



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5279
Charles Kushner, *et al.*)

Statement of Reasons

Chairman Bradley A. Smith
Vice Chair Ellen L. Weintraub
Commissioner David M. Mason
Commissioner Danny L. McDonald
Commissioner Scott E. Thomas

On June 22, 2004, the Commission approved, by a 4-2 vote, a conciliation agreement with Charles Kushner and 40 Associated Partnerships. Chairman Smith, Vice Chair Weintraub, Commissioner Mason and Commissioner McDonald approved the agreement. Commissioners Thomas and Toner dissented. Nonetheless, the undersigned Commissioners wish to take this opportunity to elaborate on the nature of the contention language included in this and other agreements.

In recent years, the Commission occasionally has permitted Respondents to include what has become known as "contention language" in conciliation agreements. It is so called because the language is generally prefaced with words such as "Respondents contend" or "Respondents maintain." These words are inserted to show that what follows are merely Respondents' assertions. The Commission has found that allowing Respondents to include such assertions within the agreement can facilitate the conciliation process. The Commission has not and does not endorse or adopt as fact that which the Respondents contend. The Commission may agree or disagree with the contention, or the Commission may have no basis on which to make a judgment. Hence, we caution the reader not to rely on contention language as a finding by the Commission. It is not.

Bradley A. Smith / B.A. Smith

Bradley A. Smith

Chairman

6/24/04

Date

Ellen L. Weintraub

Ellen L. Weintraub

Vice Chair

6/24/04

Date

David M. Mason

David M. Mason

Commissioner

6/24/04

Date

Danny L. McDonald

Danny L. McDonald

Commissioner

6/24/04

Date

Scott E. Thomas

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Commissioner

6/24/04

Date