

May 25, 1997

F. Andrew Turley, Esquire
General Counsel's Office
Federal Election Commission
999 E. Street NW
Washington, DC 20463

RE: MUR 4634 - Sam Brownback for U. S. Senate Complaint

Dear Mr. Turley:

This will respond to the Complaint in the above-mentioned matter that I received on May 20, 1997. I am responding on behalf of Senator Sam Brownback, the Brownback for U. S. Senate Committee ("Committee"), and as treasurer of that committee. I have reviewed our records relevant to the complaint and can find no grounds for any violation.

In the first paragraph of your letter, you refer to the Brownback for Congress Committee as the possible violator of the law. However, the complaint you forwarded contains allegations only against the Brownback for U. S. Senate Committee. The letter is addressed to the Brownback for U. S. Senate Committee, and the contributions being reviewed were made to the Brownback for U. S. Senate Committee. I am the treasurer of both committees. This response is based upon the premise that the committee being reviewed is the Brownback for U. S. Senate Committee, and not the Brownback for Congress Committee.

The complaint alleges that the Committee accepted illegal contributions. However the complaint provides no evidence that the Committee knew of the Stauffers' contributions to the PACs or would have any way to know the contributions received were anything other than the permissible contributions they appeared to be on their face.

In addition, my affidavit and those of Senator Sam Brownback and David Kensinger (the campaign manager at the time the contributions were received) provide unchallenged evidence that neither the candidate, the campaign manager, the treasurer nor anyone else working on the campaign had any conversations with John and Ruth Stauffer concerning their contributions to the political action committees, or even knew about the contributions before reading media reports in March 1997. Affidavit of Senator Sam Brownback ("Brownback Aff.") ¶¶2-3; Affidavit of David Kensinger ("Kensinger Aff.") ¶3; Affidavit of Mark B. Russell ("Russell Aff.") ¶3.

In addition, the affidavits show that no one at the campaign had any knowledge that the contributions from the PACs were anything other than what they appeared to be on their face - valid contributions permissible under the Federal Election Campaign Act of 1971 ("Act") and the Commission's regulations. Brownback Aff. ¶4; Kensinger Aff. ¶4; Russell Aff. ¶4. Similarly, the uncontroverted sworn testimony is that neither the candidate or anyone working on the campaign had any discussions with or knowledge about the Stauffers' contributions to the PACs, nor knowledge about any of the donors to the PACs listed in the complaint. Brownback Aff. ¶3; Kensinger Aff. ¶5-6; Russell Aff. ¶5.

I have reviewed copies of all of the campaign contributions made by the PACs identified in the complaint. Copies of these checks are enclosed for your review. All of these contributions appear to have been received in the normal course of the campaign. There are no notations on the checks that would indicate that any of these checks were anything other than a routine campaign contribution by a PAC.

MAY 30 11 11 AM '97

FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20463

28044194156

May 25, 1997
F. Andrew Turley, Esquire

Page 2


Under the Act and Regulations, committees are not found to have committed violations if they accept contributions such as those mentioned in the complaint which are, on their face, legal and which the committee believed to be permissible when they were accepted.

The Brownback for U. S. Senate Committee received over \$330,000 in contributions from the period of July 1, 1996 to August, 1, 1996, meaning the contributions questioned in the complaint were less than 10% of the contributions received during the period or less than 5% of the \$629,000 of contributions received last year for the primary. Russell Aff. ¶7. While these contributions were important to the campaign, they represent only a small amount of the activity for our Committee during that time period.

The evidence from our records, the knowledge that I have from the events that transpired during the campaign, and the attached affidavits demonstrate that the Committee received the contributions from these PACs properly and did not violate the Act or the Commission's Regulations. It does not appear that any violation of the Act occurred, but if one did there is no evidence that any campaign official or employee (including the candidate) was a party to that activity. Therefore, I can find no evidence of a violation of the Act by the Committee or Senator Brownback.

Based upon the information provided in this letter, and the evidence provided in the accompanying check copies and affidavits, we request that this complaint be dismissed.

Sincerely,


Mark B. Russell
Treasurer

Enclosures: Brownback Aff.
Kensinger Aff.
Russell Aff.
8 pages of check copies

28044194157



EAGLE FORUM PAC

Leading the Pro-Family Movement Since 1972 . . .

Phyllis Schlafly

Chairman

Box 618

Alton, Illinois 62002

(618) 462-5415

July 2, 1996

Sam Brownback for Senate
P. O. Box 2008
Topeka, KS 66601

3075
10133

Dear Sam,

Enclosed is our contribution to your campaign. We wish you every success with your election. We are to inform you that we are a multicandidate committee. The donor should be listed as:

Eagle Forum PAC
P. O. Box 618
Alton, IL 62002

With all best wishes.

Faithfully,

EAGLE FORUM PAC
P. O. BOX 618
ALTON, IL 62002

1523

70-475(3)/0810

PAY TO THE ORDER OF Sam Brownback for Senate July 2 1996 \$ 4,000.00
Four thousand and 00/100 DOLLARS

Mercantile Bank
of Illinois, N.A.
Alton, IL 62002

**MERCANTILE
BANK**

ALL IN ONE ACCOUNT

FOR _____

28044194159

DEPOSIT TICKET
FOR CLEAR COPY, PRESS FIRMLY WITH BALL POINT PEN

UMB UMB Bank Kansas 216
2100 SE 29th Street
(913) 286-8821 Topeka, Kansas 66605

DATE 7-31 19 76

DOLLARS CENTS

CURRENCY

COIN

LIST
EACH
CHECK

1 Faith Family

2 and Freedom

3 PAC

4000

BROWNBACK FOR U.S. SENATE

Depo

4000.00

TOTAL
ITEMS

PLEASE BE SURE ALL ITEM
ARE PROPERLY ENDORSED

PLEASE
ENTER
TOTAL

4,000.00

TOTAL DEPOSIT
DEPOSITS MAY NOT BE AVAILAB
FOR IMMEDIATE WITHDRAWAL

18-7/1010

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE LAW.

FAITH, FAMILY AND FREEDOM PAC 12-95
POST OFFICE BOX 76788
WASHINGTON, DC 20002

1032

10171

7/29

19%

15-52/540

PAY
TO THE
ORDER OF

Brownback for Senate

Four Thousand

\$ 4,000.00

100 DOLLARS

CRESTAR
Crestar Bank N.A.
Washington, DC

FOR

Sh. Anderson

28044194160

AMERICAN FREE ENTERPRISE PAC
400 CAPITOL MALL, SUITE 1560
SACRAMENTO CA 95814
916/446-9049

July 29, 1996


Sam Brownback for U.S. Senate
P. O. Box 2008
TOPEKA KS 66601

Dear Mr. Brownback:

Enclosed is a second contribution from us in the amount of \$3,500. Our committee qualified as a multicandidate committee on July 26, 1996. Good luck with your race.

Sincerely,


David Bauer, treasurer

10174	WELLS FARGO BANK		1018
	DATE <u>July 29, 1996</u>		11-24 121000
	PAY TO THE ORDER OF <u>Sam Brownback for Senate</u> \$ <u>3,500.00</u>		
	<u>Three thousand five hundred and $\frac{00}{100}$ —</u> DOLLARS		
AMERICAN FREE ENTERPRISE PAC ID C00305870 400 CAPITOL MALL, STE. 1560 SACRAMENTO, CA 95814			
MEMO			

DEPOSIT TICKET
FOR CLEAR COPY, PRESS FIRMLY WITH BALL POINT PEN.

UMB UMB Bank Kansas 216
2100 SE. 29th Street
(913) 286-8521 Topeka, Kansas 66605

DATE 7-2619 96

	DOLLARS	CENTS
CURRENCY		
COIN		
LIST EACH CHECK		
1 Conservative Victory Committee PAC	2,000	00
2		
3		
4		
5		
6		
7		
8		
9		
10		
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12		
13		
14		
15		
16		
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20		
TOTAL DEPOSIT	2,000	00

18-7/1010
TOTAL ITEMS 1
PLEASE BE SURE ALL ITEMS ARE PROPERLY ENDORSED.
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR AN

PAC

CONSERVATIVE VICTORY COMMITTEE

113 South West Street - Suite 200
Alexandria, VA 22314
(703) 884-8603

THE BANK OF ALEXANDRIA
ALEXANDRIA, VA 22313

003612

PAY

** Two Thousand and 00/100 Dollars **

DATE

AMOUNT

10/10/97

CHECK NO. 3612

07/22/96 *****\$2,000.00

CONSERVATIVE VICTORY COMMITTEE

TO THE BROWNBACK FOR US SENATE
ORDER P.O. BOX 2008
OF TOPEKA, KS 66601 9795

LaRissa J. ...
MP
AUTHORISED SIGNATURE

19146147082

28044194162

DEPOSIT TICKET

FOR CLEAR COPY, PRESS FIRMLY WITH BALL POINT PEN

UMB
UMB Bank Kansas
2100 SE 28th Street
Topeka, Kansas 66605
(913) 286-9521

DATE 7/20/96 1996

CURRENCY	COIN	LIST EACH CHECK	DOLLARS	CENTS
Conservative				
2 Victory Committee			1,000	
3				
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BROWNBACK FOR U.S. SENATE

(R)pb

18-7/1010

TOTAL ITEMS

PLEASE BE SURE ALL ITEMS ARE PROPERLY ENDORSE

PLEASE ENTER TOTAL 1,000

TOTAL DEPOSIT DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT

CONSERVATIVE VICTORY COMMITTEE

113 South West Street • Suite 200
Alexandria, VA 22314
(703) 684-6603

THE BANK OF ALEXANDRIA
ALEXANDRIA, VA 22313

003611

PAY

** One Thousand and 00/100 Dollars **

CHECK NO. 3611

DATE AMOUNT

07/16/96 *****\$1,000.00
CONSERVATIVE VICTORY COMMITTEE

TO THE BROWNBACK FOR US SENATE
ORDER P.O. BOX 2008
OF

TOPEKA, KS 66601 9795

2 [Signature]
AUTHORIZED SIGNATURE

CONSERVATIVE VICTORY COMMITTEE Alexandria, VA 22314

003611 CHECK NO. 3611

Invoice #	Type	Date	Description	Total Amount	Discount
lbb reques	Inv	07/16/96	Invoice	\$1,000.00	\$0.00

10147

Remittance for:
BROWNBACK FOR US SENATE

Totals: \$1,000.00 \$0.00

Date: 07/16/96

Check Amount: \$1,000.00

28044194163

DEPOSIT TICKET
FOR CLEAR COPY, PRESS FIRMLY WITH BALL POINT PEN.

UMB UMB Bank Kansas 216
2100 SE 25th Street
(913) 268-6521 Topeka, Kansas 66605

DATE 7-17, 1996

	DOLLARS		CENTS	
	CURRENCY	COIN	LIST EACH CHECK	
1	Bill Baker for Congress PAC			1,000.00
2	Free Congress PAC			4,500.00
3				
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20				
				5,500.00

BROWNBACK FOR U.S. SENATE

18-7/1010

TOTAL ITEMS 2

PLEASE BE SURE ALL ITEMS ARE PROPERLY ENDORSED.

PLEASE ENTER TOTAL 5,500.00

TOTAL DEPOSIT
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

ALL ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL

BILL BAKER FOR CONGRESS
FED ID NO. C00254599 PH. 510-938-1995
P. O. BOX 4544
WALNUT CREEK, CA 94598

90-203/1211
014012111

1102

DATE 7-12-96

PAY TO THE ORDER OF Sam Brownback for U.S. Senate \$ 1000 -
One thousand and 00/100 DOLLARS



WALNUT CREEK OFFICE
THE MECHANICS BANK
1350 N. MAIN ST.
WALNUT CREEK, CALIFORNIA 94596

Ann Jordan

~~10154~~

10155

10156

1393



FREE CONGRESS P.A.C.
717 - 2ND STREET, NE. PH. 202-546-3004
WASHINGTON, D.C. 20002

15-51
540

7-16 1996

PAY TO THE ORDER OF Sam Brownback for Senate \$ 4,500.00
Four Thousand Five Hundred 00/100 DOLLARS

THE NATIONAL CAPITAL BANK
OF WASHINGTON
ON CAPITOL HILL
WASHINGTON, D.C. 20003

FOR Contribution

Paul M. Weyrich
Rosemary A. Swanson

28044194164

DEPOSIT TICKET
FOR CLEAR COPY, PRESS FIRMLY WITH BALL POINT PEN

UMB UMB Bank Kansas 216
2100 SE 29th Street
Topeka, Kansas 66605

DATE July 19 1996

CURRENCY	COIN	LIST EACH CHECK	DOLLARS	CENTS
		1st. N. Pac	5,000	07
		2nd. Boyer	1,000	
		3rd. Pac. Pac	100	
		4		
		5		
		6		
		7		
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		19		
		20		

BROWNBACK FOR U.S. SENATE

18-7/1010

TOTAL ITEMS

PLEASE BE SURE ALL ITEM ARE PROPERLY ENDORSED

PLEASE ENTER TOTAL

TOTAL DEPOSIT

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

6,100.07

(Rec J)

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.

CITIZENS UNITED 7-94
POLITICAL VICTORY FUND
11109-D LEE HWY., STE. 200
FAIRFAX, VA 22030-5014

1042

July 18 19 96

88-738/500
1532

PAY TO THE ORDER OF Brownback for U.S. Senate \$ 5,000.00

Five Thousand and 00/100

DOLLARS

NationsBank

NationsBank of Virginia, N.A.
Fairfax, VA

FOR Kansas U.S. Senate Primary Election

[Signature]

CITIZENS UNITED POLITICAL VICTORY FUND

Floyd G. Brown, Chairman

July 18, 1996

Honorable Sam Brownback
Sam Brownback for U.S. Senate
P.O. Box 2008
Topeka, KS 66601

Dear Representative Brownback,

~~NOTED~~
10163

TRANSMITTAL REPORT

Madison Project

Post Office Box 479, Hamilton, Virginia 22068 (703) 338-7575

Farris
Chairman
Harry Parker
Vice Chairman
Doug Domenech
Executive Director

The Madison Project is a national grassroots non-profit membership organization dedicated to electing principled conservative Republicans to Congress. The Madison Project is registered under section 527 of the Internal Revenue Service. The Madison Project Fund is a Separate Segregated Fund registered with the Federal Election Commission designed to forward bundled contributions from Madison Project members to endorsed candidates of their choosing. The Fund also makes targeted contributions directly to qualified candidates.

Candidate: Congressman Sam Brownback
Brownback for U.S. Senate
2605 SW 21st St.
Topeka, KS 66604

Office: United States Senate
Kansas



Transmittal Report Date: July 30, 1996

Number of Checks Enclosed: 1

Total All Contributions Enclosed: \$ 5,000

28044194165

10177

MADISON PROJECT INC.		264
FEDERAL FUND		
P.O. BOX 479		
HAMILTON, VA. 22068		
PAY TO THE ORDER OF	<u>Brownback for U.S. Senate</u>	<u>July 30</u> 19 <u>96</u>
	<u>Five Thousand and 00/100</u>	\$ <u>5000.00</u>
		DOLLARS
 F&M Bank - Winchester WINCHESTER, VIRGINIA		
MEMO _____		

RECEIVED
FEDERAL ELECTION COMMISSION
MAY 30 11 11 AM '97

STATE OF KANSAS)
COUNTY OF SHAWNEE)

MAY 30 11 11 AM '97

AFFIDAVIT OF MARK B. RUSSELL

I, Mark B. Russell, do hereby swear and affirm under the penalties of perjury that the following information is based upon my personal knowledge, that I am competent to so testify, and that it is both true and correct:

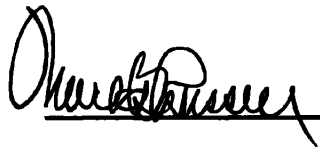
Mark B. Russell deposes and says:

1. My name is Mark B. Russell and I was treasurer for Sam Brownback in the 1996 primary election in Kansas for the United States Senate.
2. In that role, I was responsible for all aspects of reporting contributions to and disbursements by the campaign.
3. I have reviewed the complaint filed in MUR 4634. Neither I nor anyone that I know of on the Brownback for Senate Committee had any conversations with John and Ruth Stauffer about their contributions to the political action committees named in the complaint.
4. Brownback for Senate Committee had no knowledge that the checks received by the campaign named in the complaint were anything other than what they appeared to be on their face – valid contributions from multi-candidate PACs that were properly registered with the Federal Election Commission.
5. Neither I nor anyone that I know of at the campaign had any discussions with the Stauffers about their contributions with the PACs or any knowledge that the Stauffers had contributed to these or any other PACs.
6. As treasurer of the Committee, I believed the contributions from the PACs named in the complaint were permissible under the Federal Elections Campaign Act.

28044194166

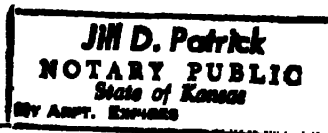
7. Brownback for U. S. Senate Committee received over \$330,000 in contributions from the period of July 1, 1996 to August 1, 1996. The contributions challenged in MUR 4634 amounted to less than 10% of the contributions received during the period or less than 5% of the \$629,000 of contributions received in 1996 for the primary.

Further affiant sayeth not.



Mark B. Russell

Subscribed and sworn to before me this 26th
day of May, 1997 by Mark B. Russell.


Notary Public

My commission expires 9-20-99

STATE OF)
)
COUNTY OF)

MAY 30 11 11 AM '97

AFFIDAVIT OF DAVID KENSINGER

I, David Kensinger, do hereby swear and affirm under the penalties of perjury that the following information is based on my personal knowledge, that I am competent to so testify, and that it is both true and correct:

David Kensinger deposes and says:

1. My name is David Kensinger and I was campaign manager for Sam Brownback in the 1996 primary election in Kansas for the United States Senate.
2. In that role, I was responsible for all aspects of the campaign, including general supervisory duty over fundraising and contributions received.
3. I have reviewed the complaint filed in MUR 4634. Neither I nor anyone that I know of on the Brownback for Senate Committee had any conversations with John and Ruth Stauffer about their contributions to the political action committees named in the complaint.
4. Brownback for Senate Committee had no knowledge that the checks received by the campaign named in the complaint were anything other than what they appeared to be on their face -- valid contributions from multicandidate PACs which were properly registered with the Federal Election Commission.

5. Neither I nor anyone that I know of on the campaign had any discussions with the Stauffers about their contributions with the PACs or any knowledge that the Stauffers had contributed to these or any other PACs.


6. Neither I nor anyone that I know of on the campaign had knowledge about any of the donors to any of the PACs named in the complaint.

7. As the campaign manager, I believed the contributions received from the PACs named in the complaint were permissible under the Federal Election Campaign Act.

Further affiant sayeth not.


David Kensinger

Subscribed and sworn to before me this 2nd day of May, 1997, by David Kensinger.


Notary Public NOTARY PUBLIC
DISTRICT OF COLUMBIA

My commission expires: _____

MY COMMISSION EXPIRES APRIL 14, 1999

DISTRICT
STATE OF COLUMBIA)
CITY)
COUNTY OF WASHINGTON

FEDERAL
MAY 30 11 11 AM '97

AFFIDAVIT OF SENATOR SAM BROWNBCK

I, Senator Sam Brownback, do hereby swear and affirm under the penalties of perjury that the following information is based on my personal knowledge, that I am competent to so testify, and that it is both is true and correct:

Senator Sam Brownback deposes and says:

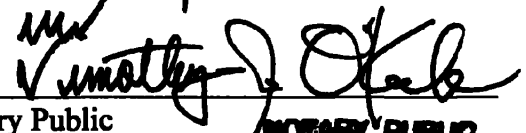
1. In 1996, I was a Republican candidate for the United States Senate from the State of Kansas. I won both the August primary election and the November general election.
2. In response to the Complaint filed in Federal Election Commission MUR 4634, I only learned in 1997 from published newspaper accounts of the contributions from my in-laws, John and Ruth Stauffer, to various political action committees ("PACs").
3. I had no knowledge about their PAC contributions at the time of the 1996 primary election. I had no conversations with the Stauffers about these contributions before learning about them in 1997 through media articles.
4. I had no knowledge that the contributions that my campaign received from the PACs were anything other than what they appeared to be on their face -- contributions from the PACs themselves. I had no knowledge about any of the donors to any of the PACs.

Further affiant sayeth not.



Sam Brownback

Subscribed and sworn to before me this 23rd day of May, 1997, by Senator Sam
Brownback.



Notary Public
**NOTARY PUBLIC
DISTRICT OF COLUMBIA**

My commission expires: _____

MY COMMISSION EXPIRES JANUARY 31, 1999