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June 1, 1999

Via Certified Mail -- Return

Receipt Requested

Mr. F. Andrew Turley
General Counsel's Office
Federal Election Commission
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUN 4 2 53 PM '99

Re: **MUR 4890**

Dear Mr. Turley:

I have reviewed the complaint filed by Mr. Miano with respect to Abraham Senate 2000 ("Committee") and myself as Treasurer of the Committee.

It appears to me that the fund raising event in question was a morning meeting attended by Senator Abraham prior to the opening of the Spring Conference of the American Immigration Lawyers Association ("AILA") on March 19, 1999. The conference and the event were held in Washington, D.C.

The offer to organize the fund raising event was extended by individuals who are licensed attorneys and members of the AILA. The organization of the event and solicitation of contributions were made without assistance or direction of the Committee except as to scheduling a time on the Senator's calendar.

I have several additional comments from my review of the complaint. First, the name of the India Network Foundation ("Foundation") was not associated with the event. In fact, the first reference I have ever seen to this organization is in the complaint forwarded to me.

The relevant portion of the February 23, 1999 Bulletin which Mr. Miano maintains shows that the Foundation solicited funds on behalf of Senator Abraham falls short of any such

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interpretation. No reference is made to Senator Abraham in the alleged offensive comments appearing at page 13. In fact, no reference is made to Senator Abraham throughout the entire text of this Bulletin filed in support of this complaint. In addition to a lack of an identified candidate/recipient, it also lacks a specific request for funds in any amount.

What this does appear to be is a general editorial comment. It also appears that the object of the comment is to inform the audience that the individual(s) of the Law Office of Sheela Murthy intend to be involved in some future activities. The only proactive suggestion is a general one to "those interested . . ." could send an E-mail to law@murthy.com. No mention is made of sending any communications to the Foundation providing further evidence the Foundation is not involved in this matter.

The relevant portion of the March 18, 1999 Bulletin merely reports that a fund raiser was held. It does not indicate or suggest any involvement or participation by the Foundation with this event. The paragraphs again, in an editorial manner, thank those who offered to contribute. The clear implication is that no funds are being solicited in this communication either.

It appears to me that the nature of these types of communications are meant to be informative and are not meant to develop specific relationships with recipients. That is particularly true with informational publications issued by attorneys to multiple individuals even if individually addressed. The disclaimer contained in both Bulletins clearly evidences a desire to avoid any type of individual relationship. The disclaimer specifically and clearly states: "The information provided above is of a general nature and may not apply to any particular set of facts or circumstances. . . . Please be advised if you have a case specific question/situation on an immigration matter, you should consult with an attorney who concentrates in the area of immigration law." See page 1 of February 23 and the March 19 Bulletins. For this reason I believe that the suggestion for individuals to become involved was also intended to be a general statement and not intended to be a direct solicitation of any individual for any specific purpose.

The alleged offensive comments constitute a very small portion of the Bulletins of either February 23 or March 18. The attached Bulletin of February 23 contains 14 pages of information regarding immigration issues. Of those 14 pages containing more than 900 lines of copy, less than 20 lines are dedicated to this subject. The Bulletin of March 18 similarly contains 16 pages containing more than 1,000 lines of copy in which 8 lines are the subject of this complaint. It is clear that the mention of this activity is incidental to the overall activity contained in the Bulletin and could not represent an improper contribution from any individual or organization named therein.

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Finally, let me address Mr. Miano's assertion that the target audience for the newsletter is non-U.S. citizens, thereby clearly indicating contributions are being solicited from non-U.S. citizens. I have no actual knowledge of the target audience of the Bulletin. However, both Bulletins begin by stating that "[t]his Bulletin contains updated information on recent developments in U.S. immigration law and policy." It would seem to me that a large number of U.S. citizens are interested in this subject. Individual business people may have an interest relating to their work force or U.S. citizens might be interested in family members immigrating to the U.S. Without knowing who the subscribers actually are, I do not see how it is "clear" as Mr. Miano sates. Regardless, the Committee did not direct, approve, suggest or participate in the decision to use the Bulletins for any type of communication.

Most importantly, I have reviewed the Committee records and have determined that, to the best of my knowledge, no contributions were received from non-U.S. citizens. The information we have for the contributors for the fund raising event indicates they are all licensed attorneys and members of the AILA. All checks were drawn on U.S. banks and all contributors had U.S. addresses. The fact that the Committee did not receive any non-U.S. citizen funds appears to support the conclusion that non-U.S. citizens were not an invitee group for this event.

I trust this response will aid the Commission in finding that the Committee has acted in accordance with the Federal Election Campaign Finance Act of 1971, as amended. Please contact me if you require more information or if I can be of further assistance.

Sincerely,



Mark C. Larson
Treasurer

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