



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2/620

DATE FILMED 1-12-98 CAMERA NO. 2

CAMERAMAN ES.

28043853078

# Tom Hall for Congress

337 High Street, Coventry, CT 06238  
(860) 742-6194 (Press \*51 to FAX)  
E-Mail: tomhall@neca.com  
Web Page: www.natural-law.org/nlp

January 12, 1997

Federal Elections Commission  
Office of the General Counsel  
99 "E" Street, N. W.  
Washington, DC 20463

MUR 4620

FEB 24 10 36 AM '97

FEDERAL ELECTION  
COMMISSION  
OFFICE OF THE GENERAL  
COUNSEL

Re: FECA Complaint

To Whom It May Concern:

Thomas E. Hall ("Complainant"), the Natural Law Party's 1996 candidate for Representative in Congress, 2<sup>nd</sup> Congressional District, CT, hereby submits this complaint against

Eastern Connecticut Chamber of Commerce, 35 Main Street, Norwich, Connecticut 06360, ("ECCC")

Norwich Bulletin, 66 Franklin Street, Norwich, Connecticut 06360, ("Bulletin")

League of Women Voters of New London/Waterford, 220 Stone Heights Drive, Waterford, Connecticut 06385 ("LWVNW")

New London Day, 47 Eugene O'Neill Drive, New London, Connecticut 06320 ("Day")

The League of Woman Voters of Connecticut, 1890 Dixwell Avenue, Hamden, Connecticut 06514 ("LWVCT")

(collectively, "Respondents").

This complaint relates to activities by the respondents in connection with the general election in the fall of 1996. In each case the debate violated the Federal Elections and Campaign Act ("FECA") and/or title 11 for the Code of Federal Regulations

This complaint will address the basis for the complaint against each of the above identified entities

## ECCC and Bulletin

ECCC and Bulletin jointly staged a debate between the candidates for the office of Representative in Congress from the Second Congressional District of Connecticut on October 13, 1996 at the Rose City Senior Center in Norwich, Connecticut. Only the

280438530 / 8

Republican and Democratic candidates were included, to the exclusion of the two other candidates who had met all of the requirements to be on the ballot for the office. The selection of participants plainly did not comply with the Federal Elections Commission's regulations 11 CFR § 110 13(c) concerning candidate debates and forums which states:

*Criteria for candidate selection.* For all debates, staging organizations(s) must use objective criteria. For general election debates, staging organization(s) shall not use nomination by a particular political party as the sole objective criterion to determine whether to include a candidate in the debate

Mr Harry Roucher of ECCC stated on the phone to the Complainant before the debate (See letters October 10 and 11, 1996 from Complainant hereto attached as Exhibit "A") that he had only invited the Republican and Democratic candidates. It is beyond dispute that ECCC and the Bulletin based their decision on who to be include in the debate solely upon "nomination by a particular political party". This is a direct and blatant violation of § 110 13(c). Mr Roucher also stated that he had no pre-established objective criteria to determine which candidates may participate in the debate and can invite anyone he wishes.

#### LWVCT

Only one of the four pre-established criteria that LWVCT has published for candidate selection is objective. (The criteria are attached hereto as Exhibit "B.") Each of the criteria is discussed below

- "1 Ballot access - in accordance with Connecticut election laws the candidate must meet all of the requirements to be on the ballot "

This is easily verifiable by anyone by contacting the Secretary of States Office  
This criteria is obviously objective

The Complainant was on the ballot

- "2 A formal campaign - there must be evidence that a formal campaign is being waged, e.g. presence of headquarters, campaign staff, issuance of position papers, campaign appearances

The phrase "be evidence" is vague. There is no specification of how much evidence is necessary to meet this criteria. The "final determination of eligibility to participate" is left to the subjective evaluation "by the steering committee"

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The Complainant had a headquarters, campaign staff, issued position papers, and made campaign appearances including participation in debates and forums with all of the candidates on the ballot.

"3 Evidence of voter support - the candidate demonstrates broad support by such means as a sizable number of volunteers working on his/her behalf."

The interpretation of the terms "broad" and "sizable" is totally subjective. How many volunteers are needed- 2, 10 150, or 10,000 ?

The Complainant had volunteers working on his behalf.

"4 Financial support - there must be evidence of broad support through the receipt of contributions from a significant number of contributors."

Again "significant", like "sizable" and "broad", is undefined leaving this criteria subjective.

#### LWVNW and Day

LWVNW and Day jointly staged a debate between the candidates for the office of Representative in Congress from the Second Congressional District of Connecticut on October 28, 1966. Only the Republican and Democratic candidates were included, to the exclusion of the two other candidates who had met all of the requirements to be on the ballot for the office. The selection of participants was based on the subjective LWVCT criteria discussed above and plainly did not comply with the Federal Elections Commission's regulations 11 CFR § 110.13(c).

A copy of the letter from the Complainant to Morgan McGinley of the Day and Rose Jones of LWVNW is attached hereto as Exhibit "C"

#### Conclusion

In 1994 the FEC's office of General Counsel recommended that § 110.13(c) be revised to specifically state that the definition of "objective criteria" "shall not include (*inter alia*) (i) Subjective evaluations of whether an individual is a significant, major or important candidate, (ii) Polls or other assessments of a candidate's chances of winning. While these definitional clarifications were not adopted at that time, the logic and reasoning which prompted the General Counsel's recommendations now apply to the debates and compel the conclusion that most of the criteria which have been used by the

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Respondents are not objective. Such subjective criteria must be stricken and Respondents required to rely solely on their pre-established objective criteria, of any

The FEC guidelines state that after a complaint is assigned a MUR (Matter Under Review) number, the complainant is notified but will generally not hear from the FEC again until the case is resolved since the FEC is required by laws to keep all investigations confidential. In this regard, the complainant and counsel will agree to abide by any appropriate confidentiality agreement to assure confidentiality of the FEC's investigation in accordance with Advisory Opinion 1995-1. The complainant desires an opportunity to respond to arguments of the Respondents or factual allegations made by them. The absence of procedural rules providing the complainant with such an opportunity denies the complainant his rights of due process.

Nothing herein is intended to waive any right the complainant may have to seek relief in federal court for violations by the Respondents of the provisions of CFR § 110.13(c)

Dated this 21 day of February, 1997

The undersigned hereby swears (or affirms) under penalty of perjury that the foregoing complaint is true and correct based upon personal knowledge and information and belief

THOMAS E. HALL

Thomas E. Hall

State of Connecticut  
County of Tolland (ss. Coventry)  
Subscribed and sworn to before me this 21<sup>st</sup> day of  
February, 1997

[Signature]  
Notary Public  
My Commission Expires 12-31-2000

8042853089

EXHIBIT A

28043853014

# Tom Hall for Congress

337 High Street, Coventry, CT 06238

(860) 742-6194 (Press \*51 to FAX)

E-Mail: tomhall@neca.com

Web Page: www.natural-law.org/nlp

October 10, 1996

Harry Roucher  
Eastern CT Chamber of Commerce

FAX: 860-889-7615 PHONE: 860-887-1647  
PAGES: 2 (including this one)

Dear Mr. Roucher,

During our phone conversation yesterday I requested to be included in the 2<sup>nd</sup> Congressional debate that you are sponsoring on October 13<sup>th</sup>. You responded that you had only invited the two major party candidates and that you had no pre-established objective criteria to determine which candidates may participate the debate. I am one of the four candidates for this federal office on the ballot

My exclusion for these reasons is a disservice to the public, a breach of the public trust, and a violation of federal law and the U. S. Constitution.

The Federal Elections Commission's regulations 11 CFR § 110.13(c) concerning candidate debates and forums states:

*Criteria for candidate selection.* For all debates, staging organizations(s) must use pre-established objective criteria to determine which candidates may participate in a debate. For general election debates, staging organization(s) shall not use nomination by a particular political party as the sole objective criterion to determine whether to include a candidate in the debate

The key words here are "pre-established" and "objective"

There is also a recent court case Forbes v. The Arkansas Educational Television Commission et al 93 F 3d 497 which held that viability of a candidate is not proper criterion for

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**Proven Solutions To America's Problems**

**Conflict-Free Politics**

**Prevention- Oriented Government**

prohibiting a candidate on the ballot from a debate

The role of third parties is vital in the history of the United States. Historians who have studied the matter state that 90% of the new ideas adopted in our country originate in third parties. Abolition of slavery, women suffrage, minimum wage, social security and many other ideas originated with third parties. Sponsors of debates should view its role as presenting the public with all the views expressed during the election and not act as a filter for only those ideas that the major party candidates choose to present. Recent polls show that 70% of the voters want to hear from third parties.

Finally, I would remind you of the statement of Chief Justice Earl Warren in a free speech case in 1968

"All political ideas cannot and should not be channeled into the programs of our two major parties. History has amply proven the virtue of political activity by minority dissidents, which innumerable times have been in the vanguard of democratic thought and its programs are ultimately accepted. The absence of such voices would be a symptom of grave illness in our society." See *Sweezy v. New Hampshire*, 354 U.S. 234 (1957)

Thank you for reconsidering your position on my eligibility to participate in the debate you are sponsoring

Sincerely,

Thomas E. Hall (Tom Hall)

2804385304

# Tom Hall for Congress

337 High Street, Coventry, CT 06238

(860) 742-6194 (Press \*51 to FAX)

E-Mail: tomhall@neca.com

Web Page: www.natural-law.org/nlp

TO: Mr. Ray Hackett  
City Editor  
Norwich Bulletin

FAX: 860-887-9666      PHONE: 860-887-9211  
PAGES: 5      (including this one)      DATE: 10-11-96  
FROM: Tom Hall

Dear Mr. Hackett,

I requested Keith Phantane on Wednesday October 9, 1996 that I be invited to participate in the debate that the Bulletin is sponsoring on October 13. I have met all of the requirements to be on the ballot for the office of Representative in Congress from the 2<sup>nd</sup> district in accordance with Connecticut elections laws.

Mr. Harry Roucher of the Eastern CT Chamber of Commerce and cosponsor of the debate said that he had only invited the two major party candidates and that there was no pre-established objective criteria to determine which candidates may participate the debate.

My exclusion is a disservice to the public, a breach of the public trust, and a violation of federal law and the U. S. Constitution.

Per Mr. Fontane's request Mr. Bernard Nevas, Co-chair of the Natural Law Party of Connecticut, faxed him the federal regulations on October 9, a copy of which is attached.

Also attached is a copy of my letter, on the same matter, to Mr. Harry Roucher of the Eastern CT Chamber of Commerce that I faxed on the same day.

I have not received a response from Mr. Fontane and understand that he will not return until after the debate.

Since this is the last working day before the debate, please notify me today of the position that the Bulletin takes in this matter.

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**Conflict-Free Politics      Prevention-Oriented Government**

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EXHIBIT B

804285306



January 1994  
revised 9/94)

## CRITERIA TO DETERMINE CANDIDATE ELIGIBILITY TO PARTICIPATE IN LWVCT SPONSORED DEBATES.

1. Ballot access - in accordance with Connecticut election laws the candidate must meet all requirements to be on the ballot

2. A formal campaign - there must be evidence that a formal campaign is being waged. e.g., presence of headquarters, campaign staff, issuance of position papers, campaign appearances.

Evidence of voter support - the candidate demonstrates broad support by such means as a sizable number of volunteers working on his/her behalf.

4. Financial support - there must be evidence of broad support through the receipt of contributions from a significant number of contributors

A candidate wishing to be included in a LWVCT debate must supply the League with evidence that all criteria have been met. Final determination of eligibility to participate will be made by a steering committee at least 10 calendar days prior to the date of the debate. The Steering committee will include the President, Citizen Information Vice President, Public Issues Vice President, Voters Service Director and Treasurer.

Based on criteria established in June 1986, revised at the December 1990 Board Meeting, and re-affirmed at the January 1994 Board Meeting

LWVCT, 288-7996  
1890 Dixwell Ave.  
Hamden, CT 06514  
1/94

28043853057

EXHIBIT C

2804853038

# Tom Hall for Congress

337 High Street, Coventry, CT 06238  
(860) 742-6194 (Press \*51 to FAX)  
E-Mail: tomhall@neca.com  
Web Page: www.natural-law.org/nlp

October 23, 1996

Morgan McGinley  
New London Day  
FAX: 860-442-5599

Rose Jones  
Southeastern League of Women Voters  
FAX: 860-840-5020

PAGES: 2 (including this one)

Dear Mr. McGinley and Ms. Jones

I request again to be included in Congressional debates that you are sponsoring. I meet all of the pre-established objective criteria outlined in the League of Women Voters of Connecticut's "Criteria to determine candidate eligibility to participate in LWVCT sponsored debates", revised 9/94. I have met all of the requirements to be on the ballot in accordance with Connecticut election laws

The remaining criteria concerning a formal campaign, voter support, and financial support are obviously totally subjective employing words such as "must be evidence", "broad support", "sizable number", and "significant number". The interpretation of these criteria depend upon the person making the decision and therefore are not objective. My interpretation of these criteria leads me to the conclusion that I have met the criteria. Apparently yours is otherwise.

My exclusion for these reasons is a disservice to the public, a breach of the public trust, and a violation of federal law and the U S Constitution.

The Federal Elections Commission's regulations 11 CFR § 110.13(c) concerning candidate debates and forums states

*Criteria for candidate selection.* For all debates, staging organizations(s) must use pre-established objective criteria to determine which candidates may participate in a debate. For general election debates, staging organization(s) shall not use nomination by a particular political party as the sole objective criterion to determine whether to include a candidate in the debate

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**Proven Solutions To America's Problems**  
**Conflict-Free Politics                      Prevention- Oriented Government**

86042853039

Oct 28

The key words here are "pre-established" and "objective"

There is also a recent court case Forbes v. The Arkansas Educational Television Commission et al 93 F 3d 497 which held that viability of a candidate is not proper criterion for prohibiting a candidate on the ballot from a debate.

The role of third parties is vital in the history of the United States. Historians who have studied the matter state that 90% of the new ideas adopted in our country originate in third parties. Abolition of slavery, women suffrage, minimum wage, social security and many other ideas originated with third parties. Sponsors of debates should view their role as presenting the public with all the views expressed during the election and not act as a filter for only those ideas that the major party candidates choose to present. Recent polls show that 70% of the voters want to hear from third parties.

Finally, I would remind you of the statement of Chief Justice Earl Warren in a free speech case in 1968

"All political ideas cannot and should not be channeled into the programs of our two major parties. History has amply proven the virtue of political activity by minority dissidents, which innumerable times have been in the vanguard of democratic thought and its programs are ultimately accepted...the absence of such voices would be a symptom of grave illness in our society." See *Sweezy v. New Hampshire*, 354 U.S. 234 (1957).

Thank you for reconsidering your position on my eligibility to participate in the debate you are sponsoring.

Sincerely,

Thomas E. Hall (Tom Hall)

cc: Press

853090



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 3, 1997

Thomas E. Hall  
Tom Hall for Congress  
337 High Street  
Coventry, CT 06238

RE: MUR 4620

Dear Mr. Hall:

This letter acknowledges receipt on February 24, 1997, of the complaint you filed alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4620. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure  
Procedures

8047853091



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

March 3, 1997

Harry Roucher  
Eastern Connecticut Chamber of Commerce  
35 Main Street  
Norwich, CT 06360

RE: MUR 4620

Dear Mr. Roucher:

The Federal Election Commission received a complaint which indicates that the Eastern Connecticut Chamber of Commerce may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4620. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Eastern Connecticut Chamber of Commerce in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

28047853002

If you have any questions, please contact Alva E. Smith at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

804385303



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

March 3, 1997

Ray Hackett, City Editor  
Norwich Bulletin  
66 Franklin Street  
Norwich, CT 06360

RE: MUR 4620

Dear Mr. Hackett:

The Federal Election Commission received a complaint which indicates that the Norwich Bulletin may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4620. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Norwich Bulletin in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

804785304

If you have any questions, please contact Alva E. Smith at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

8043853008



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

March 3, 1997

President  
League of Women Voters of New London/Waterford  
200 Stone Heights Drive  
Waterford, CT 06385

RE: MUR 4620

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that the League of Women Voters of New London/Waterford may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4620. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the League of Women Voters of New London/Waterford in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

28043853016

If you have any questions, please contact Alva E. Smith at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

8048853097



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

March 3, 1997

Morgan McGinley  
New London Day  
47 Eugene O'Neill Drive  
New London, CT 06320

RE: MUR 4620

Dear Mr. McGinley:

The Federal Election Commission received a complaint which indicates that New London Day may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4620. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against New London Day in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

804685308

If you have any questions, please contact Alva E. Smith at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

8043853099



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

March 3, 1997

Anita Silberberg, President  
The League of Women Voters of Connecticut  
1890 Dixwell Avenue  
Hamden, CT 06514

RE: MUR 4620

Dear Ms. Silberberg:

The Federal Election Commission received a complaint which indicates that the League of Women Voters of Connecticut may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4620. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the League of Women Voters of Connecticut in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

8043853100

If you have any questions, please contact Alva E. Smith at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

280438531001

Wiggin & Dana

Counsellors at Law

One Centre Tower  
P.O. Box 1832

Mark R. Kravitz  
203-498-4123

Offices in  
New Haven,  
Hartford and  
Stamford

New Haven, Connecticut  
06508-1832  
Telephone 203.498.4400  
Telefax: 203.782.2889

March 14, 1997

**VIA FACSIMILE AND FEDERAL EXPRESS**

F. Andrew Turley, Esq.  
Supervisory Attorney  
Central Enforcement Docket  
Federal Elections Commission  
Office of the General Counsel  
99 E Street, N.W.  
Washington, DC 20463

Mar 17 10 12 AM '97

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

Re: MUR 4620

Dear Mr. Turley:

I have been retained to represent The League of Women Voters of Connecticut and the New London Day in connection with the above-referenced matter. Designation of Counsel Statements executed by these parties are enclosed herewith.

Your letter, which is dated March 3, 1997, indicates that responses to the allegations contained in the complaint are due fifteen days from the receipt of your letter by each of the parties. I am writing to request an extension of this deadline. We were first consulted about this matter on March 12, 1997, and realized immediately that we would need additional time to review the allegations and provide you with a meaningful response. An associate in my office spoke on March 12th with Ms. Alva Smith about obtaining such an extension, and was told that we should submit a request in writing, along with executed Designation of Counsel forms. In addition, due to the fact that there are five parties listed in the complaint, who most likely received your letter at different times, their respective response times will vary.

In light of the fact that I currently represent two of the parties, and expect to represent most if not all of the remaining three parties, it would seem reasonable to assign a single uniform response date for all parties. I am, therefore, requesting that you establish Tuesday, April 8, 1997 as the uniform date for responses from each of the parties. This represents an extension of twenty days from March 18, 1997, which is fifteen days from the date that your letter was sent. In this manner we can eliminate any confusion over the respective days on which the parties

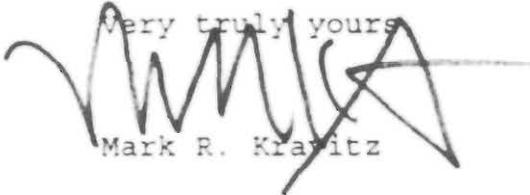
28043853102

F. Andrew Turley, Esq.  
Federal Elections Commission  
March 14, 1997  
Page -2-

received your letter. In addition, given the fact that the debate about which Mr. Hall complains was held in October, 1996 yet his complaint was not filed with your office until February 24, 1997, it does not appear that this matter is of great urgency to Mr. Hall or that a delay of less than twenty days from the original response date would cause any hardship to him.

Thank you for your consideration of this request. If you agree to grant this extension of time, I would of course undertake to notify each of the parties of the uniform date of response. I look forward to speaking with you soon regarding this matter.

Very truly yours

A handwritten signature in black ink, appearing to read 'Mark R. Kravitz', written over the typed name. The signature is stylized and somewhat illegible.

Mark R. Kravitz

MRK/lph  
encl.

28043853103

# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4620

NAME OF COUNSEL: Mark R. Kravitz, Esq.

FIRM: Wiggin & Dana

ADDRESS: One Century Tower

P.O. Box 1832

New Haven, CT 06508-1832

TELEPHONE: ( 203 ) 498-4323

FAX: ( 203 ) 782-2889

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3-13-97  
Date

Anita Silberberg, LWVCT President  
Signature

RESPONDENT'S NAME: League of Women Voters of Connecticut

ADDRESS: 1890 Dixwell Ave.

Hamden, CT 06514

TELEPHONE: HOME ( ) N/A

BUSINESS ( 203 ) 288-7996

28043853104

# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4620

NAME OF COUNSEL: Mark R. Kravitz, Esq.

FIRM: Wiggin & Dana

ADDRESS: One Century Tower

P.O. Box 1832

New Haven, CT 06508-1832

TELEPHONE: ( 203 ) 498-4323

FAX: ( 203 ) 782-2889

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3/13/97  
Date

*Paul MacCluggage*  
Signature

RESPONDENT'S NAME: New London Day

ADDRESS: P.O. Box 1231

New London, CT 06320

TELEPHONE: HOME ( ) N/A

BUSINESS ( 860 ) 442-2200

28043853105

**THEODORE N. PHILLIPS II**  
**ATTORNEY-AT-LAW**

SUITE 207, 12 CASE STREET  
NORWICHTOWN, CONNECTICUT 06360  
TELEPHONE (860) 889 - 2333  
TELECOPIER (860) 889 - 9669

March 18, 1997

VIA OVERNIGHT DELIVERY  
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F. Andrew Turley, Esq.  
Supervisory Attorney  
Central Enforcement Docket  
Federal Election Commission  
Washington, D.C. 20463

MAR 19 10 02 AM '97  
FEDERAL ELECTION COMMISSION OFFICE

Re: MUR 4620/ Response of the Norwich Bulletin

Dear Mr. Turley:

We are in receipt of Tom Hall's January 12, 1997 letter to the Federal Election Commission, which my client, the *Norwich Bulletin*, received from your offices on March 6 1997. Please accept this letter as the newspaper's response to Mr. Hall's complaint. Also enclosed is the newspaper's Designation of Counsel, which I've completed.

Mr. Hall has asked the FEC to launch an investigation into the forum held on October 13, 1996, between two candidates for the Second Connecticut Congressional District. Mr. Hall, who was a candidate for the Natural Law Party, believes the newspaper, which co-sponsored the forum, violated 11 CFR §110.13(c) in not permitting him to participate in the forum. As the enclosed affidavit from the newspaper's executive editor reflects, however, no violation of the regulation occurred. Furthermore, the newspaper respectfully suggests that, under well-established federal precedent, the regulation cannot constitutionally be applied to have the FEC second-guess the newspaper's editorial discretion in choosing the forum's participants, as Mr. Hall's complaint seeks.

For these reasons, outlined in greater detail below, we ask that the FEC take no further action on Mr. Hall's complaint and decline to investigate the newspaper in this matter. We submit this response without prejudice to the newspaper's right to assert additional arguments should further proceedings ensue.

**The newspaper did not violate the regulation in declining to invite Mr. Hall.**

Contrary to the complaint's suggestion, the regulation on which Mr. Hall bases his request to the FEC does not rob candidate-forum sponsors of discretion to exclude fringe candidates like Mr. Hall — or, for that matter, any candidate. Section 110.13(b), which

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addresses the structure of a forum staged in accordance with the regulations, provides that the structure shall be left to the staging organization, provided, inter alia, "that such debates include at least two candidates . . ." Section 110.13(b)(1). Clearly, under this provision, the staging organization need not include all candidates, but rather a minimum of two. Further, the regulation does not forbid staging organizations from holding events in which the only participants are the Democratic and Republican party candidates. Rather, the regulation simply provides that in staging debates, a sponsor "shall not use nomination by a particular party as the sole objective criterion" (emphasis supplied) in selecting participants. The newspaper in this instance did not solely base the invitations to candidates on party affiliation. Thus, it did not violate the regulation.

Attached to this letter as Exhibit A is the affidavit of the *Norwich Bulletin's* Executive Editor, Keith Fontaine. As Mr. Fontaine attests (Affidavit ¶ 5), the newspaper in 1994 participated in a similar forum, and that year invited the candidate from "A Connecticut Party" to attend, in addition to the Republican and Democratic candidates. Further, as Mr. Fontaine attests (Affidavit ¶¶ 7, 8), invitations for the 1996 event were based upon a number of factors, including but not limited to:

- the one-hour duration of the forum;
- the name recognition of a candidate among voters who had spoken with the newspaper during its coverage of the campaign;
- the level of each candidate's staffers' active campaigning in the community;
- the number of signs each candidate had posted in the community;
- the number of previous appearances a candidate had made on his or her own, before community and civic groups, during the entire course of the campaign;
- the amount of news coverage each candidate had garnered as a result of the foregoing activities;
- the amount of money each candidate had raised.

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As Mr. Fontaine attests (Affidavit ¶ 7), the factors considered by the newspaper were weighed in its assessment of the "viability" and "newsworthiness" of each candidate, and, thus, the propriety of inviting a candidate to the forum. Given the extremely low visibility in Mr. Hall's campaign, and the relative lack of interest among voters in his candidacy, the newspaper decided not to invite Mr. Hall (or the Independent Party candidate). (Affidavit ¶¶ 8, 9). Mr. Hall was not, in the newspaper's professional judgment, a viable or newsworthy contender for office. (Affidavit ¶ 10).

In this precise context, courts have acknowledged that judgments as to candidates' viability and newsworthiness — the same assessments the *Norwich Bulletin* and other newspapers make daily in deciding the amount of news coverage to afford to each candidate's campaign — are entirely appropriate and routine for the private press. For example, in *Forbes v. Arkansas Educational Television Commission*, 93 F.3d 497, 504 (8th Cir.), cert. granted, March 17, 1997, 65 USLW 3381 (1996), the Eighth Circuit, in a candidate's First Amendment claim against a public television station, last year held that while the government journalists improperly limited a non-viable candidate's access to the public-TV forum:

We have no doubt that the decision as to political viability is exactly the kind of journalistic judgment routinely made by newspeople. . . . Political viability is a tricky concept. We should leave it to the voters at the polls, and to the professional judgment of nongovernmental journalists.

Similarly, in *Marcus v. Iowa Public Television*, 97 F.3d 1137, 1141 (8th Cir. 1996) — an action in which several candidates, including a Natural Law Party candidate, unsuccessfully sought to enjoin a public-television forum — the Eighth Circuit held that "newsworthiness" is a broader criterion than "viability" and is a proper basis on which even government journalists may exclude candidates from public forums.

'Newsworthiness' is peculiarly a decision within the domain of journalists. . . . Although a determination of newsworthiness is based on journalistic discretion, and is therefore somewhat subjective, there are clearly objective elements of newsworthiness.

*Id.*, 97 F.3d 1137, 1143. The appellate court agreed with the trial judge that, in declining to

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"properly took into account . . . their study of the feeble efforts of the plaintiff candidates to raise funds or express efforts in their campaigns to generate public support for their candidacies."<sup>1</sup>

Mr. Hall's complaint herein appears to argue that the newspaper lacks legal authority to decide for itself what criteria to consider in staging forums. As the District of Columbia Court of Appeals stated last year, however, in rejecting an injunction action filed, *inter alia*, by the Natural Law Party's candidate for President after his exclusion from a debate, the FEC's regulation have chosen to give "individual organizations leeway to decide what specific criteria to use. . . . [O]rganizations that wish to sponsor debate [have] the latitude to choose to their own 'objective criteria'." Perot v. Federal Election Commission, 97 F.3d 553, 559 (D.D.C. 1996).

As the 8th Circuit decisions above reflect, considerations of newsworthiness and viability are entirely appropriate for the private press to consider in planning candidate forums. These courts have made clear that such considerations are proper, objective criteria within the ambit of the newspaper's "leeway to decide," under the regulation, whom it wishes to include in a forum. Perot, 97 F.3d 553, 599. The *Norwich Bulletin*, as reflected by Mr. Fontaine's affidavit, used these criteria in declining to invite Mr. Hall to participate in the October 13, 1996 forum. Therefore, the *Norwich Bulletin* did not violate 11 C.F.R. §110.13(c), and the FEC should decline to take further action on his claim.

**The FEC regulation, if applied against the newspaper would impermissibly interfere with editorial discretion.**

As stated above, the *Norwich Bulletin* fully satisfied the requirements of 11 C.F.R. § 110.13 (c). Additionally, however — and with the utmost deference to the important public

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<sup>1</sup> As Mr. Fontaine attests here, the defendant in Marcus testified his station based its assessments of newsworthiness on a candidate's and his/her staff's level of active campaigning, the extent of news coverage their campaign has drawn and voters' perceptions of the candidate — generally, the candidates' efforts "to sell themselves, to retail themselves." Marcus, 97 F.3d 1137, 1143. The Marcus court held that these were valid "objective elements of newsworthiness" that could not be challenged in legal proceedings. Id.

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interest the Federal Election Commission serves in our democratic process — the newspaper respectfully suggests that any proceeding against it to enforce the regulation would be improper. As Mr. Fontaine's affidavit (¶ 4) reflects, and as is obvious, the *Norwich Bulletin* served as co-sponsor of this forum as part of the newspaper's newsgathering mission. Courts recognize that newspapers like the *Norwich Bulletin* also serve a vital role in our democracy, and that the editorial discretion exercised by newspapers in gathering election news is protected by the First Amendment. Thus, the *Norwich Bulletin's* decisions on whom to invite to this forum may not be challenged in this proceeding.

Courts uniformly recognize the strong First Amendment protections for all press activities in reporting on election campaigns. For example, in Johnson v. Federal Communications Commission, 829 F.2d 157 (DC Cir. 1987), the District of Columbia Circuit Court of Appeals held that the FCC could not, consistent with the First Amendment, enjoin broadcasts of political debates from which minority candidates had been excluded. In rejecting plaintiff's Communications Act claims, the court recognized that the television station's rights to cover a newsworthy event, such as a political debate, was subject to the highest constitutional protection.

We recognize the importance of preserving a large measure of journalistic discretion for broadcasters as a serious First Amendment issue, and this provides additional support for our holding that the Communications Act and the broadcast access cases decided under the First Amendment do not support petitioners' claims to be included in the televised debates.

Congress, in governing the election process, consistently has taken great care to avoid any suggestion that the laws it enacts, and the regulations promulgated pursuant to those statutes, should infringe on the press's constitutional right to decide for itself what is newsworthy. For example, in its deliberations of 2 U.S.C. § 431(9)(B)(i), Congress expressly exempted from the definition of unlawful campaign expenditures "any news story, commentary, or editorial" produced by the private press. The legislative history of this section, as does the exemption itself, clearly indicates Congress's respect for the independent judgment of editors.

[I]t is not the intention of Congress . . . to limit or burden in any way the first amendment freedoms of the press and of association. Thus, the exclusion assures

THEODORE N. PHILLIPS II  
ATTORNEY-AT-LAW

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the unfettered right of the . . . media to cover and comment on political campaigns.

H.Rep. No. 93-943, 93d Cong., 2d Sess. at 4 (1974). See also, Federal Election Commission v. Phillips Publishing, 517 F.Supp. 1308 (D.D.C. 1981) (court disapproves of FEC investigation of newsletter for promotional materials strongly opposing presidential candidate, holding letter was not an unlawful campaign expenditure but, rather, was a legitimate press function).

These congressional and judicial authorities fully accord with the 8th Circuit's rulings — in the specific context of candidate forums — that judgments of a candidate's newsworthiness and viability, pursuant to the U.S. Constitution, are left entirely in the hands of the free and private press. Marcus v. Iowa Public Television, supra, 97 F.3d 1137; Forbes v. Arkansas Educational Television, 93 F.3d 497. Mr. Hall's suggestion that the FEC second-guess the Norwich Bulletin's reasoned editorial judgment flies in the face of these authorities. The newspaper's co-sponsorship of the forum, including its role in deciding the participants, was an extension of the newspaper's newsgathering mission, which is protected under the First Amendment. For this reason as well, the FEC should reject Mr. Hall's request that it take further action on his complaint.

Please let me know if the FEC or your office would like any further information on this matter.

Sincerely yours,



Theodore N. Phillips II

Enclosures

1. Affidavit of Keith Fontaine, with attachments
2. Designation of Counsel

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EXHIBIT A

28043853112

**AFFIDAVIT OF KEITH FONTAINE**

State of Connecticut )  
County of New London)

SS: *Norwich, CT*

1. My name is Keith Fontaine. I am above the age of 18 and believe in the obligation of an oath. I make this affidavit based on my personal knowledge of the facts I am stating herein.

2. I have reviewed Tom Hall's March 3, 1997 letter to the Federal Election Commission concerning a congressional candidate's forum co-sponsored on October 13, 1996 by the *Norwich Bulletin* newspaper.

3. At the time of that forum, and through the present, I have been the Executive Editor of the *Norwich Bulletin*. In that capacity, I am ultimately responsible for the day-to-day decisions of this newspaper regarding its newsgathering activities.

4. As part of its newsgathering mission, the *Norwich Bulletin* has participated in the co-sponsoring of political candidates' forums. These forums generally are reported on by the newspaper's journalists. For example, attached to this affidavit are the articles and photographs the newspaper published on the October 13, 1996 forum of which Mr. Hall complains, as well as news coverage of forums that were sponsored by other organizations. The newspaper believes that forums between serious contenders for political office are important in helping to educate voters.

5. In 1994, the *Norwich Bulletin* and the Eastern Connecticut Chamber of Commerce co-sponsored a congressional candidates' forum, virtually identical in format to the one of which Mr. Hall complains. For that forum, the sponsors invited the candidates of the Democratic Party, Republican Party, and A Connecticut Party to participate.

6. For the October 13, 1996 forum, the *Norwich Bulletin* and the Eastern Connecticut Chamber of Commerce, after due consideration, invited the Democratic and Republican candidates and declined to invite, not only Mr. Hall on behalf of the Natural Law party, but also Independent Party candidate Dianne Ondusko. The newspaper had decided that, since the forum was limited to one hour, not all registered candidates would be invited to participate.

7. As in 1994, in 1996 the decisions on whom to invite to participate in the forum were not solely based on the candidates' party affiliations. Rather, the *Norwich Bulletin* based those decisions on its editorial judgments as to the newsworthiness and viability of each candidate. In

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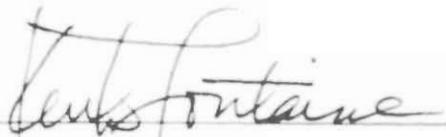
that context, among the factors the newspaper considered were: the name recognition of a candidate among voters interviewed in the course of gathering news on this campaign; the amount of active campaigning each candidate and the candidate's staff had done in the community during the election season; the number of signs posted for each candidate's campaign; the number of appearances each candidate had made before community and civic groups; the amount of news coverage each candidate had garnered as a result of his or her campaign activities, and; the amount of money raised by each candidate.

8. In the course of covering this campaign, journalists from the *Norwich Bulletin* heard little about Mr. Hall's campaign. He posted few or no campaign signs in the community, did not appear to have an active staff stumping for him, was rarely mentioned by voters interviewed on their leanings for this election, and had not appeared on his own at any civic or community group that I am aware of.

9. In contrast to Mr. Hall's extremely silent campaign, the Democratic and Republican Parties' candidates and their staff were very active and visible campaigners in the community.

10. It was the professional editorial judgment of the *Norwich Bulletin* that Mr. Hall was neither a newsworthy nor a viable candidate for office. On that basis, considering the factors I've outlined in this affidavit, he was not invited to the October 13, 1996 forum.

FURTHER AFFIANT SAYETH NAUGHT

  
Keith Fontaine

Sworn and subscribed to before me  
this 7 day of March, 1997.

  
Notary Public

CONSTANCE H. MENITZ  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 8/20/98

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# Voters struggle with shifting economy

## Coming this week

**Tuesday:** An in-depth profile of U.S. Rep. Sam Gejdenson, D-2nd District.

**Wednesday:** An in-depth profile of Republican challenger Edward Munster.

**Thursday:** A look at the two independents, Tom Hall and Dianne Ondusko.

■ Voters in the 2nd District try to cope with decline of manufacturing jobs and rise of tourism.

By JON FRANDSEN  
Norwich Bulletin

**NORWICH** — The 2nd Congressional District, battleground for the third match between Democratic Rep. Sam Gejdenson and GOP challenger Ed Munster, can be likened to someone recovering from a nasty spill — still still bruised and in pain.



2nd DISTRICT

But all of the important organs and extremities are intact and on the mend.

## Inside

■ **Debate:** Sam Gejdenson and Ed Munster defend their stands on the issues. B1.

■ **Bored voters:** Local legislative campaigns are generating little excitement. A2.

Much of the "improved health" can be attributed to an old-fashioned, New England Yankee die-hard attitude.

From the beachheads in New London to the factories in Middletown to the dairy farms in the northeastern Quiet Corner, people are just beginning to recover from a recession that most of the country put behind it three or four years ago.

And while most other parts of the country simply had to bounce back from a relatively routine, if especially sharp, downturn in the economic

cycle, this area is coping with permanent changes in the way money is earned, spent and invested.

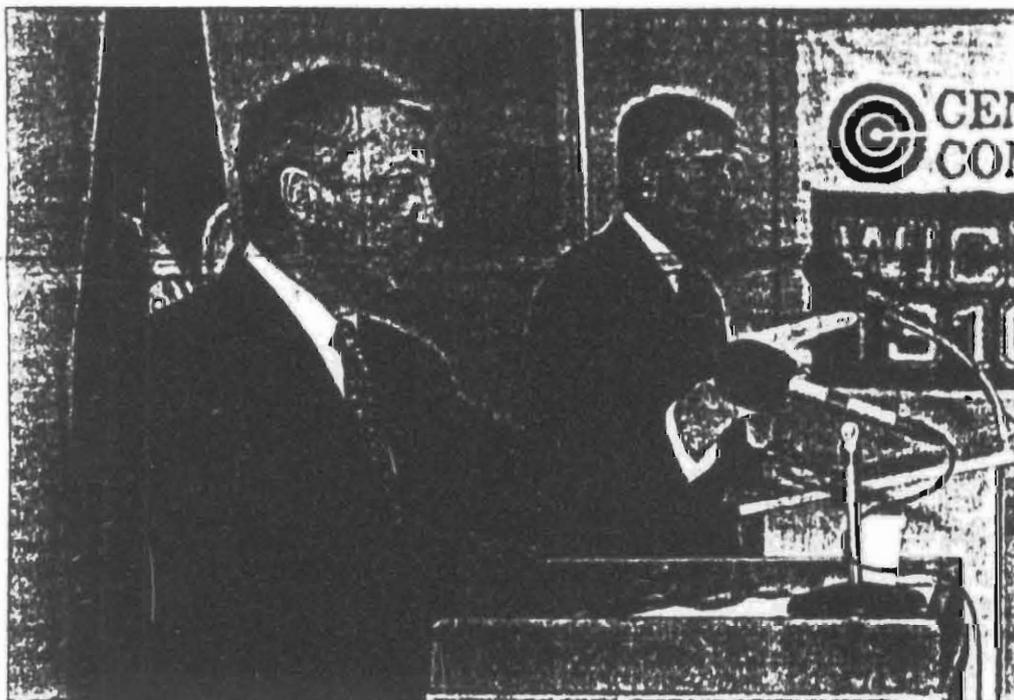
Electric Boat, Pratt & Whitney and the insurance companies will almost certainly never again be the unchallenged fiscal heart of eastern Connecticut.

The future lies in a far broader mix of jobs — at the Foxwoods Resort and Mohagan Sun casinos, businesses catering to tourists, light manufacturing, and unusual, even daring, enterprises like fish farming.

There is, simply, no one size fits all economic development policy for the district. It is too large and diverse.

With 54 towns spread out over four counties, the district ranges from large port areas such as New London to communities too small to warrant a ZIP code. Residents survive on everything from dealing cards to building submarines, from farming to manufacturing buttons.

See VOTERS, A2



U.S. Rep. Sam Gejdenson, D-2nd District, left, makes a point during a debate with three-time Republican challenger Edward Munster of Haddam. The debate took place Sunday night at the Rose City Senior Center in Norwich. See the story on page B1.

## Residents cautious about region's rebound

Kathy Fowler, 41, a waitress at the Exit 23 Restaurant in Bezzrah, has a simple wish: one taken for granted by most Americans, but it is shared by thousands in this district, a stable job, with benefits.

A day off now and then would be nice.



regarded as "something to get by on." Dr. Tom Williams, president of Quinebaug Community Technical College and the interim president of Middlebury Community College this year, as well as across the economic stability Foxwoods has provided could backfire.

### What will it take to get you to vote?

# Dole comes with strategy

## GOP contends key decisions

Associated Press

**SOMERVILLE, N.J.** Opening a critical campaign week, Bob Dole focused on taxes and trust Sunday and promised to prove wrong those who believe his quest for the White House is a lost cause. "We're used to fighting back," Dole said.

The Republican nominee strolled and hustled across New Jersey, targeting Italian-Americans by marching in Newark's annual Christopher Columbus parade before two all-Italian neighborhoods, traditionally Dole's own suburban area where Dole has struggled this year.

With just three weeks to Election Day and President Clinton holding the lead, this is a week of make-or-break challenges for Dole. He faces Clinton in the second and final presidential debate on Wednesday and must make final decisions on a state-by-state strategy, targetting and advertising strategy that has little if any room for error.

The biggest decision is whether to pour millions of dollars into California, or pull out of the state and look elsewhere for a combination that nets him 270 electoral votes. That Dole found himself in New Jersey as

## ► EDUCATION

# Teachers' takes case

Associated Press

**WASHINGTON** — The nation's largest teachers' union is launching a television series to counter public school bashing and give the American viewer a front row seat in classrooms that work.

"We're finding that there is literally a hunger out there for information about what is going on in the classroom," said Kirby Halstead Worrell, in charge of the new television series for the 2.2 million-member National Education Association.

Halstead Worrell noted that "schools are getting bashed" by



Norwich Bulletin  
MONDAY  
OCTOBER 14, 1996★

# Local

► NORWICH  
Woman stays in touch with U.S. troops, B2  
► THOMPSON  
Town turns on to Illumination Night, B3.

SECTION

**B**

## Rhetoric heats up at candidates' debate

By ARBY WEST  
Norwich Bulletin

NORWICH — For those who consider themselves well informed voters, Sunday night's debate between 2nd Congressional district candidates U.S. Rep. Sam Gejdenson and Republican Ed Munster might not have been anything new.

"It was pretty repetitious," said Les Mason of Williamantic, a senior citizen who attended the debate, sponsored by the Norwich Bulletin and the Eastern Connecticut Chamber of Commerce, at the Roxe City Senior Center.



But for others, the candidates first face to face debate was a chance to hear viewpoints not shown in their campaign advertisements.

The questions asked by a three-member panel also gave viewers a chance to witness the respectful animosity between the two in their third matchup.

In his opening speech, Munster stressed his support for term limits, welfare reform and working towards a balanced budget.

He also took the opportunity to portray Gejdenson as a tax and spend liberal.

"Sam has never met a tax he didn't like," Munster said.

For his part, Gejdenson tried numerous times during the evening to link Munster to House Speaker Newt Gingrich on issues



Gejdenson      Munster

such as the Republicans' \$270 billion spending reduction plan for Medicare.

"You can't trust Gingrich and his crowd," Gejdenson said.

"Sam, I'm Ed Munster. I'm the guy your running against," Munster smilingly said.

He went on to express a commitment to the environment, senior citizens and education.

When asked a question posed by

a Bulletin reader about their stands on partial birth abortion, Gejdenson said he supported President Clinton's veto of the abortion ban because it did not allow for concerns about the health of the mothers.

Munster said that he has "consistently been pro-choice," but would have voted for the ban.

Both said they believe character is an issue in campaigns.

On the issue of Indian land annexation, Gejdenson said he supported face to face negotiations between the towns of North Stonington, Ledyard and Preston and the Mashantucket.

Munster said allowing the annexed land to be taken off the towns' property rolls would be "unfair to the towns."

On the tax issue, he continued

to support a "flatter, fairer tax" than the system now in place, while Gejdenson said a flat tax would benefit the rich.

The two also differed on foreign policy matters. Gejdenson supported the president's decisions to go into Bosnia and Iraq. Munster said the United States shouldn't commit troops "when there isn't national interest at stake."

The debate did not include third party candidates Channie Omdusko of the Independent Party, or Tom Hall of the Natural Law Party.

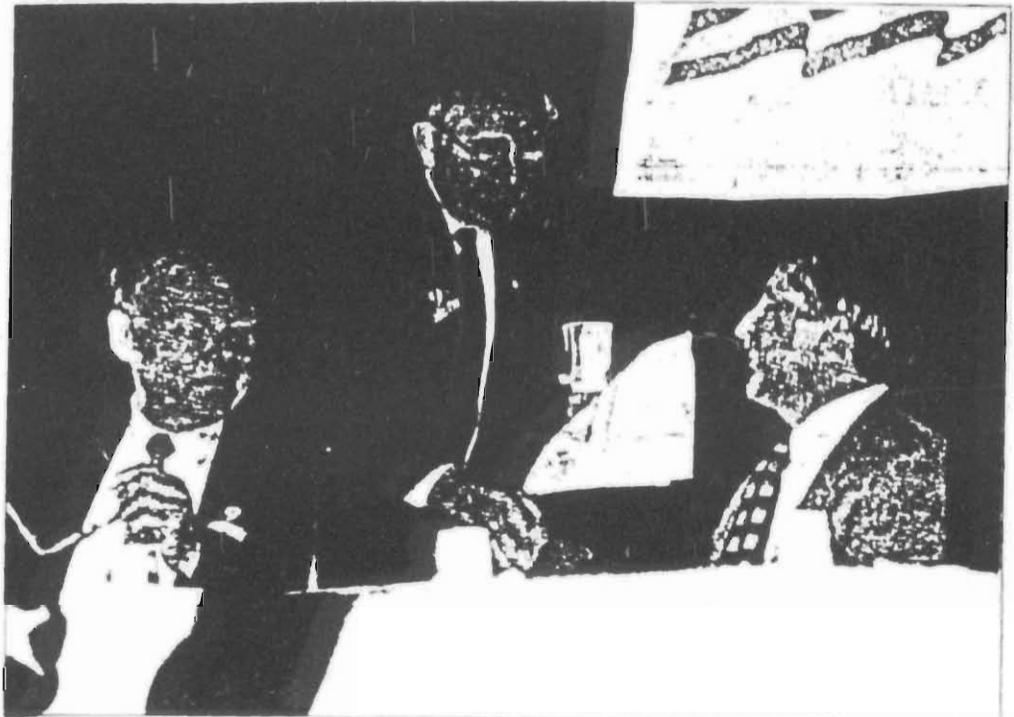
Omdusko called for a more inclusive political process in a statement she released before the debate.

"We need to honor diversity by giving honest audience to it, not merely pandering to it, while censoring it," she said.

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# AARP sponsors forum to disagree

William Murphy, left, moderator for the AARP forum held at Three Rivers Community-Technical College Monday, watches as congressional candidate Ed Munster shakes hands with U.S. Rep. Sam Gejdenson before departing. Conflicting schedules caused each candidate to answer questions at separate times.



By Philip Norwich Bulletin

## Candidates differ on Medicare, Social Security

By NATALIE KEITH  
Norwich Bulletin

**NORWICH** — People like Natalie resident Marie Souza were the reason for Monday's forum between 2nd Congressional District candidates U.S. Rep. Sam Gejdenson and Republican Ed Munster at Three Rivers Community-Technical College Monday on campus.



Souza is a member of the American Association of Retired Persons and a student at the college. She said she listened with interest to candidates' responses to the issues discussed at the AARP-sponsored forum.

"I was impressed with the answers. I'm open to both sides," said Souza, 47, who is president of the college's student body.

After weeks of breaking over debate, Gejdenson and Munster finally made time for differences to turn on the issues.

One of the ground rules for the forum was that all candidates attack their own programs as well as that of both candidates' opponents. They answered questions prepared by the AARP, including: Should Medicare be extended to new federal taxpayers? Should Social Security be extended to new federal taxpayers?

After seven minutes of questions, Gejdenson said he would support a 10 percent increase in Social Security taxes for new federal taxpayers. He said he would support a 10 percent increase in Social Security taxes for new federal taxpayers.

Gejdenson arrived later and, after exchanging brief greetings with Munster, stood behind the podium to answer the same questions. Forum organizers said they planned to have candidates there at the same time but ran into scheduling conflicts.

Gejdenson and Munster's views on Social Security differed most on expenses for Social Security, the Medicare program.

According to AARP's system, the Social Security trust fund will run out of money in 1983. Gejdenson said he would support a 10 percent increase in Social Security taxes for new federal taxpayers. He said he would support a 10 percent increase in Social Security taxes for new federal taxpayers.

Gejdenson said he would support a 10 percent increase in Social Security taxes for new federal taxpayers. He said he would support a 10 percent increase in Social Security taxes for new federal taxpayers.

See FORUM A2

- Quiet Corner debate: B1
- 20th Anniversary: B3
- Role of Security concerns: C4

### Debate details

U.S. Rep. Sam Gejdenson and Republican challenger Ed Munster will take part in the following debates:

■ Debate sponsored by the Eastern Connecticut Chamber of Commerce and Norwich Bulletin — 7 p.m. Sunday at the Norwich Senior Center.

■ Debate sponsored by the New London Day and Thames East & New London Waterford League of Women Voters — date time and place to be announced.

Gejdenson, Independent Party candidate Duane Ondusko and National Party candidate Tom Hall will participate in the following debates: Monday, the won't pay to come to Norwich and Hall to.

■ Debate sponsored by the North Norwich Chamber of Commerce — 7 p.m. — Oct. 24 at the new Lakeside Restaurant.

■ Debate sponsored by the Norwich Chamber of Commerce — 7 p.m. — Oct. 24 at the new Lakeside Restaurant.

# On the issues

How the two candidates for the 2nd Congressional District seat differ on several major issues.



U.S. Rep. Sam Gejdenson



Ed Munster

<b>Social Security</b>	Opposes means testing.	Means testing for those earning over \$100,000
<b>Medicare</b>	Adding rehabilitation, drug benefits to Medicare, reducing fraud and waste.	Favors \$270 billion in reduced spending.
<b>Long-term care</b>	Provide mechanism to fund home care.	Insurance programs that allow for home health care.
<b>Federal tax reform</b>	Tax incentives for higher education. Change loopholes passed by Congress.	Fairer, flatter tax, preserve home mortgage interest deduction.
<b>Campaign finance reform</b>	Limit spending by independent groups on behalf of candidates. No more than 33 percent of contributions from PACs.	Voluntary \$600,000 spending limit. No more than 25 percent of contributions from PACs.
<b>Term limits</b>	Opposes	Favors

# Forum

FROM A...  
to keep Social Security solvent, Munster said he favored means testing, that is, determining the level of benefits received based on income.

"People who earn over \$100,000 should get their investment and a reasonable return, but beyond that it should be means tested," said Munster.

Gejdenson opposes means testing, saying that it "undermines the political support for Social Security."

"Young people will think they'll be too rich to benefit and not support the program," said Gejdenson.

Medicare has been one of the most hotly debated issues of the election season. Gejdenson has criticized Munster's support of \$270 billion in decreased spending for the Medicare program.

Republicans counter that what they are proposing actually increases spending, but not as fast as the Democrats support.

"Democrats have been running a Medi scare campaign that lies about what Republicans want to do," said Munster.

Bozrah resident Cheryl Exley,

dent Senate, said she preferred Gejdenson's answers on higher education.

"I think he addressed the students and their concerns a lot better than Ed Munster," said Exley.

After Gejdenson and Munster finished, Independent Party candidate Diane Ondusko delivered brief remarks. She compared Congress' treatment of Medicare to the sinking of the Titanic.

"Congress has been rearranging the deck chairs when they need to make changes," said Ondusko.



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# Depression

**Are you at your breaking point?**

Experiencing any of these symptoms?

- Sad or Empty Mood
- Irritability
- Change in Appetite
- Change in Weight
- Social Withdrawal
- Problems with concentration
- Thoughts of death or suicide
- Feelings of Worthlessness
- Fatigue
- Inability To Enjoy Activities

FREE help is now available through a National Depression Screening Day at which you or someone about whom you are concerned can take a screening test for depression, talk with a mental health professional, and receive informative materials.

The program will take place on Thursday, October 10, at both Pequot & Housatonic Health Centers from 2-4 p.m. with screenings available at the beginning of each hour. Pequot Health Center is located just off I-95 at Exit 200 on Canton. Housatonic Health Center is located at Latham's Book Company. Housatonic Health Center is at the intersection of Routes 1 & 63 and Exit 201 off I-95.

# Spread the news

Come To A Free  
Writing!

• Thursday,  
Community Room,  
Public Library - 2

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**Brown Jacobson**  
**Tillinghast Lahan & King P.C.**  
**ATTORNEYS AT LAW**

March 19, 1997

F. Andrew Turley, Esq.  
Supervisory Attorney  
Central Enforcement Docket  
Federal Election Commission  
Washington, D.C. 20463

MILTON L. JACOBSON  
VINCENT A. LAUDONE  
WAYNE G. TILLINGHAST  
P. MICHAEL LAHAN  
MICHAEL E. DRISCOLL  
DAVID S. WILLIAMS  
MICHAEL A. BLANCHARD  
JOHN C. WIRZBICKI  
MICHAEL D. COLONESE  
KARL-ERIK STERNLOF  
MICHAEL P. CAREY  
JEFFREY R. GODLEY  
DOREEN A. WEST  
ELIZABETH CONWAY  
JOHN F. DUGGAN  
GERALD M. SMITH, JR.  
JEFFREY F. BUEBENDORF

RE: MUR 4620/Response of Eastern Connecticut Chamber of  
Commerce

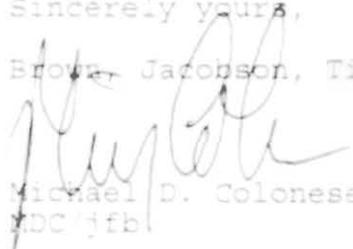
Dear Attorney Turley

With respect to the Complaint in above-referenced matter, received by Eastern Connecticut Chamber of Commerce on March 6, 1997, please be advised that the Eastern Connecticut Chamber of Commerce hereby adopts the arguments made by the Norwich Bulletin in its letter to you, dated March 18, 1997. The exclusion of Mr. Hall, candidate for the Natural Law Party, from our co-sponsored forum, held on October 13, 1996, was based on our judgment that he was not a viable candidate for the congressional seat for which he was running. Such exclusion was not predicated merely on his party affiliation. An affidavit of Harry Raucher, President/Executive Director of the Eastern Connecticut Chamber of Commerce, attesting to the factors considered in selecting the forum's participants, is enclosed herewith. Also enclosed, please find the Statement of Designation of Counsel.

If you have any questions or require any additional information in your review of this matter, please do not hesitate to contact me. Obviously, we feel that Mr. Hall's complaint is unfounded and should be dismissed as to the Eastern Connecticut Chamber of Commerce as well as the Norwich Bulletin.

Sincerely yours,

Brown Jacobson, Tillinghast, Lahan & King, P.C.

  
Michael D. Colonese  
MDC/jfb

Enclosures

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Bulletin in 1994 using a format which was virtually identical to that used in the 1996 forum.

6. The 1994 forum included participation by candidates representing the Democratic Party, Republican Party and A Connecticut Party.

Prior to conducting the 1996 forum, the co-sponsors gave due consideration to the issue of who would be invited to participate.

8. Despite the fact that four candidates were running for the congressional seat, based on the following considerations, the co-sponsors decided to invite only the Democratic and Republican candidates and declined to invite the candidates running on behalf of the Natural Law Party and the Independent Party.

9. The decision of the co-sponsors was made after considering, among other things, the following factors:

- a. The duration of the 1996 forum, which was limited to one hour;
- b. The Democratic and Republican candidates were, in the judgment of the co-sponsors, the only viable candidates running for the congressional seat;
- c. The Democratic and Republican candidates had engaged in opposing campaigns in the past which led to particular interest in the contrasting views of these two candidates;

Brown Jacobson  
Tillinghast Lahan & King P.C.  
ATTORNEYS AT LAW

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- d. The Democratic and Republican candidates had conducted active and aggressive campaigns such that their name recognition was far greater than that of the other candidates; and
- e. The number of prior public appearances, the amount of money raised, and the political strength of the Democratic and Republican candidates.

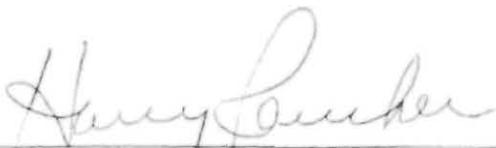
10. In contrast to the foregoing, Mr. Hall's campaign was lacking in funding, advertising, name recognition and prior appearances, such that the co-sponsors determined his candidacy not to be viable

11. Any reference which I made with respect to the fact that only the Democratic and Republican candidates would be invited to the 1996 forum, was based on the co-sponsors' prior due consideration of above-factors.

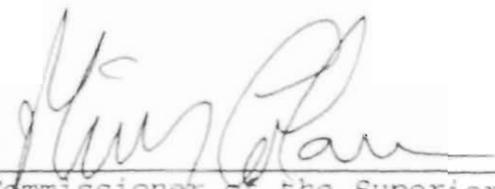
12. The inclusion of only the Democratic and Republican candidates was not based solely on their party affiliations, nor was the exclusion of the other two candidates based solely on their respective party affiliations.

13. The exclusion of Tom Hall from the 1996 forum was the result of the considered judgment of the co-sponsors and was done in an effort to maximize the relevance and effect of the forum with respect to the intended audience

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\_\_\_\_\_  
Harry Raucher

Subscribed and sworn to before me this 19<sup>th</sup> day of March,  
1997.

  
\_\_\_\_\_  
Commissioner of the Superior Court/  
~~Notary Public~~  
~~My Commission Expires:~~

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Brown Jacobson  
Tillinghast Lahan & King P.C.  
ATTORNEYS AT LAW

# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4620

NAME OF COUNSEL: Michael D. Colonese

FIRM: Brown, Jacobson, Tillinghast, Lahan & King, P.C.

ADDRESS: 22 Courthouse Square

Norwich, CT 06360

TELEPHONE: ( 860 ) 889-3321

FAX: ( 860 ) 886-0673

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3/17/97  
Date

Harry Tucker  
Signature

RESPONDENT'S NAME: Eastern Connecticut Chamber of Commerce

ADDRESS: 1 Thames Plaza, Suite 211

Norwich, CT 06360

TELEPHONE: HOME (      ) N/A

BUSINESS ( 860 ) 887-1647

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FEDERAL CREDIT  
COMMISSION  
OFFICE OF GENERAL

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March 27, 1997

**VIA FACSIMILE AND FEDERAL EXPRESS**

Alva E. Smith  
Paralegal  
Central Enforcement Docket  
Federal Elections Commission  
Office of the General Counsel  
99 E Street, N.W.  
Washington, DC 20463

MAR 28 4 29 PM '97

FEDERAL EXPRESS  
OFFICE

Re: MUR 4620

Dear Ms. Smith:

Thank you for your letter dated March 19, 1997, in which you granted our request for an extension of time to respond to the complaint in the above-referenced matter through and including April 8, 1997. In our subsequent telephone conversation, you explained that this extension applied only to The New London Day and The League of Women Voters of Connecticut, because extensions can only be given to parties who have either designated counsel or requested an extension on their own behalf. You further indicated, however, that if we were retained by additional parties involved in this matter they would be afforded the same extension of time upon request.

We have now been retained by The League of Women Voters of New London/Waterford as well in connection with the above-referenced matter. I am enclosing an executed Statement of Designation of Counsel to this effect.

Accordingly, pursuant to our recent conversation, I am writing to request that, for the reasons set forth in our original letter dated March 14, 1997, The League of Women Voters of New London/Waterford be granted the same extension of time that has been provided to The New London Day and The League of Women Voters of Connecticut. The response date for all three parties would thus be April 8, 1997.

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Alva E. Smith  
Federal Elections Commission  
March 27, 1997  
Page -2-

Thank you for your consideration of this request. I look forward to speaking with you soon regarding this matter.

Very truly yours,



L. Page Heslin

LPH/lph  
encl.

cc: Mark R. Kravitz, Esq.

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# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4620

NAME OF COUNSEL: Mark R. Kravitz, Esq.

FIRM: Wiggin & Dana

ADDRESS: One Century Tower

P.O. Box 1832

New Haven, CT 06508-1832

TELEPHONE: (203) 498-4323

FAX: (203) 782-2889

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3/24/97  
Date

Rose Jones  
Signature

RESPONDENT'S NAME: League of Women Voters of New London/ Waterford

ADDRESS: 22 Stoneheights Drive  
W+Fd, Ct 06385

TELEPHONE: HOME:

BUSINESS: (866) 848-5071

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Handwritten note: [unclear]



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 31, 1997

Mark R. Kravitz, Esquire  
WIGGINS & DANA  
One Century Tower  
PO Box 1832  
New Haven, CT 06508-1832

RE: MUR 4620  
League of Women Voters of New London/Waterford

Dear Mr. Kravitz:

This is in response to L. Page Heslin's letter dated March 27, 1997, which we received on that day, requesting an extension until April 8, 1997, to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 8, 1997.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Alva E. Smith, Paralegal  
Central Enforcement Docket

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Wiggin & Dana

Counsellors at Law

One Century Tower

Mark R. Kravitz

P.O. Box 1812

203.498.4113

Offices in  
New Haven,  
Hartford and  
Stamford

New Haven, Connecticut

06508-1812

Telephone 203.498-4400

Telefax: 203.782.2889

April 8, 1997

**VIA FACSIMILE AND FEDERAL EXPRESS**

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket  
Federal Elections Commission  
Office of the General Counsel  
99 E Street, N.W.  
Washington, DC 20463

Re: MUR 4620

Apr 9 10 29 AM '97

FEDERAL ELECTIONS COMMISSION  
OFFICE OF THE GENERAL COUNSEL  
WASHINGTON, D.C. 20463

Dear Mr. Turley:

Pursuant to the instructions of Alva Smith of your office, I am submitting via facsimile the attached Request for No Action and three sworn declarations in response to the complaint of Tom Hall in the above-referenced matter. I am also sending the hard copies with original signatures to you via Federal Express for delivery tomorrow morning.

Please do not hesitate to call if you have any questions or would like to discuss this matter.

Very truly yours,



Mark R. Kravitz

MRK/lph  
encl.

28043853130

FEDERAL ELECTIONS COMMISSION

In the Matter of \_\_\_\_\_ :  
TOM HALL \_\_\_\_\_ : MUR 4620

REQUEST FOR NO ACTION RE: COMPLAINT OF TOM HALL

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This memorandum is submitted on behalf of The League of Women Voters of New London/Waterford, The League of Women Voters of Connecticut and The New London Day ("The Day") (together, the "Respondents") in response to the complaint of Tom Hall in the above-captioned matter. The essence of Mr. Hall's complaint with respect to the Respondents is that he was allegedly improperly excluded from participating in a debate of candidates for the Second Congressional District that was sponsored by The Day and the League of Women Voters of New London/Waterford.<sup>1/</sup> Mr. Hall claims that the criteria used to determine eligibility for participation in the debates were subjective and unfair, and that the fact that he had qualified for inclusion on the ballot should automatically have made him eligible to participate in the debate.

As is discussed more fully below and in the declarations of Rose Jones, Anita Silberberg, and Linda Abbott submitted herewith, Mr. Hall's complaint is without merit. In determining which

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<sup>1</sup> None of the Respondents was involved with the second debate about which Mr. Hall complains, which was sponsored by the Eastern Connecticut Chamber of Commerce and The Norwich Bulletin. This response, therefore, does not address Mr. Hall's allegations relating to that debate.

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candidates would be invited to participate in the debate, the Respondents used pre-established criteria that are objective and reasonable. These criteria were provided to Mr. Hall well in advance of the debate, and he had ample opportunity to demonstrate that he met these requirements. However, the undisputed facts are that Mr. Hall failed to meet any of the criteria other than placement on the ballot. He had no separate campaign headquarters, no paid campaign staff, and nominal, if any, campaign contributions. In addition, while he alleges in his complaint that he had volunteers working for him, he never provided any information to the Respondents prior to the debate regarding these alleged volunteers. Therefore, the Respondents' decision not to invite Mr. Hall to participate in the debate was reasonable, not arbitrary, and was not made to promote or disadvantage any candidate. Accordingly, the Respondents request that the Commission take no action against them on Mr. Hall's complaint.

Statement of Facts

The League of Women Voters of New London/Waterford and The Day co-sponsored a debate in connection with the 1996 Congressional election for the Second Congressional District of Connecticut.<sup>2/</sup> This debate was scheduled for October 28, 1996. In determining which candidates would be invited to participate in the debate, The League of Women Voters of New London/Waterford and The Day

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<sup>2/</sup> Respondent The League of Women Voters of Connecticut was not involved in the decision of who would be invited to participate in the debate in question. See Declaration of Anita Silberberg (hereinafter "Silberberg Declaration") at ¶ 2.

evaluated each of the candidates who had gained access to the ballot according to pre-established criteria for eligibility that had been developed by The League of Women Voters of Connecticut Education Fund, Inc. (the "League criteria"). A copy of the League criteria are attached as Exhibit A to the Declaration of Anita Silberberg, submitted herewith. In sum, these criteria require that each potential candidate demonstrate that he or she: 1) has met all requirements to be placed on the ballot; 2) is waging a formal campaign, including for example a campaign headquarters and staff and the issuance of position papers; 3) has demonstrated broad voter support through for example a sizeable number of volunteers; and 4) has demonstrated broad financial support through the receipt of contributions from a significant number of contributors. The criteria clearly state that a "candidate wishing to be included in a LWVCT debate must supply the League with evidence that all criteria have been met."

After considering the eligibility of each of the candidates according to these criteria, The League of Women Voters of New London/Waterford and The Day jointly determined that only two candidates satisfied the criteria -- the incumbent Democratic candidate Sam Gedjensen and the Republican candidate Edward Munster. Mr. Hall subsequently requested that he be allowed to participate in the debate as well. The League of Women Voters of New London/Waterford and The Day considered Mr. Hall's request carefully, and had discussions with him regarding his eligibility under the pre-established criteria. Because Mr. Hall was not able

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to demonstrate that he met any of the criteria other than placement on the ballot, he was not invited to participate in the debate.

The Pre-Established, Objective Eligibility Criteria Used By Respondents are Lawful

Mr. Hall claims that the League criteria to determine candidate eligibility to participate in debates violate 11 C.F.R. § 110.13(c). Section 110.13(c) provides, in relevant part, that:

For all debates, staging organization(s) must use pre-established objective criteria to determine which candidates may participate in a debate. For general election debates, staging organization(s) shall not use nomination by a particular political party as the sole objective criterion to determine whether to include a candidate in a debate.

As an initial matter, Respondents reserve their right to challenge the Commission's authority to dictate to a newspaper and two civic organizations who they can and cannot invite to participate in debates designed to educate and inform the public. There can be no question that if The Day had sponsored a candidate debate in its newspaper, the Commission would be prohibited by the First Amendment from dictating to The Day who they must include in its newspaper debate. See, e.g., Miami Herald Pub. Co. v. Tornillo, 418 U.S. 241, 258 (1974). That The Day chose to inform the public in a live event rather than in print should make no difference under the First Amendment. Moreover, in this context, the First Amendment rights of the League of Women Voters of Connecticut and the League of Women Voters of New London/Waterford are no less significant than those of The Day, since these are independent civic organizations seeking only to inform the public

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and not to promote the candidacy of any particular candidate. See generally FEC v. National Conservative PAC, 470 U.S. 480, 493-94 (1985); Buckley v. Valeo, 424 U.S. 1, 18-19 (1976).

In any event, the League criteria clearly comply with both the letter and the spirit of the Commission's regulation. First, the criteria were originally established in June 1986, and were most recently revised in September, 1994. (See Silberberg Declaration at ¶ 4). Therefore, the League criteria were, without question, "pre-established" at the time of the October 1996 debate. Second, the objective nature of the League criteria is also clear. The criteria explicitly list such objective factors as ballot access, presence of a campaign headquarters, campaign staff, volunteers, broad support, contributions and financial support. The fact that the criteria contain certain descriptive terms such as "sizeable" and "significant," rather than using absolute figures, does not render the League's criteria improperly subjective. In any event, section 110.13 explicitly contemplates that the staging organizations will retain discretion over who participates in debates. 11 C.F.R. § 110.13(b). Indeed, the Federal Register comments issued in connection with this provision note that "The choice of which objective criteria to use is largely left to the discretion of the staging organization." 60 FR 64260, 64262 (emphasis added). The League criteria represent proper and appropriate guidelines for the exercise of that discretion. Third, party affiliation is not even a factor, let alone the "sole factor," to be considered under the League criteria.

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Mr. Hall appears to be of the view that placement on the ballot alone gives him the legal right to participate in any candidate debate. That clearly is not the law. See Koczak v. Grandmaison, 684 F. Supp. 763, 764 (D.N.H. 1988) ("the mere fact that plaintiff or any of the candidates have qualified to be on the primary ballot does not mean that they are all entitled equally to participate in every forum and every debate"). See also Fulaini v. Brady, 729 F. Supp. 158, 163 (D.D.C. 1990). In fact, in issuing its regulations the Commission itself acknowledged that "criteria may be set to control the number of candidates participating in a debate." 60 Fed. Reg. 64262.

Moreover, Mr. Hall's proposal that ballot access should mean automatic participation in all debates is contrary to the public interest. In Connecticut, a potential candidate qualifies for placement on the ballot by obtaining signatures equal in number to only one percent of the votes cast for the office in the prior election. That people sign a potential candidate's ballot placement petition does not, in and of itself, demonstrate that an individual has sufficient support among the electorate to warrant including the candidate in a debate. Sponsoring organizations are entitled to decide that the public interest is best served by limiting participation in candidate debates to significant or viable candidates. These organizations have a legitimate interest in ensuring that the debates they sponsor are meaningful and are taken seriously by the public and the media; they also have an interest in ensuring that debates do not become political free-for-alls. See Fulaini, supra; Silberberg Declaration at ¶¶ 5-6

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Accordingly, the League criteria, which look to many factors beyond mere ballot placement, are valid and lawful.

Respondents Properly Applied The League Criteria

In order to establish eligibility to participate in the debate in question, The Day and the League of Women Voters of New London/Waterford decided to utilize the League criteria, which require that a candidate comply with every one of the four criteria. While Mr. Hall was able to demonstrate compliance with one of the criteria -- placement on the ballot -- he utterly failed to meet any of the other three requisites for participation in the debate.

For example, with respect to the requirement of a formal campaign, Mr. Hall had neither a separate campaign headquarters nor any office in the District. (See Declaration of Rose Jones dated April 8, 1997 (hereinafter "Jones Declaration") at ¶ 8.) He also did not report any paid campaign staff, although he would have been required to do so had they existed. (See Declaration of Linda Abbott dated April 8, 1997 (hereinafter "Abbott Declaration") at ¶ 3.) Mr. Hall's campaign contributions were nominal, if any, as evidenced by the fact that none were reported. (See Abbott Declaration at ¶ 4.) Indeed, Mr. Hall admitted to Rose Jones, President of The League of Women Voters of New London/Waterford, that he had not raised more than approximately \$300.00 in campaign contributions for the 1996 campaign. (See Jones Declaration at ¶ 8.) Also, despite requests by Ms. Jones, Mr. Hall also never provided any evidence that he had any volunteers working regularly

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on his campaign. Indeed, Mr. Hall never submitted any materials in support of his eligibility despite repeated requests that he do so. Instead, he simply took issue with the criteria themselves. (See Jones Declaration at ¶ 9.) In the face of this evidence, or lack thereof, it was reasonable and proper, and clearly not arbitrary, for the Respondents to conclude that Mr. Hall should not be invited to participate in the debate.

Additional support for the reasonableness of Respondents' determination that Mr. Hall was not a sufficiently viable candidate to warrant inclusion in the debate is evidenced by Mr. Hall's prior record as a candidate for Congress. Mr. Hall had only sought one other elective office prior to the 1996 election. In 1992, Mr. Hall ran for Congressional Representative of the First District of Connecticut. He apparently was not able to gather sufficient support to be included on the ballot, and therefore had to run as a write-in candidate. Mr. Hall received a total of five votes in that election.

While Mr. Hall contends that use of words such as "significant" and "sizeable" in the League criteria are unfairly subjective and place too much discretion in the sponsoring party it is apparent from the undisputed facts that Mr. Hall would not have met these criteria, regardless of the adjectives used. According to the Connecticut Secretary of State's Office, Mr. Hall had no reported campaign contributions and employed no paid staff for the 1996 elections. Mr. Hall himself admitted to Rose Jones of the League of Women Voters of New London/Waterford that he had raised only approximately \$300.00 in contributions and that he had

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no campaign headquarters or paid staff. He also refused to indicate whether he even had any volunteers working on his campaign. Clearly, therefore, Mr. Hall would not have qualified as a significant or viable candidate under any reasonable definition.

Furthermore, even in his complaint to this Commission, Mr. Hall has utterly failed to provide any specific information to demonstrate that he met the League criteria, except to state that his presence on the ballot is easily verifiable through the Connecticut Secretary of State. With respect to the remaining three criteria, Mr. Hall merely makes the bald assertion that he had a headquarters, a campaign staff, and volunteers. He does not identify the location of his headquarters, the number of individuals that allegedly worked on his campaign staff and in what capacity, or the number of volunteers that allegedly worked for him and in what capacity. Finally he does not even allege that he had a significant number of contributors or that he obtained any campaign contributions at all.

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CONCLUSION

For all of the foregoing reasons, and based upon the statements contained in their respective declarations, the Respondents request that no action be taken against them in connection with this matter and that Mr. Hall's complaint be dismissed.

THE RESPONDENTS

By:



Mark R. Kravitz  
Wiggin & Dana  
One Century Tower  
P.O. Box 1832  
New Haven, CT 06508-1832  
(203) 498-4400

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FEDERAL ELECTIONS COMMISSION

IN THE MATTER OF TOM HALL                      MUR 4620

DECLARATION OF ANITA SILBERBERG

Pursuant to 28 U.S.C. § 1746, ANITA SILBERBERG, hereby declares under penalty of perjury that the following is true and correct.

1. I am the President of the League of Women Voters of Connecticut ("LWVCT"), and was the President at the time of the events complained of in Mr. Hall's complaint.

2. LWVCT did not sponsor either of the debates at issue in Mr. Hall's complaint, and did not participate in the decision to exclude him from the debates. Furthermore, LWVCT did not establish the eligibility criteria that form the sole basis of Mr. Hall's complaint against LWVCT. Rather, these criteria, entitled "Criteria to Determine Candidate Eligibility to Participate in LWVCT Sponsored Debates," were developed by The League of Women Voters of Connecticut Education Fund, Inc. ("The LWVCT Ed. Fund"). I am also the President of this independent entity.

3. These criteria, which are attached as Exhibit A to this Declaration, require that each potential candidate demonstrate that he/she: 1) has met all requirements to be placed on the ballot; 2) is waging a formal campaign, including for example, a campaign headquarters and staff and the issuance of position papers; 3) has demonstrated broad voter support through for example a sizeable number of volunteers; and 4) has demonstrated

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broad financial support through the receipt of contributions from a significant number of contributors.

4. In developing these criteria, The LWVCT Ed. Fund attempted to balance applicable regulations regarding access to debates with the practical necessity of placing some reasonable limits on who is eligible to participate in debates that it sponsors. The criteria, which look at such objective factors such as staff size, numbers of contributions and financial support, and campaign headquarters, seek to identify those who are viable candidates for the office in question. The criteria are not based upon party affiliation. The LWVCT Ed. Fund believes that the criteria that it developed comply with all relevant regulations promulgated by the Federal Elections Commission and other requirements regarding access to debates.

5. While it is unfortunate that it is sometimes necessary to exclude certain candidates from participating in given debates, it is nonetheless a fact that it is contrary to the public interest to provide unlimited rights to participate in debates, in that it dilutes the message of the truly viable candidates and renders the debates less meaningful. There must be threshold requirements in addition to mere placement on the ballot

6. The requirements for placement on the ballot are minimal. It is only necessary to get a number of signatures equal to one percent of the voters that voted for that particular office in the prior election. Clearly, in order for candidate debates to be both logistically feasible and meaningful, there

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must be some additional threshold eligibility requirements imposed upon the participants. If anyone with enough signatures for placement on the ballot were automatically entitled to participate in any debate, debates would become unwieldy and would cease being a meaningful forum for the dissemination of the platforms of the significant candidates

7. LWVCT is committed to providing access to debates for all viable candidates and has a long history of inviting qualified third-party candidates to participate in debates which it sponsors. For example, in each of the prior two gubernatorial campaigns, in which LWVCT co-sponsored debates with The New London Day, we included qualified third-party candidates in the debates. In the 1994 campaign, Tom Scott and Eunice Groark were included in the debates, neither of whom were affiliated with a major party. In addition, in the 1990 campaign, Lowell Weicker of A Connecticut Party was included in the debates.

Dated: April 7, 1997

Anita Silberberg, President  
Anita Silberberg, President  
League of Women Voters of  
Connecticut

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EXHIBIT A

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January 1994  
(revised 9/94)

## CRITERIA TO DETERMINE CANDIDATE ELIGIBILITY TO PARTICIPATE IN LWVCT SPONSORED DEBATES.

1. Ballot access - in accordance with Connecticut election laws the candidate must meet all requirements to be on the ballot.
2. A formal campaign - there must be evidence that a formal campaign is being waged, e.g., presence of headquarters, campaign staff, issuance of position papers, campaign appearances.
3. Evidence of voter support - the candidate demonstrates broad support by such means as a sizable number of volunteers working on his/her behalf.
4. Financial support - there must be evidence of broad support through the receipt of contributions from a significant number of contributors.

A candidate wishing to be included in a LWVCT debate must supply the League with evidence that all criteria have been met. Final determination of eligibility to participate will be made by a steering committee at least 10 calendar days prior to the date of the debate. The Steering committee will include the President, Citizen Information Vice President, Public Issues Vice President, Voters Service Director and Treasurer.

Based on criteria established in June 1986, revised at the December 1992 Board Meeting, and re-affirmed at the January 1994 Board Meeting.

LWVCT, 288-7996  
1890 Dixwell Ave.  
Hamden, CT 06514  
1/94

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FEDERAL ELECTIONS COMMISSION

IN THE MATTER OF TOM HALL

MUR 4620

DECLARATION OF ROSE JONES

Pursuant to 28 U.S.C. § 1746, ROSE JONES, hereby declares under penalty of perjury that the following is true and correct.

1. I am the President of the League of Women Voters of New London/Waterford ("LWVNLW"), and was the President at the time of the events complained of in Mr. Hall's complaint.

2. Neither I nor LWVNLW were ever served with a copy of Mr. Hall's complaint. Apparently the complaint seeks to list my home address as the address for LWVNLW but the address listed in the complaint is incorrect. I understand that the complaint lists the address as 220 Stoneheights Drive, Waterford, Connecticut, when my correct address is 22 Stoneheights Drive.

3. In October, 1996, LWVNLW sponsored a debate, together with The New London Day, for certain candidates for the office of Congress from the Second Congressional District of Connecticut. In determining which candidates would be eligible to participate in the debate, LWVNLW followed the criteria established by the League of Women Voters of Connecticut Education Fund, Inc. These criteria, which are attached as Exhibit A to Ms. Silberberg's Declaration, require that each potential candidate demonstrate that he/she: 1) has met all requirements to be placed on the ballot; 2) is waging a formal campaign, including for example, a campaign headquarters and staff and the issuance of position papers; 3) has demonstrated broad voter support through

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for example a sizeable number of volunteers; and 4) has demonstrated broad financial support through the receipt of contributions from a significant number of contributors.

4. After using these criteria to evaluate the eligibility of the various candidates for the Second District Congressional seat to participate in the debate, The New London Day and LWVNLW invited two candidates to participate: 1) incumbent candidate U.S. Representative Sam Gejdenson, and 2) Republican candidate Edward W. Munster.

5. Mr. Hall subsequently requested that he be allowed to participate in the debate. I spoke with Mr. Hall on several occasions regarding his request. During these conversations, I explained the eligibility criteria that had been used to determine who would be invited to participate. I also sent Mr. Hall a copy of the criteria via facsimile.

6. Mr. Hall stated that he would send me something in writing establishing that he met all of the criteria for participation. However, despite these assurances, he never provided me with any written information that indicated that he met the criteria. When I renewed my request for this information, he merely complained that the criteria were unfair.

7. The information that I obtained from Mr. Hall during the course of our telephone conversations did not provide any evidence that Mr. Hall should be included in the debate. Indeed, it became very clear during our conversations that Mr. Hall did not meet the minimum eligibility requirements. Mr. Hall provided me with the following specific information, which confirmed our

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decision that Mr. Hall was not eligible to participate in the debate:

- a. he had only managed to raise approximately \$300.00 in campaign contributions; and
- b. he did not have any separate campaign headquarters and did not have even a single office in the District, but ran his campaign out of his home.

8. In addition, Mr. Hall never provided me with any information, either written or oral, to suggest that he had any volunteers working on his campaign, any paid campaign staff, or a campaign coordinator. Indeed, Mr. Hall became quite hostile when I asked him about the number of his volunteers and campaign supporters.

9. Mr. Hall's clearly stated position was that ballot access was the only proper criteria for participation in the debate, and that because he had obtained enough signatures to be placed on the ballot, he should automatically be entitled to participate in the debate. As Ms. Silberberg explains in her Declaration, placement on the ballot is a necessary but not sufficient standard for participation in debates

10. The decision that Mr. Hall was not eligible to participate in the debate was in no related to his party affiliation. LWVNLW gave Mr. Hall's request to participate in the debate serious consideration, but concluded that he did not meet any of the eligibility criteria other than ballot access. Because this alone is insufficient, it was determined that Mr. Hall was not eligible to participate in the debate.

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Dated: April , 1997

*Rose Jones* 4/2/97  
Rose Jones, President  
League of Women Voters of New  
London/Waterford

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FEDERAL ELECTIONS COMMISSION

IN THE MATTER OF TOM HALL

MUR 4620

DECLARATION OF LINDA A. ABBOTT

Pursuant to 28 U.S.C. § 1746, LINDA A. ABBOTT hereby declares under penalty of perjury that the following is true and correct.

1. I am an employee of the law firm of Wiggin & Dana in New Haven, Connecticut.

2. On March 25, 1997, I called the office of the Connecticut Secretary of State and spoke with Florence Cutting in the Election Division concerning the campaign of Tom Hall for Congress.

3. Ms. Cutting informed me that Tom Hall did not have any paid staff working on his 1996 campaign. The basis for her knowledge on this issue is that Mr. Hall did not file the statement that must be submitted by any candidate employing paid staff.

4. Ms. Cutting further informed me that Mr. Hall raised only nominal funds, if any, through campaign contributions. Candidates are required to report all campaign contributions once the total contributions have reached \$5,000.00. Mr. Hall did not report any such contributions to the Secretary of State's Office

5. Similarly, the party with which Mr. Hall is affiliated, The Natural Law Party, apparently did not raise any significant funds through campaign contributions as a party for the 1996

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elections in Connecticut. Ms. Cutting reported that The Natural Law Party did not file the requisite statement with either the state or the federal government.

Dated: April 8, 1997

Linda A. Abbott  
Linda A. Abbott

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
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)

ENFORCEMENT PRIORITY

May 10 5 30 AM '97

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

This is the first Enforcement Priority Report that reflects the impact of the 1996 election cycle cases on the Commission's enforcement workload. We have identified cases that are stale which are recommended for dismissal at this time. This is the highest number of cases identified as stale in a single report, and the highest number of stale cases recommended for closure at one time, since the inception of EPS in 1993.

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## II. CASES RECOMMENDED FOR CLOSURE.

### A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission

EPS was created to identify pending cases which, due to the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria, resulting in a numerical rating for each case.

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters.<sup>3</sup> Attachment I to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

### B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of this fact, EPS provides us with the

<sup>3</sup> These cases are:

RAD 97L-10 (*Citizens for Randy Borow*);  
 RAD 97L-16 (*Republican State Central Committee of South Dakota*); Pre-MUR 347 (*Producers Lloyds Insurance Company*); Pre-MUR 348 (*Peoples National Bank of Commerce*); Pre-MUR 349 (*Trump Plaza*); Pre-MUR 350 (*Citibank, N.A.*); Pre-MUR 355 (*Feingold Senate Committee*); MUR 4494 (*Georgianna Lincoln*);

MUR 4586 (*Friends of Zach Wamp*); MUR 4590 (*Oklahoma Education Association*); MUR 4600 (*San Diego Police Officers Assoc.*); MUR 4612 (*Teresa Doggett for Congress*); MUR 4615 (*Catholic Democrats for Christian Values*); MUR 4616 (*American Legislative Exchange Council*); MUR 4620 (*Eastern Connecticut Chamber of Commerce*); MUR 4622 (*Telles for Mayor*); MUR 4628 (*Gutknecht for Congress*); MUR 4629 (*Janice Schakowsky*); MUR 4636 (*IBEW Local 505*); MUR 4637 (*Dettman for Congress*); MUR 4639 (*Larson for Congress*); MUR 4641 (*Becker for Congress*); MUR 4644 (*Detroit City Council*); MUR 4651 (*Mike Ryan*); MUR 4653 (*Pritzker for Congress*); MUR 4656 (*H. Carroll for Congress*); and MUR 4657 (*Buchanan for President*).

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means to identify those cases which, though earning a higher rating when received, remained unassigned for a significant period due to a lack of staff resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We are recommending the closure of cases based on staleness.<sup>6</sup>

\* These cases are: MUR 4283 (*Chenoweth for Congress*); MUR 4341 (*Juan Soltz for Congress*); MUR 4402 (*U.S. Representative Helen Chenoweth*); MUR 4435 (*Lincoln for Congress*); MUR 4439 (*LLAW*); MUR 4442 (*Lipinski for Congress*); MUR 4444 (*Roberts for Congress*); MUR 4445 (*Randy Tate for Congress*); MUR 4446 (*Clinton/Gore '96 Primary*); MUR 4447 (*Random House, Inc.*); MUR 4449 (*Clinton Administration*); MUR 4453 (*Mike Ward for Congress*); MUR 4454 (*Ralph Nader*); MUR 4459 (*Clinton/Gore '96*); MUR 4474 (*Saltz for Senate*); MUR 4477 (*BBDO-New York*); MUR 4481 (*Diamond Bar Caucus*); MUR 4485 (*Perot '92 Petition Committee*); MUR 4486 (*Bunda for Congress*); MUR 4495 (*Pennsylvania PACE for Federal Elections*); MUR 4496 (*Norwood for Congress*); MUR 4497 (*Pease for Congress*); MUR 4510 (*Stabenow for Congress*); MUR 4511 (*Bob Coffin for Congress*); MUR 4514 (*Friends for Franks*); MUR 4515 (*Clinton Investigative Commission*); MUR 4521 (*WVMA 630 AM*); MUR 4525 (*Senator Larry Pressler*); MUR 4527 (*Brennan for Senate*); MUR 4536 (*Signature Properties, Inc.*); MUR 4540 (*Tim Johnson for SD*); MUR 4542 (*Dan Frisa for Congress*); MUR 4552 (*Charles W. Norwood*); MUR 4554 (*John Byron for Congress*); MUR 4556 (*Jim Wiggins for Congress*); MUR 4561 (*Jay Hoffman for Congress*); MUR 4564 (*National Republican Congressional Committee*); MUR 4567 (*DNC Services Corp.*); MUR 4569 (*McGovern Committee*); RAD 96L-11 (*New York Republican County Committee*); Pre-MUR 343 (*NRSC*); and Pre-MUR 312 (*Joseph Demio*). The *Demio* case involves fundraising related to former Congresswoman Mary Rose Oaker's 1992 congressional campaign. It was held as a courtesy to the Department of Justice pending resolution of a parallel criminal matter in the District Court for the District of Columbia. Mr. Demio recently entered into a plea agreement with the Department of Justice (on which we were not consulted) in which he agreed, among other things, to waive the statute of limitations regarding civil violations of the FECA. Considering the age of the case and activity, the fact that DOJ has not formally referred this matter to us, and the Commission's continuing resource constraints, dismissal is the appropriate disposition of this matter.

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We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective November 17, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

- |            |             |             |
|------------|-------------|-------------|
| RAD 96L-11 | Pre-MUR 312 | Pre-MUR 349 |
|            | Pre-MUR 343 | Pre-MUR 350 |
| RAD 97L-10 | Pre-MUR 347 | Pre-MUR 355 |
| RAD 97L-16 | Pre-MUR 348 |             |

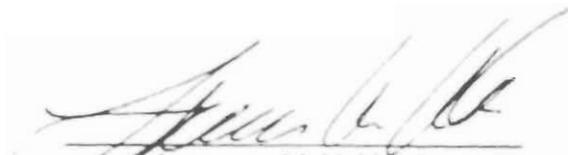
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B. Take no action, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

- |          |          |          |
|----------|----------|----------|
| MUR 4283 | MUR 4495 |          |
| MUR 4341 | MUR 4496 | MUR 4569 |
| MUR 4402 | MUR 4497 | MUR 4586 |
| MUR 4435 | MUR 4510 | MUR 4590 |
| MUR 4439 | MUR 4511 | MUR 4600 |
| MUR 4442 | MUR 4514 | MUR 4612 |
| MUR 4444 | MUR 4515 | MUR 4615 |
| MUR 4445 |          | MUR 4616 |
| MUR 4446 | MUR 4521 | MUR 4620 |
| MUR 4447 | MUR 4525 | MUR 4622 |
| MUR 4449 | MUR 4527 | MUR 4628 |
| MUR 4453 | MUR 4536 | MUR 4629 |
| MUR 4454 | MUR 4540 | MUR 4636 |
| MUR 4459 | MUR 4542 | MUR 4637 |
| MUR 4474 | MUR 4552 | MUR 4639 |
| MUR 4477 | MUR 4554 | MUR 4641 |
| MUR 4481 | MUR 4556 | MUR 4644 |
| MUR 4485 | MUR 4561 | MUR 4651 |
| MUR 4486 |          | MUR 4653 |
|          | MUR 4564 | MUR 4656 |
| MUR 4494 | MUR 4567 | MUR 4657 |

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Date 7/97

  
Lawrence M. Noble  
General Counsel



Federal Election Commission  
Certification: Agenda Document  
No. X97-77  
December 2, 1997

Page 2

11.	MUR 4449	36.	MUR 4556
12.	MUR 4453	37.	MUR 4561
13.	MUR 4454	38.	MUR 4564
14.	MUR 4459	39.	MUR 4567
15.	MUR 4474	40.	MUR 4569
16.	MUR 4477	41.	MUR 4586
17.	MUR 4481	42.	MUR 4590
18.	MUR 4485	43.	MUR 4600
19.	MUR 4486	44.	MUR 4612
20.	MUR 4494	45.	MUR 4615
21.	MUR 4495	46.	MUR 4616
22.	MUR 4496	47.	MUR 4620
23.	MUR 4497	48.	MUR 4622
24.	MUR 4510	49.	MUR 4628
25.	MUR 4511	50.	MUR 4629
26.	MUR 4514	51.	MUR 4636
27.	MUR 4515	52.	MUR 4637
28.	MUR 4521	53.	MUR 4639
29.	MUR 4525	54.	MUR 4641
30.	MUR 4527	55.	MUR 4644
31.	MUR 4536	56.	MUR 4651
32.	MUR 4540	57.	MUR 4653
33.	MUR 4542	58.	MUR 4656
34.	MUR 4552	59.	MUR 4657
35.	MUR 4554		

Commissioners Aikens, Elliott, McDonald, McGarry,  
and Thomas voted affirmatively for the decision.

Attest:

12-4-97  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 15, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Thomas E. Hall  
Tom Hall for Congress  
337 High Street  
Coventry, CT 06238

RE: MUR 4620

Dear Mr. Hall:

On February 24, 1997, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on December 15, 1997. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

8043853159

MUR 4620

**EASTERN CONNECTICUT CHAMBER OF COMMERCE**

Tom Hill, the Natural Law Party's 1996 candidate for the Second Congressional District of Connecticut, alleges that the Eastern Connecticut Chamber of Commerce failed to establish objective criteria for debates they sponsored before the 1996 election. He also alleges that the respondents only permitted major party candidates to participate.

*Norwich Bulletin* and the Eastern Connecticut Chamber of Commerce respond that organizations that wish to sponsor debates have the latitude to choose their own objective criteria. The respondents did not select participants based on party affiliation but on the basis of which candidates were viable or newsworthy contenders for office. They maintain that Mr. Hill did not meet this criteria.

In response to the complaint, The League of Woman Voters of New London/Waterford, The League of Women Voters of Connecticut, and *The New London Day*, state that pre-established criteria was used in selecting debate participants. The criteria was provided to Mr. Hill before the debate, but he failed to meet any of the criteria other than placement on the ballot.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 15, 1997

Mark R. Kravitz, Esquire  
WIGGIN & DANA  
One Century Tower  
P.O. Box 1832  
New Haven, CT 06508-1832

RE: MUR 4620  
League of Women Voters of New London/Waterford  
League of Women Voters of Connecticut

Dear Mr. Kravitz:

On March 3, 1997, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on December 15, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

8043853164

Mark R. Kravitz, Esquire  
Page 2

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,



F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

8042853150

**MUR 4620**  
**EASTERN CONNECTICUT CHAMBER OF COMMERCE**

Tom Hill, the Natural Law Party's 1996 candidate for the Second Congressional District of Connecticut, alleges that the Eastern Connecticut Chamber of Commerce failed to establish objective criteria for debates they sponsored before the 1996 election. He also alleges that the respondents only permitted major party candidates to participate.

*Norwich Bulletin* and the Eastern Connecticut Chamber of Commerce respond that organizations that wish to sponsor debates have the latitude to choose their own objective criteria. The respondents did not select participants based on party affiliation but on the basis of which candidates were viable or newsworthy contenders for office. They maintain that Mr. Hill did not meet this criteria.

In response to the complaint, The League of Woman Voters of New London/Waterford, The League of Women Voters of Connecticut, and *The New London Day*, state that pre-established criteria was used in selecting debate participants. The criteria was provided to Mr. Hill before the debate, but he failed to meet any of the criteria other than placement on the ballot.

This matter is less significant relative to other matters pending before the Commission.

28043853153



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 15, 1997

Morgan McGinley  
New London Day  
47 Eugene O'Neill Drive  
New London, CT 06320

RE: MUR 4620

Dear Mr. McGinley:

On March 3, 1997, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against *New London Day*. See attached narrative. Accordingly, the Commission closed its file in this matter on December 15, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

8043853154

**MUR 4620**  
**EASTERN CONNECTICUT CHAMBER OF COMMERCE**

Tom Hill, the Natural Law Party's 1996 candidate for the Second Congressional District of Connecticut, alleges that the Eastern Connecticut Chamber of Commerce failed to establish objective criteria for debates they sponsored before the 1996 election. He also alleges that the respondents only permitted major party candidates to participate.

*Norwich Bulletin* and the Eastern Connecticut Chamber of Commerce respond that organizations that wish to sponsor debates have the latitude to choose their own objective criteria. The respondents did not select participants based on party affiliation but on the basis of which candidates were viable or newsworthy contenders for office. They maintain that Mr. Hill did not meet this criteria.

In response to the complaint, The League of Woman Voters of New London/Waterford, The League of Women Voters of Connecticut, and *The New London Day*, state that pre-established criteria was used in selecting debate participants. The criteria was provided to Mr. Hill before the debate, but he failed to meet any of the criteria other than placement on the ballot.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 15, 1997

Theodore N. Phillips, II, Esquire  
12 Case Street, Suite 207  
Norwich, CT 06360

RE: MUR 4620  
*Norwich Bulletin*

Dear Mr. Phillips:

On March 3, 1997, the Federal Election Commission notified your client, *Norwich Bulletin*, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your client. See attached narrative. Accordingly, the Commission closed its file in this matter on December 15, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

2804385316A

**MUR 4620**

**EASTERN CONNECTICUT CHAMBER OF COMMERCE**

Tom Hill, the Natural Law Party's 1996 candidate for the Second Congressional District of Connecticut, alleges that the Eastern Connecticut Chamber of Commerce failed to establish objective criteria for debates they sponsored before the 1996 election. He also alleges that the respondents only permitted major party candidates to participate.

*Norwich Bulletin* and the Eastern Connecticut Chamber of Commerce respond that organizations that wish to sponsor debates have the latitude to choose their own objective criteria. The respondents did not select participants based on party affiliation but on the basis of which candidates were viable or newsworthy contenders for office. They maintain that Mr. Hill did not meet this criteria.

In response to the complaint, The League of Woman Voters of New London/Waterford, The League of Women Voters of Connecticut, and *The New London Day*, state that pre-established criteria was used in selecting debate participants. The criteria was provided to Mr. Hill before the debate, but he failed to meet any of the criteria other than placement on the ballot.

This matter is less significant relative to other matters pending before the Commission.

28043853167



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 15, 1997

Michael D. Colonese, Esquire  
BROWN, JACOBSON, TILLINGHAST,  
LAHAN & KING, P.C.  
22 Courthouse Square  
Norwich, CT 06360

RE: MUR 4620  
Eastern Connecticut Chamber of Commerce

Dear Mr. Colonese:

On March 3, 1997, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your client. See attached narrative. Accordingly, the Commission closed its file in this matter on December 15, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

8043853168

**MUR 4620**

**EASTERN CONNECTICUT CHAMBER OF COMMERCE**

Tom Hill, the Natural Law Party's 1996 candidate for the Second Congressional District of Connecticut, alleges that the Eastern Connecticut Chamber of Commerce failed to establish objective criteria for debates they sponsored before the 1996 election. He also alleges that the respondents only permitted major party candidates to participate.

*Norwich Bulletin* and the Eastern Connecticut Chamber of Commerce respond that organizations that wish to sponsor debates have the latitude to choose their own objective criteria. The respondents did not select participants based on party affiliation but on the basis of which candidates were viable or newsworthy contenders for office. They maintain that Mr. Hill did not meet this criteria.

In response to the complaint, The League of Woman Voters of New London/Waterford, The League of Women Voters of Connecticut, and *The New London Day*, state that pre-established criteria was used in selecting debate participants. The criteria was provided to Mr. Hill before the debate, but he failed to meet any of the criteria other than placement on the ballot.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4620  
DATE FILMED 1-12-98 CAMERA NO. 2  
CAMERAMAN E.S.

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