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October 19, 1999

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
6th Floor
Washington, DC 20463

Re: MUR ⁴⁹³⁰~~4390~~, Clinton/Gore '96 General Committee
and Joan Pollitt, as treasurer

Dear Mr. Noble:

This is the response of the Clinton/Gore '96 General Committee (the "Committee") and Joan Pollitt, as treasurer, to the baseless and frivolous complaint filed in the above-captioned matter. The Commission should find no reason to believe that any violation of the Federal Election Campaign Act of 1971, as amended, (the "Act") has been committed by the Committee and close this file immediately.

1. This complainant has repeatedly filed meritless lawsuits involving other unrelated matters – and had them summarily dismissed.

This complainant has a long history of filing meritless lawsuits and complaints, going back to the Bush Administration. In fact, complainant recites his own laundry list of failed lawsuits and other matters that amount actually to a complaint with the American justice system and have nothing to do with a statute under the Commission's jurisdiction. In addition, complainant's dissatisfaction with the current Administration – or the State of California for that matter – is similarly not within the Commission's purview. The Committee urges the Commission to take this history into account in assessing the credibility of the complaint in this MUR.

2. This complaint is not a valid complaint under the Commission's requirements.

This complainant has failed to satisfy even the minimum requirements under the Act for filing a complaint. Under 11 C.F.R. §111.4(d), a complaint to be sufficient, valid and appropriate must "conform" to certain provisions pertaining to the source of the

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information contained in the complaint, the description of a potential violation, and the presentation of supporting documentation. Even a cursory reading of this complaint makes obvious that it fails to conform to any of these provisions, and, for that reason alone, should be rejected by the Commission. This complaint simply consists of gross speculation absent any semblance of support.

3. There is no basis whatsoever for complainant's statements about the Committee.

The statements made by complainant as pertaining to Clinton/Gore '96 are completely absurd and have no basis in fact whatsoever. The Committee was a fully publicly funded entity. As such, it received no contributions of any kind. Complainant's claim that the union dues of teachers were somehow "laundered" to the Committee displays a fundamental and basic misunderstanding of the public financing system.¹ Something more than this bald assertion is required for the Commission to even consider this matter. There is simply no evidence to support the complainant's suspicions.

More importantly, the Committee was thoroughly audited by the Commission. To our knowledge, there was nothing uncovered during the course of that audit that would give even an inkling of credibility to complainant's statements. In fact, no issues were raised with respect to the "receipts" of this Committee.

Complainant's statements with respect to the website of the American Federation of Teachers ("AFT") is similarly nonsensical. Nothing on the face of Exhibit C, as supplied by complainant and which purports to be a page from the AFT's website, appears to violate the Act, and in fact, is not even an endorsement, as stated by complainant.² Neither the Act nor the Commission's regulations prohibit a person or group from posting the names of candidates on a website -- nor could such a prohibition pass constitutional muster. The Clinton/Gore banner which appears thereon is actually a clear exercise of free speech and grass roots political activity by AFT.

Moreover, even the Commission has recently recognized, given the explosion in internet communications, particularly through political speech appearing on websites, that a dire need exists to address this very matter through a new rulemaking process. Certainly, this complaint -- especially in light of the paucity of its support -- cannot serve as the basis for any possible violation until the Commission provides clarity to the application of the Act to internet and website activities.

¹ Although the general election committee is the respondent herein, there is no evidence that any other Clinton/Gore '96 related entity received teachers' union dues. All privately raised contributions were received from individuals and accepted by the Clinton/Gore '96 Primary Committee and the Clinton/Gore '96 General Election Legal and Accounting Compliance Fund in compliance with applicable laws and regulations and were duly disclosed. There is absolutely no evidence to the contrary.

² Nor is there any indication from Exhibit C that it actually appeared on the AFT website during the 1996 election cycle. However, nothing would prohibit AFT either then or now from posting the names of the President or Vice President on its website.

As stated above, this complaint is frivolous and devoid of any basis or support, and for that reason, the Commission should find no reason to believe that any violation of the Act has occurred and close the file.

Respectfully submitted,

Lyn Utrecht

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Eric Kleinfeld

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