



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Trustco Bank
192 Erie Boulevard
Schenectady, New York 12305
Attn: Legal Services

RE: MUR 4648

Dear Sir or Madam:


The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena and order which requires Trustco Bank to provide certain information in connection with an investigation it is conducting. The Commission does not consider Trustco Bank a respondent in this matter, but rather a witness only.

The Commission's attached subpoena seeks account information for a state party committee rather than an individual or a partnership entity of less than five individuals. Accordingly, The Right to Financial Privacy Act of 1978 (the "RFPA") does not apply.

In addition, because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena and order. However, you are required to submit the information

If you have any questions, please contact me at (800) 424-9530 or (202) 694-1650.


Tony Buckley

Enclosure
Subpoena and Order

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 4648
)

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Trustco Bank
Schenectady, NY 12305

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 20 days of receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her hand in Washington, D.C. on this *23rd* day of *April*, 1998.

For the Commission,

Joan D. Aikens
Joan D. Aikens
Chairman

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Attachment
Document Request

INSTRUCTIONS

In answering this request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

If you cannot provide the requested documentation in full after exercising due diligence to secure the full information, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from October 20, 1996 to November 30, 1996.

The following requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named witness in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Committee" shall mean the New York Republican State Committee, including all officers, employees, agents or attorneys thereof

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS AND DOCUMENT REQUESTS

1. Provide the account number for each account held by the Committee with you. Identify the account as a checking, savings, money market, or other type of account.
2. State whether any internal bank policy or any State or Federal banking law, would affect a request by an account holder who wanted to withdraw a sum of money of \$20,000 or more from an account, such that the preferred method would be to issue multiple checks on that account instead of withdrawing one lump sum. If your answer is "Yes," identify and describe in full the policy or law and the reasons which support such a practice.
3. Describe any contacts or conversations, between the Committee and you regarding the Committee's desire to withdraw approximately \$20,000 on or about November 4, 1996. Identify all persons involved in those conversations or contacts.
4. For the period from October 20, 1996 to November 30, 1996, produce all documents related in any way to any withdrawal from, or the negotiation of any check drawn on, any account held by the Committee.