FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: The Commissioners
Staff Director
Deputy Staff Director
General Counsel

FROM: Mary W. Dove/Lisa R. Davis
Acting Commission Secretary

DATE: May 5, 2000

SUBJECT: Statement Of Reasons MUR 4766

Attached is a copy of the Statement Of Reasons for MUR 4766 signed by Commissioner David M. Mason.

This was received in the Commission Secretary's Office on Friday, May 5, 2000 at 9:00 a.m.

cc: Vincent J. Convery, Jr.
Press Office
Public Information
Public Records

Attachment

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	**MUR 4766**
Philip Morris Companies, Inc., et. al.	)	

ADDITIONAL STATEMENT

COMMISSIONER DAVID M. MASON

This matter was initiated by a complaint from the National Center for Tobacco Free Kids alleging that several tobacco companies were planning to make impermissible corporate contributions to unnamed Republican Senators in the form of an allegedly coordinated television ad campaign regarding S. 1415, "The National Tobacco Policy and Youth Smoking Reduction Act." I joined my colleagues in unanimously[1] approving the General Counsel's recommendation to find no reason to believe that the ads were in violation of the Federal Election Campaign Act. As detailed in the First General Counsel's Report (FGC Report) in this matter, the ads in question did not mention any candidate (other than the name sponsor of the legislation) and their text, timing and placement evidenced no intent to influence elections. To the contrary the obvious focus of the ads was on legislative action. Neither was there any evidence of coordination between candidates or political committees and the tobacco companies as to the content, timing, mode or intended audience of the ads.

I write this additional statement to note that the matter should have been resolved more quickly and with far less expenditure of resources by the Office of General Counsel and the respondents and to urge the Office of General Counsel and my colleagues to take steps to ensure that the Commission and respondents do not become unnecessarily ensnared in reviewing or investigating baseless or insupportable allegations.[2] Most importantly, the Office of General Counsel should not compound such matters, as it did in this case, by designating as respondents persons who are not so named in complaints and could not under any reasonable interpretation be held in violation of the Federal Election Campaign Act on the basis of allegations in the complaint.

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[1] The tally vote on the General Counsel's recommendation was 5-0 with one Commissioner not casting a ballot.

[2] I do not fault the attorney assigned to this matter for the problems I am addressing. The attorney capably accomplished the task assigned her. The matter was delayed, initially, awaiting assignment and, subsequently, by decisions to reassign temporarily the responsible attorney to more urgent matters. That such reassignments were necessary, however, underlines my concern that the Commission must craft policies and procedures which facilitate more expeditious resolution of matters such as this.

I. Need for Threshold Review of Jurisdiction

The Commission's failure to address substantively many complaints it receives is of long-standing concern to the Commission itself, Congress and outside observers. Congress and the Commission have taken several significant steps to facilitate speedier resolution of routine matters in order to free up resources for investigation of more significant cases. The Enforcement Priority System (EPS), which facilitates routine dismissal of less significant complaints, was the first and is probably still the most significant of these tools. Despite this effort, the number and potential significance of matters dismissed under EPS as "stale" rather than low rated is of continuing concern. The Commission has requested and Congress has granted increases in personnel and funding for enforcement. More recently Congress provided, for a trial period, authority for the Commission to assess administrative fines for certain reporting violations in order to save resources for more significant enforcement matters. In addition, the Commission is establishing an alternative dispute resolution (ADR) process to speed resolution of cases and to reduce the number of cases dismissed without substantive action.

Several factors contribute to the Commission's difficulty in addressing every substantial complaint: a rather cumbersome enforcement process designed to assure due process to respondents, difficulties in reaching consensus among six Commissioners with varied legal and philosophical viewpoints, legal and constitutional complexity inherent in regulating political activity, resource constraints, and the fact that the FECA has been amended only in relatively minor ways in the past twenty years while campaign practices and constitutional jurisprudence have changed significantly. Though these constraints are largely structural or external to the Commission, the Commission has worked, internally and with the aid of Congress, to streamline the enforcement process, establish internal structures (such as the Litigation and Regulations Committees) to foster consensus among Commissioners, select and supervise litigation more attentively, obtain or free up resources, and secure non-controversial amendments to the Act.

I am convinced that one additional factor, very largely within the Commission's control, contributes significantly to the Commission's clogged docket. That factor is a natural predisposition to read its own jurisdiction as broadly as is arguably possible, too often pushing beyond what is reasonably supportable.[3] While administrative agencies

[3] See, e.g.: *FEC v. Machinists Non-Partisan Political League* (655 F 2d 380 at 382), "FEC's subpoena exceeded the Commission's subject matter jurisdiction," (regarding "draft" committees); *FEC v. Phillips Publishing* (517 F Supp 1308 at 1313), "If the press entity is not owned or controlled by any political party or candidate and it is acting as a press entity, the FEC lacks subject matter jurisdiction and is barred from investigating the subject matter of the complaint"; *Readers Digest v. FEC* (509 F Supp 1210 at 1215), "investigation is permanently barred by the statute unless it is shown that the press exemption is not applicable"; *FEC v. CLITRIM* (616 F 2d 45), "the challenged provisions of FECA are inapplicable to defendant's activities and therefore no justiciable case or controversy is presented"; *CAN II* (110 F 3d 1049 at 1061), "the Supreme Court limited the FEC's regulatory authority to expenditures which, through explicit words, advocate the election or defeat of a specifically identified candidate", Commission argument "simply cannot be advanced in good faith (as the disingenuousness in the FEC's submissions attests), much less with

sometimes must pursue cases which define the limits of jurisdiction, doing so too aggressively or too reflexively is detrimental to vigorous enforcement of the law by sapping resources, diverting attention from core enforcement and undermining the policy consensus necessary to the continuing support of any agency.

I believe the Commission staff has been too aggressive in reading marginal complaints to allege or support potential FECA violations and in adding as respondents persons not so named in complaints. Both errors were committed in this matter.

II. Reading of Complaints

From time to time the Commission receives complaints about activity over which we have no jurisdiction. In some instances the staff (appropriately) replies with a letter stating that the allegations do not appear to raise an issue within the Commission's jurisdiction. In other cases, however, staff treat as valid complaints which clearly fail to describe a FECA violation. One of the plainest recent examples was MUR 4869 (American Postal Workers Union), a union member's complaint about a mailing he received from his union endorsing a federal candidate. It was evident from the complaint and an attached letter from the union that the member-complainant simply misunderstood the law and believed that the FECA prohibition on union expenditures extends to membership communications. Despite the fact that this complaint was low rated and slated for routine dismissal, the Commission considered the complaint in order to vote that there was no reason to believe that a violation of the FECA had occurred. In my view it would be more efficient and more appropriate for the staff to draw such obvious conclusions rather than presenting the Commission with a choice between failing to comment on a meritless complaint by routine dismissal and wasting Commission time on a substantive dismissal.

The present matter should have been rejected at the outset for one simple reason: the complaint itself plainly asserted that the violation discussed had not, in fact, occurred. The complaint dated June 29, 1998 alleged that "ads to be run in the Fall...potential ads" (Complaint at 1) would represent a violation of the FECA. In summing up their case, the complainants wrote that the named corporations were "presumably" the companies who would fund a "promised advertising campaign." Section 437g(a)(1) of the Act provides for the filing of a complaint on belief that a violation "*has* occurred" (emphasis added). While the Commission itself has authority to act if it determines a person is "about to commit" a violation (Section 437g(a)(2), see also Sections 437g(a)(5)(C), 437g(a)(4)(A)(i), 437g(a)(6)(B)), complainants are not given similar latitude. The grant

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substantial justification."; *VSHL v. FEC* (83 F Supp 2d 668); *Clifton v. FEC* (927 F Supp 493); *FEC v. Survival Education Fund* (65 F 3d 285); *Maine Right to Life Cmte v. FEC* (98 F 3d 1); *Faucher v. FEC* (928 F 2d 468 at 471) (regarding the Commission's voter guide regulation), "The FEC nevertheless has sought to restrain that very same activity which the Court in *Buckley* sought to protect. This we cannot allow."; *Chamber of Commerce v. FEC* (69 F 3d 600) (finding Commission's interpretation of the statute's membership exemption impermissibly narrow); *RNC v. FEC*, 76 F3d 400 (1996) (Commission's "best efforts" regulation exceeded statutory authority); FEC v. Political Contributions Data, Inc., 943 F2d. 190 (1991) (Commission position on commercial use restriction not substantially justified).

to the Commission of explicit authority to act regarding prospective violations reinforces the plain reading of Section 437g(a)(1) limiting complaints to violations which have been committed and excluding allegations about future conduct.[4] The Commission's regulatory expansion of the complaint process to prospective behavior (11 CFR 111.4(a)) is not merely without statutory support: it is contrary to the plain reading of the law. Whatever authority the Commission may have to fill in gaps or extend the law to unforeseen situations, it cannot claim the authority to expand its own jurisdiction by regulatory fiat.

The FECA's definitions of contribution (Section 431(8)) and expenditure (Section 431(9)) likewise make clear that promises of future action are generally outside the scope of the Act. Section 431(8) exempts promises of any sort from the definition of "contribution." (See Legislative History of FECA Amendments of 1979 removing pledges from the definition of contribution and eliminating requirement to report pledges.) Section 431(9) includes a "promise or commitment" to make an expenditure only if the promise or commitment is in writing (a fact neither alleged or otherwise indicated in this matter).

Failure to observe this basic jurisdictional limitation will ensnare the Commission in wild goose chases based on speculative claims that someone is reportedly planning to do something that might violate the FECA (if, in fact, the reports are correct and if, in fact, plans are executed as reported). Election eve complaints by candidates or proxies about opponents already permit troublesome gaming by raising accusations which cannot be resolved prior to the election. Permitting complainants to speculate about potential future violations invites endless mischief. Furthermore, as pointed out by the principal respondents (Joint Response at 15-16), the only way the Commission could take action against "potential" ads is through some form of prior restraint, making it practically impossible for the Commission to act on a prospective complaint of this nature.

This case illustrates the pitfalls of ignoring statutory limits and accepting a complaint speculating about a future violation. First, acting expeditiously was impossible because the allegations reached over four months after the complaint was filed. Once this time passed, respondents and Commission staff reviewed ads run by tobacco companies ("presumably" those referred to in the complaint) for indications of intent to influence elections and found none. Had the complainant been required to describe an actual FECA violation before the Commission accepted the complaint, this complaint may never have been filed, since a review of the ads makes it impossible to allege reasonably that they were intended to influence the election of any identifiable candidate. If the complainant

[4] In an analogous manner, the Commission refuses to address advisory opinion requests to the extent that they raise issues regarding past rather than contemplated conduct (see 11 CFR 112.1(b)), reading Section 437f to apply only to prospective actions. The Commission's limitation on advisory opinions appears to have no statutory basis, since the text of Section 437f neither states nor implies a distinction between prior and future conduct, in sharp contrast to the provisions of Section 437g. The justification for this limitation is a statement in the legislative history (1979 at 204) and a desire to keep the advisory opinion and enforcement processes separate. The latter consideration yet again reinforces the rule that complaints are restricted to actions which have already taken place.

had been determined to go forward, it would have had the burden of citing specific ads and explaining how they allegedly violated the Act, rather than the untethered speculation on which the complaint was based. At that point, respondents and commission staff would have had a far easier time addressing specific allegations, rather than grappling with indefinite charges. That this case was clear once the conduct speculated about actually occurred demonstrates the wisdom of the statutory rule limiting complaints to activity which "has occurred."

III. Addition of Respondents

Plain errors in the addition of respondents occur in minor and major cases. In MUR 4767 a candidate who owned a Krispy Kreme franchise was accused of running campaign commercials disguised as donut ads, resulting in a corporate donation. The complainant identified two radio stations on which he allegedly heard the ads. Inexplicably, the Commission staff designated the radio stations as respondents in the MUR. Because the complaint specifically alleged an illegal corporate contribution (payments for the ads), the complaint could not be read to suggest any violation by the radio stations (for instance, giving the candidate free ads). The designation of the radio stations as respondents was defended on the basis that they were "implicated" in the matter and that the response of one station,[5] affirming that it had run donut ads but not campaign commercials, was helpful in resolving the matter.

Because MUR 4767 was low rated and dismissed without substantive action, the harm was minimal. Nonetheless, the designation of identified vendors as respondents was an extra-legal action unauthorized by the FECA or the Commission. There are any number of cases in which vendors or other witnesses might be able to shed light upon allegations in a complaint. However, the Commission is barred from investigating a complaint until after it has found reason to believe that a violation of the FECA may have occurred (see Section 437g(a)(1) and (2)). The Commission may also find reason to believe a person has violated the FECA "on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities."[6] (Section 437g(a)(2)) However, the "normal course" provision is an alternative to a complaint as the basis of a reason to believe finding and, thus, the Commission (or its staff) may not use the "normal course" provision to expand a complaint beyond persons clearly identified as respondents prior to a reason-to-believe finding and commencement of an investigation.

To defend the warrantless addition of respondents, the staff cites matters (MUR 2667, among others) in which the Commission chose not to proceed against particular

[5] The second station did not respond to the complaint notification, and the corporate respondent indicated it had never run ads on this second station.

[6] This provision applies most clearly to reporting violations which the Commission may discover in the course of reviewing reports filed with it. However, the Commission has read (and I agree it should read) the "normal course" provision to include the authority to find reason to believe on the basis of information discovered in the course of an otherwise validly authorized investigation.

parties because they had not been provided a copy of the complaint and an opportunity to respond pursuant to Section 437g(a)(1). However, ensnaring someone who is not properly a respondent in an enforcement matter is at least as serious an error as failing to notify properly identified respondents. If the staff made mistakes in prior matters, staff should take care to notify all properly identified respondents (but only properly identified respondents) in the future. If the staff believes the Commission overreacted in the prior matters, staff should seek or recommend an appropriate policy clarification.[7] Candidates, political committees and vendors should not have to pay for Commission uncertainty by defending themselves in matters in which they are not properly respondents.

In this matter, the staff designated Senator Mitch McConnell and the National Republican Senatorial Committee as respondents despite the fact that the complaint explicitly identified five tobacco companies (and only them) as respondents. The complaint did not allege that Senator McConnell (who was not a candidate for election in 1998) received improper contributions. In fact, as discussed below, the complaint's claims necessarily exclude that possibility. Neither did the complaint allege that the National Republican Senatorial Committee was the recipient of the alleged contributions, suggesting rather that unnamed Senators would receive the alleged contributions.

A. Speech or Debate Immunity

Senator McConnell's initial response credibly raises the claim of immunity under the speech or debate clause (U.S. Constitution, Article I, Section 6, clause 2). The clause plainly applies to Senator McConnell's comments regarding pending legislation made to his Senate colleagues in a meeting in the Capitol. If it had been otherwise appropriate for the Commission to investigate these allegations, we would clearly have been barred from inquiring about McConnell's speech as reported in the media and reiterated in the complaint or from using those reports as evidence. Thus, there is a substantial question as to whether the complaint, which is predicated completely on hearsay accounts of the content of Senator McConnell's privileged speech, could have provided a valid basis on which to open an investigation of *any* party, even if it had described a possible violation of the FECA. At a minimum it is clear that we could not permissibly use the hearsay accounts of Senator McConnell's privileged speech as the basis to open an investigation of Senator McConnell. Because the complaint's allegations about Senator McConnell related solely to his privileged speech, the staff erred in designating Senator McConnell as a respondent in this matter.

Having ensnared Senator McConnell in this matter, the failure of the FGC Report to address the speech or debate issue (other than to summarize the assertion of this defense) is regrettable and difficult to understand. The matter having been presented to the Commission, I view the speech or debate clause as an entirely sufficient basis to

[7] Staff has cited a 1988 Enforcement Procedure, apparently never approved by the Commission, as the basis for the current "broad" respondent notification policy. Whatever the authority of that policy, it could not justify designating as respondents persons who could not be held to have violated the FECA under any interpretation of the allegations made in a complaint.

dismiss the matter as to Senator McConnell. My discussion of additional and independently sufficient reasons as to why Senator McConnell should not have been designated as a respondent (and was justifiably absolved once so named) should not be viewed as diminishing the gravity of the initial error in trespassing on speech or debate immunity.

B. Lack of Any Other Basis to Name Senator McConnell and the NRSC as Respondents

The failure to identify alleged recipients of the supposed contributions represents a significant flaw in the complaint, especially since it relies on a coordination theory. The tobacco companies coordinated with someone, the complainant alleges, though it is unsure as to who or how (and apparently not through actual discussions). The fact that the complainant was unable to identify recipients of the alleged contributions does not justify the insertion of Senator McConnell and the NRSC as substitute or proxy respondents.

The complaint did allege that Senator McConnell "communicated" an offer by the tobacco companies to unnamed Senators. Even if taken to be true (and subject to investigation, given the speech or debate clause), this allegation would not represent a violation of the FECA by Senator McConnell or the NRSC. Section 441b prohibits corporate contributions to federal campaigns and prohibits officers or directors of corporations from consenting to such contributions. Senator McConnell is not an officer or director of any of the tobacco companies named in the complaint and, therefore, could not be held liable for any contributions the companies are alleged to have made.

Section 441b also forbids "any candidate, political committee or other person knowingly to accept or receive any" corporate contribution. As noted above, neither Senator McConnell nor the NRSC are alleged to have received contributions from the tobacco companies. Neither are they alleged, nor could reasonable conjecture support, that they were agents of the unnamed campaigns in accepting alleged contributions. (See FGC Report at 28) The agency of Senator McConnell and the NRSC is not a missing link to be read into the complaint; Senator McConnell was accused of communicating a message on behalf of tobacco companies. If this allegation is assumed to be true, the person alleged to have communicated an offer to make a contribution[8] cannot be the person alleged to have accepted the proffered contribution (unless complainant and staff think Senator McConnell was offering a contribution to himself). The substance of the complaint necessarily excludes the theory that Senator McConnell was acting as an agent of the unnamed Senate candidates in "receiving" a contribution in their behalf.

Furthermore, the statute and regulations prohibit the Commission from presuming that the NRSC was an agent of the unnamed Senate candidates for purposes of accepting in-kind contributions. In order for political committees to accept contributions on behalf of candidates, candidates must authorize them to do so in writing (Section 432(e) and 11

[8] Even if this communication is assumed to have been made as described, it would not represent a violation of the FECA since a promise to make a contribution is not a contribution, see page 4 supra.

CFR 102.13(a)). The only exception to this rule applies to funds raised by party committees for party-coordinated expenditures (11 CFR 102.13(b)), which were not at issue in this matter. Absent a written authorization, which is required to be filed with the Commission, the Commission may not hold candidates responsible for contributions received by national party committees. Therefore, we cannot conjecture that the NRSC may have "received" an in-kind corporate contribution on behalf of unnamed candidates.

Matters precisely such as these demonstrate the wisdom of the legal rule barring presumptive attribution of agency between party committees and individual candidates.[9] In casual political discourse, the actions of party leaders are often associated with individual candidates and vice versa: such an unexamined assumption appears to have been the linchpin of this matter. As a legal matter, however, we cannot assume that candidates and party leaders are reciprocally responsible for one another's actions. Otherwise we might find ourselves holding individual candidates responsible for party fundraising letters mentioning candidates but explicitly soliciting contributions to the party committee. In like manner, whatever Senator McConnell may have said about tobacco companies and pending legislation cannot have transformed the tobacco companies' speech about legislation into contributions to individual Senate candidates.

As the NRSC and McConnell were not alleged to have received or accepted contributions for themselves, and because they could not in these circumstances have been accepting contributions on behalf of individual candidates, there was no legal justification for designating them as respondents in this matter.

IV. Judicial Review and Timeliness

Section 437g(a)(8) of the Act, providing for judicial review of Commission dismissal of complaints, may be cited as a general defense of a liberal reading of complaints, both as to their content and as to respondents. Section 437g(a)(1) provides for the filing of a complaint by "[a]ny person who believes a violation...has occurred." Under one interpretation, a complainant's belief that a violation of the FECA has occurred, no matter how plainly erroneous that belief is, is a valid basis for a complaint. The Commission has not consistently read the statute in this manner, however, rejecting some submissions with a letter stating that the matters raised are not within the Commission's jurisdiction.[10] I believe that the Commission should reject complaints about prospective activity or which simply fail to allege facts which might constitute a violation of the FECA (such as the American Postal Workers Union matter) on the same basis. However, even the combination of the relatively lax statutory threshold for complaints and the judicial review mechanism cannot justify the naming as respondents persons who were not "alleged in the complaint to have committed [] a violation."

[9] E.g., *FEC v. Colorado Republican Federal Campaign Cmte* (839 F Supp 1448).

[10] Early this year the Commission so rejected a complaint regarding a congressional candidate who was employing a campaign staffer simultaneously on the payroll of an incumbent Member of Congress.

Just as courts require a threshold showing of jurisdiction before considering a matter, I believe this Commission must establish jurisdiction before proceeding to the merits of a matter. In this instance, the FGC Report simply ignored multiple jurisdictional arguments made by the respondents (that the complaint was about prospective activity, that Senator McConnell and the NRSC were not named in the complaint as respondents, and that the speech or debate clause prohibited use of the reported comments as the basis of even a preliminary investigation). The report implicitly assumed jurisdiction and recommended dismissal on the merits. As a general matter, First General Counsel's reports should include a jurisdictional analysis, certainly at least when respondents raise jurisdictional defenses.

Even if the FGC Report had responded to the jurisdictional arguments, the current enforcement process which involves awaiting responses, rating complaints (with little regard to jurisdiction), holding the matter on the Central Enforcement Docket, and then possibly assigning it to an attorney after some delay, is simply unsatisfactory as a means of resolving the fundamental threshold issue of whether the Commission has jurisdiction at all.

This matter was the subject of significant publicity concurrent with the filing of the complaint, and the same allegations were recounted in a letter to the Attorney General urging a Justice Department investigation. These allegations had the intended effect of casting a political cloud over the tobacco companies and "Republican senators" (sic) from June until the November election. The complaint itself was plainly intended to influence elections.[11] In the face of such patently insupportable abuse of its enforcement process, the Commission should have addressed the matter within the four months between the filing of the "complaint" and the election. That this matter took some twenty months to resolve is simply inexcusable.

It is clear from the statute that Congress intended that the Commission attempt to resolve matters prior to elections when possible (see Section 437g(a)(4)(A)(ii) reducing the minimum conciliation period to 15 days in the 45 days prior to an election, and Section 437f(a)(2) reducing the deadline for rendering an advisory opinion to a candidate to 20 days in the 60 days prior to an election). For enforcement matters specifically, the commission may dismiss complaints even before the expiration of the 15-day respondent

[11] It is apparent that the complainant intended to influence elections from an attachment to the complaint reporting that Matthew Meyers, one of the signatories to the complaint, "says his group plans to run more ads against Republicans who helped kill the tobacco bill as the fall elections approach." ("GOP Doesn't Fear Voter Backlash from Killed Tobacco Legislation," Jeffrey Taylor and Phil Kuntz, *WSJ*, June 25, 1998). In contrast to the ads run by the tobacco companies which did not identify specific candidates, the Campaign for Tobacco Free Kids ads targeted individual legislators by name and photograph, with positive messages for those sharing the Campaign's view and negative messages for those opposed. (See attachments to response of Brown and Williamson Tobacco, et. al.) This complaint may well have been colored by the Campaign's projection of its own intentions and mindset to the tobacco companies. Had it not been for their principled legal position, the tobacco companies would have been as justified in filing a complaint (with far better evidence) against the "Campaign" as the Campaign was in filing this complaint against them.

notification period (the only action the Commission may take before that time; Section 437g(a)(1)). Congress specifically contemplated that the Commission might speedily consider but fail to agree on dismissal and then be required to wait to consider a motion to find reason to believe (1979 Legislative History at 204).

Early in the Commission's history, reason-to-believe recommendations were known as "48-hour reports," the time frame given to staff in preparing them. Only after the Commission had made this basic determination might a matter sit for an extended period due to a lack of staff resources. Lengthier first general counsel reports (in which reason to believe recommendations are now made) and adoption of the Enforcement Priority System now make it impossible to dismiss the most routine matters in less than a few months and then often without any substantive finding.

I believe the Commission is obligated, by the clear logic of the statute, to return to an enforcement process which allows an early vote to dismiss a matter. There are numerous ways in which this might be done, and I urge my colleagues to work with me to devise a speedy and practical process for this purpose. The lengthy delay in addressing this very high profile but ultimately meritless matter is a prime example of this need. More recent, and equally without merit, complaints against Hilary Clinton (MURs 4924 and 4926) were dismissed in a timelier manner[12] but illustrate that prominent figures in both parties are subject to baseless charges. This Commission must not permit a bureaucratic fixation with elaborate internal processes to allow us to be used as the dumb tool of political opportunists of any partisan stripe.

David M. Mason
Commissioner

May 5, 2000

[12] That the Clinton matters were dismissed in six months while the McConnell matter took twenty months of course opens the Commission to criticism and underlines the need to address expeditiously all matters potentially meriting dismissal.