

FEDERAL ELECTION COMMISSION

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In the Matter of
Dear 2000, Inc.,

MUR 5180

AFFIDAVIT

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COUNTY OF KINGS)
): SS
STATE OF NEW YORK)

Jerry Greenwald, being duly sworn, deposes and says:

1) I am the Chief Executive Officer of The Jewish Press, Inc., and submit this affidavit in response to the General Counsel's recommendation of a finding of probable cause to believe that The Jewish Press, Inc., made a prohibited contribution to Dear 2000, Inc. ("committee").

2) Although acknowledging that we "made some efforts to collect the debt," the recommendation alleges that "the Jewish Press treated the committee differently than it would have a nonpolitical debtor." In fact, as my prior affidavits should have made clear, in not vigorously pursuing the committee, ultimately in the courts, we treated the committee very much the same as we do other debtors. As I have previously noted, the general policy of the Jewish Press is not to sue advertising debtors. Indeed, pursuing advertising debts in the courts has been the rare exception to the rule. Since the paper started some 45 years ago, only a handful of such suits have been commenced. In the past 15 years, I don't believe there were more than 3 or 4. We have never been comfortable with that sort of thing because of the impact news of such lawsuits would have in our closely-knit community constituency. Thus, what I described as the way we dealt with the committee in this regard was fully consistent with the way we

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ordinarily treat other delinquent advertisers.

While there have been rare occasions when there may have been particular reasons for us to deviate from our general policy, it is a complete distortion to maintain that we treated the committee differently by not ending up suing the committee. As strange as that might sound, as I explained in a prior affidavit, our procedures are "not all that organized."

3. The recommendation also urges that we did not "treat the debt in a commercially reasonable manner." However, while the agency may not approve of the way we run our business, that is hardly an appropriate basis for a finding that we violated the federal election law. In any event, I fail to see how we could be deemed in violation given the definition of "commercially reasonable" provided in 11 C.F.R. Sec. 116.4(d)(3). As I have explained, we pursued our remedies against the committee no differently than we ordinarily pursue our remedies against a non-political debtor.

4. The recommendation contradicts the information we had about the committee's ability to pay. Yet that was the information we had until we received the recommendation and it certainly militated against our varying our policy and commencing suit. Once again, it hardly seems appropriate to base a finding of violation of law on a possible mistake.

5. The recommendation acknowledges that we made attempts to collect the debt, and received assurances we relied upon that we would be paid. The recommendation further acknowledges that "[t]he Jewish Press also reissued full-price invoices canceling discounts

it had previously granted for prompt payment and declined to run advertisements for Noach Dear's New York State Senate race in September 2002 unless the advertisements were prepaid."

I submit that this course of conduct is hardly consistent with a reasonable finding of a prohibited contribution having been made.

6. As I have noted on a prior occasion, we were victimized by the Committee and if the recommendation is adopted, we will be victimized once again.

7. For all of the foregoing reasons I respectfully submit that the recommendation be rejected.

Respectfully submitted,


Jerry Greenwald

Sworn to before me this
18th day of December, 2003.