



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: The Commission
Staff Director
General Counsel

FROM: Mary W. Dove/Veneshe Ferebee-Vines
Acting Secretary of the Commission

DATE: March 27, 2000

SUBJECT: Statement of Reasons for MUR 4911

Attached is a copy of the Statement of Reasons for MUR 4911
signed by Chairman Darryl R. Wold, Vice-Chairman Danny L.
McDonald, Commissioner David M. Mason, Commissioner Karl J.
Sandstrom and Commissioner Scott E. Thomas

This was received in the Commission Secretary's Office on Friday,
March 24, 2000 at 4:41 p.m.

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

Attachments



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4911
President William Jefferson Clinton, Hillary)
Rodham Clinton, Hillary Rodham Clinton)
for U.S. Senate Exploratory Committee,)
Vice-President Al Gore, Gore 2000,)
Mrs. Gore)

STATEMENT OF REASONS

On February 15, 2000, the Commission found, by a vote of 5-0, that there was no reason to believe that the above captioned respondents (the "respondents") violated the Federal Election Campaign Act ("FECA"). Based upon the information found in the complaint and the separately filed responses, the Commission concluded that the respondents had complied with applicable Commission regulations.¹

I.
THE COMPLAINT

Samuel Vardanian filed a complaint dated July 19, 1999 ("July Complaint") stating that he "strongly believe[s]" the respondents "are using government resources to further their campaigns." July Complaint, p.1. In support of this allegation, the complaint referred generally to the respondents' "practice of scheduling a seminar and/or speech then using that to go on a fundraising trip. . ." Id. The complaint then cited trips taken by the President, Vice-President and First Lady, on government conveyances, which allegedly included both official and campaign related activities.² Though Mrs. Gore was named by the complainant, he made no specific allegation against her.

¹ Ryan, Phillips, Utrecht and MacKinnon submitted responses on behalf of Vice-President Gore, Mrs. Gore, Gore 2000 (collectively "the Gore Response"), and Hillary Rodham Clinton for US Senate Exploratory Committee (the "Clinton for Senate Response"), though Mrs. Clinton's response was filed separately. Acting White House Counsel Cheryl Mills submitted a response on behalf of President Clinton (the "Clinton Response").

² The complaint stated "[f]or example, Mrs Clinton1 [sic] scheduled a 4 day campaign trip one week in NY using I presume an air force plane. Were the taxpayers charged for the cost of transportation and billing as well as food? . . . Mr. Clinton went a [sic] 4 day swing to depressed areas, no doubt using the lame excuse

The individual filed an amended complaint on August 10, 1999 (the "August Complaint"), stating, "[a]nother concern that I have especially with Mrs. Hillary R. Clinton [sic] possibly using illegally federal funds to promote her ludicrous claim of 'Listening' while we all know it is nothing but a charade." August Complaint, p.1.

II. THE RESPONSES

Each of the respondents state that the complaint is without merit, fails to allege violations of the Act, and should be dismissed.³ The respondents argue that the activity complained of is specifically permitted by the Commission's regulations, and that where the respondents conducted campaign-related activities, and a government conveyance was used, the government was properly reimbursed pursuant to the Commission's regulations at 11 CFR §§ 106.3 and 9034.7.⁴

III. THE LAW

Federal candidates, or those exploring the possibility of a candidacy, are specifically permitted under the Commission's regulations to use government conveyance for activities that have both an official and campaign component, provided the candidate reimburses the government for the costs of facilities sufficient to accommodate the travelers.⁵ Reimbursement for the use of government conveyance by a publicly funded candidate is addressed at 11 C.F.R. § 9034.7.⁶

to go on a fundraising [sic] even in the evening. . . . Last week Mr. Gore went on campaign trips from Phil. to Pitts and then down to Tampa. One trip I thought was outrageous of him flying to LA, then to Orlando for a fundraising [sic] then next day flying back to LA." July Complaint, p.1. The respondents dispute the accuracy of this information. Gore Response, p. 3.

³ Clinton Response, pp. 1-2, Gore Response, pp. 1-3 and Clinton for Senate Response, pp. 1-3.

⁴ Clinton Response, p. 3, Gore Response, p. 3 and Clinton for Senate Response, p. 3.

⁵ "[T]he reportable expenditure for a candidate who uses government conveyance or accommodations for travel which is campaign-related is the rate for comparable commercial conveyance or accommodation. In the case of a candidate authorized by law or required by national security to be accompanied by staff and equipment, the allocable expenditures are the costs of facilities sufficient to accommodate the party, less authorized or required personnel and equipment. If such a trip includes both campaign and non-campaign stops, equivalent costs are calculated in accordance with paragraphs (b) and (c) of this section. 11 CFR § 106.3(e).

⁶ "If any individual, including a candidate, uses a government airplane for campaign-related travel, the candidate's authorized committee shall pay the appropriate government entity...." 11 CFR § 9034.7(b)(5)(i).

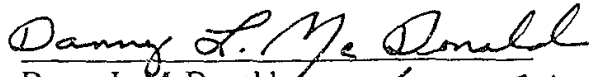
IV.
ANALYSIS & CONCLUSION

Upon examination of the complaint and response, the Commission concluded that the complainant had offered no evidence of a violation, and that there was no evidence the respondents had not complied with applicable Commission regulations.

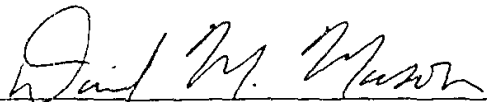
The complainant alleged that the government was not properly reimbursed.⁷ The respondents replied that they had fully complied with the Commission's travel reimbursement regulations, and submitted affidavits and copies of checks written to the White House Airlift Operations in support of their contention.⁸ For these reasons, the Commission found that there was no reason to believe a violation of the FECA had occurred.



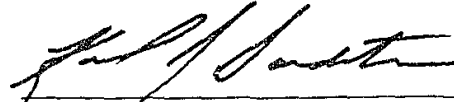
Darryl R. Wold
Chairman


by F. J. [unclear]

Danny L. McDonald
Vice-Chairman



David M. Mason
Commissioner



Karl J. Sandstrom
Commissioner



Scott E. Thomas
Commissioner

⁷ July and August Complaints, p. 1.

⁸ Affidavit of Gary R. Gruver attesting to the proper payment for Vice-President Gore's trips to Pittsburgh, Philadelphia, Tampa and Orlando, submitted with Gore Response; Gore Response Exhibit 1, copies of Gore 2000 checks made out to White House Airlift Operations.