



National Republican Congressional Committee

Donald F. McGahn II  
General Counsel

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2004 OCT 21 P 12: 52

October 21, 2004

Lawrence H. Norton, Esq.  
Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

MUR # 5578

2004 OCT 21 P 2: 54

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Re: Complaint against Patty Wetterling for Congress

Dear Mr. Norton:

The National Republican Congressional Committee, by and through its General Counsel, hereby brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) against Patty Wetterling who is a federal candidate for Minnesota's 6<sup>th</sup> Congressional District. The National Republican Congressional Committee is located at 320 First Street, S.E., Washington, D.C. 20003.

## **I. FACTUAL BACKGROUND**

The Wetterling campaign is currently airing illegal television commercials featuring John Walsh, the host for America's Most Wanted. These ads began airing on Minneapolis' WCCO on October 19, 2004, and may be airing on other stations within Minnesota's 6<sup>th</sup> Congressional District. These ads are illegal because they contain an illegal corporate in-kind contribution.

## **II. LEGAL ANALYSIS**

The law is clear: "A candidate . . . or an individual holding federal office . . . shall not . . . solicit, receive, direct, transfer, or spend funds in connection with an election for federal office, including funds for any federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act." 2 U.S.C. § 441i(e)(1)(A); *see also* 11 C.F.R. § 300.62. The use of corporate assets to assist a federal candidate also violates 2 U.S.C. §

320 First Street, S.E.  
Washington, D.C. 20003  
(202) 479-7000  
[www.nrcc.org](http://www.nrcc.org)

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441b(a), which states "It is unlawful for . . . any corporation whatever . . . to make a contribution or expenditure in connection with any election at which [a] Representative [is] to be voted for . . . or any officer or any director of any corporation . . . to consent to any contribution or expenditure by the corporation, as may be prohibited by this section." *See also* 11 C.F.R. § 114.2(a).

America's Most Wanted is a corporate asset, and the name "America's Most Wanted" is corporately owned by STF Productions, Inc.<sup>1</sup> The Wetterling campaign is benefiting from the use of the name "America's Most Wanted." This is demonstrated by the fact that Wetterling put in big letters on the screen that this is "John Walsh Host AMERICA'S MOST WANTED." There is no other reason to put this on the screen, except to try and benefit from the value of the show's trademarked name and good will. Moreover, the Wetterling campaign mimics the tone and feel of the show for almost the complete 30 second ad. While John Walsh talks about Wetterling, he stands in front of a police car with two officers directly behind him.<sup>2</sup>

If the Wetterling campaign has illegally benefited from the corporate sponsorship and use of the corporately owned trademark of the television show America's Most Wanted then the Federal Election Commission ("FEC") should fine the Wetterling campaign. If the FEC determines that these actions are knowing and willful then the FEC should refer this matter to the Department of Justice for criminal prosecution.

Respectfully,

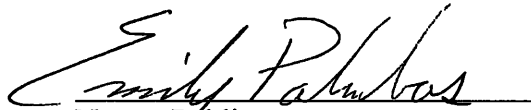


Donald F. McGahn II

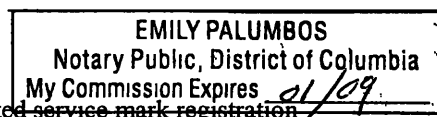
Enclosures

Washington, D.C.

SWORN TO AND SUBSCRIBED before me on this 21 day of October, 2004.

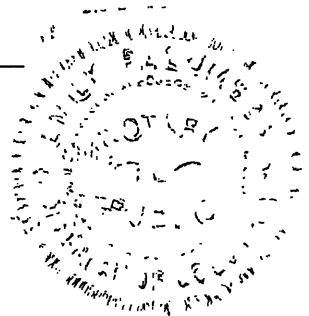
  
Notary Public

My commission expires:



<sup>1</sup> Attached as Exhibit 1, is a copy of the America's Most Wanted service mark registration

<sup>2</sup> Attached as Exhibit 2, is a digital copy of the ad



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AMERICA FIGHTS BACK

<b>Word Mark</b>	AMERICA'S MOST WANTED AMERICA FIGHTS BACK
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: production and distribution of an on-going television crime series. FIRST USE: 19961019. FIRST USE IN COMMERCE: 19961019
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	010103 010110 031501 260102 261102 261120 261121 261713
<b>Serial Number</b>	75214893
<b>Filing Date</b>	December 17, 1996
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	November 18, 1997
<b>Registration Number</b>	2135529
<b>Registration Date</b>	February 10, 1998

**Owner** (REGISTRANT) STF Productions, Inc. CORPORATION DELAWARE 10201  
West Pico Boulevard Los Angeles CALIFORNIA 90035

**Attorney of Record** JON DEL BARRIO

**Prior Registrations** 1791699;1795329;1795330

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL-2(F)

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

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