



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4625

DATE FILMED 1/14/98 CAMERA NO. 2

CAMERAMAN EES

98043893927

Tom Haughey for Congress

Rt. 1, Box 18-J-12

San Juan, TX 78589

Tel. & Fax (210) 781-5067

March 2, 1997

F. E. C.
999 E. Street, N. W.
Washington, D. C. 20463

Gentlemen:

I would very much appreciate your looking into the following matters:

1. On October 21, 1996 the Democratic Party of Brooks County, TX sponsored a Clinton/Gore campaign rally coordinated with the Clinton campaign and with an Asst. Sec. of the Treasury in attendance. My opponent, Ruben Hinojosa, also attended and was one of the honored speakers. The rally was broadcast live county-wide by KPSO-AM, with the broadcast paid for by the County Democratic Party. The rally **consisted** of students and teachers of Brooks County public schools who were taken out of classes without parental consent and bussed to the grounds of the County Courthouse by county school busses for the event. High school, junior high, and elementary students all attended. Only one elementary school was within walking distance. The rally was the major Clinton/Gore and Democratic candidates' event of the fall campaign. Public money was used to pay teachers and bus drivers for their time during the event. Public money paid for the transportation. The rally was even held on public land. The Superintendent of Schools, Noe Saucedo, was given an honored place at the assembly--along with other school officials and board members. During the rally one or more Americorps volunteers were asked to stand and be recognized as examples of the wonderful things Clinton/Gore were doing for Brooks County. I believe the rally thereby encouraged and condoned a Hatch Act violation. Speakers at the rally thanked students for coming to show their support for the Democratic Party, offered them refreshments, characterized Republicans as being opposed to funding for public education, as being against the elderly, and as favoring the abolition of Medicare and Social Security. The students were asked to get their parents, aunts, and uncles to vote straight Democratic ticket. The rally was a textbook example of brainwashing. A large number of authority figures were characterized as being Democrats because the Democratic Party "cares about people." The rally made no legitimate attempt at education and could only be characterized as educational by someone who cared nothing for truth or the free exchange of ideas.

The rally constituted a large, illegal in-kind donation to the campaigns of Clinton/Gore and of my congressional opponent, Ruben Hinojosa. I find no evidence that any such contributions were ever reported. Democratic officials who participated in the rally knew that school students were being used for indoctrination purposes during school time at tax-payers' expense. Ruben Hinojosa even made mention in his remarks at how pleased he was that so many different school groups

were represented at the meeting. Speakers had to be aware that both federal and state law was being violated by the rally. The rally was a violation of parental rights, a violation of the students' civil rights, and in my opinion amounted to official oppression. I believe it also compromised the electoral process and harmed both my congressional campaign and the campaigns of Dole/Kemp as well as those of all other Republicans on the ballot.

When I wrote to School Superintendent, Noe Saucedo requesting financial information about the rally under the Freedom of Information Act and the Texas Open Records Act, he violated the law by first ignoring my letter, then (when I wrote a second letter informing him of the violation) finally responded with untruthful answers to my questions. I then wrote him I had witnesses who could attest to the false nature of his answers (who had seen the school busses that he denied had been used) and requested that he reinvestigate and correct the false responses. He has chosen not to respond to my last letter.

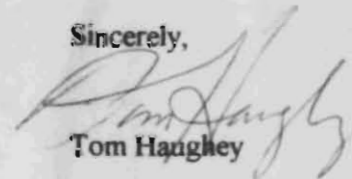
I am including with my current letter to you copies of my communications with Noe Saucedo along with his response. I'm also including a tape recording of the rally which clearly shows that numerous state and federal laws were broken by both the school system and by campaigns which participated in the rally. It is particularly troubling to me that the *educational president* and the *educational congressional candidate* would allow their campaigns to take part in and benefit from such a travesty. I request a thorough investigation and that appropriate action be taken against all involved. I would also point out that this is not an isolated incident. I have been told that a similar event happened at least once before in Brooks County. In 1992 in neighboring Hidalgo County students were taken out of class by the La Joya school system without parental consent to be a Democratic party campaign rally for Bill Clinton and my opponent at the time, Kika de la Garza. Students at that rally (including my campaign treasurer's daughter) were divided into two competing groups and ordered to see who could shout "Down with Blush" the loudest. Frankly, I'm tired of seeing Democratic Party leaders run rough-shod over the human rights of school children and their parents. Unless you do something about it, the practice will continue.

2. In September of last year I visited Ruben Hinojosa's former personal secretary Jayne Johnson at her apartment on Forest Hills Street in Weslaco, Texas and interviewed her for a couple of hours. She had been fired by Ruben Hinojosa on August 9th, 1996 with only three days notice and no severance pay when she attempted to find out from Ruben's brother if she would have job security with H & H Foods, Ruben's company, if Ruben were elected to congress. According to Jayne, she had been working full-time on Ruben's congressional campaign since late December 1995 when he announced his candidacy. She indicated to me that she had been paid \$2,000 per month for over seven months with the company's corporate checks. She stated to me that except for writing a couple of letters for one of Ruben's brothers, she had worked exclusively on his campaign during that time--running many aspects of his campaign from his corporate offices. She further indicated to me that some other employees had expressed to her that they didn't think it was legal for Ruben to have her do that, but that she figured it must be legal since he was. I didn't bring the matter out during the campaign because Jayne was searching for a job and had applications in at South Texas Community College (where Ruben was a member of the board)

and with Morris Atlas' law firm (Morris was directing Ruben's campaign). She was afraid that publicity would keep her from getting a job, and I didn't want to hurt her chances.

I did mention the situation, however, to Cathy Thornberry of KEDT-TV in Corpus Christi. Cathy indicated to me that it certainly had seemed to her that Jayne was doing campaign work when Cathy called her to arrange Ruben's campaign appearance on KEDT's candidate debate program. Subsequently, Ruben's brother (in a McAllen Monitor news article) stated that Ruben wasn't responsible for a company decision because he hadn't been involved in company operations since he announced his candidacy. It seems obvious to me, therefore, that Ruben was using his secretary for political purposes. We checked his campaign expense records and could find no evidence that his campaign ever reimbursed H & H for either her salary or for the use of corporate offices. I believe he knowingly broke the law. Please investigate this matter and take whatever action you deem appropriate. I took notes during my interview with Jayne Johnson and will provide them to you if you so request.

Sincerely,



Tom Hangley

tbh
5 enc.

98043893930

Tom Haughey for Congress

Rt. 1, Box 18-J-12

San Juan, TX 78589

Tel. & Fax (210) 781-5067

November 26, 1996

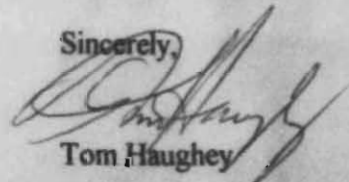
Superintendent of Schools
Brooks County Independent School Dist. Adm. Offices
South Henry
Falfurrias, TX 78355

Dear Sir:

On Monday October 21st, 1996 Ruben Hinojosa held a campaign rally on the Brooks County Courthouse grounds in Falfurrias. It is my understanding that the school district provided the crowd for that rally (which was broadcast county-wide). Under the Freedom of Information Act and the Texas Open Records Act, I hereby request a copy of the permission slip which was sent to parents seeking their approval for that proposed "field trip." I also request a list of the busses which transported said students to the rally as well as an accounting of the fair market rental value of those busses along with the salaries paid the bus drivers for providing transportation to the rally.. I further request an accounting of the salaries paid to the teachers during the time they supervised students attending the rally. In addition I request an accounting of any and all other expenses (including the printing and distribution of permission slips), which went into the planning or execution of the rally trip. I also request a statement as to the total number of students who attended the rally, the grades represented, and the number and names of schools represented. I also request a list of any and all Republican campaign rallies, if any, to which you have sent a comparable number of your students during the last ten years.

Under the provisions of pertinent federal and state statutes I request that such information be mailed to me at the above address within the next ten working days. I request exemption from any fees relating to fulfilling this request (on that grounds that diffusion of such information is in the public interest and that it will be provided to federal and state agencies.). I will, however, pay any reasonable fees that you might require.

Sincerely,



Tom Haughey

tbh

Tom Haughey for Congress

**Rt. 1, Box 18-J-12
San Juan, TX 78589
Tel. (210) 781-5067**

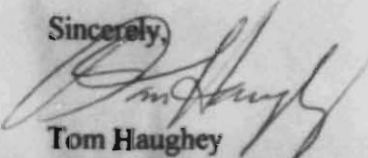
January 8, 1997

Superintendent of Schools
Brooks County Independent School Dist. Adm. Offices
South Henry
Falfurrias, TX 78355

Dear Sir:

On November 26th, 1996 I sent you a request for information under the Freedom of Information Act and the Texas Open Records Act. I'm enclosing a copy of that letter. To date I have not received a reply from you, although the mandated response time has come and gone. At this time, therefore, I repeat my request for the information. In addition, under those same provisions I request copies of any correspondence, whether written before or after my initial letter, between you or other school employees and the Democratic County Chairman, the County Judge, or one or more county commissioners or other county officials concerning your students' participation in Ruben Hinojosa's campaign rally or concerning my previous letter to you.

Sincerely,



Tom Haughey

tbh

98043893932

BROOKS COUNTY INDEPENDENT SCHOOL DISTRICT****A Child-Centered Learning Community****

Noe Saucedo, Ph.D.
Superintendent of Schools

January 16, 1997

To: Tom Haughtey
Rt. 1 Box 18-J-12
San Juan, Texas 78589

From: Noe Saucedo 
221 S. Henry
Falfurrias, Texas 78355

Re: Request for Information Under FIA and TORA Dated January 8

I am delighted to hear of your interest in our schools. It is not often enough that concerned citizens and/or elected officials indicate an interest in our programs. My response to your request for information will be quite brief. You have asked for the permission slips used for student attendance at a presentation by our County Judge on the Brooks County Courthouse grounds. You also have asked for expenses incurred to transport our children to the site. Fortunately for our community, our campus is located adjacent to the courthouse and so teachers and their children were able to walk to the assembly. As a result no cost was incurred. Since the teachers attending were incorporating the activity as part of the children's education about our great system of government, permission slips were not required.

I would like to say that as the instructional leader of our district I was very pleased to participate in the rally. I am a firm believer that the current apathy shown by registered voters by their unwillingness to exercise their right to vote is a result of a lack of education about the political process. Exposing children to various activities which give them a hands on experience can have a positive impact on their willingness to become active politically as adults.

As far as your question about "any and all Republican campaign rallies, if any, to which you have sent a comparable number of your students during the last ten years", unfortunately the answer is none. This answer, however, has not been through a choice of mine. In my tenure as superintendent of schools, I have received no invitation by Republicans inviting our students to experience the excitement of the election process. I certainly await an invitation to participate in any activity that both does not impact our district negatively financially and that will benefit our students with learning opportunities. Again, thank you for your interest in our district and please feel free to contact me in the future as the need may arise.

Tom Haughey for Congress

Rt. 1, Box 18-J-12

San Juan, TX 78589

Tel. (210) 781-5067

February 4, 1997

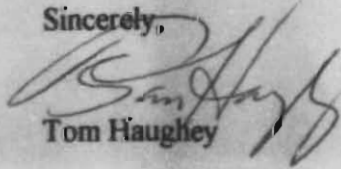
Noe Saucedo, Superintendent of Schools
Brooks County Independent School District
South Henry
Falfurrias, TX 78355

Dear Mr. Saucedo:

I read with interest your letter of January 16, 1997 which was sent in response to my two Freedom of Information Act/Texas Open Records Act requests. Frankly I was troubled by certain aspects of your letter. For one thing, it was not responsive to several specific requests for information contained in my two letters. You are required by law to respond to each such request. Secondly, I have witnesses who will attest to at least seven school busses bringing students to the rally from campuses other than the one directly adjacent to the rally sight. Remember that your county does contain several hundred Republican teachers, students, and other citizens. The facts as to which campuses participated are easy to establish. Thirdly, I do not believe that going to a partisan rally is a regular part of the curriculum of any public school system. Under the Texas Open Records Act I request that you provide me with proof that it is a regular part of your curriculum at all levels. If it is not, then please provide the financial information which I requested in my previous letters. Fourthly, I would point out to you that members of the school board have agreed that participation in a partisan rally was improper and have promised never to do so again. Your promise to have students attend any Republican rallies that take place, therefore, seems a bit empty.

Perhaps you have been misinformed by subordinates. Please look into the matter more deeply and send me the information which I have requested in this letter as well as in my previous two letters. I continue to request all that information under the Freedom of Information Act and the Texas Open Records Act. To withhold or falsify information so requested may result in severe penalties including jail time. I trust, therefore, that you were simply misinformed at the time you wrote your letter to me and that you will correct any errors and provide all information requested.

Sincerely,


Tom Haughey

tbh

9804389394



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 10, 1997

Tom Haughey
Tom Haughey for Congress
Rt.1, Box 18-J-12
San Juan, TX 78589

Dear Mr. Haughey:

This is to acknowledge receipt on March 6, 1997, of your undated letter. The Federal Election Campaign Act of 1971, as amended and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

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

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

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission. If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

Retha Dixon
Retha Dixon
Docket Chief

Enclosure

cc: Clinton/Gore '96 General Committee
Clinton/Gore '92 Committee
H and H Foods
Ruben Hinojosa for Congress
Kika Dela Garza for Congress
Brooks County Independent School District

9804339436

Tom Haughey for Congress

Rt. 1, Box 18-J-12

San Juan, TX 78589

Tel. & Fax (210) 781-5067

March 2, 1997

MAR 24 2 30 PM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

F. E. C.
999 E. Street, N. W.
Washington, D. C. 20463

MUR 4625

Gentlemen:

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1. On October 21, 1996 the Democratic Party of Brooks County, TX sponsored a Clinton/Gore campaign rally coordinated with the Clinton campaign and with an Asst. Sec. of the Treasury in attendance. My opponent, Ruben Hinojosa, also attended and was one of the honored speakers. The rally was broadcast live county-wide by KPSO-AM, with the broadcast paid for by the County Democratic Party. The rally **consisted** of students and teachers of Brooks County public schools who were taken out of classes without parental consent and bussed to the grounds of the County Courthouse by county school busses for the event. High school, junior high, and elementary students all attended. Only one elementary school was within walking distance. The rally was the major Clinton/Gore and Democratic candidates' event of the fall campaign. Public money was used to pay teachers and bus drivers for their time during the event. Public money paid for the transportation. The rally was even held on public land. The Superintendent of Schools, Noe Saucedo, was given an honored place at the assembly--along with other school officials and board members. During the rally one or more Americorps volunteers were asked to stand and be recognized as examples of the wonderful things Clinton/Gore were doing for Brooks County. I believe the rally thereby encouraged and condoned a Hatch Act violation. Speakers at the rally thanked students for coming to show their support for the Democratic Party, offered them refreshments, characterized Republicans as being opposed to funding for public education, as being against the elderly, and as favoring the abolition of Medicare and Social Security. The students were asked to get their parents, aunts, and uncles to vote straight Democratic ticket. The rally was a textbook example of brainwashing. A large number of authority figures were characterized as being Democrats because the Democratic Party "cares about people." The rally made no legitimate attempt at education and could only be characterized as educational by someone who cared nothing for truth or the free exchange of ideas.

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were represented at the meeting. Speakers had to be aware that both federal and state law was being violated by the rally. The rally was a violation of parental rights, a violation of the students' civil rights, and in my opinion amounted to official oppression. I believe it also compromised the electoral process and harmed both my congressional campaign and the campaigns of Dole/Kemp as well as those of all other Republicans on the ballot.

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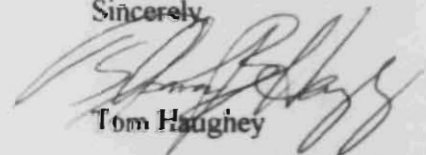
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2. In September of last year I visited Ruben Hinojosa's former personal secretary Jayne Johnson at her apartment on Forest Hills Street in Weslaco, Texas and interviewed her for a couple of hours. She had been fired by Ruben Hinojosa on August 9th, 1996 with only three days notice and no severance pay when she attempted to find out from Ruben's brother if she would have job security with H & H Foods, Ruben's company, if Ruben were elected to congress. According to Jayne, she had been working full-time on Ruben's congressional campaign since late December 1995 when he announced his candidacy. She indicated to me that she had been paid \$2,000 per month for over seven months with the company's corporate checks. She stated to me that except for writing a couple of letters for one of Ruben's brothers, she had worked exclusively on his campaign during that time--running many aspects of his campaign from his corporate offices. She further indicated to me that some other employees had expressed to her that they didn't think it

was legal for Ruben to have her do that, but that she figured it must be legal since he was. I didn't bring the matter out during the campaign because Jayne was searching for a job and had applications in at South Texas Community College (where Ruben was a member of the board) +and with Morris Atlas' law firm (Morris was directing Ruben's campaign). She was afraid that publicity would keep her from getting a job, and I didn't want to hurt her chances.

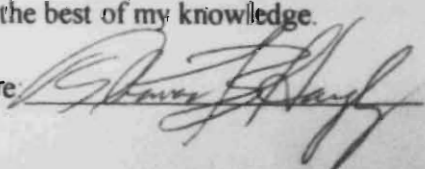
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Sincerely,

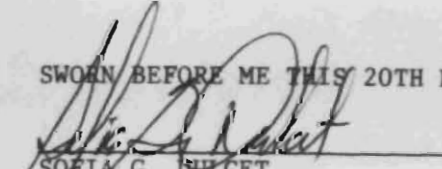

Tom Haughey

tbh
5 enc.

I hereby swear that the contents of this complaint are true to the best of my knowledge.

Signature 

SWORN BEFORE ME THIS 20TH DAY OF MARCH, 1997


SOFIA G. DULCET

NOTARY PUBLIC COMM. EXP. 8/18/98
STATE OF TEXAS, COUNTY OF HIDALGO





FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

Tom Haughey
Tom Haughey for Congress
Rt. 1, Box 18-J-12
San Juan, TX 78589

RE: MUR 4625

Dear Mr. Haughey:

This letter acknowledges receipt on March 24, 1997, 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 4625. 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 "F. Andrew Turley", is written over a horizontal line.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

98043823940



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

Lyn Utrecht, Esq.
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Ave., NW
11th Floor
Washington, DC 20036

Eric F. Kleinfeld, Esq.
Chief Counsel
Clinton/Gore '96
818 Connecticut Ave., NW
10th Floor
Washington, DC 20036

RE: MUR. 4625

Dear Ms. Utrecht and Mr. Kleinfeld:

The Federal Election Commission received a complaint which indicates that the Clinton/Gore '96 General Committee ("Committee") and Joan Pollitt, 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. 4625. Please refer to this number in all future correspondence.

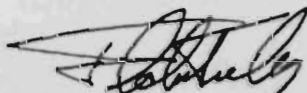
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and Joan Pollitt, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate,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

98043893941

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.

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043893942



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

J.L. "Skip" Rutherford, Treasurer
Clinton/Gore '92 Committee
410 W. Third Street
Little Rock, AR 72203

RE: MUR 4625

Dear Mr. Rutherford:

The Federal Election Commission received a complaint which indicates that the Clinton/Gore '92 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 4625. Please refer to this number in all future correspondence.

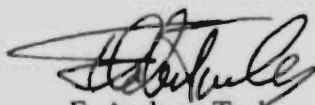
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98043893943

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043893944



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

John Schrock, Sr., Treasurer
Ruben Hinojosa for Congress
P.O. Box 1075
Mercedes, TX 78570

RE: MUR 4625

Dear Mr. Schrock:

The Federal Election Commission received a complaint which indicates that Ruben Hinojosa for Congress ("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 4625. Please refer to this number in all future correspondence.

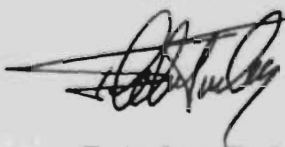
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

98043393945

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043893946



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

The Honorable Ruben E. Hinojosa
1404 South Illinois
Mercedes, TX 78570

RE: MUR 4625

Dear Representative Hinojosa:

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 4625. Please refer to this number in all future correspondence.

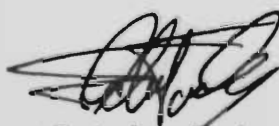
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under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

98043947

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043893948



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

The Honorable Ruben E. Hinojosa
1032 Longworth House Office Building
Washington, DC 20515

RE: MUR 4625

Dear Representative Hinojosa:

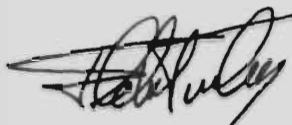
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4625. Please refer to this number in all future correspondence.

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.

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

9804309395C



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

Treasurer
Democratic Party of Brooks County
601 West Noble
Falfurrias, TX 78355

RE: MUR 4625

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that the Democratic Party of Brooks County 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 4625. 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 Democratic Party of Brooks County 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.

9804393951

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043893952



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

Jayne Johnson
305 Forest Hills Street
Weslaco, TX 78596-7719

RE: MUR 4625

Dear Ms. Johnson:

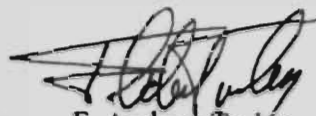
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4625. Please refer to this number in all future correspondence.

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.

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043693954



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

Rene Hinojosa
H & H Foods
P.O. Box 358
Mercedes, TX 78570-0358

RE: MUR 4625

Dear Mr. Hinojosa:

The Federal Election Commission received a complaint which indicates that H & H Foods and 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 4625. 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 H & H Foods and 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.

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043893956



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

Elivorio Hinojosa
H & H Foods
P.O. Box 358
Mercedes, TX 78570-0358

RE: MUR 4625

Dear Mr. Hinojosa:

The Federal Election Commission received a complaint which indicates that H & H Foods and 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 4625. Please refer to this number in all future correspondence.

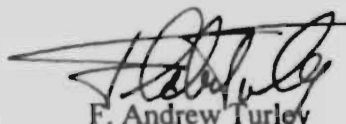
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against H & H Foods and you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be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

98043093957

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043893958



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

Noe Saucedo, Ph.D., Superintendent of Schools
221 S. Henry
Falfurrias, TX 78355

RE: MUR 4625

Dear Superintendent Saucedo:

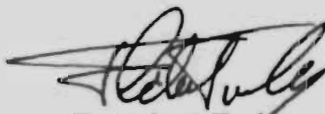
The Federal Election Commission received a complaint which indicates that Brooks County Independent School District and you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4625. Please refer to 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 Brooks County Independent School District and 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.

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

9804339396C



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

Mrs. Siglinde Franz, Treasurer
Kika de la Garza for Congress
PO Box 636
Hidalgo, TX 78557

RE: MUR 4625

Dear Mrs. Franz:

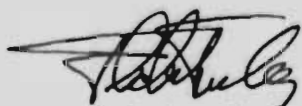
The Federal Election Commission received a complaint which indicates that Kika de la Garza for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4625. 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.

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043893962



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 31, 1997

Dr. Roberto Zamora, Superintendent of School
La Joya Independent School District
PO Box J
La Joya, TX 78560

RE: MUR 4625

Dear Dr. Zamora:

The Federal Election Commission received a complaint which indicates that the La Joya Independent School District 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 4625. 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 La Joya Independent School District 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.

If you have any questions, please contact Jennifer Henry at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043693964

CLINTON GORE '96

March 26, 1997

Lawrence M. Noble
General Counsel
Federal Election Commission
999 E Street, NW
6th Floor
Washington, DC 20463

Mar 26 1 36 PM '97

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: Clinton/Gore '96 General Committee, Inc.

Dear Mr. Noble:

This letter is to confirm that the Clinton/Gore '96 General Committee, Inc. (the "Committee") has designated the following counsel for all matters involving the Committee. I request that you send any communications, notifications or other materials for any and all matters to them.

Lyn Utrecht, Esquire
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Avenue, NW
11th Floor
Washington, DC 20006

Eric F. Kleinfeld
Chief Counsel
Clinton/Gore '96
818 Connecticut Avenue, NW
10th Floor
Washington, DC 20006

The above named individuals are authorized to serve as counsel for the Committee in any matter before the Commission. This designation of counsel is applicable to the Clinton/Gore '96 General Election Legal and Accounting Compliance Fund, as well.

Sincerely,


Joan Pollitt
Treasurer

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. WASHINGTON, D.C. 20005-2014
TELEPHONE: 202 628-6600 · FACSIMILE: 202 434-1690

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

APR 9 3 03 PM '97

JUDITH L. CORLEY
(202) 434-1622

April 9, 1997

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

APR 9 3 20 PM '97

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: MUR 4625

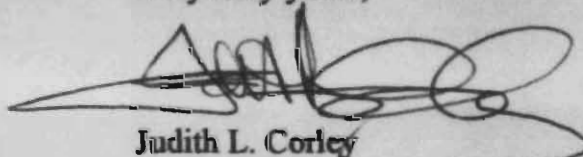
Dear Ms. Henry:

In response to your letter dated March 31, 1997, our firm has been retained to represent Representative Ruben Hinojosa and his campaign committee in the above-referenced matter under review. The letter was received by Respondents on April 8, 1997. A designation of counsel is attached.

Since we have only today received the complaint and related materials, we seek an extension of time of 20 days to prepare a response. This additional time will allow us to review the materials and gather all necessary information for the response. With the 20 day extension, the response will be due on Monday, May 12, 1997.

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

Very truly yours,



Judith L. Corley
Counsel to Respondents

enclosure

{09901-0001/DA970990.021}

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4625

NAME OF COUNSEL: Judy Corley

FIRM: Perkins Cole

ADDRESS: 607 14th St. N.W. -Suite 800

Washington, DC 20005

TELEPHONE: (202) 434-1622

FAX: ()

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

4-8-97
Date

Ruben Hinojosa
Signature

RESPONDENT'S NAME: Rep. Ruben Hinojosa

ADDRESS: 1032 Longworth HOB

Washington, DC 20815

TELEPHONE: HOME (703) 768-3601

BUSINESS (202) 225-2531

98043893967



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1997

Judith L. Corley, Esq.
Perkins Coie
607 Fourteenth Street, N.W.
Washington, DC 20005-2011

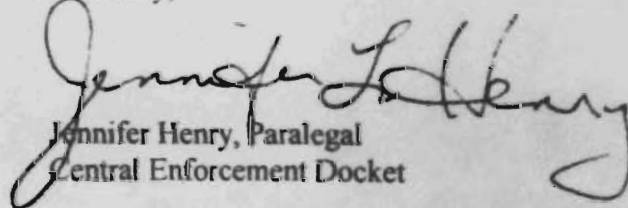
RE: MUR 4625
The Honorable Ruben Hinojosa

Dear Ms. Corley:

This is in response to your letter dated April 9, 1997, which we received on that day, requesting an extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on Monday, May 12, 1997.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

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CLINTON GORE '96

April 7, 1997

Lawrence M. Noble, Esquire
Office of General Counsel
Federal Election Commission
999 E St., N.W.
6th Floor
Washington, D.C. 20463

APR 11 10 35 AM '97
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

RE: MUR 4625
Clinton/Gore '96 General Committee, Inc. and Joan Pollitt, as treasurer

Dear Mr. Noble:

This letter requests an extension of time on behalf of the Clinton/Gore '96 General Committee, Inc. (the "Committee") and Joan Pollitt, Treasurer to respond to the complaint filed by Tom Haughey.

Due to our need to obtain and adequately review all of our records in order to file a complete response, we hereby request an extension of time of twenty days. Accordingly, we propose to file our response on May 8, 1997.

If you have any questions concerning this matter, please contact me at (202) 728-1010.

Sincerely,

Lyn Utrecht
Lyn Utrecht
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 14, 1997

Lynn Utrecht, Esq.
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Ave., NW
11th Floor
Washington, DC 20036

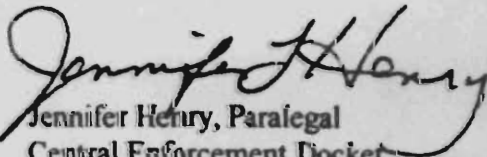
Re: MUR 4625
Joan Pollitt, Treasurer and Clinton/Gore '96 General Committee

Dear Ms. Utrecht:

This is in response to your letter dated April 7, 1997, which we received on April 11, 1997, requesting a 20 day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on May 8, 1997.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

9804382970

BROOKS COUNTY INDEPENDENT SCHOOL DISTRICT

****A Child-Centered Learning Community****

Noe Saucedo, Ph.D.
Superintendent of Schools.

APR 10 2 29 PM '97

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

To: General Counsel's Office
Federal Election Commission
Washington, DC 20463

From: *Noe Saucedo*
Noe Saucedo

Re: MUR 4625

This is in response to a letter I received on April 7, 1997. In this letter it states that a complaint stating that "Brooks County Independent School District and you may have violated the Federal Election Campaign Act of 1971" was received. Also in this letter it states that I may respond in writing so as to demonstrate that no action should be taken against BCISD or myself on this matter. I submit to you my request for additional clarification so that I may be able to properly respond.

In particular, I am requesting a listing of the specific actions undertaken by BCISD and myself which are purported to be a violation of the Federal Election Campaign Act of 1971 and specifically which portion of "the Act" was violated. This information will facilitate my ability to provide data in response to the above mentioned allegations.

Thank you for your immediate attention to this matter and I await your response.

980438971



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 11, 1997

Noe Saucedo, Ph. D., Superintendent of Schools
221 S. Henry
Falfurrias, TX 78355

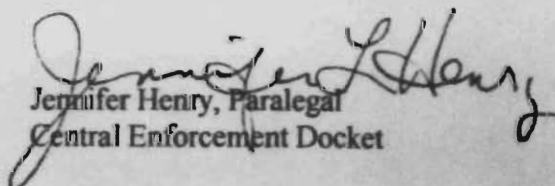
RE: MUR 4625

Dear Superintendent Saucedo:

Thank you for your response, received April 10, 1997, in which you requested further clarification from the Commission concerning "purported" violations of the Federal Election Campaign Act of 1971, as amended (hereinafter "the Act"). Please note that the Commission is not making any specific accusation against you or the school district. However, we are attempting to determine whether a violation may have occurred in the political rally which school children allegedly attended. Any information you may have about the rally, the roles and intent of you and the school district and the transportation of the students will aid in the Commission's determination of whether any violations of the Act did occur. Therefore, we respectfully request that you provide us with any information which may pertain to your and the school district's roles in the rally.

If you have any further questions, please contact me at (202) 219-3400.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

98043893972

April 8, 1997

Mr. F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket
FEDERAL ELECTION COMMISSION
999 E Street NW
Washington, D.C. 20463

APR 15 12 45 PM '97

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

RE: MUR 4625

Dear Mr. Turley:

This is to acknowledge receipt of your letter dated March 31, 1997.

I was employed by Mr. Ruben Hinojosa from June, 1995 until terminated by him on August 7, 1996. During the period December 1995 until my termination, I worked exclusively on matters pertaining to his campaign with the exception of occasional memorandums for the sales personnel and personal matters for Mr. Hinojosa such as bank reconciliations, paying his monthly bills. I was located in the office of H & H Foods, Mi 1 E & Expressway 83, Mercedes, Texas.

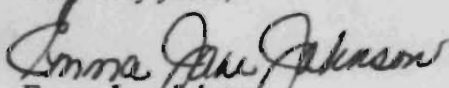
During that period, Mr. Hinojosa spent considerable time in Washington, D.C. and would telephone me instructions from there. I worked from the offices of H & H Foods and I was paid with a check drawn by H & H Foods. Had it occurred to me that I was involved in an illegal act I would have resigned immediately.

I am a single woman and my sole support. As time progressed, I felt unsure of my position with H & H Foods and I inquired of Mr. Liborio Hinojosa, Sr. what was the situation with my position. Mr. Liborio Hinojosa, Sr. avoided my question. Approximately one hour later, Mr. Ruben Hinojosa telephoned me and asked me to wait in the office for him as it was almost 12:00 Noon. I did so. Upon his arrival he informed me I was fired and that my last day of work would be Friday. The day he fired me was Wednesday, August 7, 1996 and my last day of work was Friday, August 9, 1996. I got only three days' notice and no severance pay.

Should you require documentation, I can provide you with my paycheck stubs. Please advise me if you do.

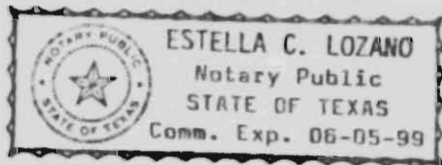
I do not believe that any blame attaches to me as I felt sure that Mr. Hinojosa would not put me or others who were in a similar position in jeopardy.

Very truly yours,


Emma Jane Johnson

STATE OF TEXAS
COUNTY OF CAMERON

This instrument was acknowledged before me on April 11, 1997 by,
Emma Jane McElroy Johnson.



Estella C. Lozano
(Notary Signature)
06-05-99
(Commission Expires)

98043893974

MONTALVO & RAMIREZ

ATTORNEYS AT LAW

900 N. MAIN STREET
MCALLEN, TEXAS 78501

JESUS RAMIREZ

TELEPHONE (210) 631-1185

FAX (210) 631-1187

April 14, 1997

Mr. F. Andrew Turly
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

APR 16 9 52 AM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF THE CLERK

Re: Docket No. MUR 4625

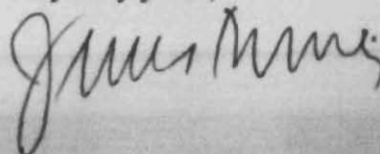
Dear Mr. Turly:

Your March 31, 1997 letter to Dr. Roberto Zamora, Superintendent of Schools for the La Joya Independent School District, has been given to me for a response.

It appears to me that the complaint only parenthetically refers to the La Joya I.S.D. about a purported incident in which students "booed Bush". The alleged incident took place more than 4 years ago. We agree with the complainant that that, if true, the incident in Brooks County raises some serious questions about the use of state and federal resources for political purposes. It has been clear policy at the La Joya I.S.D. that political events of this nature may be attended for the learning value which they impart to students. We will keep reminding our administration and our teachers that that is not only policy but federal law.

Finally, in view of the remoteness of the alleged incident and lack of any evidence of authorization by the La Joya I.S.D., we would urge your good offices to use federal financial resources where claims of substantial violations may exist.

Very truly yours,



STATEMENT OF DESIGNATION OF COUNSEL

MUR_____

NAME OF COUNSEL: Jesus Ramirez

FIRM: Montalvo & Ramirez, Attorneys at Law

ADDRESS: 900 N. Main

McAllen, Texas 78501

TELEPHONE: (210) 631-1185

FAX: (210) 631-1187

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

4-14-97
Date

Robert J. Jarama
Signature

RESPONDENT'S NAME: La Joya Independent School District

ADDRESS: P.O. Box J

La Joya, Tx. 78560

TELEPHONE: HOME() _____

BUSINESS(210) 580-5441

93043893976

BROOKS COUNTY INDEPENDENT SCHOOL DISTRICT

****A Child-Centered Learning Community****

Noe Saucedo, Ph.D.
Superintendent of Schools.

Monday, April 14, 1997

To: General Counsel's Office
Federal Election Commission
Washington, DC 20463

From: Noe Saucedo

Re: MUR 4625

APR 18 9 57 AM '97

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

This is my second response to a letter I received on April 7, 1997. In this letter it states that a complaint stating that "Brooks County Independent School District and you may have violated the Federal Election Campaign Act of 1971" was received. Also in this letter it states that I may respond in writing so as to demonstrate that no action should be taken against BCISD or myself on this matter. I submit to you my request for an extension of 30 days so that I may prepare an adequate response. I thank you for your consideration of my request and await your response.

9804389377



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 18, 1997

Noe Saucedo, Ph. D.
Superintendent of Schools
221 S. Henry
Falfurrias, TX 78355

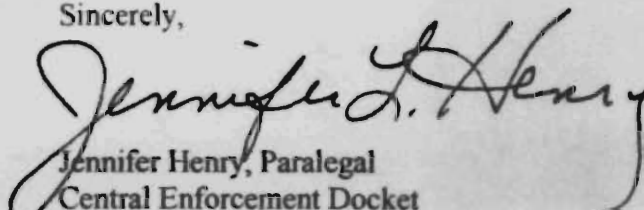
RE: MUR 4625

Dear Superintendent Saucedo:

This is in response to your letter dated April 14, 1997, which we received on April 18, requesting a 30 day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on May 22, 1997.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

98043893978

CONFIDENTIAL MAIL ROOM

APR 16 11 52 AM '97

April 11, 1997

Federal Election Commission
Attention: Jennifer Henry
999 E. Street N.S.
Washington, DC 20463

APR 17 10 04 AM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Ms. Henry:

In response to your letter requesting a response to an allegation that H & H Foods, myself, and Mr. Rene Hinojosa may have violated the Federal Campaign Act of 1971, please be advised of the following.

We are a company that has been in business for a period of over 50 years. During all this time, we have operated with the highest standards of legal and ethical conduct. As such, we are perplexed and disturbed by such allegations where you may rest assured that neither H & H, myself, or Mr. Rene Hinojosa knowingly or unknowingly participated in any wrongdoing with respect to these allegations.

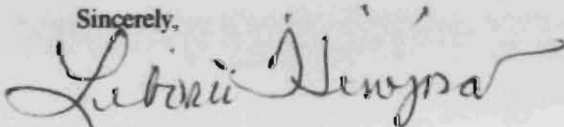
Therefore, we respectfully request that you grant us an extension of no less than thirty days so that our company may conduct its own internal investigation. Namely, we would like to interview the ex-employee mentioned in the allegations. Arrangements are currently in the process of being made to interview this person. This we find it necessary in order to properly, truthfully, and accurately convey our response to the allegations listed.

This time extension request is also being petitioned because last week there was a death in the family. We were out of the office most of the time. Unfortunately, we were unaware that these complaints were sitting in our office. Thus, we were not made aware that these complaints had a time limitation to respond until we returned to the office.

Should we discover, that if correction need to be undertaken, we will gladly cooperate on this activity.

Thank you.

Sincerely,



Laborio Hinojosa,
Chief Executive Officer

CC: Rene Hinojosa





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 18, 1997

Liborio Hinojosa
Chief Executive Officer
P.O. Box 389
Mercedes, TX 78570

RE: MUR 4625

Dear Mr. Hinojosa:

This is in response to your letter dated April 11, 1997, which we received on April 16, requesting a 30 day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on May 19, 1997.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Jennifer Henry
Jennifer Henry, Paralegal
Central Enforcement Docket

98043893980



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 18, 1997

Rene Hinojosa
P.O. Box 389
Mercedes, TX 78570

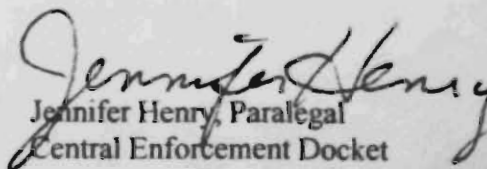
RE: MUR 4625

Dear Mr. Hinojosa:

This is in response to your letter dated April 11, 1997, which we received on April 16, requesting a 30 day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on May 19, 1997.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

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LAW OFFICE OF
RICARDO H. SOLIZ
P.O. BOX 729
PREMONT, TEXAS 78375

OFFICE:
(512) 348-3669

ZAPATA OFFICE
(210) 766-6606

RECEIVED
ELECTION
COMMISSION MAIL ROOM

APR 17 8 50 AM '97
STATE BAR NO: 18827610
FAX # 512 348-2095

April 14, 1997

Federal Election Commission
Washington, D.C. 20463

Attn: F. Andrew Turley

RE: MUR 4625

Dear Mr. Turley:

Please be advised that I am in receipt of your letter dated March 31, 1997 addressed to me as the Brooks County Democratic Chairman and/or Democratic Party Treasurer.

Let me state that I was appalled by the accusations of Mr. Tom Haughey. To begin with, there never has been an active Republican Party in Brooks County; in fact just last year the Republicans held their FIRST Republican Primary in Brooks County. If they wanted to have a rally in Brooks County, all they had to do was organize it and maybe people would have turned out for it. It is not anyone's fault that the Courthouse is primarily controlled by members of the Democratic Party. I personally do not think that anyone would have had any objections to a Republican rally; it's just that the Republican Party is not very organized in South Texas.

Further, the Democratic Party to my knowledge, did not contribute or pay to the School District to bus the students to the rally. It just so happens that the school is directly across the street from the courthouse and the school was let out early. The Democratic party furnished refreshments to not only the students but to all the public that attended the rally.

Other officials were present at the rally; not just Mr. Ruben Hinojosa; State Senator Carlos Truan and a State Representative were also included in the group. If a Republican official were touring the South Texas area, I would think that the whole community would come out to welcome them. You see Falfurrias is a small community and when somebody big or well known comes to the area, the whole town comes out to greet him or her, Democratic or Republican.

APR 17 9 53 AM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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pg. 2, Federal Election Commission

It is our position that we did not do anything wrong and that it really provided an educational experience for everyone or all ages.

Sincerely,

Ricardo H. Soliz -
Ricardo H. Soliz

RHS/lb

xc: file

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STATEMENT OF DESIGNATION OF COUNSEL

MUR.

4625

Names of Counsel

Lyn Utrecht, Esq.
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Avenue, N.W., Suite 1100
Washington, D.C. 20006
(202) 728-1010

Eric Kleinfeld, Esq
818 Connecticut Avenue, NW, Suite 1000
Washington, DC 20008
(202) 496-5051

APR 18 3 45 PM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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

4/16/97
Date


Signature

Name: Skip Rutherford, Treasurer

Address: P.O. Box 2741

Little Rock, AR 72203

Business Phone: (501) 375-1290

PERKINS COIE

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

JUDITH L. CORLEY
(202) 434-1622

April 21, 1997

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

Re: MUR 4625

Dear Ms. Henry:

Please find enclosed two additional designations of counsel for respondents in the above-referenced Matter Under Review: Rene Hinojosa and Liborio Hinojosa.

Because we have just been retained to represent these two individuals, I request an extension of time to respond to the complaint. The extension is necessary to gather the information required to prepare a response. I would ask that the extension be granted for the same amount of time as our earlier extension request: until Monday, May 12, 1997.

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

Very truly yours,

Judith L. Corley /jc

Judith L. Corley
Counsel to Respondents

enclosure

[09901-9700/DA971110.037]

APR 21 3 19 PM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF THE GENERAL COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4625NAME OF COUNSEL: Judith L. CorleyFIRM: Perkins CoieADDRESS: Suite 800
607 Fourteenth Street, NWWashington, D.C. 20005-2011TELEPHONE: (202) 434-1622FAX: (202) 434-1690

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

4-12-97

Date

Rene Hindiosa

Signature

RESPONDENT'S NAME: RENE HINDIOSAADDRESS: P. O. Box 358Mercedes TX 78570TELEPHONE: HOME: BUSINESS: 210 565 6363

APR 21 3 19 PM '97

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

9804309386

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4625NAME OF COUNSEL: Judith L. CorleyFIRM: Perkins CoieADDRESS: Suite 800607 Fourteenth Street, NWWashington, D.C. 20005-2011TELEPHONE: (202) 434-1622FAX: (202) 434-1690

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

4-12-97
 Date

Liboris Hingora
 Signature
RESPONDENT'S NAME: Liboris HingoraADDRESS: P.O. Box 308MERCEDES TX 78570TELEPHONE: HOME: 214 631-3586BUSINESS: (214) 565-6363
 RECEIVED
 FEDERAL ELECTION
 COMMISSION
 OFFICE OF GENERAL
 COUNSEL
 APR 21 3 19 PM '97



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 22, 1997

Judith L. Corley, Esq.
Perkins Coie
Suite 800
607 Fourteenth Street, NW
Washington, DC 20005-2011

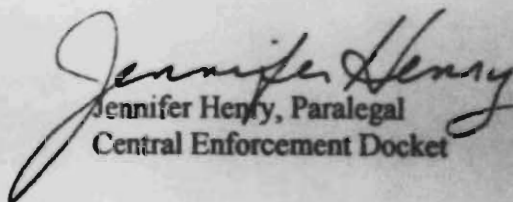
RE: MUR 4625
Rene Hinojosa
Liborio Hinojosa

Dear Ms. Corley:

This is in response to your letter dated April 21, 1997, which we received on that day, requesting an extension to respond to the complaint filed in the above-noted matter. Although your request is made after the due date of your clients' responses, after considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on May 12, 1997.

If you have any questions, please contact me on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

9804339380

Kika de la Garza for Congress
P.O. Box 636
Hidalgo, Texas 78557

April 22, 1997

APR 28 10 25 AM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Mr. F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, DC 20463

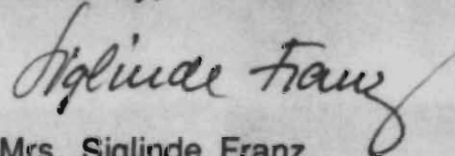
RE: MUR 4625

Dear Mr. Turley:

I hereby acknowledge the receipt of a complaint to the Federal Election Commission by Tom Haughey for Congress dated March 2, 1997. There appears to be no credible allegation for any violation of the Federal Election Campaign Act of 1971 by the Kika de la Garza for Congress Committee. Nevertheless, our records will be reviewed and I am therefore requesting a 30 day extension to do so.

I thank you for your consideration.

Sincerely,



Mrs. Siglinde Franz
Treasurer

98043669



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 1997

Mrs. Siglinde Franz, Treasurer
Kika de la Garza for Congress
P.O. Box 636
Hidalgo, TX 78557

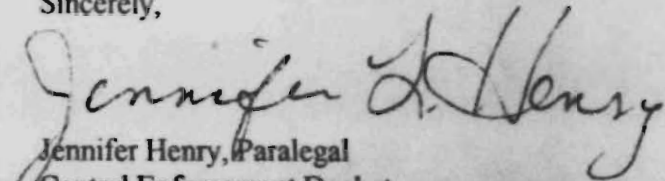
Re: MUR 4625

Dear Mrs. Franz:

This is in response to your letter dated April 22, 1997, which we received on April 28, requesting a 30 day extension to respond to the complaint filed in the above-noted matter. Although your request is made after the due date of your response, after considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on May 19, 1997.

If you have any questions, please contact me on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

98043893920

CLINTON GORE 96

May 8, 1997

Lawrence M. Noble, Esquire
Office of General Counsel
Federal Election Commission
999 E St., N.W.
6th Floor
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 8 3 13 PM '97

RE: MUR 4625

Clinton/Gore '96 General Committee, Inc. and Joan Pollitt, as treasurer
Clinton/Gore '92 Committee and J.L. "Skip" Rutherford, as treasurer

Dear Mr. Noble:

This is the response of the Clinton/Gore '96 General Committee, Inc. (the "Committee") and Joan Pollitt, as Treasurer, to the complaint filed in the above-captioned MUR. This response also addresses an allegation made with respect to the Clinton/Gore '92 Committee. As more fully explained below, the Committee respectfully requests that the Federal Election Commission (the "Commission" or "FEC") find no reason to believe that any violation of the Federal Election Campaign Act of 1971 (the "Act") (2 U.S.C. § 431 *et seq.*), as amended, occurred with respect to either the 1996 or 1992 Clinton/Gore campaigns and close this matter.

Statement of the Case

Complainant alleges that on October 21, 1996 the Brooks County Democratic Party held a campaign rally, at which remarks were made favoring the Clinton/Gore ticket. Complainant calls the rally a "major Clinton/Gore and Democratic candidates' event." Complainant indicates that remarks made at the event were supportive of the Democratic Party as a whole, discussed the Democratic Party platform, and elicited votes for the "straight Democratic ticket." While the complainant, who lost a race for Congress in 1996, focuses his primary accusations against his former opponent, he attempts to drag both the Committee and the 1992 Clinton/Gore campaign into this matter.

The complaint fails to supply any evidentiary support as to how this rally violated the Act, but, instead, is accompanied by an exchange of correspondence with the local school superintendent conclusively refuting the purported allegation made with respect to the Committee.

Discussion

A. The Complaint is legally insufficient as a matter of law and completely devoid of any factual or legal support, compelling its dismissal.

Contrary to the requirements of the Act and Commission's regulations, the complainant makes a series of hypothetical and speculative statements in order to reach a conclusion without any facts of support provided to the Commission. The Commission's regulations require a complaint, in order to be valid, to provide a "clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction..." 11 C.F.R. § 111.4(d)(3).

Complainant fails to meet the requirements of a valid complaint, because he fails to provide any facts which might constitute a violation of the Act or any Commission regulation. His recitation of the facts, which is neither clear nor concise, is that a rally occurred in Brooks County Texas, sponsored by the local Democratic party for the entire Democratic ticket. Such a description of the facts falls far short of describing a potential violation. In the absence of a more specific description, the Commission should not and cannot investigate every single local rally which may have occurred across the country in order to mobilize enthusiasm for the upcoming election.

Complainant also fails to meet the requirements of a valid complaint, because he fails to allege a specific violation of the Act. Nowhere does complainant cite to the Act or to the Commission's regulations (or even mention them, for that matter). Neither does complainant offer even a minimal explanation as to how any of the circumstances he describes violates anything in the Act. Without such an explanation, the Committee is left to guess and speculate as to how to respond to this complaint.

Merely asserting that a rally occurred, without clear, concise and specific evidence of wrongdoing with respect to the rally and the respondents named, is not sufficient to allege an "illegal in-kind donation." The sole allegation made by complainant is conclusively refuted by the complainant's attachment. Complainant wrongly asserts that rally attendees were bussed to the event by the Brooks County public schools. However, the correspondence from the Brooks County Superintendent of Schools, attached to the complaint by complainant, states that not only were no school busses used to bus attendees to the event ("teachers and their children were able to walk to the event"), no costs were incurred by the school district at all.

Obviously then, complainant's single allegation falls on the face of the complaint, and even though complainant chooses to disregard his own evidence, the Commission should not. All of the complaint's purported allegations with respect to the Committee are conclusively answered in complainant's own attachment.

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With respect to the 1992 Clinton/Gore Committee, the complaint contains an allegation based on absolute hearsay. Complainant states "I have been told that a similar event happened . . . [i]n 1992 . . .". For the Commission to proceed some five years later based on this sentence is not only absurd, it is contrary to the clear requirements of the Act pertaining to the sufficiency of a complaint. Simply because the complainant swears some five years hence that he was told that a certain event occurred fails to meet even the minimum standard required for the Commission to look into this matter. Complainant does not even allege anything improper under the Act occurred at this event in 1992.¹ Clearly something significantly more than this type of hearsay statement is and should be necessary to trigger any of the Act's requirements.

The Commission should not be misled by a complainant clearly disgruntled with the outcome of his own race, particularly when the charges made do not rise to the minimum level required by law to sustain a complaint under the Act. For that reason, the Commission should immediately dismiss this spurious complaint and close this matter.

B. Although the event referred to in the complaint was not sponsored, planned or implemented by the Committee, even if the few facts contained in the complaint are true, there is no violation.

Even if the Commission finds that this complaint is sufficient as a matter of law, and even if the facts contained therein are true, the Committee has not violated the Act or Commission regulations. The rally at issue is typical of hundreds of such events which occur across the country during the course of the general election period. Local party activity, such as this, has long been recognized as a legitimate exercise of election-related activity, consistent with the Act and even encouraged by the authors of the law as the an integral part of grass roots political party activity, specifically for the purpose of getting out the vote.²

More specifically, however, the undisputed and accurate facts of this matter demonstrate clearly that no violation occurred. The event complained was not a Clinton/Gore campaign rally. The Committee had no role in planning this event; it did not request or suggest that the local party hold such an event. The Committee also had no role in implementing the event. The Committee did not select the site, it did not design the program, it did not invite the speakers, and it did not take any action intended to convey sponsorship of this rally. In addition, the Committee did not actively participate in providing a presence at the event. None of the

¹Respectfully, respondents suggest that the 1992 Clinton/Gore campaign should not have been named as a respondent by the Commission. Complainant is not seeking any action by the Commission with respect to the 1992 event, other than to request the Commission stop the "Democratic party [from] run[ning] roughshod over the human rights of school children . . .". Yet, the Commission still compelled the 1992 campaign to respond.

²The permissibility of party-sponsored get out the vote activities is recognized in the Act at 2 U.S.C. § 431 and in the Commission's regulations at 11 C.F.R. § 100.7 and § 100.8.

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candidates or their spouses attended.³

Because this was not a Clinton/Gore sponsored event, the Committee had no obligation to pay for the costs of this event, and it did not do so. Instead, this event was a party event or, as it is more commonly known, a "coordinated campaign" event. This was an event sponsored by a county political party for the purpose of getting out the vote for the entire Democratic ticket in the general election. The focus of this event was ticket-wide and included a variety of candidates, not just at the Federal level, but also at the state and local levels. This event did not focus primarily on the presidential race, but, rather that race was just one of many that were included.

Even the complaint recognizes that the primary focus of the event was in generating support for the Democratic ticket generally and for specific issues favored by Democratic candidates. Complainant admits that the event speakers talked about "being Democrats" and the Democratic party generally. Absolutely nothing contained in the complaint indicates that this rally, as carried out, could be classified as a Clinton/Gore rally. Contrary to the bitter aspersions set forth by complainant, the rally as described by complainant himself appears to be precisely the type of local party rally that was carried out consistently with the Act's provisions.

Moreover, nothing in the Act would preclude an event, as it has been described in this particular complaint. Neither the site nor the conduct of the event would violate any provision of law within the Commission's jurisdiction. The letter from the Superintendent of Schools of Brooks County, as attached by complainant himself, demonstrates that no costs of this event were paid for by the schools district, though the Committee does not concede that this would have resulted in any violation by the Committee even if it were not true. If the school district did not pay for any of the event costs, then no "in-kind donation" was made by the schools to the Committee, as complainant is apparently alleging.

Simply put, by no stretch of the imagination do the facts herein constitute an in-kind contribution to the Committee. Accordingly, when the complaint and its attachment are read as a whole, and even when taking the contents therein as true, there is no basis for the Commission to conclude that the Committee violated any provision of the Act or Commission regulations. For that reason, the complaint should be dismissed.

Conclusion

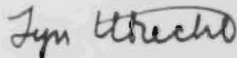
Accordingly, the facts, as set forth in the complaint, describe a legitimate, permissible ticket-wide get out the vote rally for Federal, state and local Democratic candidates in Brooks County Texas -- not an activity which in any way remotely demonstrated in the complaint

³Of course, the Committee does not concede that if these particular facts were different and if the Committee had participated in some manner, that there would be any difference in the analysis that follows.

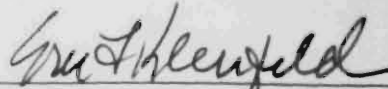
violated a provision of the Act. While the Commission should find the complaint legally insufficient and invalid on its face, even if it does not, there is no factual description contained therein which would merit proceeding further with this matter with respect to either the 1996 or 1992 Clinton/Gore campaigns.

In conclusion, the Committee respectfully requests that the Commission find no reason to believe that any violation of the Act or of the Commission's regulations occurred with respect to the actions taken by the Committee.

Respectfully submitted,



Lyn Utrecht, Esquire
General Counsel
Clinton/Gore '96 General Committee, Inc.



Eric F. Kleinfeld, Esquire
Chief Counsel
Clinton/Gore '96 General Committee, Inc.

98043393995

PERKINS COIE

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

JUDITH L. CORLEY
(202) 434-1622

May 12, 1997

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

Re: MUR 4625

Dear Ms. Henry:

This letter constitutes the response of The Honorable Rubén Hinojosa, René Hinojosa and Liborio Hinojosa to the complaint filed by Tom Haughey. The complaint is without merit and should be dismissed. The complaint contains two allegations, each of which will be addressed in turn.

The Rally

Mr. Haughey makes several allegations with respect to a campaign rally held in the congressional district, only one of which appears to be based on the federal campaign laws. He alleges that Congressman Hinojosa and his campaign committee received a prohibited in-kind contribution (from whom is not clear) as the result of Congressman Hinojosa's attendance at the rally. A review of the facts will show that no in-kind contribution occurred.

The rally was an event initiated, planned, organized and carried out by the Democratic Party and the Clinton/Gore campaign as part of a larger promotion called "Adelante con Clinton," aimed at Hispanic voters. It was intended to promote the Presidential/Vice Presidential ticket in the 1996 general election. It allowed Democratic candidates and public officials, both federal and state, to appear with the top of the Democratic ticket and to show their support for Democratic Party issues (such as education) and for the Presidential/Vice Presidential candidates. The rally was attended by between 13 and 15 public officials (including, as Mr. Haughey notes,

[26809-0001/DA971250.035]

May 12, 1997

Page 2

the Superintendent of Schools, school officials and board members), as well as Democratic Party officials and candidates.

Congressman Hinojosa appeared at the rally and made a few, limited, remarks, as did the 13 to 15 other public officials and Democratic candidates also in attendance. The Congressman's remarks centered on the Democratic Party's Families First Agenda and the Clinton/Gore ticket. That is the sum and total of the Congressman's or his campaign's involvement in the rally. Congressman Hinojosa was the only person from his campaign to attend. His campaign staff were not involved in any aspect of the planning or organizing of the rally. His campaign incurred no expenses with respect to the event. The campaign issued no press releases or other written materials in connection with the event. The rally did not publicize Congressman Hinojosa's candidacy.

These types of rallies to promote the presidential ticket of a major political party are at the heart of party election activity. In efforts to promote their party, events are often held to "rally" voters and encourage them to vote. Invitations are often extended to local public officials or other recognized members of the community. Especially when a campaign is attempting to reach out to a distinct ethnic community, such as the Hispanic community, individuals who are known to that community are included in the effort to lend weight and credence to the appeal for votes. These events are designed to promote the top of the ticket, under the theory that "a rising tide lifts all boats," and that voters will be most familiar with the Presidential candidate.

The Federal Election Commission has recognized that these types of activities are a fact of life in campaigns, and that they are not intended as contributions to participating candidates. See, for example, 11 C.F.R. § 100.7(b)(16)(materials produced by candidate that mention other candidates ("coattails" exemption)), or § 100.7(b)(17)(GOTV or registration activities on behalf of Presidential campaign that incidentally mentions a congressional candidate).

The rally in question clearly falls into this category of activities and should not be considered a contribution in-kind to the Hinojosa campaign.

May 12, 1997

Page 3

The Secretary

Mr. Haughey also alleges that Congressman Hinojosa's former personal secretary, Emma Jane Johnson, told him that she had worked virtually full time on the Congressman's campaign while receiving a salary from the Congressman's business, a corporation.

Background

Congressman Hinojosa was the President and Chief Financial Officer of H & H Foods in Mercedes, Texas, for 20 years until his election to Congress. He had worked at the family-owned business all his life. His brothers Liborio (then Chief Executive Officer and Chairman of the Board of Directors, now President) and Rene Hinojosa (Vice President) helped him run the company. H & H Foods employs over 400 individuals in south Texas -- it is the largest employer in the small community of Mercedes, Texas.

As President and CFO, Congressman Hinojosa had a personal secretary. A copy of the position's job description is attached. Ms. Johnson was hired to fill this position on June 30, 1995. She took the place of the Congressman's former secretary who had been with him for nine years. Her resume, along with others, was referred to H & H Foods from the Texas Employment Commission.

The major responsibilities of the job involved screening and handling telephone calls and visitors for the President of the company. As the President, the Congressman frequently received calls or visitors that were better handled by others within the company (such as salesmen or customers). The President's secretary was responsible for seeing that these calls or visitors were routed to the appropriate person. The secretary was also responsible for scheduling meetings and other appointments for the President and for performing general secretarial duties (typing and filing).

Because of his position at H & H Foods, Congressman Hinojosa was prominent and active in many civic and charitable activities in the community. See attached resume. In connection with these activities, and later, in connection with his campaign, people would frequently try to contact the Congressman at his home or office. As noted, Ms. Johnson received these calls in the office and was responsible for taking messages or routing the calls to the proper person.

May 12, 1997

Page 4

Ms. Johnson was terminated by H & H Foods effective August 9, 1996. As the enclosed affidavit from Liborio Hinojosa states that her termination was the result of a company-wide downsizing. In late 1995 and early 1996, several economic factors resulted in a significant slowdown of business for H & H Foods. These included a drought that affected the availability and cost of the food products produced by H & H Foods and the devaluation of the Mexican peso. As a result, the company laid off between 10 and 12 people throughout the company in August 1996. Because Congressman Hinojosa was frequently out of the office on campaign and other business, Ms. Johnson did not have enough work to keep her busy and she was terminated as part of the downsizing.

Campaign Activity

Congressman Hinojosa announced he was running for Congress in late December 1995. By January, he had established a separate campaign office and hired campaign staff and consultants. There was simply no need, therefore, for Ms. Johnson to have a major role in campaign activities.

As the enclosed affidavit confirms, Congressman Hinojosa acknowledges that many people may have tried to contact him on campaign business at his office. Because he was frequently out of the office for business, civic and/or campaign matters, Ms. Johnson was responsible for handling these calls by taking messages or by routing them to the campaign. He estimates, however, that this involved perhaps one percent of her time and involved no more than answering the phone.

In addition, Ms. Johnson may have occasionally been involved in scheduling issues for the Congressman. Because of his many activities, it was necessary to coordinate scheduling between his business, civic and campaign activities. Mr. Haughey refers to a specific call during the campaign related to a debate on channel KEDT. Congressman Hinojosa has no recollection of the specifics of this contact, but may have asked Ms. Johnson to confirm his appearance in the debate once scheduling issues had been resolved.

Finally, Congressman Hinojosa acknowledges that he asked Ms. Johnson to come to his home on two occasions to assist the campaign with preparing (typing) thank you letters. The time spent amounted to approximately two half days (total of one full day).

Arguably, these activities fall into the "incidental" volunteer activity exception to the general prohibition on corporate contributions to federal campaigns (no more than one hour per week or four hours per month). 11 C.F.R. § 114.9. In any event, the time spent was de minimis. By analogy, even the strict ethics code of the House of Representatives acknowledges that some overlap of campaign and official business is unavoidable.

In responding to 'official' inquiries from the press or constituents, for example, congressional staffers may need to address questions that relate to a Member's political campaign. Similarly, scheduling assistance and information from the official staff may be requested by the campaign staff to ensure that no conflict occurs between the Member's campaign schedule and official agenda. [The House Ethics Committee] acknowledged that, as a practical matter, it may be impossible to have an absolute separate of duties.

House Ethics Manual, April 1992 at 283-284. It is no more possible to have an absolute separate of private business and campaign duties when a businessman is running for office.

Nonetheless, to avoid any question of improper use of corporate resources, and because Ms. Johnson continued to receive her company salary during these activities, Congressman Hinojosa has decided to reimburse the company for the minimal time Ms. Johnson spent on campaign activity. Ms. Johnson was paid \$346.15 on weekly basis. The value of one percent of Ms. Johnson's time (for answering campaign calls at the office) for the 33-week period in question (end of December 1995 through her termination on August 9, 1996, was \$114.23. The reimbursement for a day's time spent typing thank you letters for the campaign amounts to \$69.23. To cover any other time that may have been spent on campaign matters, the campaign will reimburse the company for one week of Ms. Johnson's salary: \$346.15.

Conclusion

The complaint filed by Mr. Haughey was based on inaccurate facts and information. As the opponent of Congressman Hinojosa in the election, the partisan nature of such a complaint must also be taken into consideration. The above discussion demonstrates that there has been no violation of campaign laws and that

May 12, 1997
Page 6

the complaint was without merit. It should be dismissed and the Commission should take no further action.

Very truly yours,

Judith L. Corley/j

Judith L. Corley
Counsel to Respondents

attachments

9800433370001

H&H FOODS
Job Description

TITLE: Administrative Secretary

REPORTS TO: President

RESPONSIBILITIES:

Responsible for coordinating a smooth operating office in a departmental capacity by keeping records, files and other required documents in an orderly manner. Responsible for reliving officer of clerical work and minor administrative and business details.

DUTIES:

Answers and screens all incoming phone calls; supplying necessary information to callers and/or routes calls appropriately; places outgoing calls for president.

Reads incoming mail, locates and attaches appropriate file on correspondence to be answered by officer

Takes dictation in short hand or on stenotype machine and prepares correspondence for signature. At times will compose and type routine correspondence.

Schedules appointments, makes travel arrangements and reservations.

Compiles and types statistical reports.

Maintains all departmental records in an orderly fashion by filing all documentation in a timely manner.

Any other duties as assigned by President/ or superior.

REQUIREMENTS:

High School diploma with professional secretarial training or three to four years experience in work related area.

SALARY:

Open, depending on experience.

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Rubén E. Hinojosa

Democratic Nominee, U.S. Congress, Texas 15th District

Residence: Mercedes, Texas

Education: University of Texas - Austin, 1962
Bachelor of Business Administration

University of Texas - Pan American, Edinburg, 1980
Masters of Business Administration

Title: President and Chief Financial Officer
H&H Foods - Mercedes, Texas
Prepared Foods Manufacturing since 1947

Elected: Texas State Board of Education - Chairman of Special Populations Committee
15th Congressional District, 1974-1984

Appointed: Board of Regents - South Texas Community College
by Governor Ann Richards, 1993
Elected in 1996

Board of Directors - Harvard Journal of Hispanic Policy - Cambridge, Massachusetts
by the John F. Kennedy School of Government, Harvard University, 1996

Board of Directors - State Bar of Texas
by the Texas Supreme Court, 1992-1995

Board of Directors - National Livestock and Meat Board - Chicago, Illinois
by the Texas Beef Industry Council, Austin, Texas, 1989-1994

Personal: 8th of 11 children (4 daughters and 7 sons) of early founders of the Rio Grande Valley.

Father, Salvador (deceased), and Mother, Marina M. Hinojosa

Married to Martha L. Hinojosa, Partner in Architectural Firm

Two children: Kaitlin and Karén.

Three adult children: Ruben Jr., Laura, and Iliana.

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RUBÉN E. HINOJOSA

1614 W. Pecan
McAllen, TX 78501
(210) 686-6455

EDUCATION:

Master of Business Administration
University of Texas-Pan American/1980
Bachelor of Business Administration
University of Texas-Austin/1962

AREAS OF EXPERTISE:

- * Administration and Finance
- * Strategic Business Planning
- * Corporate Finance
- * Public Relations
- * Sales and Marketing

BUSINESS AND INDUSTRY:

- 1994 Developed strategic business plan for H&H to make a transition from packer to Prepared Foods Manufacturer. Negotiated financing for a multi-million dollar plant expansion, raising the Company's number of employees to 365. H&H manufactures Home-Style Mexican Foods and Charbroiled Beef Patties for multi-state distribution.
- 1989-93 National Livestock and Meat Board Director - Chicago
Beef Board Committee Member, Chicago, IL. (Four Year Term)
- 1989-93 Texas Beef Industry Council, Board of Directors, Austin, TX
- 1987 Negotiated and acquired financing for a \$1.7 -million fleet of tractors and refrigerated trailers to achieve regional distribution of food products for H&H Foods
- 1985 Chairman, Board of Directors, Southwestern Meat Packers Association (Five state region) TX, NM, OK, AK, and LA.
- 1984 President, Southwestern Meat Packers Association
- 1984 Researched local, state and national data to help write a Feasibility Study for the marketing of H&H Chorizo/Sausage
- 1983 Planned and developed a \$3.4-million Distribution Center with creative financing of an Urban Development Action Grant (UDAG) and Texas

Rubén E. Hinojosa for Congress

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- Industrial Revenue Bonds. The expansion provided 100 new jobs at H&H Foods
- 1979 Implemented expansion plans for a \$1-million Protein Recycling Plant for H&H Meat Products Co., Inc. through sale of Texas Industrial Revenue Bonds.

PUBLIC SERVICE:

- 1996 Member, Harvard Journal of Hispanic Policy Board of Directors
- 1993-96 Chairman and Member of Board of Trustees for South Texas Community College
- 1993-95 Public Member, Texas State Bar Board of Directors (3 year term)
- 1992-93 Chairman, Steering Committee to create the South Texas Community College to serve Hidalgo-Starr Counties
- 1992 Chairman, Regional Steering Committee to develop a strategic Rio Grande Valley Plan for Higher Education Facilities
- 1992 Member, State Advisory Committee on Technical Education to Texas Higher Education Coordinating Board
- 1992-96 Member, University of Texas-Pan American, College of Business, Administration, Foundation Advisory Council
- 1990 President, Boys and Girls Club of McAllen (Director 1984-1992)
- 1988 Adjunct Professor-Pan American University, School of Business
- 1982 Member, University of Texas at Austin, College of Education, Foundation Advisory Council; Appointed a Lifetime Member.
- 1984 University of Texas, College of Education Endowed Professorship, Ruben E. Hinojosa Regents Professorship in Education, Austin, TX, to promote Education of Hispanics.
- 1983-89 Director, Rio Grande Valley Chamber of Commerce
- 1983-89 Member, Pan American University - School of Business Administration, Advisory Council
- 1982-84 Chairman, Executive Committee to develop feasibility study and create Regional High School for Health Professions; Rio Grande Valley Magnet Schools
- 1975-84 Elected Member, Texas State Board of Education, Austin, TX
Served on many committees including Finance Committee, Special Populations Committee, and the Investment Committee for the Permanent Public School Fund.
- 1981 Chairman, The American Heart Association, Rio Grande Valley
- 1974-83 Director, Board of Trustees, Knapp Memorial Hospital, Weslaco, TX
- 1972-74 Member, Board of Trustees, Mercedes Independent School District
- 1968-70 Director, Board of Catholic Advisors, Our Lady of Mercy Church

Rubén E. Hinojosa for Congress

1968 U.S. Jaycee Ambassador to Colombia and Ecuador, International
Program (traveled abroad promoting Jayceeism)
1966 Chairman, Rio Grande Valley Jaycee Congress, South Texas
1964-65 President, Mercedes Jaycees, Mercedes, TX

DISTINGUISHED HONORS AND AWARDS:

1995 Hispanic Magazine's 1995 Hispanic Achievement Award for lifetime
accomplishments...presented at Chicago Cultural Center.
1995 U.S. Small Business Administration's Award for Excellence in
Public Service
1994 Hispanic Man of the Year-Rio Grande Valley-Freedom Newspapers
1993 Entrepreneur of the Year-Finalist 1993, Honored by Ernst & Young, Merrill
Lynch, and the Business Journal - Inc.
1993 Distinguished Alumnus-University of Texas-Pan American
1991 Man of the Year Award-Mercedes Chamber of Commerce
1991 Special Distinction Award of Entrepreneurship, University of Texas-
Pan American
1989 Hispanic Salute '89, Ford Division Hispanic Marketing Division;
Honoree Ruben E. Hinojosa was recognized for Outstanding Achievement
in Business and Education.
1987 U.S. Small Business Administration, Minority Business Entrepreneur of
the Year National Award...presented at the White House by Pres. Reagan
1983 U.S. Department of Commerce, Minority Business Entrepreneur of the
Year National Award...presented at the White House by Pres. Reagan
1982 JCI Senator, U.S. Jaycees, Tulsa, OK, National Office
1978 T.A.B.E. Outstanding State Board of Education Member of the Year Award
Austin, TX (Texas Association of Bilingual Education)
1977 F.F.A. Honorary State Farmer, Vocational Agriculture, Austin, TX
1958 Rotary Club's Distinguished High School Graduate Award-Scholarship
1958 Senior Class President, Mercedes High School

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 4625

AFFIDAVIT OF LIBORIO HINOJOSA

I, Liborio Hinojosa, hereby state as follows:

1. I have personal knowledge of the facts set forth herein and if called to testify in this matter, I would testify as set forth herein.
2. I served as Chief Executive Office and Chairman of the Board of Directors of H & H Foods of Mercedes, Texas during the entire period that Emma Jane Johnson was employed by H & H Foods.
3. Ms. Johnson was hired to be the personal secretary to my brother, Rubén Hinojosa, then President and Chief Financial Office of H & H Foods.
4. Ms. Johnson was hired on June 30, 1995 and her employment was terminated on August 9, 1996. Her weekly salary during her entire employment was \$346.15.
5. As demonstrated by the enclosed Receipt for Employee Handbook, Ms. Johnson was, and acknowledged that she was, an "at will" employee. The receipt that she signed states clearly "My employment may be terminated at any time, either by me or by the Company, with or without cause."
6. Ms. Johnson was terminated as part of a company-wide downsizing brought about as the result of economic conditions that adversely affected H & H

Foods' business at a time when there was not enough work to keep her adequately busy.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this _____ day of May, 1997.

Liborio Hinojosa

Liborio Hinojosa

98043894008

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 4625

AFFIDAVIT OF THE HONORABLE RUBÉN HINOJOSA

I, Rubén Hinojosa, hereby state as follows:

1. I have personal knowledge of the facts set forth herein and if called to testify in this matter, I would testify as set forth herein.
2. With respect to the political rally on October 21, 1996, referred to by Mr. Haughey in his complaint, it is my belief that the initiation, planning, organizing and carrying out were conducted by the Democratic Party and the Clinton/Gore campaign.
3. My campaign staff and committee had no role in any aspect of planning or organizing the rally.
4. My campaign issued no press releases or publicity with respect to the rally and incurred no other expenses with respect to the rally.
5. I am the only person from my campaign who attended the rally.
6. I spoke briefly at the rally on the subject of the Democratic Party's Families First agenda, especially as it concerned education, and about the Clinton/Gore presidential ticket.

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7. I believe I was invited to the rally not only because I was running for Congress, but also because I am a recognized participant in the Hispanic community in South Texas.

8. I became a candidate for the U.S. House of Representatives in late December and filed my Statement of Candidacy in early January. By the end of January, I had established a campaign headquarters and had employed campaign consultants and staff.

8. Emma Jane Johnson served as my personal secretary for approximately one year while I was President and Chief Financial Officer of H & H Foods. Her principal responsibilities were to handle a large number of incoming phone calls, to assist with my schedule and to perform general secretarial duties (typing and filing).

9. People in the community would often contact me at work with respect to matters that had nothing to do with my business. These included contacts concerning my civic and charitable activities and, once I became a candidate for Congress, my campaign.

10. Ms. Johnson was responsible for taking messages and routing calls that came into my office with respect to my campaign. I would estimate that this took no more than one percent of her time.

11. Ms. Johnson was also occasionally involved in scheduling issues for me.

12. I asked Ms. Johnson to come to my home to assist with the typing of thank you notes for the campaign on two occasions. In each case, her time amounted to approximately one-half of one day.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 9th day of May, 1997.

Rubén Hinojosa
The Honorable Rubén Hinojosa

98043894011

Kika de la Garza

P.O. Box 734

Mission, Texas 78573

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAY 15 2 25 PM '97

May 14, 1997

Mr. F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

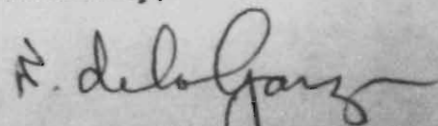
Re: MUR 4625

Dear Mr. Turley:

Regarding the above referenced complaint to the Federal Election Commission by Tom Haughey for Congress, please be advised that I was not present at the Democratic Party Campaign Rally for Bill Clinton held in La Joya, Hidalgo County, Texas, in 1992. Although my wife was attending, she did not participate in the event.

I therefore refute any allegations of involvement in that particular gathering.

Sincerely,



Eiiigio (Kika) de la Garza

EDG/sf

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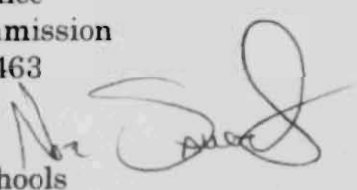
BROOKS COUNTY INDEPENDENT SCHOOL DISTRICT

A Child-Centered Learning Community

Noe Saucedo, Ph.D.
Superintendent of Schools.

May 20, 1997

To: General Counsel's Office
Federal Election Commission
Washington, D.C. 20463

From: Noe Saucedo, Ph.D. 
Superintendent of Schools
Brooks County Independent School District
P.O. Box 589
Falfurrias, Texas 78355

Re: MUR 4625

Please accept this correspondence as my response to a complaint that Brooks County I.S.D. and I violated the Federal Election Campaign Act of 1971. I respectfully submit a summary of the events referred to in the complaint and request that no action be taken against the Brooks County Independent School District or myself since our goal and intent was to expand our student's knowledge on the electoral process in our state and country as required under Texas education statute.

On or about October 17, 1996, I was contacted by our County Judge informing me that a panel of local, state-level, and national dignitaries would be addressing the community with a message aimed at increasing voter turn out. The Judge felt that this would be an excellent learning opportunity for our students, allowing them to meet "famous" people and learn about the importance of our right to vote. Since this activity addressed Texas essential elements in grades 4 and 5 relating to "Change and Continuity in American Democracy: Ideas, Institutions, Practices, and Controversies" I agreed with the Judge about the appropriateness of including this as a student learning activity.

In deciding that students could gain useful knowledge by participating in this activity, I also had to take into consideration the financial impact to our district since we were in the middle of a financial short fall. Since the activity was to take place a block from our elementary campus this meant that students and their teachers could walk to the forum without incurring transportation costs. Along with the fourth and fifth graders attending, the high school Civics teacher requested permission to transport her students to the public address as part of her instruction relating to the electoral process. She followed routine procedures required by staff to take local trips with students.

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OFFICE OF GENERAL

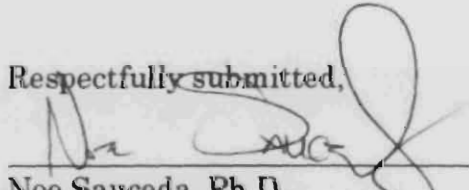
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As for the busses Mr. Huey refers to which were at the elementary campus during this activity, these were not used for transporting students to and from the activity but were the busses used to transport our students home. The activity in question took place the last hour of the school day and so the busses were at the location as they are daily at this time of day.

In summary, only 4th and 5th grade students and one high school Civics class participated in the activity in question and did so since it related to the state mandated instructional essential elements for their grade levels (Texas Government - 4th grade; American Government - 5th grade; American Government - high school Civics). Participation in this activity was in no way intended to represent a contribution of any sort nor was it an attempt to "brainwash" our school children. This was merely a poor, rural school district's attempt to provide valuable learning experiences to its student population.

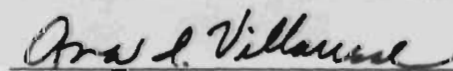
I would like to close this statement with my disappointment with Mr. Haughey who appears to be a disgruntled politician who wishes to take out his frustrations about his failures on the children of Brooks county. I welcome a visit from him so that he may have a closer and more accurate view of the top quality of individuals in this school system and county. Petty partisan politics should have no place in the education of our children.

Respectfully submitted,


Noe Saucedo, Ph.D.
Superintendent of Schools

STATE OF TEXAS I
COUNTY OF BROOKS I

Before me, Ana I. Villarreal, a notary public, on this day personally appeared Noe Saucedo, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed. Given under my hand and seal of office this 20th day of May, 1997.


Notary Public



MONTALVO & RAMIREZ

ATTORNEYS AT LAW

900 N. MAIN STREET
MCALLEN, TEXAS 78501

JESUS RAMIREZ

TELEPHONE (210) 631-1185

FAX (210) 631-1187

June 6, 1997

Mr. Andrew Turley
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

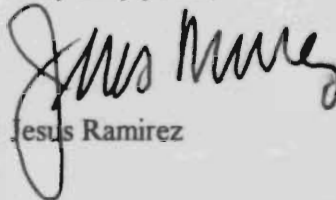
Re: La Joya I.S.D.
Our File No.: 97-121GM

MUR 4625

Dear Mr. Turley:

On April 14, 1997, we provided you with our response to your previous correspondence dated March 31, 1997, regarding certain allegations made by a Mr. Tom Haughey. Kindly advise us with respect to the status of this matter.

Very truly yours,


Jesus Ramirez

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RECEIVED
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COMMISSION
OFFICE OF GENERAL
COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION

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FEDERAL ELECTION COMMISSION
COMMUNICATIONS SECTION
MAY 22 3 34 PM '98

In the Matter of

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CASE CLOSURES UNDER
ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

SENSITIVE

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 cases permits the

Commission to focus its limited resources on more important cases presently

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pending before it. Based upon this review, we have identified 14 cases that do not warrant further action relative to other pending matters.¹ The attachment to this report contains a factual summary of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of this fact, EPS provides us with the means to identify those cases which remained unassigned for a significant period due to a lack of staff resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

¹ These cases are: Pre-MUR 360 (*First National Bank of Wheaton, IL*); Pre-MUR 361 (*Teresa Isaac for Congress*); MUR 4663 (*Rodriguez for Congress*); MUR 4698 (*Mayor Louis Bencardino*); MUR 4699 (*Warren County Democratic Committee*); MUR 4705 (*Fox for Congress*); MUR 4706 (*Carl Lindner*); MUR 4712 (*Fox for Congress*); MUR 4714 (*Mary Jane Garcia for Congress*); MUR 4717 (*Hostettler for Congress*); MUR 4718 (*Oxley for Congress*); MUR 4723 (*Oscar H. Flores*); MUR 4724 (*Feinberg for Congress*); and MUR 4727 (*Madison Magazine*).

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that these cases be closed.³

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective June 3, 1998. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

³ These cases are:

MUR 4539 (*Sallie Mae Student Loan*); MUR 4543 (*Besicorp*); MUR 4625 (*Hinojosa for Congress*); MUR 4640 (*New Mexicans Accion del Pueblo Citizen Action*); RAD 97L-02 (*Cooksey for Congress*); RAD 97L-03 (*Maxfield for Congress*); RAD 97NF-03 (*Dan Hansen for Congress*); RAD 97NF-08 (*Congressional Accountability PAC*); RAD 97NF-16 (*America's Fund*); 97NF-18 (*Faith, Family & Freedom PAC*); and 97NF-19 (*Pro-Hispanic PAC*).

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective June 3, 1998, and approve the appropriate letters in the following matters

RAD 97L-02
RAD 97L-03
RAD 97NF-03

RAD 97NF-08
RAD 97NF-16
RAD 97NF-18

RAD 97NF-19
Pre-MUR 360
Pre-MUR 361

B. Take no action, close the file effective June 3, 1998, and approve the appropriate letters in the following matters:

MUR 4539
MUR 4543
MUR 4625
MUR 4640
MUR 4663

MUR 4698
MUR 4699
MUR 4705
MUR 4706
MUR 4712
MUR 4714
MUR 4717

MUR 4718
MUR 4723
MUR 4724
MUR 4727

5/22/98
Date

LM Noble (Z9Z)
Lawrence M. Noble
General Counsel

98043894019

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Case Closures Under) Agenda Document No. X98-31
Enforcement Priority)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 9, 1998, do hereby certify that the Commission took the following actions with respect to Agenda Document No. X98-31:

1. Decided by a vote of 5-0 to

A. Decline to open a MUR, close the file effective June 15, 1998, and approve the appropriate letters in the following matters:

- | | |
|----------------|----------------|
| 1. RAD 97L-02 | 6. RAD 97NF-18 |
| 2. RAD 97L-03 | 7. RAD 97NF-19 |
| 3. RAD 97NF-03 | 8. Pre-MUR 360 |
| 4. RAD 97NF-08 | 9. Pre-MUR 361 |
| 5. RAD 97NF-16 | |

(continued)

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Federal Election Commission
Certification: Agenda Document
No. X98-31
June 9, 1998

Page 2

B. Take no action, close the file
effective June 15, 1998 and
approve the appropriate letters
in the following matters:

1. MUR 4539	9. MUR 4706
2. MUR 4543	10. MUR 4712
3. MUR 4625	11. MUR 4714
4. MUR 4640	12. MUR 4717
5. MUR 4663	13. MUR 4718
6. MUR 4698	14. MUR 4723
7. MUR 4699	15. MUR 4724
8. MUR 4705	16. MUR 4727

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

Attest:

6-10-98
Date

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

98043894021



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 16, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tom Haughey
Tom Haughey for Congress
Rt. 1, Box 18-J-12
San Juan, TX 78589

RE: MUR 4625

Dear Mr. Haughey:

On March 31, 1997, 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 exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on June 15, 1998. This matter will become part of the public record within 30 days.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Andrew Tarley".

F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

98043894022



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 16, 1998

Lynn Utrecht, Esq.
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Ave., NW, 11th Floor
Washington, DC 20036

Eric F. Kleinfeld, Esq.
Chief Counsel, Clinton/Gore '96
818 Connecticut Ave., NW, 10th Floor
Washington, DC 20036

RE: MUR 4625

Clinton/Gore '96 General Committee and Joan Pollitt, Treasurer
Clinton/Gore '92 Committee and J.L. "Skip" Rutherford, Treasurer

Dear Ms. Utrecht & Mr. Kleinfeld:

On March 31, 1997, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on June 15, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

98043894023



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

Ray Jaquez, Treasurer
Ruben Hinojosa for Congress
P.O. Box 1075
Mercedes, TX 78750

RE: MUR 4625

Dear Mr. Jaquez:

On March 31, 1997, the Federal Election Commission notified Mr. Schrock, former treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against Ruben Hinojosa for Congress and you, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on June 15, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisor/Attorney
Central Enforcement Docket

98043894024



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 16, 1998

Rene Hinojosa
H & H Foods
P.O. Box 358
Mercedes, TX 78570-0358

RE: MUR 4625

Dear Mr. Hinojosa:

On March 31, 1997, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against H & H Foods. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on June 15, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Tuttle", is written over a horizontal line.

F. Andrew Tuttle
Supervisory Attorney
Central Enforcement Docket

98043894025



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

Ricardo H. Soliz, Esq.
Brooks County Democratic Party
P.O. Box 729
Premont, TX 78275

RE: MUR 4625

Dear Mr. Soliz:

On March 31, 1997, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against Brooks County Democratic Party and its treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on June 15, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Tutley", is written over a horizontal line.

F. Andrew Tutley
Supervisory Attorney
Central Enforcement Docket

98043894026



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

Noe Saucedo, Ph. D.
Superintendent of Schools
221 S. Henry
Falfurrias, TX 78355

RE: MUR 4625

Dear Superintendent Saucedo:

On March 31, 1997, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against Brooks County Independent School District and you, as Superintendent. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on June 15, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

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

98043894027



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 16, 1998

Judith L. Corley, Esq.
Perkins Coie
607 14th St., NW, Ste. 800
Washington, DC 20005

RE: MUR 4625
Representative Ruben Hinojosa, Rene Hinojosa and
Liborio Hinojosa

Dear Ms. Corley:

On March 31, 1997, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on June 15, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

Emma Jane Johnson
305 Forest Hills Street
Weslaco, TX 78596-7719

RE: MUR 4625

Dear Ms. Johnson:

On March 31, 1997, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against you. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on June 15, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

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

98043894029



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

Mrs. Siglinde Franz, Treasurer
Kika de la Garza for Congress
P.O. Box 636
Hidalgo, TX 78557

RE: MUR 4625

Dear Mrs. Franz:

On March 31, 1997, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against Kika de la Garza for Congress and you, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on June 15, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, which appears to read "F. Andrew Turley", is positioned above the printed name.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

9804389403C



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 16, 1998

Jesus Ramirez, Esq.
Montalvo & Ramirez, Attorneys at Law
900 N. Main
McAllen, TX 78501

RE: MUR 4625
La Joya Independent School District

Dear Mr. Ramirez:

On March 31, 1997, the Federal Election Commission notified Dr. Roberto Zamora of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against your client. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on June 15, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4625

DATE FILMED 7/14/98 CAMERA NO. 2

CAMERAMAN SEP

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