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CONFIDENTIAL

February 4, 2002
HAND DELIVER

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
FEB 4 1 49 PM '02

Roy Q. Lockett, Esquire
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 5020

Dear Mr. Lockett

As I informed you during our brief telephone conversation last Friday, we represent Mr. David Jonas in the above-referenced Matter Under Review before the Federal Election Commission ("FEC") (Mr. Jonas' Statement of Designation of Counsel, designating this firm as his counsel in this matter, is attached)

This is the initial written response of Mr. Jonas to the FEC Chairman's letter of October 18, 2001, but it is timely because of the delay in the receipt of that letter. Specifically, we are advised that the Chairman's letter to Ashley N. Bailey, Esquire, dated October 18, 2001, informing Ms. Bailey that the Commission found reason to believe that Mr. Jonas violated 2 U.S.C. § 441(b)(a), was received by Ms. Bailey on January 5, 2002, and it was received by Mr. Jonas subsequent to that date. Accordingly, this letter is submitted within 30 days following receipt of the Chairman's letter, even if the January 5 date were deemed the date of receipt.

Attached hereto is Mr. Jonas' Declaration, dated January 31, 2002, in which Mr. Jonas addresses his involvement in the matters set forth in the Factual and Legal Analysis accompanying the Chairman's letter of October 18. As you can see from his Declaration, the actions of Mr. Jonas referred to in the Commission's Factual and Legal Analysis were not dictated by his employer, but rather were purely voluntary. Mr. Jonas volunteered to solicit contributions to the Gormley for Senate committee, and he acted at all times in the belief that his actions were appropriate and lawful. We believe that the other respondents would support

those facts, and we respectfully request, on Mr Jonas' behalf, that he be dismissed as a respondent in this matter.

Even if the Commission were to determine that Mr. Jonas' employer facilitated the making of contributions to the Gormley committee, we would submit that the individuals contacted by Mr. Jonas were members of the restricted class of Mr. Jonas' employer, that the actions involved were lawful in accordance with 2 U.S.C. § 441b(b)(2)(A), and that any possible violation would have been both unintentional and *de minimis*. Accordingly, in the joint response to the Commission's reason to believe findings that we are submitting today under separate cover, together with counsel for respondents Harrah's Entertainment, Inc., Marina Associates, Showboat Atlantic City, Inc., and Herbert Wolfe, which sets forth in more detail the arguments mentioned above, we are also seeking, as alternative relief on behalf of Mr Jonas, pre-probable cause conciliation in accordance with 11 CFR § 111.18(d). A copy of Mr Jonas' Declaration is an attachment supporting that joint submission.

Thank you for your consideration in this matter. We look forward to the Commission's determination.

Sincerely yours,



John S Miles

JSM mm
Enclosures

cc David O Stewart, Esquire
Ashley N Bailey, Esquire
Jack Gorney, Esquire

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF.

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MUR 5020

DECLARATION OF DAVID JONAS

1 My name is David Jonas. I am the general manager of the Harrah's Atlantic City Casino and held this position in March, 2000.

2 In March 2000, in a conversation with Herb Wolfe, who was the manager of our sister casino, Showboat Atlantic City, Mr. Wolfe told me that he was asking colleagues to consider voluntarily contributing to the campaign of William Gormley, who was running for the New Jersey Republican nomination to be a candidate for the U S Senate He asked whether I would be interested in asking my colleagues at Harrah's Atlantic City for contributions I intended to support Mr. Gormley myself, and I believe I told Mr. Wolfe that I would encourage my colleagues at Harrah's Atlantic City Casino to contribute to Mr. Gormley's campaign committee if I obtained assurance that it would be appropriate for me to do so

3. This effort was not part of my job at the casino, and I was not ordered to do it I decided to do it on my own, and I did not intend my fundraising activities to be conducted on behalf of my employer, or to represent a corporate activity Nevertheless, because I intended to solicit colleagues at work and because I was unfamiliar with fundraising law, I advised my superior of my plans. I also sought advice from Harrah's corporate counsel, and I was informed that my plans were appropriate and within the law

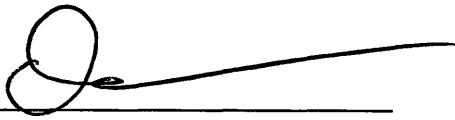
4. All of my colleagues at the casino that I contacted about the Gormley campaign were senior managers or in management-related positions, and I only suggested that they consider making a donation to the Gormley campaign. At no time did I advise my colleagues that they were in any way expected to contribute, or required to contribute. In fact, some of them told me up front that they did not support Gormley and did not wish to contribute to his campaign. Although a number of my colleagues decided to contribute, others did not.

5. My colleagues were encouraged to give to the Gormley for Senate committee, but were not provided with items such as stamps or envelopes. They were told that they could leave donations at my office, which many did, although some may have mailed checks directly to the Gormley committee. I did not collect the contributions from them, but only allowed them to leave them at my office for later pick-up by the Gormley committee. At the end of March, 2000, a representative from the Gormley for Senate committee came to the casino and collected those contributions.

6. I was not reimbursed by Harrah's for my donation to the Gormley committee, and no one that I solicited for contributions was reimbursed for his or her contribution. No one was rewarded for contributing, and no one was penalized for not contributing.

I declare, under penalty of perjury, that the foregoing statements are true to the best of my knowledge, information, and belief.

Executed: January 31, 2002



David Jonas