

# GOPAC Asks Judge to Curb Federal Probe of Activities

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The political action committee formed by House Speaker Newt Gingrich (R-Ga.) is asking a federal judge to stop the Federal Election Commission from contacting its charter members—people who have contributed at least \$10,000 to the cause of ousting Democrats and electing Republicans throughout the country.

During the week of Aug. 14, FEC staff members started calling and asking charter members of GOPAC Inc., the political committee that was instrumental in helping Republicans seize control of the House for the first time in 40 years, what they were told when they first became involved with the group.

FEC lawyer Stephen E. Hershkowitz said the agency simply wants to know what the charter members initially were told about GOPAC's mission and what they heard or saw when they attended meetings with the group's leaders.

The FEC is in the middle of a legal battle with GOPAC over whether the group violated federal law by becoming involved in federal elections in 1989 and 1990, before it registered as a federal political committee. A political committee is any group that receives contributions of more than \$1,000 or spends more than \$1,000 in a year.

But attorney Peter E. Derry, who represents GOPAC, insisted that, in those days, the committee was interested only in helping state and local candidates, and that the FEC is harassing the organization in a "last gasp" attempt to gather evidence to use in a U.S. District Court lawsuit the agency filed against the committee in April 1994.

By doing so, Derry said, the FEC is hurting GOPAC by "chilling" its fund-raising efforts. "Ten-thousand-dollar donors to a political organization are not used to having calls from FEC attorneys asking them what they thought they were giving for," Derry said. "They are likely to get upset . . . and GOPAC is the recipient of their anger."

U.S. District Judge Paul L. Friedman said yesterday during a hearing that he hopes to rule by the end of the week on GOPAC's request for a preliminary injunction.

During the nine years that Gingrich ran the group, GOPAC raised an estimated \$10 million to \$20 million but never fully disclosed the identity of its donors. By the time he stepped down as general chairman this spring, the group had begun limited disclosure of fund-raising sources. Gingrich's stewardship of GOPAC subsequently became the subject of a complaint pending at the House ethics committee.

The FEC's lawsuit focuses on a GOPAC project known as the Campaign for Fair Elections and conducted from June 1989 to August 1990, when the group was supposed to be involved only in local and state elections. The GOPAC cam-

aign consisted of direct mailings of nearly 800,000 packets containing a letter from Gingrich and a contribution form. It also contained a "citizen's veto" form assailing congressional franking privileges, which allow lawmakers to send mail at taxpayer expense.

According to court papers, GOPAC nearly broke even on the campaign; it spent \$280,812 and received \$275,710 in contributions.

In his letter, Gingrich sought contributions to help "break the Democrats' iron grip on Congress by building a new Republican majority in the House of Representatives." He also described the "citizen's veto" of franking privileges as "the first step in our two-step plan to gain a Republican majority in the House of Representatives by 1992. . . . Our plan is ambitious. We're aiming to overturn a Democratic reign that's lasted 35 years."

The veto form itself read: "Yes! I want to help break the Democrats' iron grip on Congress by building a new Republican majority in the House of Representatives."

Derry dismissed the mailing as just a political missile fired at Democrats, with "inflated rhetoric" and "exaggerated" goals. The real goal, he said, was to pressure Democrats into restricting franking. "Some might view this GOPAC fund-raising project as contrived," he wrote. "The language may occasionally lapse into hyperbole—the main ingredient in political fund-raising."

In examining GOPAC's goals in the 1989-90 initiative, FEC staff members have called 50 charter members of GOPAC, but talked to only 10. Some of those contacted, in turn, complained to GOPAC, saying they were "upset" and "angry," according to court papers.

In court filings, Derry called the FEC's actions "reckless and a wholly unjustified intrusion into the privacy and association rights of GOPAC's donors."

But Hershkowitz said the FEC can talk to anyone it wants. He said the charter members are not being forced or threatened into answering questions.

Derry, however, said the FEC should not rely on the memories of charter members. "It's hard to see what purpose this has, other than to rough 'em up and give us a hard time," he said.

The issue, he said in court papers, is "what the organization did or did not do . . . not what the contributors, in far removed hindsight, might think they intended." But he conceded that what a charter member was told orally about GOPAC's mission before it registered as a political committee in May 1991 could be relevant.

## FOR MORE INFORMATION

To read about other fund-raising machines that helped pushed Newt Gingrich to the House leadership, see *Digital Ink*, The Post's on-line service. To learn about *Digital Ink*, call 1-800-510-5104, ext. 9000.