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COUNSEL

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
6th Floor
999 E Street, N.W.
Washington, D.C. 20463

**Re: MUR 4960, Hillary Rodham Clinton and Hillary Rodham Clinton for
U.S. Senate Committee, Inc., and William J. Cunningham, III, as treasurer;
Kaki Hockersmith; and Carolyn Huber**

Dear Mr. Noble:

This letter is filed on behalf of Hillary Rodham Clinton, the Hillary Rodham Clinton for U.S. Senate Committee, Inc., William J. Cunningham, III, as treasurer, Kaki Hockersmith, and Carolyn Huber,¹ (collectively referred to as the "Respondents") in response to the complaint filed in the above-referenced matter by Judicial Watch (the "Complainant"), alleging violations of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 431, et seq. ("FECA" or the "Act"). For the reasons set forth below, this matter must be dismissed.

1. Factually, this complaint is without basis.

Without any evidence and contrary to the information available on the public record, Complainant alleges that unspecified individuals made unidentified payments to President and Mrs. Clinton in connection with the move of their personal belongings to

¹ We are somewhat at a loss to understand the allegations against Ms. Hockersmith and Ms. Huber. Both are personal friends of the First Lady, neither is currently a federal employee, and both are certainly entitled to help a friend move to a new home. Even if assisting the Clintons in moving into their new home could somehow be construed as providing assistance to her campaign committee, the uncompensated volunteer services of an individual do not constitute a contribution and is not reportable. 11 C.F.R. Section 100.7(b)(3).

their newly purchased home in Chappaqua, New York.² According to Complainant, these unspecified individuals somehow violated campaign contribution limits to Mrs. Clinton's Senate Committee by making their unidentified payments related to the move. The complaint provides no evidence in support of these allegations. Rather, Complainant asserts a right on behalf of the organization to know the answers to questions they have asked. They simply have no such right and the Act does not provide one.

The "evidence" cited in the complaint derives from two sources. First, the complaint alleges that the failure of the Clintons' attorney, David Kendall, Esq. of Williams & Connolly, to respond to their accusatory letter dated December 9, 1999, constitutes an admission of wrongdoing. Second, it alleges that newspaper stories related to the move support their assertions of third party payments, when in fact, the news stories they attached contradict the allegations contained in their complaint.

With respect to the letter to Mr. Kendall, no one was under any obligation to respond to a letter from Judicial Watch. The failure to respond to the baseless accusations in their letter cannot be construed as any admission of anything.

With respect to the news stories attached to the complaint, every single one of them contradicts the accusations of Judicial Watch that third parties paid expenses related to the move. Mrs. Clinton's spokesperson, Karen Finney is quoted specifically stating that the move expenses were paid by the Clintons themselves. NYT, January 5, 2000. The Washington Post story dated January 6, 2000, notes that the moving vans included "boxes and boxes of goods and furniture that have been in storage since the Clintons moved from Little Rock to Washington in 1992." The stories further reported that both the President and First Lady had worked over the holidays to determine which of their belongings would be moved and to box them. There is nothing in these stories in support of the Judicial Watch allegations.

2. The legal analysis set forth in the complaint is incorrect.

The legal theory put forth by Complainant is also incorrect. While the complaint provides no evidence of the alleged "apparent assistance provided Mrs. Clinton", the complaint's legal theory that gifts to the President and the First Lady would constitute contributions to her campaign is wrong. Personal gifts to an individual candidate or that candidate's spouse, provided that they are not for use in the campaign are outside the coverage of the Act. Gifts to Members of Congress and the Executive Branch are covered by the Ethics in Government Act, 5 U.S.C. app., §101 et seq. (the "Ethics Act"), which, in fact, does not prohibit the President and First Lady from accepting gifts. These

² This complaint does not meet the standards set forth in the FEC regulations for a proper complaint. These regulations require that a complaint provide a "clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction..." 11 C.F.R. Section 111.4(d)(3).

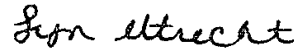
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gifts are not disclosed on Committee Reports of Receipts and Disbursements filed by candidates and their committees, but rather are filed on personal Financial Disclosure forms filed by incumbent officeholders. Under the Ethics Act, candidates are not even required to disclose gifts.

CONCLUSION

For the foregoing reasons, the Commission should dismiss this complaint as insufficient or find no reason to believe that any of the respondents have violated any provision of the Act.

Sincerely,



Lyn Utrecht