



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

May 19, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John M. "Butch" James
171 Mankin Avenue
Oak Hill, WV 25091

RE: MUR 4781

Dear Mr. James:

On August 6, 1998, 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 has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1999. 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. § 437g(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

11-21-99 10:40:06

MUR 4781
WEST VIRGINIA "MACHINE"

John M. "Butch" James alleges that "the Machine" in Fayette County, West Virginia, anonymously handed out cards with its slate on and advertised the slate in the paper. The complaint alleges that candidates Tom Aiello, John Lopez and Shirley Love are all leaders of the Machine, and implies that they are responsible for producing this card. The cards do not contain a disclaimer. Though most of the candidates are for state offices, the card included mention of a candidate for West Virginia's 3rd congressional district seat. Incumbent Nick Rahall won this race with 86% of the vote to Francis Whelan's 14%.

Respondents Shirley Love, John H. Lopez, and Thomas Aiello each deny responsibility for publishing the anonymous slate. Mr. Aiello states that the cards had been incorrectly attributed to him due to a misunderstanding with a local reporter. Four other respondents likewise denied publishing the cards or knowing their source.

This matter is less significant than other matters pending before the Committee.