



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.

2004-06-22

Bradley A. Smith / B.T.E.R.  
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  
Scott E. Thomas  
Commissioner

6/24/04  
Date

24-04-405-2954