



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel *ED*

DATE: August 17, 1998

SUBJECT: MUR 4761 - GC's Report

The attached is submitted as an Agenda document for the
Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

SENSITIVE ☒
NON-SENSITIVE ☐

72 Hour TALLY VOTE ☒
24 Hour TALLY VOTE ☐
24 Hour NO OBJECTION ☐
INFORMATION ☐

DISTRIBUTION

COMPLIANCE ☒
Open/Closed Letters ☐
MUR ☐
DSP ☐
STATUS SHEETS ☐
Enforcement ☐
Litigation ☐
PFESP ☐
RATING SHEETS ☐
AUDIT MATTERS ☐
LITIGATION ☐
ADVISORY OPINIONS ☐
REGULATIONS ☐
OTHER ☐

BEFORE THE FEDERAL ELECTION COMMISSION

AUG 17 1 02 PM '98

In the Matter of)
) MUR 4761
Association of Trial Lawyers of)
America Political Action Committee)
and Dan Cohen, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 23, 1998, the Commission, in MUR 4761, found reason to believe the Association of Trial Lawyers of America Political Action Committee and Dan Cohen, as treasurer ("ATLAPAC"), made excessive contributions to the Texas Democratic Party and certain Texas Democratic county committees in 1996, in violation of 2 U.S.C. § 441a(a)(2)(C). At the same time, in MUR 4763, the Commission found reason to believe that the Texas Democratic Party and seven Texas Democratic county committees violated 2 U.S.C. § 441a(f), based on the apparent receipt of excessive contributions from various political committees, including ATLAPAC. These findings were premised on this Office's initial determination that the Texas Democratic state and respondent county party committees appear to be affiliated and, hence, subject to a common contribution limit of \$5,000 per calendar year. The Commission approved subpoenas and orders to the party committees to more fully investigate the issue of affiliation.

ATLAPAC's attached response requests that the Commission stay further action in MUR 4761, holding the matter in abeyance until the Commission "resolves the legal issue of whether the Texas state and local party committees are affiliated." See Attachment 1 at 3. Although ATLAPAC's liability in this matter depends on whether the respondent party committees in MUR 4763 are affiliated with each other (since it did not contribute more than \$5,000 to any


single respondent party committee in 1996), the granting of ATLAPAC's request would be inappropriate. Because the issue of affiliation is at the heart of the Commission's investigation in both matters, this Office believes that proceeding with them simultaneously would be the best use of the Commission's resources. In order to alleviate possible confusion regarding the Commission's procedures, this Office recommends that the Commission approve the attached letter to ATLAPAC. Attachment 2.

II. RECOMMENDATION

Approve the attached proposed letter to the Association of Trial Lawyers of America Political Action Committee and Dan Cohen, as treasurer.

Lawrence M. Noble
General Counsel

8/14/98
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. ATLAPAC's response, dated August 3, 1998
2. Proposed letter to ATLAPAC

Staff Assigned: Thomas J. Andersen



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/LISA R. DAVIS
COMMISSION SECRETARY

DATE: AUGUST 20, 1998

SUBJECT: MUR 4761 - General Counsel's Report
dated August 14, 1998.

A handwritten signature or set of initials, possibly "LD", is written in a circle next to the "FROM" line.

The above-captioned document was circulated to the Commission
on Monday, August 17, 1998

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

| | |
|------------------------|------------|
| Commissioner Aikens | — |
| Commissioner Elliott | — |
| Commissioner Mason | — |
| Commissioner McDonald | XXX |
| Commissioner Sandstrom | — |
| Commissioner Thomas | — |

This matter will be placed on the meeting agenda for

Tuesday, September 01, 1998

Please notify us who will represent your Division before the Commission on this matter.