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UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT



09-CV-00172-CMP

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

MAX ENGLERIUS
aka THE AMERICAN TRADITION PARTY,

C09-0172 RSM

Plaintiff,

vs.

Summons and

COMPLAINT

UNITED STATES GOVERNMENT

AND MOTION FOR SUMMARY JUDGMENT

Defendant.

A case of election manipulation and fraud was filed in this Court in September, 2005, Cause # C05-1515. That Complaint was dismissed in error; (some say obfuscation, in the same way that manufacturers of dangerous products like high-proof alcohol or carcinogenic tobacco could be charged with reckless endangerment, but government turns a blind eye to it under some misguided principles of free enterprise. Such governmental neglect also exists in relation to commercial election manipulations.) Premises of the previous action demonstrate and contribute to the basis of this action, and those documents are incorporated into this Complaint to provide overview, and avoid redundancy.

A summary of the case is as follows:

The question is whether the Constitution prescribes that vested interests could form private parties to seize control and monopolize government offices to benefit themselves. But that's what we see as big-monied interests controlling the major parties buy media influence over the public, and virtually force them to vote for their candidates whether they want to or not, by keeping others out; and the public gets short-shrifted and abused in the process, such as swindled in overpriced mortgages.

As relates to this case, Federal Election law prohibits party-organizers from manipulating Debate processes so that they benefit particular parties or candidates over others, but operatives of the major parties set arbitrary and self-serving criteria, calculated to make it *impossible* for others to compete, regardless of the merits of their platforms, which government had to have known of but ignored; (*such as the FEC's lying that CPD organizers weren't Democratic and Republican loyalists, manipulating the Debates to benefit their factions.*)

(The American Tradition Party's platform is contained at website americantraditionparty.com, and is referenced here for the sake of academics.)

Hence, the exclusionary two-party system is a complicity, and if not conspiracy, to monopolize the election process. And as democracy is not necessarily a benign form of government unless kept so, such *unchallenged control sets the grounds for all manner of governmental neglect and abuse.* (For instance, are street muggers deported to reservations in Africa, to promote peaceful and tranquil rather than wild and dangerous societies, as is the responsibility of government?)

And what is the result of these oversights and neglect, but revenge-for-slavery, black-power activists swept into the White House by media hype and mob hysteria, *perpetrated in no small part by illegal insurgents tipping the election towards gaining control of American power and arsenals.*

[[And when we speak of 'power' or abuse thereof, what are we talking about?

As it is, the three-branch system of government is a fundamentally flawed concept. For while we overthrew the monarchy and vested law-making powers in the Executive, Legislative and Judicial branches of government, under that system the public is effectively cut out of the loop, and is just as defenseless against tyranny and abuse as they were under despots. For with the egotisms, ambitions, greed, corruption and expedience of politics, and little oversight or accountability, it devolves to just a fraud, hoax and racket in which we see such things as legislators passing bad laws, with the public having little if any defense or recourse against them; police gangs clubbing or murdering people, and getting away with it by calling it "police business;" and such things as judges, independent of scrutiny or accountability, knowingly issuing wrong decisions from the bench, as if they aren't crimes of 'obstruction of justice.' So what we have here is government for power's sake, in which all-powerful government makes itself the sovereign principle of the nation, instead of the citizenry; and where government rights overrule civil rights of citizens, a corrupt and abusive police state is inevitable.

What we need is a fourth branch of government, a 'Public Advocate' branch, that can protect the public by guarding against abuse from any quarter, including government, by such things as examining proposed laws to ensure that they serve rather than harm the public; by preventing police from any abuses under color of authority; by requiring that only true and just decisions emanate from courts, and without complicated or confusing court rules and precedents designed to make lay citizens helpless before them; and such things as preventing for-profit hospitals from exploiting the misery of others. Americans are guaranteed "liberty and justice for all," and neither secreted and vicious police gangs, cronyistic law industries, or self-serving and convoluted election practices, should trump citizen rights and security.

Religion holds that the meek should inherit the earth, which means mild people rather than monstrous ones, and it behooves us not to pass a corrupt and abusive system on to monstrous opportunists. (Such as the present administration of black-power activists, which would limit Wall Street executive (plantation owners) pay to under \$500,000., which hardly buys a house these days; and that at time when blacks drugging and pimping out white kids make more than that, *and to hateful rap lyrics..* And an idiot administration that wants to funnel trillions of dollars to hate-rhetoric, rabble-rousing churches that they attend, while wanting to get out of Iraq at a time when radical Muslims, steeped in antiquity, do such things as choke women and set gays on fire and throw them off buildings.) As monstrous radicals are not bashful about seizing power, we have to define and mandate democracy as being a benign form of government, and oust vengeful and duplicitous insurgents who relish being seen with thugs around them, as a message to niggra types that their monkeyshines to abuse others will not be tolerated in a just and civil society.

This action presents a challenge to bad government, for in it's present state the U.S. is just a pirate state and a sham. America will be one of the best, or just one of the rest, depending on how it perfects itself; and while the American public is trusting and for the most part buffaloes, we can hardly expect the rest of the world to be.. In effect, we may have deserved the 9/11 attacks for running a corrupt, abusive and tyrannical system that we seek to promote abroad, and we can hardly expect to maintain our place as a model of good governance in the world unless we correct and perfect democracy as a benign, reliable, and trustworthy form of government. And that begins by governments' ridding itself of deceit, corruption and abuse, and becoming a servant of the citizens, rather than letting the Presidency morph into just a witchdoctor/circus master role over just consumers/zoo animals.]]

* * *

The seriousness of these matters cannot be overstated, for what we see is government hijacked by special interests. Plaintiff moves the Court for a Summary Judgment invalidating the 2008 election as illegally contrived, and to remand the matter for resolution by the Senate.

(Such as, they might want to examine Obama's character in referring to the U.S. Senate as a bunch of "unrepentant, low-life punks;" both in considering whether this was subtle encouragement to mugger activity by it's underworld bleachers, and questioning how such racial hostilities could bode well for world peace.)

Charlatans will come up with umpteen double-talking excuses why they can't or won't do this, such as the Constitution is a piracy pact with a bunch of dead guys, etc., but it is hoped that reason and justice will prevail at this crucible in the democratic experiment, for the sake of the nation and the world; and particularly as doing less might constitute elements of treason and fraud against humanity.

Respectfully submitted,

MAX ENGLERIUS
Plaintiff Pro Se

1400 S. Thistle St.
Seattle, WA 98108

(206) 380-5500

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

COPY RECEIVED

SEP 07 2005
UNITED STATES ATTORNEY
SEATTLE, WASHINGTON

MAX ENGLERIUS,
and THE AMERICAN TRADITION PARTY,

Plaintiffs,

C05-1515 njp

vs.

**AFFIDAVIT
AND AFFIDAVIT OF SERVICE**

UNITED STATES GOVERNMENT
and it's subdivision FEC,

Defendant.

Plaintiff hereby certifies under oath that all facts contained herein are true and correct.

Plaintiff further certifies under oath that he served a copy of the Complaint and Exhibits upon the offices of Defendant counsel on September ____, 2005;

And that he mailed a copy of the Complaint and Exhibits to FEC's counsel on September ____, 2005.

MAX ENGLERIUS
Plaintiff Pro Se

SUBSCRIBED AND SWORN TO before me by Max Englerius on this ____ day of September, 2005.

NOTARY PUBLIC in and for
the State of Washington
residing at _____

Commission expires _____

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

MAX ENGLERIUS,

Plaintiff,

COMPLAINT

vs.

UNITED STATES GOVERNMENT
and it's subdivision FEC,

Defendant.

BASIS OF CASE

Federal Election law prohibits Presidential Debate organizers from manipulating debate processes so that they benefit particular parties or candidates over others, (See FEC MUR 5207, attached, for applicable statutes.)

But the 2000 "Commission on Presidential Debates" was chaired exclusively by Democratic and Republican party officials; i.e. a former Democratic national party chairman and a former Republican national party chairman were co-chairs of the 'CPD;' and a Democrat and a Republican were it's treasurers. (See FEC MUR 5207 for findings on the executive composition of the 2000 'CPD.')

The CPD, under that executive composition, controlled who could and who couldn't participate in the debates, and illegally established arbitrary and self-serving criteria calculated to restrict the debates to only those who gleaned fully 15% of the Primary vote, which would be invariably impossible for most Independent candidates not able to *pay the media* to promote their candidacies in the early stages of an election cycle.

In effect, the 15% threshold was a means by which the Presidential Debate processes were pirated and commandeered by unelected and unaccountable 'debate commissioners,' *(and their private-interest backers,)* who by their closed processes not only *conditioned* the public into believing that theirs were the only capable candidates for President, but *hijacked the presidency* with obviously *subjective, self-serving and exclusionary criteria*.

Independent candidates with any appreciable message have as much right to participate in public debate forums as mainstream candidates, particularly forums which give every allusion of government-sanctioned authority portending to honesty and fairness, and *such rights cannot be infringed upon by means of trickery or subterfuge*, without violating civil rights, including equal participation under Sec. 1 of the 14th Amendment.

But although the U.S. Government, through any of its agencies, had to have known that mainstream party operatives were illegally imposing *virtually impossible criteria* for participation in the debates, to benefit themselves in violation of law, they did nothing to intervene on such illicit election activities. (See MUR 5207, 'citing "no reason to believe" that CPD executives set self-serving and exclusionary criteria to benefit themselves, when in fact there is ample and convincing evidence that they did.)

The findings in FEC MUR 5207 are *patently false*, and a disservice to the public in intimating of no election violations, such as contrived criteria to deny of lawful 14th Amendment rights. As FEC employees are agents acting on behalf of the federal government, MUR 5207 is as much Government's ruling as not, and in effect, MUR 5207 *reflects* Government's intent to renege on its responsibility to assure fair and just election processes.

This is not a failure-to-enforce action against the FEC as such, which has little avenue to correct this matter. Rather, as Government is liable to redress and damages for any neglect, abuse or scurrilous acts by it's employees, departments or various agencies, the U.S. Government itself is the primary defendant in this action for (a) negligence in failing to ensure fair and lawful debate processes, and (b) being party to, by omission or commission, in the infringement of Constitutional rights of the parties.

PREMISES OF CASE

And not only were the debate processes staged, but the election itself was rife with all manner of serious campaign violations, such as misleading ballots, voters illegally turned from the polls, and felons casting ballots across the nation.

And what did we see by the 2000 election but a a blindsighted and incompetent administration installed that proceeded to betray the public trust at every turn, by such things as: (a) manufacturing industry executives appointed to head EPA departments, with express aims of evading EPA laws, such as allowing high levels of birth-defect causing mercury contamination; (b) raiding federal treasury revenues by giving tax breaks to corporations and rich contributors, and having lesser wage earners try to make up for it with higher gas taxes, and cuts in social programs such as veterans benefits; (c) attacking workers by outlawing overtime pay, and jeopardizing the social security trust fund by turning a blind eye to a literal invasion from south of the border and elsewhere; (d) precipitately admitting Asia into the WTO, which was tantamount to putting an economic, political, military and ecological fire-cracker in our own noses;

and (e) provoking the most dastardly attacks upon American soil since Pearl Harbor, and then reacting recklessly and irrationally in an unstable and volatile region, with 20,000 dead and maimed soldiers within barely three years;

Being installed into public office does not necessarily mean that one is competent to the responsibility, and people who get themselves installed into office and then proceed to betray the public trust are as bad as any scam artist or thief. George Washington refused to align himself with any particular party precisely for such ineptness and corruption that could ensue, and indeed what did we see in the 2000 election but the very courts made into dupes in the ruse, in which they were made to virtually install one illicit candidate over another.

Several questions arise by the electoral processes we've witnessed:

1. Whether the Constitution restricts the Presidency to only those who can afford to stage nationwide conventions, or powerful enough to buy off a privately-owned media industry to push their candidates;
2. Whether the Constitution gives unelected and unaccountable backroom party operatives any kind of monopoly over the Presidency;
3. Whether the Constitution intended for the judicial branch to install public officials into office;

And why isn't any of this just so much 'water under the bridge?'

Is the American public so naive as to believe that only two people of the mainstream

parties, out of 250 MILLION citizens, could be the only viable choices for the Presidency? And was the fact that fully half of voters wanted neither of those candidates a telling point in that election? And most precisely, what with many uncounted votes and the like, the fact that neither of them received any legally-required clear majority vote in that election.

Any election that is manipulated is a "rigged" election, and when private interest parties forward their own candidates, and virtually control who the public votes for, it makes the voters virtually irrelevant, and only puppet-voters who are forced to vote for candidates of the private-interests' choosing.

A capitalist-run government masquerading as a democracy is no democracy, no matter how much the public is herded into believing they voted for it. And if the American public is so complacent as to be desensitized to the murders of John F. Kennedy and Robert F. Kennedy by vested interests, could democracy itself not be in danger of becoming just a backroom sham and fraud?

As it is, if illegal voting manipulation and fraud is considered normal and ok in the U.S., then why shouldn't the world be concerned over the U.S. becoming even more corrupt and dangerous in future

As such, we might do well to examine some of the implications involved:

Democracy is assumed to be a benevolent form of government, but the fact is that it is only as benevolent as the voters, and only as conscientious and benevolent

as the irresponsible or malicious people installed in office.

Whether a capitalist-run democracy is a benevolent form of government or not depends on who you're talking to. To a retiree playing shuffleboard on a pension in Florida, government is beautiful. But ask people seeing the buying power of their dollar devalued every day by an oil industry which raises prices at will, and doesn't care about causing inflation if it benefits themselves; ask people unable to afford outrageous prices by a profiteering medical industry benefitting from neurotoxins in food and drugs; ask children being mugged in schools or raped in juvenile facilities, and people being drugged, raped and killed in prisons right under the eyes of government, as if that isn't 'negligent homicide,' and you might get a far different appraisal.

And we can see instances of such democratic government actually working to turn malevolent right before our eyes:

For instance, the Constitution prohibits government from being a business enterprise, and yet we see cities charging hundreds of dollars for water and electricity bills, when those bills were a nominal twenty or thirty dollars a few years back. Two and three hundred dollar utility bills are guaged to union-wage earners, such as city employees, and are more than most people can afford to pay on top of high rents. But not only does the city run a monopoly over utility services, in which one has no choice but to pay their high charges for life-sustaining utilities, but cities feel entitled shut off utilities if unpaid, as if that isn't an inhumane *inhumane practice*, and even willfully hurts citizens' credit, by sending utility bill indebtedness to collections!

We form government for the purpose of providing basic necessities, such as safe and regulated utilities, and they ought to be providing utilities free, but what have we seen from the business-oriented Bush administration but their encouraging cities to charge 'market rates' for utilities, rather than providing them at cost, and at this rate we can only wonder whether officials of that bent might start looking for ways to charge for life-sustaining air, as well.

And we don't have to look far to see democracy actually turning *overbearing and malicious*.

While cities are meant to serve citizens, when they own and operate their own independent and virtually unaccountable police, court, jail and law departments, they invariably become abusive *rulers* over a virtually helpless citizenry; in such things as (a) paid meters instead of timed parking meters on pain of ticket or towing, which is almost extortion; (b) designing revenue-raising traffic traps, which is a form of highway robbery; (c) shutting off utilities, which could be life-threatening to some; (d) abusing them in low-blow prostitution sting operations, which is reverse solicitation; (e) letting habitual muggers out of jail to mug others, just to raise crime statistics for more federal monies, and (f) arranging for people to be raped and murdered in riotous and dangerous jail systems, which is 'reckless endangerment' or 'negligent homicide.'

The question should be whether government can operate without committing crimes.

And if cities are doing all these things, is it any wonder that they allow outrageously expensive rent and medical services, because such higher charges equates to higher tax revenues? Or run haphazard and dangerous school environments, where tribals are as

hostile as cats and dogs, and which teach virtually nothing of cognitive value, such as memory retention?

It's said that 'politics is a dirty business,' and if you say it enough times people start accepting that as inevitable. But was American government meant to be 'dirty business,' or is that so only when charlatans and thieves worm their way into government? Charlatans in office want a cowed, ignorant and helpless citizenry, and the question is how much worse government abuse of it's citizens might become in future if unchecked.

Vigilance is necessary to keep democracy on a benevolent track, and an educated, caring and responsible citizenry begins through proper education; and yet people are oftentimes graduated from schools who can hardly read at all. What is needed is comprehensive education reform that understands that children grow at the same rate, but don't always learn at the same pace. Just as Einstein was a poor student initially, so tests must be developed to discern where a particular child's interests and abilities lie at a certain stage, so that they might build on those areas systematically, to make the most of their lives and be a credit to society. But aren't we deluding ourselves if we think this is possible in crowded and haphazard environments, where children with racial or pathological problems of their own, or whose parents teach them to hate, are all thrown together? Government is cheating our children from proper and comprehensive educations, and this is just one example of how government ought to be taken to task for the responsibilities entrusted to it.

The fact is that technology is advancing faster than we as a species are, and certain

socialist principles will have to be understood and applied in society if we are to avert the danger of humanity's ending as a failure, i.e. *just caged monkeys under a police state.*

Government must be principally social-oriented, rather than just business-oriented, if it is to serve all sectors of society equitably and safely, and government should be developing more oversight and accountability over a free-wheeling capitalist system, by such things as establishing new effective oversight mechanisms, such as an 'Office of State Inspector General' in each state, to help assure against neglect or abuse from any sector of society.

For instance, while there is a place for capitalism and free-enterprise in society, why is it that a comparatively few stockholders are allowed to own all natural oil deposits, when oil profits could fund free life-long education for all citizens? And likewise, retail food and telephone profits could fund universal health care. Organized power and wealth to affect elections does not guarantee integrity, and the question here is whether such capital interests should be allowed to *buy* control of government to benefit themselves, while making citizens easy marks for exploitation and abuse.

Capitalism is not the mode of government of the future, and other socialist principles on issues which could be adopted are appended hereto from Plaintiff's book, "By These Truths- America: True or False."

The fact is that we are in the process of developing a safe, viable democratic system, and there are any number of critical issues that must be addressed and resolved to do so-many of which issues mainstream parties tend to gloss over or ignore for convenience.

Issues such as whether one should need a prescription to inject a powerful drug like high-proof alcohol, which just serves to makes citizens goofy and complacent, rather than vigilant for a fair and just democracy. And if a fair and just society is the aim, we should be examining other integral issues in society, such as an antiquated and inadequate legal system, to wit: Operating under a so-called "adversarial system of justice," lawyers are taught at law school that they are entitled to lie and cheat at court to prevail for their client, while *knowingly* harming a wronged party-- sort of an, "I'm making a living as a lawyer, and I have a right to hurt you," basis. Whereas we ought to be operating under an "Advocacy" system of justice, for a more accurate and reliable justice system, where every law practitioner involved in a case would be lawfully required to advocate on behalf of what is fair and just in any particular case, to avoid prosecution for obstruction of justice. Correcting an abusive justice system is critical, for as law is at the center of every aspect of life, every other sector of society would be improved as well.

Democracy is a form of government that serves the citizens, not just a select few party operatives, and not only is manipulating elections illegal on the face of it, but reasonable minds can see how concocted elections can pose dangers to other democratic principles as well. For instance, where Asians or Hispanics might flood insurgents in to *block-vote* themselves into power, and develop a rollerball society where humans are used in sword competitions or bull rings; or where bad blacks who got control might steer the society back to their previous culture through sheer egotism, and devise a future society where voodooism or cannibalism might be the national religions. Can't happen? Consider how it might be accomplished in convoluted elections: A voter canvasser

registered Plaintiff as an absentee voter, but then proceeded to send him an election card with a facetious name, thereby giving him two votes, which if widespread, may have had a bearing on the incredulous Republican vote in the 2004 election. (See "Max Engler" voter card.)

But developing a more comprehensive and responsible mindset on the part of government is just one factor in the equation- developing human nature and human spirit on the part of citizens themselves is another. And as it is, it has become even more imminently imperative that we are vigilant in doing so:

For instance, we might perceive 9/11 as an attack by murderous muslim fanatics, which on the one hand it was. But from a universal sense, if the U.S. in it's present state is so mindless and inept as to ignore or condone such things as corrupt elections, why shouldn't the world as a whole be concerned over a U.S. becoming a corrupt state in future- and with a huge nuclear arsenal with which to terrorize the world. Therefore we see how challenges to democratic integrity and reliability, may have been in some sense justified, and that we must own up to correcting inconsistencies in our system if we are to maintain our place as a leader of good governance in the world.

So we see that it certainly does matter who gets elected, for while one candidate just maintains the status quo, and acts solely for the furtherance of his own career, another might be better suited to rooting out inconsistencies in society towards developing a more fair and just system, and maintaining democracy as a benevolent form of government.

* * *

This case is over election violations, but it's more than just about an election-
it's about what kind of government and society we want to pass on to posterity.

Plaintiff was in fact registered with the Federal Election Commission as an Independent candidate for President of The American Tradition Party in the 2000 election, and from the aforesaid Plaintiff could have qualified to participate in the debates if the initial CPD criteria of 'concern over the direction of society' were adhered to. But with the CPD personnel's intent of holding on to power for themselves, he stood as little chance of participating in the 2000 Presidential Debates as Ralph Nader, who, despite having a nationwide following, was kept from the Debate premises virtually at *gunpoint*.

Something was seriously remiss in an election in which the outcome couldn't be decided for months after the election, and while the Gore campaign sought Supreme Court review of tabulations in Florida, it failed to have considered likely widespread voting violations in the other states as well. Such feeble attempts to correct a grievous wrong was unacceptable, and Plaintiff filed a challenge to the 2000 election in this Court, under case number C00-2097. But whereas government's counsel did not Answer the Complaint within the prescribed 60 days, (presumptively to avoid being complicitors in illegal election processes,) instead of awarding Plaintiff a default judgment, a magistrate quashed the Complaint as allegedly incomprehensible, ruling that reference to 14th Amendment violations under Section 1 lacked 'specificity.' The court's arbitrary decision to dispose of the action was appealable, but when the Ninth Circuit Court required additional costs for review, and mailed it's final Order, that Order was appealable to

the Supreme Court; but that mailing was somehow diverted, by political operatives or otherwise, to where Plaintiff never received it, nor in time to appeal for Supreme Court review. (See docket of Ninth Circuit Court's 'returned mailing.')

Deliberate diverting of U.S. Mail is a crime, and was consistent with the widespread voting violations, unlawfully staged debate processes, and politically-partisan betrayals of the public trust which resulted. Amounting to virtual theft of public office, is it any wonder that the world is concerned over an America going awry; or that a new arms race is underway, by precisely such renegade factions as shouldn't be engaged in such?

These matters are extremely critical, and cannot be procrastinated or ignored. And as voter approval of the business-oriented Bush administration has slid to less than 40% at times from alarm and lack of confidence, the matter is that much more critical. MUR 5702 cites September 5, 2005 as the statute of limitations for court review of government's findings on the election process violations, and Plaintiff hereby resumes the action.

Incorporated hereto are counsel filings from the initial filing, which dutifully opposes Plaintiff's action on behalf of their employer/client, but is mostly nonsensical- such as alleging that this is 'not an ongoing controversy of critical nature.' But if contrasting views on such premises were considered, it would read like a palindrome, with facts, factors and case law relevant to the action. (See defendant counsel filings, and other documents and premises, attached.)

Plaintiff is prosecuting the action Pro Se at this point, and citations contained

herein present sufficient premises for adjudication. If and when Plaintiff is represented by counsel, be it by court order as a federal crime victim or otherwise, the filing of an Amended Complaint containing additional premises might be applied for.

RELIEF SOUGHT

Plaintiff seeks recovery against Defendant U.S., to wit:

1. A finding by the Court that FEC findings in MUR 5207 are patently false in intimating of no campaign violations, such as setting impossible criteria for participation in the debates, so that only richly-backed Democratic and Republican candidates of their own parties could possibly qualify;
2. A finding by the Court that such conniving, exclusionary tactics were a violation of basic rights protected under Sec. 1 of the 14th Amendment;
3. A finding by the court that Government as a whole, through any of it's agencies or departments, had to have known that the election in this sense was rigged to benefit vested interests, but did nothing to intervene and protect 3rd party rights; and that Government is liable for redress and damages from scurrilous or unlawful acts of it's employees, departments or agencies;
4. Damages against defendant U.S. Government in an amount to be determined at Court, for negligence in failing to ensure fair and just election processes, i.e. infringement of Constitutional principles

relating to the presidency generally, and violation of 14th Amendment guarantees to equal participation/protection specifically; in amounts sufficient to get on the ballots in all 50 states, for economically feasible chances of challenging entrenched factions under the present system;

5. Plaintiff furthermore moves the Court for a Summary Judgement invalidating the 2000/2004 elections as illegally contrived, and/or to present grounds for remanding the matter on for resolution by the Senate.

Respectfully submitted,

Max Englerius
Plaintiff pro se

P.O. Box 2622
Seattle, Washington 98111

(206) 380-5500

THE FOLLOWING EXHIBITS ARE ATTACHED

IN SUPPORT OF PLAINTIFF'S ACTION

* * *

- EXHIBIT 1.** Federal Election Commission documents relating to Plaintiff's registration as a Presidential candidate of The American Tradition Party in the 2000/2004 elections;
- EXHIBIT 2.** FEC 'MUR 5207,' final findings on Plaintiff's Complaint of elections violations, citing no reason to believe' campaign violations occurred, and citing September 5, 2005 as the statute of limitations for filing for court review;
- EXHIBIT 3.** Defendant counsel filings from a previous filing which purports that the election is 'not a continuing controversy;'
- EXHIBIT 4.** Election cards issued in facetious names by voting registrants; and other materials demonstrating an inept, unreliable voting system which can be easily and fraudulently manipulated;
- EXHIBIT 5.** An example of betryals of the public trust by an installed, strictly business-oriented administration, which seeks to have utilities sold at 'market rates' rather than at cost, which turns government to unabashedly exploiting and fleecing an unwary public;
- EXHIBIT 6.** Court docket sheet showing that the Ninth Circuit Court's final Order mailed out was returned to them

EXHIBIT 1

**Federal Election Commission documents
relating to Plaintiff's registration as a
Presidential candidate of The American
Tradition Party in the 2000/2004 elections**

STATEMENT OF CANDIDACY

(See reverse side for instructions)

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

Apr 2 1 30 PM '99

1. (a) Name of Candidate (in full) Max Englerius			2. Identification Number
(b) Address (number and street) Post Office Box 2622		(c) Check if address changed	
(c) City, State, and ZIP Code Seattle, Washington 98111			
3. Party Affiliation American Tradition	4. Office Sought President	5. State & District of Candidate	

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby authorize the following named political committee as my Principal Campaign Committee for the 2000 election(s).
(year of election)

NOTE: This designation should be filed with the appropriate office listed below.

(a) Name of Committee (in full) MAX Englerius for President Campaign Committee
(b) Address (number and street) Post Office Box 2622
(c) City, State, and ZIP Code Seattle, Washington 98111

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Fundraising Representatives)

7. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidate.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full) N/A
(b) Address (number and street)
(c) City, State, and ZIP Code

I certify that I have signed this statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate <i>[Handwritten Signature]</i>	Date 3/23/99
----------------------------------------------------------	------------------------

NOTE: Submission of false, deceptive, or incomplete information may subject the person signing this statement to penalties of 2 U.S.C. 5407g.

CANDIDATES FOR THE OFFICE OF:

U.S. Senate mail to:
Secretary of the Senate
Office of Public Records
222 Reid Senate Office Bldg.
Washington, DC 20510-7148

All other candidates
mail to:
Federal Election Commission
999 E Street, N.W.
Washington, DC 20462

For further information contact:
Federal Election Commission
Toll-free 800-424-9530
Local 202-219-3400

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FEC FORM 2
(revised 4/87)

EXHIBIT 2

Exhibit 2 is the FEC's final report on the Complaint of illicit electioneering processes in the 2000 election. The Report, on behalf of the U.S. Government:

- (1) Contains federal statutes relating to Presidential Debates processes, which prohibit manipulating a public forum to benefit particular parties or candidates over others;**
- (2) Confirms that co-chairmen of the 'Commission on Presidential Debates' are both former National Party Chairman of the Democratic and Republican parties, and that a Democrat and Republican are CPD treasurers;**
- (3) That the exclusively Democratic and Republican run CPD set the criteria for participation in the debate premises**
- (4) The Report elucidates that the CPD's criteria for participating in the debates was far more inclusionary at it's inception, [presumptively towards getting the franchise to conduct the Debates,] but devolved to far more [prohibitive and] exclusionary criteria by the 2000 election, [so that only major party candidates would possibly qualify.];**
- (5) Confirms that mass-media executives were on the CPD board/payroll;**
- (6) Despite these facts, the FEC Report nonetheless held that there was 'no reason to believe' that the PDC set debate participation criteria to benefit the major parties, and cites September, 2005 as the statute of limitations for court review of it's findings.**



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 5207

DATE FILMED 8/30/02 CAMERA NO. 4

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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

AUG 02 2002

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 5207

Date Complaint Filed: May 15, 2001¹

Date of Notification: May 29, 2001

Date Activated: September 11, 2001

Staff Member: Delbert K. Rigsby

Statute of Limitations: September 27, 2005

COMPLAINANT:

Max Englerius

RESPONDENTS:

Commission on Presidential Debates
Paul G. Kirk, Jr., Co-Chairman of the Commission on
Presidential Debates
Frank J. Fahrenkopf, Jr., Co-Chairman of the Commission
on Presidential Debates
Democratic National Committee and Andrew Tobias, as
treasurer
Republican National Committee and Robert M. Duncan, as
treasurer

**RELEVANT STATUTES
AND REGULATIONS:**

2 U.S.C. § 431(4)
2 U.S.C. § 431(8)(A)(i)
2 U.S.C. § 431(9)(A)(i)
2 U.S.C. § 433
2 U.S.C. § 434
2 U.S.C. § 441a(f)
2 U.S.C. § 441b(a)
2 U.S.C. § 441b(b)(2)
11 C.F.R. § 100.7(b)(21)
11 C.F.R. § 102.1(d)
11 C.F.R. § 104.1(a)
11 C.F.R. § 110.13

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¹ On October 27, 2000, Max Englerius filed a complaint with the Commission. The Office of General Counsel determined that the complaint was improper because it was not sworn and notarized. Thereafter, Mr. Englerius refiled the complaint on May 15, 2001 which was sworn and notarized and this Office sent notifications to the respondents.

11 C.F.R. § 114.1(a)(2)(x)

11 C.F.R. § 114.2(b)

11 C.F.R. § 114.4(f)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter arose from a complaint filed with the Federal Election Commission (the "Commission") by Max Englerius (the "Complainant"). The complaint alleges that the Commission on Presidential Debates (the "CPD") was partisan in selecting candidates to participate in the Presidential debates in 2000. The complaint also alleges that the Democratic and Republican parties worked to arbitrarily restrict the participation in the Presidential debates to the candidates of the two parties. All of the respondents have responded to the complaint.²

II. FACTUAL AND LEGAL BACKGROUND

A. Law

The Federal Election Campaign Act of 1971, as amended, (the "Act") prohibits corporations from making contributions or expenditures in connection with federal elections. 2 U.S.C. § 441b(a); *see also* 11 C.F.R. § 114.2(b). The Act defines a contribution to include "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(8)(A)(i);

² The Reform Party, the Natural Law Party and Mary Wohlford and Bill Wohlford, respectively, filed similar complaints against the CPD, the Democratic National Committee (DNC) and the Republican National Committee (RNC). *See* MURs 4987, 5004 and 5021. In those MURs, the Commission found no reason to believe that the CPD, the DNC and RNC violated the Act. The Complainants in MURs 4987 and 5004 appealed the Commission's decisions to the federal courts and those courts upheld the Commission's decisions. *See Buchanan v. Federal Election Commission*, 112 F. Supp. 2d 58 (D.D.C. 2000) and *Natural Law Party of the United States v. Federal Election Commission*, 111 F. Supp. 2d 33 (D.D.C. 2000).

1 *see also* 2 U.S.C. § 441b(b)(2). A contribution is also defined in the Commission's regulations
2 at 11 C.F.R. § 100.7(a)(1). "Anything of value" is defined to include all in-kind contributions.
3 11 C.F.R. § 100.7(a)(1)(iii)(A). The Act defines an expenditure to include "any purchase,
4 payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any
5 person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(9)(A)(i);
6 *see also* 2 U.S.C. § 441b(b)(2).

7 The Commission's regulations at 11 C.F.R. § 100.7(b)(21) specifically exempt
8 expenditures made for the purpose of staging candidate debates from the definition of
9 contribution provided that the debates meet the requirements of 11 C.F.R. §§ 110.13 and
10 114.4(f). Non-profit organizations described in 26 U.S.C. §§ 501(c)(3) or 501(c)(4) that do not
11 endorse, support, or oppose political candidates or political parties may stage candidate debates.
12 11 C.F.R. § 110.13(a)(1). The debates must include at least two candidates, and not be structured
13 to promote or advance one candidate over another. 11 C.F.R. §§ 110.13(b)(1) and (2).
14 Organizations that stage presidential debates must use pre-established objective criteria to
15 determine which candidates may participate in the debate. 11 C.F.R. § 110.13(c). With respect
16 to general election debates, staging organizations shall not use nomination by a particular
17 political party as the sole objective criterion to determine whether to include a candidate in a
18 debate. *Id.*

19 If a corporation staged a debate in accordance with 11 C.F.R. § 100.13, the expenditures
20 incurred by that sponsoring corporation would be exempt from the definition of contribution.
21 *See* 11 C.F.R. §§ 100.7(b)(21), 114.1(a)(2)(x) and 114.4(f)(1). As long as the sponsoring
22 corporation complied with 11 C.F.R. § 110.13, other corporations may provide funds to the

sponsoring corporation to defray expenses incurred in staging the debate without being in violation of the Act. 11 C.F.R. § 114.4(f)(3).

The Act defines the term "political committee" to include "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. § 431(4); *see also* 11 C.F.R. § 100.5. Political committees are required to register with the Commission, and to report contributions received and expenditures made in accordance with the Act and the Commission's regulations. *See* 2 U.S.C. § 433 and 11 C.F.R. § 102.1(d); *see also* 2 U.S.C. § 434 and 11 C.F.R. § 104.1(a).

B. CPD's Criteria for Selecting Candidates to Participate in the 2000 General Election Debate

The CPD was incorporated in the District of Columbia on February 19, 1987, as a private, not-for-profit corporation to "organize, manage, produce, publicize and support debates for the candidates for President of the United States."³ *See* CPD response (5/22/00) at 5. The Co-Chairmen of the CPD are Paul G. Kirk, Jr., and Frank J. Fahrenkopf, Jr. The CPD sponsored two presidential debates during the 1988 general election, three presidential debates and one vice presidential debate in 1992, and two presidential debates and one vice presidential debate in 1996. *Id.* The CPD sponsored three presidential and one vice presidential debate during the 2000 general election. The CPD accepts donations from corporations and other organizations to fund these debates.

³ In response to this complaint, the CPD submitted a letter to this Office stating the response that it made to MUR 4987 on May 2, 2000 would serve as its response in this matter.

1 On January 6, 2000, the CPD announced its candidate selection criteria for the 2000
2 general election debates. *Id.* at 2. It stated, "the purpose of the criteria is to identify those
3 candidates who have achieved a level of electoral support such that they realistically are
4 considered to be among the principal rivals for the Presidency." *Id.* The criteria are: (1)
5 evidence of the candidate's constitutional eligibility to serve as President of the United States
6 pursuant to Article II, Section 1 of the United States Constitution; (2) evidence of ballot access,
7 such as the candidate appearing on a sufficient number of state ballots to have at least a
8 mathematical chance of securing an Electoral College majority; and (3) indicators of electoral
9 support by having a level of support of at least fifteen percent of the national electorate as
10 determined by five selected national public opinion polling organizations, using the average of
11 those organizations' most recent publicly-reported results at the time of the determination of
12 eligibility.⁴ *Id.* at 9, 10. A candidate must meet all three criteria to participate in the debate.
13 The CPD also stated that it would determine participation in the first scheduled debate after
14 Labor Day 2000. *Id.* at 75. Furthermore, the CPD also stated that it would extend invitations to
15 participate in the vice presidential debate to the running mates of the presidential candidates
16 qualifying for participation in the CPD's first presidential debate, and invitations to participate in
17 the second and third debates would be based upon the same criteria prior to each debate. *Id.*

18

⁴ Those five polling organizations are the ABC News/*Washington Post*; CBS News/*New York Times*; NBC News/*Wall Street Journal*; CNN/*USA Today*/Gallup; and Fox News/*Opinion Dynamics*. The CPD also retained Frank Newport, Editor-in-Chief of the Gallup Poll, as a consultant in implementing the 2000 candidate selection criteria. *Id.* at 9, 10.

C. Complaint

2 The complainant alleges that the Commission failed to ensure "free, open and fair
3 elections in the 2000 Presidential election by establishing or allowing to be established, a
4 privately held and completely partisan 'Presidential Debate Commission,' a [principal] aim of
5 which was to keep other legitimate candidates from participating." Complaint at 1. The
6 complaint also alleges that operatives of the Democratic and Republican parties monopolized the
7 debates by "arranging to arbitrarily restrict participation in the Presidential debates to only
8 candidates of their parties." *Id.* Furthermore, the complainant argues that other Presidential
9 candidates were deprived of the right to campaign at those public forums and the public was
10 deprived of the right to showcase and solicit votes for the candidates of their choice. *Id.*

D. Responses

1. Responses from the CPD to the Complaint

13 In response to the complaint, the CPD argues that no CPD Board member is an officer of
14 either the Democratic National Committee or the Republican National Committee, and the CPD
15 receives no funding from the government or any political party. CPD Response (5/22/00) at 5.
16 The CPD also argues that any references to its founding as a bipartisan effort was an effort to
17 ensure that it was not controlled by any one party, not an effort by the two major parties to
18 control CPD's operations or to exclude non-major party candidates in CPD-sponsored debates.
19 *Id.*, footnote 6.

20 In regard to its candidate selection criteria, the CPD argues that the purpose of the
21 candidate selection criteria is to identify those candidates, regardless of party, who realistically
22 are considered to be among the principal rivals for the Presidency. *Id.* at 2. Moreover, in regard

1 to the third criterion, the CPD states that it sets forth a bright line standard with respect to
2 electoral support, which is at least 15% of the national electorate as determined by the average
3 results of five selected national public opinion polling organizations at the time of the CPD's
4 determination of eligibility before each debate. *Id.* at 3. The CPD argues that in promulgating
5 the regulation, 11 C.F.R. § 110.13, the Commission permits the staging organization to
6 determine the objective criteria. *Id.*

7 With respect to the issue of electoral support and polling, the CPD argues that the
8 Commission has ruled in a previous matter regarding its 1996 candidate selection criteria that it
9 is appropriate for the criteria to include a measure of candidate potential or electoral support and
10 to use polls to measure that support.⁵ *Id.* at 3. Moreover, the CPD states that the five polling
11 organizations that it planned to employ are well-known, well-regarded, and will poll frequently
12 throughout the 2000 election. *Id.* at 16.⁶ The CPD also argues that because public opinion shifts,
13 it will use the most recent poll data available before the debates. *Id.* In regard to any
14 methodological differences among the polls, the CPD states that taking the average of five polls
15 may reduce the random error that could come from using only one source, and averaging does
16 not invalidate the results. *Id.* Furthermore, the CPD, citing the declaration of Dorothy Ridings, a
17 CPD Board member, argues that requiring a level of electoral support of 15% of the national
18 electorate is reasonable because the "fifteen percent threshold best balanced the goal of being

⁵ The CPD is referring to the Commission's Statement of Reasons dismissing MURs 4451 and 4473 in which the Natural Law Party and Perot '96, Inc. respectively, challenged the CPD's 1996 candidate selection criteria for participation in the debates.

⁶ While this complaint was filed in May 2001 after the presidential debates, the CPD's response to the complaint was the same response that it submitted in May 2000 to the complaints referenced as MURs 4987, 5004 and 5021. Thus, the CDP's arguments cited here and below are in the present tense instead of the past tense.

sufficiently inclusive to invite those candidates considered to be among the leading candidates,
without being so inclusive that invitations would be extended to candidates with only very
modest levels of support." *Id.* at 14.

2. Response from the DNC to the Complaint

The DNC urges the Commission to dismiss the complaint against them and find no
reason to believe that the DNC has violated the Act or Commission regulations. DNC Response
at 2. The DNC argues that it is independent of the CPD and that Mr. Paul Kirk, CPD Co-
Chairman, who also served as DNC Chairman from 1985-1989, has held no office and played no
role in the DNC since 1989. *Id.* The DNC also states that no DNC member, officer or employee
sits on the Board of the CPD, and the DNC does not now play, nor has it ever played, any role in
determining CPD's criteria for candidate selection for the debates. *Id.*

3. Response from the RNC to the Complaint

The RNC requests that the Commission find no reason to believe that it violated the Act,
dismiss the complaint and close the file. RNC Response at 2. The RNC acknowledges that
Mr. Frank Fahrenkopf, Co-Chairman of the CPD, was Chairman of the RNC during the founding
of the CPD, but the CPD was never an official or approved organization of the RNC and does not
receive any funding or other support from the RNC. *Id.* at 1. Finally, the RNC states neither its
chairman during the 2000 election nor its current chairman have ever sat on the CDP's Board,
and that the RNC neither organized nor controls the CPD. *Id.*

⁷ The CPD also notes that John Anderson achieved this level of electoral support prior to the first
presidential debate in 1980 and was invited by the League of Women Voters to participate in that debate.
Furthermore, the CPD states that other presidential candidates, such as George Wallace in 1968 and Ross Perot in
1992, had high levels of support. *Id.* at 14.

1 III. ANALYSIS

2 Based upon the available evidence, it appears that CPD has complied with the
3 requirements of section 110.13 of the Commission's regulations governing sponsorship of
4 candidate debates. While the complainant argues that the CPD is a partisan organization, he has
5 provided no evidence that the CPD is controlled by the DNC or the RNC. There is no evidence
6 that any officer or member of the DNC or the RNC is involved in the operation of the CPD.
7 Moreover, there does not appear to be any evidence that the DNC and the RNC had input into the
8 development of the CPD's candidate selection criteria for the 2000 presidential election cycle.
9 Thus, it appears that the CPD satisfies the requirement of a staging organization that it does not
10 endorse, support or oppose political candidates or political parties. 11 C.F.R. § 110.13(a).

11 Furthermore, CPD's criteria for participation in the candidate debates appear to be pre-
12 established, objective criteria as required by 11 C.F.R. § 110.13(c), and not designed to result in
13 the selection of certain pre-chosen participants. The CPD's criteria for determining who may
14 participate in the 2000 general election presidential debates consist of constitutional eligibility,
15 appearance on sufficient state ballots to achieve an Electoral College majority, and electoral
16 support of 15% of the national electorate based upon an average of the most recent polls of five
17 national public opinion polling organizations at the time of determination of eligibility.

18 The Commission has accorded broad discretion to debate sponsors in determining the
19 criteria for participant selection. In promulgating 11 C.F.R. § 110.13(c), the Commission stated:

20 Given that the rules permit corporate funding of candidate debates, it is appropriate
21 that staging organizations use pre-established criteria to avoid the real or apparent
22 potential for a quid pro quo, and to ensure the integrity and fairness of the process.
23 The choice of which objective criteria to use is largely left to the discretion of the
24 staging organization. . . .

25 Staging organizations must be able to show that their objective criteria

1 were used to pick the participants, and that the criteria were not designed to result
2 in the selection of certain pre-chosen participants. The objective criteria may be set to
3 control the number of candidates participating in a debate if the staging organization
4 believes that there are too many candidates to conduct a meaningful debate.
5

6 60 Fed. Reg. 64,262 (December 14, 1995).

7 The CPD's candidate selection criteria have been challenged in the past. In MURs 4451
8 and 4473, the Natural Law Party and Perot '96, Inc. filed complaints with the Commission
9 against the CPD regarding its 1996 candidate selection criteria. The Commission found no
10 reason to believe that the CPD violated the law by sponsoring the presidential debates or by
11 failing to register and report as a political committee. The Commission noted, "the debate
12 regulations sought to give debate sponsors wide leeway in deciding what specific criteria to use."
13 Statement of Reasons in MURs 4451 and 4473 at 8 (April 6, 1998). With respect to polling and
14 electoral support, the Commission noted in MURs 4451 and 4473 that it declined to preclude the
15 use of polling or "other assessments of a candidate's chances of winning the nomination or
16 election" when promulgating 11 C.F.R. § 110.13. Furthermore, the Commission stated that
17 questions can be raised regarding any candidate assessment criterion and "absent specific
18 evidence that a candidate assessment criterion was 'fixed' or arranged in some manner so as to
19 guarantee a preordained result, we are not prepared to look behind and investigate every
20 application of a candidate assessment criterion." *Id.* at 9. Finally, in MURs 4451 and 4473, the
21 Commission referred to the Explanation and Justification for 11 C.F.R. § 110.13 which states
22 reasonableness is implied when using objective criteria. *Id.*

23 It should be noted that the CPD used a different set of candidate selection criteria for the
24 1996 debates than it used for the 2000 debates. However, the CPD's candidate selection criteria
for 2000 appear to be even more objective than the 1996 criteria. In 1996, the CPD's candidate

1 selection criteria were: (1) evidence of national organization; (2) signs of national
2 newsworthiness and competitiveness; and (3) indicators of national enthusiasm or concern.
3 With respect to signs of national newsworthiness and competitiveness, the CPD listed factors,
4 such as the professional opinions of Washington bureau chiefs of major newspapers, news
5 magazines and broadcast networks; the opinions of professional campaign managers and
6 pollsters not employed by the candidates; the opinions of representative political scientists
7 specializing in electoral politics; a comparison of the level of coverage on front pages of
8 newspapers and exposure on network telecasts; and published views of prominent political
9 commentators. The CPD's candidate selection criteria for 2000, which consist of constitutional
10 eligibility, ballot access, and a level of electoral support of 15% of the national electorate based
11 upon the average of polls conducted by five major polling organizations, make it easier to
12 determine which candidates will qualify, and appear to be more objective than the 1996
13 candidate selection criteria. Given this, and the fact that the Commission's dismissed similar
14 challenges to CDP's selection criteria for the 2000 Presidential election in MURs 4987, 5004 and
15 5021 that have subsequently been upheld in federal court, it appears that the CPD's candidate
16 selection criteria for participation in the 2000 general election debates are in accordance with the
17 requirements of 11 C.F.R. § 110.13.⁸

18 Based upon the available evidence, it appears that the CPD satisfies the requirements of
19 11 C.F.R. § 110.13 to stage the debates. Because the CPD meets the requirements of 11 C.F.R.

⁸ In *Buchanan v. FEC*, 112 F. Supp. 2d 58 (D.D.C. 2000), Patrick Buchanan appealed the Commission's decision dismissing a complaint (MUR 4987) challenging the CPD's nonpartisan status, the CPD's selection criteria and his exclusion from the 2000 Presidential debates. The court granted the Commission's motion for summary judgment in that case.

1 § 110.13, its expenditures are specifically exempted under 11 C.F.R. § 110.7(b)(21) from being
2 considered contributions and are not subject to the Act. Additionally, because the CPD meets the
3 requirements of 11 C.F.R. § 110.13, the CPD is not considered a political committee under
4 2 U.S.C. § 431(4) nor subject to the registration and reporting requirements of 2 U.S.C. § 433
5 and 2 U.S.C. § 434. Finally, as long as the CPD complies with 11 C.F.R. § 110.13, funds
6 provided by corporations to the CPD to be used to defray expenses to stage Presidential debates
7 are not prohibited contributions, but permissible under 11 C.F.R. § 114.4(f)(3).

8 For the foregoing reasons, the Office of General Counsel recommends that the
9 Commission find no reason to believe that the Commission on Presidential Debates and Paul G.
10 Kirk, Jr., and Frank J. Fahrenkopf, Jr., as Co-Chairmen, violated 2 U.S.C. § 441b(a) by making
11 expenditures in connection with a federal election, 2 U.S.C. § 441a(f) by accepting prohibited
12 contributions from corporations or making contributions to the Democratic National Committee
13 or the Republican National Committee, 2 U.S.C. § 433 by failing to register as a political
14 committee, or 2 U.S.C. § 434 by failing to report contributions.

15 Furthermore, the Office of General Counsel recommends that the Commission find no
16 reason to believe that the Democratic National Committee and Andrew Tobias, as treasurer,
17 violated 2 U.S.C. § 441b(a) by accepting prohibited contributions from the Commission on
18 Presidential Debates, or 2 U.S.C. § 434 by failing to report contributions from the Commission
19 on Presidential Debates. The Office of General Counsel also recommends that the Commission
20 find no reason to believe that the Republican National Committee and Robert M. Duncan, as
21 treasurer, violated 2 U.S.C. § 441b(a) by accepting prohibited contributions from the

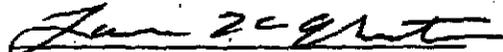
Commission on Presidential Debates, or 2 U.S.C. § 434 by failing to report contributions from
the Commission on Presidential Debates.

IV. RECOMMENDATIONS

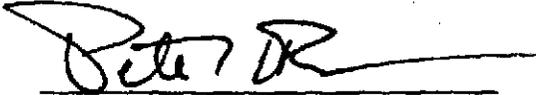
1. Find no reason to believe that the Commission on Presidential Debates and Paul G. Kirk, Jr. and Frank J. Fahrenkopf, Jr., as Co-Chairmen, violated 2 U.S.C. § 433, 2 U.S.C. § 434, 2 U.S.C. § 441a(f), and 2 U.S.C. § 441b(a);
2. Find no reason to believe that the Democratic National Committee and Andrew Tobias, as treasurer, violated 2 U.S.C. § 434, and 2 U.S.C. § 441b(a);
3. Find no reason to believe that the Republican National Committee and Robert M. Duncan, as treasurer, violated 2 U.S.C. § 434, and 2 U.S.C. § 441b(a);
4. Approve the appropriate letters; and
5. Close the file.

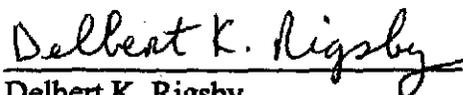
8/2/02

Date


Lawrence H. Norton
General Counsel


Gregory R. Baker
Acting Assistant General Counsel


Peter G. Blumberg
Acting Assistant General Counsel


Delbert K. Rigsby
Attorney

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Commission on Presidential) MUR 5207
Debates;)
Paul G. Kirk, Jr., Co-)
Chairman of the Commission on)
Presidential Debates;)
Frank J. Fahrenkopf, Jr., Co-)
Chairman of the Commission on)
Presidential Debates;)
Democratic National Committee)
and Andrew Tobias, as)
treasurer;)
Republican National Committee)
and Robert M. Duncan, as)
treasurer.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on August 8, 2002, the Commission decided by a vote of 4-0 to take the following actions in MUR 5207:

1. Find no reason to believe that the Commission on Presidential Debates and Paul G. Kirk, Jr. and Frank J. Fahrenkopf, Jr., as Co-Chairmen, violated 2 U.S.C. §433, 2 U.S.C. §434, 2 U.S.C. §441a(f), and 2 U.S.C. §441b(a).

(Continued)

2. Find no reason to believe that the Democratic National Committee and Andrew Tobias, as treasurer, violated 2 U.S.C. §434, and 2 U.S.C. §441b(a).
3. Find no reason to believe that the Republican National Committee and Robert M. Duncan, as treasurer, violated 2 U.S.C. §434, and 2 U.S.C. §441b(a).
4. Approve the appropriate letters, as recommended in the First General Counsel's Report dated August 2, 2002.
5. Close the file.

Commissioners Mason, Sandstrom, Smith and Thomas voted affirmatively for the decision.

Commissioner McDonald did not return a ballot.

Commissioner Toner recused.

Attest:

August 8, 2002
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

Received in the Secretariat: Fri., Aug. 02, 2002 3:39 p.m.
Circulated to the Commission: Mon., Aug. 05, 2002 11:00 a.m.
Deadline for vote: Thurs., Aug. 08, 2002 4:00 p.m.

vfv



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 5207
DATE FILMED 8/30/02 CAMERA NO. 4
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News Releases, Media Advisories



For Immediate Release
September 16, 2002

Contact: Kelly Huff
Ron Harris
Bob Biersack
Ian Stirton

COMPLIANCE CASES MADE PUBLIC

WASHINGTON -- The Federal Election Commission has recently made public its final action on 13 matters previously under review (MURs). This release contains only disposition information.

Specific released documents placed on the public record within the following closed MURs are cited following DISPOSITION heading. Release of these documents is consistent with the district court opinion in the December 19, 2001, decision of AFL-CIO v. FEC, now on appeal to the D.C. Circuit Court of Appeals. Once an appellate decision is rendered, the Commission will review documents related to cases released in the interim.

1. MUR 4948

RESPONDENTS: Republican Leadership Council ("RLC")

COMPLAINANT: William A. Dal Col, President, Forbes 2000, Inc.

SUBJECT: Excessive contributions; use of non-federal funds; disclaimer

DISPOSITION: Took no action*

DOCUMENTS ON THE PUBLIC RECORD: General Counsel's Report (dated October 29, 2001); amended certification of vote by Commissioners (dated November 6, 2001)

2. MUR 4957

RESPONDENTS: Buchanan Reform, Inc., Angela M. Buchanan, treasurer

COMPLAINANT: George D. Weber

SUBJECT: Disclaimer

DISPOSITION: Reason to believe, but took no further action*

Sent admonishment letter.

DOCUMENTS ON PUBLIC RECORD: First General Counsel's Report, certification of vote by Commissioners (dated July 9, 2002)

3. MUR 5032

RESPONDENT: Million Mom March Foundation ("MMF")

COMPLAINANT: William A. Levinson

SUBJECT: Corporate contributions; disclaimers

DISPOSITION: Took no action*

DOCUMENTS ON PUBLIC RECORD: General Counsel's Report (dated October 29, 2001); amended certification of vote by Commissioners (dated November 6, 2001)

4. MUR 5059

RESPONDENTS: (a) Sand for Senate Committee
(b) Duane Sand

COMPLAINANT: North Dakota Democratic - NPL

SUBJECT: Failure to file 48-hour reports; failure to report expenditures' failure to accurately file 2000 July Quarterly Report

DISPOSITION: (a) Reason to believe, but took no further action*
[re: 48-hour reports]
Sent admonishment letter.
(b) Took no action*

DOCUMENTS ON PUBLIC RECORD: Amended certification of vote by Commissioners (dated November 6, 2001); Statement of Reasons by Commissioners Mason, Sandstrom, McDonald, Thomas and Smith

5. MUR 5061

RESPONDENTS: (a) Brannen for Congress, Inc., William H. Barry, III, treasurer
(b) Barney Brannen

COMPLAINANT: New Hampshire Republican State Committee

SUBJECT: Disclaimer

DISPOSITION: (a) Reason to believe, but took no further action*
Sent admonishment letter.
(b) Took no action*

DOCUMENTS ON PUBLIC RECORD: Amended certification of vote by Commissioners (dated November 6, 2001); Statement of Reasons by Commissioners Mason, Sandstrom, McDonald, Thomas and Smith

6. **MUR 5062 [See ADR#27]****RESPONDENTS:**

- (a) Verdegaal Brothers, Inc.
- (b) Overland Stock Yards
- (c) E&B Landscape and Garden Supplies, Inc.
- (d) Westside Chemical Company
- (e) Quick Signs, Inc.
- (f) Gregory Schneider
- (g) Western Building Properties Association
- (h) Orosi Swap Meet
- (i) Schaller Bail Bonds
- (j) Triple B Farms
- (k) Arvel Legal Systems

COMPLAINANT:

Democratic Congressional Campaign Committee

SUBJECT:

Corporate contributions; excessive contributions; failure to provide contributor information

DISPOSITION:

(a-k) Took no action*

DOCUMENTS ON PUBLIC RECORD:

General Counsel's Report (dated October 29, 2001); amended certification of vote by Commissioners (dated November 6, 2001)

7. **MUR 5130****RESPONDENTS:**

- (a) Simmons for Congress, Anne Simeone, treasurer
- (b) The Connecticut Legionnaire

COMPLAINANT:

Marge B. Calltharp

SUBJECT:

Disclaimer

DISPOSITION:

(a) Reason to believe, but took no further action*

Sent admonishment letter.

(b) Took no action*

DOCUMENTS ON PUBLIC RECORD:

Amended certification of vote by Commissioners (dated November 6, 2001); Statement of Reasons by Commissioners Mason, Sandstrom, McDonald, Thomas and Smith



RESPONDENTS:

- (a) Friends of Giuliani
- (b) Lazio 2000
- (c) Traditional Values Coalition
- (d) Jerry Falwell
- (e) Congressman Pete Sessions
- (f) Bill Federer
- (g) Emergency Committee to Defeat Al Gore
- (h) Emergency Committee to Stop Hillary Rodham Clinton
- (i) Judicial Watch
- (j) Conservative Leadership Political Action Committee

COMPLAINANT:

Lloyd P. Trufelman

SUBJECT:

Failure to return contribution on request; outside contributions solicitations; sale or use of contributor information

DISPOSITION:

(a-j) No reason to believe*

[re: any provision of the Federal Election Campaign Act, as a result of the activities described in the complaint]

DOCUMENTS ON PUBLIC RECORD:

Amended certification of vote by Commissioners (dated November 6, 2001); Statement of Reasons by Commissioners Mason, Sandstrom, McDonald, Thomas and Smith

9. MUR 5189**RESPONDENT:**

Friends of Giuliani Exploratory Committee

COMPLAINANT:

Janet Pecha

SUBJECT:

Failure to return contribution on request

DISPOSITION:

No reason to believe*

[re: any provision of the Federal Election Campaign Act, as result of the activities described in the complaint]

DOCUMENTS ON PUBLIC RECORD:

Amended certification of vote by Commissioners (dated November 6, 2001); Statement of Reason by Commissioners Mason, Sandstrom, McDonald, Thomas and Smith

10. MUR 5195**RESPONDENTS:**

Representative Mike Haridonakis (Florida State Representative) and

Karen E. Kirland, treasurer of state committee

COMPLAINANT: Helen Kansas
SUBJECT: Use of state funds in connection with federal election
DISPOSITION: No reason to believe*

[re: any provision of the Federal Election Campaign Act, as result of the activities described in the complaint]

DOCUMENTS ON PUBLIC RECORD: Amended certification of vote by Commissioners (dated November 6, 2001); Statement of Reasons by Commissioners Mason, Sandstrom, McDonald, Thomas and Smith

11. MUR 5196

RESPONDENTS: (a) General Media Consultants
 (b) Steven Stockman
 (c) Mark J. Brewer

COMPLAINANT: Richard Ellision
SUBJECT: Disseminating false information; disclaimer
DISPOSITION: Took no action*

DOCUMENTS ON PUBLIC RECORD: General Counsel's Report (dated October 29, 2001); amended certification of vote by Commissioners (dated November 6, 2001)

12. MUR 5207

RESPONDENTS: (a) Commission on Presidential Debates
 (b) Paul G. Kirk, Jr., Co-Chairman of the Commission on Presidential Debates
 (c) Frank J. Fahrenkopf, Jr., Co-Chairman of the Commission on Presidential Debates
 (d) Democratic National Committee, Andrew Tobias, treasurer
 (e) Republican National Committee, Robert M. Duncan, treasurer

COMPLAINANT: Max Englerius
SUBJECT: Failure to register and report; corporate contributions; making expenditures in connection with a federal election; failure to report contributions; accepting prohibited contributions

DISPOSITION: (a-c) No reason to believe*

[re: failure to register and report; corporate contributions; making expenditures in connection with a federal election]

EXPERIENCES IN CONNECTION WITH A FEDERAL ELECTION

(d-e) No reason to believe*

[re: failure to report contributions; accepting prohibited contributions]

DOCUMENTS ON PUBLIC RECORD:

First General Counsel's Report; certification of vote by Commissioners (dated August 8, 2002)

13 MUR 5224

RESPONDENTS:

(a) The Boston Globe

(b) WBZ-TV (Viacom, Inc.)

COMPLAINANT:

William Ferguson

SUBJECT:

Corporate contributions/failure to use pre-established objective criteria for selection of candidates in debate

DISPOSITION:

(a-b) No reason to believe*

[re: any provision of the Federal Election Campaign Act, as a result of the activities described in the complaint]

DOCUMENTS ON PUBLIC RECORD:

Certification of vote by Commissioners (dated May 7, 2002); Statement of Reasons by Commissioners Mason, Sandstrom, Smith and Toner; Statement of Reasons by Commissioners Thomas and McDonald

*There are four administrative stages to the FEC enforcement process:

- | | |
|--------------------------------|---------------------------|
| 1. Receipt of proper complaint | 3. "Probable cause" stage |
| 2. "Reason to believe" stage | 4. Conciliation stage |

It requires the votes of at least four of the six Commissioners to take any action. The FEC can close a case at any point after reviewing a complaint. If a violation is found and conciliation cannot be reached, then the FEC can institute a civil court action against a respondent.

###

EXHIBIT 4

Exhibit 4 are are materials demonstrating how an inept, unreliable voting system can be easily and fraudulently manipulated-

Everything from facetious voter registration cards issued by voting registrars on the street, to computer miscountings and fraud, to ballots being lost, stolen or simply uncounted, or body smugglers infiltrating bloc-voters in to vote themselves into power.



King County Elections

King County Administration Building
500 Fourth Avenue, Room 553
Seattle, Washington 98104-3280

Forwarding Service Requested



NON
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**REGISTERED VOTER'S
OFFICIAL BALLOT**

A0313 177/265



SEA 11-1256 2 1598722

MAXIMUS T ENGLERIUS

9302 10TH AVE S

SEATTLE, WA 98108-4614

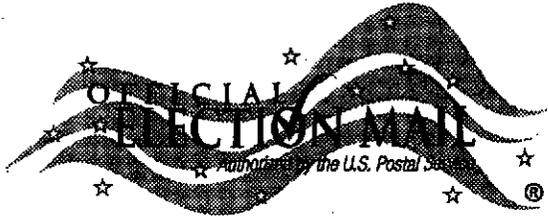


**King County
Records, Elections & Licensing
Services Division
Election Section**

553 King County Administration Bldg.
500 4th Ave.
Seattle, Washington 98104-3280

Forwarding Service Requested

**REGISTERED VOTER'S
OFFICIAL BALLOT**



NON PRC
US PO:
PA
SEATTLE
PERMIT I

A0282 40 / 210



SEA 11-1256 014 601365
MAXIMUS T ENGLER
9302 10TH AVE S
SEATTLE WA 98108



KING COUNTY ELECTIONS
 500 4th Avenue #553
 Seattle, Washington 98104

49922 / 56-2-188

For Information, Call
 (206) 296-VOTE



PRESORTED
 FIRST CLASS MAIL
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RETURN SERVICE REQUESTED



9 9 0 6 3 6 2 3 6

Please note your voting
 location →

CHANGE OF ADDRESS

PERMANENT ABSENTEE VOTER



**KING COUNTY, STATE OF WASHINGTON,
 U.S.A. VOTER REGISTRATION**

REG. NO.: 990636236 ISSUE DATE: 10/07/2004
 PRECINCT: SEA 11-1258 REG. DATE: 07/28/2004
 VOTE AT: SOUTH PARK NEIGHBORHOOD CENTER
 GAMEROOM
 8201 10TH S.

THE VOTER NAMED BELOW IS ELIGIBLE TO VOTE ON THE DISTRICT LISTED.

LEG	CONG	COUNTY COUNCIL	JUD	SCHOOL
11	07	08	W	001

*****AUTO**5-DIGIT 98108
MAXIMUS T ENGLER
 9302 10TH AVE S
 SEATTLE WA 98108-4614



ELECTION ALERT

Making sure that your electronic vote will be counted

Next month, nearly one-third of voters will be able to cast their ballots on a computer touch screen—a highly controversial development. Some surveys show that people trust electronic voting, but the prospect alarms some computer scientists and voters' rights groups.

People in precincts that already offer e-voting have reported the use of unauthorized software, nonworking machines, and delays in tallying votes cast onscreen.

The critics point to a number of potential problems:

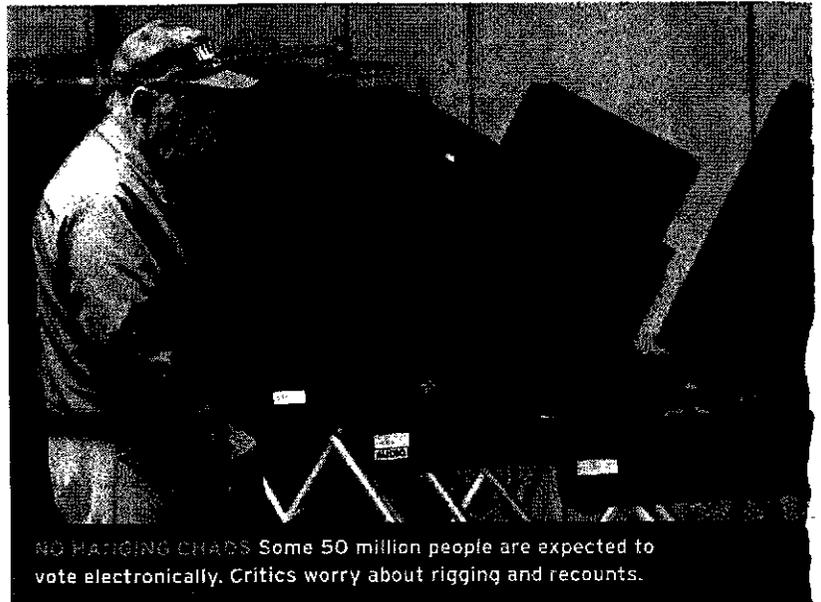
- Voter-access cards, needed to activate the machine, being mass-produced and used to allow individuals to vote multiple times.
- Insiders rigging machines to favor one candidate.
- Machines, lacking voter-verified audit systems, hiding problems and making recounts impossible.

E-voting machines do have advantages over older systems, and they are favored by some organizations representing Hispanic and disabled voters. The systems can be programmed for multiple languages, can provide audible ballots for the blind, and can prevent people from voting for more than one candidate for an office.

David Bear, a spokesman for Diebold Election Systems, a large manufacturer of electronic voting machines that has been battered by criticism this year, says that e-voting systems come with layers of security, plus human monitoring at polling places. If recounts are needed, Bear says, they can re-run the machines to confirm the tally or print a hard copy of every ballot that was cast.

VerifiedVoting.org, a nonpartisan lobbying group that advocates voter-verified paper ballots, says malfunctions have not been addressed, and a proper recount means comparing the new tally with voter-verified ballots.

Some jurisdictions have decided that an alternative, such



NO HANGING CHADS Some 50 million people are expected to vote electronically. Critics worry about rigging and recounts.

as an optical scan of ballots, may be the only way to allay concerns. This spring, an investigation by the California Secretary of State's office found security problems with some Diebold systems. The state ordered most e-voting counties to ditch the machines or take additional security measures, including active poll monitoring. Counties must also give voters the option of using a paper ballot.

Nevada is the first state with e-voting machines with a voter verified paper trail. Made by Sequoia Voting Systems, the machines allow voters to review their ballot before they leave the booth. Dean Heller, Nevada's secretary of state, says he pushed for the printed records. "Otherwise it's a trust-me scenario," he says, "and I don't think that works today."

what you can do

There are steps you can take now and on Election Day to help ensure that your e-vote gets counted.

- Try the machines ahead of time. Many localities are offering demonstrations. For more information, contact your local board of elections.
- Ask the board of elections or voter groups

whether anybody is running pre-election tests to see how well machines perform. If not, lobby for one in your area.

- Check your ballot before casting it, says Lloyd Leonard, director for advocacy at the League of Women Voters. If something's amiss, contact a poll worker at once.
- Report problems to the local board of elec-

tions as well as to advocacy Web sites, such as www.VerifiedVoting.org. Or, call Election Protection, a coalition of civil liberties organizations, at 866-687-8683; a team of attorneys is on call to help you.

- Consider lobbying for the kind of machines used in Nevada, which produce a paper record you can review.

PHOTO BY ASSOCIATED PRESS

Make it Count

**ATM CARDS AT SLOTS:
DON'T BET ON IT > L6**



Pacific NW

**FOUNDRY TURNS ITS
WORK INTO ART**



Travel

**NORTHWEST
ISLAND LIFE > M1**



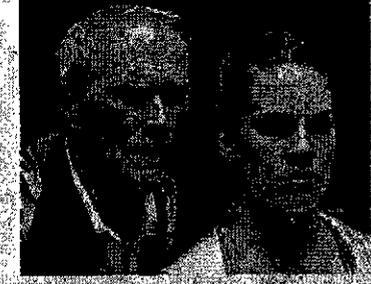
Sports

**SEATTLE'S BIGGEST
SPORTS FAN > D1**



Entertainment

**THE LIKELY OSCAR
CONTENDERS > K1**



The Seattle Times

Sunday

Seattle Post-Intelligencer

JANUARY 23, 2005

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A consumer's guide to spring training in Arizona

Scores of felons voted illegally

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INSIDE POLITICS

GAO to investigate election complaints

Tuesday, November 23, 2004 Posted: 3:13 PM EST (2013 GMT)

WASHINGTON (CNN) -- The U.S. Government Accountability Office plans to investigate complaints of several systemic problems with this month's elections, a group of Democratic lawmakers said Tuesday.

The investigation comes in response to two letters written by lawmakers to the GAO which address numerous media reports of irregularities in the 2004 vote and call for those to be reviewed.

The GAO said it will not investigate every charge listed by the Democrats, but will examine "the security and accuracy of voting technologies, distribution and allocation of voting machines and counting of provisional ballots."

A spokeswoman for one of the lawmakers requesting an investigation, Rep. John Conyers Jr. of Michigan, said the goal is not to overturn the election results, but rather to improve the mechanics of the voting process.

"We are hopeful that GAO's nonpartisan and expert analysis will get to the bottom of the flaws uncovered in the 2004 election," said a statement released by Conyers and five other members of Congress.

As part of the inquiry, the group said it will provide copies of specific incident reports received in their offices regarding the election, including more than 57,000 complaints provided to the House Judiciary Committee.

Those reports include allegations of computer and voting machine problems that added votes to totals, as well as malfunctions that resulted in votes being



The GAO plans to investigate the security and accuracy of voting technology.

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VIDEO

CNN's Bill Schneider reports on Bush's latest job approval ratings.

▶ PLAY VIDEO

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thrown out.

"We are literally receiving additional reports every minute," said a November 5 letter from lawmakers to the GAO. "The essence of democracy is the confidence of the electorate in the accuracy of voting methods and the fairness of voting procedures.

"In 2000, that confidence suffered terribly, and we fear that such a blow to our democracy may have occurred in 2004."

Requesting lawmakers in addition to Conyers were Reps. Jerrold Nadler, Louise Slaughter and Gregory Meeks of New York; Robert Wexler of Florida; Robert Scott of Virginia; Melvin Watt of North Carolina; Rush Holt of New Jersey; John Olver of Massachusetts; Bob Filner, George Miller and Barbara Lee of California; and Tammy Baldwin of Wisconsin.

SPECIAL REPORT

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EXHIBIT 5

An example of betryals of the public trust by an installed, strictly business-oriented administration, which seeks to have utilities sold at 'market rates' rather than at cost, which turns government to exploiting and fleecing a helpless and unwary public;

(An example of which is a \$991. water bill Plaintiff received from the City)

What we have here is an instance in which we talk a good game of checks and balances in government, but in fact there is little check against abuse of the citizen. The question is, would anyone but utility companies and evangelicals have elected George Bush at all if they had any inkling he'd be doing that to them?

League
ast start

> D1, D6-7



Our verdict
on new "Law
& Order" > c1

Cleveland for 40th win of season

Seattle Times



THURSDAY
MARCH 3, 2005

Metro Edition

INDEPENDENT AND LOCALLY OWNED SINCE 1896 | seattletimes.com

Senators block Bush plan to boost NW power rates

ISSUE CALLED "DEAD"

Proposal to sell BPA
energy at market rates
to help trim deficit
net heavy opposition

BY CHRISTOPHER SCHWARZEN
Times Snohomish County bureau

Northwest senators say they've blocked a White House proposal to sell federally produced electricity at market rates — a plan they say could have cost the region \$1.3 billion and dealt a severe economic blow.

President Bush announced last

month that he wanted four federal utilities, including the Bonneville Power Administration, to sell electricity at market-based rates, rather than at cost as they do now.

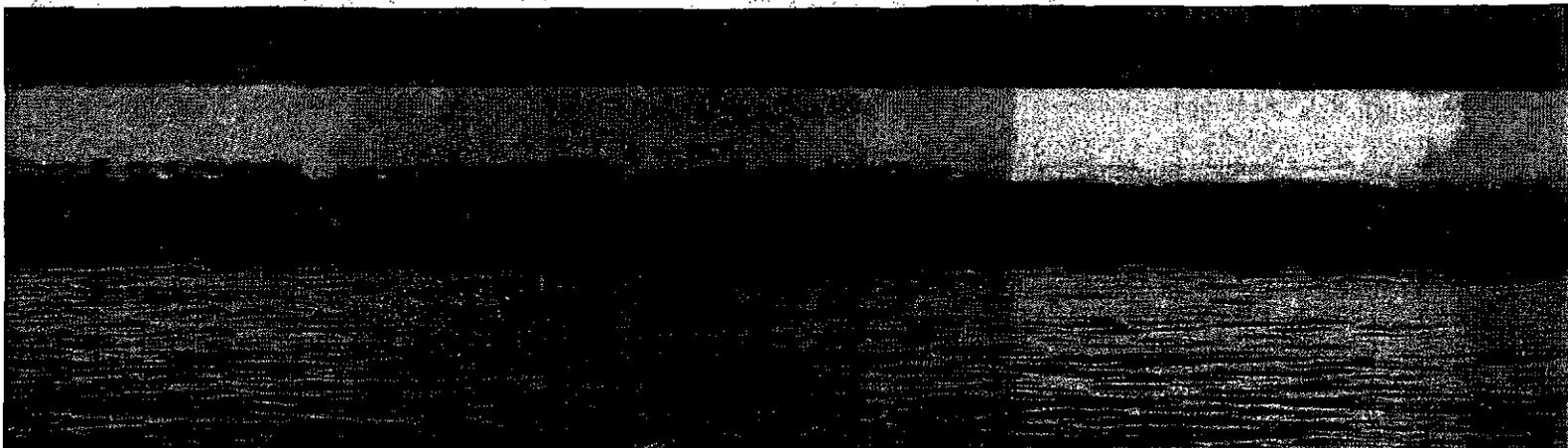
The plan would have raised by 20 percent per year the rates utilities such as Seattle City Light and the Snohomish County Public Utility District pay for power.

But after heavy bipartisan pressure against the proposal, senators from Idaho and Oregon said yesterday they have assurances that the proposal won't land in any Senate budget bill.

Sen. Judd Gregg, R-N.H., the Budget Committee chairman, made the announcement yesterday.

Please see > BPA, A11

he rainbow, but without the rain



< **BPA**
FROM A1

PLAN BLOCKED TO RAISE NW RATES

Committee chairman said proposal won't be in budget bill

day, according to Sens. Gordon Smith, R-Ore., and Larry Craig, R-Idaho.

"There was very heavy opposition to the proposal," said Chris Matthews, a Smith spokesman. "Even the chairman of the Senate Energy Committee said he would not support the proposal."

He referred to Sen. Pete Domenici, R-N.M.

Craig's office said the senators talked yesterday and Gregg confirmed his decision.

"We're happy to have [Gregg] on our side, declaring the issue dead in the Senate," said Dan Whiting, a Craig spokesman. "We tried to see if House members would announce something similar, but they don't seem ready yet."

White House spokesman Allen Abney said last night that the Bush administration was aware of the Senate's move but stood by the proposal.

"Our belief is that this is a sound and reasonable policy," Abney said. "We'll work on through this with Congress."

But Sen. Maria Cantwell, D-Wash., reiterated the effects such a plan would have on the region.

"The Bush rate hike would have a devastating impact on our economy and jobs," said Cantwell, a member of the Senate Energy Committee. "I will not rest until the administrator's plan is dead and gone."

Bonneville, which supplies nearly half of the Northwest's electric-

C32037 © 2005 Teachers Insurance and Annuity Association-College Retirement Equities Fund (TIAA-CREF), 730 Third Avenue, New York, NY 10017. TIAA-CREF Ind. LLC, and Teachers Personal Investors Services, Inc., distribute securities products. The TIAA-CREF group of companies has over \$320 billion in assets under man-

THE KEY TO HAVING MONEY IS HAVING MONEY.

Which we just happen to have. Thing is, the money we manage for a rather unique collective of people—people who serve other You see, as a \$300 billion financial services group with a long nonprofit heritage, we have spent over 85 years helping ensure

ergy retailers charge.

Under the president's budget plan, prices would have gone up 20 percent a year for three years for local utilities such as Seattle City Light and the Snohomish County PUD.

They likely would have passed on the increase to residential and business customers.

The extra money Bonneville and the three other agencies made would have gone directly to the U.S. Treasury to pay down the federal deficit, projected at slightly more than \$400 billion this year.

The Northwest Power and Conservation Council reported earlier this week that such a plan could result in the loss of more than 13,000 jobs in the region, particularly in energy-intensive industries.

Those industries, including aluminum manufacturers, are still recovering from economic losses from the West Coast energy crisis of 2000 and 2001.

Residential customers also are languishing under high power rates that only recently have been controlled by local utilities' belt-tightening.

Bonneville officials, who took no position on the proposal, said they were unaware of Gregg's announcement yesterday.

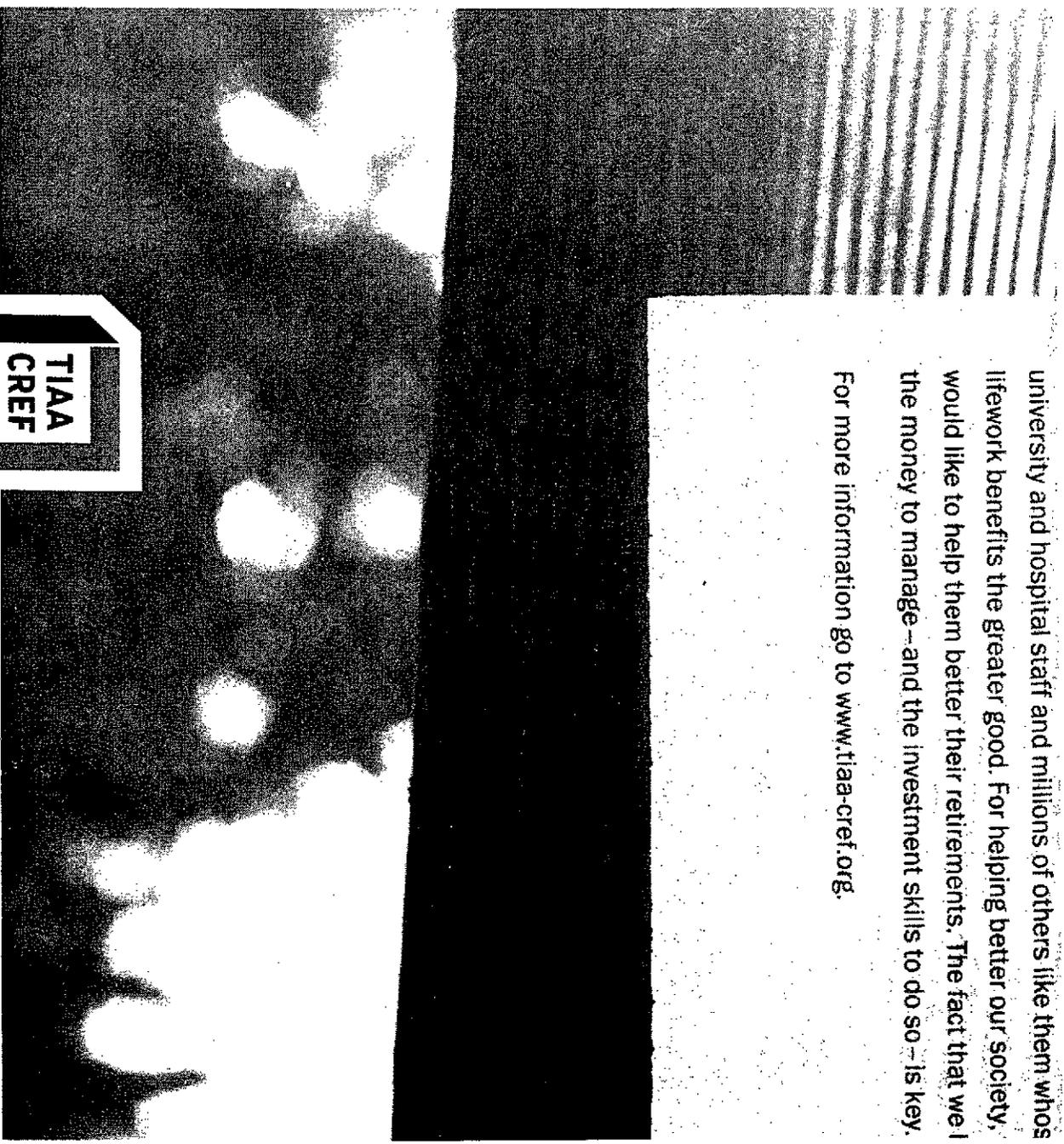
Officials at the Snohomish County PUD, which buys 80 percent of its electricity from the federal utility, said they appreciated the Northwest congressional delegation's support in fighting the plan.

"Clearly, this plan would create a lot of additional hardship in the region for businesses and residents—particularly those already struggling with higher rates," PUD spokesman Neil Neroutsos said.

Christopher Schwarzen: 425-783-0577 or cschwarzen@seafutures.com

university and hospital staff and millions of others like them whose lifework benefits the greater good. For helping better our society, would like to help them better their retirements. The fact that we have the money to manage—and the investment skills to do so—is key.

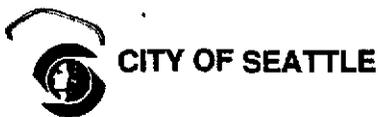
For more information go to www.tiaa-cref.org.



FINANCIAL SERVICES



FOR THE GREATER GOOD™



Seattle Public Utilities Bill

C00107
LEAK
31B
CD-8

Questions? Call 206-684-3000 or 1-800-862-1181 (out of area calls only)
Write us? 700 5th Avenue, Suite 2777, PO Box 34027, Seattle, WA 98124-4027

Account number:
2-1097717-233110

SUNRISE HOUSE CRISIS CENTER
9302 10TH AVE S
SEATTLE, WA 98108-4614

Summary of charges as of August 19, 2004

Payments received after August 20, 2004 are not reflected.

Previous balance:	238.49
Payments applied - THANK YOU!	0.00
Balance:	238.49
Total adjustments:	0.00
Current billing:	991.13
TOTAL AMOUNT DUE ON September 09, 2004	\$1,229.62

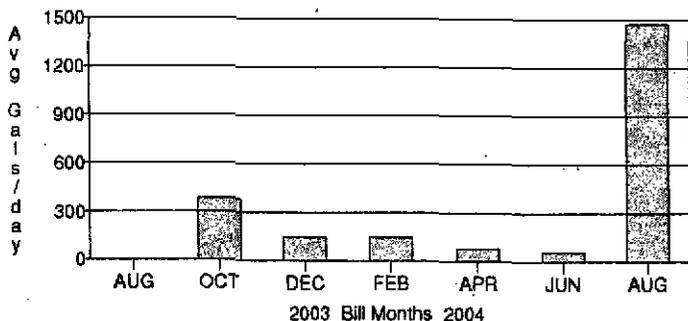
Property owner:
NORMAN REAM
Service address:
9302 10TH AVE S

**SUMMER WATER RATES ARE IN EFFECT FROM MAY 16 THROUGH SEPTEMBER 15.
THIS BILL SHOWS HIGH CONSUMPTION. PLEASE READ ENCLOSED BROCHURE FOR
INFORMATION.**

Moving? Call us on the day you move if you are reading your own meter.
To have us read your meter for a fee, call us at least 3 days in
advance of your move.

Remember: Account openings and account closings cannot be backdated to a
day before you contact us.

Compare Your Water Usage



	This Period	Same Period Last Year
Avg	No. of days: 64	No. of days: n/a
CCF	Consumption in CCF: 126	Consumption in CCF: n/a
CCF	Avg consumption/day: 1.96 CCF	Avg consumption/day: n/a
gals	Consumption in gals: 94248	Consumption in gals: n/a
gals	Avg consumption/day: 1472.62 gals	Avg consumption/day: n/a

1 CCF = 748 gallons

Please tear off remittance stub below and mail it with your payment in the enclosed return envelope.

Please do not write messages on the bill stub, which is machine processed - instead, write to us on a separate sheet and include your account number.

Seattle Public Utilities Bill

Service address: 9302 10TH AVE S
Property owner: NORMAN REAM
Account number: 2-1097717-233110

DUE DATE: September 09, 2004
TOTAL AMOUNT DUE: \$1,229.62

Make check
payable
and mail to:

Enter Amount Paid: \$ _____
Write account number on check. Please do not send cash.

SUNRISE HOUSE CRISIS CENTER
9302 10TH AVE S
SEATTLE, WA 98108-4614

CITY OF SEATTLE
DEPARTMENT OF FINANCE
P.O. BOX 34016
SEATTLE, WA 98124-1016



00000009090402001097717023311080000000000122962003



CITY OF SEATTLE

Seattle City Light SHUTOFF NOTICE

F00022

Questions? Call 206-684-3336
Write us? 700 5th Avenue, Suite 3300, PO Box 34023, Seattle, WA 98124-4023

Account number:
1-1097717-233110

SUNRISE HOUSE CRISIS CENTER
9302 10TH AVE S *or occupant*
SEATTLE, WA 98108-4614

Amount Past Due: \$893.03

Notice Date: JUN 01 2005

SUNRISE HOUSE CRISIS CENTER:

Service address:
9302 10TH AVE S

Our records show that your account is past due. Unless payment in full is made at a Service Center (see reverse side for locations) by 5 p.m. on ~~JUN 02 2005~~ your electric service will be shut off without further notice. A service charge has been added to your account for this property visit. **DO NOT MAIL PAYMENT.**

Your electric service has been shut off for failure to pay the amount past due. A shutoff charge has been added to your account for this property visit. An additional service charge will apply if reconnection is requested after regular working hours (8 a.m. to 5 p.m.) or on a weekend or holiday. **NOTE: We cannot guarantee reconnection on the same day payment is made.**

CASH ONLY

D003
CD-1

Please do not write messages on the bill stub, which is machine processed - instead, write to us on a separate sheet and include your account number.

Seattle City Light SHUTOFF NOTICE

Service address: 9302 10TH AVE S
Account number: 1-1097717-233110

AMOUNT PAST DUE: \$893.03
NOTICE DATE: JUN 01 2005
Enter Amount Paid: \$ _____

SUNRISE HOUSE CRISIS CENTER
9302 10TH AVE S *or occupant*
SEATTLE, WA 98108-4614



**DO NOT MAIL
PAYMENT - MUST
BE PAID IN PERSON**

==

EXHIBIT 6

Exhibit 6 shows how business practices are becoming cutthroat, if not larcenous

If unethical utility billing practices by the City are shocking, consider how someone at the post office sent the Ninth Circuits final Order back to them, alleging that Plaintiff's post office box was closed, when it was NOT

And even if it was closed, the post office has customers name, address and phone on file, and they could easily have notified of mail waiting to be dispensed. People bought stamps and expected to have letters delivered to the recipient, but somehow the post office feels entitled to mail each individual piece back to the sender instead if it feels like it.

ADDENDUM

EXERPTS FROM

"BY THESE TRUTHS-

AMERICA: TRUE OR FALSE"

Vol. 1

Congress of the United States
House of Representatives
Washington, DC 20515

October 18, 2004

Max Englerius
9302 10th Avenue South
Seattle, WA 98108

Dear Mr. Englerius:

Your correspondence of September 8th regarding a Ninth Circuit Court action was recently received in my District office.

I appreciate your efforts in this matter. I hope you will keep me informed of any progress in this case. Please direct your response to my District Office, 1809 7th Avenue, Suite 1212, Seattle WA 98101.

I offer you my best wishes.

Sincerely,



JIM McDERMOTT
Member of Congress

JM/jm