.

Sixty Plus is a non partisan seniors' advocacy group with a free enterprise, less government, less taxes approach to seniors' issues.



WE'VE BEEN WORKING HARD FOR SENIORS

There is a lot of work to be done to make Washington more "Senior Friendly."

Right now we are working on a provision titled the "Medicare Preservation Act" which would preserve and protect Medicare from bankruptcy while increasing spending per beneficiary by nearly 50 percent. Although President Clinton vetoed the bill last year, we will continue to demand that Washington take steps to protect this vital program.

But we have been doing much more than that. Here is a list of some of our other efforts:

- Passed the Senior Citizen Right to Work

Act, which gradually raises the amount a senior can earn without losing Social Security benefits to \$30,000 annually.

- Passed the Crimes Against Children and



Congressman Wamp tells Sally Stanford of Roane County about the work the Congress has done for seniors.

Elderly Persons Act, which increases the punishment for federal crimes committed against senior citizens, children and the disabled.

- Passed the Housing for Older Persons Act, which protects seniors-only communities from discrimination lawsuits and makes it easier to develop seniors-only communities.

- The president vetoed our effort to expand Medicare's coverage of breast cancer treatment and our attempt to provide tax incentives for long-term care insurance, but we will continue to support these important efforts.

THIS IS NO TIME TO FRIGHTEN SENIORS

"The only thing we have to fear is fear itself."

— President Franklin D. Roosevelt, Inaugural Address, 1933

For today's seniors those words are not history. They lived those words.

The words were uttered by President Roosevelt when he took office in March 1933 at the depths of the Great Depression. One of the great things about President Roosevelt was that he won office and led the nation through the Depression and World War II by projecting hope and optimism to millions of Americans who had plenty of reason to feel hopeless and afraid.

How different was President Roosevelt's approach from the way some of today's leaders choose to conduct themselves. They try to gain points for themselves by spreading fear among

seniors by telling outright falsehoods about our efforts to protect and preserve Medicare.

They say our plans would "devastate" and "cut" Medicare when they know very well that nothing could be further from the truth.

Newspapers like the Chattanooga Free Press and The Washington Post have sharply criticized these "Mediscare" tactics. The Post said "there isn't any evidence" that seniors are about to lose their Medicare. It used the word "irresponsible" to describe the tactics of those who are opposing what we are trying to do.

cont on pg. 4



In a meeting with seniors, Congressman Wamp explains that the spending per beneficiary will go up nearly 50%.



Wamp explains to seniors how Medicare will be paid.

**THIS IS NO TIME TO
FRIGHTEN SENIORS CONT..**

It is time to demand that any responsible government stop at right after resorting to the old tactics of fear. Today's seniors have fought the Depression and fought through World War II. They have earned the right to live their golden years in peace and without the threat and confident that Medicare will be there when they need it. Let's plan to protect and preserve Medicare, guaranteeing it will be.

DEAR THIRD DISTRICT SENIORS

Here is a handy list of facts about the Medicare plan Congress is trying to pass. Please clip and save this sheet. You may be subjected to "scare tactics" of people who make false statements that we are about to "cut" or "devastate" Medicare. Any time you hear these statements, just check them against the facts on the chart below. This chart gives you a quick summary of what Congress is really doing.

MEDICARE PRESERVATION ACT PRINCIPLES

Seniors will have the right to the same Medicare benefits as are available to other Americans. The new Congress will not cut Medicare benefits. It will protect the Medicare program from the kind of cuts that have been made in other social security programs. The new Congress will provide for better health care and waste within the health system. It will also provide for the most important Medicare reform in history.

MEDICARE MYTH VS. FACT

MYTH

FACT

Our plan would "cut" Medicare

Our plan actually increases per beneficiary spending from \$4,800 to \$7,100 a year.

Seniors would be forced out of Medicare

Seniors are allowed more plans to choose from, but NO ONE would be forced out of traditional Medicare.

The increases in our plan won't keep up with inflation and the growth of the population senior citizens.

Our plan MORE THAN keeps up. Medicare would increase by an average of 6.2 percent annually. The seniors' population is growing 1.3 percent and inflation is 2.9 percent annually.

We're cutting Medicare to pay for tax cuts for "the rich."

Medicare spending will INCREASE by nearly 50 PERCENT. Most of the tax cuts go to middle class Americans.

WASHINGTON OFFICE

425 Cannon Office Building
Washington, D.C. 20515
(202) 225-3271

CHATTANOOGA DISTRICT OFFICE

6100 Building, Eastgate Center
Suite 3400
5700 Brainerd Rd.
Chattanooga, TN 37411-5510
(423) 894-7400

OAK RIDGE DISTRICT OFFICE

Suite 100 Federal Bldg.
200 Administration Rd.
Oak Ridge, TN 37830
(423) 576-1976

Congress of the United States
House of Representatives
Washington, D.C. 20515

Official Business



Zach Wamp

M.C.

Bulk Rate

CAR-RT SORT

Sergeant Robert Black
Hc 69 Box 200 A
Spring City, 37381

Exhibit B

The Urban League



From left are, Congressman Wamp, Congressman Watt, and Warren Leggett, President of the Chattanooga Urban League.

The Urban League wanted former football great J.C. Watts, a newly elected Congressman from Oklahoma, as the keynote speaker for their annual dinner last December. Congressman Wamp brought him in to meet and challenge hundreds of dinner guests in the 3rd District. "We need to take back our social responsibilities..." Watts said. "I think we should start a second Civil Rights movement, but this time it's got to be about economic opportunity for all."

AFFIRMATIVE ACTION



Congressman Wamp spoke at the annual dinner, sharing a speech that focused on the importance of affirmative action in the workplace and the need for economic opportunity for all. He emphasized the role of the federal government in promoting these goals and the importance of community involvement in achieving them.

COMMUNITY HELP

When Access-Med Plus needed help, they turned to Congressman Zach Wamp. Access-Med Plus is a minority-owned firm that serves Tennesseans in the TennCare program. Access-Med Plus needed a little extra time to meet the requirements of the TennCare program, but some

state officials didn't want to wait. Wamp worked with state Finance Commissioner Bob Corker to make sure that people in the community continue to receive TennCare benefits through Access-Med Plus.

WASHINGTON OFFICE

423 Cannon Office Building
Washington, D.C. 20515
(202) 225-3271

CHATTANOOGA DISTRICT OFFICE

6100 Building, Eastgate Center
Suite 3400
5700 Brainerd Rd.
Chattanooga, TN 37411-5510
(423) 894-7400

OAK RIDGE DISTRICT OFFICE

Suite 100 Federal Bldg.
200 Administration Rd.
Oak Ridge, TN 37830
(423) 576-1976

Congress of the United States
House of Representatives
Washington, D.C. 20515

Official Business



Zach Wamp

Johnny Holloway
102 Artesian Drive
Oak Ridge, TN 37830

CONGRESSIONAL OFFICE STAFF:

Story on page 2



News from Congressman ZACH WAMP

MINORITY BUSINESS GETS A BOOST:

Story on page 3



CHURCH BURNINGS

Wamp will call religious community to call together. Story on page 2

WESTSIDE PROJECT

Residents of Westside... changes... with... help from... Sloan. Story on page 2



HISTORY IN THE MAKING

Wamp... judge making him the first African American... appointed to be a federal judge in... Tennessee. Story on page 2

BUILDING PARTNERSHIPS

Wamp... strong support for Minority Alliance... Properties. Story on page 2

COMMUNITY HELP

When... need... they turn to Congressman Zach Wamp. Story on page 2

CHATTANOOGA SUMMIT:

Minority issues... Story on page 2



Finally ACTION on Chattanooga Creek By Congressman Zach Wamp

It's been a long time coming.

After years of talk and studies but NO action, those of us who want progress in cleaning up Chattanooga Creek have received some news to make us cheer.

Last fall, the federal government started getting real about cleaning up Chattanooga Creek when the Environmental Protection Agency put the creek on its list of Superfund sites to be cleaned up. And in June the news got even better. Chattanooga Creek moved up to the number two priority clean-up site for the whole nation!

While those of us who want the creek cleaned up can't afford to rest yet, the news is good. And EPA hopes to begin the cleanup this year.

All this tells us that the EPA has finally - officially - recognized what a mess the creek is! It may have taken EPA a long time to figure this out. But it sure is not news to anybody in the Alton Park and South Chattanooga Communities.

A lot of the thanks for getting this job done should go to the members of Stop Pollution Now. We owe special thanks to Mr. Milton Jackson, president of STOP. Shortly before EPA finally acted,

I invited Mr. Jackson to Washington to testify before Congress about Chattanooga Creek. Everybody who heard him was impressed by the power of his testimony.

Now it's time to roll up our sleeves and get the EPA to come up with a plan to clean up the creek. The federal government is especially responsible because it actually had a big part in wrecking the creek. During World War II, Chattanooga Coke and Chemical was leased by the War Department and dumped much of the nasty coal tars that now line the bottom of the creek. It's only fair that the federal government should share in the cost of cleaning up the mess it helped to make.

Did you know that General Ulysses Grant wrote about the creek when he was in Chattanooga fighting the Civil War 133 years ago? Gen. Grant wrote about soldiers bathing in the creek to clean up. Can you imagine that?

Won't it be great when people are writing about it that way again? Won't it be great when the Chattanooga Creek is something the whole community can enjoy once more?

LISTENING TO THE PEOPLE

Congressman Zach Wamp, appointed last year to the House Minority Issues Task Force, has co-sponsored a bill that takes a new approach to helping low-income residents of urban and rural neighborhoods across the country like Alton Park in Chattanooga's inner city.

The Community Renewal Project was developed by listening to the people who actually live in the communities instead of having Washington bureaucrats design the plan. "If you want to know what a community needs, you ought to hear



Continued on page 2 Congressman Wamp and a taxi driver at a transportation issue.

CONGRESSIONAL OFFICE STAFF

With five years of Congressional experience,

Beverly Mauldin, our Chattanooga Office Manager, is an expert at handling the needs of the 3rd District residents. She serves as a valuable trouble shooter on a whole range of important issues. Staff Assistant, Andrea Mulvey, began as an unpaid intern and quickly worked herself into a full-time job!

Business Manager Ruth Morris oversees the operations and finances for all three Congressional offices and manages the state-of-the-art computer system the office uses to serve the more than 500,000 residents of the 3rd District. Joe Samuel, our Senior Legislative Assistant, advises the Congressman on complex defense, science and energy issues and counsels the Congressman on votes dealing with these and other issues.



Andrea Mulvey and Beverly Mauldin



Joe Samuel and Ruth Morris

Listening...

Continued from page 1

from the people who live there," Wamp said.

The Community Renewal Plan, which will create 100 Renewal Communities across the nation, will work this way:

- State and local governments would be encouraged to waive unnecessary rules and licensing requirements for people who live in Renewal Communities.
- The plan sets up scholarships to let families in Community Renewal Areas send their children to the school THEY choose.
- The new law would allow 75 percent tax credits for donations of up to \$200 that go to charities helping primarily the poor. That change would encourage more people to help low-income Americans through private charities.
- Church-related groups could get vouchers to help people overcome social problems like drug addiction and alcoholism.

Let's put the Community to work solving The Community's problems!

WESTSIDE PROJECT

The new "take-charge" Executive Director of the Westside Project, Daphne Sloan, came by the Washington office in March to update Congressman Wamp. Residents of the Westside took control of their destiny, determined to bring about radical change. Ms. Sloan came to Chattanooga with the highest credentials to oversee the model community, which includes a health care facility and job training center.

throughout the community, died on Nov. 2, 1995, ending a career of more than 30 years of service to his city and his country.

Chief Cothran was a major force for progress and positive change in the community. Wamp said: "When Ralph Cothran - fresh out of the U.S. Air Force - joined the Chattanooga Police Department in 1964, a black officer could not even arrest a white person. The black officer had to call a white officer to make the arrest. But Ralph Cothran knew change was coming - and he was determined to help make it happen.

"Part of the change was the Civil Rights revolution that happened in the 1960s. But Ralph Cothran's rise in the Chattanooga Police Department happened because of one thing: Ralph Cothran himself. He had courage. He worked hard. He had the trust of everybody. He never gave up. In only about 10 years, Mr. Cothran had risen so far in the department that he was actually commanding some of the very same white officers whom he used to have to call to make arrests for him.

"By the end of his career, Ralph Cothran ran the entire Chattanooga Police Department and was respected and admired everywhere. That says some good things about how Chattanooga and our country have changed for the better. But mostly it is a tribute to Ralph Cothran, the man."



Americans," he said. "I am honored that this fine group of outstanding citizens has agreed to work with me to help me keep in touch with the Black community."



Pictured from left to right are: Mrs. Cothran, Congressman Zach Wamp, Chattanooga Mayor Gene Roberts

Congressman Zach Wamp nominated the late Chattanooga Police Chief Ralph Cothran, - the first black man ever to head the Chattanooga Police Department - to receive the John F. Kennedy Profile in Courage Award.

"Chief Cothran's career was built on years of professionalism, hard work and integrity," Congressman Wamp said. "The fact that Chief Cothran's record led to his appointment as the first black police chief in Chattanooga teaches the lesson that perseverance and merit do pay off, a lesson all young people need at this critical time."

Cothran, who was loved, admired and respected

WAMP NAMES AFRICAN-AMERICAN ADVISORY GROUP

Congressman Zach Wamp has appointed business leaders and citizen activists to lead his African-American Advisory Committee.

Committee members meet quarterly and have traveled to Washington, D.C., to meet with top leaders of the U.S. House.

"It's very important to me to hear from African-

MEMBERS OF THE AAAC

Graig Beck	Community Action Alliance	Lee Henderson, Jr.	Chatt. African American Museum
Elijah Cameron	TN Managed Care Network	Carolyn Jones	C.J. Enterprises, Inc.
Marcel Davis	East 3rd St. Church of Christ	J.T. McDaniel	J.T. McDaniel Complex
Elizabeth Gaines	Chattanooga City Schools	Kevia Muhammad	Nation of Islam
Rudy Hamilton	Postmark	Sherrie Ward	Edinger Medical Center

CHURCH BURNING

Congressman Zach Wamp has called on African-American community to help rebuild African-American churches that have been burned in the months. "I personally call on all churches to help for white churches to help black churches," Wamp said in a press conference called to condemn the burnings. "I think the only good that can come out of this is that God will use it as a warning to all of us of other fellow members of the Kingdom of God and their fellow citizens to take the church to their responsibilities in today's world. A black church is a home for white people to reach their consciences. We're going to have to rebuild and rebuild all across America." The House passed a resolution condemning the burnings and urging federal authorities to investigate church arsonists.

UNDOING RACISM:

Rep. Mike Stewart, a member of the Congressional Black Caucus, will participate in a conference on Undoing Racism in May. Also on hand were representatives from Chattanooga State, the Chattanooga Police Department, the Hamilton County Sheriff's Office and other agencies. Wamp, 41, gave the keynote at the meeting, which gave participants a chance to share with one another the depths of African-American history that have shaped the nation's culture and attitudes.

CHATTANOOGA SUMMIT:



GOOD JOBS THROUGH SUSTAINABLE DEVELOPMENT

"We must work to create economic opportunities for African Americans," Congressman Zach Wamp told a session of the Chattanooga Summit in May. Several community leaders - Johnny Holloway, chairman of the Task Force on Minority Economic Development; Milton Jackson of Stop Toxic Pollution; James Mathis, President of Genesis Construction; and Daphne Sloan, Executive Director of the Westside Community Development - also participated in the session on minority interests.

A first-class judge, a historic appointment

Congressman Zach Wamp strongly supported the successful effort to make Curtis Collier a federal judge in Chattanooga, making Collier the first African-American appointed as federal judge in East Tennessee.

"A federal judge is one of the most important people in the community. Federal judges are on the front line in the fight to make our country a better place," Wamp said in supporting Judge Collier. "In Chattanooga - like other places across the country - it was a federal judge who ordered an end to the old segregated school system. Today federal judges are the first line of defense in the battle to make sure that people are treated fairly on the job and in the community. It's also up to federal judges to run trials and to sentence criminals, including the drug dealers that make all too many of our streets dangerous."

Speaking to the Senate Judiciary Committee, as it considered Collier's nomination, Wamp said: "We in East Tennessee know him well. Our streets are safer, our law enforcement is more effective and our area governments are more honest because Curtis Collier has worked hard and well as a federal prosecutor."



Judge Collier, Mrs. Collier, Congressman Wamp and the Colliers' son, Christian, stand, left to right, in the Washington Congressional office just before Judge Collier's confirmation hearing.

"I know Curtis Collier by more than just reputation. Our children attend the same public schools in Chattanooga, and I got to know him as a fellow parent. We served on some of the same community activities. Judge Collier is a man the whole community can be proud of!"

BUILDING PARTNERSHIPS

Meeting with Fisk University President Dr. Henry Ponder, Congressman Zach Wamp voiced his strong support for an innovative plan called the "Minority Alliance Proposal." Under it, historically black colleges and universities would work with the U.S. Department of Energy to protect communities from

hazardous materials and to make sure that hazardous materials are transported safely.

Fisk University, Tennessee State University and Lane College will work in partnership with the Oak Ridge National Laboratory and The University of Tennessee.

In a letter to U.S. Energy Secretary Hazel O'Leary, Wamp said: "I strongly support this proposal because of its potential for far-reaching benefits to the department, taxpayers and those involved in the alliance proposal."

A VERY REWARDING DAY: Minority Business Gets a Boost

One of the most important parts of the job of a U.S. Congressman is bringing the concerns of community members to Washington.

So when Mike Stewart, an up-and-coming minority businessman from Chattanooga gave me some ideas on improving government contracting, I invited him to testify before the House Transportation Committee. Mr. Stewart is president of World Class Transportation Systems of Chattanooga. His company built wheel chair lifts for the Chattanooga Area Regional Transportation Authority (CARTA). And World Class also won a contract to overhaul cars for the Metropolitan Atlanta Rapid Transit Authority.

But like the good, aggressive businessman that he



Zach Wamp with Chattanooga area businessman, Mike Stewart.

is, Mr. Stewart is not satisfied with that. He wants to grow his business.

Stewart told the committee the major contracts still tend to go to a few industry giants with firms like his "restricted to traditional minority scope of services." But Stewart said he hopes to see the rules changed so companies like his can become major players.

Chuck Jolly for Congress

PO Box 25366, Chattanooga, TN 37422 P (423) 266-1996 F (423) 265-6966

Transcript of Insider's Journal with Zach Wamp: Franked Mail Discussion

WBIR-TV, NBC, Knoxville, TN

Host: Mr. Gene Patterson

Panel: Mr. Hallerin Hill, Mr. Tom Ingram, Mr. Ron McMahan

Air Date: September 1, 1996

Gene Patterson: Last week we had your opponent in the November election Chuck Jolly. Among the things he brought up was the old issue of franked mail. Explain franked mail for our viewers who are not familiar with it and a little bit about his criticism that you were using it to supplement your campaign coffers.

Zach Wamp: Well, that is a privilege that members of the Congress have to send mail and communicate with constituents which I think is frankly overused and somewhat obsolete in this day and age of high technology. What he didn't tell you is of all the nine members of the House in Tennessee I have the lowest use of the frank in the 104th Congress. I also am a cosponsor that would not allow members of the House to send unsolicited franked mail pieces in the last year of the year of the election. Right now I think you can send one outside of 90 days from an election but I think you ought not to send them in the whole year. He claimed that I recently did violate the spirit of the bill I support but I did not send an unsolicited mass mail. By definition that is over 500 pieces to people who have not written you on the issue. I did print a senior citizen newsletter and send it to the people who had written me on Medicare so I was responding to the people who had written me on the issue. So I did not use an unsolicited mass mail allowance and what's this bill refers to. I don't think you ought to mail a bunch of campaign-type propaganda at tax payers expense in election years so I'm a co-sponsor to terminate that so he did not only tell you the whole story, he did not represent the actual case in this scenario.

Gene Patterson: But you can see just looking at it outside. You send out theses pieces of literature and it certainly looks like campaign literature.

Zach Wamp: Well to people that respond to me. No it is approved by the franking commission- which is a bi-partisan commission, they do not approve, do not allow you to talk about your campaign, they do not even let you say since I was elected. They take out anything to do with campaigns. Ron can tell you that. They're very strict about what they approve. They approved this piece as a legitimate response to inquiries I had on issues important to senior citizens.

Tom Ingram: Wouldn't you admit that the franking opportunity an incumbent has - now I'm not addressing your specific piece is a great advantage in a campaign?

Zach Wamp: That's why I think they shouldn't be allowed to send unsolicited mass mailings during an election year and I'm a co-sponsor of a bill to stop that franking practice.

(Discussion occurs between Tom Ingram and Ron McMahan)

Hallerin Hill: May I break through the crossfire of my esteemed colleagues and follow up with a question. He said there were actually two targeted mailing pieces if I remember correctly. One to senior citizens, one to African-Americans. Can you speak to the second?

Zach Wamp: The second is that simply affirmative action, set-asides and issues like that right now are on the minds of a lot of voters.

Hallerin Hill: But was that an unsolicited piece?

6 Zach Wamp: Well we didn't mail that piece. That piece was provided so that anyone who
2 asked us about these issues we can hand it to them. But it's when they ask us we give it to
1 them.

5 Hallerin Hill: So if you didn't mail them how did they get them?

3 Zach Wamp: We hand it to people who ask us about them and it was a frank approved piece.

6 Tom Ingram: But you did not use the franking privilege?

4 Zach Wamp: That's correct.

9 Hallerin Hill: It was approved but you did not send it?

Zach Wamp: That's right. The franking budget allowed the printing of it but not the mailing of it.

Tom Ingram: But it was printed at government expense?

Zach Wamp: That's right it was printed at government expense and when people ask us about these issues we hand them this piece as well because it shows that I care about voters or issues they're concerned about. But again I don't think you should use that unsolicited mass mail budget in an election year.

Hallerin Hill: On to other issues.

Exhibit D

Jolly Criticizes Wamp Mailings To Constituents

By VICTOR MILLER
Free Press Staff Writer

Democratic challenger Chuck Jolly thinks he has a winning issue in his race against Republican U.S. Rep. Zach Wamp.

He claims the first-term congressman mixed campaign interests with official business in violation of federal franking privilege laws by sending out 6,453 newsletters primarily to African-Americans in the 3rd District.

During debates Monday in Cleveland and Tuesday at UTC, Mr. Jolly, a local attorney, repeatedly returned to the issue he has hit upon for several weeks.

Tuesday, after being criticized by Rep. Wamp for accepting political action committee contributions, Mr. Jolly responded, "I think it's important to practice what you preach," accusing Rep. Wamp of sending out the newsletters, at taxpayer expense, to advance his campaign.

Rep. Wamp maintains he and his staff have done nothing wrong, "dotting every 'i' and crossing every 't'" to the satisfaction of the bipartisan Commission on Congressional Mailing Standards, which prohibits campaign-type material in the mailings.

Rep. Wamp said the newsletters were mailed outside a "90-day window" before the election when their distribution would be prohibited.

Mr. Jolly said his suspicions were raised when, during an appearance on a Knoxville television show, he says Rep. Wamp denied sending out "an unsolicited mass mail," and denied mailing out the newsletters to African-Americans in the district.

Rep. Wamp's office later said it had contracted with local vendors to distribute the newsletters.

When he was asked on the Knoxville show, "So if you didn't mail them, how did they get them?" Rep. Wamp did not mention the vendors, replying, "We hand it to people who ask us about them..."

Later, Rep. Wamp stated, "The franking budget (whereby a congressman can use his or her signature to send mail without the need for postage) allowed the printing of it but not the mailing of it."

In his closing remarks Tuesday, Mr. Jolly focused solely on the mailings, telling Rep. Wamp he had "not made a full disclosure."

Noting that Rep. Wamp has co-sponsored a bill that would not allow House members to send unsolicited franked mail in the year before a congressional election, Mr. Jolly said, "You co-sponsored that bill recognizing that abuse, and now you're an abuser."

Rep. Wamp said, "I think we need to stick to the issues that people in this district are concerned with..."

Chattanooga Free Press - A-2

10-16-96

97043835127

Jolly charges, Wamp denies misuse of mailing privileges

The Chattanooga Times

Chuck Jolly said Friday that U.S. Rep. Zach Wamp has abused the taxpayer-funded mailing privileges for members of Congress.

Wamp said his Democratic opponent's assertions are based on misinformation.

Jolly focused on two newsletters: one aimed at senior citizens in the 3rd Congressional District and one for African-Americans.

On a tape of a Knoxville TV talk show, Jolly showed Wamp saying the newsletters were not part of an unsolicited mass mailing for his campaign. They were printed and approved, he said, by the congressional office that oversees free mailing to send to anyone contact-

ing his Washington office about issues involving senior citizens or African Americans.

But Jolly said 3rd District constituents have told him they received the mailings without contacting Wamp's office. He admitted "less than a dozen" have made such complaints and "in many cases, it is people who are involved in the Jolly campaign."

Still, Jolly said, it is obvious Wamp used Washington staff, whose salary is paid by taxpayers, instead of campaign workers and funds, to prepare the mailings. And it is obvious, he said, they were mass mailed as campaign literature.

"We know he abused (mailing privileges) but we don't know how

much," Jolly said.

Wamp said the newsletters were approved by the bipartisan Commission on Congressional Mailing Standards, the body that oversees House member's franking (free-mail) privileges. Some were mailed locally, he said, to save tax dollars.

Wamp noted he is the only Tennessee representative to sign on as a sponsor of a bill that would eliminate all mass mailings in an election year.

Jolly said Wamp's mailings were "hypocritical and very inappropriate," violating the spirit of the bill which failed to pass the House. They were "election targeted newsletters," Jolly said, and called on Wamp to reimburse the cost.

Exhibit E

Chattanooga Free Press, Oct. 18

Demos Plan Franking Charges Against Wamp

By VICTOR MILLER
Free Press Staff Writer

The Tennessee State Democratic Party plans to file election law violation charges against Republican U.S. Rep. Zach Wamp with the U.S. Franking Commission and the Federal Election Commission for misuse of government funds.

During an afternoon press conference, local attorney Arvin Reingold was expected to detail the charges against the freshman Republican, who faces Democrat Chuck Jolly, a local attorney, in the November election.

At issue are newsletters the congressman's office prepared and had distributed on issues of importance to blacks in the 3rd District.

Mr. Jolly repeatedly has tried to hammer Rep. Wamp on the newsletters, claiming the congressman mixed campaign interests with official business in violation of federal franking privilege laws by sending out 6,453 newsletters, primarily to blacks.

During last Tuesday's debate at UTC, Mr. Jolly returned to the is-

sue after being criticized by Rep. Wamp for accepting political action committee (PAC) contributions.

Mr. Jolly responded, "I think it's important to practice what you preach," accusing Rep. Wamp of sending out the newsletters, at taxpayer expense, to advance his campaign.

Rep. Wamp maintains he and his staff have done nothing wrong, "dotting every 'i' and crossing every 't'" to the satisfaction of the bipartisan Commission on Congressional Mailings Standards, which prohibits campaign-type material in the mailings.

Rep. Wamp had earlier said his office had not mailed the newsletters, but several citizens told the Jolly campaign they had received them. Rep. Wamp's office said it had contracted with local vendors to distribute them.

In his closing remarks Tuesday, Mr. Jolly focused solely on the mailings, telling Rep. Wamp he had "not made a full disclosure."

Rep. Wamp said, "I think we need to stick to the issues that people in this district are concerned with..."

970435129

Exhibit F

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page	PAGE	OF
	6	9
	FOR LINE NUMBER 17	

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

NAME OF COMMITTEE (in Full)

FRIENDS OF ZACH WAMP

FEC ID No. C00300681

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
MSA, INC. P.O. BOX 4119 CHATTANOOGA, TN 37405	COPIER MAINT. Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/21/96	82.84
B. Full Name, Mailing Address and ZIP Code STAINLESS METAL PRODUCTS P.O. BOX 22067 CHATTANOOGA, TN 37422	Purpose of Disbursement SIGN FRAMES Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	7/23/96	1556.99
C. Full Name, Mailing Address and ZIP Code TN DEPT EMPLOYMENT 313 CORDELL HULL BUILDING NASHVILLE, TN 37219	Purpose of Disbursement PAYROLL TAXES Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	7/23/96	112.53
D. Full Name, Mailing Address and ZIP Code U S POSTMASTER CHATTANOOGA, TN 37401	Purpose of Disbursement POSTAGE Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/16/96 9/20/96 9/20/96	50.88 120.96 806.48
E. Full Name, Mailing Address and ZIP Code U S POSTMASTER CHATTANOOGA, TN 37401	Purpose of Disbursement POSTAGE Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/25/96 9/27/96	64.00 227.52
F. Full Name, Mailing Address and ZIP Code NAT'L REPUB. CONGR. COMM. 320 FIRST STREET, SE WASHINGTON, DC 20003	Purpose of Disbursement PRODUCTION COSTS Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/12/96	196.10
G. Full Name, Mailing Address and ZIP Code RICK TUCKER P.O. BOX 734 HIXSON, TN 37343	Purpose of Disbursement SALARY Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/30/96	1369.17
H. Full Name, Mailing Address and ZIP Code MORIAN GROUP 6131 AIRWAYS BLVD CHATTANOOGA, TN 37421	Purpose of Disbursement PRINTING & CONSULTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/30/96	6228.27
I. Full Name, Mailing Address and ZIP Code ROBIN DERRYBERRY P.O. BOX 4331 CHATTANOOGA, TN 37405	Purpose of Disbursement SALARY Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/30/96	2317.20

SUBTOTAL of Disbursements This Page (optional)

13132.94

TOTAL This Period (last page this line number only)



FEDERAL ELECTION COMMISSION

Washington, DC 20463

November 5, 1996

Will T. Cheek, Chairman
Tennessee Democratic Party
1808 West End Avenue, Suite 515
Nashville, TN 37203-3315

RE: MUR 4550

Dear Mr. Cheek:

This letter acknowledges receipt on October 30, 1996, of the complaint you filed 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 4550. 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 a horizontal line.

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures



FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 5, 1996

The Honorable Zach Wamp
2044 Maria Cove Drive
Hixson, TN 37343

RE: MUR 4550

Dear Representative Wamp:

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 4550. 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.

9 / 0 4 3 3 1 3 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,

A handwritten signature in dark ink, appearing to read 'Colleen T. Sealander', written in a cursive style.

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043835133



FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 5, 1996

L. Dan Johnson, Treasurer
Friends of Zach Wamp
PO Box 24804
Chattanooga, TN 37421-2970

RE: MUR 4550

Dear Mr. Johnson:

The Federal Election Commission received a complaint which indicates that the Friends of Zach Wamp ("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 4550. Please refer to this number in all future correspondence.

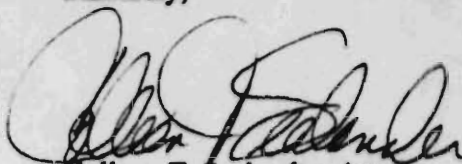
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

9 / 0 4 3 8 3 5 1 3 4

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, Attorney
Central Enforcement Docket

Enclosures

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

970433835135



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 25, 1996

Gene McKissic
255 East Street SE
Cleveland, TN 37311-2826

RE: MUR 4550

Dear Mr. McKissic:

The Federal Election Commission received a complaint which indicates that you and The Informer, Inc. 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 4550. Please refer to this number in all future correspondence.

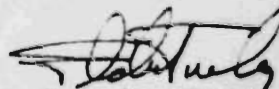
The complaint was not sent to you earlier because we could not find your mailing address on account of your name being misspelled in the complaint. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and The Informer, Inc. in this matter. Please 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.

Gene McKissic
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,



F. Andrew Turley, Attorney
Central Enforcement Docket

Enclosures

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

97043835137

November 26, 1996

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E Street, N.W., Room 657
Washington, D.C. 20463

RE: MUR4550

Dear Mr. Noble:

This letter constitutes our answer to the Complaint filed with the Federal Election Commission (FEC), which has been assigned MUR 4550. The complaint was filed by Will T. Cheek, Chairman of the Tennessee Democratic party, just days before the general election.

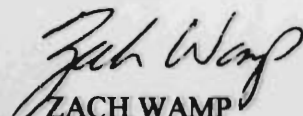
This answer, and the enclosed response, addresses the substantive issues raised by the Complaint. A similar Complaint was filed with the Commission on Mailing Standards of the U.S. House of Representatives, and was dismissed on November 22, 1996 (See Exhibit 2 in the enclosed materials). This answer does not rehash all the allegations related to my Congressional office which were dismissed by the Commission on Mailing Standards of the U.S. House of Representatives.

I request that the Commission dismiss this FEC complaint, since the Complaint does not provide any evidence that a violation of the Federal Election Campaign Act of 1971 (as amended) has occurred.

This Complaint was clearly generated not because of any merit to the claims, but because it was believed that such a Complaint would provide political benefit to my opponent in the general election.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,


ZACH WAMP

For the Friends of Zach Wamp Campaign

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

NOV 27 10 05 AM '96

970438138

FEDERAL ELECTION COMMISSION

Will T. Cheek,
Complainant,

vs.
Zach Wamp,
Respondent

ANSWER

MUR 4550

The Respondent, answering the Complaint, states the following:

This Complaint concerns two Congressional newsletters, which were produced and distributed solely at government expense. The newsletters contained only matters of official business. During production, the newsletters were submitted at least three times to the Committee on Congressional Mailing Standards, and written staff advisories were issued stating that each was frankable under House rules. The newsletters were distributed during the time set by House rules: after August 1, 1996, and on or before August 7, 1996.

Except as admitted herein, the Respondent denies the allegations contained in the Complaint. The Complainant has offered no proof of the allegations of impropriety or wrongdoing by the Respondent. The Complaint contains numerous falsehoods and inaccuracies.

No evidence is provided that the newsletters were distributed "since mid-august (1996)," as alleged in the FEC complaint. In fact, the newsletters were distributed in compliance with House rules: after August 1, 1996, and on or before August 7, 1996. During production, the newsletters were submitted at least three times to the Committee on Congressional Mailing Standards as is required. The first newsletter was submitted to the Commission on Mailing Standards June 24, 1996, and a second newsletter was submitted June 28, 1996. A staff advisory was issued stating that each newsletter was frankable (See Exhibit 1). The Complaint regarding alleged errors and wrongdoing by my Congressional office concerning the facts stated above, filed with the Commission on Congressional Mailing Standards by the Complainant, was without merit and was dismissed by the Commission on November 22, 1996 (See Exhibit 2.)

The allegation that forms the premise of this Complaint, that "...Congressman Wamp was apparently unable to send these newsletters out under the frank because such mailings would be in violation of 39 U.S.C. 3210 (a) (6)(A)...," is wrong. It was entirely within the House rules for Congressman Wamp's Congressional office to mail Congressional newsletters within the time period they were distributed.

No Campaign funds were used for the Congressional newsletters, and The Wamp Campaign (i.e., Friends of Zach Wamp) was not involved in the compiling or distribution of the Congressional newsletters. Further, the Complainant put forth no evidence that Campaign funds

9 / 0 4 3 8 3 5 1 3 9

or resources were used for the distribution of the Congressional newsletters.

The Wamp Campaign (i.e., Friends of Zach Wamp) was not involved in distribution of the Congressional newsletters, and the Complainant put forth no evidence that the Congressional newsletters were distributed by the Wamp Campaign committee.

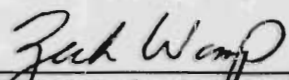
Mr. Cheek's complaint misstates the nature of the business transactions with Mr. Gene McKissic. No evidence is provided by the Complainant that any mailing lists were received by the Congressional Office or the Wamp Campaign from Gene McKissic, and in fact this was not the case. The Congressional office's transaction with *The Tennessee Informer* (Gene McKissic, publisher) was a straight commercial transaction. In accordance with House rules, there was no solicitation for political support for the Respondent in the Congressional newsletters, and Complainant has put forth no evidence of such. Accordingly, the House Commission on Mailing Standards dismissed the Complaint filed by Mr. Cheek. The Congressional newsletters were sent in a separate mailing from any other publication.

In a separate, and unrelated business transaction, the Wamp Campaign paid for and received advertising in *The Tennessee Informer* (See Exhibit 3). *The Tennessee Informer* was one of many newspapers in which the Wamp Campaign purchased advertising. The Wamp Campaign received no in-kind contributions from Gene McKissic or *The Tennessee Informer*. The Wamp Campaign properly reported the disbursement for advertising in *The Tennessee Informer* (See Exhibit 4).

Since the Congressional office complied with the House rules, as determined by the Commission on Congressional Mailing Standards, and the Congressional newsletters were not distributed by the Wamp Campaign, the entire basis of the Complainant's allegations is based upon a false premise. Further, Complainant has provided no evidence to substantiate his claims.

The Respondent denies that he or his Campaign violated Federal Election Commission requirements. Accordingly, on behalf of myself and my Campaign, I respectfully request that the Federal Election Commission dismiss the FEC Complaint.

Signed at Chattanooga, Tennessee
This 26 day of Nov., 1996


ZACH WAMP, for the Friends of Zach Wamp

97043635140

U.S. HOUSE OF REPRESENTATIVES
Commission on Congressional Mailing Standards
140 Cannon House Office Building
Washington, DC 20515

STAFF ADVISORY OPINION

Office Of Zach Wamp	Staff Making Inquiry DICK	Date 08/21/96	Intl Review 07/01/96
------------------------	------------------------------	------------------	-------------------------

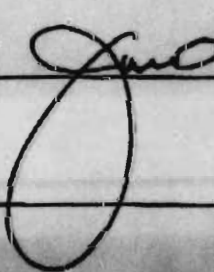

Material Submitted	Final Copy	Inquiry Received By Fax
--------------------	------------	----------------------------

Subject of Inquiry Newsletter	Record Number 430-5 Type of Mail INDIVIDUALLY ADD. 3RD CLASS
----------------------------------	--

Detail of Inquiry Requested advisory opinion on the frankability of material submitted as noted above (copy attached).
--

Advisory Material submitted was deemed <u>Frankable</u> under provisions of 39 U.S.C. 3210(a)(3)(A)&(B).
--

Remarks SENIORS NEWSLETTER **FRANKABLE ONLY IF POSTMARKED AFTER AUGUST 1, 1996 AND ON OR BEFORE AUGUST 7, 1996**
--

Inquiry handled by 	Reviewed by 
Date 08/21/96	

U.S. HOUSE OF REPRESENTATIVES
Commission on Congressional Mailing Standards
140 Cannon House Office Building
Washington, DC 20515

STAFF ADVISORY OPINION

Office Of Zach Wamp	Staff Making Inquiry DICK	Date 08/16/96	Intl Review 06/24/96
------------------------	------------------------------	------------------	-------------------------

Material Submitted Final Copy	Inquiry Received By Fax
----------------------------------	----------------------------

Subject of Inquiry Newsletter	Record Number 430-4 Type of Mail Individually Add. 1st Class
----------------------------------	--

Detail of Inquiry Requested advisory opinion on the frankability of material submitted as noted above (copy attached).
--

Advisory Material submitted was deemed <u>Frankable</u> under provisions of 39 U.S.C. 3210(a)(3)(A)&(B).
--

Remarks HELPING COMMUNITIES HELP THEMSELVES NEWSLETTER *** FRANKABLE ONLY IF POSTMARKED AFTER AUGUST 1, 1996 AND ON OR BEFORE AUGUST 7, 1996

Inquiry handled by <i>Karen Buckler</i>	Reviewed by <i>Connie Goode</i>
Date 08/16/96	

Congress of the United States

House of Representatives

COMMISSION ON CONGRESSIONAL MAILING STANDARDS

140 CANNON HOUSE OFFICE BUILDING
PHONE: (202) 225-8337
FAX: (202) 225-0047

Washington, DC 20515-6250

November 22, 1996

Congressman Zach Wamp
U.S. House of Representatives
423 Cannon
Washington, D.C. 20515

Dear Congressman Wamp:

The House Commission on Congressional Mailing Standards, by a vote of 5-0, dismissed the complaint in the matter of Will Cheek vs. Honorable Zach Wamp, M.C., on the grounds that there is no substantial reason to believe that a violation has occurred as alleged in the complaint.

The Commission dismissed the complaint under Section 5 of the Act of December 18, 1973 (87 Stat. 743; Public Law 93-191) and Rule 3 of the Commission on Congressional Mailing Standards. The written decision to follow.

Best regards,



Bill Thomas
Chairman

EXHIBIT 2

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11/25/96

FRIENDS OF ZACH WAMP
Transaction Detail by Account
September 1 through November 25, 1996

Type	Date	Num	Name	Amount
730-Newspaper ads				
Check	9/3/96	401	Oak Ridge Chronicle	295.00
Check	9/4/96	403	TN Beauticians Association	25.00
Check	9/30/96	431	Moriah Group	152.90
Check	10/1/96	439	Clinton Courier News	689.86
Check	10/1/96	440	The Oak Ridger	653.26
Check	10/1/96	441	The Oak Ridge Chronicle	295.00
Check	10/1/96	442	The Bledsonian Banner	189.00
Check	10/1/96	443	The Cleveland Daily Ban...	379.50
Check	10/1/96	444	The Tennessee Informer	80.00
Check	10/1/96	445	The Grundy County Herald	151.46
Check	10/1/96	446	The Grundy County Post	45.00
Check	10/1/96	447	The Chattanooga Courier	660.00
Check	10/1/96	448	Thompson Papers	775.00
Check	10/1/96	449	Roane County News	1,216.52
Check	10/1/96	450	The Dunlap Tribune	189.00
Check	10/1/96	451	The Daily Post Athenian	535.50
Check	10/1/96	452	The Polk County News	245.10
Check	10/1/96	453	The Jasper Journal	615.32
Check	10/1/96	459	Senior School	75.00
Check	10/7/96	462	Oak Ridge Chronicle	295.00
Check	10/8/96	471	Clinton Courier News	883.65
Check	10/8/96	472	The Oak Ridger	1,257.00
Check	10/22/96	489	Oak Ridge Chronicle	990.00
Check	10/22/96	490	Clinton Courier News	428.92
Check	10/22/96	491	Roane County News	510.18
Check	10/22/96	492	The Jasper Journal	410.22
Check	10/22/96	493	The Polk County News	228.97
Check	10/22/96	494	The Grundy County Post	70.00
Check	10/22/96	495	Chattanooga Courier	462.00
Check	10/24/96	500	Chattanooga Business P...	907.00
Check	10/24/96	501	The Tennessee Informer	220.00
Check	10/30/96	522	Alhambra Temple	125.00
Total 730-Newspaper ads				14,055.36
TOTAL				14,055.36

EXHIBIT 4

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 (Kansas 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 (*Hoeffell 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 (*Visclosky 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 Shamkus*); MUR 4579 (*New Zion Baptist Church*); MUR 4580 (*Friends of Mike Forbes*); MUR 4584 (*Bill Bober for Congress*); MUR 4588 (*Navarro for Congress*); and MUR 4613 (*Guy Kelley for Congress*).

2

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.

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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

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 (39th 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 4356 (*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

97043835149

97043835150

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

97043835151



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Will T. Cheek, Chairman
Tennessee Democratic Party
1808 West End Avenue, Suite 515
Nashville, TN 37203-3315

RE: MUR 4550

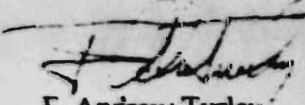
Dear Mr. Cheek:

On October 30, 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,


F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97045835152

MUR 4550
FRIENDS OF ZACH WAMP

Will Cheek, Chairman of the Tennessee Democratic Party, alleges that newsletters distributed by Congressman Wamp were improperly produced and mailed at government expense; he infers that these should have been campaign expenses. Mr. Cheek also alleges that Mr. Gene McKissic donated a mailing list used to distribute these materials. He states that the Committee to list the fair market value of the mailing lists as an in-kind contribution, or alternatively that the Committee failed to report a disbursement regarding purchase of the mailing list.

In response to the complaint, Congressman Wamp states that the newsletters were produced and distributed at government expense, contained only matters of official business, and were frankable under House rules according to the Committee on Congressional Mailing Standards. The newsletters were distributed during a time period by House rules. He states that no campaign funds were used for the newsletters, and that the Wamp Committee was not involved in the compilation or distribution of the Congressional newsletters. He further asserts that his Congressional office's contract to distribute these newsletters with *The Tennessee Informer* (Mr. McKissic's newspaper) was a straight commercial transaction. He notes that, in an unrelated transaction, the Wamp Campaign purchased political advertising in *The Tennessee Informer* and several other newspapers, all of which were duly reported as disbursements by the Committee.

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

97043835153



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Gene McKissic
255 East Street, S.E.
Cleveland, TN 37311-2826

RE: MUR 4550

Dear Mr. McKissic:

On November 25, 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 August 29, 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 Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043835154

MUR 4550
FRIENDS OF ZACH WAMP

Will Cheek, Chairman of the Tennessee Democratic Party, alleges that newsletters distributed by Congressman Wamp were improperly produced and mailed at government expense; he infers that these should have been campaign expenses. Mr. Cheek also alleges that Mr. Gene McKissic donated a mailing list used to distribute these materials. He states that the Committee to list the fair market value of the mailing lists as an in-kind contribution, or alternatively that the Committee failed to report a disbursement regarding purchase of the mailing list.

In response to the complaint, Congressman Wamp states that the newsletters were produced and distributed at government expense, contained only matters of official business, and were frankable under House rules according to the Committee on Congressional Mailing Standards. The newsletters were distributed during a time period by House rules. He states that no campaign funds were used for the newsletters, and that the Wamp Committee was not involved in the compilation or distribution of the Congressional newsletters. He further asserts that his Congressional office's contract to distribute these newsletters with *The Tennessee Informer* (Mr. McKissic's newspaper) was a straight commercial transaction. He notes that, in an unrelated transaction, the Wamp Campaign purchased political advertising in *The Tennessee Informer* and several other newspapers, all of which were duly reported as disbursements by the Committee.

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

9704335155



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

The Honorable Zach Wamp
2044 Maria Cove Drive
Hixson, TN 37343

RE: MUR 4550

Dear Mr. Wamp:

On November 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 Friends of Zach Wamp and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 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,

J. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043835156

MUR 4550
FRIENDS OF ZACH WAMP

Will Cheek, Chairman of the Tennessee Democratic Party, alleges that newsletters distributed by Congressman Wamp were improperly produced and mailed at government expense; he infers that these should have been campaign expenses. Mr. Cheek also alleges that Mr. Gene McKissic donated a mailing list used to distribute these materials. He states that the Committee to list the fair market value of the mailing lists as an in-kind contribution, or alternatively that the Committee failed to report a disbursement regarding purchase of the mailing list.

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

97043835157



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

L. Dan Johnson, Treasurer
Friends of Zach Wamp
651 East Fourth Street, Suite 200
Chattanooga, TN 37403

RE: MUR 4550

Dear Mr. Johnson:

On November 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 Friends of Zach Wamp and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 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 dark ink, appearing to read "F. Andrew Turley", is written over a horizontal line.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4550

FRIENDS OF ZACH WAMP

Will Cheek, Chairman of the Tennessee Democratic Party, alleges that newsletters distributed by Congressman Wamp were improperly produced and mailed at government expense; he infers that these should have been campaign expenses. Mr. Cheek also alleges that Mr. Gene McKissic donated a mailing list used to distribute these materials. He states that the Committee to list the fair market value of the mailing lists as an in-kind contribution, or alternatively that the Committee failed to report a disbursement regarding purchase of the mailing list.

In response to the complaint, Congressman Wamp states that the newsletters were produced and distributed at government expense, contained only matters of official business, and were frankable under House rules according to the Committee on Congressional Mailing Standards. The newsletters were distributed during a time period by House rules. He states that no campaign funds were used for the newsletters, and that the Wamp Committee was not involved in the compilation or distribution of the Congressional newsletters. He further asserts that his Congressional office's contract to distribute these newsletters with *The Tennessee Informer* (Mr. McKissic's newspaper) was a straight commercial transaction. He notes that, in an unrelated transaction, the Wamp Campaign purchased political advertising in *The Tennessee Informer* and several other newspapers, all of which were duly reported as disbursements by the Committee.

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 # 4550

DATE FILMED 9-23-97 CAMERA NO. 4

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