



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF TAP # 1038

Date Filmed 4/13/93 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

Vote Sheet Comments dated 3/22/82, 4/1/81, 12/29/80, 8/1/80,

4/9/80, 2/26/80, 1/11/80, 10/18/79; ~~_____~~

~~_____~~ Routing Slips for 2 reports

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- (1) Classified Information
- (2) Internal rules and practices
- (3) Exempted by other statute
- (4) Trade secrets and commercial or financial information
- (5) Internal Documents
- (6) Personal privacy.
- (7) Investigatory files
- (8) Banking Information
- (9) Well Information (geographic or geophysical)

Signed *Paul E. Thomas*

date 2/16/83

83040384808

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Florida for Kennedy Committee, et. al.) MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 14, 1982, the Commission decided by a vote of 6-0 to take the following actions in MUR 1038:

1. Take no further action against the following respondents under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2 (a)(2) for failing to list each other as affiliated committees: Florida for Kennedy Committee, Committee for Democratic Alternatives to Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (Cal.), Citizens for Democratic Alternatives in 1980 (D.C.), Americans for Democratic Actions Campaign Committee and Wisconsin Democrats for Change in '80.
2. Take no further action against the Machinists Non-Partisan Political League under 2 U.S.C. § 441a(a)(2)(C) for making contributions aggregating in excess of \$5,000 to various respondent committees.

(Continued)

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**Certification
General Counsel's Report
Signed December 9, 1982**

3. Take no further action against the following respondents under 2 U.S.C. § 441a(f) for accepting contributions from the Machinists Non-Partisan Political League which, in the aggregate exceeded \$5,000; Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), Illinois Citizens for Kennedy and Wisconsin Democrats for Change in '80.
4. Take no further action against National Call for Kennedy and Democrats for Change-1980 (Cal.) under former 2 U.S.C. §§ 433 and 434 for failing to register and report with the Commission.
5. Take no further action against Senator Edward Kennedy under former 2 U.S.C. § 432 and former 11 C.F.R. § 101.2(a) for not filing an earlier statement of candidacy.
6. Take no further action against Americans for Democratic Action Campaign Committee under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a) for failing to list Americans for Democratic Action as its connected organization on its statement of organization.
7. Take no further action against Americans for Democratic Action under 2 U.S.C. §§ 433 and 434 for failure to register as a political Committee.

(Continued)

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Certification
General Counsel's Report
Signed December 9, 1982

- 8. Close the file in MUR 1038.
- 9. Send the letters as attached to the General Counsel's Report signed December 9, 1982.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

12/15/82

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

12-10-82, 11:54
12-10-82, 2:00



SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Florida for Kennedy Committee, et al.

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MUR 1038(79)

GENERAL COUNSEL'S REPORT

I. Background

As indicated in the General Counsel's Report submitted February 18, 1982, this matter has been awaiting the outcome of the subpoena enforcement challenge mounted by the Florida for Kennedy Committee ("FKC"). Because the FKC subpoena enforcement matter was not yet concluded in the courts, the Commission voted to defer taking any action in this MUR until the court action was finalized from the Commission's perspective. That point has now been reached. On October 12, 1982, the United States Court of Appeals for the Eleventh Circuit denied the Commission's petition for rehearing and suggestion for rehearing en banc. Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied, No. 80-6013 (Oct. 12, 1982). Thus, the opinion of the three judge panel stands as the law of that circuit. The court ruled that the Commission's subpoena was not entitled to enforcement because, in the court's view, the Commission did not have jurisdiction to investigate possible § 441a(a)(2)(C) contribution limit violations involving these draft committees. The ruling followed the similar decision of the United States Court of Appeals for the District of Columbia

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COMMISSION SECRETARY

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Circuit in Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied 545 U.S. 897 (1981), and the companion case of Federal Election Commission v. Citizens for Democratic Alternatives, 655 F.2d 397 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981).

Faced with these judicial decisions, and faced with the fact that we are unable to obtain the information sought from perhaps the most active and significant of all the "draft Kennedy" 1/ respondents, the Commission must now determine what course to follow in this MUR. It is our recommendation that the Commission vote to take no further action on any of the reason to believe findings that were made. (Copies of the October 16, 1979, and November 14, 1979, certifications of Commission action are appended as Attachments 1 and 2.)

1/ Though some of the respondent groups were expressly formed to promote the candidacy of Senator Kennedy for President (e.g., Florida for Kennedy Committee, Illinois Citizens for Kennedy, and National Call for Kennedy), others appeared to have been organized to explore the potential presidential candidacy of several different individuals (e.g. Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Democrats for Change-1980, Citizens for Democratic Alternatives (D.C.), Wisconsin Democrats for Change, and Americans for Democratic Action Campaign Committee). During the course of the investigation it became apparent that some of the "Democratic Alternative" groups did indeed attempt to influence more than one individual to become a presidential candidate, while some focused almost exclusively on Senator Kennedy. We refer to all of these groups as "draft Kennedy" committees in this report.

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II. Legal Analysis

A. The affiliation between the various "draft Kennedy" groups.

The information sought from FKC via subpoena pertains to the central allegation of the complaint filed in this matter - that FKC and ten other "draft Kennedy" committees were affiliated within the meaning of the law and therefore subject to a common \$5,000 limit on the amount of contributions they could receive. See 2 U.S.C. § 441a(a)(5); see also 2 U.S.C. §§ 433(b)(2) and 441a(a)(1)(C) and (a)(2)(C). Because the Florida draft Kennedy effort was one of the earliest and largest, and because some of the individuals involved (Mike Abrams, Sergio Bendixen, and Paul Friedman) are likely to have had contact with individuals involved with the draft Kennedy effort elsewhere, our inability to obtain information from FKC leaves us unable to present a complete analysis of the connections that may have existed among the various draft committees.

Although we were able to obtain documents from twelve of the thirteen committees subpoenaed and were able to depose 25 individuals, the crucial connection between FKC and the other various groups remains largely unknown. Representatives from the MNPL or its connected organization, the International Association of Machinists and Aerospace Workers (IAM), were involved in varying degrees in the establishment of "draft Kennedy" committees in New Hampshire, the District of Columbia, Iowa,

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California, and Florida. Representatives of Americans for Democratic Action were also involved to a varying extent in the formation of "draft Kennedy" committees in the District of Columbia, California, and Florida. However, with the evidence we have to date, it would be difficult to prove that a common group of persons "established or financed or maintained or controlled" the various respondent committees. See 2 U.S.C. § 441a(a)(5).

There is the possibility that some link might have existed through the efforts of FKC operatives. We obtained evidence, for example, that Mike Abrams, an organizer of the Florida draft Kennedy effort, traveled to California where he met with some of the organizers of Democrats for Change - 1980, another respondent group. Paul Friedman, another organizer of the Florida effort, apparently attended a meeting in Minnesota which several representatives from various other "draft Kennedy" groups also attended. However, because we cannot explore the precise nature of these contacts, we are unable to evaluate whether they would prove affiliation. For that reason, and because of the two judicial decisions referred to above, we believe the Commission should not proceed further.

We recommend that the Commission vote to take no further action on the findings that FKC and ten other respondent "draft"

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committees violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report affiliation with each other. We further recommend that the Commission take no further action against the Machinists Non-Partisan Political League for making contributions aggregating in excess of \$5,000 to certain "draft" committees or against the "draft" committees for accepting such contributions.

B. The failure of two groups to register as political committees

Two of the respondent groups did not register and file reports with the Commission: National Call for Kennedy (D.C.) and Democrats for Change - 1980 (California). The National Call for Kennedy was organized and operated in the District of Columbia and had as its sole purpose the promotion of Senator Kennedy as a presidential candidate. Several individuals associated with the IAM or MNPL were involved with the formation and decision-making of National Call for Kennedy, but other persons not connected with the IAM or MNPL also had roles in the creation and control of the group. Documentation obtained from National Call for Kennedy and other respondents revealed that the group received at least \$20,400 from its direct mail efforts and that it expected to expend approximately \$70,000.

Democrats for Change-1980 was organized by a small group of individuals in California. Its efforts consisted of the purchase of two newspaper advertisements criticizing President Carter's

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actions and calling for the support of an alternative candidate. The first ad ran in March, 1979, and the second ran in June, 1979. Documents obtained from the group indicate that it received contributions and loans totalling \$43,556.94 and incurred expenditures of approximately \$47,924.52.

The major impediment we see in proceeding against these two respondents for their failure to register and report is the holding of the D.C. Circuit and Eleventh Circuit to the effect that the Commission does not have jurisdiction over any draft committees' activities which predate the Federal Election Campaign Act Amendments of 1979, Pub.L. 96-187, 93 Stat. 1399. Not only did the courts' opinions indicate that the Commission could not enforce the \$5,000 per committee limit of 2 U.S.C. § 441a(a)(2)(C) as it pertained to contributions to draft committees; they also indicated that the statute's reporting provisions did not apply to pre-1979 Amendment draft activities. 2/

2/ In Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d at 395, the court stated: "In 1979 Congress finally accepted the Commission's recommendation to require that 'draft' groups file reports as political committees." The court in Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d at 1288 n.11, similarly stated: "We note that Congress has amended the Act to cover for some purposes draft groups such as FKC, but that the effective date of the amendment was after the period of FKC's activities."

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Although it could be argued, particularly in the case of Democrats for Change-1980, that these groups' activities were as much against the candidacy of President Carter as they were for the candidacy of some other individuals, we believe that the weaknesses in that position mitigate against going forward on that basis. Accordingly, we propose that the Commission take no further action with regard to its reason to believe findings against National Call for Kennedy and Democrats for Change-1980.

C. Whether Senator Kennedy authorized the activities of any draft committees thus making his statement of candidacy late in violation of former 2 U.S.C. § 432(e)(1) and former 11 C.F.R. § 101.2(a).

The Commission's reason to believe finding on this issue was premised primarily upon allegations in the complaint and the amendment of the complaint that Senator Kennedy gave his authorization, either directly or indirectly, to one or more of the "draft Kennedy" groups, thus triggering "candidate" status much earlier than his October 29, 1979, filing with the Commission would indicate. This issue was explored in those instances where discovery was completed. In New Hampshire, for example, Dudley Dudley (an organizer of New Hampshire Democrats for Change) admitted having a very brief conversation with Paul Kirk (a close aide and counselor of Senator Kennedy at the time), but she denied that there was any request for the Senator's approval or any authorization, express or implied, given by the Senator or any of his representatives. In Iowa too, Arthur

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Hedberg (an organizer of Committee for Alternatives to Democratic Presidential Candidate) admitted contacting the Senator's Washington office, but indicated that he was abruptly advised that the subject would not be discussed.

Although the information we obtained from sources other than FKC probably would not support any further finding against Senator Kennedy, we are unable to present a complete analysis of this issue because of the inability to verify whether any of FKC's activities were authorized. The Florida county caucus elections occurred on October 13, 1979, and the "draft Kennedy" effort there was being organized as early as April, 1979. Thus, if Senator Kennedy did give his authorization to any of the early efforts of this group, it would affect whether his statement of candidacy was timely.

Because we do not have the information necessary to fully resolve this issue, we recommend that the Commission take no further action.

D. Whether Americans for Democratic Action Campaign Committee should have listed Americans for Democratic Action as its connected organization and whether Americans for Democratic Action itself should have registered as a political committee.

Americans for Democratic Action Campaign Committee registered and filed reports with the Commission. It seems to have been organized primarily by persons who had some relationship with Americans for Democratic Action (ADA). Why the committee did not list the ADA as its connected organization is

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not certain. However, in light of the opinions of the D.C. Circuit and the Eleventh Circuit suggesting that the Commission does not have jurisdiction over pre-1979 Amendment draft committees at all, we recommend that no further action be taken regarding the committee's failure to list the ADA as a connected organization.

With regard to the Commission's reason to believe finding that the ADA itself should have registered because it seemed possible that some of the "draft Kennedy" activities may have been paid for with ADA funds, we also recommend taking no further action. The rationale adopted by the D.C. Circuit and the Eleventh Circuit would apply, presumably, with equal force to any "draft Kennedy" activities of an ongoing membership organization like the ADA. In addition, the investigation revealed that the activities paid for by the ADA were confined to ADA members. Thus, the argument could be made that the ADA's expenses would not trigger reporting status because they were exempt from the definition of "expenditure under 2 U.S.C. § 431(9)(B)(iii).

E. Other allegations.

With regard to several other allegations made by the complainant, the Commission voted on October 16, 1979, and November 14, 1979, to take no action at the time. See Attachment 1, item 4, and Attachment 2, items 6,7,8,12 and 13. Because those allegations relate to the allegations referred to above,

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and because no further action seems appropriate as to the allegations referred to above, we propose that the Commission likewise take no further action on the other allegations. Because reason to believe was not found as to these other allegations, however, we do not believe specific Commission votes are necessary.

III. Recommendations

1. Take no further action against the following respondents under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2 (a)(2) for failing to list each other as affiliated committees: Florida for Kennedy Committee, Committee for Democratic Alternatives to Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (Cal.), Citizens for Democratic Alternatives in 1980 (D.C.), Americans for Democratic Action Campaign Committee, and Wisconsin Democrats for Change in '80.

2. Take no further action against the Machinists Non-Partisan Political League under 2 U.S.C. § 441a(a)(2)(C) for making contributions aggregating in excess of \$5,000 to various respondent committees.

3. Take no further action against the following respondents under 2 U.S.C. § 441a(f) for accepting contributions from the Machinists Non-Partisan Political League which, in the aggregate

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exceeded \$5,000: Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), Illinois Citizens for Kennedy, and Wisconsin Democrats for Change in '80.

4. Take no further action against National Call for Kennedy and Democrats for Change-1980 (Cal.) under former 2 U.S.C. §§ 433 and 434 for failing to register and report with the Commission.

5. Take no further action against Senator Edward Kennedy under former 2 U.S.C. § 432 and former 11 C.F.R. § 101.2(a) for not filing an earlier statement of candidacy.

6. Take no further action against Americans for Democratic Action Campaign Committee under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a) for failing to list Americans for Democratic Action as its connected organization on its statement of organization.

7. Take no further action against Americans for Democratic Action under 2 U.S.C. §§ 433 and 434 for failure to register as a political committee.

8. Close the file in MUR 1038.

9. Send the attached letters.

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9 December 1982
Date



Charles N. Steele
General Counsel

Attachments:

1. **Certification of Commission actions on October 16, 1979**
(2 pages)
2. **Certification of Commission actions on November 14, 1979**
(3 pages)
3. **proposed letters to respondents and complainant (pages)**

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Florida for Kennedy Committee,)
et al.)

MJR 1038

CERTIFICATION

I, Marjorie W. Emons, Recording Secretary for the Federal Election Commission's Executive Session on October 16, 1979, do hereby certify that the Commission determined by a vote of 6-0 to take the following actions in the above-captioned matter:

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1. FIND REASON TO BELIEVE that the following respondents may have violated 2 U.S.C. §433(b)(2) and 11 C.F.R. §102.2(a)(2) by failing to report each other as affiliated committees: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D. C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D. C.), Democrats for Change-1980 (California), and Citizens for Democratic Alternatives in 1980 (D.C.);
2. FIND REASON TO BELIEVE the MNPL may have violated 2 U.S.C. §441a(a)(2)(C) by contributing in excess of \$5,000, total, to the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy;
3. FIND REASON TO BELIEVE that the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy may have violated 2 U.S.C. §441a(f) by receiving excessive contributions;
4. Take no action at this time that any individuals have violated 2 U.S.C. §441a(a)(1)(C) by contributing in excess of \$5,000, total, to the respondent committees;

(Continued)

Attachment 1, p. 1

- 5. FIND REASON TO BELIEVE that the National Call for Kennedy and the Democrats for Change-1980 may have violated 2 U.S.C. §§433 and 434 by failing to register with and report to the Commission; and
- 6. Direct the Office of the General Counsel to circulate amended draft letters to the respondents for Commission approval on a no-objection basis.

Attest:

10/18/79

Date

Marjorie W. Emons

Marjorie W. Emons
Secretary to the Commission

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Attachment 1, p. 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Americans for Democratic)
Action, et al.)

MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on November 14, 1979, do hereby certify that the Commission took the following actions in MUR 1038:

1. Determined by a vote of 6-0 to find reason to believe the Americans for Democratic Action Campaign Committee may have violated 2 U.S.C. §432(b) (2) and 11 C.F.R. §102.2(a) (2) for failing to report the Americans for Democratic Action as its connected organization.
- 1A. Determined by a vote of 6-0 to find reason to believe that the Americans for Democratic Action may have violated 2 U.S.C. §§433 and 434 by failure to register as a political committee and to report expenditures.
2. Determined by a vote of 6-0 to find reason to believe the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in '80 may have violated 2 U.S.C. §433(b) (2) and 11 C.F.R. §102.2(a) (2) by failing to report each other and the Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D. C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy, Democrats for Change-1980, and Citizens for Democratic Alternatives in 1980 as affiliated committees.
3. Determined by a vote of 6-0 to find reason to believe the Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D. C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy, Democrats for Change-1980, and Citizens for Democratic Alternatives in 1980 may have violated 2 U.S.C. §433 (b) (2) and 11 C.F.R. §102.2(a) (2) by failing to report the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in '80 as affiliated committees.

(Continued)

Attachment 2, p. 1

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4. Determined by a vote of 6-0 to find reason to believe the Machinists Non Partisan Political League may have violated 2 U.S.C. §441a(a) (2) (C) by contributing in excess of \$5,000, total, to the Wisconsin Democrats for Change in 1980, as well as the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy.
5. Determined by a vote of 6-0 to find reason to believe the Wisconsin Democrats for Change in 1980 may have violated 2 U.S.C. §441a(f) by receiving an excessive contribution from the Machinists Non Partisan Political League.
6. Determined by a vote of 6-0 to take no action at this time on recommendations 6 through 10 as set forth in the First General Counsel's Report in this matter and transmitted to the Commission on November 13, 1979.
7. Determined by a vote of 6-0 to take no action at this time with respect to recommendation #11 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.
8. Determined by a vote of 5-1 to take no action at this time with respect to recommendation #12 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

Commissioners Aikens, Harris, McGarry, Reiche, and Tiernan voted affirmatively for this determination; Commissioner Friedersdorf dissented.

9. Failed by a vote of 2-4 to pass a motion to take no action at this time with respect to recommendation #13 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

Commissioners Reiche and McGarry voted affirmatively for the motion. Commissioners Aikens, Friedersdorf, Harris, and Tiernan dissented.

(Continued)

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10. Failed by a vote of 2-3 to pass a motion to approve recommendation #13 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

Commissioners Friedersdorf and McGarry voted affirmatively for the motion; Commissioners Aikens, Harris, and Reiche dissented; Commissioner Tiernan abstained in the vote.

11. Determined by a vote of 4-2 to find reason to believe that Senator Edward M. Kennedy may have become a candidate for the nomination for election to the office of President by September 1, 1979, and reason to believe that Senator Edward M. Kennedy may have violated 2 U.S.C. §432 and 11 C.F.R. §101.2(a) by failing to file a Statement of a Candidate for Nomination or Election to Federal Office by October 1, 1979.

Commissioners Aikens, Friedersdorf, Harris, and Reiche voted affirmatively for the determination; Commissioners McGarry and Tiernan dissented.

12. Determined by a vote of 6-0 to take no action at this time on recommendation #14 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

13. Determined by a vote of 6-0 to decline to review at this time the question of whether contributions of money to the Kennedy for President Committee from individuals who previously signed a pledge card to the Americans for Democratic Action Campaign Committee's Kennedy Matching Pledge Fund are matchable for presidential primary matching funds, as the Kennedy for President Committee has not yet submitted contributions to be matched.

Attest:

11/15/79

Date

Marjorie W. Emons

Marjorie W. Emons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David E. Lasker
Lasker & Lasker
222 S. Hamilton Street
Madison, Wisconsin 53703

Re: MUR 1038
Wisconsin Democrats for Change

Dear Mr. Lasker:

8 3 0 4 0 3 8 4 8 3 0
This is in reference to the notice your client, Wisconsin Democrats for Change, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization, and 2 U.S.C. § 441a(f) by accepting, in conjunction with other "draft Kennedy" groups, more than \$5,000 in a calendar year from the Machinists Non-Partisan Political League.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against Wisconsin Democrats for Change under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) or 2 U.S.C. § 441a(f). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

Letter to David E. Lasker
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384831

Att. 3, p. 2



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William Luking, Esq.
Ross, Hardees, O'Keefe, Babcock,
and Parsons
One IBM Plaza, Suite 3100
Chicago, Illinois 60611

Re: MUR 1038
Illinois Citizens for Kennedy

Dear Mr. Luking:

This is in reference to the notice your client, Illinois Citizens for Kennedy, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization, and 2 U.S.C. § 441a(f) by accepting, in conjunction with other "draft Kennedy" groups, more than \$5,000 in a calender year from the Machinists Non-Partisan Political League.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against Illinois Citizens for Kennedy under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) or 2 U.S.C. § 441a(f). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

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Letter to William Luking
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

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Att. 3, p. 4



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mathias J. Reynolds, Esq.
Devine, Millimet, Stahl & Branch
1850 Elm Street, Box 719
Manchester, New Hampshire 03105

Re: MUR 1038
New Hampshire Democrats for Change

Dear Mr. Reynolds:

This is in reference to the notice your client, New Hampshire Democrats for Change, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization, and 2 U.S.C. § 441a(f) by accepting, in conjunction with other "draft Kennedy" groups, more than \$5,000 in a calender year from the Machinists Non-Partisan Political League.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against New Hampshire Democrats for Change under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) or 2 U.S.C. § 441a(f). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

83040384834

Letter to Mathias J. Reynolds
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384835

Att. 3, p. 6



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Arthur C. Hedberg, Jr., Esq.
Hedberg, Brick, Tan, Pratt, and Ward
840 Fifth Avenue
Des Moines, Iowa 50309

Re: MUR 1038
Committee for Democratic
Alternatives to Presidential Candidate

Dear Mr. Hedberg:

This is in reference to the notice your client, Committee for Democratic Alternatives to Presidential Candidate, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization, and 2 U.S.C. § 441a(f) by accepting, in conjunction with other "draft Kennedy" groups, more than \$5,000 in a calendar year from the Machinists Non-Partisan Political League.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against Committee for Democratic Alternatives to Presidential Candidate under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) or 2 U.S.C. § 441a(f). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

83040384836

Letter to Arthur C. Hedberg, Jr.,
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384637

Att. 3, p. 8



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William H. Espinosa
1156 - 15th Street, N.W.
Suite 1200
Washington, D.C. 20005

Re: MUR 1038
Citizens for Democratic
Alternatives in 1980

Dear Mr. Espinosa:

This is in reference to the notice your client, Citizens for Democratic Alternatives in 1980, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against Citizens for Democratic Alternatives in 1980 under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

8304038483R

Letter to William H. Espinosa
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

63040384839

Att. 3, p. 10



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Richard M. Landis
1730 Rhode Island Avenue, N.W.
Suite 910
Washington, D.C. 20036

Re: MUR 1038
D.C. Committee for a
Democratic Alternative

Dear Mr. Landis:

This is in reference to the notice your client, D.C. Committee for a Democratic Alternative, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against D.C. Committee for a Democratic Alternative under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

Att. 3, p 11

83040384840

Letter to Richard M. Landis
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384841

Att. 3, p. 12



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

John S. Connolly, Esq.
100 McCall Building
366 Jackson Street
St. Paul, Minnesota

Re: MUR 1038
Minnesotans for a Democratic Alternative

Dear Mr. Connolly:

This is in reference to the notice your client, Minnesotans for a Democratic Alternative, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against Minnesotans for a Democratic Alternative under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

83040384842

Letter to John S. Connolly
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384843

Att. 3, p. 14



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David Hird, Esq.
Arnold & Porter
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038
National Call for Kennedy

Dear Mr. Hird:

This is in reference to the notice your client, National Call for Kennedy, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. §§ 433 and 434 by failing to register and report to the Commission and former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against National Call for Kennedy under former 2 U.S.C. §§ 433 and 434 or former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

Att. 3, p. 15

03040384841

Letter to David Hird, Esq.
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384843

Att. 3, p. 16



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Terrance Fallon-McKnight, Esq.
Cohen and Ziskin
2029 Century Park East
Suite 1700
Los Angeles, California 90067

Re: MUR 1038
Democrats for Change - 1980

Dear Mr. Fallon-McKnight:

This is in reference to the notice your client, Democrats for Change - 1980, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. §§ 433 and 434 by failing to register and report to the Commission and former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against Democrats for Change - 1980 under former 2 U.S.C. §§ 433 and 434 or former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

83040384846

Letter to Terrance Fallon-McKnight
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384847

Att. 3, p. 18



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Jack A. Blum, Esq.
Blum & Nash
1015 Eighteenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1038
Americans for Democratic Action

Dear Mr. Blum:

This is in reference to the notice your client, Americans for Democratic Action, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. §§ 433 and 434 by failing to register and report as a political committee.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against Americans for Democratic Action under former 2 U.S.C. §§ 433 and 434. Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

63040384849

Letter to Jack A. Blum
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384849

Att. 3, p. 20



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Jack A. Blum, Esq.
Blum & Nash
1015 Eighteenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1038
Americans for Democratic Action
Campaign Committee

Dear Mr. Blum:

This is in reference to the notice your client, Americans for Democratic Action Campaign Committee, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization, and by failing to list Americans for Democratic Action as its connected organization on its statement of organization.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against Americans for Democratic Action Campaign Committee under former 2 U.S.C. § 433(b)(2) and former 11 C.F.R. § 102.2(a)(2). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

63040384850

Letter to Jack A. Blum
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

63040384851

Att. 3, p. 22



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

John E. Nolan, Esq.
Steptoe & Johnson
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038
Senator Edward P. Kennedy

Dear Mr. Nolan:

This is in reference to the notice your client, Senator Edward P. Kennedy, was given that the Federal Election Commission had found reason to believe he violated former 2 U.S.C. § 432 and former 11 C.F.R. § 101.2(a) for not filing an earlier statement of candidacy in 1979.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against Senator Edward P. Kennedy under former 2 U.S.C. § 432 and former 11 C.F.R. § 101.2(a). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

8304038485

Letter to John E. Nolan, Esq.
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384653

AH.3, p.24



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Joseph L. Rauh, Jr., Esq.
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038
Machinists Non-Partisan Political
League

Dear Mr. Rauh:

This is in reference to the notice your client, Machinists Non-Partisan Political League, was given that the Federal Election Commission had found reason to believe it violated 2 U.S.C. § 441a(a)(2)(C) by making contributions to various "draft Kennedy" committees which aggregated in excess of \$5,000.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1/19/82, determined to take no further action against Machinists Non-Partisan Political League under 2 U.S.C. § 441a(a)(2)(C). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

83040384854

Letter to Joseph L. Rauh, Jr.,
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384651

Att. 3, p. 26



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Donald M. Middlebrooks, Esq.
Steel, Hector & Davis
Southeast First National Bank Building
Miami, Florida 33131

Re: MUR 1038
Florida for Kennedy Committee

Dear Mr. Middlebrooks:

This is in reference to the notice your client, Florida for Kennedy Committee, was given that the Federal Election Commission had found reason to believe it violated former 2 U.S.C. § 433(b) (2) and former 11 C.F.R. § 102.2(a) (2) by failing to list several other "draft Kennedy" groups as affiliated committees on its statement of organization, and 2 U.S.C. § 441a(f) by accepting, in conjunction with other "draft Kennedy" groups, more than \$5,000 in a calender year from the Machinists Non-Partisan Political League.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against Florida for Kennedy Committee under former 2 U.S.C. § 433(b) (2) and former 11 C.F.R. § 102.2(a) (2) or 2 U.S.C. § 441a(f). Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a) (3). Should you wish to submit any factual or legal materials to appear on the public

8304038485

Letter to Donald M. Middlebrooks
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384857

Att. 3, p. 28



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Doug Huron, Esq.
Stein & Huron
1619 New Hampshire Avenue, N.W.
Washington, D.C. 20009

Re: MUR 1038
Florida for Kennedy Committee, et al.

Dear Mr. Huron:

This is in reference to the complaint and amendment to complaint filed by your client, Carter-Mondale Presidential Committee, Inc., on October 4, 1979, and November 2, 1979, against several "draft Kennedy" committees, Senator Edward Kennedy, the Machinists Non-Partisan Political League, and others. The central allegations of the complaint were that the various "draft Kennedy" committees were affiliated within the meaning of the statute and that Senator Kennedy had authorized some or all of their activities.

In attempting to investigate this matter, the Commission was denied enforcement of its subpoenas in two United States courts of appeals. See Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981), cert. denied, 454 U.S. 897 (1981), and Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982), reh. denied. No. 80-6013 (Oct. 12, 1982). Thus, the Commission was unable to complete the investigation it had authorized.

In view of the foregoing, the Commission on 1982, determined to take no further action against any of the respondents. Accordingly, the file in this matter is closed.

The record in this matter will be made public within 30 days, pursuant to 11 C.F.R. § 4.4(a)(3). Should you wish to submit any factual or legal materials to appear on the public

83040384859

Letter to Doug Huron
Page 2

record, please do so within ten days of this letter.

If you have any questions, please contact Scott Thomas at
(202) 523-4166.

Sincerely,

Charles N. Steele
General Counsel

83040384697

Att. 3, p. 30

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Florida for Kennedy)
Committee, et al.)

MUR 1038 (79)

AMENDED CERTIFICATION

I, Lena L. Stafford, Recording Secretary for the Federal Election Commission Executive Session on March 2, 1982, do hereby certify that the Commission decided in a vote of 5-1 to approve the recommendations set forth in the General Counsel's Report dated February 9, 1982, to take the following actions in MUR 1038:

1. Defer taking any action on this MUR until the Eleventh Circuit has ruled in Federal Election Commission v. Florida for Kennedy Committee.
2. Return to the MNPL all documents (and copies thereof) subpoenaed, but not the deposition transcripts of MNPL and Machinists Union officials, and send the letter attached to the General Counsel's Report dated February 9, 1982.

Commissioners Aikens, Harris, McDonald, McGarry, and Reiche voted affirmatively. Commissioner Elliott dissented.

Attest:

3-16-82
Date

Lena L. Stafford
Lena L. Stafford
Recording Secretary

83040384860

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Florida for Kennedy)
Committee, et al.)

MUR 1038 (79)

CERTIFICATION

I, Lena L. Stafford, Recording Secretary for the Federal Election Commission Executive Session on March 2, 1982, do hereby certify that the Commission decided in a vote of 5-1 to approve the recommendations set forth in the General Counsel's Report dated February 9, 1982, to take the following actions in MUR 1038:

1. Defer taking any action on this MUR until the Eleventh Circuit has ruled in Federal Election Commission v. Florida for Kennedy Committee.
2. Return to the MNPL all documents (and copies thereof) subpoenaed, but not the deposition transcripts of MNPL and Machinists Union officials, and send the letter attached to the General Counsel's Report dated February 9, 1982.

Commissioners Aikens, Harris, McGarry, McDonald, and McGarry voted affirmatively. Commissioner Elliott dissented.

Attest:

3-4-82
Date

Lena L. Stafford
Lena L. Stafford
Recording Secretary

83040384861



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER *jc*
OFFICE OF THE SECRETARY TO THE COMMISSION

DATE: FEBRUARY 23, 1982

SUBJECT: ADDITIONAL OBJECTION - MUR 1038
General Counsel's Report dated 2-9-82

You were notified previously of an objection by
Commissioner Elliott.

Commissioner Aikens submitted an additional objection
at 4:36, February 22, 1982.

This matter will be discussed in executive session
on Tuesday, March 2, 1982. A copy of Commissioner Aikens
vote sheet with her comments is attached.

Attachment:
Vote sheet

83040384862



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/JODY CUSTER *Jc*
DATE: FEBRUARY 22, 1982
SUBJECT: OBJECTION - MUR 1038 General Counsel's Report
dated 2-9-82; Received in OCS, 2-18-82, 11:21

The above-named document was circulated to the Commission on
February 18, 1982 at 4:00.

Commissioner Elliott submitted an objection to this matter at
11:46, February 22, 1982.

This matter will be placed on the agenda for the Executive
Session of Tuesday, March 2, 1982.

83040384863



SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
February 9, 1982

82 FEB 18 All: 21

In the Matter of)	
)	
Florida for Kennedy)	MUR 1038 (79)
Committee, <u>et. al.</u>)	

GENERAL COUNSEL'S REPORT

I. Background

This matter stems from complaints filed by the Carter/Mondale Presidential Committee, Inc. ("Carter/Mondale") against several "draft Kennedy" committees, the Machinists Non-Partisan Political League ("MNPL"), Americans for Democratic Action ("ADA"), Senator Kennedy, and certain other respondents purportedly involved in the draft Kennedy effort in the summer and fall of 1979. On October 16, 1979, and November 14, 1979, the Commission found reason to believe, inter alia, that eleven "draft Kennedy" committees had failed to report affiliation with one another, that MNPL had made excessive contributions to these committees, that two of these draft committees failed to register as political committees, and that Senator Kennedy had not been timely in filing a Statement of a Candidate for Nomination or Election. For the Commission's convenience, copies of the certifications of the Commission's findings are attached (Attachments 1 and 2).

As explained in the General Counsel's reports on December 18 1979, April 9, 1980, September 3, 1980, December 24, 1980, and March 27, 1981, the completion of the investigation of this matter has been thwarted by the subpoena enforcement challenge

8304039463

mounted by one of the key respondents, the Florida for Kennedy Committee ("FKC"). Although the United States District Court for the Southern District of Florida enforced the Commission's subpoena for documents, FKC appealed that decision, and on January 12, 1981, the United States Court of Appeals for the Fifth Circuit granted FKC's request for a stay of the district court's order pending resolution of the appeal. Federal Election Commission v. Florida for Kennedy Committee, 492 F. Supp. 587 (S.D.Fla. 1980), appeal docketed, No. 80-6013 (5th Cir., Dec. 18, 1980). ^{1/} Oral argument on this appeal was heard on November 19, 1981, and we are awaiting a decision.

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A second factor complicating the resolution of this MUR is the decision of the United States Court of Appeals for the District of Columbia Circuit in the related subpoena enforcement proceedings filed against the MNPL and Citizens for Democratic Alternatives in 1980 ("CDA") (one of the eleven "draft Kennedy" committees). On May 19, 1981, the court reversed the lower court and refused to enforce the subpoenas for documents issued to MNPL and CDA. Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir. 1981); Federal Election Commission v. Citizens for Democratic Alternatives in 1980, 655 F.2d 397 (D.C.Cir. 1981) (hereinafter referred to collectively

^{1/} Effective October 1, 1981, the Fifth Circuit divided into two circuits, the Fifth Circuit and the Eleventh Circuit. Florida falls in the new Eleventh Circuit. Thus, the appeal of the FKC subpoena enforcement order is now within the jurisdiction of the Eleventh Circuit.

as "MNPL"). Although the Commission petitioned the Supreme Court to reverse the court of appeals ruling, the Supreme Court declined to review the case on October 13, 1981.

The significance of the MNPL decision is that it suggests that the Commission does not have jurisdiction to enforce the \$5,000 limitation on contributing to a political committee, 2 U.S.C. § 441a(a)(1)(C), (2)(C), as it pertains to contributions to the respondent "draft" committees. While the apparent violations and draft Kennedy activities being investigated all took place prior to the Federal Election Campaign Act Amendments of 1979, Pub.L. 96-187, 88 Stat. 1339 (effective Jan. 8, 1980), the court's opinion may be read broadly by some to apply even to post-1979 Amendment draft committees. The General Counsel's Office disagrees with the latter conclusion as is more fully discussed, infra, pp. 8-11. The Commission eventually will be faced with deciding how to interpret and apply the MNPL opinion-- a determination that may affect not only the outcome of MUR 1038 but also the outcome of other pending and potential draft committee MURs.

II. Disposition of MUR 1038

The General Counsel first of all recommends that the Commission defer taking any action in this MUR until the Eleventh Circuit renders a decision. The Eleventh Circuit may issue a ruling entirely contrary to the D.C. Circuit's opinion to the effect that the Commission has jurisdiction. Closing MUR 1038 would almost certainly moot the pending appeal in the Eleventh

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Circuit, i.e. cause the court to dismiss the case because the underlying controversy would no longer exist. Such a result would disadvantage the Commission, for not only would it undercut the Commission's ability to enforce the statute, it is probable that the only way the Supreme Court can be convinced to reverse the MNPL result is if the Commission wins the case in the Eleventh Circuit, thus creating a conflict between that circuit and the D.C. Circuit. See U.S. Supreme Court Rule 17.1(A). Presumably FKC would petition the Supreme Court for review of an unfavorable decision by the Eleventh Circuit, and the Commission would not oppose the petition in an effort to remove the conflict between circuits that would exist and thereby, in effect, obtain review of the MNPL holding. 2/

We have no way of knowing whether the Eleventh Circuit will rule in the Commission's favor or how quickly a Supreme Court ruling could be expected. It is likely, however, that no Supreme Court ruling could be obtained before the 1982 election on November 9. 3/ Nonetheless, there is some chance of

2/ By analogy, the Commission joined with the appellants in seeking Supreme Court review in Buckley v. Valeo, 424 U.S. 1 (1976). See Memorandum for the Attorney General and the Federal Election Commission in Response to Jurisdictional Statements, Nos. 75-436 and 75-437, (Sup. Ct., September 1975).

3/ U.S. Supreme Court Rule 20.2 and 28 U.S.C. § 2101(c) allow ninety days after a court of appeals judgment for applying for a petition for a writ of certiorari. A 30 day period is allowed for filing a brief in opposition to the petition. If the petition for certiorari is granted, at least 75 days are allowed for briefing on the merits. It is then within the Court's discretion as to when it will hear and decide the case.

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obtaining the equivalent of a reversal of the MNPL holding -- a chance that would not exist if the Commission closed MUR 1038 now. Because the legal issue is of great significance for effective enforcement of the Act's contribution limits, this office believes the possibility of obtaining a favorable ruling should be pursued. ^{4/}

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If the Eleventh Circuit rules against the Commission on the ground that it lacks jurisdiction over limits on contributions to draft committees, the likelihood of obtaining Supreme Court reversal would be negligible. The General Counsel would reevaluate whether the Commission should close MUR 1038 if such circumstances arise. In that regard it should be noted that even if the Eleventh Circuit rules as the D.C. Circuit did, those two holdings would technically be binding only in those circuits, and it is conceivable that yet another circuit might rule differently. Thus, for example, if the Commission were to proceed to a probable cause determination and then file a civil action in a circuit other than the Eleventh or D.C. Circuit, a favorable ruling might be obtained, and Supreme Court disapproval

^{4/} There is legislation introduced in the 97th Congress that would specifically impose limits on contributions to draft committees. Sections 18(2) and 19(3) of the bill introduced by Senator Mathias would place a \$2,000 limit on committees "receiving funds or making expenditures to draft an individual or to encourage an individual to become a candidate." Section 304 of the bill introduced by Senator Spector would specify a \$5,000 limit on contributions "to any individual, committee, organization or group of persons who seek to draft an individual to run for federal office"

of the MNPL decision might follow. Such events are hypothetical, of course, and need only be addressed if the Eleventh Circuit rules against the Commission.

III. Disposition of other draft committee situations

With regard to other pending MURs raising the draft committee jurisdictional issue and possible future enforcement of the \$5,000 per committee contribution limit as it pertains to draft committees, the General Counsel recommends that the Commission proceed as though it has such jurisdiction.^{5/} At the present time, only the D.C. Circuit has ruled that the statute, § 441a(a)(1)(C), (2)(C), does not reach draft committees. The fact that the Supreme Court denied certiorari review in the MNPL case does not mean the Court agreed with the merits of the lower court decision. Darr v. Burford, 339 U.S. 200, 226 (1950) (Justice Frankfurter dissenting: "The denial means that this Court has refused to take the case. It means nothing else."); see also, Linzer, "The Meaning of Certiorari Denials," 79 Colum.L. Rev. 1227 (1979).

^{5/} MUR 1378, concerning the Simon for President Committee, directly raises the issue of application of the \$5,000 per committee contribution limit. MUR 1192, concerning Conservatives Against Liberal Legislation (a/k/a Kennedy Truth Squad), raises the issue of applying 2 U.S.C. § 441b to the expenditures of a group seeking to prevent Senator Kennedy from becoming a candidate. The adequacy of reporting by Florida for Kennedy Committee is at issue in MUR 1229.

Our office has done a computer search to identify any newly formed committees that have the word "draft" or "alternative" in their name. Although none were identified for the 1982 election cycle, the fact that there were several such committees during the 1980 election cycle for Senate and House candidates suggests the likelihood that at least some committees will in fact be formed in 1982.

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Moreover, two district courts in other circuits have either expressly or impliedly rejected the broad proposition that the Commission does not have jurisdiction over draft committees. In Federal Election Commission v. Wisconsin Democrats for Change in 1980, No. 80-C-124 (W.D. Wisc. Apr.24, 1980), the court rejected that argument, stating: "[The Act] appears to cover 'draft' committees in the same manner as any other committees formed for the support of candidates for public office." Id., slip op. at 4. In Federal Election Commission v. Florida for Kennedy Committee, 492 F. Supp. 587 (S.D. Fla. 1980), the court declined to reach the jurisdictional issue directly, and stated that it could not hold "that the activities of the various draft committees were efforts solely to convince the Senator to run, rather than help elect him." 492 F.Supp. 595. Because there is authority contrary to the analysis of the MNPL court, the Commission need not feel compelled to decline enforcement of the statute against draft committees.

The Commission's likelihood of success in enforcing the statute in the D.C. Circuit, of course, is small. Well-settled doctrines of stare decisis, under which the legal principles enunciated by a court are followed subsequently, virtually assure that the D.C. Circuit would rule consistently that the \$5,000 per committee contribution limit does not apply to contributions to draft committees.

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In other courts, the Commission will no doubt have to counter affirmative defenses based on collateral estoppel doctrines. Under traditional collateral estoppel theory, factual or legal issues which have been litigated between parties are precluded from subsequent litigation, at least as between those parties. Commissioner v. Sunnen, 333 U.S. 591 (1948). However, the General Counsel believes that the Commission could survive collateral estoppel defenses raised by other respondents. First of all, mutuality of parties, i.e. involvement of only the parties to the MNPL decision, and exact identity of the facts would not be present. Commissioner v. Sunnen, supra; but cf. Montana v. United States, 440 U.S. 147, 154 n. 5 (1979); Parklane Boslery Co. v. Shore, 439 U.S. 322, 324 n. 4 (1979). Moreover, where a question of "national law" is involved, relitigation has been permitted. American Medical International, Inc. v. Secretary of Health, Education and Welfare, No. 79-1460 (D.C. Cir. Aug. 14, 1981); Western Oil & Gas Association v. EPA, 633 F.2d 803 (9th Cir. 1980); Divine v. Commissioner, 500 F.2d 1041 (2d Cir. 1974); United States v. Anaconda Co. 445 F.Supp. 486 (D.D.C. 1977).

Another rationale for enforcing the statute against draft committees in the future is that the court's actual holding in MNPL can be read narrowly to reach only pre-1979 Amendment contributions to draft committees. While the court stated that it could find no legislative history indicating that Congress acted expressly to bring draft committees within the coverage of the contribution

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limitations, see MNPL slip op. at 30, and observed that in 1979 Congress amended the statute so as to bring draft committees within the reporting provisions, see MNPL slip op. at 29, 30, the court repeatedly indicated that its ruling did not extend to post-1979 situations:

The legislative history of the term "political committee" is, in a word, uninformative, at least prior to 1979. But although not dispositive, we do find that the legislative history of the 1979 Amendments to FECA does shed some light on the question whether draft groups were, in 1979, considered by Congress to be subject to the contribution and disclosure provisions of the Act.

. . . .

Whatever the post-1979 situation, it is clear to us that in this case the contribution limitations did not apply to the nine groups whose activities did not support an existing "candidate" . . . [Emphasis added]

MNPL slip op. at 28, 31. Thus, in the General Counsel's view, the court's ruling did not reach the question of whether the \$5,000 per committee limit would apply to contributions to a draft committee after the passage of the 1979 Amendments.

In the absence of a judicial ruling on post-1979 coverage, the Commission can legitimately assert that draft committees are now covered by the contribution limits. Indeed, there is a compelling argument that in the course of enacting the 1979 Amendments, Congress gave its sanction to application of the contribution limits to draft committees. It recognized the issues that draft committees posed, as set forth in the Commission's legislative recommendations, and ratified the Commission's consistent application of the

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\$5,000 per committee limit to draft committees, rejected the Commission's proposal that the \$1,000 per candidate limit be applied instead, and made a technical amendment to the reporting provisions to insure that draft committees would be covered. This construction of the 1979 Amendments is more logical and accurate than the court's construction, in the General Counsel's view. For one thing, it avoids the anomaly suggested by the court -- that draft committees are "political committees" for purposes of the reporting provisions of the Act, but not for purposes of the limits on contributions. See MNPL slip op. at 30, n. 31.^{6/} Moreover, it corrects the court's flagrant misreading and misapplication of the legislative recommendations placed before Congress by the Commission. Contrary to the court's assessment that the Commission had recommended the need for legislation to apply even the \$5,000 per committee limit on contributions to draft committees, the Commission had repeatedly and consistently stated that the \$5,000 per committee limit applied and had recommended only that the

^{6/} Where Congress has wanted to make certain types of contributions subject to reporting by the recipient but not subject to the contribution limits, it has done so expressly and unambiguously. See 2 U.S.C. § 431(8)(B)(ix). There is absolutely nothing in the legislative history of the Act to suggest that Congress sought the words "political committee" to have one meaning for reporting purposes and another meaning for contribution limitation purposes.

\$1,000 per candidate limit should apply to such contributions instead. 7/ The Commission's rulings in Advisory Opinions 1979-40 (dated August 17, 1979), 1979-41 (dated September 13, 1979), and 1979-49 (dated October 5, 1979) also specifically applied the \$5,000 per committee limit to contributions to draft committees and all preceded passage of the 1979 Amendments. Thus, a persuasive argument exists that Congress, in effect, ratified the Commission's construction of the statute in 1979 by leaving it unchanged.

7/ In its 1976 Annual Report, the first report published after enactment of the \$5,000 per committee limitation, the Commission stated, at page 75:

Consideration should also be given to the application of contribution limitations to draft movements. Since the \$1,000 limitation on contributions by persons applies only to candidates, a person could now give up to \$5,000--the limit applicable to contributions to political committees--to a draft committee. Congress may wish to amend the limitation section to make the \$1,000 limitation applicable to contributions to political committees whose purpose is to influence a clearly identified individual or individuals to become a candidate. Although the limitation on contributions by multicandidate committees to candidates or to draft committees is identical, multicandidate committees, as well as persons, would be able to make two contributions toward the nomination of an individual--one contribution to a draft movement and, if the individual becomes a candidate, one contribution to the candidate. Accordingly, Congress may wish to consider amending the Act to provide that a person who has contributed to a draft committee with the knowledge that a substantial portion of his or her contribution will be expended on behalf of a
(continued on next page)

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In view of the foregoing, the General Counsel believes that the Commission is well within its authority in enforcing the \$5,000 per committee limit as it pertains to contributions to draft committees, and especially as it pertains to such contributions made after the 1979 Amendments. Even if the Eleventh Circuit rules as the D.C. Circuit did-- that the pre-1979 statute did not reach contributions to draft committees-- the Commission could and should apply the post 1979 statute to such contributions. The General Counsel's Office is preparing recommendations in certain pending MURs along these lines, and will be forwarding them to the Commission shortly.

IV. Disposition of request for return of MNPL documents and deposition transcripts.

Following the MNPL decision, counsel for the MNPL, Joseph Rauh, wrote to this office requesting that all

1/ (cont'd.)

clearly identified individual will, for the purposes of contribution limitations, be considered to have made a contribution to a "candidate." If that individual should become a candidate, the contributors to the draft movement would be eligible to give to the candidate only to the extent their earlier contributions did not exceed the "candidate" limits. [Emphasis added]

It could not be clearer that the Commission construed the \$5,000 per committee limit to apply to contributors to draft committees and that Congress was directly apprised of this before it enacted the 1979 Amendments. The court in MNPL seems to have ignored this crucial bit of legislative history.

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documents (and copies thereof) produced by the MNPL pursuant to subpoena and all transcripts of depositions of MNPL or Machinists Union officials be forwarded to him. See Attachment 3. Mr. Rauh asserts that the D.C. Circuit ruled that the Commission did not have jurisdiction "in this case" and that "[t]he First Amendment considerations outlined in the Court of Appeal's decision requires [sic] the return of the documents and transcripts rather than having them made public or retained by the Commission."

The Office of General Counsel recommends that the Commission comply with Mr. Rauh's request for the return of subpoenaed documents. Although technically MNPL did not seek or explicitly receive from the court of appeals the relief it now requests ^{8/}, the Supreme Court has declined the Commission's request to grant certiorari to review the appellate decision invalidating the Commission subpoena. Therefore, it does not seem likely that the Commission would ultimately succeed in its attempt to retain the documents, if it chooses to force the MNPL to formally request the relief sought from the district court.

^{8/} The procedure that should have been followed by MNPL would have been for the committee, upon remand of the case to the district court, to file a motion for an order to the FEC directing that the subpoenaed documents be returned to MNPL. Even absent such a court order, however, the Commission would, in all likelihood, be barred from making any evidentiary use of the MNPL documents in a subsequent action brought in the District of Columbia, unless such documents were later obtained pursuant to a different subpoena.

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As noted above, there is a chance that the Eleventh Circuit will rule in favor of the Commission and that ultimately the Supreme Court will overrule the MNPL decision. In that event, we could certainly resubpoena the MNPL documents. We have prepared a listing of every document supplied by the MNPL to facilitate resubpoenaing, if necessary.

As to Mr. Rauh's request for all copies of the transcripts of depositions taken of MNPL and Machinists Union officers and employees, the Office of General Counsel recommends that the Commission decline to provide these materials. The court of appeals decision in MNPL dealt only with the subpoena duces tecum to MNPL and thus made no mention of any depositions taken. Although the subpoenas for deposition were the subject of a judicial challenge by the MNPL, MNPL did not appeal the decision of the district court enforcing those subpoenas for deposition nor attempt to consolidate them in the appeal in MNPL.

In addition, the deposition transcripts in particular contain evidence relevant to matters not held by the court in MNPL to be beyond the Commission's jurisdiction. One of the central areas of inquiry during this investigation was whether Senator Kennedy had in fact given his authorization to the activities of any of the draft committees involved such that he would have become a "candidate" under the Act and would have clearly caused the contributions to such

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committees to be subject to limitation. Because the court in MNPL expressly stated that the Commission's investigation could continue on such a jurisdictional basis, see MNPL slip op. at 33, we believe that Mr. Rauh would not be successful if he sought return of the deposition transcripts.

Finally, while the MNPL documents reveal no information concerning the status of our inquiry in MUR 1038, the deposition transcripts in question make numerous references to other respondents in that matter and to evidence obtained in the course of that investigation. To disclose at this juncture that information concerning other respondents could be considered to be a violation of the confidentiality requirement set forth in 2 U.S.C. § 437g(a)(12).

V. Recommendations

1. Defer taking any action on this MUR until the Eleventh Circuit has ruled in Federal Election Commission v. Florida for Kennedy Committee.
2. Return to the MNPL all documents (and copies thereof) subpoenaed, but not the deposition transcripts of MNPL and Machinists Union officials, and send the attached letter.

Charles N. Steele
General Counsel

Feb 17, 1982
Date

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. Certification of Commission RTB findings
2. Certification of Commission RTB findings
3. Letter from counsel for MNPL
4. Proposed letter to counsel for MNPL

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Americans for Democratic)
Action, et al.)

MUR 1038

CERTIFICATION

I, Marjorie W. Emons, Recording Secretary for the Federal Election Commission's Executive Session on November 14, 1979, do hereby certify that the Commission took the following actions in MUR 1038:

1. Determined by a vote of 6-0 to find reason to believe the Americans for Democratic Action Campaign Committee may have violated 2 U.S.C. §432(b)(2) and 11 C.F.R. §102.2(a)(2) for failing to report the Americans for Democratic Action as its connected organization.
- 1A. Determined by a vote of 6-0 to find reason to believe that the Americans for Democratic Action may have violated 2 U.S.C. §§433 and 434 by failure to register as a political committee and to report expenditures.
2. Determined by a vote of 6-0 to find reason to believe the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in '80 may have violated 2 U.S.C. §433(b)(2) and 11 C.F.R. §102.2(a)(2) by failing to report each other and the Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D. C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy, Democrats for Change-1980, and Citizens for Democratic Alternatives in 1980 as affiliated committees.
3. Determined by a vote of 6-0 to find reason to believe the Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D. C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy, Democrats for Change-1980, and Citizens for Democratic Alternatives in 1980 may have violated 2 U.S.C. §433(b)(2) and 11 C.F.R. §102.2(a)(2) by failing to report the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in '80 as affiliated committees.

(Continued)

Attachment 1, p. 1

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4. Determined by a vote of 6-0 to find reason to believe the Machinists Non Partisan Political League may have violated 2 U.S.C. §441a(a) (2) (C) by contributing in excess of \$5,000, total, to the Wisconsin Democrats for Change in 1980, as well as the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy.
5. Determined by a vote of 6-0 to find reason to believe the Wisconsin Democrats for Change in 1980 may have violated 2 U.S.C. §441a(f) by receiving an excessive contribution from the Machinists Non Partisan Political League.
6. Determined by a vote of 6-0 to take no action at this time on recommendations 6 through 10 as set forth in the First General Counsel's Report in this matter and transmitted to the Commission on November 13, 1979.
7. Determined by a vote of 6-0 to take no action at this time with respect to recommendation #11 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.
8. Determined by a vote of 5-1 to take no action at this time with respect to recommendation #12 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

Commissioners Aikens, Harris, McGarry, Reiche, and Tiernan voted affirmatively for this determination; Commissioner Friedersdorf dissented.

9. Failed by a vote of 2-4 to pass a motion to take no action at this time with respect to recommendation #13 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

Commissioners Reiche and McGarry voted affirmatively for the motion. Commissioners Aikens, Friedersdorf, Harris, and Tiernan dissented.

(Continued)

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Attachment 1, p. 2

10. Failed by a vote of 2-3 to pass a motion to approve recommendation #13 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

Commissioners Friedersdorf and McGarry voted affirmatively for the motion; Commissioners Aikens, Harris, and Reiche dissented; Commissioner Tiernan abstained in the vote.

11. Determined by a vote of 4-2 to find reason to believe that Senator Edward M. Kennedy may have become a candidate for the nomination for election to the office of President by September 1, 1979, and reason to believe that Senator Edward M. Kennedy may have violated 2 U.S.C. §432 and 11 C.F.R. §101.2(a) by failing to file a Statement of a Candidate for Nomination or Election to Federal Office by October 1, 1979.

Commissioners Aikens, Friedersdorf, Harris, and Reiche voted affirmatively for the determination; Commissioners McGarry and Tiernan dissented.

12. Determined by a vote of 6-0 to take no action at this time on recommendation #14 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

13. Determined by a vote of 6-0 to decline to review at this time the question of whether contributions of money to the Kennedy for President Committee from individuals who previously signed a pledge card to the Americans for Democratic Action Campaign Committee's Kennedy Matching Pledge Fund are matchable for presidential primary matching funds, as the Kennedy for President Committee has not yet submitted contributions to be matched.

Attest:

11/15/79

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Florida for Kennedy Committee,)
)
et al.)

MIR 1038

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on October 16, 1979, do hereby certify that the Commission determined by a vote of 6-0 to take the following actions in the above-captioned matter:

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1. FIND REASON TO BELIEVE that the following respondents may have violated 2 U.S.C. §433(b) (2) and 11 C.F.R. §102.2(a) (2) by failing to report each other as affiliated committees: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D. C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D. C.), Democrats for Change-1980 (California), and Citizens for Democratic Alternatives in 1980 (D.C.);
2. FIND REASON TO BELIEVE the MNPL may have violated 2 U.S.C. §441a(a) (2) (C) by contributing in excess of \$5,000, total, to the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy;
3. FIND REASON TO BELIEVE that the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy may have violated 2 U.S.C. §441a(f) by receiving excessive contributions;
4. Take no action at this time that any individuals have violated 2 U.S.C. §441a(a) (1) (C) by contributing in excess of \$5,000, total, to the respondent committees;

(Continued)

Attachment 2, p. 1

- 5. FIND REASON TO BELIEVE that the National Call for Kennedy and the Democrats for Change-1980 may have violated 2 U.S.C. §§433 and 434 by failing to register with and report to the Commission; and
- 6. Direct the Office of the General Counsel to circulate amended draft letters to the respondents for Commission approval on a no-objection basis.

Attest:

10/18/89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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Carter
⑥

LAW OFFICES
RAUH, SILARD AND LICHTMAN, P.C.
1001 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20005
100120 203:57

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT G. LICHTMAN
DANIEL H. POLLITT
MARY K. LEVY

October 19, 1981

202-551-1700

Charles N. Steele, Esq.
General Counsel
Federal Election Commission - 7th floor
1325 K Street, N. W.
Washington, D. C. 20005

Re: Carter/Mondale Presidential
Committee, Inc. v. Machinists
Non-Partisan Political League,
et al. - MUR-1038

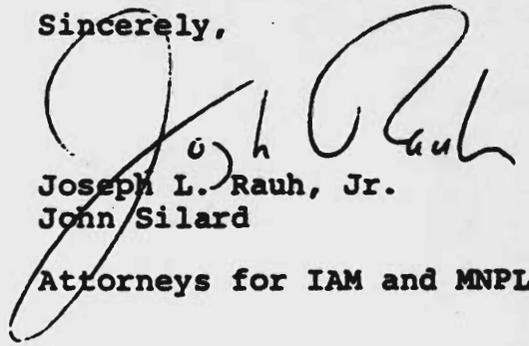
Dear Mr. Steele:

We are writing to request the return to the Machinists Non-Partisan Political League of all documents supplied by MNPL to the Commission in the above-referenced investigatory proceeding, as well as the transcripts of depositions taken of officers and employees of MNPL and the International Association of Machinists (and all copies of such documents and transcripts in the possession of the Commission).

The litigation concerning MNPL and its role in the draft-Kennedy movement is now completed. The Court of Appeals ruled that the Commission had no jurisdiction in this case and the Supreme Court's denial of certiorari on October 13th finalizes that ruling. The First Amendment considerations outlined in the Court of Appeals' decision requires the return of the documents and transcripts rather than having them made public or retained by the Commission.

We, therefore, request that you forward all copies of the specified materials to us whenever they can be collected.

Sincerely,


Joseph L. Rauh, Jr.
John Silard
Attorneys for IAM and MNPL

JLR:ehb

cc: Lawrence M. Noble, Esq.

Attachment 3

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph L. Rauh, Jr., Esquire
Rauh, Silard and Lichtman, P.C.
1001 Connecticut Avenue, N.W.
Washington, D.C. 20035

Re: MUR 1038

Dear Mr. Rauh:

Pursuant to your request of October 19, 1981, the Commission has determined to release all documents (and copies thereof) in the Commission's possession which were submitted by your client, the Machinists Non-Partisan Political League ("MNPL"), in response to a Commission subpoena in MUR 1038. These documents are available for you to pick up at your convenience at the Commission's Office of General Counsel.

The Commission has declined, however, to grant your request for the release of all deposition transcripts of those officers and employees of the MNPL and International Association of Machinists who provided testimony in connection with the investigation in MUR 1038. As you know, your client challenged on appeal the judicial decision enforcing the Commission's subpoena duces tecum to MNPL, but no appeal was taken of the district court decision enforcing Commission subpoenas for deposition, and no request was made of the district court upon remand of the decision in FEC v. MNPL for the relief now sought by you with respect to deposition transcripts. In addition, the depositions in particular contain evidence relevant to allegations over which the court in FEC v. MNPL indicated the Commission does have jurisdiction. Finally, because the depositions also contain evidence involving several other respondents, a release of the deposition transcripts at this juncture would appear to contravene the confidentiality provision of 2 U.S.C. § 437g(a)(12).

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Attachment 4, p. 1

Letter to Joseph L. Rauh, Jr., Esq.
Page 2

If you have any questions concerning the above, or the logistics of obtaining the documents we are prepared to turn over to you, please do not hesitate to call Marsha Gentner, the attorney assigned to this matter, at 523-4175.

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *MWE*
FROM: MARJORIE W. EMMONS/JODY CUSTER *Jc*
DATE: APRIL 1, 1981
SUBJECT: MUR 1038 Interim Investigative Report #3,
dated 3-27-81; Received in OCS, 3-30-81,
2:55

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, March 31, 1981.

There were no objections to the Interim Investigative Report at the time of the deadline.

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BEFORE THE FEDERAL ELECTION COMMISSION
March 27, 1981

RECEIVED
OFFICE OF THE
SECRETARY

81 MAR 30 P 2: 55

MUR 1038

In the Matter of)
Florida for Kennedy Committee, et al.)

INTERIM INVESTIGATIVE REPORT # 3

The Commission has found reason to believe that ten "draft Kennedy" committees violated 2 U.S.C. § 433 by failing to report their affiliation with one another. Reason to believe was also found that one respondent, the Machinist Non-Partisan Political League violated 2 U.S.C. § 441a(a) by exceeding its contribution limitation to these possibly affiliated committees.

An extensive investigation, including the issuance of subpoenas to each respondent and the taking of several depositions, has been undertaken by this office. However, the refusal of many of the respondents to provide voluntary compliance with the Commission's investigative discovery has resulted in extensive litigation at all levels of the judicial process, thereby delaying considerably the completion of the investigation of this matter. The Commission has, in every instance, received enforcement of its subpoenas from the district courts, and accordingly, the investigation has been concluded for all respondents except one, the Florida for Kennedy Committee ("FKC").

FKC has challenged the Commission's right to compel the production of subpoenaed documents. On November 6, 1980, the district court for the Southern District of Florida enforced the Commission's subpoena to FKC. Subsequently, on December 12, 1980, the district court also denied FKC's motions to vacate the judgment, and in the

6304038489C

alternative, to stay enforcement of the subpoena. However, on January 12, 1981, the Court of Appeals for the 5th Circuit granted FKC a stay of the district court judgment pending appeal.

The Office of General Counsel is presently in the process of reviewing the voluminous materials and testimony obtained in the investigation of this matter in order to determine which respondents, if any, can be the subject of further General Counsel recommendations to the Commission (i.e. whether information regarding FKC is necessary to a Commission probable cause decision concerning any possible violation of the Act by that committee). When that review is completed, the Office of General Counsel will circulate a memorandum to the Commission detailing the status of the MUR, and providing a timetable (if applicable) for the forwarding of briefs with respect to those respondents for whom the investigative stage can be considered to be completed.

83040384891

29 Nov 1981
Date



Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 20, 1981

MEMORANDUM

TO: Gary Johansen
Assistant General Counsel

FROM: Kenneth A. Gross
Associate General Counsel *KAG*

RE: MUR 1038

On March 18, 1981, the Commission voted to make the attached referrals part of the investigative file of MUR 1038.

cc: Elissa Garr

LA for Kennedy Comm 6-11-80 D-763
McAulley - 6-11-80 - D-757

8304038489

REPORTS ANALYSIS REFERRAL SHEET FOR INDIVIDUALS

DATE June 6, 1990ANALYST Mike Thompson

TO: Office of General Counsel

SECTION CHIEF Irene AllenTHROUGH: STAFF DIRECTOR ^{Bl. for OAR}

COMPLIANCE REVIEW _____

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

INDIVIDUAL: (Please See Respective Attachments)

ADDRESS:

ALLEGATION(S):

CITE:

ATTACHMENT(S)

Contributions aggregating in excess of \$1,000 to an authorized committee and to a single candidate committee

2 U.S.C. 441a(a)(1) and
11 C.F.R. 110.1(h)

I

DATE INITIATED: May 6, 1980

 Normal review Special project Other

ATTACHMENT

RESULTS OF REVIEW:

ATTACHMENT

Statement of Organization for Kennedy for President, (C00115022), principal campaign committee for Senator Kennedy

A

Statement of Organization for Florida for Kennedy, (C99001091), unauthorized single candidate committee supporting Sen. Kennedy for President

B

A review of the reports filed by these two committees revealed that three individuals have apparently contributed, in the aggregate, in excess of \$1,000 each apparently violating the limits of 2 U.S.C. 441a(a)(1) and the restrictions as defined under 11 C.F.R. 110.1(h). (Please see respective attachments).

REASON(S) FOR REFERRAL:

ATTACHMENT

These individuals, by contributing both to the Kennedy for President Committee, the candidate's principal campaign committee, and to the Florida for Kennedy Committee, an unauthorized single candidate committee supporting the same candidate in the same election, appear to have contributed in excess of \$1,000 each in apparent violation of the limits of 2 U.S.C. 441a(a)(1) and the restrictions as defined under 11 C.F.R. 110.1(h).

OTHER RELEVANT INFORMATION:

ATTACHMENT

Please see Advisory Opinion to Delaware Volunteers for Reagan, dated August 17, 1976. Please also see Advisory Opinion 1979-40 to Florida for Kennedy, dated August 17, 1979.

8 3 0 4 0 3 8 4 9 4
REPORTS ANALYSIS REFERRAL SHEET FOR INDIVIDUALS

D _____
 RAD _____

DATE _____ ANALYST Mike Thompson
 TO: Office of General Counsel SECTION CHIEF Irene Allen
 THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW _____
 FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

INDIVIDUAL: Mr. Thomas W. McAiley Also 2025 Secoffee St.
 ADDRESS: 66 West Flagler St. Coconut Grove, Florida 33133
 Miami, Florida 33130

ALLEGATION(S): Contributions in excess of the limits to a PCC and a single candidate committee
 CITE: 2 U.S.C. 441a(a)(1) & 11 C.F.R. 110.1(h)
 ATTACHMENT(S)

DATE INITIATED: May 6, 1980
 Normal review Special project Other ATTACHMENT

RESULTS OF REVIEW: This individual appears to have contributed to the Kennedy for President Committee as well as to the committee(s) as attached. The combination of such contributions appears to be in excess of \$1,000. ATTACHMENT

- Kennedy for President Committee, Schedule A-P for Line 17a, Year-End and March Monthly Reports C
- Florida for Kennedy Committee, Schedule A for Line 14a, Year-End Report D

Kennedy for President Committee	\$ 250	11/09/79
" " " "	720	2/13/80
Florida for Kennedy Committee	<u>1,000</u>	11/06/79
	<u>\$1,970</u>	

REASON(S) FOR REFERRAL: This individual, having contributed to both the Principal Campaign Committee for Sen. Kennedy as well as a single candidate committee(s) supporting Sen. Kennedy, appears to have exceeded the limitations of 2 U.S.C. 441a(a)(1) and the restriction as defined in 11 C.F.R. 110.1(h). ATTACHMENT

OTHER RELEVANT INFORMATION: ATTACHMENT

8 3 0 4 0 3 8 4 5 9 3
REPORTS ANALYSIS REFERRAL SHEET FOR INDIVIDUALS

D _____
 RAD _____

DATE _____ ANALYST Mike Thompson
 TO: Office of General Counsel SECTION CHIEF Irene Allen
 THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW _____
 FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

INDIVIDUAL: Marvin S. Rosen
 ADDRESS: 30th Floor, First Federal Bldg. Also 13500 S.W. 70th Ave.
Miami, Florida Miami, Florida

ALLEGATION(S): _____ CITE: 2 U.S.C. 441a(a)(1) & 11 C.F.R. 110.1(h) ATTACHMENT(S) _____
 Contributions in excess of the limits to a PCC and a single candidate committee

DATE INITIATED: May 6, 1980

Normal review Special project Other ATTACHMENT _____

RESULTS OF REVIEW: _____ ATTACHMENT _____

This individual appears to have contributed to the Kennedy for President Committee as well as to the committee(s) as attached. The combination of such contributions appears to be in excess of \$1,000.

Kennedy for President Committee, Schedule A-P for Line 17a, Year-End Report	C
Florida for Kennedy Committee, Schedule A for Line 14a, Year-End Report	D
Kennedy for President Committee	\$1,000 11/16/79
Florida for Kennedy Committee	1,000 11/06/79
	<u>\$2,000</u>

REASON(S) FOR REFERRAL: _____ ATTACHMENT _____

This individual, having contributed to both the Principal Campaign Committee for Sen. Kennedy as well as a single candidate committee(s) supporting Sen. Kennedy, appears to have exceeded the limitations of 2 U.S.C. 441a(a)(1) and the restriction as defined in 11 C.F.R. 110.1(h).

OTHER RELEVANT INFORMATION: _____ ATTACHMENT _____

D _____
RAD _____

8 3 0 4 0 3 8 4 9 6

REPORTS ANALYSIS REFERRAL SHEET FOR INDIVIDUALS

DATE _____ ANALYST Mike Thompson
 TO: Office of General Counsel SECTION CHIEF Irene Allen
 THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW _____
 FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

INDIVIDUAL: Mr. Stephen H. Whilden
 2200 NE 17th Place
 ADDRESS: Ft. Lauderdale, Florida 33305

ALLEGATION(S): CITIE: ATTACHMENT(S)
 Contributions in excess of the limits to a PCC and a single candidate committee 2 U.S.C. 441a(a)(1) & 11 C.F.R. 110.1(h)

DATE INITIATED: May 6, 1980

Normal review Special project Other ATTACHMENT

RESULTS OF REVIEW: ATTACHMENT

This individual appears to have contributed to the Kennedy for President Committee as well as to the committee(s) as attached. The combination of such contributions appears to be in excess of \$1,000.

- Kennedy for President Committee, Schedule A-P for Line 17a, Year-End and March Monthly Reports C
- Florida for Kennedy Committee, Schedule A for Line 14a, Year-End Report D

Kennedy for President Committee	\$1,000	12/17/79
" " " "	500	2/11/80
Florida for Kennedy Committee	2,000	11/05/79
	<u>\$3,500</u>	

REASON(S) FOR REFERRAL: ATTACHMENT

This individual, having contributed to both the Principal Campaign Committee for Sen. Kennedy as well as a single candidate committee(s) supporting Sen. Kennedy, appears to have exceeded the limitations of 2 U.S.C. 441a(a)(1) and the restriction as defined in 11 C.F.R. 110.1(h).

OTHER RELEVANT INFORMATION: ATTACHMENT

ATTACHMENT I

**Schedule of Individuals Who Have Contributed
to Kennedy for President and Florida for Kennedy in
an Aggregate Amount in Excess of \$1,000**

1) McAiley, Thomas W.

Florida for Kennedy Committee	\$1,000	11/6/79	Year-End Report
Kennedy for President Cmte	\$ 250	11/9/79	Year-End Report
" " " "	\$ 720	2/13/80	March 20 Report
	<u>\$1,970</u>		

2) Rosen, Marvin S.

Florida for Kennedy Committee	\$1,000	11/6/79	Year-End Report
Kennedy for President Committee	\$1,000	11/16/79	Year-End Report*
	<u>\$2,000</u>		

3) Whilden, Stephen H.

Florida for Kennedy Committee	\$2,000	11/5/79	Year-End Report
Kennedy for President Committee	\$1,000	12/17/79	Year-End Report
" " " "	\$ 500	2/11/80	March 20 Report+
	<u>\$3,500</u>		

- * This contribution was reported on the Kennedy for President Committee's "Escrow" Account pending further information on the contributor.
- + This contribution is being being investigated by normal procedures to determine the actual contributor and whether or not the individual has, in fact, contributed in excess of \$1,000 directly to the Kennedy for President Committee.

83040384897

FEC Form 1
July 1976
Federal Election Commission
1205 K Street, N.W.
Washington, D.C. 20045

Statement of Organization For a Political Committee

Supporting any candidate for federal office and authorizing contributions and expenditures in excess of \$1,000 in any calendar year in support of such candidate.
(See Reverse Side For Instructions.)

RECEIVED
FEDERAL ELECTION
COMMISSION

78 OCT 28 AM 11:37

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with the campaign shall maintain separate records with respect to each election.

1(a) Name of Committee (in full) <input type="checkbox"/> Check if name or address is changed Kennedy For President Committee	2 Identification Number
1(b) Address (number and street) 1260 - 22nd Street, N. W.	3 Date October 26, 1979
1(c) City, State and ZIP code Washington, D. C. 20037	4 Is this an amended statement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "YES" FILL IN ONLY THOSE LINES ON WHICH THERE HAS BEEN A CHANGE

5 Check one:

(a) This committee has been designated as the principal campaign committee for Edward M. Kennedy (Name of Candidate) a candidate for President of the United States in the 1980 (Year of election) election to be held in the State of All (State in which election is held) (THE PRINCIPAL CAMPAIGN COMMITTEE WILL FORWARD TO THE COMMISSION A COPY OF THE STATEMENT OF ORGANIZATION OF EACH AFFILIATED COMMITTEE REQUIRED TO FILE WITH IT.)

(b) This committee is supporting only one candidate, and is authorized by _____ (Name of Candidate) to receive contributions and make expenditures with respect to the _____ (General, Primary, Runoff, etc) election held in _____ (Year of election in State), and will file all reports and statements with the candidate's principal campaign committee, _____ (Full name of principal campaign committee) (ATTACH A COPY OF CANDIDATE'S WRITTEN AUTHORIZATION.) (FEC FORM 2a)

(c) This committee supports only one candidate _____ (Name of Candidate) but is not an authorized committee.

(d) This committee supports more than one Federal candidate and is not a party committee.

(e) This committee is a _____ committee of the _____ Party. (National, State, county, city) (Democratic, Republican, etc.)

6 Name of affiliated and/or connected organizations	Mailing address and ZIP code	Relationship
NONE		

If the registering political committee has identified a "connected organization" above, please indicate type of organization:
 Corporation Labor organization Membership organization Trade association Cooperative
 Corporation without capital stock Other (please specify)

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

8, 3, 0, 4, 0, 3, 9, 4, 8, 9, 3

Statement of Organization For a Committee

(Page 2)

Name of Committee
Kennedy For President Committee

7 Area, Scope and Jurisdiction of Committee:

- (a) Will this committee operate in more than one State? Yes No
- (b) Will it operate on a statewide basis in one State? Yes No
- (c) Will it primarily support candidates seeking State or local office? Yes No
- (d) Will it support or does it anticipate supporting directly or indirectly, candidates for Federal office in excess of \$1,000 in a calendar year? Yes No

8 (a) List by name, address, office sought, and party affiliation, any candidates for Federal office that this committee is supporting:

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party
Edward M. Kennedy	2241 Dirksen Senate Office Building Washington, D. C. 20510	President of the United States	Democratic

8 (b) List by name, address, office sought, and party affiliation, any candidates for any other public officials that this committee is supporting (unless the committee is supporting the entire ticket of a party as indicated in line 9)

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

9 If this committee is supporting the entire ticket of a party, give name of party ▶

10 Identify by name, address and position, the person in possession of committee books and records:

Full name	Mailing address and ZIP code	Title or position
Martin Katz	1260 - 22nd Street, N.W. Washington, D. C. 20037	Director of Finance and Administration

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

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Statement of Organization for a Committee
 (Page 3)

Name of Committee
Kennedy For President Committee

11 List by name, address and position, other principal officers of the committee (include chairman, treasurer, secretary, assistant treasurer, assistant secretary, members of finance committee):

Full name	Mailing address and ZIP code	Title or position
Stephen E. Smith	1260 - 22nd Street, N. W. Washington, D. C. 20037	Chairman
Carolyn Reed	1260 - 22nd Street, N. W. Washington, D. C. 20037	Treasurer
Martin Katz	1260 - 22nd Street, N. W. Washington, D. C. 20037	Director of Finance and Administration
John E. Nolan, Jr.	1250 Connecticut Ave., N.W. Washington, D. C. 20036	General Counsel

12 Does this committee plan to stay in existence beyond the current calendar year? Yes No
 If "Yes" for how long? **Through Presidential Election**

13 In the event of dissolution, what disposition will be made of residual funds? **After settlement of debts, any residual funds will be disbursed to Democratic candidates in accordance with Federal Election Laws.**

14 List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
National Savings and Trust Company	1 Indiana Avenue, N. W. Washington, D. C. 20001

15 List all election reports required to be filed by this committee with State and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports (other than reports filed with Secretaries of State pursuant to USC 4324a):

Report title	Date required	Name and position of recipient	Mailing address and ZIP code

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate pages.

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

Carolyn A. Reed
 (Signature of Treasurer)

Oct. 26, 1979
 (Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g or §441) (see instructions)

For further information contact:

Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20463

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Statement of Organization For a Political Committee

FEC ATTACHMENT B

Supporting any candidate(s) for federal office and anticipating contribu-
tions or expenditures in excess of \$1,000 in any calendar year in support
of such candidate(s).

(See Reverse Side For Instructions.)

RECEIVED
FEDERAL ELECTION
COMMISSION

79 MAY 29 11:37

Election Commission
1100 K Street, N.W.
Washington, D.C. 20463

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

1(a) Name of Committee (in full) <input type="checkbox"/> Check if name or address is changed Florida For Kennedy Committee	2 Identification Number
(b) Address (number and street) Twelfth Floor, Greater Miami Federal Bldg.	3 Date May 22, 1979
(c) City, State and ZIP code 200 Southeast First Street Miami, Florida 33131	4 Is this an amended statement <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF "YES" FILL IN ONLY THOSE LINES ON WHICH THERE HAS BEEN A CHANGE

5 Check one:

(a) This committee has been designated as the principal campaign committee for _____ (Name of Candidate) a candidate for _____ (Federal office sought) in the _____ (Year of election) Election to be held in the State of _____ (State in which election is held)

(THE PRINCIPAL CAMPAIGN COMMITTEE WILL FORWARD TO THE COMMISSION A COPY OF THE STATEMENT OF ORGANIZATION FOR EACH AFFILIATED COMMITTEE REQUIRED TO FILE WITH IT.)

(b) This committee is supporting only one candidate, and is authorized by _____ (Name of Candidate) to receive contributions and make expenditures with respect to the _____ Election(s) (General, Primary, Runoff, etc) held in _____ (Year of election in State), and will file all reports and statements with the candidate's principal campaign committee, _____ (Full name of principal campaign committee)

(ATTACH A COPY OF CANDIDATE'S WRITTEN AUTHORIZATION.) (FEC FORM 2a)

(c) This committee supports only one candidate Edward M. Kennedy (Name of Candidate) but is not an authorized committee.

(d) This committee supports more than one Federal candidate and is not a party committee.

(e) This committee is a _____ committee of the _____ Party. (National, State, county, city) (Democratic, Republican, etc.)

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6 Names of affiliated and/or connected organizations	Mailing address and ZIP code	Relationship
NONE	N/A	N/A

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

Corporation Labor organization Membership organization Trade association Cooperative
 Corporation without capital stock Other (please specify)

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

Statement of Organization of a Committee

(Page 2)

Section Commission
4 Street, N.W.
Washington, D.C. 20463

Name of Committee

Florida For Kennedy Committee

7 Area, Scope and Jurisdiction of Committee:

- (a) Will this committee operate in more than one State? Yes No
- (b) Will it operate on a statewide basis in one State? Yes No
- (c) Will it primarily support candidates seeking State or local office? Yes No
- (d) Will it support or does it anticipate supporting directly or indirectly, candidates for Federal office in excess of \$1,000 in a calendar year? Yes No

8 (a) List by name, address, office sought, and party affiliation, any candidate for Federal office that this committee is supporting:

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

(b) List by name, address, office sought, and party affiliation, any candidate(s) for any other public office(s) that this committee is supporting (unless the committee is supporting the entire ticket of a party as indicated in line 9)

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party
NONE	N/A	N/A	N/A

9 If this committee is supporting the entire ticket of a party, give name of party ▶ **N/A**

10 Identify by name, address and position, the person in possession of committee books and records:

Full name	Mailing address and ZIP code	Title or position
Paul D. Friedman, Esq.	Twelfth Floor Greater Miami Federal Building 200 Southeast First Street Miami, Florida 33131	Treasurer

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

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Statement of Organization for a Committee

(Page 3)

Federal Election Commission
1100 K Street, N.W.
Washington, D.C. 20463

Name of Committee

Florida For Kennedy Committee

11 List by name, address and position, other principal officers of the committee (include chairman, treasurer, secretary, assistant treasurer, assistant secretary, members of finance committee):

Full name	Mailing address and ZIP code	Title or position
Mike Abrams	3550 Biscayne Boulevard Suite 500 Miami, Florida 33137	Chairman
Katherine Kelly	P.O. Box 2813 Palm Beach, Florida 33480	Co-Chairman
Joel Alesi	3344 Lee Street Hollywood, Florida 33021	Co-Chairman

12 Does this committee plan to stay in existence beyond the current calendar year? Yes No
If "Yes" for how long? ... **Unknown at present** ...

13 In the event of dissolution, what disposition will be made of residual funds? **Whatever is permissible under applicable law.**

14 List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
Sunset Commercial Bank	10899 Sunset Drive Miami, Florida 33173

15 List all election reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports (other than reports filed with Secretaries of State pursuant to USC 430(a)):

Report title	Dates required	Name and position of recipient	Mailing address and ZIP code
N/A	N/A	N/A	N/A

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

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

Paul D. Friedman
(Signature of Treasurer)

PAUL D. FRIEDMAN

May 22, 1979

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. § 437g or § 441j (see instructions)

For further information contact:



Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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Statement of Organization
 For a Political Committee

Supporting any candidate(s) for federal office and anticipating contribu-
 tions or expenditures in excess of \$1,000 in any calendar year in support
 of such candidate(s).

(See Reverse Side For Instructions.)

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

79 JUL 12 P2:

1(a) Name of Committee (in full) <input type="checkbox"/> Check if name or address is changed Florida For Kennedy Committee	2 Identification Number
(b) Address (number and street) Twelfth Floor, Greater Miami Federal Bldg.	3 Date May 22, 1979
(c) City, State and ZIP code 200 Southeast First Street Miami, Florida 33131	4 Is this an amended statement <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "YES" FILL IN ONLY THOSE LINES ON WHICH THERE HAS BEEN A CHANGE

5 Check one:

(a) This committee has been designated as the principal campaign committee for _____ (Name of Candidate) a candidate for _____ (Federal office sought) in the _____ (Year of election) Election to be held in the State of _____ (State in which election is held)

(THE PRINCIPAL CAMPAIGN COMMITTEE WILL FORWARD TO THE COMMISSION A COPY OF THE STATEMENT OF ORGANIZATION EACH AFFILIATED COMMITTEE REQUIRED TO FILE WITH IT.)

(b) This committee is supporting only one candidate, and is authorized by _____ (Name of Candidate) to receive contributions and make expenditures with respect to the _____ (General, Primary, Runoff, etc) Election held in _____ (Year of election in State), and will file all reports and statements with the candidate's principal campaign committee, _____ (Full name of principal campaign committee)

(ATTACH A COPY OF CANDIDATE'S WRITTEN AUTHORIZATION.) (FEC FORM 2a)

(c) This committee supports only one candidate Edward M. Kennedy (Name of Candidate) but is not an authorized committee.

(d) This committee supports more than one Federal candidate and is not a party committee.

(e) This committee is a _____ (National, State, county, city) committee of the _____ (Democratic, Republican, etc.) Party.

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6 Names of affiliated and/or connected organizations	Mailing address and ZIP code	Relationship
NONE	N/A	N/A

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

Corporation Labor organization Membership organization Trade association Cooperative

Corporation without capital stock Other (please specify)

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

df

Committee

Florida For Kennedy Committee

1-00. Scope and Jurisdiction of Committee:

- (a) Will this committee operate in more than one State? Yes No
- (b) Will it operate on a statewide basis in one State? Yes No
- (c) Will it primarily support candidates seeking State or local office? Yes No
- (d) Will it support or does it anticipate supporting directly or indirectly, candidates for Federal office in excess of \$1,000 in a calendar year? Yes No

8 (a) List by name, address, office sought, and party affiliation, any candidate for Federal office that this committee is supporting:

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

9 (b) List by name, address, office sought, and party affiliation, any candidate(s) for any other public office(s) that this committee is supporting (unless the committee is supporting the entire ticket of a party as indicated in line 9)

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party
NONE	N/A	N/A	N/A

9 If this committee is supporting the entire ticket of a party, give name of party ▶ N/A

10 Identify by name, address and position, the person in possession of committee books and records:

Full name	Mailing address and ZIP code	Title or position
Paul D. Friedman, Esq.	Twelfth Floor Greater Miami Federal Building 200 Southeast First Street Miami, Florida 33131	Treasurer

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

BF

100

Name of Committee **Florida For Kennedy Committee**

List by name, address and position, other principal officers of the committee (include chairman, treasurer, secretary, assistant treasurer, assistant secretary, members of finance committee):

Full name	Mailing address and ZIP code	Title or position
Mike Abrams	3550 Biscayne Boulevard Suite 500 Miami, Florida 33137	Chairman
Katherine Kelly	P.O. Box 2813 Palm Beach, Florida 33480	Co-Chairman
Joel Alesi	3344 Lee Street Hollywood, Florida 33021	Co-Chairman

12 Does this committee plan to stay in existence beyond the current calendar year? Yes No
If "Yes" for how long? Unknown at present

13 In the event of dissolution, what disposition will be made of residual funds? Whatever is permissible under applicable law.

14 List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
Sunset Commercial Bank	10899 Sunset Drive Miami, Florida 33173

15 List all election reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports (other than reports filed with Secretaries of State pursuant to USC 439(a)):

Report title	Dates required	Name and position of recipient	Mailing address and ZIP code
N/A	N/A	N/A	N/A

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

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

Paul D. Friedman
(Signature of Treasurer)

PAUL D. FRIEDMAN

May 22, 1979
(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. § 437c or § 441j (see instructions)

For further information contact:



Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

pdF

KFP is currently requesting supporting documentation for these contributions.

SCHEDULE A-P

ITEMIZED RECEIPTS

KENNEDY FOR PRESIDENT COMMITTEE

FULL NAME AND MAILING ADDRESS	DATE MO DA YR	AMOUNT OF RECEIPT
MULTY, THOMAS M 13042 RICHWOOD RD PHILADELPHIA PA 19116	11/16/79	250.00
PRIVAT, KENNETH PO DRAWER 688 CHONLEY LA 70526	11/16/79	250.00
QUINTANA, N TITO 515 SANDIA SAVINGS BUILDING ALBUQUERQUE NM 87102	11/16/79	250.00
RUSEN, MARVIN S 30TH FLOOR FIRST FEDERAL BLDG MIAMI FL 33131	11/16/79	1,000.00
SANDLER, SAM P O BOX 396 NORFOLK VA 23501	11/16/79	250.00
STEAD & VOGEL, 1025 SOUTH 320TH FEDERAL WAY WA 98003	11/16/79	50.00
STRELITZ, BRIAN 3375 PRINCESS ANNE ROAD NORFOLK VA 23502	11/16/79	250.00
STRELITZ, E J 3375 PRINCESS ANNE ROAD NORFOLK VA 23502	11/16/79	250.00
THATCHER, LUCY D 1520 XANTHUS LANE WAYZATA MN 55391	11/16/79	250.00
THATCHER, PAUL R 1520 XANTHUS LANE WAYZATA MN 55391	11/16/79	250.00
THATCHER, PAUL R SUITE 1807 15 SO 1ST ST MINNEAPOLIS MN 55401	11/16/79	250.00
SUBTOTAL OF RECEIPTS THIS PAGE		3,300.00

30403849073

SCHEDULE A-P LINE 17A

AGGREGATE YTD THIS PERIOD



MR THOMAS B MCALILEY 66 W FLAGLER ST MIAMI FL 33130	LAWYER	11/09/79- \$250.00	\$250.00	\$250.00
MR GEORGE A MCALPICA 950 EAST PAISANO DRIVE EL PASO TX 75401		11/27/79- \$1000.00	\$1000.00	\$1000.00
MR IAIN MCAVOY 950 CUMMINGS CLUB CR ATLANTA GA 30330	INSURANCE ATLANTA GA	11/08/79- \$250.00	\$250.00	\$250.00
MS WILLIAM MCBLAIR JR 2910 FOXHALL RD WASHINGTON DC 20009		12/03/79- \$1000.00	\$1000.00	\$1000.00
MR J J MCCAFFERY JR 27 W BREACHWAY BUTTE MT 59701		11/07/79- \$250.00	\$250.00	\$250.00
MR JOHN W MCCAFFNEY 3450 N LAKE SHORE DR CHICAGO IL 60697	CHICAGO IL	12/12/79- \$1000.00	12/13/79- \$1000.00	\$1000.00
MR WILLIAM A MCCANN 100 N LASALLE ST STE 2110 CHICAGO IL 60601	REAL ESTATE APPRAISER WILLIAM MC CANN & ASSOC INC CHICAGO IL	11/19/79- \$250.00	\$250.00	\$250.00
MR THOMAS D MCCARRON 401 COURT ST PORTSMOUTH NH 03061		12/06/79- \$250.00	\$250.00	\$250.00

PAGE TOTAL \$4,350.00 \$4,350.00

Commission
11, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS
(Contributions, Transfers, Contributions In-Kind,
Federal Funds, Other Income, Loans, Refunds)

(Use separate schedule(s) for each
numbered line)

5200-10

Supporting Lines 16, 17a, 18a, 18b, 19a, 20a, 21a and 22a
of FEC Form 3P

FEI -

NOTE: Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

Name of Candidate or Committee in Full

KENNEDY FOR PRESIDENT COMMITTEE

A. Full Name, Mailing Address and ZIP Code

✓ Thomas W. McAiley
66 West Flagler Street
Miami, Florida 33130

Date (month,
day, year)

2/13/80

Amount of each
receipt this period

in kind
\$720

Principal Place of Business

Beckham, McAiley & Proenza
Miami, Florida

Occupation

Lawyer

Aggregate Year-To-Date ... ▶ \$ 720.00

B. Full Name, Mailing Address and ZIP Code

✓ Kevin McCarthy
2490 S.W. 14th Drive
Gainesville, Florida 32608

Date (month,
day, year)

2/15/80

Amount of each
receipt this period

in kind
\$20

Principal Place of Business

Occupation

Aggregate Year-To-Date ... ▶ \$ 20.00

C. Full Name, Mailing Address and ZIP Code

✓ Ginny Montez
925 E. Magnolia
Tallahassee, Florida 32301

Date (month,
day, year)

2/8/80

Amount of each
receipt this period

in kind
\$10

Principal Place of Business

Occupation

Aggregate Year-To-Date ... ▶ \$ 10.00

D. Full Name, Mailing Address and ZIP Code

✓ Jim Fendrich
1526 Belleau Wood
Tallahassee, Florida 32312

Date (month,
day, year)

2/8/80

Amount of each
receipt this period

in kind
\$30

Principal Place of Business

Occupation

Aggregate Year-To-Date ... ▶ \$ 30.00

E. Full Name, Mailing Address and ZIP Code

✓ Jon Ausman
610 Truett
Tallahassee, Florida 32303

Date (month,
day, year)

2/8/80

Amount of each
receipt this period

in kind
\$15

Principal Place of Business

Occupation

Aggregate Year-To-Date ... ▶ \$ 15.00

F. Full Name, Mailing Address and ZIP Code

✓ Sheila Meehan
5009 Patricia Street, Tampa, Florida 33617

Date (month,
day, year)

2/18/80

Amount of each
receipt this period

in kind
\$25

Principal Place of Business

Occupation

Aggregate Year-To-Date ... ▶ \$ 25.00

SUBTOTAL of Receipts This Page (optional)

\$ 820.00

TOTAL This Period (last page this line number only)

\$

83040794910

30 KENNEDY FOR PRESIDENT COMMITTEE 7

SCHEDULE A-P LINE 17A

AGGREGATE YTD THIS PERIOD

.....

NAME AND ADDRESS	CITY AND STATE	DATE	AMOUNT	AGGREGATE YTD	THIS PERIOD
MR STANLEY WESTREICH 6900 LOCH LOMOND DR BETHESDA MD 20834	EXECUTIVE WESTFIELD REALTY ARLINGTON VA	10/29/79- 0250.00	12/14/79- 0750.00	01000.00	01000.00
MS JEAN M WESTWOOD 5302 N 76TH PL SCOTTSDALE AZ 85253	INVESTMENTS & BUILDER SELF EMPLOYED SCOTTSDALE AZ	11/01/79- 0250.00		0250.00	0250.00
MS R CLAIRE WETHERELL 206 SOUTH 3RD EAST MOUNTAIN HOME ID 83647	BUSINESSMAN-OWNER CLARENTY TITLE MOUNTAIN HOME ID	12/31/79- 0250.00		0250.00	0250.00
MR WILLIAM A WETZEL CENTRAL CR BRIARCLIFF NY 10510		12/07/79- 01000.00		01000.00	01000.00
MR JENNOLD WEXLER 400 E RANDOLPH CHICAGO IL 60601		12/12/79- 01000.00		01000.00	01000.00
MR ROBERT V WHEELER BOX 109 TILGEM TN 38672		12/05/79- 0250.00		0250.00	0250.00
MR CHARLES WELAN 411 LAGUNA CT LIVERMORE CA 94550	CONTRACTOR-LAND DEVELOPMENT PDC-LAND DEVELOPMENT LAGUNA CREEK CA	12/10/79- 01000.00		01000.00	01000.00
MR STEPHEN W WHILDEN 2200 NE 17TH PLACE FT LAUDERDALE FL 33309	CLASSIFIED TO SEMINOLE TRIBE SEMINOLE TRIBE OF FLORIDA PELLYWOOD FL	12/17/79- 01000.00		01000.00	01000.00

PAGE TOTAL

05,750.00 05,750.00

83307430 3785 41 97 15 15

KENNEDY FOR PRESIDENT COMMITTEE

PAGE 112

SCHEDULE A-P LINE 17A

AGGREGATE YTD THIS PERIOD

DONOR INFORMATION		PROFESSION		START DATE	AMOUNT	AGGREGATE YTD	THIS PERIOD
MR PETER WEISS 5022 MALDEN AVE BRONX NY 10471	ATTORNEY WEISS, BARD, FROSS ZELNICK & LEM NEW YORK NY	02/04/80-	\$250.00		\$250.00	\$250.00	\$250.00
MR ROBERT H WEISS 501 ROYLSTON ST BOSTON MA 02116	PUBLIC RELATIONS BOSTON MA	02/25/80-	\$250.00		\$250.00	\$250.00	\$250.00
MS JEAN M WESTWOOD 5302 N 79TH PL SCOTTSDALE AZ 85253	INVESTMENTS & BUILDER SELF EMPLOYED SCOTTSDALE AZ	02/12/80-	\$250.00		\$250.00	\$250.00	\$250.00
MR KENNETH M WEXLER 118 NEEDHAM ST NEWTON MA 02161	CONTRACTOR NEWTON MA	02/26/80-	\$500.00		\$500.00	\$500.00	\$500.00
MR ROBERT WEXLER 118 NEEDHAM ST NEWTON HIGHLAND MA 02161	GENERAL CONTRACTOR NEWTON MA	02/22/80-	\$500.00		\$500.00	\$500.00	\$500.00
MR STEPHEN H WHILDEN 2200 NE 17TH PLACE FT LAUDERDALE FL 33305	COUNSEL TO SEMINOLE TRIBE SEMINOLE TRIBE OF FLORIDA HOLLYWOOD FL	02/11/80-	\$500.00		\$500.00	\$500.00	\$500.00
MR LEE C WHITE 1156 15 ST NW WASHINGTON DC 20036	ATTORNEY SELF EMPLOYED WASHINGTON DC	02/01/80-	\$300.00		\$300.00	\$300.00	\$300.00
MR ROBERT WHITE 330 COMMONWEALTH AVE BOSTON MA 02115	CHARLES WHITE NOT CO	02/13/80-	\$500.00		\$500.00	\$500.00	\$500.00

PAGE TOTAL

\$3,050.00

\$3,050.00

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
of FEC FORM 3

Page 17 of 19 for

Line Number 14(a)

(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full

Florida for Kennedy Committee

Full Name, Mailing Address and ZIP Code

Robert Kerlan
301 Rockingham
Los Angeles, CA 90040

Principal Place of Business

501 East Hardy St.
Englewood, CA 90301

Date (month,
day, year)

10/12/79

Amount of each Receipt
this Period

\$500.00

Receipt for:

Primary General Other

Check if Contributor is self-employed

Aggregate Year-To-Date ... \$ 500.00

Full Name, Mailing Address and ZIP Code

Shelby Smith
1933 Sunrise Key Blvd.
Ft. Lauderdale, FL 33304

Principal Place of Business

1933 Sunrise Key
Ft. Lauderdale, FL 33304

Date (month,
day, year)

10/12/79

Amount of each Receipt
this Period

\$350.00

Receipt for:

Primary General Other

Check if Contributor is self-employed

Aggregate Year-To-Date ... \$ 350.00

Full Name, Mailing Address and ZIP Code

Howard Katz
3629 Valleyview Lane
West Bloomfield, Mich 48033

Principal Place of Business

300 Town Center, #2990
Southfield, Michigan

Date (month,
day, year)

10/22/79

Amount of each Receipt
this Period

\$250.00

Receipt for:

Primary General Other

Check if Contributor is self-employed

Aggregate Year-To-Date ... \$ 250.00

Full Name, Mailing Address and ZIP Code

Lewis Fulterman
Box 1085 Ansonia Station
New York, NY 10023

Principal Place of Business

Box 1085, Ansonia Station
New York, NY

Date (month,
day, year)

10/29/79

Amount of each Receipt
this Period

\$250.00

Receipt for:

Primary General Other

Check if Contributor is self-employed

Aggregate Year-To-Date ... \$ 250.00

Full Name, Mailing Address and ZIP Code

Stephen Whilden
2200 N.E. 17th Place
Ft. Lauderdale, FL 33305

Principal Place of Business

6073 Stirling Rd.
Hollywood, FL

Date (month,
day, year)

11/5/79

Amount of each Receipt
this Period

\$2,000.00

Receipt for:

Primary General Other

Check if Contributor is self-employed

Aggregate Year-To-Date ... \$ 3,000.00

Full Name, Mailing Address and ZIP Code

Joel Ferguson
4820 W. Saginaw
Lansing, Michigan 48410

Principal Place of Business

4820 W. Saginaw
Lansing, Michigan

Date (month,
day, year)

11/8/79

Amount of each Receipt
this Period

\$500.00

Receipt for:

Primary General Other

Check if Contributor is self-employed

Aggregate Year-To-Date ... \$ 500.00

Full Name, Mailing Address and ZIP Code

James Gidding
1014 W. Orlawa
Lansing, Michigan 48909

Principal Place of Business

County Courthouse
Mason, Michigan

Date (month,
day, year)

11/8/79

Amount of each Receipt
this Period

\$150.00

Receipt for:

Primary General Other

Check if Contributor is self-employed

Aggregate Year-To-Date ... \$ 150.00

SUBTOTAL of receipts this page (optional)

\$ 4,000.00

TOTAL this period (last page this line number only)

\$

REPORTS ANALYSIS REFERRAL SHEET

DATE June 11, 1980 ANALYST Mike Thompson
TO: Office of General Counsel TEAM CHIEF Irene Allen
THROUGH: STAFF DIRECTOR ^{B.L. for O.B.P.} COMPLIANCE REVIEW Uzama Q. Bism 4/1/80 /PS
FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS JH

CANDIDATE/COMMITTEE: Louisiana for Kennedy Committee (C99001414)
TREASURER: Mr. Oscar W. Boswell, II
ADDRESS: 526 North Parkerson Ave.
Crowley, Louisiana 70526
AFFILIATE(S): ("NONE" as stated on committees Statement of Organization.)

ALLEGATION(S): Acceptance of excessive contribution(s) (loan) from an individual
CITE: 2 U.S.C. 441a(a) & 11 C.F.R. 110.1(h)
ATTACHMENT(S)

DATE INITIATED: May 6, 1980

MANNER IN WHICH REVIEW WAS INITIATED:
 Normal Review Other:
 Special Project: ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM September 10, 1979 TO November 28, 1979

TOTAL RECEIPTS \$ 18,174.22 TOTAL EXPENDITURES \$ 18,174.22
CASH ON HAND \$ 0 DEBTS \$ 0

HISTORY:

RESULTS OF REVIEW: ATTACHMENT
Statement of Organization - Unauth. Single Cand. Cmte - rec'd Sept. 9, 1979 2
October 10, 1979 Report - Schedule A for Line 14a - contribution 3
Entire Termination Report rec'd Nov. 29, '79 disclosing loan and "repayment" 4
Amendment to Termination Report rec'd 12/10/79 explaining "repayment" 6

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT

Telecon with Mr. Oscar W. Boswell, II regarding repayment of loan 5

REASON(S) FOR REFERRAL: ATTACHMENT

Acceptance of excessive contribution: aggregate amount of \$8,500 including time during which there was no "candidate"; amount in excess of \$1,000 after registration of candidate.

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT

OTHER RELEVANT INFORMATION: ATTACHMENT

Note date of first contribution, 9/21/79, before Sen. Kennedy's registration as a candidate for President. Note also second contribution, (loan), made on 11/14/79, after registration of the candidate. (AO 1979-40 ADDRESSED CONTRIBUTION LIMITATIONS WHERE THERE WAS NO CANDIDATE BUT DID NOT DISCUSS LIMITATIONS SHOULD THAT PERSON BECOME A CANDIDATE.)

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:

INDEPENDENT EXPENDITORS

COMMITTEE	DOCUMENT	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
LOUISIANA FOR KENNEDY COMMITTEE								
	1979 STATEMENT OF ORGANIZATION					10SEP79		10 5C99001414
	MISCELLANEOUS REPORT					12SEP79 FROM FEC	5	79FEC/102/1384
	MISCELLANEOUS REPORT					20SEP79 TO FEC	2	79FEC/102/1445
	OCTOBER QUARTERLY	2,000			108	1JUL79 -30SEP79	3	79FEC/103/2181
	TERMINATION REPORT	16,174			18,065	1OCT79 -28NOV79	10	79FEC/103/1776
	TERMINATION REPORT - AMENDMENT	-			-	1OCT79 -28NOV79	2	79FEC/103/1909
	TOTAL TERMINATED	18,174	0	18,173	0		26	TOTAL PAGES

REGGIE HARRINGTON AND BOSWELL

ATTORNEYS AT LAW

REGGIE BUILDING

POST OFFICE DRAWER 0

CROWLEY, LOUISIANA 70536

(512) 783-1877

CABLE: "REGGIELAW"

FEDERAL ELECTION COMMISSION

'79 SEP 10 PM 4:33

EDMUND M. REGGIE
T. BARRETT HARRINGTON
OSCAR W. BOSWELL II

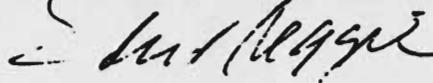
September 7, 1979

Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Dear Sirs:

Enclosed is Statement of Organization for a Political Committee with the request that the same be filed. If there is any question, please let me know. If there is anything further that we should do, I would appreciate your advising me.

Yours very truly,



Edmund M. Reggie

EMR/ski

Enclosure

83040384915

Statement of Organization For a Political Committee

Supporting any candidate(s) for federal office and anticipating contributions or expenditures in excess of \$1,000 in any calendar year in support of such candidate(s).
 (See Reverse Side For Instructions.)

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with any election must maintain separate records with respect to each election.

1(a) Name of Committee (in full) <input type="checkbox"/> Check if name or address is changed Louisiana For Kennedy Committee	2 Identification Number
(b) Address (number and street) 526 North Parkerson Avenue	3 Date September 7, 1979
(c) City, State and ZIP code Crowley, Louisiana 70526	4 Is this an amended statement <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "YES" FILL IN ONLY THOSE LINES ON WHICH THERE HAS BEEN A CHANGE

5 Check one:

(a) This committee has been designated as the principal campaign committee for _____ (Name of Candidate) a candidate for _____ (Federal office sought) in the _____ (Year of election) Election to be held in the State of _____ (State in which election is held)
 (THE PRINCIPAL CAMPAIGN COMMITTEE WILL FORWARD TO THE COMMISSION A COPY OF THE STATEMENT OF ORGANIZATION FOR EACH AFFILIATED COMMITTEE REQUIRED TO FILE WITH IT.)

(b) This committee is supporting only one candidate, and is authorized by _____ (Name of Candidate) to receive contributions and make expenditures with respect to the _____ Election(s) held in _____ (General, Primary, Runoff, etc) held in _____ (Year of election in State), and will file all reports and statements with the candidate's principal campaign committee, _____ (Full name of principal campaign committee)
 (ATTACH A COPY OF CANDIDATE'S WRITTEN AUTHORIZATION.) (FEC FORM 2a)

(c) This committee supports only one candidate Edward M. Kennedy (Name of Candidate) but is not an authorized committee.

(d) This committee supports more than one Federal candidate and is not a party committee.

(e) This committee is a _____ committee of the _____ Party. (National, State, county, city) (Democratic, Republican, etc.)

6 Names of affiliated and/or connected organizations	Mailing address and ZIP code	Relationship
NONE	N/A	N/A

If the registering political committee has identified a "connected organization" above, please indicate type of organization:
 Corporation Labor organization Membership organization Trade association Cooperative
 Corporation without capital stock Other (please specify)

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

83040384917

Name of Committee
Louisiana For Kennedy Committee

- 7 Area, Scope and Jurisdiction of Committee:
- (a) Will this committee operate in more than one State? Yes No
 - (b) Will it operate on a statewide basis in one State? Yes No
 - (c) Will it primarily support candidates seeking State or local office? Yes No
 - (d) Will it support or does it anticipate supporting directly or indirectly, candidates for Federal office in excess of \$1,000 in a calendar year? Yes No

8 (a) List by name, address, office sought, and party affiliation, any candidates for Federal office that this committee is supporting:

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

(b) List by name, address, office sought, and party affiliation, any candidate(s) for any other public office(s) that this committee is supporting (unless the committee is supporting the entire ticket of a party as indicated in line 9)

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party
NONE	N/A	N/A	N/A

9 If this committee is supporting the entire ticket of a party, give name of party ▶

10 Identify by name, address and position, the person in possession of committee books and records:

Full name	Mailing address and ZIP code	Title or position
Oscar W. Boswell II	P. O. Box 735 Crowley, Louisiana 70526	Treasurer

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

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850403849481

Name of Committee **Louisiana For Kennedy Committee**

11 List by name, address and position, other principal officers of the committee (include chairman, treasurer, secretary, assistant treasurer, assistant secretary, members of finance committee):

Full name	Mailing address and ZIP code	Title or position
Edmund M. Reggie	P. O. Drawer D Crowley, Louisiana 70526	Chairman

12 Does this committee plan to stay in existence beyond the current calendar year? Yes No
 If "Yes" for how long? Unknown at present

13 In the event of dissolution, what disposition will be made of residual funds? Whatever is permissible under applicable law.

14 List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
Louisiana Bank and Trust Company	North Avenue G Crowley, Louisiana 70526

15 List all election reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports (other than reports filed with Secretaries of State pursuant to USC 430(a)):

Report title	Dates required	Name and position of recipient	Mailing address and ZIP code
N/A	N/A	N/A	N/A

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

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

Oscar W. Boswell II

September 7, 1979

OSCAR W. BOSWELL II (Signature of Treasurer)

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g or §441j (see Instructions)

For further information contact:

Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
of FEC FORM 3

(Use Separate Schedules for
each numbered line)

FEC ATTACHMENT 3

Name of Candidate or Committee in Full

LOUISIANA FOR KENNEDY COMMITTEE

Schedule A for Line 14;
October 10, 1979 Report

Full Name, Mailing Address and ZIP Code Edmund M. Reggie P. O. Drawer D Crowley, La. 70526	Principal Place of Business 526 North Parkerson Avenue Crowley, Louisiana 70526	Date (month, day, year) 9/21/79	Amount of each Receipt this Period \$ 2,000.00
	Occupation Attorney		
Receipt for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date . . . \$ 2,000.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date . . . \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date . . . \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date . . . \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date . . . \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date . . . \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
	Occupation		

SUBTOTAL of receipts this page (optional) \$

TOTAL this period (last page this line number only) \$ 2,000.00

23844384900

OSCAR W. BOSWELL II
POST OFFICE BOX 735
CROWLEY, LOUISIANA 70526

DEC 4 PM 12 52

November 28, 1979

Federal Election Commission
1325 K. Street, N. W.
Washington, D. C. 20463

Re: Louisiana for Kennedy Committee
ID Number C 99 00 1414

Gentlemen:

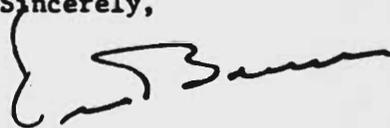
I enclose FEC Form 3 for the period from
October 1, 1979, through November 28, 1979,
which represents a Termination Report on
this committee.

If you have any questions concerning this
report, or if there is anything further
that we must do to terminate the committee,
please contact me.

A copy has been forwarded to the Secretary
of State.

I appreciate your help.

Sincerely,



83040384921

19031031776

REPORT OF RECEIPTS AND EXPENDITURE
 FOR A CANDIDATE OR COMMITTEE
 SUPPORTING CANDIDATE(S) FOR
 NOMINATION OR ELECTION TO FEDERAL OFFICE

(Except for Candidates or Committees Receiving Federal Matching Funds)

73 DEC 4 PM 12 32

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

1 LOUISIANA FOR KENNEDY COMMITTEE
 Name of Candidate or Committee (in full)
526 North Parkerson Avenue
 Address (number and street)
Crowley, Louisiana 70526
 City, State and ZIP Code

2 I.D. No. C 99 00 1414
 Candidate/Committee

3 President
 Office Sought, State/District (if applicable)

Year of Election 1980

Check if address is different than previously reported.

4 Type of Report (check appropriate boxes)

- April 10 Quarterly Report
 July 10 Quarterly Report
 October 10 Quarterly Report
 January 31 Annual Report
 Monthly Report _____ (month) on _____ (date) in the State of _____
- Tenth day report preceding _____ election (primary, general or convention) on _____ (date) in the State of _____
- Thirtieth day report following _____ election (primary, general or convention) _____ (which report)
- Termination Report
 Amendment for: _____
- This is a report for Primary Election General Election Primary and General Other (special, runoff, etc.)

SUMMARY OF RECEIPTS AND EXPENDITURES
 (Figures may be rounded to nearest dollar.)

5 Covering Period	Column A This Period	Column B Calendar Year-To-Date
10-1-79 Through 11-28-79		
6 Cash on hand January 1, 1979		\$ 0.00
7 Cash on hand at beginning of reporting period	\$ 1,891.20	
8 Total receipts (from line 19)	\$ 16,174.22	\$ 18,174.22
(a) Subtotal (Add lines 7 and 8 for Column A and lines 6 and 8 for Column B)	\$ 18,065.42	\$ 18,174.22
9 Total expenditures (from line 25)	\$ 18,065.42	\$ 18,174.22
10 Cash on hand at close of reporting period (Subtract line 9 from line 8a)	\$ 0.00	\$ 0.00
11 Value of contributed items on hand to be liquidated (Attach itemized list)	\$ _____	
12 Debts and obligations owed to the Committee/Candidate (itemize all on Schedule C)	\$ 0.00	
13 Debts and obligations owed by the Committee/Candidate (itemize all on Schedule C)	\$ 0.00	

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

11-28-79
 (Date)

Oscar W. Boswell II, Treasurer
 (Typed Name of Treasurer or Candidate)

[Signature]
 (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437g, or Section 441j (see reverse side of form).

For further information, Contact:

Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20463

or call 800/424-9530

Approved by GAO
 B-187620 (R0506)
 Expires 3-31-81

All previous versions of FEC FORM 3 are obsolete and should no longer be used.

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

DETAILED SUMMARY OF RECEIPTS AND EXPENDITURES
(Page 2, FEC FORM 3)

NAME OF CANDIDATE OR COMMITTEE	REPORT COVERING THE PERIOD	
LOUISIANA FOR KENNEDY COMMITTEE	FROM: 10-1-79	TO: 11-28-79
RECEIPTS	Column A This Period	Column B Calendar Year-To-Date
14. Contributions from Individuals (including contributions in-kind):		
(a) Itemized (use Schedule A)	\$ 9,674.22	
(b) Unitemized	\$ 0.00	
(c) Sales and collections included above: List by event on memo Schedule D (\$ _____)		
(d) Subtotal of contributions from individuals	\$ 9,500.00	\$ 11,500.00
15. Transfers from Political Committees:		
(a) Funds from affiliated/authorized committee (itemize on Schedule A regardless of amount)	\$ 0.00	
(b) Funds from other committees (itemize on Schedule A regardless of amount)	\$ 0.00	
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount)	\$ 0.00	
(d) Subtotal of transfers in and contributions in-kind from political committees	\$ 0.00	\$ 0.00
16. Other Income:		
(a) Itemized (use Schedule A)	\$ 0.00	
(b) Unitemized	\$ 0.00	
(c) Subtotal of other income	\$ 0.00	\$ 0.00
17. Loans and Loan Repayments Received:		
(a) Itemized (use Schedule A)	\$ 6,500.00	
(b) Unitemized	\$ 0.00	
(c) Subtotal of loans and loan repayments received	\$ 6,500.00	\$ 6,500.00
18. Refunds, Rebates, Returns of Deposits:		
(a) Itemized (use Schedule A)	\$ 0.00	
(b) Unitemized	\$ 0.00	
(c) Subtotal of refunds, rebates, returns of deposits	\$ 0.00	\$ 0.00
19. Total Receipts	\$ 16,174.22	\$ 18,174.22
EXPENDITURES		
20. Operating Expenditures:		
(a) Itemized (use Schedule B)	\$ 4,781.52	
(b) Unitemized	\$ 100.00	
(c) Subtotal of operating expenditures	\$ 5,065.42	\$ 5,174.22
21. Loans, Loan Repayments, and Contribution Refunds Made:		
(a) Itemized (use Schedule B)	\$ 6,500.00	
(b) Unitemized	\$ 0.00	
(c) Subtotal of loans and loan repayments made and contribution refunds	\$ 6,500.00	\$ 6,500.00
22. Transfers Out to Political Committees:		
(a) To affiliated/authorized committee (itemize on Schedule B regardless of amount)	\$ 0.00	
(b) To other committees (itemize on Schedule B regardless of amount)	\$ 0.00	
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount)	\$ 0.00	
(d) Subtotal of transfers out	\$ 0.00	\$ 0.00
23. Independent Expenditures (use Schedule E)	\$ 6,500.00	\$ 6,500.00
24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441a(d)) (itemize on Schedule F)	\$ 0.00	\$ 0.00
25. Total Expenditures	\$ 18,065.42	\$ 18,174.22
RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES		
26. Total Receipts (from line 19)	\$ 0.00	
27. Transfers In (from line 15(a))	\$ 0.00	
28. Net Receipts (Subtract line 27 from line 26)	\$ 0.00	
29. Total Expenditures (from line 25)	\$ 0.00	
30. Transfers Out (from line 22(a))	\$ 0.00	
31. Net Expenditures (Subtract line 30 from line 29)	\$ 0.00	

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

(Use Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full

LOUISIANA FOR KENNEDY COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Shirley K. Istre (11) 1240 West 14th St. Crowley, LA 70526	526 North Parkerson Crowley, LA Occupation Secretary	11-27-79	\$750.00, Assumption of debt to Edmund M. Reggie
Receipt for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date ... \$ \$750.00		
T. Barrett Harrington (11) 1127 Wright Crowley, LA 70526	526 North Parkerson Crowley, LA 70526 Occupation Lawyer	11-27-79	\$1,000.00, Assumption of debt to Edmund M. Reggie
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date ... \$ \$1,000.00		
Victoria A. Reggie (11) 3270 Lakeshore Dr. Apt. 9D Chicago, IL 60657	U. S. Court of Appeals Occupation Lawyer	11-27-79	\$750.00 Assumption of debt to Edmund M. Reggie
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date ... \$ \$750.00		
Edmund M, Reggie, Jr. (11) 4106 Constance Street New Orleans, LA 70115	National American Bank 200 Corondelet, New Orleans, LA Occupation Banker	11-27-79	\$1,000.00 Assumption of del to Edmund M. Reggie
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date ... \$ \$1,000.00		
Denis A. Reggie (11) Bayou Shadows Apartments Lafayette, LA 70502	Prophoto South West Court Circle Crowley, LA 70526 Occupation Photographer	11-27-79	\$1,000.00 Assumption of del to Edmund M. Reggie
Receipt for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date ... \$ \$1,000.00		
Gregory F. Reggie (11) 1028 South Carrollton Apartment F New Orleans, LA 70118	Occupation Student	11-27-79	\$1,000.00 Assumption of del to Edmund M. Reggie
Receipt for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date ... \$ \$1,000.00		
Miriam Alicia Reggie (11) 64 New Comb Place New Orleans, LA 70118	Occupation Student	11-27-79	\$1,000.00 Assumption of debt to Edmund M. Reggie
Receipt for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-To-Date ... \$ \$1,000.00		
SUBTOTAL of receipts this page (optional)			\$6,500.00
TOTAL this period (last page this line number only)			\$

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ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

(Use Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full

LOUISIANA FOR KENNEDY COMMITTEE

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Frank Nicoladis 5924 Wheeler Dr. Metairie, LA 70003	2700 Lake Ville Drive Metairie, LA 70002 Occupation Engineer	10-5-79	\$750.00
Receipt for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input checked="" type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date ... \$		\$750.00	
Peggy Nicoladis 5924 Wheeler Dr. Metairie, LA 70003	N/A Occupation Housewife	10-4-79	\$750.00
Receipt for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date ... \$		\$750.00	
Dici Yemelos Rt. 4 Box 90JY Folsom, LA 70437	N/A Occupation Housewife	10-4-79	\$750.00
Receipt for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date ... \$		\$750.00	
John C. Yemelos Rt. 4 Box 90 JY Folsom, LA 70437	2700 Lake Villa Drive Metairie, LA 70002 Occupation Builder	10-5-79	\$750.00
Receipt for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input checked="" type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date ... \$		\$750.00	
Oscar W. Boswell II P. O. Drawer D Crowley, LA 70526	526 North Parkerson Crowley, LA 70526 Occupation Lawyer	11-28-79	\$174.22
Receipt for: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other		<input checked="" type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date ... \$		\$174.22	
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date ... \$			
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date ... \$			
SUBTOTAL of receipts this page (optional)			\$ 3,174.22
TOTAL this period (last page this line number only)			\$ 9,674.22

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

(Use Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full			
LOUISIANA FOR KENNEDY COMMITTEE			
Full Name, Mailing Address and ZIP Code Edmund M. Reggie P. O. Drawer D Crowley, LA 70526	Principal Place of Business 526 North Parkerson Crowley, LA 70526	Date (month, day, year) 11-14-79	Amount of each Receipt this Period \$6,500.00 (Loan)
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date . . . \$			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Occupation			
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date . . . \$			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Occupation			
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date . . . \$			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Occupation			
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date . . . \$			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Occupation			
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date . . . \$			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Occupation			
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date . . . \$			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Occupation			
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Aggregate Year-To-Date . . . \$			
SUBTOTAL of receipts this page (optional)			\$
TOTAL this period (last page this line number only)			\$ 6,500.00

ITEMIZED EXPENDITURES
 (Operating, Transfers Out, Contributions In-Kind,
 Loans, Loan Repayments and Refunds Made)
 Supporting Lines 20a, 21a, and 22a, 22b, and 22c
 of FEC FORM 3

Name of Candidate or Committee in Full			
LOUISIANA FOR KENNEDY COMMITTEE			
Full Name, Mailing Address and ZIP Code Lynn Finley 301 Rayburn, Apt. 57 Lafayette, LA 70506	Particulars of Expenditure Salary	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	10-30-79	\$1,000.00
		11-15-79	\$1,000.00
11-28-79 \$1,000.00			
Full Name, Mailing Address and ZIP Code South Central Bell Shreveport, LA	Particulars of Expenditure Telephone Service	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	10-9-79	\$86.65
		10-22-79	\$23.07
11-20-79 \$103.65			
Full Name, Mailing Address and ZIP Code Postmaster Crowley, LA 70526	Particulars of Expenditure Postage Stamps	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	10-30-79	\$300.00
		11-1-79	\$150.00
11-13-79 \$492.82			
Full Name, Mailing Address and ZIP Code G & R Printing 118 Spruce Street Crowley, LA 70526	Particulars of Expenditure Stationery and Printing	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	11-13-79	\$492.82
		11-13-79 \$118.25	
Full Name, Mailing Address and ZIP Code Geo. W. Rollosson & Son, Inc. P. O. Drawer 327 Crowley, LA 70526	Particulars of Expenditure Office Supplies	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	11-13-79	\$118.25
		11-13-79 \$65.30	
Full Name, Mailing Address and ZIP Code Crowley Telephone Answering Service 510 North Ave. L Crowley, LA 70526	Particulars of Expenditure Telephone Answering	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	11-13-79	\$65.30
		11-13-79 \$387.97	
Full Name, Mailing Address and ZIP Code IBM P. O. Box 1817 Kansas City, KS 64141	Particulars of Expenditure Typewriter Rental and Supplies	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	11-13-79	\$387.97
		11-24-79	\$53.81
11-28-79 \$183.90			
Full Name, Mailing Address and ZIP Code Internal Revenue Service Austin, TX	Particulars of Expenditure Employer's Contribution to Social Security	Date (month, day, year)	Amount of each expenditure this period
Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other		11-28-79	\$183.90
SUBTOTAL of expenditures this page (optional)			\$
TOTAL this period (last page this line number only)			\$ 5,065.42

ITEMIZED EXPENDITURES
 (Operating, Transfers Out, Contributions In-Kind,
 Loans, Loan Repayments and Refunds Made)
 Supporting Lines 20a, 21a, and 22a, 22b, and 22c
 of FEC FORM 3

(Use Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full			
LOUISIANA FOR KENNEDY COMMITTEE			
Full Name, Mailing Address and ZIP Code Edmund M. Reggie P. O. Drawer D Crowley, LA 70526 <i>EW</i>	Particulars of Expenditure Repayment of Loan (repaid by assumption) See Schedule A, Line 14 Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year) 11-27-79	Amount of each expendi- ture this period \$6,500.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expendi- ture this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expendi- ture this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expendi- ture this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expendi- ture this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expendi- ture this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expendi- ture this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expendi- ture this period
SUBTOTAL of expenditures this page (optional)			\$
TOTAL this period (last page this line number only)			\$ 6,500.00

**SCHEDULE E
REVISED**

January, 1978

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

**ITEMIZED INDEPENDENT EXPENDITURE
FOR LINE 23, FEC FORM 3**

(See Reverse Side for Instructions)

Page 1 of 1 Pages

Name of Candidate or Committee in Full LOUISIANA FOR KENNEDY COMMITTEE	I.D. No. C 90 00 1414
Full Name, Mailing Address and ZIP Code LOUISIANA FOR KENNEDY COMMITTEE 526 North Parkerson Avenue Crowley, Louisiana 70526	Is this a Separate Report by a Committee filing on FEC Form 3e? <u>No.</u>

Itemize independent expenditures which exceed, in the aggregate, \$100 within a calendar year.

Full Name, Mailing Address & ZIP Code of Each Payee	Particulars of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Jackson, Nicholson, Wells and Associates, Inc. 3815 Lakeshire Drive Shreveport, La. 71109	Purchase of 5,000 copies of Black College Yearbook to be mailed with message supporting candidate.	11-14-79	\$6,500.00	Edward M. Kennedy <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	\$ 6,500.00	\$ 6,500.00
(b) SUBTOTAL of Unitemized Independent Expenditures	\$ 0	
(c) TOTAL Independent Expenditures	\$	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Subscribed and sworn to before me this 28th day of November, 1979.

My Commission expires: at death
Kristine M. Morrow
NOTARY PUBLIC
Acadia Parish, Louisiana

James W. ...
Signature Date: 11-18-79

TELECONANALYST Mike Thompson
initiated call? yesTELECON WITH: Mr. Oscar W. Boswell, II, Treasurer
initiated call? _____

Candidate/Committee: Louisiana for Kennedy Committee

DATE: 12/5/79

SUBJECT(s): Loan and repayment - Edmund M. Reggie

I called the committee to clarify the "repayment" of a loan from Mr. Edmund Reggie. Mr. Boswell clarified that the loan was repaid "in-kind" by other persons assuming the loan for Mr. Reggie and forgiving the balance - in essence, making a contribution to the committee.

I informed him that the amount of the loan was excessive - he replied that this was the reason that it was "repaid" so quickly - they realized that it was in excess of the limits.

I requested that he send a letter clarifying the loan and "repayment" for the public record. He agreed to do so.

83040384930

OSCAR W. BOSWELL II
POST OFFICE BOX 735
CROWLEY, LOUISIANA 70526

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 DEC 10 AM 9:24

December 5, 1979

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Attention: Mr. Mike Thompson
Re: Louisiana for Kennedy Committee
I. D. Number C-99-00-1414

Dear Mr. Thompson:

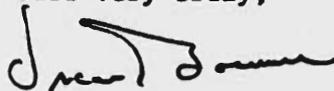
In accordance with your request in our telephone conversation of December 5, I am submitting this letter in further explanation of FEC Form 3, and the termination report of the committee.

Your specific question was with regard to the assumption by various persons of the committee's debt to Edmund M. Reggie.

I enclose a Xerox copy of the Assumption. The intent of the Assumption, as I understand it, and the intent of my report on FEC Form 3 was to indicate that the committee no longer owes this debt to Mr. Reggie, and that its payment has been assumed by the persons listed, in the amount shown. This was the reason for reporting a contribution to the committee by each such person in the amount shown on page 1 of Schedule A for Line 14. In other words, the persons shown on page 1 for Line 14 did not make cash contributions in the amount shown: their contribution was the Assumption.

If you have any further questions, please contact me.

Yours very truly,



83940384931909



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS/MARGARET CHANEY
DATE: JANUARY 7, 1980
SUBJECT: MUR 1038 - Interim Investigative Report #3,
dated 12-9-80; Signed 12-19-80; Received
in OCS 12-22-80, 3:12

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, December 24, 1980.

There were no objections to the Interim Investigative Report at the time of the deadline, however, Commissioner Reiche submitted a comment. A copy of his vote sheet is attached.

ATTACHMENT:
Copy of Vote Sheet

83040384932



BEFORE THE FEDERAL ELECTION COMMISSION

December 9, 1980

80 DEC 22 10:12

In the Matter of)
Florida for Kennedy Committee,)
et al.)

MUR 1038(79)

INTERIM INVESTIGATIVE REPORT #3

Since last reporting to the Commission, the Office of General Counsel has completed taking the depositions of six individuals associated with either the International Association Machinists and Aerospace Workers or the Machinists Non-Partisan Political League. The individuals deposed are William W. Winspisinger, Marjorie Phylfe, William Holayter, Anthony Podesta, William Fenton and Charles Williams.

With regard to the Florida for Kennedy Committee, the Office of General Counsel is still attempting to obtain discovery. On September 22, 1980, the Office of General Counsel filed with the United States District Court for the District of Florida a motion to expedite the Commission's subpoena enforcement petition for document production. On November 6, 1980, the Court entered an order enforcing the subpoena for document production and directing the Florida for Kennedy Committee to produce its documents by December 1, 1980. On November 26, 1980, the Florida for Kennedy Committee filed a motion to vacate the Court's order and requested a stay pending appeal. The Office of General Counsel filed a response in opposition to the motion of the Florida for Kennedy Committee on December 9, 1980. As soon as documents are obtained

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from the Florida for Kennedy Committee, the Office of General Counsel will be prepared to depose Mike Abraham, Sergio Bendixen, and Paul Friedman, individuals associated with the Florida for Kennedy Committee.

The Office of General Counsel had hoped to complete all of its discovery before presenting reports to the Commission. However, due to the length of time since the complaint was filed, we may determine to present reports to the Commission on those issues where discovery is substantially complete.

19 December 1980
Date



Charles N. Steele
General Counsel

83040384933

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Florida for Kennedy, et al.)

MUR 1038 (79)

CERTIFICATION

I, Marjorie W. Emons, recording secretary for the Federal Election Commission's executive session on September 3, 1980, do hereby certify that the Commission decided by a vote of 6-0 to authorize the issuance of subpoenas for deposition to: 1) Mike Abrahms; 2) Sergio Bendixen; and 3) Paul Frieden.

Attest:

9/8/80

Date

Marjorie W. Emons
Marjorie W. Emons
Secretary to the Commission

83040384936

BEFORE THE FEDERAL ELECTION COMMISSION

August 28, 1980

In the Matter of)
Florida for Kennedy, et al.)

MUR 1038(79)

GENERAL COUNSEL'S REPORT

I. Background

This matter originates from a complaint filed on October 4, 1979, and amended on November 2, 1979, by the Carter-Mondale Presidential Committee, Inc. The Commission found reason to believe on October 16, 1979, and on November 14, 1979. On June 17, 1980, the Carter-Mondale Presidential Committee, Inc. requested that the complaint be withdrawn and that the investigation be terminated. The Commission on July 7, 1980, informed the Carter-Mondale Presidential Committee, Inc. and all of the respondents that the Commission was continuing with its investigation.

II. Status of the Investigation

The Office of General Counsel last reported to the Commission on the status of the investigation in this matter by an Interim Investigation Report dated April 9, 1980. The purpose of this report is to bring the Commission up to date on what has occurred since that time and to request that the Commission authorize the taking of three additional depositions for individuals associated with the Florida for Kennedy Committee.

A. Document Production

To date, documents have been produced by 12 of the 13 committees or organizations for which the Commission ordered

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production. Two of these, Wisconsin Democrats for Change in 1980 and the Machinists Non-Partisan Political League, produced their documents since the April 19 Report. Documents have not yet been received from the Florida for Kennedy Committee. A summary of the Commission's efforts to obtain documents from Wisconsin Democrats for Change in 1980, the Machinists Non-Partisan Political League and the Florida for Kennedy Committee follows.

Wisconsin Democrats for Change in 1980 originally declined to produce its documents and on March 25, 1980, the Commission filed a subpoena enforcement petition in the United States District Court for the Western District of Wisconsin. The U.S. District Court, on April 24, 1980, ordered that the documents be produced. On May 9, 1980, Wisconsin Democrats for Change submitted its documents to the Commission.

The Machinists Non-Partisan Political League (MNPL) also declined to produce its documents and on December 31, 1980, the Commission filed a subpoena enforcement petition in the United States District Court for the District of Columbia. On January 30, 1980, the U.S. District Court granted the Commission's petition and ordered the MNPL to produce the requested information. The MNPL filed an appeal of that order with the United States Court of Appeals for the District of Columbia Circuit on February 4, 1980, and moved to stay the U.S. District Court's order pending appeal. MNPL's appeal is still before the U.S. Court of Appeals. On April 2, 1980, the U.S. Court of Appeals denied the MNPL's motion for a stay, and on

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April 7, 1980, MNPL moved the U.S. Court of Appeals to reconsider its denial. On May 9, 1980, the U.S. Court of Appeals denied MNPL's motion for reconsideration. On May 16, 1980, MNPL filed an application for stay with the United States Supreme Court. Then, on May 20, 1980, MNPL filed a motion in the United States District Court for the District of Columbia requesting that the U.S. District Court amend its order to produce by exempting 31 documents from disclosure pending a final determination by the U.S. Court of Appeals on MNPL's appeal. On June 10, 1980, the U.S. District Court denied MNPL's motion and ordered MNPL to comply with the Commission's subpoena should the U.S. Supreme Court denied MNPL's application for a stay. The U.S. Supreme Court denied MNPL's application for a stay on June 16, 1980. On June 18, 1980, MNPL submitted its documents to the Commission.

The Florida for Kennedy Committee also declined to produce its documents and on December 24, 1979, the Commission filed a subpoena enforcement petition in the United States District Court for the District of Florida. Counsel for the Florida for Kennedy Committee filed on January 15, 1980, a motion to stay the proposed order to show cause and to set procedures for subpoena enforcement. On February 12, 1980, the Office of General Counsel submitted to the U.S. District Court a brief on the practice and procedure for subpoena enforcement, and on May 2, 1980, the U.S. District Court issued an order on procedures. On May 11, 1980 Counsel for the Florida for Kennedy Committee and on June 11, 1980, the Office of General Counsel filed briefs on the enforcement of the subpoena but to date no ruling has been made. The staff is preparing a motion to expedite the proceeding.

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B. Depositions

To date, the Office of General Counsel has deposed nineteen individuals in connection with this matter. Of these, five individuals, Dudley Dudley and Dennis Kanin (New Hampshire Democrats for Change), Paul Kirk and Carl Wagner (Kennedy) and Mark Siegel were deposed since the April 19 Report. Six witnesses, William W. Winpisinger, Marjorie Phyfe, William Holayter, Anthony Podesta, William Fenton, and Charles Williams, all associated with the MNPL, have not yet been deposed because they have been the subject of subpoena enforcement proceedings. A summary of the Commission's efforts to obtain the depositions of these individuals follows.

William W. Winpisinger, Marjorie Phyfe, William Holayter, Anthony Podesta, William Fenton, and Charles Williams all declined to appear for their depositions and on May 9, 1980, the Commission filed a petition for an order to show cause why the witnesses should not be held in contempt in the United States District Court for the District of Columbia. On June 10, 1980, the U.S. District Court ordered the six individuals to appear for depositions should the U.S. Supreme Court deny MNPL's application for a stay with regard to the production of documents. After the U.S. Supreme Court denied MNPL's motion for a stay, negotiations with counsel for the six individuals ensued regarding dates for the taking of the depositions. Then, on July 10, 1980, a motion was filed with the Commission requesting that the depositions not be taken. On July 22, 1980, the Commission denied this motion

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and on July 24, 1980, the Office of General Counsel informed the six individuals of a schedule for the taking of the depositions. The six individuals declined to appear for their depositions and on August 1, 1980, the Commission filed a motion with the United States District Court for the District of Columbia for an order to show cause why the six individuals should not be held in contempt. On August 25, 1980, the U.S. District Court ordered the six individuals to appear for deposition within a reasonable time or the Court would hold them in contempt. The Office of General Counsel is currently attempting to set dates for the depositions of the six individuals with their counsel.

III. Further Discovery

The Commission has authorized the taking of depositions for individuals associated with all of the respondents except two, Wisconsin Democrats for Change in 1980 and Florida for Kennedy Committee. The Office of General Counsel had not requested the taking of depositions of individuals associated with those two groups because we first wanted to review their documents. After reviewing the documents submitted by Wisconsin Democrats for Change in 1980, we are of the opinion that little additional information would result from deposing individuals associated with that group and therefore we are not requesting to depose any such individuals.

With regard to the Florida for Kennedy Committee, it is difficult to anticipate when that group's documents will be produced. However, so that we can be prepared to move forward with depositions once the documents are produced, or possibly

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take the depositions without the documents, we are requesting that the Commission authorize the taking of depositions of Paul Friedman, Mike Abrahms, and Sergio Bendixen. Paul Friedman is the treasurer of the Florida for Kennedy Committee. Mike Abrahms and Sergio Bendixen were closely involved with the activities of the Florida for Kennedy Committee.

The Office of General Counsel anticipates that our discovery in this matter will be completed after the depositions of the six individuals associated with the Machinists Non-Partisan Political League are taken, the documents of the Florida for Kennedy Committee are produced, and the depositions of the three individuals associated with the Florida for Kennedy Committee are taken. Once this discovery is completed, which in our view is essential, we will be prepared to make recommendations to the Commission on our findings in this matter.

IV. Recommendation

The Office of General Counsel recommends that the Commission authorize the issuance of subpoenas for deposition to:

- 1) Mike Abrahms;
- 2) Sergio Bendixen; and,
- 3) Paul Friedman.

28 August 1960
Date



Charles N. Steele
General Counsel

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D.C. COMMITTEE FOR A DEMOCRATIC ALTERNATIVE

Barry K. Campbell, Co-Chairman
Mary Ann Keefe, Co-Chairman

P.O. Box 1500 • Washington, D.C. 20013

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GOC #1935
1038

Press Release September 25, 1979
Contact: Grove Smith 333-3646

RECORDED
GENERAL COUNSEL
80 JUL 15 AM 11

The D. C. Committee for a Democratic Alternative sponsored a Democratic Leadership Briefing the evening of September 25 at the Capital Yacht Club. Speakers on the national Draft Kennedy movement were Congressman Richard Nolan, D-Minnesota, William J. Holcyter, International Association of Machinists and Aerospace Workers, and Joseph L. Rauh Jr., Vice President of Americans for Democratic Action (ADA). Dennis R. Kanin, Campaign Manager of the New Hampshire Democrats for change, and Ray Conley, an organizer of the Iowa Committee for Alternatives, were introduced at the meeting. Co-Chairmen Barry K. Campbell and Mary Ann Keefe briefed the group on D. C. activities and plans. Funds were solicited for the campaigns in the important early caucus state of Iowa and primary state of New Hampshire, as well as for expenses in the District.

The D. C. Committee for a Democratic Alternative is a group of Democratic party officials and activists organized to draft Kennedy for President in 1980. Co-Chairmen Barry K. Campbell and Mary Ann Keefe are Democratic Chairmen of Ward Four and Ward Three respectively.

The D. C. Committee already has over 100 members including 28 members of the D. C. Democratic State Committee and nine delegates and alternates to the party's 1976 Convention. Among the membership are Max Berry, treasurer of the Marion Barry for Mayor and John Ray for City Council campaigns, Joseph Carter, Alternate National Committeeman, Lillian Huff, former Democratic National Committeewoman, Douglas E. Moore, former at-large member of the City Council, Joseph L. Rauh, Jr., Vice-President of Americans for Democratic Action (ADA), Ronald R. Richardson, Executive Secretary-Treasurer Hotel and Restaurant Employees Union Local 25 AFL-CIO, and A. Knighton Stanley, Senior Minister. Peoples Congregational Church.

The D. C. Committee set as its immediate goal the building of a strong city-wide organization, ward by ward, community by community, to nominate delegates pledged to Kennedy at the February 16, 1980 D. C. caucuses. A major Draft Kennedy event is being planned for mid-November.

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for Id.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Machinists Non-Partisan Political)
League, et al.)

MUR 1038

CERTIFICATION

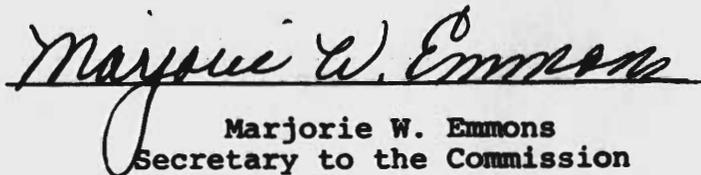
I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 1, 1980, the Commission determined by a vote of 5-0 to approve and send the letter attached to the General Counsel's July 31, 1980 memorandum in the above-captioned matter.

Commissioners Friedersdorf, Harris, McGarry, Tiernan, and Reiche voted affirmatively for the decision.

Attest:

8/1/80

Date


Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 7-31-80, 3:10
Circulated on an expedited tally vote basis: 7-31-80, 4:00

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MEMORANDUM FOR: Mr. J. Edgar Hoover
FROM: Mr. [Name], [Title]
SUBJECT: [Topic]

Please have the enclosed distributed to the
Director and Mr. [Name]. Thank you.

100-403840-43



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 JUL 31 P 3: 10

July 31, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CS*
General Counsel

SUBJECT: Memorandum from counsel representing six
subpoenaed witnesses in MUR 1038

On July 22, 1980, our office received a memorandum from counsel for six witnesses subpoenaed in connection with MUR 1038. See Attachment A. The memorandum refers to the Motion to Withdraw Subpoenas which had been previously submitted on behalf of the same witnesses and which was denied by the Commission on July 22, 1980. See Memorandum to the Commission dated July 18, 1980.

Counsel for the witnesses raises yet another objection to the Commission's investigation in this matter, this time based on the Commission's "reason to believe" notification letter sent to respondent Machinists Non-Partisan Political League ("MNPL"). The letter stated that the Commission had found reason to believe MNPL "may have violated" the Act. See Attachment B. Counsel appears to argue that a finding that there is reason to believe a violation "has occurred" was required by former 2 U.S.C. § 437g (a) (2).

When this objection was raised by another respondent in MUR 1038, the Commission determined that it was not a valid basis for refusing to comply with a Commission subpoena. See General Counsel's Report in Opposition to Motion of Citizens for Democratic Alternatives in 1980 to Quash or Modify Subpoena dated November 21, 1979. This argument was also unsuccessful when raised by that respondent in a subpoena enforcement action. See Federal Election Commission v. Citizens for Democratic Alternatives in 1980, No. 80-0009 (D.D.C. Feb. 29, 1980), appeal docketed, No. 80-1256 (D.C. Cir. March 7, 1980).

The use of the phrase "may have violated" was stylistic in nature and conveyed the understanding that the Commission did not itself adjudicate whether a violation had occurred. The Commission, since passage of the Federal Election Campaign Act Amendments of 1979, has decided as a policy matter to eliminate the "may have violated" reference in its findings and letters. See Commission

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Memorandum No. 752, dated January 31, 1980. However, it is our view that the use of this phrase before then does not undermine the Commission's investigative authority. We believe a court would be persuaded that the Commission had made the requisite finding and given adequate notice.

As noted above, the Commission has already denied the Motion to Withdraw Subpoenas to which the attached memorandum pertains. The claim raised in the memorandum is one which could have been raised in a timely motion to quash subpoenas under 11 C.F.R. § 111.15. We therefore recommend sending a letter to counsel for these witnesses which states that the memorandum is untimely as a motion to quash and is without merit, in any event. See Attachment C.

Recommendation

Send the attached letter (Attachment C).

Attachments:

- A - Memorandum
- B - RTB letter
- C - Proposed letter

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file
LAW OFFICES
RAUH, SILARD AND LIGHTMAN
1001 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

30 JUL 21 P 4: 24

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT G. LIGHTMAN
DANIEL H. POLLITT
MARY M. LEVY

202-521-1796

July 21, 1980

MEMORANDUM

To: FEC Commissioners
From: Joseph L. Rauh, Jr. and John Silard
Subject: Respondents' Motion to Withdraw Subpoenas
in MUR 1038.

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We understand that our July 10, 1980 Motion to Withdraw Subpoenas will be considered at the Commission's meeting tomorrow. In addition to the reasons for withdrawal of subpoenas stated therein, we would like to call the Commission's attention to the total confusion between the Commission's position and the position of its counsel on the Commission's finding necessary to trigger an investigation.

On October 22, 1979 the International Association of Machinists and the Machinists Non-Partisan League received letters from the Commission that the League "may have violated the Federal Election Campaign Act of 1971 as amended." We naturally assumed that the Commission was going on a "may-have-violated" standard.

On Friday, July 18, 1980 (while our motion was and is pending), the Commission Counsel, defending in D. C. Federal

Attachment A

District Court the Commission's action in refusing to investigate coercion by Corporate PACs (Civil Action No. 80-354) stated that "the Commission does not have to investigate, or it cannot investigate unless it finds reason to believe a violation has occurred" (Tr. 27).

In ruling upon our Motion to Withdraw Subpoenas in this case, we ask the Commission to clarify the standard it uses in determining whether to proceed with an investigation. If the standard is "may-have-violated", as the Commission earlier indicated, we believe Judge Barrington Parker should be informed that Commission counsel erred in his submission to the Court. If the standard is that "a-violation-has occurred", then there has been no such finding in this case and such a finding is required before any continuation of the investigation herein.

cc: Charles N. Steele, Esq.
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Howard F. Dow
Secretary-Treasurer, Machinists
Non-Partisan Political League
1300 Connecticut Ave., N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Dow:

This letter is to notify you that the Federal Election Commission has found reason to believe that the Machinists Non-Partisan Political League ("MNPL") may have violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has determined that by contributing, in the aggregate, in excess of \$5,000 in a calendar year to the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate, and Illinois Citizens for Kennedy, MNPL may have violated 2 U.S.C. § 441a(a)(2)(C). The Commission has determined that these four committees, among others, may be affiliated within the meaning of the Act and the Commission's regulations and that, if affiliated, contributions to them must be aggregated for purposes of the limitations set forth in 2 U.S.C. § 441a(a)(2)(C).

Under the Act, MNPL has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, MNPL's response should be submitted within ten (10) days after receipt of this notification. If MNPL intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

Attachment B

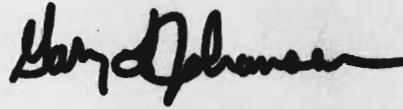
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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless MNPL notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:



Gary L. Johansen
Special Assistant
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

Joseph L. Rauh, Jr. and
John Silard
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Messrs. Rauh and Silard:

This letter is in response to your Memorandum dated July 21, 1980, concerning the Motion to Withdraw Subpoenas submitted by you on behalf of William Winpisinger and others. As you know, the Commission denied that motion on July 22, 1980, and so advised you by letter.

Your memorandum raises an argument which should have been raised in a timely motion to quash the subpoenas in question under 11 C.F.R. § 111.15. In any event, the Commission has found the argument without merit. The use of the phrase "may have violated" in the notification letter sent to the Machinists Non-Partisan Political League was stylistic in nature and conveyed the understanding that the Commission does not adjudicate whether a violation has occurred. Moreover, the argument you have raised was unsuccessfully raised at the district court level by another respondent in this matter. See Federal Election Commission v. Citizens for Democratic Alternatives in 1980, No. 80-0009 (D.D.C. Feb. 29, 1980), appeal docketed, No. 80-1256 (D.C.Cir. Mar. 7, 1980).

Sincerely,

Charles N. Steele
General Counsel

Attachment C

83040384952

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1038
International Association of)
Machinist and Aerospace Workers)
("IAM"))

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on July 22, 1980 the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1038:

1. Deny the Motion of William W. Wimpisinger, William Holayter, Anthony Podesta, Charles F. Williams, William Fenton, and Marjorie Phyfe to Withdraw Subpoenas.
2. Send the letter as attached to the General Counsel's July 18, 1980 memorandum.

Voting for this determination were Commissioners McGarry, Aikens, Friedersdorf, Harris, Reiche, and Tiernan.

Attest:

7/22/80

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 7-18-80, 10:33
Circulated on expedited tally vote basis: 7-18-80, 2:00

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July 14, 1954

MEMORANDUM TO: Marjorie W. Evans
FROM: Ellice T. Carr
SUBJECT: WFO 1033

Fluorocarbon attached has distributed to the
Commission on an expedited tally basis. The total

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 JUL 18 A10: 33

July 18, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CNS*
General Counsel

SUBJECT: Motion of witnesses in MUR 1038 to
withdraw subpoenas

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On July 10, 1980, the Commission received a motion from counsel for six subpoenaed witnesses associated with the International Association of Machinists and Aerospace Workers ("IAM") requesting that the subpoenas be withdrawn. See Attachment A. The motion reasserts arguments made in previous papers filed with the Commission by these witnesses, except that it adds the fact that the complainant in this matter, Carter/Mondale Presidential Committee Inc. ("C-M"), requested withdrawal of the complaint.

The Commission has rejected the arguments made by these witnesses when raised before. See General Counsel's Memorandum of April 22, 1980; General Counsel's Reports of April 15, 1980, January 25, 1980, and January 15, 1980. With regard to the effect of C-M's requested withdrawal of the complaint, the Commission on July 1, 1980, approved a letter to C-M stating in effect that the request for withdrawal would not preclude the Commission from continuing its investigation. See Attachment B and General Counsel's Memorandum of June 25, 1980. The Commission sent a copy of its response to C-M to Mr. Rauh. See Attachment C.

The six witnesses herein have been ordered to comply with their subpoenas by the United States District Court for the District of Columbia. See Attachment D. Their principal arguments have been rejected by the Supreme Court which denied a stay pending appeal of the related subpoena enforcement order issued against the Machinists Non-Partisan Political League. Machinists Non-Partisan Political League v. Federal Election Commission, No. A-994 (Sup. Ct., order denying stay June 16, 1980). In short, these witnesses have already exhausted their opportunities for avoiding appearance for deposition.

Counsel for the witnesses requested in a meeting held on July 10, 1980, that the Commission rule on this motion before filing any contempt papers in district court. While it is our view that the Commission need not do so (otherwise, the mere filing of motion after motion would preclude the Commission from ever obtaining judicial enforcement), we are withholding the filing of contempt papers until the Commission has ruled on this motion. Should the Commission approve the General Counsel's recommendation, however, we anticipate filing contempt papers immediately if counsel for the witnesses then refuses to present his clients for deposition. See Attachment E.

Recommendation

1. Deny the Motion of William W. Winpisinger, William Holayter, Anthony Podesta, Charles F. Williams, William Fenton, and Marjorie Phyfe to Withdraw Subpoenas;
2. Send the attached letter.

Attachments

- A - Motion
- B - Letter to C-M
- C - Letter to Mr. Rauh
- D - Court order
- E - Proposed letter

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Come
1980

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 1038

CARTER-MONDALE PRESIDENTIAL)	
COMMITTEE, INC.,)	
)	
Complainants,)	
)	
v.)	MOTION OF WILLIAM W. WINPISINGER,
)	WILLIAM HOLAYTER, ANTHONY PODESTA,
MACHINISTS NON-PARTISAN)	CHARLES F. WILLIAMS, WILLIAM FENTON
POLITICAL LEAGUE, et al.,)	AND MARJORIE PHYFE TO WITHDRAW
)	SUBPOENAS
Respondents.)	
)	

MOTION FOR WITHDRAWAL OF SUBPOENAS

Come now Respondents and on the basis of recent events move that the Commission withdraw the deposition notices requiring their testimony.

We have previously briefed to this Commission the serious question whether it has any jurisdiction at all over the 1979 candidate draft efforts here in view. Further, we have pointed out serious procedural defects in the Commission's proceedings. And we have demonstrated constitutional violations arising from compulsory testimony demanded in the absence of a cogent and compelling reason for disclosure of First-Amendment protected privacy of political activity.

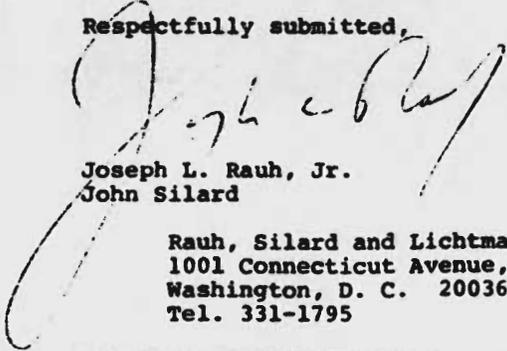
Added to all of these serious points is the new fact that on June 19, 1980 the sworn complaint in this case was withdrawn by the complaining party -- the Carter-Mondale Presidential Committee. We submit that it would be unreasonable harassment of respondents to require their testimony when: (1) the Commission's authority to investigate is in serious doubt; (2) the complaint before the Commission has been withdrawn; (3) serious constitutional rights are at stake,

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and (4) the investigation involves stale events in 1979 constituting at most (if a violation were found) a technical transgression of contributions limitations for which there is no practicable remedy of any kind at this juncture.

Respondents' counsel have a meeting scheduled with the Commission's General Counsel. If that meeting results in an agreement between the parties respecting the outstanding subpoenas, then this Commission's action will not be required. But if an agreement is not achieved then for the reasons herein stated we request that the Commission's subpoenas be withdrawn.

Respectfully submitted,


Joseph L. Rauh, Jr.
John Silard

Rauh, Silard and Lichtman
1001 Connecticut Avenue, N. W.
Washington, D. C. 20036
Tel. 331-1795

Attorneys for Respondents

July 10, 1980

83040384958



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 7, 1980

HAND DELIVERED

Robert S. Strauss, Chairman
CARTER/MONDALE PRESIDENTIAL
COMMITTEE, INC.
1413 K Street, N.W.
Washington, D.C. 20005

Dear Mr. Strauss:

This is in response to your letter of June 17, 1980, concerning the complaint filed by the Carter/Mondale Presidential Committee, Inc. ("C-M") against the political action committee of the International Association of Machinists and Aerospace Workers and various "draft Kennedy" committees. Your letter requested that the C-M complaint be withdrawn and that further investigation and review by the Commission be ended.

Under 2 U.S.C. § 437g the Commission is empowered to review a complaint properly filed with it and to take subsequent action which it deems appropriate under the statute. The C-M complaint, and the amendment thereto, were properly filed with the Commission. Therefore, the Commission will take any action appropriate under the statute.

Please be advised that copies of your letter and of this letter in response have been provided to the respondents in this matter.

Sincerely,

Charles N. Steele
General Counsel

Attachment B

83040384959



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 7, 1980

HAND DELIVERED

Joseph L. Rauh, Jr.
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Rauh:

This is in response to your letters to me dated June 24, 1980, and June 27, 1980. As you know, on June 20, 1980, the Federal Election Commission received a letter from Robert S. Strauss, Chairman of the Carter/Mondale Presidential Committee, Inc. ("C-M"), concerning the complaint and amendment to complaint filed by C-M in the above-captioned matter. We have provided all respondents in this matter with a copy of this letter.

Enclosed you will find a copy of the Commission's response to Mr. Strauss' letter. We trust that this response clarifies that the Commission's investigation of this matter will continue. If you still wish to discuss this matter, please advise me as soon as possible. As you know, we have proposed depositions of your clients beginning on July 10, 1980.

Please be advised that there are other respondents in this matter and that the confidentiality provisions of 2 U.S.C. §437g (a)(12)(A) and 11 C.F.R. §111.21(a) continue to govern your use of the enclosed document.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

Attachment C

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Scott Thomas
RECEIVED
CCC-1667
JUN 10 1980

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERAL ELECTION COMMISSION
1925 K Street, N.W.
Washington, D.C. 20463
(202) 523-4143

Petitioner,

v.

WILLIAM W. WINPISINGER, et al.,

Respondents

Miscellaneous No. 80-0122

FILED ✓

JUN 10 1980

JAMES F. DINEY, Clerk

ORDER

This matter having come before this court for hearing on June 6, 1980, upon the Federal Election Commission's petition for an order to show cause why six of its subpoenas for deposition should not be enforced;

AND it appearing that the ground for refusal to comply with the Commissions subpoenas herein -- a challenge to the authority of the Commission to conduct its investigation -- is identical to the ground for appeal of a district court subpoena enforcement order in Federal Election Commission v. Machinists Non-Partisan Political League, Misc. No. 79-0291 (D.D.C. Jan. 30, 1980), which appeal is presently pending before the United States Court of Appeals for the District of Columbia, No. 80-1136 (D.C. Cir., appeal docketed Jan. 31, 1980);

AND it appearing that the district court denied a stay pending appeal in Misc. No. 79-0291; that the court of appeals denied a stay pending appeal, a motion for reconsideration of its stay denial, and a request for a rehearing en banc of its stay denial; that there is currently pending before the United States Supreme Court an application for a stay pending appeal, No. A-994 (Sup. Ct., application filed May 16, 1980); and that after the stay application was filed with the Supreme Court, the district court in Misc. No. 79-0291 entered an order requiring the respondent there to

(K)

Attachment D

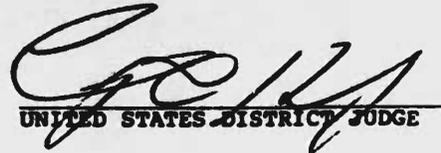
83040384961

comply with the subpoena within 24 hours of a denial of the stay application by the Supreme Court;

AND it appearing that respondents herein have agreed to comply with the subpoenas if the court of appeals in No. 80-1136 affirms the district court subpoena enforcement order and that there is good cause for having respondents comply with the subpoenas as well if the Supreme Court in No. A-994 denies the pending application for a stay;

IT IS HEREBY ORDERED that in the event the Supreme Court in No. A-994 denies the pending stay application regarding the district court order in Misc. No. 79-0291, or the court of appeals in No. 80-1136 affirms the district court subpoena enforcement order in the appeal pending there, respondents herein shall comply with the subpoenas within 10 days of such denial or affirmance, whichever is earlier.

6/10/80
Date


UNITED STATES DISTRICT JUDGE

6/10/80

This order was read to defendant's counsel who stated they had no objection thereto.



83040384962



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Joseph L. Rauh, Jr. and
John Silard
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Messrs. Rauh and Silard:

This is to notify you that the motion to withdraw subpoenas which you submitted on behalf of William W. Winpisinger and others, has been denied by the Commission. The Commission has a statutory duty under 2 U.S.C. § 437g(a) (2) to conduct an investigation in this matter.

Accordingly, we request that the six witnesses you represent appear for deposition at the Commission's offices according to the following schedule:

William W. Winpisinger
Anthony Podesta
William Fenton
Charles F. Williams
Marjorie Phyfe
William Holayter

As you are aware, there is outstanding a district court subpoena enforcement order regarding these six witnesses. Federal Election Commission v. Winpisinger et al., Misc. No.80-0122 (D.D.C. June 10, 1980). We therefore request that you inform this office in writing within two days of your receipt of this letter whether your clients will appear according to the foregoing schedule. If we have not heard from you, we will seek judicial relief.

It is our hope that we can resolve this matter voluntarily. If you have any questions, please contact Marsha Gentner at (202) 523-4057.

Sincerely,

Charles N. Steele
General Counsel

Attachment E

833040384963

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
International Association of)
Machinists and Aerospace)
Workers, et al.)

MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission's executive session on July 1, 1980, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1038:

1. Send to Mr. Robert Strauss the letter attached to the General Counsel's June 25, 1980 report, subject to revisions stipulated at the meeting.
2. Direct the Office of the General Counsel to draft a letter to the several respondents in MUR 1038 and send it along with a copy of the letter from Mr. Robert S. Strauss requesting that the complaint in this matter be withdrawn and the investigation ended, and a copy of the letter of response to Mr. Strauss.

Attest:

7/10/80
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

83040384964



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *me*
DATE: JUNE 26, 1980
SUBJECT: OBJECTION - MUR 1038 - Memorandum to the
Commission dated 6-25-80; Received in
OCS 6-25-80, COB

The above-named document was circulated on a 48
hour vote basis at 11:00, June 26, 1980.

Commissioner Harris submitted an objection at 3:16,
June 26, 1980.

The matter will be placed on the Executive Session
Agenda for Tuesday, July 1, 1980.

B 3 0 4 0 3 8 4 9 6 5

June 21, 1938

MEMORANDUM FOR: Mr. Tolson
FROM: Mr. Clegg
SUBJECT: [Illegible]

Re: [Illegible] [Illegible] of the [Illegible]
in a [Illegible] [Illegible].

03040384966



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 25, 1980

MEMORANDUM TO: The Commission
FROM: Charles N. Steele *CNS*
General Counsel *by [unclear] 6/25*
SUBJECT: Letter from Complainant in MUR 1038

On June 20, 1980, the Commission received a letter from Robert S. Strauss, Chairman of the Carter/Mondale Presidential Committee, Inc. ("C-M"), requesting that the complaint filed by C-M in MUR 1038 be withdrawn and that the investigation by the Commission be ended. A copy of the letter is appended as Attachment A.

The letter does not indicate that the underlying allegations of the complaint were without merit. The letter merely asserts that from the complainant's perspective there is now little to be gained by pursuing the complaint.

Because the Commission is vested with exclusive, primary jurisdiction over enforcement of the Act, 2 U.S.C. §§ 437c (b) (1), 437d(e), there is no need, in our view, for the complainant to continue pressing its charges in order to continue with a Commission investigation. Moreover, the enforcement provisions of the Act contemplate that if a proper complaint is received and the Commission determines there is reason to believe a violation has occurred, the Commission shall make an investigation of such alleged violation. 2 U.S.C. § 437g(a) (2).

The Office of General Counsel recommends that the Commission send the attached letter (Attachment B) to Mr. Strauss. The letter states that the Commission is empowered to take action it deems appropriate on complaints properly filed with it and that the request for withdrawal will not prevent the Commission from taking further action in this matter. The letter we propose sending is thus similar to the letter sent to the complainant in MUR 940 (regarding Republican Volunteers for a Clean Judiciary and Politics) under similar circumstances.

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Memo to Commission
Re: MUR 1038
Page Two

We anticipate receiving inquiries about the Strauss letter, and requests for copies, from respondents in MUR 1038.*/ We further anticipate that some respondents, and particularly those from which the Commission is still seeking information, may resist the Commission's investigation because of the requested withdrawal of the complaint. There are essentially three alternatives the Commission has with regard to release of the Strauss letter: (1) provide a copy of the Strauss letter to respondents if so requested, (2) provide a copy of the letter to respondents without awaiting requests for it, or (3) not provide a copy of the letter even if respondents request it.

It is our recommendation that the staff be authorized to follow the first alternative so that the staff could acknowledge to respondents that such a letter was received and could provide a copy to respondents if they so request. We would inform any recipients that the confidentiality provisions of the statute and regulation still govern their use of the document.

Declining to provide the letter to respondents might be justified in order not to provide respondents information about the course or status of the Commission's investigation or information which could result in legal proceedings by the respondents to halt the Commission's investigation. However, such an outright refusal might lend credence to an argument that the Commission is insecure in its position that it has authority to conduct the present investigation.

Providing the Strauss letter to respondents without their requesting it would comport with the Commission's treatment of the complaint itself which is automatically sent to respondents. See 11 C.F.R. § 111.5(a). However, by so sending the letter to respondents the Commission might be adding a degree of significance to the letter and inviting challenges to the Commission's authority to proceed in this matter. It is our belief that by providing the letter to respondents only if they request it the Commission would be avoiding the

*/ A letter from counsel for respondent Machinists Non-Partisan Political League has already been received regarding the Strauss letter. See Attachment C.

03040384968

Memo to Commission
Re: MUR 1038
Page Three

implication that it is withholding from respondents a basis for challenging its authority while at the same time it would be downplaying the significance of the letter regarding the Commission's actions.

Recommendation

1. Send the attached letter to Robert Strauss.
2. Authorize the Office of General Counsel to acknowledge to respondents receipt of the Strauss letter, if requested, and to provide a copy of the Strauss letter if requested by a respondent.

Attachments:

- A - Strauss letter
- B - Proposed letter
- C - Letter from MNPL

83040384967

CARTER/MONDALE PRESIDENTIAL COMMITTEE, INC.

1413 K STREET, N.W., WASHINGTON, D.C. 20005

(202) 789-7200

1035
Johansen

BCC # 1720

Robert S. Strauss, Chairman
Tim Kraft, National Campaign Manager
S. Lee Kling, Treasurer
Evan S. Dobelle, National Finance Chairman

June 19, 1980

on JUN 20 PM 12: 02

RECEIVED
GENERAL COUNSEL

Honorable Max Friedersdorf
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Chairman:

In October, 1979, the Carter-Mondale Presidential Committee, Inc. ("CMPC"), filed a complaint against the political action committee of the International Association of Machinists and Aerospace Workers and various "draft-Kennedy" committees alleging violations of certain contribution and expenditure limitations of the Federal Election Campaign Act of 1971, as amended ("the Act").

I understand that most, if not all, of these committees have terminated their activity. Further, the CMPC has no evidence whatsoever of any continuing violations of the Act or of any meaningful relief that could be granted almost nine months after the complaint was filed and after the primaries have concluded.

Thus, I was concerned to learn that the Commission staff is now taking the depositions of officials of the Kennedy for President Committee in connection with this matter. In our view, there is now little to be gained by pursuing the CMPC's complaint at this juncture.

Accordingly, this is to request formally that the CMPC's complaint against all parties named in its original filing of October 4, 1979, and the amendment thereto dated November 3, 1979, be withdrawn and that further investigation and review by the Commission be ended. I am aware of the workload and shortage of Commission staff, and believe that a closing of this matter would free them and the Commission for more productive work in connection with the 1980 general election.

I appreciate your courtesy in considering this matter.

Sincerely,

[Signature]
Robert S. Strauss
Chairman

cc: ✓ Charles N. Steele, Esq.
General Counsel

83040384970



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert S. Strauss, Chairman
CARTER/MONDALE PRESIDENTIAL
COMMITTEE, INC.
1413 K Street, N.W.
Washington, D.C. 20005

Dear Mr. Strauss:

This is in response to your letter of June 17, 1980, concerning the complaint filed by the Carter/Mondale Presidential Committee, Inc. ("C-M") against the political action committee of the International Association of Machinists and Aerospace Workers and various "draft Kennedy" committees. Your letter requested that the C-M complaint be withdrawn and that further investigation and review by the Commission be ended.

Under 2 U.S.C. § 437g the Commission is empowered to review a complaint properly filed with it and to take subsequent action which it deems appropriate under the statute. The C-M complaint, and the amendment thereto, were properly filed with the Commission. Therefore, your request for withdrawal of the C-M complaint will not prevent the Commission from taking any action appropriate under the statute.

Sincerely,

Charles N. Steele
General Counsel

Attachment B

83040384971

1756
LAW OFFICES

RAUH, SILARD AND LIGHTMAN

1001 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20008

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT G. LIGHTMAN
BARBARA H. POLLITT
MARY M. LEVY

June 24, 1980

30 JUN 24 1980 2:57
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

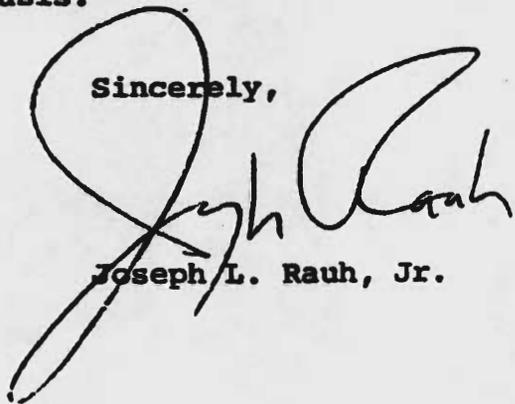
Charles N. Steele, Esq.
General Counsel
Federal Election Commission - 7th floor
1325 K Street, N. W.
Washington, D. C. 20005

Dear Charles:

We are in receipt of a copy of the June 19th letter from the Carter/Mondale Presidential Committee to the Chairman of the Federal Election Commission. This letter formally requests that the CMPC's complaint of October 4, 1979 (as amended November 3, 1979) be withdrawn against all parties, including the Machinists Non-Partisan Political League and the Commission's investigation and review be terminated.

As counsel for the MNPL, we request a meeting with you to discuss this matter upon your return to the city next week. While we have no objection to the withdrawal of the complaint, we do believe that the Commission or its counsel should make clear that their investigation thus far indicates that the complaint being withdrawn was without basis.

Sincerely,



Joseph L. Rauh, Jr.

JLR:ehb

cc: Lawrence M. Noble, Esq.

8304038497



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MWE

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *me*
DATE: MAY 16, 1980
SUBJECT: MUR 1038 - Memorandum to the Commission
dated 5-15-80; Received in OCS
5-15-80, 11:25

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 4:00, May 15, 1980.

There were no objections to the previously approved action mentioned in the above-named document.

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MEMORANDUM FOR: Margaret E. Brown

TO: William F. Barr

DATE: FEB 10 1938

Please have the attached memo distributed to the Commission on a 24 hour no-objection basis. Thank you.

83040384974



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

80 MAY 15 AM 11:26

May 15, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CS*
General Counsel

SUBJECT: Deposition of witnesses Paul Kirk and Carl Wagner in MUR 1038

On April 30, 1980, the Commission voted to deny the application of witnesses Paul Kirk and Carl Wagner to have their depositions taken by written questions and for access to the evidence already obtained by the Commission. A letter was sent to counsel for these witnesses on May 1, 1980, notifying him of the Commission's action and informing him that the Commission would promptly file a subpoena enforcement action unless he notified our office immediately that his clients would appear voluntarily for oral depositions.

In a meeting on May 7, 1980, counsel for the witnesses gave indications that his clients would agree to appear voluntarily. He was requested to confer with his clients and to provide in writing specific dates on which they would appear. Our staff indicated that the Commission had a statutory duty to conduct its investigation expeditiously and that the staff was prepared to take the depositions at any location, on weekends, or in the evening hours, if necessary.

On May 12, 1980, our office received the attached letter from counsel for the witnesses. The letter states that due to scheduling constraints and heavy commitments to the present Kennedy campaign, the witnesses could not appear before June 3, 1980, and would not now agree to appear on any specific date before June 23, 1980.

While we are cognizant of the busy schedules of these individuals, we do not believe that the Commission need wait indefinitely for the taking of these depositions. Accordingly, we have prepared a petition for an order to show cause why the witnesses should not be ordered to comply within one week of a court's order. The Commission has already authorized our office to initiate a civil action to obtain enforcement of the subpoenas. Unless directed otherwise by the Commission, we will file this petition immediately after circulation of this memorandum.

83040384973

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Florida for Kennedy) MUR 1038
Committee et al.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 30, 1980, the Commission decided by a vote of 4-0 to take the following actions regarding MUR 1038:

1. Deny the Application to Have Depositions Taken Upon Written Questions and for Additional Information filed by witnesses Paul Kirk and Carl Wagner.
2. Send the letter as attached to the Memorandum to the Commission dated April 30, 1980.

Voting for this determination were Commissioners Friedersdorf, Reiche, McGarry, and Tiernan.

Attest:

4-30-80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 4-30-80, 9:38
Circulated on Expedited vote basis: 4-30-80, 11:00

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

PLEASE PRINT THE NAME OF THE PERSON OR PERSONS TO WHOM THIS
CORRESPONDENCE IS TO BE MAILED. (SEE INSTRUCTIONS)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
COMMISSION SECRETARY

80 APR 30 A 9: 38

April 30, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CS*
General Counsel

SUBJECT: Application of Subpoenaed Witnesses To Have
Depositions Taken Upon Written Questions
And For Additional Information In MJR 1038

On April 10, 1980, the Commission denied the motion of subpoenaed witnesses Paul Kirk and Carl Wagner to quash subpoenas for oral deposition mailed on February 29, 1980. The depositions were rescheduled for April 24 and 25, 1980. However, in a meeting on April 22, counsel for these witnesses indicated that their clients would not appear as scheduled and that the Commission would be requested to substitute procedures calling for written deposition questions and access by counsel to the investigative files. On April 24, a letter confirming the witnesses' refusal to appear as scheduled was received, and on the following day an "Application to Have Depositions Taken Upon Written Questions and for Additional Information" was received. (The "Application" is appended as Attachment A).

It is our recommendation that the request for substitute procedures be denied. The Commission, we believe, is within the constitutional parameters concerning adequate foundation for its inquiry and the required notice of the subject of the inquiry. Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539(1963); Watkins v. United States, 354 U.S. 178 (1957). The advance submission in writing of proposed questions to counsel for the witnesses, an opportunity to object to the proposed questions, and submission of disputed matters to a court would arguably provide no more protection to the witnesses than they have in an oral deposition. The requested procedure would deprive the Commission of the opportunity for a truly effective and meaningful examination, in our view, and would perhaps serve to delay even further the testimony of these witnesses.

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Although referring to the use of such a procedure in the investigation of the Texas Medical Political Action Committee, applicants Kirk and Wagner fail to point out that the procedure was imposed upon the Commission by Judge Roberts and was not requested in any manner. Indeed, of the nine subpoena enforcement actions which the Commission was obliged to bring in that matter (MURs 253, 369, 618 et al.), only the judge in Texas required the Commission to so alter its deposition procedures. Moreover, applicants' characterization of the Texas procedure as a "marked success" is not accurate. In our view, a good deal of useful examination through spontaneous follow-up questions was foreclosed, and substantial delay was encountered because of the process.

Applicants Kirk and Wagner also request that their counsel be provided transcripts of other depositions taken to date and other "pertinent" documents. This type of request was earlier considered and rejected by the Commission with respect to witnesses Dudley Dudley and Dennis Kanin. See MUR 1038 General Counsel's Report of January 10, 1980. The subpoenas issued to Dudley and Kanin were recently enforced by the United States District Court for New Hampshire, FEC v. Dudley, Case No. M-80-9-L (D.N.H. Apr. 25, 1980).

As an investigative, rather than adjudicative, agency, the Commission is not required to provide such information even to respondents or potential targets of the investigation. Hannah v. Larche, 363 U.S. 420 (1960). Nor, we believe, should the Commission provide such information. It is essential that, to the extent possible, witnesses testify according to their own independent knowledge and not according to what other witnesses have stated.

There is some possibility that even if applicants' request for written questions and for access to the investigative files is denied, the witnesses will nonetheless appear for oral depositions. Counsel for these witnesses has demonstrated a spirit of cooperation. In any event, our office will be prepared to file a subpoena enforcement proceeding immediately should the Commission deny the instant application. In our view, fairly prompt disposition can be expected of the United States District Court for the District of Columbia in light of our previous success there.

830403R4979

Recommendation

1. Deny the Application to Have Depositions Taken Upon Written Questions and for Additional Information filed by witnesses Paul Kirk and Carl Wagner;
2. Send the attached letter.

Attachments:

- A - Application of Kirk and Wagner
- B - Proposed letter

83040384980

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

80 APR 25 11:35 AM FEDERAL ELECTION COMMISSION

APPLICATION TO HAVE DEPOSITIONS
TAKEN UPON WRITTEN QUESTIONS AND
FOR ADDITIONAL INFORMATION

MUR 1038

The Commission has issued subpoenas for depositions of Paul Kirk, Senator Edward M. Kennedy's chief political advisor, and Carl Wagner, director of organization for the Kennedy for President Committee. A motion to quash the subpoenas, based on the interference with the Presidential primary campaign the depositions would cause and the threat they pose to First Amendment rights of freedom of speech and political association, has been denied by the Commission.

We would hope that the Commission's interest in pursuing its investigation expeditiously could be accommodated with the heavy commitments of an ongoing Presidential campaign and the serious Constitutional concerns involved. This application proposes a method of achieving this objective. It seeks to avoid the delay of litigation by suggesting a procedure for the depositions that follows recent Federal Election Commission precedent.

There is no blinking the fact that counsel for the Kennedy for President Committee and the Commission may not agree on the permissible scope of examination and the impact of the First Amendment on these depositions. Our position has been set out in our letter and memorandum of December 13, 1979,

Attachment A

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memorandum of January 18, 1980, and motion to quash these depositions, filed March 10, 1980, and need not be repeated here. These materials and several conferences with Commission counsel suggest that disagreement may well arise with regard to specific questions and particular testimony. It is to the Commission's interest, and clearly to the interests of all parties as well, to provide for the orderly and timely resolution of these issues. The procedure suggested in this application is intended to serve that purpose.

The procedure is essentially that adopted by the United States District Court, Western District of Texas, Austin Division in the Texas Medical Political Action Committee case in 1978, Civil Action No. A-77-CA-228. In that case, Judge Roberts sought "an appropriate and expedient mechanism . . . for facilitating timely resolution" of the Constitutional issues he could foresee arising. As the Commission knows, his order was followed by the parties with marked success, and it provided the effective mechanism he sought. There is even more reason for adopting some variant of that mechanism in this instance.

Essentially, Judge Roberts' procedure provides for:

- (1) depositions taken upon written questions;
- (2) copy of all questions to be provided to counsel for deponents a reasonable period before date of deposition; and
- (3) opportunity in advance of deposition for objections, accompanied by supporting statements, and response.

83040384992

Although the Roberts procedure was carried out under the supervision of a judge because it was adopted in the course of an enforcement proceeding, in the interests of expedition deponents would agree to the procedure here and would seek to resolve differences by advance agreement of counsel. Only if that were not successful might it be necessary to seek to resolve disagreements in the context of an enforcement proceeding. But it is clearly in the best interests of the Kennedy for President Committee, as it must be in the Commission's best interests also, to expedite these depositions and terminate the investigation.

Deponents, in addition, request that their counsel be provided transcripts of other depositions taken to date and pertinent documents obtained in this proceeding for review in advance of the submission of written questions to their counsel. Counsel earlier requested to be present when such other depositions were taken. This request was denied on the ground that the presence of additional counsel could interfere with the smooth conduct of the depositions and would create a precedent that the Commission thought it might be unable to follow in other cases. These considerations do not apply to review of transcripts of the depositions and documents.

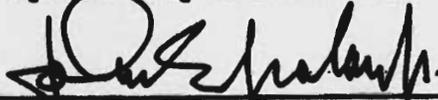
An opportunity to review the transcripts and documents is essential if counsel is to be sufficiently informed to make appropriate objections to deposition questions. This is particularly important where having a proper foundation for the

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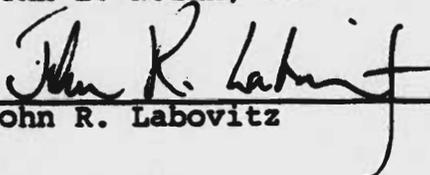
question may be a Constitutional requirement, as it plainly is in several important aspects of this case. This opportunity is also essential under Sec. 437g(a)(3) of the FECA as amended. That section provides for a brief on the legal and factual issues of a case to be filed by respondents in response to the brief of the general counsel on the question of probable cause. There is, of course, no assurance that such a brief will be necessary in MUR 1038, but it would be plainly unfair to withhold necessary information from deponents at the time in the proceeding when it would be most meaningful to them.

The foregoing suggestions are offered in the spirit of cooperation in an effort to facilitate the proposed depositions with due regard to the important Constitutional principles involved. Following the Commission's approval of this proposal, counsel will turn promptly to establishing an early schedule for these depositions.

Respectfully submitted,



John E. Nolan, Jr.



John R. Labovitz

Counsel for Paul Kirk and
Carl Wagner

April 25, 1980

83040384984



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

John E. Nolan, Jr.
c/o Kennedy for President Committee
1250 22nd Street, N.W.
Washington, D.C. 20037

Dear Mr. Nolan:

This is to inform you that the Commission has voted to deny the Application to Have Depositions Taken Upon Written Questions and for Additional Information filed by you on behalf of Paul Kirk and Carl Wagner.

The Commission's interest in thorough and expeditious investigation would best be served by a deposition upon oral examination. Your clients' rights can be adequately protected by appropriate objections raised in the course of such a deposition. Regarding your request for additional information, the Commission would be less effective as an investigative agency if witnesses or their counsel were permitted access to evidence obtained prior to their deposition.

Because the application of your clients has been denied, we must inform you that the Commission will promptly be filing a subpoena enforcement action. Please notify this office immediately if your clients will agree to appear voluntarily for oral depositions.

Sincerely,

Charles N. Steele
General Counsel

Attachment B

63040384983

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Machinists Non-Partisan) MUR 1038
Political League, et al.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 23, 1980, the Commission decided by a vote of 4-0 to take the following actions regarding MUR 1038:

1. Deny MNPL's "Motion to Revoke Subpoenas on Grounds of Unfair Conduct and Abuse of Process."
2. Send the letter as attached to the Memorandum to the Commission dated April 22, 1980.

Voting for this determination were Commissioners Aikens, Harris, Friedersdorf, and Reiche.

Attest:

4-23-80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 4-22-80, 9:26
Circulated on an Expedited basis: 4-22-80, 11:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 APR 22 9:26

April 22, 1980

MEMORANDUM TO The Commission

FROM: Charles N. Steele *CNS*
General Counsel

SUBJECT: Motion to revoke subpoena in MUR 1038

The memorandum is prompted by the receipt on April 16, 1980, of a document entitled "Motion to Revoke Subpoenas on Grounds of Unfair Conduct and Abuse of Process" from counsel representing the Machinists Non-Partisan Political League (MNPL) in the above-mentioned MUR. (See Attachment A). The Office of General Counsel recommends that the Commission deny this "motion" because it is plainly filed out of time under 11 C.F.R. § 111.15 (as well as former 11 C.F.R. § 111.13), and because the allegations set forth in the motion are without merit.

The Commission regulations cited above require that motions to quash be filed with the Commission within five days of receipt of the subpoena. This requirement ensures that challenges to a subpoena be promptly raised and that the administrative remedy be exhausted so that judicial resolution can be quickly obtained, if necessary. MNPL's motion was filed over five months after the Commission's subpoena for documents was issued and a month and a half after the last subpoenas for deposition were issued. While the motion could be denied on this ground alone, we wish to address the allegations in the motion, as well.

This motion is one of six motions filed with the Commission by counsel for the MNPL in this matter. 1/ Movant seeks to have the Commission revoke its subpoena for documents issued to the MNPL even though the Commission denied MNPL's original motion to quash on November 27, 1979, a district court issued a subpoena enforcement order on January 30, 1980, and a court of appeals on April 2, 1980, denied MNPL's motion for a stay of the enforcement order pending the MNPL's appeal. While the MNPL's present motion asserts that Commission staff has acted unfairly and abused the agency process, we believe that the facts and circumstances indicate otherwise.

1/ A motion to quash the Commission's document subpoena issued to the MNPL, a motion to dismiss the complaint, a motion to quash deposition subpoenas issued to three individuals associated with the IAM or MNPL, a motion to postpone the deposition of these three individuals, a motion to quash deposition subpoenas issued to three other individuals associated with the IAM or MNPL, and the motion here involved.

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MNPL first asserts that the Commission's staff made misrepresentations to the Commission through statements contained in a letter from the General Counsel to counsel for MNPL. That letter, which is misquoted by the MNPL in its motion, denied the motion of two MNPL-associated witnesses to quash Commission deposition subpoenas. (See Attachment B). The letter, after explaining that the Commission is not an adjudicatory body, stated: "Consistent with this statutory scheme, there are no provisions in the Act which designate a procedure whereby the Commission may hear oral arguments and rule on a Motion to Dismiss for Lack of Jurisdiction." We submit that that statement is true and that the MNPL provides inaccurate and misguided support for their claim.

The procedures for motions to quash subpoenas (11 C.F.R. § 111.15) do not serve as a vehicle for the Commission to dismiss a complaint or to revoke a "reason to believe" finding, for lack of jurisdiction or any other reasons. Moreover, as we have noted in responses to several motions to quash submitted by MNPL's counsel in this matter, lack of jurisdiction is routinely recognized by the courts as an inappropriate challenge to an investigative agency's subpoena.

The Commission was designed by Congress to investigate possible violations of the Act if it has found "reason to believe" a violation has occurred. Under former 2 U.S.C. § 437g(a)(4), a respondent was to be afforded "a reasonable opportunity to demonstrate that no action should be taken." Under the present statute, an opportunity to demonstrate in writing that no action should be taken and an opportunity to respond to a General Counsel's brief are to be afforded respondents. 2 U.S.C. § 437g(a)(1),(3). Nowhere did or does the statute specify an opportunity for oral hearing, and nowhere did or does it indicate that the Commission must make some jurisdictional determination beyond its "reason to believe" vote before it can conduct an investigation. Consequently, MNPL's claim that the staff has misrepresented the law is without support. 2/

Echoing the assertions made in their pleadings before the Court of Appeals, MNPL claims that the Commission's staff has imposed "grossly unfair procedures." In essence, however, the MNPL is not content with the statutory process

2/ MNPL will, of course, have an opportunity to raise its legal jurisdictional arguments later when the General Counsel issues a probable cause or no probable recommendation. However, we note that in our view, as set forth in several responses to motions to quash submitted to the Commission in this matter, the Commission does have jurisdiction in this investigation, and the MNPL's arguments are strained and plainly without merit.

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created by Congress and with the Commission's adherence to that process. The fact that the Commission is an investigative agency, that it may investigate if it has reason to believe violations of the Act have occurred, and that the Commission need not halt its investigation because a respondent claims that the Commission has no jurisdiction may seem unfair to the MNPL, but Congress clearly had a different perception.

Moreover, in terms of procedural fairness it must be noted that the Commission in fact granted an extension to the MNPL in which to respond to the allegations of the complaint, that the Commission in fact addressed the jurisdictional claim of MNPL as it was raised in MNPL's initial motion to quash, and that in every instance counsel was afforded the specified time in which to file motions to quash the various subpoenas issued to the MNPL or to MNPL-associated witnesses. In light of the statutory mandate that Commission investigations be conducted "expeditiously" (2 U.S.C. § 437d(a)(9)), the MNPL can hardly be heard to complain.

With regard to the MNPL's third contention-- that a pleading filed by our office with the Court of Appeals contained a misrepresentation -- the facts indicate otherwise. In a February 1, 1980, meeting, Commission counsel were told by counsel for the MNPL that the MNPL would comply with the district court subpoena enforcement order if the MNPL's then-contemplated motion for a stay pending appeal was denied by the Court of Appeals. Furthermore, in an April 9, 1980, telephone conversation following the denial of MNPL's motion for a stay, counsel for the MNPL agreed to inform the Commission staff by April 16, whether his client would produce documents, and he represented that it was likely that his client would produce the documents in part, if not in full. ^{3/} Thus, based on counsel's representations, and based on the reasonable assumption that MNPL would obey the outstanding court order to produce in full, the Office of General Counsel was making no misrepresentation when it informed the Court of Appeals that it anticipated that the MNPL would produce the documents requested by April 16.

Contrary to our assumption, however, the MNPL that day notified our office that it would not comply with the outstanding district court order unless and until the MNPL's motion for reconsideration of the denial by the Court of Appeals of a stay has been "disposed of" itself. (See last page of Attachment A).

^{3/} Counsel for MNPL had previously suggested that his client might only agree to produce part of the documents in order to avoid a finding of mootness by the Court of Appeals.

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This response seems to run counter to the spirit of the initial representation by counsel for the MNPL that his client would produce the documents if the Court of Appeals denied MNPL's motion for a stay. The filing of a motion for reconsideration does not nullify or stay the denial of MNPL's request for a stay.

We have no way of knowing how quickly the Court of Appeals will rule on the MNPL's motion for reconsideration. In our view, it is not unlikely that MNPL might attempt even further delaying motions before accepting the fact the Court of Appeals has disposed of the stay question. Accordingly, we have prepared for filing a motion seeking to have MNPL adjudged in contempt of the outstanding district court subpoena enforcement order. We would view the filing of this motion to be in furtherance of the Commission's November 29, 1979, mandate that this office "take all necessary and proper steps to ensure compliance with the requests contained in [MNPL's subpoena]".

Recommendation:

- 1) Deny MNPL's "Motion to Revoke Subpoenas on Grounds of Unfair Conduct and Abuse of Process;"
- 2) Send the attached letter.

Attachments:

- A - MNPL's Motion
- B - Commission letter of 1/21/80
- C - Proposed letter

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1059
FEDERAL ELECTION COMMISSION
BEFORE THE FEDERAL ELECTION COMMISSION

MUR 1038

80 APR 16 P 3: 10
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

CARTER-MONDALE PRESIDENTIAL)
COMMITTEE, INC.,)

Complainants,)

v.)

MACHINISTS NON-PARTISAN)
POLITICAL LEAGUE, et al.,)

Respondents.)

MOTION TO REVOKE SUBPOENAS ON
GROUNDS OF UNFAIR CONDUCT AND
ABUSE OF PROCESS

Filed: April 16, 1980

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Since the Carter-Mondale Committee filed its complaint last year against the draft-Kennedy groups, the procedures of this Commission have become progressively more unfair and tainted by staff misconduct. A misrepresentation made two days ago by Commission counsel to the Court of Appeals for the District of Columbia Circuit prompts us to bring this entire matter before the Commission with a request for a full investigation and the revocation of the MNPL subpoenas.

1. Staff misrepresentations to the Commission. From the outset of these proceedings we have urged that the Commission has no jurisdiction over 1979 candidate-draft activities. The Commission's own Annual Reports since 1976, and a Congressional report last year on the 1980 amendments, expressly stated such absence of jurisdiction (our presentation on that score appears at pp. 14-15 of the attached brief before the Court of Appeals in the MNPL case awaiting argument in that Court). Nevertheless, the Commission on December 14, 1979, by letter from General Counsel Steele advised that our Motion to Dismiss for a lack of Commission jurisdiction was being held for action at the time of the Commission's merits disposition. A letter to us from Counsel Steele on January 21, 1980, states that the ground of the Commission's failure to take action on the Motion to Dismiss for lack

Attachment A

of jurisdiction is that "there are no provisions in the Act whereby the Commission may hear oral arguments and rule on a Motion to Dismiss for lack of jurisdiction."

That is clearly a misrepresentation of law, and if it is the basis of the Commission decision to withhold action it should be reviewed and reversed. The Commission's own regulation § 111.13 specifies that parties may move to quash its subpoenas on any relevant ground, and absence of jurisdiction is clearly a ground on which the Commission could have quashed the MNPL subpoenas last year and can do so now.

2. Unfair procedures. There are reviewed in the attached brief (at pp. 17-21 and 44-48) the grossly unfair procedures which the Commission staff has thrust upon the MNPL throughout this proceeding. Time again reasonable requests for short postponements, or for action to be taken, have been summarily denied and without even explanation. Yet if there is a case in which scrupulous procedures should have been used throughout, it is a case involving charges by representatives of the President of the United States against supporters of his chief opponent for renomination. The very contrary has been the experience here, requiring a full investigation by the Commission of the conduct of its staff.

3. Staff Misrepresentations to the Court of Appeals. Two days ago Commission counsel filed with the Court of Appeals the attached document, which suggests that MNPL has agreed or likely will agree to turn over to the Commission the voluminous subpoenaed materials before the Court of Appeals has even acted on a pending application to reconsider its denial of a stay and to set the case for immediate argument after the Commission's brief is filed on April 25. The Commission's document is a clear misrepresentation. Although Mr. Silard agreed to a meeting with the

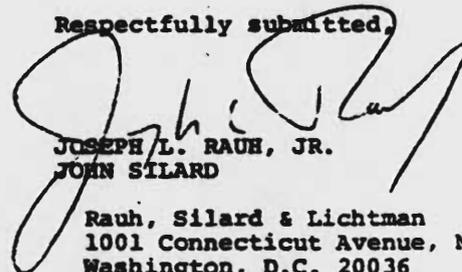
staff on April 16, there has been no offer at all to comply with the Commission's subpoena before the stay matter is finally resolved by the Court of Appeals. Our position on that score is stated in the attached letter to Counsel Steele of April 15. Apparently the zeal of the Commission's staff to foreclose a Court of Appeals decision on this Commission's jurisdiction over this investigation is so great that they will go to any length to achieve their goal.

* * * * *

The misrepresentations and unfair actions we have outlined would require a full Commission investigation in any case, but they surely do so here. The pending charges before the Commission were filed in the heat of battle by representatives of a President who has appointed a majority of the members of this Commission. It is of greatest public importance to preclude any possibility of unfairness or bias in these proceedings.

We request an immediate full investigation by the Commission, and the revocation of the MNPL subpoenas if the facts here set forth are found sustained.

Respectfully submitted,



JOSEPH L. RAUH, JR.
JOHN SILARD

Rauh, Silard & Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 331-1795

Attorneys for Movants

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FEDERAL ELECTION COMMISSION,)

Petitioner-Appellee,)

v.)

No. 80-1136

MACHINISTS NON-PARTISAN POLITICAL)
LEAGUE,)

Respondent-Appellant.)

RESPONSE TO APPELLANT'S MOTION FOR
IMMEDIATE ORAL ARGUMENT

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Petitioner-Appellee, the Federal Election Commission (hereinafter
the "FEC" or "the Commission") hereby asserts that where, as in this
case, the issues of fact and law are clear and concise and have been
fully briefed by the parties, oral argument ^{1/} may not be necessary.
Certainly, since the respondent-appellant, Machinists Non-Partisan Po-
litical League (hereinafter "MNPL") will presumably now comply with
the district court's order enforcing the Commission's subpoena, expedited

1/ While the decision to enforce an administrative subpoena by a
court is limited to the standards of enforceability, that is,
whether the subpoena is definite, within the agency's investi-
gatory power and reasonably relevant to the agency's lawful in-
vestigation, MNPL wishes to discuss the merits of the case,
collateral issues which, as the district court found, have
"nothing to do" with the guidelines of enforceability of an
administrative subpoena. See Joint Appendix attached to appel-
lant's motion (hereinafter J.A.) at 13, 66.

scheduling of oral argument would seem unnecessary.^{2/} In support thereof, the Commission states as follows:

(1) This court by order dated April 2, 1980, granted the Commission's motion to expedite its decision on appellant's application for a stay and declined to issue a stay pending appeal. Thus, the district court's order, dated January 30, 1980, which ordered MNPL to comply with the Commission's subpoena is effective.^{3/}

(2) Since the stay pending appeal has been denied, the Commission is confident that the documents and materials designated in the Commission's subpoena and relevant to the Commission's investigation will be made available for the Commission's inspection in compliance with the district court's order. Counsel for MNPL has stated that a decision on whether to produce the requested documents will be made by

2/ Although MNPL has not yet produced the documents and materials pursuant to the Commission's subpoena, after discussion with counsel for MNPL, the Commission anticipates that full production will be made by April 16, 1980.

3/ The district court's order enforcing the Commission's subpoena in this case applied applicable legal principles. The court found that the inquiry "was within the authority of the Federal Election Commission," that the demand was not too indefinite, and that the information sought was "reasonably relevant if the Commission is going to attempt to carry out its statutory duties as set forth in the Act." J.A. at 13-14, 66-67. The substantive collateral challenges raised by MNPL as to the coverage of the Act and the Commission's jurisdiction are inappropriate to a subpoena enforcement proceeding. See Oklahoma Press Publishing Co. v. Walling, 327 U.S. 186, 205 n.32, 213-14 (1946); Endicott Johnson Corp. v. Perkins, 317 U.S. 501, 509 (1943); Federal Trade Commission v. Texaco, 180 U.S. App. D.C. 390, 407, 555 F.2d 862, 879 (D.C. Cir. 1977) (en banc), cert. denied, 431 U.S. 974 (1977); Federal Maritime Commission v. Port Of Seattle, 521 F.2d 431, 434-36 (9th Cir. 1975); Federal Trade Commission v. Wall Street Transcript Corp., 422 F.2d 1371, 1375 (2d Cir. 1970).

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April 16, 1980, and that counsel will notify the Commission accordingly. These documents will enable the Commission to proceed with its investigation to determine whether MNPL, a multi-candidate political committee registered with the Commission and thus subject to the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq. (hereinafter "the Act"), has in fact committed violations of the Act.

(3) Since the relevant issues raised in this case have been fully briefed by the parties and, more importantly, since the Commission will have received and reviewed documents requested in its subpoena, oral argument on the Commission's jurisdiction to conduct the investigation of the alleged violations of the Act and on collateral legal issues would not seem necessary. MNPL's right to challenge the Commission's jurisdiction and to raise constitutional challenges to the Commission's statutory procedure for processing enforcement matters under 2 U.S.C. § 437g will be preserved without oral argument and may be more appropriately raised by MNPL if and when an action to enforce the Act is brought by the Commission.

The Commission would not object to oral argument, however, should the court believe that oral argument would be helpful in its disposition of this case.

Respectfully submitted,

CHARLES N. STEELE
General Counsel

KATHLEEN IMIG PERKINS
Assistant General Counsel

83040384997

MIRIAM AGUIAR
Attorney

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463
(202) 523-4060

April, 1960

83040384998

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FEDERAL ELECTION COMMISSION,)
)
Petitioner-Appellee,)
)
v.)
)
MACHINISTS NON-PARTISAN POLITICAL)
LEAGUE,)
)
Respondent-Appellant.)

No. 80-1136

CERTIFICATE OF SERVICE

This is to certify that I caused to be mailed a copy of
Respondent Federal Election Commission's Response to Appellant's
Motion for Immediate Oral Argument on the 14th day of April, 1980,
to the following counsel:

John Silard
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Phyllis C. Baytop

Phyllis C. Baytop

83040384999

LAW OFFICES
RAUH, SILARD AND LIGHTMAN

1001 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT G. LIGHTMAN
DANIEL H. POLLITT
MARY M. LEVY

202-381-1798

April 15, 1980

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

Dear Mr. Steele:

Your staff has asked about the status of the subpoena involving the MNPL, upon which the Federal District Court issued an enforcement order last January.

In issuing that order Judge Pratt also provided that no compliance by MNPL would be required until the Court of Appeals resolves the question of a stay. Judge Pratt's action reflected his view, as stated to Mr. Silard (tr. 59), that "You've got the right to an appeal and part of that right to appeal is the right to ask for a stay." And he concluded (tr. 60) that "once you ask for a stay, it seems to me that until the Court of Appeals rules, why you don't have to comply."

Although an order was issued by the Court of Appeals on April 2 (received April 4) denying our stay application, there has been pending in that Court since April 7 our motion for reconsideration submitting our brief on the merits and the Joint Appendix. In that motion we ask for expedited argument immediately after the Commission files its brief (on or before April 25). We point out that by this means all interests will be protected -- both our client's right to a merits ruling by the Court of Appeals before having to comply with the District Court's order, and the Commission's interest in a speedy disposition.

We have hopes that this reasonable compromise will be accepted by the Court of Appeals. Meanwhile, we do not believe that any action by our client is required; Judge Pratt made clear that none would be required until the Court of Appeals has disposed of the stay question and that issue has not been finally resolved by that Court.

Sincerely yours,


John Silard

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 21, 1980

HAND DELIVERED

Joseph L. Rauh, Jr.
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Rauh:

This is to inform you that the Federal Election Commission has voted to deny the motion to quash subpoenas for deposition issued to Charles F. Williams and Anthony Podesta. A copy of the Commission's denial order is enclosed.

We also want to take this opportunity to make it clear that Messrs. Williams and Podesta have been subpoenaed as witnesses, and are not themselves respondents in this matter. Therefore, issues raised in your motion to quash the Williams and Podesta subpoenas concerning the time given the MNPL to respond to the Commission's preliminary finding in this matter are not applicable in this context.

We wish to again inform you that the Commission is not an adjudicatory body and does not make final determinations with respect to coverage of the Federal Election Campaign Act of 1971, as amended ("the Act"), 2 U.S.C. § 431 et seq., or alleged violations of the Act. At most, the Commission may, after an investigation has been conducted, and a brief submitted by respondent, find probable cause to believe a violation of the Act has occurred, and institute a civil action in order to obtain a determination by a district court that the Act has been violated. See 2 U.S.C. § 437g(a)(5)(B). Consistent with this statutory scheme, there are no provisions in the Act which designate a procedure whereby the Commission may hear oral arguments and rule on a Motion to Dismiss for Lack of Jurisdiction. The Commission will, however, as part of its

Attachment B

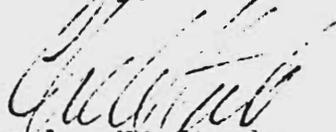
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Letter to: Joseph L. Rauh, Jr.
Page: Two

investigatory and enforcement responsibilities under the Act, see 2 U.S.C. § 437g, consider the issue of whether various respondents and/or the acts that took place are within the coverage of the Act, before the Commission takes further action in this matter in the form of a finding that there is or is not probable cause to believe a violation of the Act occurred. In addition, under the recent amendments to the Act, each respondent, after receiving a "brief" from this Office in support of any recommendation to the Commission to find "probable cause" or "no probable cause" in this matter, will be provided the opportunity to submit a brief to the Commission for its consideration in deciding how to proceed in this matter.

Because their motion to quash has been denied, Messrs. Williams and Podesta are requested to appear for deposition respectively, at 2:00 p.m. on February 11, 1980, and at 10:00 a.m. on February 5, 1980. The deposition of Mr. Williams will be conducted at Room 417, 219 S. Dearborn, Chicago, Illinois, and Mr. Podesta's deposition will be conducted at Room 701, 1325 K Street, N.W., Washington, D.C. In addition, although you have stated that you accepted service for Mr. Podesta, please inform this Office if he has not yet received his subpoena so that we may be sure he receives his witness fee check.

Sincerely,


Charles W. Steele
General Counsel

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

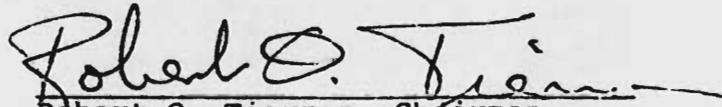
Florida for Kennedy Committee, et al.

)
) MUR 1038
)

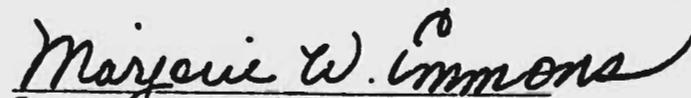
COMMISSION ORDER

The motion of Charles F. Williams and Anthony Podesta to quash the Commission subpoenas for deposition issued on December 26, 1979, is denied. The staff of the Office of General Counsel is directed to take all necessary and proper steps to ensure compliance with the subpoenas.

1-17-80
Date


Robert O. Tiernan, Chairman
Federal Election Commission

ATTEST:


Secretary to the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph L. Rauh, Jr. and
John Silard
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Messrs. Rauh and Silard:

This is to inform you that the Commission has voted to deny the Motion to Revoke Subpoenas filed by you on behalf of the Machinists Non-Partisan Political League. The motion was filed well beyond the time permitted by 11 C.F.R. § 111.15 (and former 11 C.F.R. § 111.13) for motions to quash or modify subpoenas. In any event, the Commission finds the arguments set forth in the motion without merit.

Sincerely yours,

Charles N. Steele
General Counsel

83040385004

Attachment C



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *m*
DATE: APRIL 17, 1980
SUBJECT: ORDER IN RELATION TO MUR 1038

The attached order, approved by a vote of 4-0 on April 15, 1980, has been signed and sealed this date.

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ATTACHMENT:
Order (Phyfe, Holayter, Winpisinger,
Podesta, Williams, & Fenton)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Florida for Kennedy Committee,) MUR 1038
 et al.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 15, 1980, the Commission decided by a vote of 4-0 to take the following acitons regarding MUR 1038:

1. Deny the motion to quash subpoenas or in the alternative to postpone depositions filed by Marjorie Phyfe, William Holayter, and William Winpisinger; deny the motion to postpone depositions filed by Anthony Podesta, Charles Williams, and William Fenton and approve the order attached to the General Counsel's Report dated April 9, 1980.
2. Send the letter, attached to the above-named report, to counsel for these witnesses, and authorize the Office of General Counsel to initiate a civil action against these witnesses, pursuant to 2 U.S.C. §437d(b), should they decline to appear for deposition.

Voting for this determination were Commissioners Friedersdorf, Harris, McGarry, and Reiche.

Attest:

4/15/80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Report signed:

Received in Office of the Commission Secretary:

Circulated on Expedited Vote Basis:

4-14-80
4-15-80, 10:01
4-15-80, 11:00

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MEMORANDUM FOR: [Illegible]
TO: [Illegible]
DATE: [Illegible]

Please have the attached General Counsel's Report
submitted to the Commission on an expedient basis.

[Illegible]

BEFORE THE FEDERAL ELECTION COMMISSION

APRIL 9, 1980

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 APR 15 9:46

In the Matter of)
)
Florida for Kennedy Committee, et al.)

MUR 1038(79)

GENERAL COUNSEL'S REPORT IN OPPOSITION TO MOTION
OF MARJORIE PHYFE, WILLIAM HOLAYTER, AND WILLIAM
WINPISINGER TO QUASH SUBPOENAS AND IN OPPOSITION
TO MOTION OF ANTHONY PODESTA, CHARLES WILLIAMS,
AND WILLIAM FENTON TO POSTPONE DEPOSITIONS

On February 29, 1980, the Commission issued subpoenas for deposition to Marjorie Phyfe, William Holayter, and William Winpisinger in connection with its investigation of possible violations of the Act involving several "draft Kennedy" or "Democratic alternative" committees, Senator Edward Kennedy, and the Machinists Non-Partisan Political League (MNPL). Phyfe, Holayter, and Winpisinger are all associated with the International Association of Machinists and Aerospace Workers (IAM) and MNPL.

On March 5, 1980, the Commission recieved a motion to quash the subpoenas issued to Phyfe, Holayter, and Winpisinger (see Attachment 1). The law firm representing these witnesses also represents the MNPL and three other previously subpoenaed witnesses associated with the IAM (Charles Williams, Anthony Podesta, and William Fenton). Referring to the "Motion to Dismiss" filed November 26, 1979, on behalf of the MNPL and relied upon by the MNPL and the other three witnesses in motions to quash, movants Phyfe, Holayter, and Winpisinger assert that the Commission does not have jurisdiction to investigate the

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matters involved in this MUR.

The Commission has already addressed and rejected this claim in the motions to quash filed by MNPL and witnesses Williams, Podesta, and Fenton. The General Counsel Reports submitted regarding those earlier motions to quash were dated November 21, 1979, January 15, 1980, and January 25, 1980. For the reasons set forth in those reports we recommend that the Commission deny the instant motion to quash filed by Phyfe, Holayter, and Winpisinger.

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These movants ask alternatively for postponement of their appearance for deposition until "judicial disposition" of the same jurisdictional claim in MNPL's appeal of the district court subpoena enforcement order in FEC v. Machinists Non-Partisan Political League, Misc. No. 79-0291 (D.D.C., order enforcing subpoena January 30, 1980), appeal docketed, No. 80-1136 (D.C. Cir., January 31, 1980). A similar motion for postponement was earlier filed on behalf of witnesses Podesta, Williams, and Fenton (see Attachment 2). No action by the Commission was previously recommended regarding these requests for postponement because the Office of General Counsel was awaiting resolution of the motion of MNPL before the Court of Appeals to stay the District Court's subpoena enforcement order.^{1/}

^{1/} Counsel for the witnesses informed the Office of General Counsel orally that the witnesses would not be made available until the Court of Appeals ruled on the jurisdictional claim.

It should also be noted that the motion to postpone depositions filed by Podesta, Williams, and Fenton was filed after the Commission had already denied their motion to quash and was received 40 days after the subpoenas were mailed.

On April 2, 1980, the Court of Appeals denied MNPL's motion to stay the District Court's subpoena enforcement order. (The Office of General Counsel did not receive notice of this action until April 7, 1980). MNPL filed a motion for reconsideration of the denial on April 7, 1980. Because the Court of Appeals has indicated that the Commission may proceed with its document discovery pending MNPL's appeal, we believe it appropriate to proceed with the pending depositions, as well. In our view, every effort must be made to move forward with the investigation, and should these witnesses still decline to appear, we wish to be in a position to initiate subpoena enforcement actions as soon as possible.

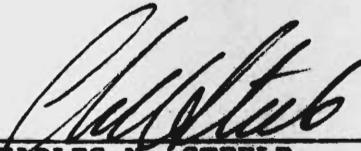
Recommendation

The Office of General Counsel recommends that the Commission deny the motion to quash subpoenas or in the alternative to postpone depositions filed by Marjorie Phyfe, William Holayter, and William Winpisinger and deny the motion to postpone depositions filed by Anthony Podesta, Charles Williams, and William Fenton and that the attached order be approved. It is further recommended that the attached letter be sent to counsel for these witnesses, and that the Office of General Counsel be

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authorized to initiate a civil action against these witnesses, pursuant to 2 U.S.C. § 437d(b), should they decline to appear for deposition.

14 April 1980
DATE



CHARLES N. STEELE
GENERAL COUNSEL

Attachments

1. Motion of Phyfe, Holayter, and Winpisinger
2. Motion of Podesta, Williams, and Fenton
3. Proposed denial order
4. Proposed letter
5. Tally sheet

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BEFORE THE FEDERAL ELECTION COMMISSION

MUR 1038

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CARTER-MONDALE PRESIDENTIAL)
COMMITTEE, INC.,)

Complainants,)

v.)

MACHINISTS NON-PARTISAN)
POLITICAL LEAGUE, et al.,)

Respondents.)

NOTION OF MARJORIE PHYFE,
WILLIAM HOLAYTER AND
WILLIAM WINPISINGER TO
QUASH SUBPOENAS

Filed March 5, 1980

306741

Marjorie Phyfe, William Holayter and William Winpisinger move that the Commission quash the subpoenas served upon them, because the Commission has no jurisdiction in this proceeding which involves pre-candidacy efforts in 1979 to induce the acceptance of Presidential candidacy by Senator Kennedy. The absence of Commission jurisdiction has been documented in the Motion to Dismiss filed by the Machinists Non-Partisan Political League, which is pending before the Commission.

Alternatively, movants ask postponement of their appearances until judicial disposition of the jurisdictional question now pending before the Court of Appeals for the District of Columbia Circuit on appeal by the Machinists Non-Partisan Political League. Insistance upon subpoena responses by movants at this time could only lead to unnecessary and duplicative judicial proceedings on a question already under review in the federal courts.

Respectfully submitted,

Joseph L. Rauh, Jr.
Joseph L. Rauh, Jr.
John Silard

Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.,
Washington, D.C. 20036
(202) 331-1795

Attorneys for Movants

Attachment 1

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RECEIVED
BEFORE THE FEDERAL ELECTION COMMISSION

MUR 1038 30 FEB 4 P2:33

CARTER-MONDALE PRESIDENTIAL)
COMMITTEE, INC.,)
Complainants,)
v.) MOTION OF ANTHONY PODESTA,
MACHINISTS NON-PARTISAN) CHARLES F. WILLIAMS AND
POLITICAL LEAGUE, et al.,) WILLIAM FENTON TO QUASH
Respondents.) SUBPOENAS
Filed January 7, 1980

Anthony Podesta, Charles F. Williams and William Fenton move the Commission to postpone their dates of appearance under the subpoenas served upon them until judicial disposition of the jurisdictional issue in this proceeding which is now pending before the Court of Appeals for the District of Columbia Circuit.

The movants herein have objected to the subpoenas served upon them on the ground that the Commission lacks jurisdiction in this proceeding and have relied upon the showing of the MNPL in its Motion to Dismiss filed with this Commission.

On January 30, 1980 the Commission's enforcement application against the MNPL was granted by the United States District Court, but a Notice of Appeal has been filed and a Stay Application is being filed this date with the United States Court of Appeals for the District of Columbia Circuit.

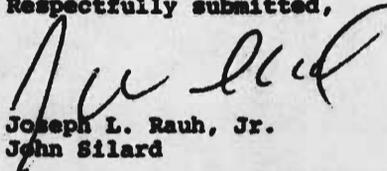
Movants herein have no interest in relitigating the jurisdictional question which is now before the Court of Appeals for the District of Columbia Circuit if in that appellate proceeding the jurisdictional objection is not sustained. Accordingly, movants agree that in such event

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they will not further press their jurisdictional objection and will appear to testify under the subpoenas served upon them.

Under these circumstances, it is submitted that unnecessary proceedings and appearances can be avoided and the interest of all parties preserved by the grant of this motion.

Respectfully submitted,



Joseph L. Rauh, Jr.
John Silard

RAUH, SILARD and LICHTMAN
1001 Connecticut Avenue, N. W.
Washington, D. C. 20036
Tel. 331-1795

Attorneys for Movants

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

Joseph L. Rauh, Jr. and
John Silard
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038(79)

Dear Messrs. Rauh and Silard:

This is to inform you that the Federal Election Commission has voted to deny the motion to quash subpoenas or alternatively to postpone depositions filed by Marjorie Phyfe, William Holayter, and William Winpisinger and the motion to postpone depositions filed by Anthony Podesta, Charles Williams, and William Fenton. A copy of the Commission's denial order is enclosed.

As you know, the United States Court of Appeals for the District of Columbia on April 2, 1980, denied the motion of Machinists Non-Partisan Political League for a stay of the district court subpoena enforcement order pending appeal. FEC v. Machinists Non-Partisan Political League, No. 80-1136 (D.C. Cir., order April 2, 1980). In light of this action, the Commission intends to proceed as expeditiously as possible to conclude its investigation in this matter.

Because their motions to quash subpoenas or to postpone depositions have been denied, witnesses Phyfe, Holayter, Winpisinger, Podesta, Williams, and Fenton are requested to appear for deposition as follows:

Witness

Date and Location

1. Marjorie Phyfe

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Witness

Date and Location

2. William Holayter
3. William Winpisinger
4. Anthony Podesta
5. Charles Williams
6. William Fenton

If you have any questions or problems, please contact
Marsha Gentner or Scott Thomas (telephone number 523-4057 or
523-4000).

Sincerely,

Charles N. Steele
General Counsel

63040385016



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**DENIAL OF MOTION TO QUASH SUBPOENAS AND
MOTION TO POSTPONE DEPOSITIONS IN MUR 1038(79)**

The Federal Election Commission hereby denies the March 5, 1980, motion to quash subpoenas or in the alternative to postpone depositions filed by Marjorie Phyfe, William Holayter, and William Winpisinger and the February 4, 1980, motion to postpone depositions filed by Anthony Podesta, Charles Williams, and William Fenton.

Robert O. Tiernan
Chairman

Max Friedersdorf
Vice Chairman

Thomas E. Harris
Commissioner

Joan D. Aikens
Commissioner

Frank P. Reiche
Commissioner

John W. McGarry
Commissioner

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *m*
DATE: APRIL 16, 1980
SUBJECT: MUR 1038 - Interim Investigative Report #2,
dated 4-9-80; Signed 4-14-80; Received
in OCS 4-15-80, 9:46

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 4:00, April 15, 1980.

There were no objections to the Interim Investigative Report at the time of the deadline.

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April 15, 1960

MEMORANDUM TO: Margaret W. Hoover
FROM: Elisea F. Carr
SUBJECT: MUR 1038

Please have the attached Interim Invest Report distributed to the Commission. Thank you.

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 APR 15 A 9: 46

BEFORE THE FEDERAL ELECTION COMMISSION
April 9, 1980

In the Matter of)
) MUR 1038 (79)
Florida for Kennedy, et al.)

INTERIM INVESTIGATIVE REPORT #2

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This matter stems from a complaint, as amended, filed by the Carter-Mondale Presidential Committee, Inc. ("C-M"). Involved are allegations of affiliation among several "draft-Kennedy" or "Democratic alternative" committees and of consent by Senator Kennedy to the activities of some or all of these committees prior to his announced candidacy. Also included are possible violations of the political committee registration and reporting provisions by two of these committees and by Americans for Democratic Action. See First General Counsel's Reports of October 16 and November 14, 1979, and Interim Investigative Report of December 18, 1979.

In the course of the Commission's investigation, orders for document production were issued to 13 respondent committees or groups. 1/ Subsequently, on December 19, 1979, and

1/ Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (California), Citizens for Democratic Alternatives in 1980 (D.C.), Wisconsin Democrats for Change in 1980, Americans for Democratic Action Campaign Committee (D.C.), Americans for Democratic Action, and Machinists Non-Partisan Political League.

February 12, 1980, the Commission authorized the issuance of a total of 27 subpoenas for deposition to individuals who appeared likely to have knowledge relevant to the allegations. To date, documents have been produced by 10 of the 13 committees or groups, and depositions have been taken of 14 of the 27 witnesses. Of the 13 remaining witnesses, one (Mark Siegel) is to be deposed next week, two witnesses (Dan Torii and Amy Isaacs) are not being deposed because in the course of the investigation it was determined that they have little information relevant to the Commission's investigation, and ten of the witnesses are the subject of motions to quash or postpone pending before the Commission or of subpoena enforcement proceedings. The Commission has met a good deal of resistance in its efforts to obtain discovery from certain of the respondents and from certain witnesses who would seem to possess information central to the investigation.

A summary of the status of the investigation follows, broken down by respondent:

Machinists Non-Partisan Political League (MNPL)

Perhaps the central respondent in this matter in terms of sources of relevant information is the MNPL. The MNPL and six of the subpoenaed witnesses associated with the MNPL 2-- all represented by the same attorney -- have refused to comply with the Commission's document discovery order and subpoenas. The Commission filed an enforcement proceeding with regard to its discovery order in the United States District Court for the

2/ William W. Winpisinger, Marjorie Phylfe, William Holayter, Anthony Podesta, William Fenton, and Charles Williams are all employees of the International Association of Machinists and Aerospace Workers.

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District of Columbia on December 31, 1979. That court granted the Commission's petition and ordered the MNPL to produce the requested information. The MNPL filed an appeal of that order on January 30, 1980, and moved to stay the District Court's order pending appeal. On April 2, 1980, the Court of Appeals denied the MNPL's motion for a stay, and MNPL has moved the Court of Appeals to reconsider its denial. The MNPL filed its appeal brief on March 28, 1980, and the Commission's brief is due on April 25, 1980.

The Office of General Counsel is this week submitting a report in opposition to the motions to quash or postpone filed by the witnesses associated with the MNPL or IAM. Even though counsel for these witnesses has agreed to be bound by the decision of the Court of Appeals regarding the MNPL discovery order, we wish to be in a position to initiate subpoena enforcement against these witnesses as soon as possible should they decline to appear before a Court of Appeals ruling.

Florida for Kennedy Committee (FKC)

FKC refused to comply with the Commission's November 5, 1979, order for documents and responses to written questions. On December 24, 1979, the Commission filed a petition in the United States District Court for the District of Florida seeking enforcement of its order. However, to date that court has yet to issue the Commission's proposed order to show cause setting a hearing date and briefing schedule on the Commission's petition.

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The Office of General Counsel has submitted to the court a brief on the practice and procedure for subpoena enforcement proceedings and is considering further options to expedite the Florida action.

Committee for Alternatives to Democratic Presidential Candidate (Iowa) (CADPC)

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CADPC produced documents pursuant to the Commission's discovery order on November 20, 1979. Two of the subpoenaed witnesses associated with CADPC (Matt Wanning and Arthur Hedberg) were deposed on January 23 and 24, 1980. A third witness associated with CADPC, who is also an employee of the International Association of Machinists (William Fenton), has declined, through counsel, to appear for deposition. His counsel is also representing the respondent Machinists Non-Partisan Political League and several other witnesses. As indicated above, the Office of General Counsel is this week submitting a report in opposition to the motions to quash or postpone filed by these witnesses. 3/

New Hampshire Democrats for Change (NHDC)

NHDC produced documents requested by the Commission on January 16, 1980. However, both subpoenaed witnesses associated with NHDC (Dudley Dudley and Dennis Kanin) have refused to appear for

3/ See p. 3, supra, re. MNPL.

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deposition. On February 4, 1980, the witnesses filed a complaint in the United States District Court for New Hampshire seeking an order requiring the Commission to file its subpoena enforcement action under seal and an order quashing the Commission's subpoenas. Without notice to the Commission, the court granted a temporary order sealing the proceeding. The Commission filed its subpoena enforcement petition on March 24, 1980, and filed a motion to dismiss the witnesses' claims seeking to seal the proceedings and to quash the subpoenas on April 4, 1980. The hearing on the Commission's petition is scheduled for April 24, 1980.

Minnesotans for a Democratic Alternative (MDA)

Pursuant to the Commission's discovery order, MDA produced the requested documents on November 19, 1979. Two witnesses associated with MDA (George Mische and Ken Grund) were deposed on January 22 and 23, 1980. A third witness (Congressman Richard Nolan) was deposed on March 25, 1980. A fourth witness -- an individual associated with both MDA and another respondent, Citizens for Democratic Alternatives in 1980 (Lou Gordon) -- was deposed on April 7, 1980, and yet another individual who may have assisted MDA's activities (Mark Siegel) is scheduled for deposition on April 16, 1980.

D.C. Committee for a Democratic Alternative (DCCDA)

DCCDA submitted documents to the Commission on November 15, 1979. Depositions of two witnesses associated with DCCDA

(Mary Ann Keefe and C. Grove Smith) were taken on January 29 and 30, 1980.

Illinois Citizens for Kennedy (ICK)

Documents were produced by ICK on November 21, 1979. One witness associated with ICK (William Luking) was deposed on January 21, 1980. A second subpoenaed witness -- an individual employed by the International Association of Machinists (Charles Williams) -- has declined to appear. Counsel for this witness also represents the MNPL. The Office of General Counsel is submitting a report in opposition to the motion of this witness to postpone his deposition pending appeal of the subpoena enforcement order issued by the United States District Court for the District of Columbia. 4/

National Call for Kennedy (NCK)

Washington, D.C. - based NCK produced documents on November 30, 1979. The central organizer of NCK (Victor Kamber) was deposed on January 30, 1980. Because William W. Winpisinger was associated with this unregistered group, and because its address was at the offices of the International Association of Machinists, a good deal of relevant evidence has yet to be gathered.

4/ See p. 3, supra re. MNPL.

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Democrats for Change - 1980 (DC-80)

DC-80 supplied the documentation requested by the Commission on November 26, 1979. This California-based group has not registered with the Commission; its activities centered on publishing an ad in two Los Angeles newspapers. Three of the organizers of DC-80 (Stanley Sheinbaum, Harold Willens, and Leo Wyler) were deposed on January 15 and March 20, 1980.

Citizens for Democratic Alternatives in 1980 (CDA)

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CDA initially resisted the Commission's document discovery order, and the Commission initiated a subpoena enforcement proceeding on January 14, 1980. The United States District Court for the District of Columbia granted the Commission's petition and ordered CDA to produce the requested documents and information. CDA appealed the district court's order and sought a stay pending appeal. However, the United States Court of Appeals for the District of Columbia Circuit denied CDA's motion for a stay on March 7, 1980. CDA then produced the documents on March 10, 1980. The Commission deposed the individual who appeared to be the central organizer of CDA (Lou Gordon) on April 7, 1980.

Wisconsin Democrats for Change in 1980 (WDC)

WDC has declined to produce documents pursuant to the Commission's discovery order. The Commission filed a subpoena enforcement petition on March 25, 1980, in the United States

District Court for the Western District of Wisconsin. A hearing on the Commission's petition is scheduled for April 23, 1980.

Americans for Democratic Action (ADA) and Americans for Democratic Action Campaign Committee (ADACC)

On February 29, 1980, ADA and ADACC each provided documents and written responses to the Commission's discovery orders. ADACC has refused to produce its telephone bills, but counsel for ADACC has provided a list of telephone numbers called, and further negotiations are under way to obtain information about these telephone conversations. ADA's Executive Director (Leon Shull), who also served as ADACC's Secretary, was deposed on March 27, 1980.

Senator Kennedy

The Commission has issued subpoenas for deposition to two individuals associated with Senator Kennedy (Paul Kirk and Carl Wagner) who would appear to have knowledge of whether the Senator consented to the activities of any of the respondent "draft" or "alternative" committees. A motion to quash both subpoenas was filed on their behalf by the attorney who represents the Kennedy for President Committee, and on April 9, 1980, the Office of General Counsel submitted a report to the Commission in opposition to that motion to quash. At this point we are hopeful that through negotiation the depositions of these individuals can

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be taken without resort to a subpoena enforcement action.

Conclusion

A good deal of information has been obtained from the investigation to date. However, because of the delays encountered in the subpoena enforcement proceedings involving MNPL, New Hampshire Democrats for Change, Florida for Kennedy Committee, and Wisconsin Democrats for Change in 1980, some of the central parts of the investigation have yet to be completed.

The staff is presently assimilating the evidence obtained thus far. It appears that some allegations involving some respondents may be severed for Commission action without awaiting further investigation. It is our present intention to submit separate reports to the Commission when it appears feasible.

83040385029

14 April 1980
Date



Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *MWE*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *[Signature]*
DATE: APRIL 10, 1980
SUBJECT: ORDER IN RELATION TO MUR 1038

The attached order, approved by a vote of 5-0 on April 10, 1980, has been signed and sealed this date.

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ATTACHMENT - Order

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1038
Florida for Kennedy Committee,)
 et al.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 10, 1980 the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1038:

1. Deny the motion to quash subpoenas filed with the Commission by Paul Kirk and Carl Wagner.
2. Approve the order attached to the General Counsel's Report dated April 4, 1980.
3. Direct the Office of General Counsel to notify Kirk and Wagner by letter, as attached to the above-named report, and redirect them to comply with the subpoenas.
4. Authorize the Office of General Counsel to institute a civil action pursuant to 2 U.S.C. §437d(b) to achieve compliance should Kirk and Wagner fail to comply with the subpoenas.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, and Reiche.

Attest:

4/10/80
Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Report signed:	4-8-80
Received in Office of the Commission Secretary:	4-9-80, 9:49
Circulated on an Expedited Vote Basis:	4-9-80, 11:00

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MEMORANDUM TO: [Illegible]
FROM: [Illegible]
SUBJECT: [Illegible]

Please have the attached General Counsel's report distributed to the Committee as an exhibit to the [Illegible] report.
Thank you.

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OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

APRIL 4, 1980

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In the Matter of)
Florida for Kennedy Committee, et al.)

MUR 1038

GENERAL COUNSEL'S REPORT IN OPPOSITION TO MOTION
OF PAUL KIRK AND CARL WAGNER TO QUASH SUBPOENAS

I. Summary of Proceedings

On February 29, 1980, the Federal Election Commission ("Commission") mailed deposition subpoenas to Paul Kirk, political advisor to Senator Edward Kennedy, and Carl Wagner, director of the Kennedy for President Committee ("KPC"). The depositions were sought as part of the Commission's ongoing investigation of the Carter-Mondale Committee Inc. ("C-M") complaint and amendment to complaint filed with the Commission on October 4, 1979, and November 2, 1979, respectively. The subpoenas summoned Wagner to appear on March 13, 1980, and Kirk to appear in March 14, 1980, both at the offices of the Commission. On March 11, 1980, the Commission received a Motion to Quash both subpoenas (See Attachment A).

The Motion sets forth essentially four arguments: (1) the subpoenas will cause undue burden and inconvenience for Kirk and Wagner; (2) the possible violation of former 11 C.F.R. § 101.2 alleged against Senator Kennedy is technical in nature; (3) the Commission has no jurisdiction over those "draft committees" it is investigating; and (4) the Commission is barred by the first

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amendment to the Constitution from inquiring into discussions about Kennedy candidacy which Kirk and Wagner might have had with persons working for the draft committees being investigated by the Commission.

II. Analysis

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The appropriate standard for determining whether agency subpoenas are valid has been clearly set forth by the Supreme Court in cases such as United States v. Morton Salt Co., 338 U.S. 632 (1950). The inquiry must be within the authority of the agency, the information sought must be relevant, and the request must be sufficiently definite. Substantive defenses as to the agency's jurisdiction or as to the validity of the allegations being investigated are inappropriately raised as challenges to an investigative agency's subpoenas. Endicott Johnson Corp. Perkins, 317 U.S. 501 (1943); F.T.C v. Texaco, Inc., 555 F.2d 862 (D.C. Cir. 1977), cert. denied, 431 U.S. 974 (1977).

The Commission has ample authority to investigate possible violations of the Federal Election Campaign Act of 1971, as amended, (the "Act") and to issue subpoenas for deposition of witnesses. 2 U.S.C. §§ 437c(b)(1); 437d(a)(3), (4), (9); 437g(a)(2). Movants Kirk and Wagner are both individuals who would appear to have knowledge of whether Senator Kennedy consented to the activities of any of the "draft Kennedy" or "Democratic alternative" committees. Because the subpoenas only ask for their appearance for deposition and no specific questions have yet been

posed to movants, they cannot reasonably argue at this stage that the information sought is not relevant or that the requests are too indefinite. Under the applicable standards the Commission's subpoenas are enforceable. Therefore, the motion to quash filed by Kirk and Wagner should be denied.

As to movants first objection, the Office of General Counsel is mindful of the strenuous campaign schedule that members of a presidential candidate's campaign staff may have. There is, however, ample case law to warrant the imposition of some burden on persons subpoenaed at the behest of an agency conducting an investigation. F.T.C. v. Texaco, supra. In any event, the Office of General Counsel is willing to accomodate the schedules of the witnesses Kirk and Wagner as much as possible by adjusting the dates and times of the depositions. Quashing the subpoenas is unnecessary.

Movants' second claim, that the possible violation alleged against Senator Kennedy is technical in nature, is without merit. The import of failing to register as a candidate at an earlier date is indeed significant if such candidacy was triggered by Senator Kennedy's consent to the activities of one or more of the "draft Kennedy" or "Democratic alternative" committees formed before he registered as a candidate. Attributing the contributions to and expenditures by such committees to Senator Kennedy could significantly impact the contribution and expenditure limitations of the Act applicable to Senator Kennedy. Movants Kirk and Wagner appear likely to have knowledge of whether or not

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consent was given by Senator Kennedy to any of the activities of these various groups.

The third argument advanced by Kirk and Wagner--that the Commission has no jurisdiction over "draft Kennedy" committees--in addition to being improperly raised as challenge to an investigative subpoena,^{*} is also unpersuasive. Although movants do not clarify their argument, the reference in their motion to the fact that this issue is now before the Court of Appeals for the District of Columbia Circuit identifies it sufficiently. In its simplest formulation the argument is that the Act's statutory provisions do not cover the activities of "draft committees" and, therefore, a Commission subpoena issued to investigate possible violations of the Act's provisions by such committees cannot be enforced. However, the Commission has considered this argument and rejected it in several other motions to quash brought before it by respondents in MUR 1038.

Contrary to the movants' contention, a committee may be a political committee under the Act (and thus within the Commission's jurisdiction) although the person whose election to federal office the committee seeks to influence is not a "candidate" as defined by 2 U.S.C. § 431(b) (now 2 U.S.C. § 431(2)). Section 431(d), in effect during the period relevant to this matter, defined

^{*}/ The United States District Court for the District of Columbia rejected this claim as a challenge to the Commission's subpoena for documents issued to the Machinists Non-Partisan Political League. FEC v. Machinists Non-Partisan Political League, Misc. No. 79-0291 (D.D.C. 1980).

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"political committee" as a committee "which receives contributions or make expenditures during a calendar year in an aggregate amount exceeding \$1,000." Section 431(e) of the Act defined a contribution as "a gift, subscription, loan advance, or deposit of money or anything of value made for the purpose of influencing the nomination for election, or election, of any person to Federal office ..." (emphasis added). Since the language of former § 431(e) does not limit the word "contribution" to those transfers or gifts made only to "candidates", movants' argument that the Commission lacks jurisdiction over the draft committees is unpersuasive. Thus, the Commission is within its authority in investigating the possible affiliation of the various "draft Kennedy" and "Democratic alternative" committees. Moreover, to the extent that the Commission is inquiring whether Senator Kennedy consented to the activities any of these committees, there could be little question that the Commission is entitled to investigate whether such consent was given, irrespective of whether the groups were "political committees" under the Act.

Movants' argument that constitutional protections regarding association and political speech preclude the Commission's inquiry into discussions about a potential Kennedy candidacy is not compelling. Movants cite Gibson v. Florida Legislative Committee, 372 U.S.C. 539 (1963), for the proposition that "an adequate foundation" must exist for an inquiry which "will substantially intrude upon and severely curtail or inhibit

protected activities." They contend that the Commission's "reason to believe" determination based on the C-M complaint as amended is not an adequate foundation for inquiring of Wagner and Kirk who they talked to and what was said about a potential Kennedy candidacy.

Unlike the situation in Gibson, supra, where a request for the membership list of a branch of the NAACP was held not to have a substantial relation to an inquiry into "Communist activities", the information sought from Kirk and Wagner would be based on certain factual allegations. The amendment to the C-M complaint alleged on information and belief that Mr. Kirk had met with representatives of one of the "Democratic alternative" committees (pp. 34, 35) and that a continuing contact was maintained by Carl Wagner with persons working with the Florida "draft Kennedy" committee (pp. 36, 39). These allegations, we would argue, form the "adequate foundation" required for inquiry of whether Senator Kennedy or his agents consented to the activities of any of the various "draft Kennedy" or "Democratic alternative" groups.

The Office of General Counsel is mindful of the need for careful, focused questioning in the deposition of witnesses. However, movants implicit assertion that first amendment considerations prohibit Commission inquiry at the outset is unsupportable. See Oklahoma Press Publishing Co. v. Walling, 327 U.S. 186, 192 (1946) (enforcing subpoena against newspaper publisher); SEC v. Wall Street Transit Corp., 422 F.2d 1371, 1380 (2d Cir. 1970). Indeed, virtually every investigative request

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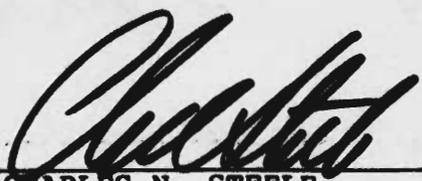
of the Commission touches upon first amendment considerations.

Recommendation

The motion to quash subpoenas filed with the Commission by Paul Kirk and Carl Wagner should be denied, and the attached order should be approved. The Office of General Counsel should so notify Kirk and Wagner by letter and redirect them to comply with the subpoenas. Should Kirk and Wagner fail to comply with the subpoenas, the Office of General Counsel further requests authorization to institute a civil action pursuant to 2 U.S.C. § 437d(b) to achieve compliance.

63040385038

9th Jul 1980
DATE



CHARLES N. STEELE
GENERAL COUNSEL

Attachments

- Motion to Quash
- Commission Order
- Proposed letter

KENNEDY FOR PRESIDENT

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March 10, 1980

Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: MUR 1038: Motion to Quash
Kirk and Wagner Subpoenas

Dear Commissioners:

The attached motion is submitted to quash the subpoenas recently issued to Paul Kirk and Carl Wagner.

Very truly yours,



John E. Nolan, Jr.

Enclosure

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1250 22ND STREET N.W. WASHINGTON D.C. 20037 TELEPHONE: (202) 861-6000

A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.

FEDERAL ELECTION COMMISSION
MUR 1038
MOTION TO QUASH SUBPOENAS

On March 3, 1980, the Federal Election Commission served deposition subpoenas on Paul Kirk, Senator Edward M. Kennedy's chief political adviser, and Carl Wagner, director of organization for the Kennedy for President campaign. In the intensive effort that characterizes the Presidential Primaries of 1980, Mr. Kirk is traveling twenty-four hours each day with Senator Kennedy and Mr. Wagner is constantly in the field in one or another of the crucial primary states. The subpoenas summoned them to appear for depositions at the Commission's offices in Washington, D. C., Mr. Kirk on March 14, Mr. Wagner on March 13.

Mr. Kirk and Mr. Wagner move to quash these subpoenas under 11 C.F.R. § 111.13 for the following reasons:

The subpoenas are a wholly unreasonable and intrusive interference in the Presidential primary elections. The subpoenas were issued in the Commission's investigation of a complaint and "amendment to complaint" filed by the Carter-Mondale Presidential Committee, Inc., which neither named Senator Kennedy as a respondent nor alleged that he had violated the law. Nonetheless, the Commission on November 21, 1979, notified Senator Kennedy that it had found reason to believe that he may have violated 11 C.F.R. § 101.2, an FEC regulation requiring that "candidates" file a candidate statement on FEC Form 2 within 30 days of attaining candidate status. Senator Kennedy did file

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an FEC Form 2 on October 29, 1979, and even under assertions of the Carter-Mondale complaint most unfavorable to him, his FEC Form 2 should have been filed only some 29 days earlier. No violation of the statute itself was alleged, and no other violation of the Commission's regulations by Senator Kennedy was even suggested by the assertions of the Carter-Mondale complaint. The technical nature of the only violation at issue here and the essentially unsubstantiated nature of assertions in the Carter-Mondale filings are discussed in a letter and memorandum filed with the Commission on December 13, 1979, and incorporated herein by reference. Requiring these two officials of the Kennedy campaign to abandon their pressing responsibilities at this critical juncture in the primary elections and travel some thousands of miles to submit to interrogation by government investigators would, in these circumstances, be an intolerable and indefensible burden on the election process.

To the extent that the subpoenas to Mr. Kirk and Mr. Wagner involve possible inquiries regarding respondents other than Senator Kennedy, the subpoenas should also be quashed because the Commission had no jurisdiction over so-called "draft committees" prior to January 8, 1980. This threshold issue is now before the Court of Appeals for the District of Columbia Circuit in at least one case arising from MUR 1038 and may be pending in other courts of appeals as well.

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Most important, the subpoenas of Mr. Kirk and Mr. Wagner should be quashed because they are barred by the First Amendment to the Constitution of the United States. In interrogating Mr. Kirk and Mr. Wagner about who they talked to and what was said about a potential candidacy by Senator Kennedy in the summer of 1979, the Commission would be entering the area of free speech and associations entitled to the highest protection under the Constitution. The Commission may not, on the basis of unsupported allegations and surmise, launch a wide-ranging investigation into political associations and political communications. "Reason to believe" is simply not enough to justify a governmental probe into political speech and conduct that are among the activities most zealously protected by the First Amendment. As the Supreme Court has said, it is a constitutional prerequisite that

an adequate foundation for inquiry must be laid before proceeding in such a manner as will substantially intrude upon and severely curtail or inhibit constitutionally protected activities or severely interfere with similarly protected associational rights.

Gibson v. Florida Legislative Comm., 372 U.S. 539, 557 (1963).

Mere suspicion unsubstantiated in fact--and the Commission's reason to believe determination reflects no more--cannot justify an impingement by a government agency on associational rights and political speech. Pollard v. Roberts, 283 F.Supp. 248, 257-58 (E.D.Ark.) (3-judge court), aff'd per curiam, 393 U.S. 14 (1968); Buckley v. Valeo, 424 U.S. 1, 64 (1978).

A discussion of some of the constitutional protections applicable to Commission investigations involving First Amendment issues appears in a memorandum filed with the Commission on January 18, 1980, which is also incorporated herein by reference. See also (in addition to the cases cited in that memorandum) United States v. Citizens State Bank, No. 79-1768, 80-1 U.S.T.C. 9153, 45 A.F.T.R. 80-580 (8th Cir., 1/16/80); FEC v. CLITRIM, No. 79-3014 (2d Cir., 2/5/80) (en banc).

In the recently decided CLITRIM case, Chief Judge Kaufman warned in a concurring opinion of the very danger presented in this investigation and by these very subpoenas--that governmental inquiry into this protected area will inhibit political communication and association in the future. And he wrote:

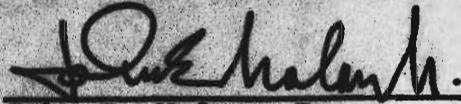
This danger is especially acute when an official agency of government has been created to scrutinize the content of political expression, for such bureaucracies feed upon speech and almost ineluctably come to view unrestrained expression as a potential "evil" to be tamed, muzzled or sterilized.

Slip Op. at 1225, citing United States v. National committee for Impeachment, 469 F.2d 1135, 1142 (2d Cir. 1972). These subpoenas do not accord with the Commission's "obligation to exercise its powers in a manner harmonious with a system of free expression." Id.

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For these reasons, the subpoenas issued to Mr. Kirk and Mr. Wagner should be quashed.

Respectfully submitted,



John E. Nolan, Jr.
John R. Labovitz
Counsel for Paul Kirk and
Carl Wagner

March 10, 1980

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(The January 18, 1980, Memorandum referred to in movants' motion at page 4 is attached herewith.)

MEMORANDUM
RE
SCOPE OF INQUIRY IN PROPOSED DEPOSITIONS

The Federal Election Commission has issued subpoenas for depositions of individuals associated with various draft Kennedy committees. It has denied the request of counsel for the Kennedy for President Committee to be present at these depositions and has denied the request of counsel for prospective deponents for basic information relating to the proceeding.

It is our understanding that the Commission intends to ask prospective deponents about contacts with Senator Kennedy or individuals representing him in an effort to determine whether the draft committees were "coordinated" by Senator Kennedy or someone acting on his behalf.

This memorandum discusses the propriety of this line of inquiry. It concludes that:

- (1) Because there is no allegation or evidence before the Commission that the draft committees were "coordinated" on behalf of Senator Kennedy, there is no basis for this questioning; and
- (2) Because of the First Amendment protection of political speech and association, any questioning must be limited to what is directly relevant to the purpose of the inquiry and founded on a substantial basis in fact.

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- I. BECAUSE THERE IS NO ALLEGATION OR EVIDENCE BEFORE THE COMMISSION OF "COORDINATION" ON BEHALF OF SENATOR KENNEDY, THERE IS NO BASIS FOR SUCH AN INQUIRY AND IT WOULD BE BEYOND THE AUTHORITY OF THE COMMISSION.

The proposed line of questioning would involve a charge that no one has made. No allegation has been made, no evidence has been produced, and the Commission has not found "reason to believe" that Senator Kennedy or his agents coordinated the activities of the committees that are respondents in MUR 1038.

The Commission has stated that the only predicate for an investigation in MUR 1038 is the Complaint of the Carter-Mondale Presidential Committee, Inc. filed with the Commission on October 4, 1979, and the "Amendment to Complaint" filed on November 2. Neither alleges that Senator Kennedy or his agents coordinated the activities of the named draft committees or that actions by Senator Kennedy or his agents caused these committees to be "affiliated" as that term is used in FECA.

The Complaint and its Amendment charge affiliation-- but not through Senator Kennedy or his agents. To the contrary, Section IV of the "Amendment to Complaint" charges that Senator Kennedy consented to fundraising and expenditures by the Florida and New Hampshire committees and that this consent should be imputed to the other committees because they were otherwise affiliated. Although the allegation of consent is clearly deficient (see our earlier memorandum), even if there were an

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adequate basis for an investigation of the "consent" charge, it could not possibly provide a basis for an investigation of the different--and essentially incompatible--charge of "co-ordination."

It is not the function of the Commission to investigate charges of its own creation, unsupported by anything except surmise. That the hypothetical charge is a canard, which any investigation would disprove, is no basis for inquiry into it. The Commission is not empowered to investigate whatever it is curious about, or to conduct inquiries for the purpose of exonerating persons from unfounded suspicions. The Commission may investigate only when it has found reason to believe that a violation of the law may have occurred. A determination of reason to believe must be based on a complaint or "information ascertained in the normal course of carrying out [the Commission's] supervisory responsibilities." 2 U.S.C. §437g(a)(2). In enacting the 1976 Amendments, Congress did not give the Commission general investigative authority. The conference report stated:

[T]he Commission may investigate a violation only if it receives a properly verified complaint and it has reason to believe a violation has occurred, or if the Commission, based on information obtained in the normal course of carrying out its duties under the Act, has reason to believe a violation has occurred. The conferees agree that any person, including a member or employee of the Commission, may file a verified complaint, and agree also that the Commission may not react solely to an anonymous source for the purpose of instituting an investigation of an alleged violation of the Act or of chapter 95 or 96 of the Internal Revenue Code of 1954.

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H.Rept. No. 94-1057 at 45-46 (1976) (emphasis added). It follows a fortiori from the requirement for a verified complaint by an identified person that the Commission may not institute an investigation based on no complaint and no information.

Nor may the Commission, having before it an allegation of a violation based on one set of facts, initiate an investigation based on the possible existence of an entirely different set of facts. In this MUR the Commission has before it a theory of how the respondent committees were affiliated. It has no authority to create an additional theory of affiliation and investigate that as well.^{*/} As a matter of authority as well as fairness to respondents and prospective deponents, the scope of a Commission investigation is necessarily limited by the "reason to believe" determination on which it is based.

The charge that Senator Kennedy or his agents "co-ordinated" the activities of the draft-Kennedy committees is not before the Commission, and for that reason the Commission may not investigate it.

^{*/} It should be noted that there is a substantial, constitutionally based argument that the Commission has no jurisdiction to investigate affiliation among the respondent committees at all because they are not "political committees" within the meaning of FECA as construed by the Supreme Court in Buckley v. Valeo, 424 U.S. 1 (1976). See Motion to Dismiss of Machinists Non-Partisan Political League.

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II. THE FIRST AMENDMENT TO THE CONSTITUTION STRICTLY LIMITS THE SCOPE OF THE PROPOSED DEPOSITIONS.

To the extent that proposed depositions deal with communications between supporters of Senator Kennedy, they enter the constitutionally protected area of freedom of speech and political association. See Buckley v. Valeo, 424 U.S. 1. Although the First Amendment does not bar all inquiry into this area, it does impose very real limits. Only inquiries directly relevant to the governmental purpose and questions for which there is a solid basis in fact are permitted.

The Commission staff--the Government, through compulsory process--apparently proposes to ask prospective deponents whether they talked with persons associated with Senator Kennedy and, if they did, what was said. This procedure is constitutionally impermissible. The Commission (having not even a bare allegation before it) has no basis for considering communications between draft-committees and Kennedy associates to be relevant to an investigation of violation of the Federal Election Campaign Act. There is no factual basis for asking whether communication occurred because the Commission has no evidence that it did. The Commission cannot establish the fact of communication through general inquiry and use that as the basis for determining whether the communication involved "coordination."

This approach would be constitutionally infirm. Where First Amendment rights may be encroached, the government's

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investigative powers must be narrowly construed. See Gibson v. Florida Legislative Comm., 372 U.S. 539 (1963); Bates v. Little Rock, 361 U.S. 516 (1960); NAACP v. Alabama, 357 U.S. 449 (1958). As the Supreme Court said in upholding the disclosure provisions of FECA:

We have long recognized that significant encroachments on First Amendment rights of the sort that compelled disclosure imposes cannot be justified by a mere showing of some legitimate governmental interest. Since NAACP v. Alabama we have required that there be a "relevant correlation" or "substantial relation" between the governmental interest and the information required to be disclosed.

Buckley v. Valeo, 424 U.S. at 64 (footnotes omitted).

In the context of an investigation, there are two constitutional requirements for inquiry--a clear demonstration of the relevance of the question and an adequate factual basis for the inquiry. As Justice Powell recently wrote of private discovery in a civil action:

Whatever standard may be appropriate in other types of cases, when a discovery demand arguably impinges on First Amendment rights a district court should measure the degree of relevance required in light of both the private needs of the parties and the public concerns implicated.

Herbert v. Lando, 99 S.Ct. 1635, 1651 (1979) (concurring opinion); see also Bursey v. United States, 466 F.2d 1059 (9th Cir. 1972) (grand jury testimony); Riley v. City of Chester, 48 U.S.L.W. 2423 (3d Cir., Dec. 14, 1979). With specific reference to governmental investigations, the Supreme Court has stressed the need for prior establishment of a factual foundation for inquiry intruding upon First Amendment rights:

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Of course a legislative investigation--as any investigation-- must proceed "step by step," [citation omitted], but step by step or in totality, an adequate foundation for inquiry must be laid before proceeding in such a manner as will substantially intrude upon and severely curtail or inhibit constitutionally protected activities or seriously interfere with similarly protected associational rights. . . . To permit legislative inquiry to proceed on less than an adequate foundation would be to sanction unjustified and unwarranted intrusions into the very heart of the constitutional privilege to be secure in associations in legitimate organizations engaged in the exercise of First and Fourteenth Amendment rights; to impose a lesser standard than we here do would be inconsistent with the maintenance of those essential conditions basic to the preservation of our democracy.

Gibson v. Florida Legislative Comm., 372 U.S. at 557. See also De Gregory v. New Hampshire Attorney General, 383 U.S. 825 (1966).

The application of these constitutional requirements in this circumstance is clear. The Commission has no foundation for an inquiry into "coordination" of the draft committees on Senator Kennedy's behalf. This line of questioning is not relevant to the "affiliation" allegation that is being investigated by the Commission. And the Commission has no basis for even a suspicion that there were communications constituting "coordination" or "consent" by Senator Kennedy or his agents to the fund-raising and expenditures of draft committees.

The applicable doctrine was well stated by a three-judge district court in a case analogous to this and cited with approval in Buckley v. Valeo, 424 U.S. at 64:

[The] latitude [of investigators] does not extend so far as to permit impingement on associational rights of people on the mere suspicion that the information sought may constitute or lead to evidence that some of the people concerned, or others, have violated State election laws.

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Pollard v. Roberts, 283 F.Supp. 248, 257-58 (E.D.Ark.), aff'd per curiam, 393 U.S. 14 (1968).

III. CONCLUSION: THE PROPOSED LINE OF INQUIRY IS IMPERMISSIBLE

We have no doubt that the Commission staff is acting in complete good faith in proposing to ask deponents about their communications with persons associated with Senator Kennedy, but this is not a legitimate line of questioning. Senator Kennedy did not "coordinate" the activities of the draft committees. No one, including the Carter-Mondale committee, has contended otherwise. Because the Commission has no basis for investigating this theory, it has no authority to do so. And, because questions about it lack any foundation, they would constitute an impermissible intrusion into constitutionally protected association and political communication.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

John E. Nolan, Jr., Esquire
c/o Kennedy for President Committee
1250 22nd Street, N.W.
Washington, D.C. 20037

Re: MUR 1038

Dear Mr. Nolan:

This is to inform you that the Federal Election Commission has voted to deny the Motion to Quash Subpoenas submitted by you on behalf of Paul Kirk and Carl Wagner. A copy of the Commission's denial order is enclosed.

Accordingly, the Commission requests that Mr. Kirk and Mr. Wagner appear for deposition at the offices of the Commission at 10:00 a.m. on April and , respectively. We are of course mindful of the busy schedules of Mr. Kirk and Mr. Wagner. Our staff will make reasonable efforts to take the depositions at an alternate location if necessary.

If Mr. Kirk or Mr. Wagner declines to appear on the rescheduled date, please notify this office promptly in writing. If you have any problems or questions, please contact Scott Thomas (telephone number 523-4000).

Sincerely,

Charles N. Steele
General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**DENIAL OF MOTION TO
QUASH COMMISSION SUBPOENAS
FOR DEPOSITION IN MUR 1038(79)**

The Federal Election Commission hereby denies the motion of Paul Kirk and Carl Wagner to quash the Commission's subpoenas for deposition mailed on February 29, 1980.

Robert O. Tiernan
Chairman

Max Friedersdorf
Vice Chairman

Thomas E. Harris
Commissioner

Joan D. Aikens
Commissioner

Frank P. Reiche
Commissioner

John W. McGarry
Commissioner

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Florida for Kennedy Committee,)
et al.)

MUR 1038

CERTIFICATION

I, Marjorie W. Emons, Recording Secretary for the Federal Election Commission's Executive Session on March 4, 1980, do hereby certify that the Commission decided by a vote of 6-0 to direct the Office of the General Counsel to immediately respond to the February 14, 1980 letter from Robert S. Strauss, Chairman of the Carter-Mondale Presidential Committee, stating that the letter has been received, but that 2 U.S.C. §437g(a) (12) specifically prohibits the Commission from commenting on the nature or status of any complaint which has been filed with it.

Attest:

3/4/80

Date

Marjorie W. Emons

Marjorie W. Emons
Secretary to the Commission

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MEMORANDUM TO: Honorable E. Thomas
FROM: Jane Selgrove
SUBJECT: MR 1638

Please have the attached memo to the Commission
distributed to the Commission at an expedited tally
basis.

Thank you.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 FEB 26 A 7: 41

February 25, 1980

MEMORANDUM TO: The Commission
FROM: Charles N. Steele *CS*
RE: Letter from Robert Strauss - MUR 1038

On February 14, 1980, the Commission received the attached letter from Robert S. Strauss, Chairman of the Carter-Mondale Presidential Committee, requesting that the Commission provide a report on its findings with respect to the New Hampshire and Florida portion of the Carter-Mondale complaint, MUR 1038. Specifically, Mr. Strauss wants to know if the expenditures of the New Hampshire and Florida draft-Kennedy committees count against Senator Kennedy's state and national contribution limitations of 2 U.S.C. § 441b. On February 22 Mr. Strauss phoned requesting that the Commission respond to his letter. Accordingly, this matter is being presented to the Commission for its consideration.

It is the recommendation of the Office of General Counsel that the Commission not respond to Mr. Strauss' letter. First, the Commission has not concluded its investigation in MUR 1038. The issue which Mr. Strauss requests be resolved, whether or not the expenditures of the draft-Kennedy groups are to be counted against Senator Kennedy's expenditure limitations, depends to a great extent on the factual evidence of Senator Kennedy's involvement, if any, with the draft-Kennedy groups. The Carter-Mondale complaint alleges that Senator Kennedy "consented" to the activities of these groups thereby becoming a candidate by September 1, 1979. Until these facts can be ascertained the Commission can not make a finding as to the expenditure limitation issue.

Secondly, it would be inappropriate for the Commission to inform a complainant of the status or possible findings of an investigation. The confidentiality provision of the Act, 2 U.S.C. § 437g(a) (12), specifically prohibits the Commission from making public the nature of an investigation.

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If the Commission determines, however, that a response is necessary, the Office of General Counsel has prepared a letter which it would recommend be sent. The letter which is attached acknowledges receipt of Mr. Strauss' letter but does not reply to Mr. Strauss' request that the Commission make a determination as to the expenditure limitation issue.

Recommendation:

The Office of General Counsel recommends that the Commission not respond to Mr. Strauss' letter.

Attachments:

Letter from Robert Strauss
Draft letter in response to Robert Strauss' letter

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Carter/Mondale Presidential Committee, Inc.
1413 K Street, N.W., Washington, D.C. 20005

FEB 15 1980
FEB 14 1980
February 14, 1980

The Honorable
Robert O. Tiernan
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Dear Chairman Tiernan:

On October 4, 1979, the Carter-Mondale Presidential Committee, Inc. ("CMPC") filed a complaint with the Commission concerning, among other things, excessive contributions to various affiliated "draft-Kennedy" committees. On October 24, 1979, the Washington Post and other publications reported that the Commission had found "reason to believe" that a violation may have been committed.

On November 2, 1979, our complaint was amended to show that, as of at least September 1, 1979, Senator Kennedy had consented to the activities of several of the draft-Kennedy committees and thus was a "candidate" for purposes of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431(b) (2) (hereinafter "the Act").

The CMPC provided specific factual information in support of this position and asked that the Commission move expeditiously to find that the expenditures of at least the New Hampshire and Florida draft-Kennedy committees from September 1st forward should count against the Senator's national and state expenditure limitations. The CMPC pointed out that, based on the information publicly available at that time, the New Hampshire draft-Kennedy had raised around 25 percent of the New Hampshire state expenditure limit and that, absent the requested ruling from the Commission, the Kennedy campaign could enjoy a substantial spending advantage over all other candidates in that crucial state.

Although this issue has been before the Commission for more than three months, we have heard nothing from the Commission about any progress towards resolving this matter.

The New Hampshire primary is now less than two weeks away. The latest Commission reports (through December 31, 1979) show that the New Hampshire draft-Kennedy committee has raised and spent over \$80,000. Since the New Hampshire draft committee had spent only \$16,000 through September 30, 1979, it is quite clear that the large majority of their money was spent after it was plain that Senator Kennedy was running for the Democratic nomination and that draft committee and campaign committee operations would be integrated in New Hampshire.

While we have not suggested that these expenditures, in and of themselves, are illegal or improper, we have insisted that both the Act and simple fairness require that the amounts involved count against

the Senator's state spending limit, the same stringent ceiling that applies to all other candidates. Particularly in an exceedingly close race like the Democratic contest in New Hampshire, it is not fair to permit one candidate in effect to spend over \$374,000 on lists, materials, salaries, etc., and all others to spend only \$294,000.

Nor is it fair to other candidates -- nor perhaps, indeed, to the Kennedy campaign -- to postpone any Commission resolution or even guidance on this subject until after the New Hampshire primary. Then, the damage will already have been done and any possible corrective action impossible. The Kennedy campaign should know now how much money it may permissibly spend in the last 7 to 10 days of the New Hampshire election; the other candidates are entitled to know the extent of their disadvantage, if that is to be the result.

As one who fought on Capitol Hill for the passage of the Act and for establishment of a strong, effective Federal Election Commission, I am bound to suggest with all respect that the issue posed here is an absolutely fundamental one. The question presented for the Commission is simply this: whether it deems itself equipped to enforce the federal election laws while a campaign is in progress, or whether it is only able to perform this crucial function after the fact.

The leadership of the New Hampshire draft-Kennedy committee, who are also the leadership of the New Hampshire Kennedy campaign, laid down the gauntlet on this question some time ago. They made no attempt to hide the transfer of lists, materials, and other campaign resources from the draft committee to the official committee. Indeed, since the leaders were one and the same, they simply and openly transferred these resources to themselves.

For example, as previously pointed out in our Amendment, one such official of both the draft and official committees said last October:

We've got almost a quarter of a million three by five cards that identify every registered Democrat and independent in every town in New Hampshire, but one....

There's nothing the FEC can do to prevent us from turning them over to Kennedy. (emphasis added)

Amendment at 41-42.

The question, of course, is whether such resources are to count against the applicable spending limits, as they do for every other candidate who has had to acquire voting lists and other basic materials, or whether they are somehow "independent expenditures" despite the obvious relationship with the Kennedy campaign.

We respectfully suggest that the Commission need not, and should not, accept the cynical view that there is "nothing it can do." Even at this late date and even if the Commission is not now prepared

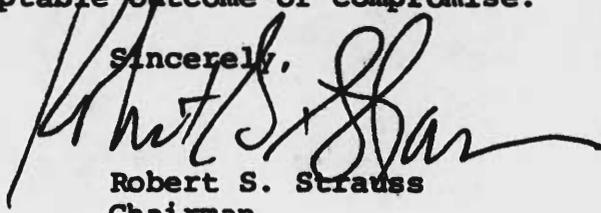
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to complete its consideration of our complaint as a whole, it could take steps to mitigate the unfairness that would result from further delay. It could provide an interim report on its findings with respect to the New Hampshire-related parts of our amended complaint; it could escrow matching funds equivalent to the disputed sums until this issue is resolved; it could permit the other candidates to spend additional sums as part of a voluntary settlement to equalize the resources available to each.

In any event, it is clear that expedited action is necessary. February 27th obviously will be too late to fashion any meaningful solution to this problem. Moreover, the Commission's continued silence with respect to an issue first raised over 100 days ago could be misinterpreted as acquiescence in the status quo.

For all these reasons, the Carter-Mondale Presidential Committee respectfully requests immediate Commission consideration of this matter. We, of course, stand ready to cooperate in any way the Commission deems appropriate to fashion an acceptable outcome or compromise.

Sincerely,



Robert S. Strauss
Chairman

cc: Charles N. Steele, Esq.
General Counsel

John E. Nolan, Jr., Esq.
General Counsel, Kennedy
for President Committee

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Original transmitted to G.L.
w/o copies
deo 2/14/80



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert S. Strauss, Chairman
Carter-Mondale Presidential
Committee, Inc.
1413 K Street, N.W.
Washington, D.C. 20005

Dear Mr. Strauss:

This letter acknowledges receipt of your letter of February 14, 1980, in which you request that the Commission issue a finding as to whether the expenditures of the Florida and New Hampshire draft Kennedy groups count against Senator Kennedy's state and contribution limitations of 2 U.S.C. § 441b. You indicate that this issue was raised on November 2, 1979, in an amendment to the October 4, 1979, Carter-Mondale complaint which was filed with the Commission. Your letter has been circulated to the Commission.

As I am sure you understand any substantive determination of the issues raised in the Carter-Mondale complaint and again in your letter depends on ascertaining whether certain factual allegations alleged in the complaint are true. Further, 2 U.S.C. § 437g(a)(12) specifically prohibits the Commission from commenting on the nature or status of any complaint which has been filed with it.

If I can be of any further assistance please feel free to contact me.

Sincerely,

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Florida for Kennedy Committee,)
et al.)

MOR 1636

CERTIFICATION

I, Marjorie W. Emons, Recording Secretary for the Federal Election Commission's Executive Session on February 12, 1980, do hereby certify that the Commission authorized by a vote of 5-1 the issuance of subpoenas for deposition to the following individuals:

- | | |
|---------------------------|-------------------|
| 1. William W. Winpisinger | 7. Amy Isaacs |
| 2. Marjorie Phyfe | 8. Leo Wyler |
| 3. William Holayter | 9. Harold Willens |
| 4. Mark Siegel | 10. Richard Nolan |
| 5. Louis D. Gordon | 11. Paul Kirk |
| 6. Leon Shull | 12. Carl Wagner |

Commissioners Aikens, Harris, McGarry, Reiche, and Friedersdorf voted affirmatively for the above action; Commissioner Tiernan dissented.

Attest:

2/13/80

Date

Marjorie W. Emons
Marjorie W. Emons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *MWC*
FROM: MARJORIE W. EMMINS/MARGARET CHANEY *me*
DATE: FEBRUARY 6, 1980
SUBJECT: OBJECTION - MUR 1038 - General Counsel's Report
dated 2-4-80; Received in OCS 2-5-80,
3:21

The above-named document was circulated on an expedited basis at 4:30, February 5, 1980.

A certification was delivered to the Office of General Counsel at 9:15, February 6, 1980, showing approval by a vote of 4-0.

Commissioner Tiernan submitted an objection at 3:15, February 6, 1980. Please advise this office if this matter should be placed on the Executive Session Agenda for February 12, 1980.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Florida for Kennedy Committee, et al.) MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 5, 1980, the Commission authorized by a vote of 4-0 the issuance of subpoenas for deposition to the following individuals:

- | | |
|---------------------------|-------------------|
| 1. William W. Winpisinger | 7. Amy Isaacs |
| 2. Marjorie Phyfe | 8. Leo Wyler |
| 3. William Holayter | 9. Harold Willens |
| 4. Mark Siegel | 10. Richard Nolan |
| 5. Louis D. Gordon | 11. Paul Kirk |
| 6. Leon Shull | 12. Carl Wagner |

Voting for this determination were Commissioners Aikens, Harris, McGarry, and Reiche.

Attest:

2/6/80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 2-5-80, 3:31
Circulated on Expedited Basis: 2-5-80, 4:30

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MEMORANDUM FOR: [Illegible]
DATE: [Illegible]
SUBJECT: [Illegible]

Please have the attached General Council's Report on
the 1938 distributed to the Commission on an expedited
basis.

Thank you.

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
February 4, 1980

80 FEB 5 P 3: 21

In the Matter of)
Florida for Kennedy Committee, et al.)

MUR 1038

GENERAL COUNSEL'S REPORT

I. Background

On October 4, 1979, the Carter-Mondale Presidential Committee filed a complaint with the Commission alleging violations of the Act. On October 16, 1979, the Commission determined that there was reason to believe several "draft Kennedy" committees may be affiliated, that if the committees are affiliated, contributions may have been made to some of them exceeding the limits on contributions, and that certain committees may have failed to register and report with the Commission. The Commission authorized the issuance of orders to the respondents for the production of documents and to answer interrogatories on October 31, 1979.

On November 2, 1979, the Carter-Mondale Presidential Committee, filed an "Amendment to Complaint" with the Commission setting forth additional information to support the allegations of the October 4th complaint and alleging violations of the Act. On November 14, 1979, the Commission determined that there was reason to believe additional committees may be affiliated with those named in the October 4th complaint, that

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certain committees may have failed to register and report with the Commission, and that Senator Kennedy may have become a candidate under the Act earlier than his public filings indicate. The Commission authorized the issuance of orders to the new respondents for the production of documents and to answer interrogatories on December 14, 1979. On December 19, 1979, the Commission authorized the issuance of subpoenas for deposition to fifteen individuals who appeared to have knowledge of either the "draft Kennedy" committees or the Kennedy candidacy.

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II. Status of the Investigation

The Office of General Counsel has received documents from several of the respondents and has deposed several individuals. However, discovery is not completed. This is due in part because several respondents have refused to comply with the Commission's request for documents and because several individuals have refused to appear for deposition. Also, from the information which we have obtained we have concluded that there are a number of additional individuals who should be deposed.

The Office of General Counsel has received responses to the Commission's "reason to believe" finding from most of the respondents. These responses consisted of written statements and in a number of instances contained sworn affidavits. Generally, the respondents provided background information on their operations, raised legal objections to the complaint and to the Commission's reason to believe findings, and requested

that they be dismissed from the investigation or that no further action should be taken.

The Commission has issued orders to thirteen of the respondents requesting them to answer interrogatories and to produce documents. Seven of the respondents have complied. They are: Committee for Alternatives to Democratic Presidential Candidate (Iowa), Minnesotans for a Democratic Alternative, Illinois Citizens for Kennedy, Democrats for Change-1980 (California), D.C. Committee for a Democratic Alternative, New Hampshire Democrats for Change, and National Call for Kennedy. Six of the respondents have opposed the Commission's request to answer interrogatories and to produce documents. They are: Machinists Non-Partisan Political League, Florida for Kennedy Committee, Citizens for Democratic Alternatives in 1980 (National Clearinghouse for Kennedy), Wisconsin Democrats for Change in '80, Americans for Democratic Action, and Americans for Democratic Action Campaign Committee.

The Office of General Counsel has filed subpoena enforcement actions against the Machinists Non-Partisan Political League, the Florida for Kennedy Committee, and the Citizens for Democratic Alternatives in 1980. Only the proceeding against the Machinists Non-Partisan Political League has resulted in a decision. On January 28, 1980, the U.S. District Court for the District of Columbia ordered the Machinists Non-Partisan Political League to produce the documents requested. However, counsel for the Machinists Non-Partisan Political League has filed a motion to stay the document production and has indicated

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that the ruling of the district court will be appealed.

The motion to quash which was filed by the Wisconsin Democrats for Change in '80 was denied by the Commission and we are waiting to see if they will now comply with the subpoena and produce the requested documents. The Americans for Democratic Action and the Americans for Democratic Action Campaign Committee have filed motions to quash with the Commission and we are preparing a General Counsel's Report recommending that these two motions be denied. These two committees have also indicated a desire to meet with the Office of General Counsel to discuss the possibility of compromising on the document requests.

The Commission has issued subpoenas to thirteen individuals for deposition. The Office of General Counsel has deposed nine of these individuals. They are: Stanley K. Sheinbaum (associated with Democrats for Change-1980), William Luking (associated with Illinois Citizens for Kennedy), George Mische and Kenneth D. Grund (associated with Minnesotans for a Democratic Alternative) Mathew Wanning and Arthur Hedberg (associated with Committee for Alternatives to Democratic Presidential Candidate), C. Grove Smith and Mary Anne Keefe (associated with D.C. Committee for a Democratic Alternative) and Victor Kamber (associated with National Call for Kennedy). The Office of General Counsel has also conducted an interview with Mickey Chung (associated with Democrats for Change-1980).

Five individuals have filed motions with the Commission to quash the taking of their deposition. They are: William Fenton,

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Charles F. Williams and Anthony Podesta (all employees of the International Association of Machinists) and Dudley Dudley and Denis Kanin (associated with the New Hampshire Democrats for Change). The Commission has denied the motions to quash filed by these individuals. The depositions of William Fenton, Charles F. Williams, and Anthony Podesta have been rescheduled, but counsel for these individuals has indicated that they will not appear. The Office of General Counsel has attempted to reschedule the depositions of Dudley Dudley and Denis Kanin, but counsel for these individuals refuses to set them before March 10, 1980,^{1/} stating that his other legal commitments preclude him from being available before that time. The Office of General Counsel, in accordance with the Commission's directive to proceed as expeditiously as possible in this matter, is preparing to immediately file a subpoena enforcement action against Dudley Dudley and Denis Kanin, unless otherwise directed.

The Office of General Counsel is not prepared at this time to make recommendations regarding any of the Commission's reason to believe findings. The documents which the respondents have produced and which we are presently reviewing consist of organizational statements, the names of officers and employees, membership lists, minutes of meetings, bills and receipts, correspondence, telephone records, newspaper advertisements and solicitation letters. Our depositions have attempted to illicit information concerning the formation, objections and

^{1/} The New Hampshire presidential primary is February 26, 1980.

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activities of the respondent draft Kennedy groups to determine if there was common establishment or control. Generally, our information shows that the Minnesotans for a Democratic Alternative held a meeting in June which was attended by individuals working for or associated with several of the respondents. The National Call for Kennedy rented office space from the Machinists Non-Partisan Political League and had on its board of directors individuals associated with the Machinists Non-Partisan Political League. Employees of the International Association of Machinists were involved in the formation of the Iowa and Illinois committees. Individuals advocating the election of Senator Kennedy or the election of an alternative candidate who were also associated with one of the respondents occasionally communicated with each other.

Thus, although some of the respondents had common contacts, the information which the Office of General Counsel has received and reviewed to date is insufficient to conclude that any of the respondents are affiliated. A review of the information does provide some indication that certain respondents which did not do so should have registered and reported with the Commission. Because of the refusal of certain individuals to appear for deposition we have thus far been unable to obtain significant information relating to the issue of when Senator Kennedy became a candidate.

In order for the Office of General Counsel to continue its investigation of the possible violations involved in this matter, we are recommending that several additional individuals

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be deposed. These individuals were listed in the complaint, were referred to in certain documents, or were mentioned in the depositions. By deposing these individuals we should be able to obtain more detailed information about the formation and interconnection of the respondents and about Senator Kennedy's candidacy. Accordingly, we recommend that the Commission authorize the issuance of subpoenas for deposition to the following individuals:

1. William W. Winpisinger--President of International Association of Machinists; office of Machinists Non-Partisan Political League; officer of National Call for Kennedy;
2. Marjorie Phyfe--Employee of Machinists Non-Partisan Political League; identified in communications of several respondents; member of board of directors of National Call for Kennedy;
3. William Holayter--Employee of Machinists Non-Partisan Political League; recipient of correspondence from the Committee for Alternatives to Democratic Presidential Candidate (Iowa);
4. Mark Siegel--Political consultant; alleged in the complaint to have provide services to several of the respondents;
5. Louis D. Gordon--Director of Citizens for Democratic Alternatives in 1980; involved in the formation of Minnesotans for a Democratic Alternative;
6. Leon Shull--Secretary of Americans for Democratic Action Campaign Committee;
7. Amy Isaacs--Staff person of Americans for Democratic Action; listed as contact person on "draft Kennedy" movement in ADA publications;
8. Leo Wyler--Organizer of Democrats for Change-1980 (California); attended June meeting held by Minnesotans for a Democratic Alternative;

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9. Harold Willens--Organizer of Democrats for Change-1980 (California); attended June meeting held by Minnesotans for a Democratic Alternative;
10. Richard Nolan--Congressman from Minnesota; involved with the Minnesotans for a Democratic Alternative; organizer of June meeting held by Minnesotans for a Democratic Alternative;
11. Paul Kirk--Associate of Senator Kennedy; alleged in the complaint to have communicated with Dudley Dudley, chairman of the New Hampshire Democrats for Change;
12. Carl Wagner--Staff person of Senator Kennedy; alleged in the complaint to have communicated with Anthony Podesta in connection with activities of Florida for Kennedy Committee.

III. Conclusion

Much of the discovery has been completed. In order to conclude our investigation, we believe it necessary to take additional depositions and we request that the Commission authorize the issuance of subpoenas for those depositions. Our ability to conclude our investigation depends on the extent to which respondents oppose our discovery. If we are compelled to file legal actions in a number of instances to enforce the Commission's subpoenas the delay could be considerable.

IV. Recommendations

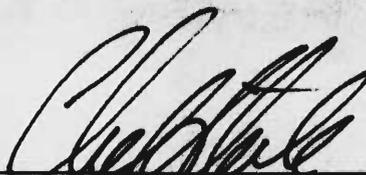
The Office of General Counsel recommends that the Commission authorize the issuance of subpoenas for deposition to the following individuals:

1. William W. Winpisinger;
2. Marjorie Phylfe;
3. William Holayter;

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4. Mark Siegel;
5. Louis D. Gordon;
6. Leon Shull;
7. Amy Isaacs;
8. Leo Wyler;
9. Harold Willens;
10. Richard Nolan;
11. Paul Kirk;
12. Carl Wagner.

4 February 1960
Date



Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUTHORIZATION TO ISSUE SUBPOENAS FOR DEPOSITION

The Commission hereby authorizes the issuance of subpoenas for deposition to the following individuals in connection with MUR 1038:

- William W. Winpisinger
- Marjorie Phyfe
- William Holayter
- Mark Siegel
- Louis D. Gordon
- Leon Shull
- Amy Isaacs
- Leo Wyler
- Harold Willens
- Richard Nolan
- Paul Kirk
- Carl Wagner

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Robert O. Tiernan
Chairman

Thomas E. Harris
Commissioner

Max L. Friedersdorf
Vice Chairman

John W. McGarry
Commissioner

Joan D. Aikens
Commissioner

Frank P. Reiche
Commissioner



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *me*
DATE: JANUARY 30, 1980
SUBJECT: COMMISSION ORDER IN RELATION TO MUR 1038

The attached order, approved by a 4-0 vote on January 30, 1980, has been signed and sealed this date.

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ATTACHMENT:
Order - Fenton

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Florida for Kennedy Committee, et al.) MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 30, 1980, the Commission decided by a vote of 4-0 to take the following actions regarding MUR 1038:

1. Deny the motion to quash of William Fenton and authorize the Office of General Counsel to institute enforcement proceedings in the United States District Court, pursuant to 2 U.S.C. §437d(b), if necessary to achieve compliance with the Commission subpoena.
2. Send the letter as attached to the General Counsel's Report dated January 28, 1980.

Voting for this determination were Commissioners Aikens, Harris, McGarry, and Tiernan.

Attest:

1-30-80

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 1-29-80, 11:42
Circulated on a Expedited Vote Basis: 1-29-80, 12:00

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MEMORANDUM TO: Marjorie W. [unclear]
FROM: Eliza T. [unclear]
SUBJECT: [unclear] 1038

Please save the attached General Counsel's Report
distributed to the Commission on an expedited daily basis.
Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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In the Matter of
Florida for Kennedy Committee, et al.

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MUR 1038

GENERAL COUNSEL'S REPORT IN OPPOSITION TO
MOTION TO QUASH SUBPOENA FOR DEPOSITION

On December 26, 1979, the Commission issued a subpoena for the deposition of William Fenton, an individual associated with the Committee for Alternatives to Democratic Presidential Candidate (Iowa). A copy of the subpoena, with cover letter, is attached as Exhibit A. Mr. Fenton was subpoenaed as a witness in the Commission's investigation in MUR 1038 of possible affiliation-related violations by various "draft Kennedy" committees, and possible reporting and registration violations by Senator Kennedy. See First General Counsel's Reports, MUR 1038, October 21, 1979, and November 13, 1979; Memorandum to the Commission in MUR 1038, December 18, 1979.

On January 21, 1980, the Office of General Counsel received a letter from Joseph L. Rauh, Jr., dated January 15, 1980, indicating that he represents Mr. Fenton and requesting that Mr. Fenton's subpoena be quashed. The letter is attached as Exhibit B.

Mr. Rauh also represents respondent Machinists Non-Partisan Political League (MNPL) and two other witnesses subpoenaed by the

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Commission, Charles F. Williams and Anthony Podesta.^{*/} In an earlier motion dated January 7, 1980, Mr. Rauh had requested that the subpoenas for Mr. Williams and Mr. Podesta be quashed. This motion is attached as Exhibit C. Mr. Rauh indicates in his letter of January 15 that "for the several jurisdictional and procedural reasons reviewed in our motion of January 7, 1980, it is requested that Mr. Fenton's subpoena be quashed along with the other two".

The General Counsel's Office, in a report to the Commission dated January 15, recommended that the Commission deny the motion to quash submitted on behalf of Mr. Williams and Mr. Podesta. The General Counsel's Report is attached as Exhibit D. For the same reasons set forth in that report, the Office of General Counsel recommends that the Commission deny the motion to quash filed on behalf of William Fenton.

^{*/} In his January 15 letter, Mr. Rauh expressed surprise that the Commission did not notify him regarding the subpoena to Mr. Fenton. However, Mr. Fenton, as well as all other individuals subpoenaed for deposition in this matter to date, was subpoenaed as a witness and not as an officer or agent of respondent MNPL. Hence, Mr. Rauh was not entitled, in our view, to notice of the subpoena to Mr. Fenton merely because he represents respondent MNPL. See, analogously, FEC v. Illinois Medical Political Action Committee, et al., Civ. Action No. 78 C 1138 (N.D. Ill., Memorandum Opinion and Order of Aug. 7, 1978; record under seal) (counsel for respondent not entitled to be present at deposition of witnesses in Commission investigation unless chosen by witnesses for representation).

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Recommendations

1. Deny the motion to quash of William Fenton and authorize the Office of General Counsel to institute enforcement proceedings in the United States District Court, pursuant to 2 U.S.C. § 437d(b), if necessary to achieve compliance with the Commission subpoena.
2. Send the attached letter.

28 January 1980
Date



Charles W. Steele
General Counsel

Attachments

- A Subpoena to Fenton
- B Letter from Joseph Rauh dated January 15, 1980
- C Motion to Quash dated January 7, 1980
- D General Counsel's Report dated January 15, 1980
- E Recommended letter denying Fenton's Motion to Quash

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CADDC



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William Fenton
500 Kimberly Lane
Des Moines, Iowa 50317

Dear Mr. Fenton:

Please find enclosed a subpoena requesting your appearance for deposition on January 23, 1980.

Pursuant to Commission regulations (11 C.F.R. § 111.12), you will find enclosed witness fees for your attendance.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202-523-4057), the attorneys assigned to this matter.

Sincerely yours,

Charles N. Steele
General Counsel

Enclosure

ATTACHMENT A

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon
Oral Examination

TO: William Fenton
500 Kimberly Lane
Des Moines, Iowa 50317

RE: Matter Under Review 1038

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(3) and (4), you are hereby ordered to appear for deposition in connection with the Commission's investigation of possible violations of the Federal Election Campaign Act of 1971, as amended, by the following persons: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (California), Citizens for Democratic Alternatives in 1980 (D.C.), Wisconsin Democrats for Change in 1980, Americans for Democratic Action Campaign Committee (D.C.), Machinists Non-Partisan Political League, Americans for Democratic Action, and Senator Edward M. Kennedy.

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Subpoena to Appear for Deposition
Upon Oral Examination (MUR 1038)
Page: Two

Notice is hereby given that the deposition is to be
taken at Room 453, Federal Building, 210 Walnut,
Des Moines, Iowa,
at 1:00 p.m. on January 23, 1980, and any and all dates
adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Com-
mission has hereunto set his hand at Washington, D.C., on
this 21st day of December, 1979.


ROBERT O. TIERNAN, CHAIRMAN
FEDERAL ELECTION COMMISSION

ATTEST:


MARJORIE W. EMMONS
SECRETARY TO THE COMMISSION

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R
ED
LAW OFFICES
GENERAL COUNSEL
RAUH, SILARD AND LIGHTMAN
1001 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20006

RECEIVED
FEDERAL ELECTION
COMMISSION

30 JAN 21 AM 11:11

January 15, 1980

'80 JAN 21 AM 9:16 202-221-1700

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT G. LIGHTMAN
DANIEL H. POLLITT
MARY M. LEVY

005801

Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20005

Re: MUR 1038

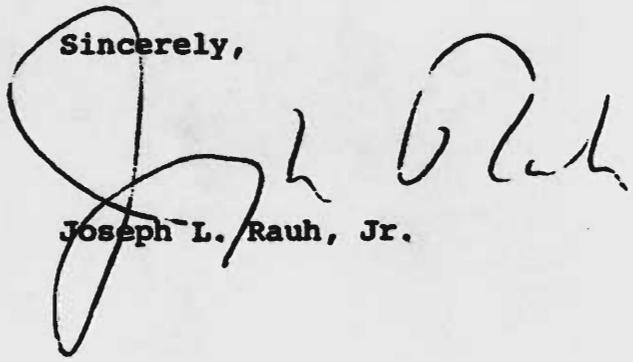
Gentlepersons:

This letter refers to your subpoena to William Fenton, Grand Lodge representative of the International Association of Machinists in Des Moines, Iowa. I am surprised that any employee of the Machinists was subpoenaed without notice to our firm in view of the fact that we have been counsel in this matter since late October and I trust this oversight will not recur.

Please add the name William Fenton to the Motion of Anthony Podesta and Charles F. Williams to Quash Subpoenas filed January 7, 1980. Mr. Fenton was out of town when your subpoena was served upon a neighbor and only today informed me of its receipt by that neighbor.

For the several jurisdictional and procedural reasons reviewed in our motion of January 7, 1980, it is requested that Mr. Fenton's subpoena be quashed along with the other two.

Sincerely,



Joseph L. Rauh, Jr.

JLR:ehb

ATTACHMENT B

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MNPL

LAW OFFICES
RAUH, SILARD AND LIGHTMAN

1001 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036

January 7, 1980

202-331-1700

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT G. LIGHTMAN
SAMUEL H. POLLITT
MARY H. LEVY

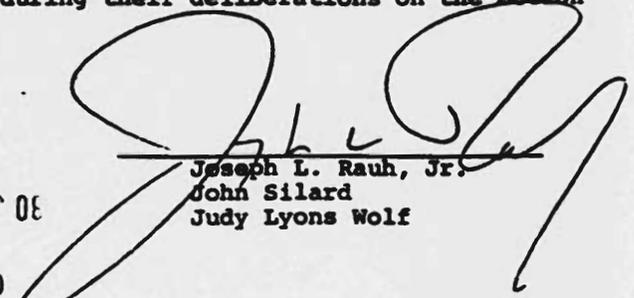
Re: MUR 1038

Mr. Robert O. Tiernan, Chairman, Federal Election Commission
Mr. Max L. Friedersdorf, Vice Chairman, Federal Election Commission
Ms. Joan D. Aikens, Commissioner, Federal Election Commission
Mr. Frank P. Reiche, Commissioner, Federal Election Commission
Mr. Thomas E. Harris, Commissioner, Federal Election Commission
Mr. John W. McGarry, Commissioner, Federal Election Commission

On November 26, 1979, we hand delivered to your office a "Motion to Dismiss Pending Complaint Against the MNPL and Supporting Memorandum" and requested oral argument on the motion. We have not received any response either to the motion or to the request for oral argument.

Today we are hand delivering to your office the attached motion to quash subpoenas. This motion raises the same important constitutional and statutory issues concerning the Commission's jurisdiction over "draft movements" as did the earlier pending motion to dismiss. We suggest that the Commission may want to set both this motion and the motion to dismiss for oral argument together.

In order to make the oral argument more meaningful, we request that we be furnished the Commission's minutes since November 26, 1979 insofar as those minutes relate to the Commission's consideration of the earlier motion to dismiss. We believe we can be more helpful in oral argument if we understand the tentative positions that have been taken by the various Commissioners during their deliberations on the Motion to Dismiss.



Joseph L. Rauh, Jr.
John Silard
Judy Lyons Wolf

30 JAN 7 11:53

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GENERAL COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION

MUR 1038

CARTER-MONDALE PRESIDENTIAL)
COMMITTEE, INC.,)
Complainants,)
v.) MOTION OF ANTHONY PODESTA
MACHINISTS NON-PARTISAN POLITICAL) AND CHARLES F. WILLIAMS
LEAGUE, et al.,) TO QUASH SUBPOENAS
Respondents.) Filed January 7, 1980

Anthony Podesta and Charles F. Williams, through their undersigned attorneys, move the Federal Election Commission to quash the subpoenas served upon them. This motion is being filed within five working days after service of the subpoenas as required by Federal Election Commission Regulations §111.13.^{*/}

1. Unexplained denial of reasonable time for response.

On October 4, 1979, the Carter-Mondale Presidential Committee filed its complaint against the International Association of Machinists, the Machinists Non-Partisan Political League and others on account of the "draft Kennedy" activities undertaken by them. Mr. Podesta was then employed as Associate General Counsel of IAM and Mr. Williams as Grand Lodge Representative. On October 22, 1979, the Machinists Non-Partisan Political League received a letter dated October 19, 1979 from William Oldaker, General Counsel of the Federal Election Commission, stating that "the Federal Election Commission has found reason to believe that the Machinists Non-Partisan Political League ("MNPL") may have violated the Federal Election Commission Act of 1971, as amended"

^{*/} Mr. Williams received his subpoena on December 28, 1979. Mr. Podesta has never received his subpoena, but undersigned counsel did receive a copy of the subpoena to Podesta and are accepting service for him.

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and requested a response within 10 days after receipt of said letter. Other respondents received similar letters but none of the letters explained the words "may have violated" or suggested how these words constituted "probable cause" for anything.

On October 30, 1979, undersigned counsel were retained by IAM and the Machinists Non-Partisan Political League to handle the Carter-Mondale complaint filed against them on October 4th and matters related thereto. On October 31, 1979, undersigned counsel addressed a letter to Mr. Oldaker requesting an additional 10 days to file the response, pointing out that "That request is the more justified because this case has grave constitutional implications; indeed, there are serious doubts about the jurisdiction of the Commission over the matter alleged in the complaint."

On November 2, 1979, the Carter-Mondale Presidential Committee filed an amendment of its October 4th complaint which, while seeking to remedy the absence of an allegation in the initial complaint that Senator Kennedy was a candidate, was actually inconsistent with the initial complaint in that the amendment concedes that there was no Kennedy candidacy prior to September 1, 1979 and (in seeking relief only as of that time) that there was no violation of the Act before that date.

On November 5, 1979, undersigned counsel telephoned Acting General Counsel Steele, to point out that the question of the time to respond to the October 4th complaint now appeared mooted because there would have to be a timely response to the amendment to the complaint filed November 2, 1979, and Mr. Steele appeared to agree with this point. Nevertheless, by a communication of November 8th the request for additional time was effectively denied, the Commission requiring filing of the response that same day; no explanation has been given by the Commission for its

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precipitate November 8 action. We responded the same day, pointing out that "both because it is not possible to file our response today on just hours' notice and because the initial complaint is mooted by the inconsistent amendment to complaint filed November 2nd, we have no choice except to respond to the two complaints together."

2. Subpoena based on a mooted complaint. On November 6, 1979, without referring to the then pending request for time until November 11 for filing the MNPL response or to the phone conversation on November 5, 1979 pointing out the radical narrowing by complainants of their original complaint to events after September 1, the Commission served a sweeping subpoena upon the Machinists Non-Partisan Political League entitled "Order to Produce Documents and Materials and to Answer Written Questions." This subpoena was obviously issued on the basis of the initial complaint. On November 8, 1979, undersigned counsel addressed a letter to Mr. Steele, with copies to all Commissioners, requesting that the subpoena be suspended until the Commission could consider the MNPL response to the complaint and amended complaint and then determine what, if any, order to produce was still appropriate. Since the 5-day period for motion to quash provided in Commission Regulations §111.13 was up on November 14, 1979, and no response had been received by that time to our letter of November 8th requesting that the subpoena be suspended, MNPL filed a motion on November 14th to quash or modify the subpoena. Despite the fact that the amendment to the complaint was inconsistent with the original complaint, the Commission by an order mailed on the same day denied the stay requested in our November 8th letter, still without any explanation.

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3. Process continued while jurisdiction in issue. On November 26, 1979, IAM and MNPL filed a "Motion to Dismiss Pending Complaint Against the MNPL and Supporting Memorandum." In view of the important constitutional and statutory issues involved in the question whether the Commission's jurisdiction extends to "draft movements," we hand delivered the motion to each Commissioner stating that "we believe the constitutional and statutory issues raised in the motion of such importance to warrant an exception to the Commission's general practice and request that oral argument be heard on the motion." We have not been informed of any action taken by the Commission on the Motion to Dismiss and have never received any response to the request for oral argument.

As disclosed by a November 29 letter from the Acting General Counsel, on November 27, 1979, the Commission, without considering our pending Motion to Dismiss and still without the slightest explanation, voted to deny the November 14th motion of MNPL to quash or modify the Commission order for discovery. On November 30, 1979, we responded to Mr. Steele's letter in relevant part as follows:

"On November 27, 1979, according to your letter [of November 29th], the Commission voted to deny the motion of MNPL to quash or modify the Commission's subpoena. The Commission could not have considered the motion to dismiss and the supporting brief concerning its lack of jurisdiction at that time.

Because the Commission did not give any reason for its denial of the motion to quash or modify, as it has not given any reason for any of its earlier actions in this matter, we are at a loss to know what the denial of the motion to quash or modify actually means. Certainly, if the Commission has no jurisdiction over the draft-Kennedy movement, as the motion to dismiss and supporting brief make clear, no subpoena can properly issue. Further, we do not believe any court will enforce actions by this Commission which it refuses to explain.

We await word on our motion to dismiss and our request for oral argument thereon."

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Despite the fact that our letter of November 30th made clear that MNPL deemed itself under no obligation to comply with the Commission's subpoena as long as the Motion to Dismiss was pending unresolved and as long as no reason was given for the subpoena, the Commission's Office of the General Counsel telephoned undersigned counsel on the morning of December 13 and asked whether the documents and information would be forthcoming. We reiterated the position taken in the November 30th letter and previous letters and were informed that we would receive a letter that same day (December 13th) denying the Motion to Dismiss. No such letter has arrived.

4. New subpoenas while jurisdictional challenge deferred.

A letter from the Commission dated December 14, 1979, was received reading as follows:

"The Office of General Counsel is in receipt of your letter and supporting memorandum dated November 26, 1979, in which you request that the Commission dismiss its investigation against the Machinists Non-Partisan Political League (MNPL). The Office of General Counsel is also in receipt of your letter of November 30, 1979, which also pertains to your request that MNPL be dismissed from the Commission's investigation.

As you know, 1 U.S.C. §437g(a) (4) directs the Commission to afford any respondent a reasonable opportunity to demonstrate that no action should be taken. The Commission will, as a part of its investigation as to whether there is reasonable cause to believe that the Act has been violated, consider MNPL's letter and memorandum dated November 26 as well as any other submission which MNPL desires to make. The specific jurisdictional arguments set forth in your memorandum will be addressed by the Commission in the course of that process."

We read this as a decision to drop compelled discovery at least until the Motion to Dismiss is acted upon. To our surprise, on December 26, 1979, the Commission forwarded to Anthony Podesta and Charles F. Williams subpoenas to appear for deposition upon oral examination on January 17, 1980 and January 21, 1980 respectively. No reason is given anywhere for seeking their

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depositions before the Commission determines whether it has any jurisdiction in this proceeding. Indeed, as we pointed out in our letter of November 30, 1979 quoted above, "we do not believe any court will enforce actions by this Commission which it refuses to explain."

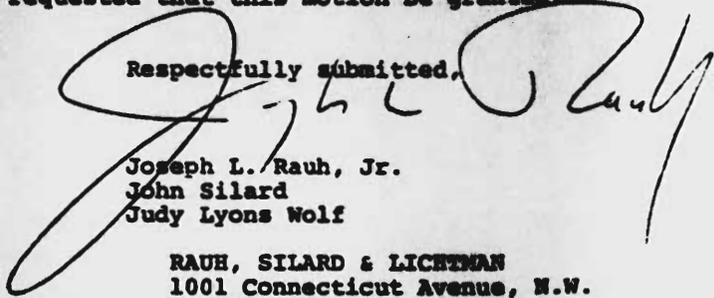
5. Absence of Commission jurisdiction. It also appears clear that the Commission in fact does not have any jurisdiction in this proceeding, and therefore no authority to carry on an enforcement investigation and issue subpoenas for that purpose. The absence of Commission jurisdiction has been demonstrated in the "Motion to Dismiss Pending Complaint Against the MNPL and Supporting Memorandum", filed by the undersigned counsel on November 26, 1979. Relying upon the demonstration therein, movants submit that this Commission lacks jurisdiction to pursue this enforcement investigation into the draft Kennedy efforts which preceded the Senator's acceptance of candidacy status at the end of October 1979.

6. Constitutional intrusion. Finally, the Commission is treading upon the most sensitive constitutional ground when it seeks information on individuals' efforts in a candidate draft. Of all agencies the Commission should be the first to recognize the disclosure restrictions of Buckley v. Valeo; if it is going to attempt compulsory process in this sensitive area it should certainly first demonstrate how the Commission has any jurisdiction and why it is in need of the testimony sought. Cf., for example, United States v. Rumely, 345 U.S. 41 and Watkins v. United States, 354 U.S. 178.

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For the several jurisdictional and procedural reasons
above reviewed, it is requested that this motion be granted.

Respectfully submitted,



Joseph L. Rauh, Jr.
John Silard
Judy Lyons Wolf

RAUH, SILARD & LICHTMAN
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Attorney for Movants

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Johansen

BEFORE THE FEDERAL ELECTION COMMISSION

50 JAN 10 P 4: 11

In the Matter of)
Florida for Kennedy Committee, et al.)

MUR 1038

GENERAL COUNSEL'S REPORT IN OPPOSITION TO
MOTION TO QUASH SUBPOENAS FOR DEPOSITION

I. Summary of Proceeding

On December 26, 1979, the Commission issued subpoenas for deposition to Charles F. Williams, a present and former official of Illinois Citizens for Kennedy, and Anthony Podesta. Copies of the subpoenas, with cover letters, are attached as Exhibits A and B. Williams and Podesta were subpoenaed as witnesses in the Commission's investigation in MUR 1038 of possible affiliation-related violations by various "draft Kennedy" committees, and possible reporting and registration violations by Senator Kennedy. See First General Counsel's Reports, MUR 1038, October 12, 1979 and November 13, 1979, and Memorandum to the Commission in MUR 1038, December 18, 1979.

On January 7, 1980, a motion to quash the subpoenas of Williams and Podesta was received by the Commission from Joseph Rauh, counsel for these individuals. (Mr. Rauh is also counsel for respondent Machinists Non Partisan Political League ("MNPL") in MUR 1038). The Motion to Quash is attached as Exhibit C. Movants

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put forth six "reasons" why they believe the Commission's subpoenas for depositions should be quashed. For the reasons set forth below, the Office of General Counsel recommends the Commission deny the present Motion to Quash.

1. Denial of reasonable time for response

Movants first argue that the MNPL did not have an adequate time to respond to the Commission's preliminary finding of October 16, 1979, that there was reason to believe the MNPL may have violated the Act.^{1/} In making this procedural argument, it is apparant movants have misconstrued the purpose for which Messrs. Williams and Podesta have been subpoenaed. Mr. Williams is presently an officer of the Illinois Citizens for Kennedy, and served in that capacity at the time of the events that are the subject of the allegations of the Carter-Mondale Presidential Committee, Inc. ("C-M") complaint. Mr. Podesta is named in the C-M Amendment to Complaint in connection with allegations of candidacy by Senator Kennedy prior to October 1, 1979. Thus, Messrs. Williams

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1/ In this regard, the Office of General Counsel notes that on October 30, 1979, when counsel for MNPL first contacted this Office he was informed that the granting of any extension of time in which to respond to the Commission's finding of reason to believe would probably not act to stay the Commission investigation in this matter. Mr. Rauh agreed to that caveat. This "condition" to the granting of MNPL's extension of time was confirmed in writing by this Office's letter of November 8, 1979, to Mr. Rauh. See Memorandum to Commission in MUR 1038, November 13, 1979 (MUR 1038 Request for Stay of Order to Produce Documents and Materials).

It should also be noted that movants argument that the investigation is unauthorized in that the Commission has not shown "probable cause" the Act was violated must fail, as the Commission need not find "probable cause" to conduct an investigation. See Motion to Quash, Exhibit C, at 2.

and Podesta are being subpoenaed for depositions as witnesses, not as respondents. However, movants in making the argument that not enough time was given to respond to the Commission's finding of reason to believe in this matter only make such allegations with respect to respondent MNPL; no such allegations of instances of procedural irregularities are put forth with respect to the involvement of Messrs. Williams and Podesta in this matter as witnesses, or with respect to the issuance of subpoenas for deposition to these two individuals. Therefore, movants do not have standing to raise the issue of the response time given to MNPL.

Even if movants do have standing to raise the procedural issue, it still must be rejected as a ground for quashing the subpoenas to Williams and Podesta, as the Act in effect at that time did not require the Commission to provide any definite period of time in which to receive a response to a finding of reason to believe before proceeding with an investigation involving a respondent. In light of the above, the Office of General Counsel recommends the Commission reject this first ground of movants as a basis for quashing the subpoenas for deposition.

2. C-M complaint is mooted

Movants next argue that the Commission has no basis upon which to issue subpoenas investigating allegations in the C-M complaint, contending the Amendment to Complaint is inconsistent with and mooted the allegations of affiliation that were contained in the original C-M complaint. As movants note, this same argument has already been brought to the attention of the Commission in the MNPL Motion to Quash subpoenas, filed on

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November 14, 1979. The Commission rejected that argument by denying the MNPL motion to quash. See Part II, A, General Counsel's Report in Opposition to Motion to Quash or Modify Commission Subpoena (MNPL), MUR 1038 (November 21, 1979). For the reasons stated in the aforementioned General Counsel's Report, the Office of General Counsel recommends the Commission again reject this argument as a basis for quashing its subpoenas in MUR 1038.

3. Investigation continued while jurisdictional issue is pending

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Movants make the procedural argument in points 3 and 4 of their motion to quash that because respondents in MUR 1038 have put the question of the Commission's jurisdiction over "draft" committees in issue, compliance with a Commission subpoena need not be forthcoming until that issue is resolved by the Commission. However, pursuant to 2 U.S.C. §437g(a)(2) and § 437d(4) the Commission need only find reason to believe a violation of the Act has occurred in order to conduct an investigation and to issue subpoenas for deposition in pursuing that investigation. Furthermore, the question of jurisdiction in this matter involves factual (as well as legal) matters, which cannot be determined without an investigation in this matter. To adopt movants' thesis would mean that in many cases the Commission would have to determine the result of the very issue it seeks to investigate before such investigation can take place. Recognizing this problem, the courts have repeatedly held that jurisdiction need not be proved or even conclusively determined in requiring compliance with an

administrative agency subpoena. See Oklahoma Press Pub. Co. v. Walling, 327 U.S. 186, 205 n. 32, 212-13 (1946); FTC v. Texaco, 555 F.2d 862, 872, 879 (D.C. Cir. 1977), cert. denied, 431 U.S. 974 (1977). The Office of General Counsel therefore recommends the Commission reject the arguments made in points 3 and 4 of movants motion as a basis for quashing the subpoenas.

4. Absence of Commission jurisdiction

Movants next raise as justification for the quashing of the subpoenas to Williams and Podesta the substantive argument that the Commission has no jurisdiction over the respondents in this action, and therefore has no authority to conduct an investigation in this matter. As previously stated, 2 U.S.C. § 437g(a)(2) specifically grants the Commission the authority to conduct an investigation, when, as here, a complaint has been filed and the Commission has found reason to believe violations of the Act occurred. 2 U.S.C. § 437d(4) confers upon the Commission the power to compel the testimony of individuals in carrying out that investigation. We further note that the argument that the Commission lacks jurisdiction over the respondents and the authority to conduct an investigation in this matter has previously been raised in both the MNPL Motion to Quash in MUR 1038 and in the Florida for Kennedy Committee ("FKC") Motion to Quash Subpoena in MUR 1038 (November 14, 1979), and was rejected in each instance by the Commission. See Part II, B, General Counsel's Report in Opposition to Motion to Quash (MNPL) Subpoena, MUR 1038, supra; General Counsel's Report in Opposition to Motion to Quash Subpoena (FKC), MUR 1038

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(November 21, 1979). The Office of General Counsel therefore recommends the Commission again reject this argument as a ground to quash the subpoenas issued in MUR 1038.

3. Constitutional issue

Novants finally assert that in light of the "sensitive" constitutional rights that are involved in this action, the Commission is required to demonstrate it has jurisdiction in this matter and that the information it requests is necessary, before it can compel the testimony of witnesses. As noted above, in parts 3 and 4 of this Report, the Commission need not make such a demonstration to issue a subpoena for deposition. Indeed, the Commission has a statutory duty under 2 U.S.C. § 437g(a)(2) to conduct an investigation when, as here, a complaint has been filed and when the Commission has found reason to believe the Act may have been violated. Thus, the Commission must necessarily seek testimonial and other evidence in order to carry out its investigatory responsibilities under the Act. Of course, the questions asked during the depositions of Williams and Podesta must be relevant to the investigation in this matter, but such relevancy objections cannot concretely be raised before any specific questions are asked by the Commission's counsel. The Office of General Counsel therefore recommends the Commission reject the argument that, constitutionally, it need demonstrate its jurisdiction and the necessity for testimonial evidence before it can conduct an investigation pursuant to 2 U.S.C. § 437g(a)(2).

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Recommendation

1. Deny the motion to quash of Charles Williams and Anthony Podesta, and authorize the Office of General Counsel to institute enforcement proceedings in the United States District Court, pursuant to 2 U.S.C. § 437d(b), if necessary to achieve compliance with the Commission subpoenas.
2. Send the attached letter.

15 January 1980
Date



Charles N. Steele
General Counsel

Attachments

- Subpoena to Williams - A
- Subpoena to Podesta - B
- Motion to Quash - C

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

Joseph L. Rauh, Jr.
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Rauh:

Referring to your letter of January 15, 1980, this is to inform you that the Federal Election Commission has voted to deny the motion to quash the subpoena for deposition issued to William Fenton. A copy of the Commission's denial order is enclosed.

The Commission requests that Mr. Fenton appear for deposition at 10:00 a.m. on February 15, 1980, in Des Moines, Iowa. We will advise you of the specific location before then. If Mr. Fenton declines to appear on the rescheduled date, please notify this office immediately in writing.

With regard to your observation that the Commission did not give notice to your firm upon issuance of a subpoena to Mr. Fenton, please be advised that Mr. Fenton was subpoenaed as a witness and not as an officer or agent of your client, Machinists Non-Partisan Political League. The Commission could not reasonably anticipate that Mr. Fenton would retain your firm to represent him when it issued the subpoena.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

ATTACHMENT E

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**DENIAL OF MOTION TO
QUASH COMMISSION SUBPOENA
FOR DEPOSITION IN MUR 1038(79)**

The Federal Election Commission hereby denies the motion of William Fenton to quash the Commission's Subpoena for deposition mailed on December 26, 1979.

Robert O. Tiernan
Chairman

Max Friedersdorf
Vice Chairman

Thomas E. Harris
Commissioner

Joan D. Aikens
Commissioner

Frank P. Reiche
Commissioner

John W. McGarry
Commissioner

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*
DATE: JANUARY 22, 1980
SUBJECT: COMMISSION ORDER IN RELATION TO MUR 1038

The attached order, approved on an expedited basis
by a vote of 4-0, has been signed and sealed this date.

ATTACHMENT:
Order

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Florida for Kennedy Committee, et al.) MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 21, 1980, the Commission decided by a vote of 4-0 to take the following actions regarding the above-captioned matter:

1. That the Wisconsin Democrats for Change in 1980 ("WDC") motion to quash the Commission subpoena, in the form of objections thereto, be denied.
2. That the letter attached to the General Counsel's January 21, 1980 report be sent informing WDC of the denial.
3. That the Commission authorize the General Counsel's Office to initiate enforcement proceedings in the district court should WDC continue to refuse to comply with the subpoena.

Voting for this determination were Commissioners Aikens, Harris, McGarry, and Reiche.

Attest:

1-22-80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 1-21-80, 3:29
Circulated on Expedited Tally Vote Basis: 1-21-80, 4:00

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TO: Mr. J. Edgar Hoover
FROM: [Illegible]
SUBJECT: [Illegible]
[Illegible text]

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 JAN 21 P 3: 38

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1038
Florida for Kennedy Committee, et al.)

GENERAL COUNSEL'S REPORT IN OPPOSITION
TO MOTION TO QUASH SUBPOENAS FOR DEPOSITION

I. Summary of Proceeding

On December 26, 1979, the Commission issued a subpoena for the production of documents and materials and an order to answer written questions to the Wisconsin Democrats for Change in 1980 ("WDC"). WDC is a respondent in MUR 1038, where, inter alia, the Commission found reason to believe WDC and ten other "draft Kennedy" committees may be affiliated and therefore may have violated the Act by failing to report that affiliation. See First General Counsel's Reports, MUR 1038 (October 12 and November 13, 1979); Memorandum to the Commission in MUR 1038 (December 18, 1979).

On January 11, 1980, a "Response to Order to Produce Documents and Materials and to Answer Written Questions" was received by the Commission from counsel for WDC (Attachment I). This response states that the WDC "objects" to the Commission subpoena as violative of first amendment rights and refuses to comply. In this response, WDC also moves to dismiss the Carter-Mondale Presidential Committee, Inc. ("C-M") complaint against WDC. In that WDC has stated in its response that it "objects" to the subpoena, the Office of General Counsel has treated

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that response as a motion to quash which, for the reasons set forth hereafter, the Office of General Counsel recommends the Commission deny. As noted below, the Office of General Counsel also recommends the Commission not grant WDC's motion to dismiss.

Legal Analysis

Before reaching the substantive grounds of the WDC objection, the Office of General Counsel notes that procedurally, to the extent the WDC response is treated as a motion to quash, it is made out of time. 11 C.F.R. § 111.13(a) provides that a motion to quash a Commission subpoena be made within five days after the date of service of the subpoena. The subpoena to WDC was sent by Federal Express on December 26, 1979, and was received on December 27, 1979. This Office received the present WDC response on January 11, 1980, and the response itself was dated January 8, 1980. Even if the above regulation is interpreted to mean five working days, a motion to quash should have been received by this Office, or at least mailed, on January 4, 1980.

However, as explained below, even if treated as timely, the substantive arguments made by WDC do not warrant quashing the subpoena.

A. Motion to Quash

In its response to the Commission subpoena, WDC states that it objects to the subpoena because it constitutes a violation of the protected first amendment rights of those associated with

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WDC to freedom of speech. However, respondent cites no specific instances, nor any facts or law in support of this general assertion. Therefore, we can only address such a broad and amorphous allegation in an equally broad manner, and state that the courts have consistently rejected as a basis for denying subpoena enforcement the general assertion, without more, that first amendment rights will be infringed. See Oklahoma Press Publishing Co. v. Walling, 327 U.S. 186 (1946); SEC v. Wall Street Transcript Corp., 422 F.2d 1371 (2d Cir. 1970).

In support of its motion to quash, WDC also argues that the allegations in the C-M complaint fail to establish reason to believe the Act was violated by WDC. Inasmuch as the Commission has determined that there is reason to believe WDC violated the Act, and as WDC offers no new information as a basis for the Commission to rescind its preliminary finding against WDC, the Office of General Counsel recommends that the Commission reject WDC's assertion there is no reason to believe WDC violated the Act as a basis for quashing the subpoena to WDC.

WDC next argues that it is not a political committee as defined by the Act. This argument has previously been raised by the Machinists Non-Partisan Political League ("MNPL") and the Florida for Kennedy Committee ("FKC") as a ground for quashing Commission subpoenas in MUR 1038, and was rejected in each instance by the Commission. See General Counsel's Report in Opposition to Motion to Quash or Modify (MNPL) Subpoena, MUR 1038 (November 21, 1979); General Counsel's Report in Opposition

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to Motion to Quash (FKC) Subpoena, MUR 1038 (November 21, 1979). The Office of General Counsel therefore recommends that the Commission again reject this jurisdictional argument as a basis for quashing its subpoena.

B. Dismissal of Complaint

WDC, in its response, makes a motion to dismiss the complaint as it pertains to WDC. In that there are no procedures in the Federal Election Campaign Act of 1971, as amended ("the Act") for the Commission to "rule" on such motions, and as any sort of determination in this area depends on facts which will be revealed by the investigation in this matter, the Office of General Counsel recommends the Commission continue its practice in this matter of refusing to grant or deny a motion to dismiss at this juncture in the proceedings against the various respondents. To the extent that the grounds asserted for the motion to dismiss may be interpreted as raising a basis for quashing the subpoena they have been addressed above, at page 3 of this Report.

Recommendation

For all of the above reasons, the Office of General Counsel recommends that the WDC motion to quash the Commission subpoena, in the form of objections thereto, be denied, and the attached letter be sent so informing WDC. This Office also requests

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that the Commission authorize the General Counsel's Office to initiate enforcement proceedings in the district court should WDC continue to refuse to comply with the subpoena.

21 January 1973
Date



Charles H. Steele
General Counsel

Attachments:

**Response to Order to Produce Documents and Materials
and to Answer Written Questions
Subpoena to WDC
Letter**

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LASKER & LASKER
ATTORNEYS AT LAW
222 SOUTH HAMILTON STREET
MADISON, WISCONSIN 53703

RECEIVED
FEDERAL ELECTION
COMMISSION

JOURNAL

DAVID E. LASKER
COURT COMMISSIONER
SARAH V. LASKER
COURT COMMISSIONER

TELEPHONE (608) 256-2502
JAN 11 PM 12:04
256-2502

January 8, 1980

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
Washington, D.C. 20463

005728

Re: Mur 1038

Dear Mr. Steele:

Enclosed please find our Response to Order to Produce Documents and Materials and to Answer Written Questions issued by the Commission on December 19, 1979, and sent to me by you under cover of a letter dated December 26, 1979.

Thank you for your cooperation in filing this enclosure.

Sincerely,

LASKER & LASKER

David E. Lasker
David E. Lasker

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Enclosure

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Attachment I

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

RESPONSE TO ORDER TO PRODUCE DOCUMENTS AND MATERIALS
AND TO ANSWER WRITTEN QUESTIONS

TO: Hon. Robert O. Tiernan, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1038

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COMES NOW, Elizabeth Betka, Chairperson, Wisconsin Democrats for Change in 1980, by her attorneys, Lasker & Lasker, by David E. Lasker, Esq., and respectfully submits the following response to the Order to Produce Documents and Materials and to Answer Written Questions dated December 19, 1979 and transmitted to the undersigned under cover of a letter dated December 26, 1979 from Charles N. Steele, Esq., General Counsel for the Federal Election Commission:

1. That respondent Elizabeth Betka, Chairperson, Wisconsin Democrats for Change in 1980 (hereinafter referred to as "WDC") objects to said order because said order constitutes a violation of the rights of respondent Elizabeth Betka and other persons associated with Wisconsin Democrats for Change in 1980 to freedom of speech protected by the First Amendment of the United States Constitution.

2. That the WDC hereby moves to dismiss the complaint against the WDC in this matter on the grounds set forth in the letter from David E. Lasker, Esq., of Lasker & Lasker to Charles N. Steele, Esq., Acting General Counsel of the Federal Election Commission, dated December 6, 1979, a copy of which is attached hereto and incorporated by reference as if fully set forth herein, and on the further grounds that:

a. The complaint and amended complaint filed by the Carter-Mondale Presidential Committee, Inc., and the reports, statements, and other evidence and information filed with the Commission fail to establish reason to believe the WDC may have violated the Federal Election Campaign of 1971, as amended;

b. The limitations on political committee contributions established by the Federal Election Campaign Act of 1971, as amended, do not apply to the WDC, because the WDC did not support a "candidate for election" within the meaning of the Act; and

c. This attempt by the Commission to extend the Act and Commission jurisdiction to committees seeking not to elect a consenting candidate but to induce a candidacy is contrary to law and violates the United States Constitution.

3. That, because compliance with the order of the Commission dated December 19, 1979, could be construed as a waiver by the WDC, its officers, and all persons associated with it of constitutionally protected rights, and for the reasons set forth above, the WDC respectfully refuses to produce any documents and

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materials and to answer any written questions pursuant to the order of the Commission dated December 19, 1979.

Dated at Madison, Wisconsin, this 8th day of January, 1980.

LASKER & LASKER

By:



David E. Lasker, Esq.

Attorneys for Wisconsin Democrats for Change in 1980 and Elizabeth Betka, Chairperson

222 South Hamilton Street
Madison, Wisconsin 53703
(608) 256-6202

83040385113

LASKER & LASKER

ATTORNEYS AT LAW

272 SOUTH HARRISON STREET
MADISON, WISCONSIN 53703

TELEPHONE (608) 261-8800
254-6602

DAVID E. LASKER
COURT COMMISSIONER

SARAH V. LASKER
GENE MESSINA

December 6, 1979

Charles N. Steele, Esq.
Acting General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Wisconsin Democrats for Change in 1980
Your File: MUR 1038

Dear Mr. Steele:

This is to formally notify the Federal Election Commission that this office has been retained by the Wisconsin Democrats for Change in 1980 (hereinafter referred to as "WDC") with respect to the complaint and amended complaint filed with the Commission by the Carter-Mondale Presidential Committee, Inc., and your letter to the WDC dated November 21, 1979, in which you state that the Commission has found reason to believe the WDC "may have violated the Federal Election Campaign Act of 1971, as amended" in two respects. We request that you direct all future correspondence and inquiries with respect to this matter directly to this office.

From the outset I want to stress that this letter constitutes a special appearance, because our client strenuously objects to the apparent intention of the Federal Election Commission to exercise jurisdiction over this matter pursuant to the conclusive pleadings of the Carter-Mondale Presidential Committee, Inc., and to conduct an investigation of this matter in furtherance of the political interests of the Carter-Mondale Presidential Committee, Inc.

We believe the Commission lacks proper jurisdiction for the following reasons. First, the Carter-Mondale Presidential Committee, Inc., (hereinafter referred to as "complainant") in its pleadings states only the conclusion that the WDC is "the principal draft-Kennedy committee for the State of Wisconsin" and states no facts which give either meaning or substance to the allegation. Secondly, the complainant states the conclusion that the WDC "is affiliated with the International Association of Machinists and therefore with the other

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Page Two
Charles N. Steele, Esq.
December 6, 1979

respondents" without stating facts even close to sufficient to allege actual affiliation within the meaning of 11 C.F.R. §100.14(c), 11 C.F.R. §102.2(a)(2) and 2 U.S.C. §433(b)(2). Although the pleading does allege that the WDC received a contribution from the Machinists Non-Partisan Political League, elsewhere the complaint clearly states that the MNPL is "the separate segregated political fund" of the union. Therefore, the pleadings on their face fail to establish any reason to believe the WDC may have violated the legal provisions requiring the reporting of names of any affiliated committees.

Moreover, the pleadings of the complainant are woefully inadequate with regard to the second alleged violation of law referred to in your letter of November 21, 1979. The complainant fails to state any facts tending to show knowing acceptance of contributions allegedly prohibited by 2 U.S.C. §441a(a)(2)(C). Clearly, 2 U.S.C. §441a(f) proscribes knowing acceptance of excessive contributions, and it is clear that the complaint in this case fails to state even a prima facie case. Indeed, even your letter of November 21, 1979, reflects the deficiency of the complaint, because it states only that WDC may have accepted excessive contributions--not that the WDC did so with either actual or constructive knowledge of other contributions to other committees by the MNPL that allegedly exceed the \$5000 aggregate limitation.

The litigation commenced by the complainant before the Commission has been very detrimental to the Kennedy campaign in Wisconsin. As the complainant is no doubt fully aware, the allegations of affiliation have tended to drive a wedge between those political activists who were involved in the WDC prior to its going out of existence and those Democrats who have supported the candidacy of Senator Kennedy since he formally announced. Clearly, the litigation was commenced with the purpose of throwing cold water on the brush fire of enthusiasm for Senator Kennedy's candidacy. The chilling effect on the First Amendment rights of free expression and free association of those who support Senator Kennedy's candidacy is enough to cause any objective legal observer to shiver. Only because we wish to put an end to this matter promptly and terminate its destructive effect on legitimate political activity, we will comment on the substance of the allegations made by the complainant

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Page Three
Charles N. Steele, Esq.
December 6, 1979

and made by you on behalf of the Federal Election Commission in your letter of November 21, 1979. With this response, however, we wish to reiterate that we object to the apparent exercise of jurisdiction by the Federal Election Commission in this instance. Our discussion of the merits of this matter is not to be deemed a waiver of that objection.

The WDC denies that it is a committee affiliated with any of the other respondents in this matter. The WDC denies that it is an authorized committee of Senator Edward M. Kennedy or any other candidate. The WDC denies that it was established by either the International Association of Machinists or the Machinists Non-Partisan Political League or by any of the other respondents. The WDC denies that it was financed by, maintained by, or controlled by any of the respondents.

The amended complaint alleges that the October report of the WDC "indicates that except for \$40.00 in unitemized contributions, the only contribution received was from MNPL on September 27, 1979, in the amount of \$3000." While that is technically correct, the intended implication of affiliation is patently false. Your records, which are available to the complainant and the public, show that the WDC was established in May of 1979, so the \$3000 contribution is no evidence that the WDC was established by the MNPL.

Moreover, the December 3, 1979 report on file with the Commission shows that the WDC has received a total of \$6386.86, only \$3000.00 of which (i.e. less than half of which) came from the MNPL. That report shows that all but one of the other contributions to the WDC are still unitemized, naturally because they were contributions in an amount less than the \$100.00 figure requiring itemization under the law. Thus, the full record on the finances of the WDC does not support the allegation that the WDC is financed by any of the respondents.

The remaining so-called "evidence" cited by the complainant is that William Winpisinger, President of the IAM, was the speaker at the Wisconsin committee's first organizational meeting, at which it was reported in press accounts that "fully a third of those attending the meeting...where representatives of the machinists

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Page Four
Charles N. Steele, Esq.
December 6, 1979

Union". In support of that contention the complainant supplies a photocopy of an article from the October 6, 1979, Milwaukee Journal. It is respectfully submitted that the exhibit itself shows that Mr. Winpisinger was not "the speaker" at the meeting but, rather, was one of numerous speakers at the meeting. Although the WDC concedes that some of those attending the meeting were persons who belong to the Machinists Union, the WDC denies that they constituted one-third of those attending the meeting and further denies that those individuals were "representatives" of the union.

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The WDC affirmatively alleges that it was established by, financed by, maintained by, and controlled by independent Wisconsin residents who were sick and tired of a lack of leadership in the White House and were deeply concerned over the state of the economy, the nation, and the prospects for the future. The WDC affirmatively alleges that its purpose was to demonstrate to Senator Kennedy and others who offered hope that they might bring an effective government and progressive leadership to Washington that there were many politically active people in Wisconsin who would support such leadership. Having accomplished their objective, they have filed their final report with the Commission and have disbanded. The fact that, along the way, they may have associated with and spoken with people elsewhere in the country with similar feelings, views, and objectives is not a violation of any constitutionally valid statute or regulation.

It would set a very dangerous precedent for the Commission to rule under the facts of this case that the WDC is affiliated with any of the respondents. It is respectfully submitted that the action of the Commission in proceeding to date pursuant to the pleadings of the complainant constitutes a violation of the rights of the members of the WDC under the First Amendment and an unwarranted intrusion by the Commission into the partisan politics of the Democratic Party.

Sincerely,

LASKER & LASKER


David E. Lasker

: DEL:ec



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1979

FEDERAL EXPRESS

David E. Lasker
Lasker & Lasker
2225 Hamilton Street
Madison, Wisconsin 53703

Re: MUR 1038

Dear Mr. Lasker:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to Wisconsin Democrats for Change in 1980.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,


Charles N. Steele
General Counsel

Enclosure

83040385120

Attachment II

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

ORDER TO PRODUCE DOCUMENTS AND MATERIALS
AND TO ANSWER WRITTEN QUESTIONS

TO: Elizabeth Betka
Chairperson, Wisconsin Democrats
for Change in 1980
2313 Highway MM
Oregon, Wisconsin 53575

Re: MUR 1038

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a), Wisconsin Democrats for Change in 1980 ("WDC") is hereby ordered to produce by mail copies of all documents listed below that are in the possession or control of WDC or its officers, agents, staff members, or employees. Please mail the copies of the documents to: Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C., 20463, by January 10, 1980, at 10:00 a.m. Samples of mass mailings, distributions or publications may be provided.

1. All documents and materials (including but not limited to letters, memoranda, minutes, notes, and records of telephone conversations) relating to meetings, discussions, correspondence, or other communications between any official, employee, staff member, volunteer, organizer, or agent of WDC and any

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Order to: Elizabeth Betka

of the following persons or organizations
or their officials, employees, staff
members, volunteers, organizers, or agents:

- a. Florida for Kennedy Committee
200 Southeast First Street
12th Floor
Miami, Florida 33131
- b. Committee for Alternatives to
Democratic Presidential Candidate
840 Fifth Avenue
Des Moines, Iowa 50309
- c. New Hampshire Democrats for Change
P.O. Box 4268
Manchester, New Hampshire 03108
- d. Minnesotans for a Democratic
Alternative
208 McCall Building
366 Jackson Place
St. Paul, Minnesota 55107
- e. Illinois Citizens for Kennedy
127 N. Dearborn, Room 238
Chicago, Illinois 60602
- f. D.C. Committee for a Democratic
Alternative
P.O. Box 1500
Washington, D.C. 20013
- g. Citizens for Democratic
Alternatives in 1980
P.O. Box 2485
Washington, D.C. 20013
- h. National Call for Kennedy
1300 Connecticut Avenue, N.W.
Washington, D.C. 20036
- i. Democrats for Change-1980
P.O. Box 6707
Los Angeles, California 90067

83040385122

Order to: Elizabeth Betka

- j. Americans for Democratic Action
Campaign Committee
1411 K Street, N.W.
Washington, D.C. 20005
- k. Americans for Democratic Action
or any of its committees, sub-units,
or state or local affiliates
- l. The Machinists Non-Partisan
Political League ("MNPL") or
any of its committees or sub-
units or affiliated committees
- m. The International Association of
Machinists and Aerospace Workers
("IAM") or any of its committees,
sub-units, or state or local
affiliates
- n. Mark A. Siegel
- o. Marjorie Phyte
- p. William W. Winpisinger

2. All documents and materials (including but not limited to letters, memoranda (internal or otherwise), minutes, notes, records of telephone conversations, newsletters, and publications) concerning the formation, organizational structure, and staff assignments of WDC or any of the organizations listed in 1 a-j above.

3. All documents and materials relating to any fundraising activities of WDC in the States of Florida, Iowa, New Hampshire, Illinois, California, and Minnesota and the District of Columbia, including but not limited to writings indicating who was involved in organizing or coordinating any such activities and who was contacted in the listed states.

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Page 4

Order to: Elizabeth Betka

4. All articles of incorporation, by-laws, rules, regulations, procedural manuals, policy statements, governing instruments, or other documentation of policies or procedures of WDC.

5. All telephone bills or other records of telephone calls made by WDC or by any of its officials, employees, staff members, volunteers, organizers, or agents acting on behalf of WDC.

6. All documents and materials (including but not limited to airplane, bus, or train ticket receipts, automobile rental and gas receipts, bills for lodging and accommodations, travel authorization requests, and vouchers) relating to travel by officials, employees, staff members, volunteers, organizers, or agents of WDC.

In addition, WDC is hereby ordered to reply to the following information requests:

1. Please supply a list of all officials, employees, staff members, volunteers, organizers, and supervisory volunteers or agents of WDC. For each individual listed, please indicate the title or position held and the dates of service.

2. Please supply the date of organization of WDC.

3. Please list the telephone numbers of WDC and of every official, employee, staff member, organizer, and supervisory volunteer or agent of WDC. For each number provided, please indicate the listed or known name of the person to whom each number belongs.

Please submit responses to these information requests, along with any additional information or response WDC may wish to provide, within ten (10) days of your receipt of this order.

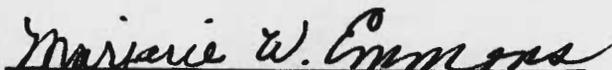
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Page 5
Order to: Elizabeth Betka

WHEREFORE, the Chairman of the Federal Election
Commission has hereunto set his hand at Washington, D.C.,
this ^{19th} day of December, 1979.


Robert O. Tiernan, Chairman
Federal Election Commission

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

83040385123



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David E. Lasker
Lasker and Lasker
222 South Hamilton Street
Madison, Wisconsin 53703

Re: MUR 1038

Dear Mr. Lasker:

The Federal Election Commission has received your letter on behalf of Wisconsin Democrats for Change 1980 ("WDC") in "Response to Order to Produce Documents and Materials and to Answer Written Questions". This Office presented that response to the Commission as a motion to quash the subpoena to WDC, although your letter was received more than five working days after WDC's receipt of the subpoena, normally making such motion out of time. See 11 C.F.R. § 111.13(a).

The Commission, after considering your response on behalf of WDC has voted to deny the WDC motion to quash the Commission subpoena. A copy of the Commission's denial order is enclosed.

We also take this opportunity to inform you that there are no procedures in the Federal Election Campaign Act of 1971, as amended ("the Act") whereby the Commission may hear and make a final determination with respect to a motion to dismiss a matter made by a respondent. In this regard we note that the Commission is not an adjudicatory body, but rather is, inter alia, an investigatory agency. Thus, the Commission does not make final determinations that the Act has been violated. At most the Commission may, after a brief has been submitted by a respondent, find probable cause to believe a violation of the Act has occurred and institute a civil action to obtain a district court ruling that the Act has been violated. See 2 U.S.C. § 437g(a)(6)(A), formerly 2 U.S.C. § 437g(a)(5)(B). The Commission will, however, give you a further opportunity to brief the issues, and will consider the issue of whether acts alleged to have been taken by WDC come within the coverage of the Act before taking further action in the form of a finding that there is or is not probable cause to believe WDC violated the Act.

Attachment III

83040385126

David E. Lasker
Page Two

Because WDC's motion to quash has been denied, we request that WDC produce the documents and information requested so that they are received by the Commission no later than , 1980. If WDC still declines to produce the documents and information requested, please notify this office in writing before that date.

If you have any questions or problems concerning this or any other matter, please call Marsha Gentner, at (202)523-4057.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS
DATE: JANUARY 17, 1980
SUBJECT: COMMISSION ORDER IN RELATION TO MUR 1038

The attached order, approved on an expedited basis on January 17, 1980 by a vote of 4-0, has been signed and sealed this date.

83040385120

ATTACHMENT:
Order

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Florida for Kennedy Committee, et al.)

MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 17, 1980, the Commission decided by a vote of 4-0 to take the following actions regarding the above-captioned matter:

1. Deny the motion to quash of Charles Williams and Anthony Podesta, and authorize the Office of General Counsel to institute enforcement proceedings in the United States District Court, pursuant to 2 U.S.C. § 437d(b), if necessary to achieve compliance with the Commission Subpoenas.
2. Send the letters attached to the General Counsel's January 15, 1980 report.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry.

Attest:

1-17-80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 1-15-80, 4:47
Circulated on an Expedited Vote Basis: 1-16-80, 9:00

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TO: [illegible]
FROM: Elmer T. [illegible]
[illegible] 1938

Please have the attached General Counsel's Report
distributed to the Commission on an expedient basis. Very truly,
[illegible]

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 JAN 15 P 4: 47

In the Matter of)
Florida for Kennedy Committee, et al.) MUR 1038

GENERAL COUNSEL'S REPORT IN OPPOSITION TO
MOTION TO QUASH SUBPOENAS FOR DEPOSITION

I. Summary of Proceeding

On December 26, 1979, the Commission issued subpoenas for deposition to Charles F. Williams, a present and former official of Illinois Citizens for Kennedy, and Anthony Podesta. Copies of the subpoenas, with cover letters, are attached as Exhibits A and B. Williams and Podesta were subpoenaed as witnesses in the Commission's investigation in MUR 1038 of possible affiliation-related violations by various "draft Kennedy" committees, and possible reporting and registration violations by Senator Kennedy. See First General Counsel's Reports, MUR 1038, October 12, 1979 and November 13, 1979, and Memorandum to the Commission in MUR 1038, December 18, 1979.

On January 7, 1980, a motion to quash the subpoenas of Williams and Podesta was received by the Commission from Joseph Rauh, counsel for these individuals. (Mr. Rauh is also counsel for respondent Machinists Non Partisan Political League ("MNPL") in MUR 1038). The Motion to Quash is attached as Exhibit C. Movants

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put forth six "reasons" why they believe the Commission's subpoenas for depositions should be quashed. For the reasons set forth below, the Office of General Counsel recommends the Commission deny the present Motion to Quash.

1. Denial of reasonable time for response

8 3 0 4 0 3 8 5 1 3 2
Movants first argue that the MNPL did not have an adequate time to respond to the Commission's preliminary finding of October 16, 1979, that there was reason to believe the MNPL may have violated the Act.^{1/} In making this procedural argument, it is apparant movants have misconstrued the purpose for which Messrs. Williams and Podesta have been subpoenaed. Mr. Williams is presently an officer of the Illinois Citizens for Kennedy, and served in that capacity at the time of the events that are the subject of the allegations of the Carter-Mondale Presidential Committee, Inc. ("C-M") complaint. Mr. Podesta is named in the C-M Amendment to Complaint in connection with allegations of candidacy by Senator Kennedy prior to October 1, 1979. Thus, Messrs. Williams

1/ In this regard, the Office of General Counsel notes that on October 30, 1979, when counsel for MNPL first contacted this Office he was informed that the granting of any extension of time in which to respond to the Commission's finding of reason to believe would probably not act to stay the Commission investigation in this matter. Mr. Rauh agreed to that caveat. This "condition" to the granting of MNPL's extension of time was confirmed in writing by this Office's letter of November 8, 1979, to Mr. Rauh. See Memorandum to Commission in MUR 1038, November 13, 1979 (MUR 1038 Request for Stay of Order to Produce Documents and Materials).

It should also be noted that movants argument that the investigation is unauthorized in that the Commission has not shown "probable cause" the Act was violated must fail, as the Commission need not find "probable cause" to conduct an investigation. See Motion to Quash, Exhibit C, at 2.

and Podesta are being subpoenaed for depositions as witnesses, not as respondents. However, movants in making the argument that not enough time was given to respond to the Commission's finding of reason to believe in this matter only make such allegations with respect to respondent MNPL; no such allegations of instances of procedural irregularities are put forth with respect to the involvement of Messrs. Williams and Podesta in this matter as witnesses, or with respect to the issuance of subpoenas for deposition to these two individuals. Therefore, movants do not have standing to raise the issue of the response time given to MNPL.

Even if movants do have standing to raise the procedural issue, it still must be rejected as a ground for quashing the subpoenas to Williams and Podesta, as the Act in effect at that time did not require the Commission to provide any definite period of time in which to receive a response to a finding of reason to believe before proceeding with an investigation involving a respondent. In light of the above, the Office of General Counsel recommends the Commission reject this first ground of movants as a basis for quashing the subpoenas for deposition.

2. C-M complaint is mooted

Movants next argue that the Commission has no basis upon which to issue subpoenas investigating allegations in the C-M complaint, contending the Amendment to Complaint is inconsistent with and mooted the allegations of affiliation that were contained in the original C-M complaint. As movants note, this same argument has already been brought to the attention of the Commission in the MNPL Motion to Quash subpoenas, filed on

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November 14, 1979. The Commission rejected that argument by denying the MNPL motion to quash. See Part II, A, General Counsel's Report in Opposition to Motion to Quash or Modify Commission Subpoena (MNPL), MUR 1038 (November 21, 1979). For the reasons stated in the aforementioned General Counsel's Report, the Office of General Counsel recommends the Commission again reject this argument as a basis for quashing its subpoenas in MUR 1038.

3. Investigation continued while jurisdictional issue is pending

Movants make the procedural argument in points 3 and 4 of their motion to quash that because respondents in MUR 1038 have put the question of the Commission's jurisdiction over "draft" committees in issue, compliance with a Commission subpoena need not be forthcoming until that issue is resolved by the Commission. However, pursuant to 2 U.S.C. §437g(a)(2) and § 437d(4) the Commission need only find reason to believe a violation of the Act has occurred in order to conduct an investigation and to issue subpoenas for deposition in pursuing that investigation. Furthermore, the question of jurisdiction in this matter involves factual (as well as legal) matters, which cannot be determined without an investigation in this matter. To adopt movants' thesis would mean that in many cases the Commission would have to determine the result of the very issue it seeks to investigate before such investigation can take place. Recognizing this problem, the courts have repeatedly held that jurisdiction need not be proved or even conclusively determined in requiring compliance with an

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administrative agency subpoena. See Oklahoma Press Pub. Co. v. Walling, 327 U.S. 186, 205 n. 32, 212-13 (1946); FTC v. Texaco, 555 F.2d 862, 872, 879 (D.C. Cir. 1977), cert. denied, 431 U.S. 974 (1977). The Office of General Counsel therefore recommends the Commission reject the arguments made in points 3 and 4 of movants motion as a basis for quashing the subpoenas.

4. Absence of Commission jurisdiction

Movants next raise as justification for the quashing of the subpoenas to Williams and Podesta the substantive argument that the Commission has no jurisdiction over the respondents in this action, and therefore has no authority to conduct an investigation in this matter. As previously stated, 2 U.S.C. § 437g(a)(2) specifically grants the Commission the authority to conduct an investigation, when, as here, a complaint has been filed and the Commission has found reason to believe violations of the Act occurred. 2 U.S.C. § 437d(4) confers upon the Commission the power to compel the testimony of individuals in carrying out that investigation. We further note that the argument that the Commission lacks jurisdiction over the respondents and the authority to conduct an investigation in this matter has previously been raised in both the MNPL Motion to Quash in MUR 1038 and in the Florida for Kennedy Committee ("FKC") Motion to Quash Subpoena in MUR 1038 (November 14, 1979), and was rejected in each instance by the Commission. See Part II, B, General Counsel's Report in Opposition to Motion to Quash (MNPL) Subpoena, MUR 1038, supra; General Counsel's Report in Opposition to Motion to Quash Subpoena (FKC), MUR 1038

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(November 21, 1979). The Office of General Counsel therefore recommends the Commission again reject this argument as a ground to quash the subpoenas issued in MUR 1038.

5. Constitutional issue

Movants finally assert that in light of the "sensitive" constitutional rights that are involved in this action, the Commission is required to demonstrate it has jurisdiction in this matter and that the information it requests is necessary, before it can compel the testimony of witnesses. As noted above, in parts 3 and 4 of this Report, the Commission need not make such a demonstration to issue a subpoena for deposition. Indeed, the Commission has a statutory duty under 2 U.S.C. § 437g(a)(2) to conduct an investigation when, as here, a complaint has been filed and when the Commission has found reason to believe the Act may have been violated. Thus, the Commission must necessarily seek testimonial and other evidence in order to carry out its investigatory responsibilities under the Act. Of course, the questions asked during the depositions of Williams and Podesta must be relevant to the investigation in this matter, but such relevancy objections cannot concretely be raised before any specific questions are asked by the Commission's counsel. The Office of General Counsel therefore recommends the Commission reject the argument that, constitutionally, it need demonstrate its jurisdiction and the necessity for testimonial evidence before it can conduct an investigation pursuant to 2 U.S.C. § 437g(a)(2).

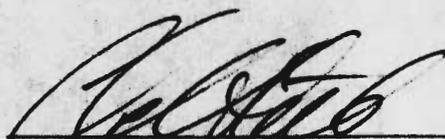
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Recommendation

1. Deny the motion to quash of Charles Williams and Anthony Podesta, and authorize the Office of General Counsel to institute enforcement proceedings in the United States District Court, pursuant to 2 U.S.C. § 437d(b), if necessary to achieve compliance with the Commission subpoenas.

2. Send the attached letter.

15 January 1980
Date



Charles N. Steele
General Counsel

Attachments

- Subpoena to Williams - A
- Subpoena to Podesta - B
- Motion to Quash - C

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Ill. C.R.

Exhibit / Attachment A



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles F. Williams
50 West Oakton Street
Des Plaines, Illinois 60018

Dear Mr. Williams:

Please find enclosed a subpoena requesting your appearance for deposition on January 21, 1980.

Pursuant to Commission regulations (11 C.F.R. § 111.12), you will find enclosed witness fees for your attendance.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202-523-4057), the attorneys assigned to this matter.

Sincerely yours,

Charles N. Steele
General Counsel

Enclosure

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon
Oral Examination

TO: Charles F. Williams
50 West Oakton Street
Des Plaines, Illinois 60018

RE: Matter Under Review 1038

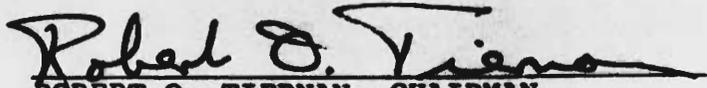
At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(3) and (4), you are hereby ordered to appear for deposition in connection with the Commission's investigation of possible violations of the Federal Election Campaign Act of 1971, as amended, by the following persons: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (California), Citizens for Democratic Alternatives in 1980 (D.C.), Wisconsin Democrats for Change in 1980, Americans for Democratic Action Campaign Committee (D.C.), Machinists Non-Partisan Political League, Americans for Democratic Action, and Senator Edward M. Kennedy.

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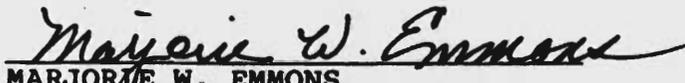
Subpoena to Appear for Deposition
Upon Oral Examination (MUR 1038)
Page: Two

Notice is hereby given that the deposition is to be
taken at Room 417, 219 South Dearborn,
Chicago, Illinois,
at 10:00 a.m. on January 21, 1980, and any and all dates
adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Com-
mission has hereunto set his hand at Washington, D.C., on
this ^{20th} day of December, 1979.


ROBERT O. TIERNAN, CHAIRMAN
FEDERAL ELECTION COMMISSION

ATTEST:


MARJORIE W. EMMONS
SECRETARY TO THE COMMISSION

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Anthony Podesta
647 South Carolina Avenue, S.E.
Washington, D.C. 20003

Dear Mr. Podesta:

Please find enclosed a subpoena requesting your appearance for deposition on January 17, 1980.

Pursuant to Commission regulations (11 C.F.R. § 111.12), you will find enclosed witness fees for your attendance.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202-523-4057), the attorneys assigned to this matter.

Sincerely yours,

Charles N. Steele
General Counsel

Enclosure

cc: Joseph L. Rauh, Jr., Esq.

83040385141

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon
Oral Examination

TO: Anthony Podesta
647 South Carolina Avenue, S.E.
Washington, D.C. 20003

RE: Matter Under Review 1038

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(3) and (4), you are hereby ordered to appear for deposition in connection with the Commission's investigation of possible violations of the Federal Election Campaign Act of 1971, as amended, by the following persons: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (California), Citizens for Democratic Alternatives in 1980 (D.C.), Wisconsin Democrats for Change in 1980, Americans for Democratic Action Campaign Committee (D.C.), Machinists Non-Partisan Political League, Americans for Democratic Action, and Senator Edward M. Kennedy.

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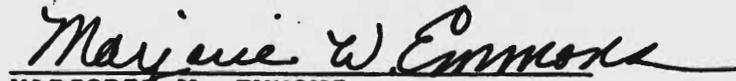
Subpoena to Appear for Deposition
Upon Oral Examination (MUR 1038)
Page: Two

Notice is hereby given that the deposition is to be
taken at Room 736, Federal Election Commission,
1325 K Street, N.W., Washington, D.C.
at 10:00 a.m. on January 17 , 1980, and any and all dates
adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Com-
mission has hereunto set his hand at Washington, D.C., on
this th 10 day of December, 1979.


ROBERT O. TIERNAN, CHAIRMAN
FEDERAL ELECTION COMMISSION

ATTEST:


MARJORIE W. EMONS
SECRETARY TO THE COMMISSION

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Exhibit / Attachment C

LAW OFFICES
RAUH, SILARD AND LIGHTMAN
1001 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036

January 7, 1980

202-221-1798

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT G. LIGHTMAN
DANIEL H. FOLLITT
MARY M. LEVY

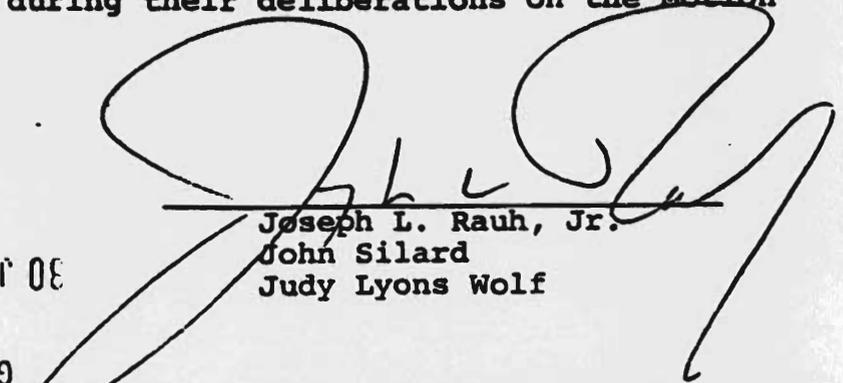
Re: MUR 1038

Mr. Robert O. Tiernan, Chairman, Federal Election Commission
Mr. Max L. Friedersdorf, Vice Chairman, Federal Election Commission
Ms. Joan D. Aikens, Commissioner, Federal Election Commission
Mr. Frank P. Reiche, Commissioner, Federal Election Commission
Mr. Thomas E. Harris, Commissioner, Federal Election Commission
Mr. John W. McGarry, Commissioner, Federal Election Commission

On November 26, 1979, we hand delivered to your office a "Motion to Dismiss Pending Complaint Against the MNPL and Supporting Memorandum" and requested oral argument on the motion. We have not received any response either to the motion or to the request for oral argument.

Today we are hand delivering to your office the attached motion to quash subpoenas. This motion raises the same important constitutional and statutory issues concerning the Commission's jurisdiction over "draft movements" as did the earlier pending motion to dismiss. We suggest that the Commission may want to set both this motion and the motion to dismiss for oral argument together.

In order to make the oral argument more meaningful, we request that we be furnished the Commission's minutes since November 26, 1979 insofar as those minutes relate to the Commission's consideration of the earlier motion to dismiss. We believe we can be more helpful in oral argument if we understand the tentative positions that have been taken by the various Commissioners during their deliberations on the Motion to Dismiss.



Joseph L. Rauh, Jr.
John Silard
Judy Lyons Wolf

30 JAN 7 11:53

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION

MUR 1038

CARTER-MONDALE PRESIDENTIAL
COMMITTEE, INC.,

Complainants,

v.

MACHINISTS NON-PARTISAN POLITICAL
LEAGUE, et al.,

Respondents.

) MOTION OF ANTHONY PODESTA
) AND CHARLES F. WILLIAMS
) TO QUASH SUBPOENAS

) Filed January 7, 1980

Anthony Podesta and Charles F. Williams, through their undersigned attorneys, move the Federal Election Commission to quash the subpoenas served upon them. This motion is being filed within five working days after service of the subpoenas as required by Federal Election Commission Regulations §111.13.^{*/}

1. Unexplained denial of reasonable time for response.

On October 4, 1979, the Carter-Mondale Presidential Committee filed its complaint against the International Association of Machinists, the Machinists Non-Partisan Political League and others on account of the "draft Kennedy" activities undertaken by them. Mr. Podesta was then employed as Associate General Counsel of IAM and Mr. Williams as Grand Lodge Representative. On October 22, 1979, the Machinists Non-Partisan Political League received a letter dated October 19, 1979 from William Oldaker, General Counsel of the Federal Election Commission, stating that "the Federal Election Commission has found reason to believe that the Machinists Non-Partisan Political League ("MNPL") may have violated the Federal Election Commission Act of 1971, as amended"

^{*/} Mr. Williams received his subpoena on December 28, 1979. Mr. Podesta has never received his subpoena, but undersigned counsel did receive a copy of the subpoena to Podesta and are accepting service for him.

and requested a response within 10 days after receipt of said letter. Other respondents received similar letters but none of the letters explained the words "may have violated" or suggested how these words constituted "probable cause" for anything.

On October 30, 1979, undersigned counsel were retained by IAM and the Machinists Non-Partisan Political League to handle the Carter-Mondale complaint filed against them on October 4th and matters related thereto. On October 31, 1979, undersigned counsel addressed a letter to Mr. Oldaker requesting an additional 10 days to file the response, pointing out that "That request is the more justified because this case has grave constitutional implications; indeed, there are serious doubts about the jurisdiction of the Commission over the matter alleged in the complaint."

On November 2, 1979, the Carter-Mondale Presidential Committee filed an amendment of its October 4th complaint which, while seeking to remedy the absence of an allegation in the initial complaint that Senator Kennedy was a candidate, was actually inconsistent with the initial complaint in that the amendment concedes that there was no Kennedy candidacy prior to September 1, 1979 and (in seeking relief only as of that time) that there was no violation of the Act before that date.

On November 5, 1979, undersigned counsel telephoned Acting General Counsel Steele, to point out that the question of the time to respond to the October 4th complaint now appeared mooted because there would have to be a timely response to the amendment to the complaint filed November 2, 1979, and Mr. Steele appeared to agree with this point. Nevertheless, by a communication of November 8th the request for additional time was effectively denied, the Commission requiring filing of the response that same day; no explanation has been given by the Commission for its

precipitate November 8 action. We responded the same day, pointing out that "both because it is not possible to file our response today on just hours' notice and because the initial complaint is mooted by the inconsistent amendment to complaint filed November 2nd, we have no choice except to respond to the two complaints together."

2. Subpoena based on a mooted complaint. On November 6, 1979, without referring to the then pending request for time until November 11 for filing the MNPL response or to the phone conversation on November 5, 1979 pointing out the radical narrowing by complainants of their original complaint to events after September 1, the Commission served a sweeping subpoena upon the Machinists Non-Partisan Political League entitled "Order to Produce Documents and Materials and to Answer Written Questions." This subpoena was obviously issued on the basis of the initial complaint. On November 8, 1979, undersigned counsel addressed a letter to Mr. Steele, with copies to all Commissioners, requesting that the subpoena be suspended until the Commission could consider the MNPL response to the complaint and amended complaint and then determine what, if any, order to produce was still appropriate. Since the 5-day period for motion to quash provided in Commission Regulations §111.13 was up on November 14, 1979, and no response had been received by that time to our letter of November 8th requesting that the subpoena be suspended, MNPL filed a motion on November 14th to quash or modify the subpoena. Despite the fact that the amendment to the complaint was inconsistent with the original complaint, the Commission by an order mailed on the same day denied the stay requested in our November 8th letter, still without any explanation.

3. Process continued while jurisdiction in issue. On November 26, 1979, IAM and MNPL filed a "Motion to Dismiss Pending Complaint Against the MNPL and Supporting Memorandum." In view of the important constitutional and statutory issues involved in the question whether the Commission's jurisdiction extends to "draft movements," we hand delivered the motion to each Commissioner stating that "we believe the constitutional and statutory issues raised in the motion of such importance to warrant an exception to the Commission's general practice and request that oral argument be heard on the motion." We have not been informed of any action taken by the Commission on the Motion to Dismiss and have never received any response to the request for oral argument.

As disclosed by a November 29 letter from the Acting General Counsel, on November 27, 1979, the Commission, without considering our pending Motion to Dismiss and still without the slightest explanation, voted to deny the November 14th motion of MNPL to quash or modify the Commission order for discovery. On November 30, 1979, we responded to Mr. Steele's letter in relevant part as follows:

"On November 27, 1979, according to your letter [of November 29th], the Commission voted to deny the motion of MNPL to quash or modify the Commission's subpoena. The Commission could not have considered the motion to dismiss and the supporting brief concerning its lack of jurisdiction at that time.

Because the Commission did not give any reason for its denial of the motion to quash or modify, as it has not given any reason for any of its earlier actions in this matter, we are at a loss to know what the denial of the motion to quash or modify actually means. Certainly, if the Commission has no jurisdiction over the draft-Kennedy movement, as the motion to dismiss and supporting brief make clear, no subpoena can properly issue. Further, we do not believe any court will enforce actions by this Commission which it refuses to explain.

We await word on our motion to dismiss and our request for oral argument thereon."

Despite the fact that our letter of November 30th made clear that MNPL deemed itself under no obligation to comply with the Commission's subpoena as long as the Motion to Dismiss was pending unresolved and as long as no reason was given for the subpoena, the Commission's Office of the General Counsel telephoned undersigned counsel on the morning of December 13 and asked whether the documents and information would be forthcoming. We reiterated the position taken in the November 30th letter and previous letters and were informed that we would receive a letter that same day (December 13th) denying the Motion to Dismiss. No such letter has arrived.

4. New subpoenas while jurisdictional challenge deferred.

A letter from the Commission dated December 14, 1979, was received reading as follows:

"The Office of General Counsel is in receipt of your letter and supporting memorandum dated November 26, 1979, in which you request that the Commission dismiss its investigation against the Machinists Non-Partisan Political League (MNPL). The Office of General Counsel is also in receipt of your letter of November 30, 1979, which also pertains to your request that MNPL be dismissed from the Commission's investigation.

As you know, 1 U.S.C. §437g(a)(4) directs the Commission to afford any respondent a reasonable opportunity to demonstrate that no action should be taken. The Commission will, as a part of its investigation as to whether there is reasonable cause to believe that the Act has been violated, consider MNPL's letter and memorandum dated November 26 as well as any other submission which MNPL desires to make. The specific jurisdictional arguments set forth in your memorandum will be addressed by the Commission in the course of that process."

We read this as a decision to drop compelled discovery at least until the Motion to Dismiss is acted upon. To our surprise, on December 26, 1979, the Commission forwarded to Anthony Podesta and Charles F. Williams subpoenas to appear for deposition upon oral examination on January 17, 1980 and January 21, 1980 respectively. No reason is given anywhere for seeking their

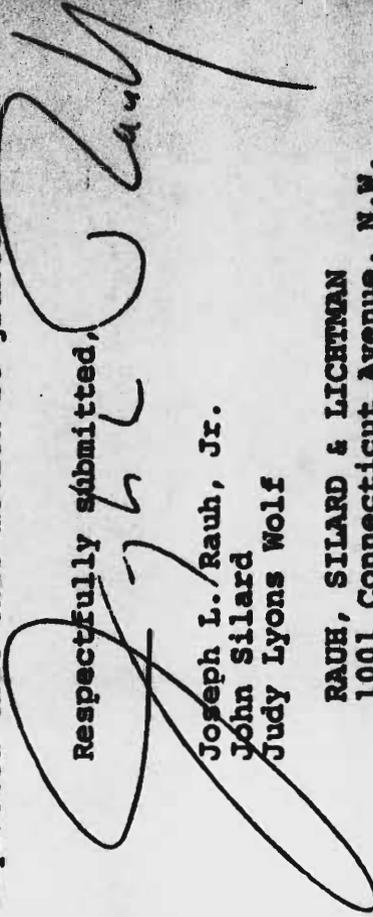
depositions before the Commission determines whether it has any jurisdiction in this proceeding. Indeed, as we pointed out in our letter of November 30, 1979 quoted above, "we do not believe any court will enforce actions by this Commission which it refuses to explain."

5. Absence of Commission jurisdiction. It also appears clear that the Commission in fact does not have any jurisdiction in this proceeding, and therefore no authority to carry on an enforcement investigation and issue subpoenas for that purpose. The absence of Commission jurisdiction has been demonstrated in the "Motion to Dismiss Pending Complaint Against the MNPL and Supporting Memorandum", filed by the undersigned counsel on November 26, 1979. Relying upon the demonstration therein, movants submit that this Commission lacks jurisdiction to pursue this enforcement investigation into the draft Kennedy efforts which preceded the Senator's acceptance of candidacy status at the end of October 1979.

6. Constitutional intrusion. Finally, the Commission is treading upon the most sensitive constitutional ground when it seeks information on individuals' efforts in a candidate draft. Of all agencies the Commission should be the first to recognize the disclosure restrictions of Buckley v. Valeo; if it is going to attempt compulsory process in this sensitive area it should certainly first demonstrate how the Commission has any jurisdiction and why it is in need of the testimony sought. Cf., for example, United States v. Rumely, 345 U.S. 41 and Watkins v. United States, 354 U.S. 178.

For the several jurisdictional and procedural reasons
above reviewed, it is requested that this motion be granted.

Respectfully submitted,


Joseph L. Rauh, Jr.
John Sillard
Judy Lyons Wolf

RAUH, SILLARD & LICHTMAN
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Attorney for Movants



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

Joseph L. Rauh, Jr.
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Rauh:

This is to inform you that the Federal Election Commission has voted to deny the motion to quash subpoenas for deposition issued to Charles F. Williams and Anthony Podesta. A copy of the Commission's denial order is enclosed.

We also want to take this opportunity to make it clear that Messrs. Williams and Podesta have been subpoenaed as witnesses, and are not themselves respondents in this matter. Therefore, issues raised in your motion to quash the Williams and Podesta subpoenas concerning the time given the MNPL to respond to the Commission's preliminary finding in this matter are not applicable in this context.

We wish to again inform you that the Commission is not an adjudicatory body and does not make final determinations with respect to coverage of the Federal Election Campaign Act of 1971, as amended ("the Act"), 2 U.S.C. § 431 et seq., or alleged violations of the Act. At most, the Commission may, after an investigation has been conducted, and a brief submitted by respondent, find probable cause to believe a violation of the Act has occurred, and institute a civil action in order to obtain a determination by a district court that the Act has been violated. See 2 U.S.C. § 437g(a)(5)(B). Consistent with this statutory scheme, there are no provisions in the Act which designate a procedure whereby the Commission may hear oral arguments and rule on a Motion to Dismiss for Lack of Jurisdiction. The Commission will, however, as part of its

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Letter to: Joseph L. Rauh, Jr.
Page: Two

investigatory and enforcement responsibilities under the Act, see 2 U.S.C. § 437g(a)(2), consider the issue of whether various respondents and/or the acts that took place are within the coverage of the Act, before the Commission takes further action in this matter in the form of a finding that there is or is not probable cause to believe a violation of the Act occurred. In addition, under the recent amendments to the Act, each respondent, after receiving a "brief" from this Office in support of any recommendation to the Commission to find "probable cause" or "no probable cause" in this matter, will be provided the opportunity to submit a brief to the Commission for its consideration in deciding how to proceed in this matter.

Because their motion to quash has been denied, Messrs. Williams and Podesta are requested to appear for deposition respectively, at _____ a.m. on _____ 1980, and at _____ on _____ 1980. The deposition of Mr. Williams will be conducted at _____ Chicago, Illinois, and Mr. Podesta's deposition will be conducted at Room 701, 1325 K Street, N.W., Washington, D.C. In addition, although you have stated that you accepted service for Mr. Podesta, please inform this Office if he has not yet received his subpoena so that we may be sure he receives his witness fee check.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS/MARGARET CHENEY *me*
DATE: JANUARY 14, 1979
SUBJECT: COMMISSION ORDER IN RELATION TO MUR 1038

The attached order, approved on an expedited basis on January 11, 1980 by a vote of 5-0, has been signed and sealed this date.

63040385154

ATTACHMENT:
Order

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Florida for Kennedy)
Committee, et al.)

MUR 1038 (79)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 11, 1980, the Commission decided by a vote of 5-0 to take the following actions regarding the above-captioned matter:

1. Deny the motion to quash subpoenas for deposition filed by Dudley Dudley and Dennis Kanin.
2. Send the letter to movants attached the General Counsel's January 10, 1980 report.
3. Authorize the Office of the General Counsel, in the event movants still refuse to comply with subpoenas, to institute a civil action for relief pursuant to 2 U.S.C. § 437d(b).

Voting for this determination were Commissioners Tiernan, Aikens, Friedersdorf, Harris, and McGarry.

Attest:

1-11-80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 1-11-80, 9:59
Circulated on an Expedited Basis: 1-11-80, 11:00

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8304030

NAME: [illegible]
ADDRESS: [illegible]
CITY: [illegible]

PLEASE PRINT CLEARLY AND IN BLOCK LETTERS

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

80 JAN 11 A 9: 59

In the Matter of)
Florida for Kennedy Committee, et al.,) MUR 1038(79)

GENERAL COUNSEL'S REPORT

IN OPPOSITION TO MOTION TO
QUASH SUBPOENAS FOR DEPOSITION

I. Summary of Proceeding

On December 26, 1979, the Commission mailed subpoenas for deposition to Dudley Dudley and Dennis Kanin, both present or former officials of New Hampshire Democrats for Change. Copies of the subpoenas, with cover letters, are attached as Exhibits A and B. Dudley and Kanin were subpoenaed as witnesses in the Commission's investigation of possible affiliation-related violations by various "draft Kennedy" committees and a possible candidate registration violation by Senator Kennedy. See MUR 1038 General Counsel's Reports of October 16, 1979, and November 14, 1979, and Memorandum to the Commission of December 18, 1979.

On January 8, 1980, the Commission received a motion to quash the subpoenas from counsel retained by Dudley and Kanin. A copy of the motion to quash is attached as Exhibit C. Movants seek to quash the subpoenas "for lack of information adequate to afford them effective representation in advance of and during their depositions." Movants request that the Commission provide

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them with any complaints, pleadings, answers, orders, rulings, or depositions in the proceeding. They also seek statements by the Commission as to whether Dudley and Kanin are parties or prospective parties to the proceeding and as to the scope and purpose of the depositions.

We recommend that the Commission deny the motion to quash for the reasons set forth hereafter.

II. Analysis

8 3 0 4 0 3 8 5 1 5 8
Movants mistakenly assume, first of all, that individuals subpoenaed as witnesses by an investigative agency such as the Federal Election Commission are entitled to access to documents such as those set forth in their request. It has been held that agencies which conduct non-adjudicative, fact-gathering investigations are not even required to provide respondents the procedural rights normally associated with an adjudicative proceeding such as detailed notice or appraisal. Hannah v. Larche, 363 U.S. 420 (1960). Where, as here, the witnesses are not respondents themselves, there is even less justification for providing the extensive information movants are seeking.^{1/}

^{1/} Counsel for movants has disclosed in telephone conversations that in fact he has received from counsel for New Hampshire Democrats for Change (NHDC) a copy of the Carter-Mondale complaint and amendment to complaint, the "reason to believe" letters to NHDC, and the NHDC responses. Thus, several of the documents requested are already in his possession.

A second reason for denying movants' request for the Carter-Mondale complaints, responses of respondents, and all orders or rulings of the Commission stems from the confidentiality requirement of 2 U.S.C. § 437g(a)(12)(A) (the anticipated codification under the Federal Election Campaign Act Amendments of 1979). Under that provision, "[a]ny notification or investigation made under [§ 437g] shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made." Because none of the respondents have given written consent to make the investigation public, the Commission would seem to be bound not to make available the documents sought by movants.

Movants request for a statement by the Commission as to whether Dudley and Kanin are witnesses, parties, or prospective parties, should, in our view, be granted. It is our recommendation that the letter notifying movants of the Commission's action on their motion include a statement that they have been subpoenaed as witnesses rather than as respondents. See Exhibit D attached hereto.

With respect to movants' request for a statement by the Commission as to the scope and purpose of the depositions, we recommend that the Commission's letter specify the statutory violations being investigated and the names of the respondent

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committees and persons. See Exhibit D attached hereto. Such information should suffice as general notice of the nature of the inquiry and may alleviate movants' opposition to the depositions.

III. Recommendation

The motion to quash subpoenas for deposition filed by Dudley Dudley and Dennis Kanin should be denied. The attached letter should be sent to movants.

In the event movants still refuse to comply with the subpoenas, the Office of General Counsel should be authorized to institute a civil action for relief pursuant to 2 U.S.C. § 437d(b).

10 January 1980
Date


Charles N. Steele
General Counsel

Attachments:

subpoena to Dudley Dudley
subpoena to Dennis Kanin
motion to quash
proposed letter to movants

83040385160

NHDC



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dudley Dudley
25 Woodman Road
Durham, New Hampshire 03824

Dear Ms. Dudley:

Please find enclosed a subpoena requesting your appearance for deposition on January 18, 1980.

Pursuant to Commission regulations (11 C.F.R. § 111.12), you will find enclosed witness fees for your attendance.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202-523-4057), the attorneys assigned to this matter.

Sincerely yours,


Charles N. Steele
General Counsel

Enclosure

cc: Matthias J. Reynolds

83040385161

Exhibit A

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon
Oral Examination

TO: Dudley Dudley
25 Woodman Road
Durham, New Hampshire 03824

RE: Matter Under Review 1038

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(3) and (4), you are hereby ordered to appear for deposition in connection with the Commission's investigation of possible violations of the Federal Election Campaign Act of 1971, as amended, by the following persons: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (California), Citizens for Democratic Alternatives in 1980 (D.C.), Wisconsin Democrats for Change in 1980, Americans for Democratic Action Campaign Committee (D.C.), Machinists Non-Partisan Political League, Americans for Democratic Action, and Senator Edward M. Kennedy.

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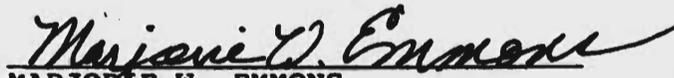
Subpoena to Appear for Deposition
Upon Oral Examination (MUR 1038)
Page: Two

Notice is hereby given that the deposition is to be
taken at Room 514, 55 Pleasant Street,
Concord, New Hampshire,
at 2:00 p.m. on January 18, 1980, and any and all dates
adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Com-
mission has hereunto set his hand at Washington, D.C., on
this 20th day of December, 1979.


ROBERT O. TIERNAN, CHAIRMAN
FEDERAL ELECTION COMMISSION

ATTEST:


MARJORIE W. EMMONS
SECRETARY TO THE COMMISSION

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 26, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dennis Kanin
P. O. Box 4268
Manchester, New Hampshire 03108

Dear Mr. Kanin:

Please find enclosed a subpoena requesting your appearance for deposition on January 18, 1980.

Pursuant to Commission regulations (11 C.F.R. § 111.12), you will find enclosed witness fees for your attendance.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202-523-4057), the attorneys assigned to this matter.

Sincerely yours,

Charles N. Steele
General Counsel

Enclosure

83040385164

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon
Oral Examination

TO: Dennis Kanin
P.O. Box 4268
Manchester, New Hampshire 03108

RE: Matter Under Review 1038

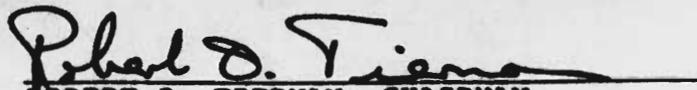
At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(3) and (4), you are hereby ordered to appear for deposition in connection with the Commission's investigation of possible violations of the Federal Election Campaign Act of 1971, as amended, by the following persons: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (California), Citizens for Democratic Alternatives in 1980 (D.C.), Wisconsin Democrats for Change in 1980, Americans for Democratic Action Campaign Committee (D.C.), Machinists Non-Partisan Political League, Americans for Democratic Action, and Senator Edward M. Kennedy.

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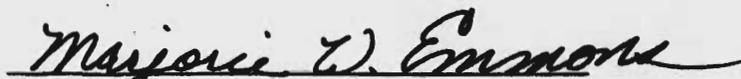
Subpoena to Appear for Deposition
Upon Oral Examination (MUR 1038)
Page: Two

Notice is hereby given that the deposition is to be
taken at Room 514, 55 Pleasant Street,
Concord, New Hampshire,
at 10:00 a.m. on January 18, 1980, and any and all dates
adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Com-
mission has hereunto set his hand at Washington, D.C., on
this 20th day of December, 1979.


ROBERT O. TIERNAN, CHAIRMAN
FEDERAL ELECTION COMMISSION

ATTEST:


MARJORIE W. EMMONS
SECRETARY TO THE COMMISSION

83040385166

DEVINE, MILLIMET, STAHL & BRANCH
PROFESSIONAL ASSOCIATION
1880 ELM STREET BOX 719
MANCHESTER, N. H. 03105
TELEPHONE (603) 869-1000

MAURICE F. DEVINE
(1909-1988)
J. MURRAY DEVINE
(1918-1988)

JOSEPH A. MILLIMET
NORMAN H. STAHL
BARTHRAN C. BRANCH
MATTHIAS J. REYNOLDS
JOHN S. HOLLAND
PAUL S. CLEVELAND
E. DONALD DUPRESNE
J. M. MCDONOUGH, III
BARR W. WAUGHN
RICHARD E. GALWAY
JOHN T. BRIDGEMAN, JR.
PAUL G. REHUS
STEPHEN E. MERRILL

ANDREW D. DUNN
MARTHA WELANE
S. D. PRYMAR
ALICE SPELAK LOVE
DAVID H. BARNES
GEORGE S. MOORE
SUSAN M. VERCILLO
ALAN S. RINDLER
DONALD E. GARDNER
DANIEL J. CALLAGHAN
KEVIN C. DEVINE
LEE C. NYQUIST

January 7, 1980

MUR1038

Federal Election Commission
1325 K Street N.W.
Washington, DC 20463

Att: Scott Thomas, Esq.

Dear Commissioners:

This will acknowledge receipt of your Notices of Deposition for Dudley Dudley and Dennis Kanin.

The notices were delivered to my office on Friday, December 28, and this Motion to Quash is mailed Monday, January 7, five business days thereafter.*

On behalf of prospective deponents Dudley and Kanin, I respectfully move to quash the notice for said depositions on January 18, 1980 for lack of information adequate to afford them effective representation in advance of and during their depositions. Specifically, on prospective deponents' behalf, I request that the Commission provide:

- 1) The complaints in the proceeding in which testimony is to be taken.
- 2) Pleadings and Answers of all parties.
- 3) All orders and rulings to date by the Commission or any Courts.
- 4) A statement of the Commission as to whether prospective deponents are witnesses, parties or prospective parties to the proceeding.
- 5) A statement of the Commission as to scope and purpose of the depositions.

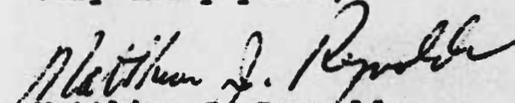
*I received notice of Ms. Dudley's deposition Friday, December 28, but did not know Mr. Kanin was to be deposed. He met with me January 3 and gave me his notice stating he received it and a subpoena on December 31.

Exhibit C

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- 6) Copies of any depositions taken to date.
- 7) Such other materials as may be essential under elementary requirements of fairness and due process to apprise prospective deponents of the nature and scope of questions involved in their interrogation.

Very truly yours,


Matthias J. Reynolds

mjr/aw

ccs: Ms. Dudley Dudley
Dennis Kanin
I. Michael Winograd, Esq.

83040385169



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mathias J. Reynolds, Esquire
Devine, Millimet, Stahl, & Branch
1850 Elm Street, Box 719
Manchester, New Hampshire 03105

Re: MUR 1038(79)

Dear Mr. Reynolds:

This is to notify you that the Federal Election Commission has voted to deny the motion to quash subpoenas for deposition issued to Dudley Dudley and Dennis Kanin. A copy of the Commission's denial order is enclosed.

Your request for access to the complaints in the proceeding, pleadings and answers of all parties, all orders and rulings to date, or other materials accordingly is denied. Pursuant to 2 U.S.C. § 437g, the Commission conducts investigative, rather than adjudicative, proceedings. Moreover, under Section 309(a)(12) of the Federal Election Campaign Act of 1971, as amended by Section 106 of the Federal Election Campaign Act Amendments of 1979, the Commission is required to maintain the confidentiality of its investigations.

We do wish to apprise you, however, that Ms. Dudley and Mr. Kanin have been subpoenaed as witnesses and are not themselves respondents under 2 U.S.C. § 437g. The Commission is investigating the possible violation of 2 U.S.C. § 433 (b)(2) and 11 C.F.R. § 102.2(a)(2) by the first eleven persons identified in the subpoenas and of 11 C.F.R. § 101.2(a) by Senator Edward M. Kennedy.

Because the motion to quash has been denied, Ms. Dudley and Mr. Kanin are requested to appear for deposition, respectively, at _____ on _____ 1980. Both depositions will be conducted at _____

Sincerely,

Charles N. Steele
General Counsel

Enclosure

Exhibit D

83040385169



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**DENIAL OF MOTION TO QUASH COMMISSION
SUBPOENAS FOR DEPOSITION IN MUR 1038(79)**

The Federal Election Commission hereby denies the motion of Dudley Dudley and Dennis Kanin to quash the Commission's subpoenas for deposition mailed on December 26, 1979.

Robert O. Tiernan
Chairman

Max Friedersdorf
Vice Chairman

Joan D. Aikens
Commissioner

John W. McGarry
Commissioner

Thomas E. Harris
Commissioner

Frank P. Reiche
Commissioner

83040385170

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Motion to Stay Subpoena for)
Production of Documents)
Citizens for Democratic)
Alternatives)

MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 28, 1979, the Commission decided by a vote of 4-0 to take the following actions regarding the above-captioned matter:

1. Deny CDA's motion to stay enforcement of the Commission subpoena.
2. Decline to consider the merits of CDA's Motion to Dismiss until such time as the investigation in this matter has been concluded.
3. Send the letter attached to the General Counsel's memorandum dated December 26, 1979.

Voting for this determination were Commissioners Aikens, Friedersdorf, McGarry, and Reiche.

Attest:

12/28/79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary 12-26-79 2:38
Circulated on 48 hour vote basis: 12-26-79 3:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 DEC 26 P 2: 38

December 26, 1979

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *all*
General Counsel

SUBJECT: Motion to Stay Subpoena for Production
of Documents in MUR 1038

8 3 0 4 0 3 8 5 1 7 3

On December 13, 1979, the Office of General Counsel received a Motion to Dismiss and Motion to Stay Further Proceedings (Attachment I) from the Citizens for Democratic Alternatives ("CDA"). The Commission issued a subpoena to CDA on November 5, 1979. Subsequently, CDA moved the Commission to quash the subpoena. On November 27, 1979, the Commission voted to deny that Motion to Quash, and notified CDA on November 29, 1979, that it was to comply with the subpoena on December 14, 1979. On December 13, 1979, a member of the Office of General Counsel staff contacted William Espinosa, attorney for CDA, and was informed by Mr. Espinosa that the present Motion for Stay was being delivered to this Office, but that in any case, CDA would not comply with the Commission subpoena in the absence of a court order compelling such production.

CDA seeks to stay production of documents based on its Motion to Dismiss. CDA characterizes its Motion to Dismiss as based on "[n]ew considerations [which] have now come to light," and which raise jurisdictional grounds for "dismissal of the action against CDA." However, no new factual or legal determinations have been rendered since the submission of CDA's Motion to Quash the Commission subpoena, which would bear on CDA's ability to present this issue as an alternative basis for CDA's Motion to Quash. Therefore, CDA in effect seeks to make another motion to quash the subpoena based on grounds it failed to timely raise in its original Motion to Quash before the Commission, without demonstrating that there is substantial justification calling for a waiver of the procedural requirement of 11 C.F.R. § 111.13(a) that a motion to quash (or stay) a subpoena be filed by the movant within five days of receipt of the subpoena. If respondents are permitted to ignore the requirements of 11 C.F.R. § 111.13(a) and proceed out of time with motions to quash or stay Commission subpoenas, the Commission may be faced with

Subject: Motion to Stay Subpoena for Production
of Documents in MUR 1038

Page: Two

numerous delays in its investigatory process. The Office of General Counsel therefore recommends that the Commission decline to waive the requirements of 11 C.F.R. § 111.13(a) absent sufficient justification for such a waiver and thus decline to consider CDA's motion to stay production of documents. It is also recommended that the Commission instruct this Office to so notify CDA and inform CDA that an action to enforce the subpoena will be filed in the district court unless it agrees to comply with the subpoena upon receipt of such notification.

With regard to CDA's Motion to Dismiss, there is no provision in the Act or the regulations for the Commission to consider such a motion, except in the context of a demonstration by a respondent to show that no further action should be taken by the Commission as to that respondent. Such arguments are normally considered by the Commission, with all other factual and legal issues, after the investigatory or "reason to believe" stage has ended, and before the Commission takes further action in the form of a "reasonable cause to believe" finding. There are practical reasons, as well as procedural reasons, for proceeding in this manner, inasmuch as facts ascertained in the investigation of a matter may well impinge on and affect the outcome of legal issues raised by respondents or considered by the Commission. Therefore, the Office of General Counsel recommends the Commission not depart from its usual procedure, but rather refrain from rendering a determination with respect to the merits of CDA's motion to dismiss before the investigation of this matter has concluded. ^{1/} The issues raised by CDA's Motion to Dismiss will be presented by this Office to the Commission for its consideration, along with any other factual and legal issues and findings, at that time.

^{1/} We note that CDA's substantive grounds for its Motion probably would not, in any case, call for a dismissal of this matter under review. CDA makes the same jurisdictional arguments made by the Florida for Kennedy Committee ("FKC"), which the Commission rejected in determining not to subpoena to FKC. See General Counsel's Report in Opposition to Motion to Quash Commission Subpoena, Florida for Kennedy Committee (November 21, 1979). CDA also presents as a ground for dismissal, a legal argument that 2 U.S.C. § 441a(a)(5) only applies to contributions from affiliated committees and not to contributions to such committees. This legal issue was discussed in the First General Counsel's Report in this matter and was considered by the Commission before the preliminary finding of "reason to believe" was made as to CDA and the other respondents. See First General Counsel's Report in MUR 1038, at 7-8, (October 12, 1979).

83040385174

Subject: Motion to Stay Subpoena for Production
of Documents in MUR 1038

Page: Three

RECOMMENDATION

1. Deny CDA's motion to stay enforcement of the Commission subpoena.
2. Decline to consider the merits of CDA's Motion to Dismiss until such time as the investigation in this matter has been concluded.
3. Send the attached letter.

Attachments:

1. CDA Motions
2. Letter to CDA

83040385173

HAND DELIVERED

Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
December 13, 1979

'79 DEC 13 PM 2:21

Re: MUR 1038

Dear Sirs:

This communication is submitted on behalf of Citizens for Democratic Alternatives in 1980 ("CDA"). Please treat it as (1) a motion to dismiss and (2) a motion to stay further proceedings, including discovery, with respect to CDA until the Federal Election Commission (the "Commission") has acted on the motion to dismiss.

A. BACKGROUND

On October 19, 1979, CDA was advised by the Commission that it had found "reason to believe" that CDA "may" have violated the Federal Election Campaign Act (the "Act") by failing to report its putative affiliation with eight draft-Kennedy groups across the country. CDA was advised by the Commission's Office of the General Counsel that this finding was based on the allegations contained in a complaint filed by the Carter-Mondale Presidential Committee, Inc. and on the public filings with the Commission of CDA and the eight groups. After repeatedly and unsuccessfully seeking greater particularization of the charges against CDA and reviewing the above-referenced documents as well as other materials in detail, CDA submitted on November 1 a response, asking, inter alia, that the complaint against CDA be dismissed on various grounds set forth in summary form in section B below. This request was reiterated in CDA's subsequent response in

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COMMISSION
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November to a letter from the Commission's Acting General Counsel, Charles Steele.

On November 5th, without responding in any way to CDA's request that no further action be taken, the Commission subpoenaed CDA documents and demanded answers to interrogatories. CDA moved to have the order quashed or modified on various grounds, including the assertion of important constitutional rights safeguarded by the First, Fourth and Fifth Amendments. On November 30, CDA received a summary denial of its motion to quash or modify, without explanation, setting a return date of Friday, December 14.

On November 30, CDA also received a new notification of "reason to believe" that CDA "may" have violated the Act by failing to report affiliation with two new groups, the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980. CDA has responded by letter of even date with this communication to the Commission's allegations, asking that this charge, too, be dismissed.

New considerations have now come to light which provide additional, jurisdictional grounds for dismissal of the action against CDA, as is discussed in Section C below. CDA respectfully requests, however, that the Commission consider CDA's previous argument for dismissal and these new jurisdictional considerations. A copy of our communication of November 1 which details these

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arguments is attached as Exhibit A and is summarized for the Commission's convenience below.

B. CDA'S PREVIOUS ARGUMENTS

1. The Commission did not make or communicate the requisite finding that it found reason to believe that a violation of the Act had occurred. Instead, CDA was informed that the Commission had found reason to believe that "CDA may have violated the [Act] . . ." (emphasis added), a significantly less stringent standard than required by the Act or the Commission's Regulations.

2. The nonproliferation provision of the Act (2 U.S.C. § 441a(a)(5)) requires that committees be either established, financed, maintained or controlled by one entity or groups of persons for affiliation to occur. Neither the complaint nor public filings, nor any other facts known to CDA support any one of these four findings.

a. Establishment. Of the ten individuals involved in the establishment of CDA, only one individual had had significant contact with any of the other named committees (Minnesotans for Democratic Alternatives). In that case, involving only one of the eight allegedly affiliated groups, the individual's role was not as a founder or principal in the group, but as a press agent. Prior to the founding of CDA, the individual ceased performing any functions for the other committee.

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b. Financing. As indicated in the second and third quarter reports of the various committees, only one contributor to CDA had made any contribution to any of the other eight groups. That individual's contribution to the other group (the Florida for Kennedy Committee) represented less than 1/40 of one percent (.025%) of the amounts received by that group as of September 30. CDA made only one de minimus in-kind contribution (\$60.00) to the Florida group, and none to any of the other named committees.

c. Maintenance. CDA is not dependent on any other group for logistical or administrative support (as a corporation might maintain a PAC), nor does it provide such support to any other group.

d. Control. CDA's activities are controlled solely by a steering committee. None of the members of the steering committee exercises any control of any kind over any of the other groups with whom affiliation is alleged.

3. The complainant's theory appeared to be that CDA had become affiliated by virtue of its informational "clearinghouse" function (it distributed a newsletter describing various draft-Kennedy activities, public opinion polls and the like to over four hundred subscribers). Such an interpretation is at clear variance with the standards in the Act. Indeed, if the Act did reach such activities to find that mere expression of an objective constitutes "affiliation" with others who may share the same

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objectives (with the restrictions on sources of support which such a rule would entail), the provision would run afoul of the protection afforded by the First Amendment. In addition, there would be clear infirmities of unconstitutional vagueness in the context of an Act the violation of which would lead to civil and criminal penalties. This concern is particularly acute where neither the Commission's regulations nor its advisory opinions have even hinted that such a result is likely.

C. NEW GROUNDS FOR DISMISSAL

1. While CDA has only limited knowledge of the operations of the various committees with whom it is alleged to be affiliated, it has come to CDA's attention that at least one respondent who did have greater knowledge and involvement with draft-Kennedy groups has found that in most, if not all, cases, the various draft-Kennedy groups were not seeking to influence the nomination or election of a candidate but were instead seeking to induce Senator Kennedy to become a candidate. See, Motion to Dismiss of the Machinists Nonpartisan Political League, dated November 21, 1979. In particular, this intention has been evidenced by the fact that the committees terminated their activities as soon as Senator Kennedy announced his intention to seek the nomination.

It is clear, as is more fully argued by other respondents, that activities to induce a candidacy are not regulated by the Act. The Commission has effectively taken this position itself

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in acknowledging in Advisory Opinion 1979-26 that money collected and spent by a committee established to determine an individual's prospects of running for federal office do not qualify as "contributions" or "expenditures" within the meaning of the Act.

Moreover, the legislative history of the Act makes clear that the evil which was Congress' concern was profligate contributions to a candidate. The Conference Report stated:

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The conferees' decision to impose more precisely defined limitations on the amount [individuals or other political committees may contribute to committees other than a candidate's committees] . . . is predicated on the following considerations: first, these limits restrict the opportunity to circumvent the \$1,000 or \$5,000 limits on contributions to a candidate; second, these limits serve to assure that candidates' reports reveal the root source of the contributions the candidate has received; and third, these limitations minimize the adverse impact on the statutory scheme caused by political committees that appear to be separate entities pursuing their own ends; but are actually a means for advancing a candidate's campaign." (H. Rep. 94-1057; U.S.C. Cong. & Adm. News, 94th Cong., 2d Sess., p. 972) (emphasis added)).

The Supreme Court's position, expressed repeatedly in Buckley v. Valeo, 424 U.S. 1 (1976), is also crystal clear:

[As defined in the Act], "contributions" have a sufficiently close relationship to the goals of the Act, for they are connected with a candidate or his campaign. (Id. at 78, emphasis added.)

And as to expenditures:

To insure that the reach of § 434(e) is not impermissibly broad, we construe "expenditure" for purposes of that section in the same way we construed the terms of § 608(e) -- to reach only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate. This reading is directed precisely to that spending that is unambiguously related to the campaign of a particular federal candidate.

In summary, § 434(e), as construed, imposes independent reporting requirements on individuals and groups that are not candidates or political committees only in the following circumstances: (1) when they make contributions earmarked for political purposes or authorized or requested by a candidate or his agent, to some person other than a candidate or political committee, and (2) when they make expenditures for communications that expressly advocate the election or defeat of a clearly identified candidate. (Id. at 80, emphasis added.)

Thus, without question, if it is found that the purpose of the respondent committees was to induce a candidacy and not support one, activities of CDA or of the committees with whom CDA is alleged to be affiliated fall outside the scope of the Act and the jurisdiction of the Commission. If that, in turn, is the

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case, then CDA (over which we acknowledge the Commission's in personam jurisdiction^{1/}) should not be subject to Commission investigation with respect to the activities and relationships that fall outside of the scope of the Act.

2. The only purpose of the affiliation provision, Section 441a(a)(5), is to avoid evasion of the "contribution" limits, as they are defined in the Act. If it is found that other committees have neither made nor received "contributions", as they are defined, for the Commission to search for "affiliation" is both meaningless and without authority. Moreover, regulation of political activity and expression under the Act not based on the need to control the impropriety or appearance of impropriety of excessive contributions to candidates for federal office is unconstitutional. Buckley v. Valeo, 424 U.S. 1 at 26 (1976).

The Commission appears to be simply alleging that CDA technically violated the Act by its alleged failure to report in its registration with the Commission the names, addresses and relationships of "affiliated" organizations (2 U.S.C. §§ 433(a) and (b)(2)). It is noteworthy that the Commission does not

^{1/} CDA has filed with the Commission as a multicandidate political committee and has made contributions to certain acknowledged candidates, not including Senator Kennedy. CDA, however, stopped all of its activities related to the draft-Kennedy movement with the announcement of the Senator's candidacy and has made neither contributions nor expenditures in support of that candidacy.

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allege that CDA has, by such alleged failure, also violated the contributions limitation provisions of 2 U.S.C. §§ 441a(a)(1), (2) and (5). It is important to point out that no such violation of Sections 441a(a)(1), (2) and (5) could have occurred. Section 441a(a)(5) states that "For purposes of the limitations provided by paragraphs (1) and (2), all contributions made by [affiliated] political committees . . . shall be considered to have been made by a single political committee." (Emphasis added.)

It should be emphasized that CDA has made no contributions to date to Senator Kennedy or to the Kennedy for President Committee and that its Report on file with the Commission for the calendar quarter ended September 30, 1979, and its Report which will be filed for the calendar quarter ending December 31, 1979, will corroborate that fact. Furthermore, it is also our understanding that none of the committees with whom CDA is alleged by the Commission to be affiliated has made any contributions to Senator Kennedy or the Kennedy for President campaign. The Reports of those committees on file or to be filed with the Commission will corroborate that fact. Therefore, there are no contributions to be aggregated for purposes of Section 441a.(a)(5) and, thus, no violation of that Section, or of Sections 441a.(a)(1) and (2), could have occurred. It should be pointed out that Section 441a.(a)(1), in relevant part, states

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that "no person [i.e., for these purposes, no affiliated political committee] shall make contributions to any candidate and his authorized political committees . . . which . . . exceed \$1,000" and Section 441a. (a)(1) states, in relevant part, that "no multicandidate political committee [e.g., CDA] shall make contributions to any candidate and his authorized political committee . . . which . . . exceed \$5,000." (Emphasis added.) Section 441a. (a)(1) and (2) make it clear that the limitations set forth therein which are applicable to Section 441a. (a)(5) are limitations on contributions by affiliated committees and are not limitations on contributions to affiliated committees.

In addition, as the emphasized portion of Section 441a. (a)(1) and (2), noted above, indicates, those Sections limit contributions to any candidate. Since all of the respondent committees ceased operations after Senator Kennedy became a candidate, there could not have been, in any event, contributions by such committees to Candidate Kennedy or his authorized political committees.

In sum, neither CDA nor any of the committees with whom CDA is alleged by the Commission to be affiliated violated Section 441a. (a)(5) or Section 441a. (a)(1) and (2). Thus, under any facts hypothesized, the Commission could only be alleging that CDA has technically violated Section 433(a) and (b)(2). We respectfully submit that, even assuming such technical violation

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for purposes of argument, such a technical violation does not support any action now being taken by the Commission against CDA. Such action is constitutionally suspect, and for these reasons the proceedings of the Commission against CDA should be dismissed.

3. Assuming for purposes of argument that Section 441a.

(a) (1) (C) could be, contrary to the clear statutory wording, read also to limit contributions by any person (i.e., an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons) to "affiliated political committees" to \$5,000 or less, a review by the Commission of the Reports filed or to be filed with the Commission by CDA and those committees with whom affiliation is alleged will clearly show that no person has made contributions to such other committees and to CDA which exceed the \$5,000 limitation. Thus, again, the proceedings of the Commission against CDA should be dismissed.

We respectfully request, therefore, that the complaint be dismissed inasmuch as it rests on putative affiliation with groups whose activities were aimed at inducing Senator Kennedy to become a candidate or on activities of CDA itself which were aimed solely at that objective. Moreover, we respectfully request that the Commission address this issue as soon as feasible and communicate its conclusions, in appropriately detailed

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form. We would point out that in American jurisprudence, it is customary to address underlying issues of jurisdiction at the point when they are raised. Rule 12(h)(3) of the Federal Rules of Civil Procedures provides:

(3) Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action. (Emphasis added.)

D. MOTION TO STAY PROCEEDINGS

Pending determination of the motion to dismiss and resolution of the jurisdictional issue, further proceedings against CDA should be stayed.

1. The delay in enforcement proceedings need not be substantial. The Commission has had the jurisdictional issue before it since at least November 21, 1979, on motion of the Machinist Nonpartisan Political League, and probably even longer with respect to the two unregistered respondents, the National Call for Kennedy and Democrats for Change in 1980. Therefore, the Commission should be in a position to decide this issue quickly.

2. Moreover, complainant is not harmed materially by any delay in proceedings against CDA. As is now set forth in its amended complaint (at p. 42), complainant's call for expedited action is based on its fear that "the Carter-Mondale campaign will face a serious spending disadvantage in New Hampshire" if

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the expenditures of the draft groups are not counted against the state expenditure limit under the matching fund rules.

With the possible exception of the cost of mailing certain materials, such as polling results, to individuals in that state and, arguably, some in-kind valuation for circulation of the New Hampshire group's mailing address on some of CDA's literature, CDA has made no expenditures relating to the New Hampshire primary, even under complainant's theory. The value of these services could not possibly exceed \$100 and is probably not even a tenth of that. Thus, complainant's rationale for quick action is inapplicable insofar as it pertains to CDA.

3. A stay may save both the Commission and CDA substantial time and expense. If the Commission finds, even if only with respect to some activities and organizations, that it lacks jurisdiction, the scope of the investigation could be substantially reduced. Moreover, CDA believes that the Commission's order for the production of documents and information -- as well as other aspects of the current investigation -- raises substantial legal and constitutional issues which it will have no choice but to litigate in the federal courts in the event that the Commission seeks to enforce its order at this time. A finding of want of jurisdiction, or even a significant narrowing of the investigation, could well moot these issues, making such litigation unnecessary. For the foregoing reasons, CDA respectfully requests that further

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proceedings against CDA be stayed pending Commission action on its motion to dismiss.

Respectfully submitted,

CITIZENS FOR DEMOCRATIC ALTERNATIVES
IN 1980

By: Robert A. Blair
Robert A. Blair, Co-Counsel, Citizens
for Democratic Alternatives in 1980
c/o 1156 15th Street, N.W., Suite 1200
Washington, D. C. 20005

William H. Espinosa
William H. Espinosa, Co-Counsel,
Citizens for Democratic Alternatives
in 1980
c/o 1156 15th Street, N.W., Suite 1200
Washington, D. C. 20005

Michael R. Silverman
Michael R. Silverman, Co-Counsel,
Citizens for Democratic Alternatives
in 1980
c/o 1156 15th Street, N.W., Suite 1200
Washington, D. C. 20005

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert A. Blair
William H. Espinosa
Co-Counsel, Citizens for
Democratic Alternatives
in 1980
1156 15th Street, N.W.
Suite 1200
Washington, D.C. 20005

RE: MUR 1038

Dear Messrs. Blair and Espinosa:

The Commission has received and considered your Motion to Stay Further Proceedings, including the production of documents and materials, and accompanying Motion to Dismiss of December 13, 1979. Although there is no provision in the Federal Election Campaign Act of 1971, as amended ("the Act") or the Commission's regulations for presentation and consideration of such a motion, there are provisions in the regulations for motions to quash or modify Commission subpoenas, and CDA's motion for stay of "discovery" will be treated as such.

Inasmuch as the motion to stay compliance with the Commission subpoena to produce documents and materials was not timely presented in accordance with the procedures of 11 C.F.R. § 111.13(a) to move the Commission to quash, modify or stay one of its subpoenas, and as no substantial reason was proffered to show that the grounds for the requested stay could not have timely been raised in CDA's previous Motion to Quash the Commission subpoena, the Commission has declined to consider CDA's motion to stay. Therefore, the Commission deems CDA to have declined to comply with the Commission subpoena for production of documents scheduled for December 14, 1979, and will seek relief in the district court unless CDA notifies this Office immediately that it will comply with the subpoena.

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Robert A. Blair
Page 2

The Commission has also declined, at this time, to consider CDA's Motion to Dismiss. Again, we note there are no procedures in the Act or regulations which provide for the Commission to hear or make determinations on such motions. In this regard, we wish to point out that the Commission is not an adjudicatory body and does not function as such. Rather, the Commission is, inter alia, an investigatory agency, and among those questions that are frequently investigated by this agency is the issue of whether an entity is subject to the jurisdiction of the Act. However, in that CDA's motion to dismiss presents grounds to demonstrate why CDA believes "no further action" should be taken against it in this matter, the issues raised by CDA (and the supporting legal and factual arguments) will be reviewed by the Commission before the Commission makes a finding of either reasonable cause to believe a violation has occurred or that no further action should be taken in this matter and the file closed with respect to CDA. Thus, the foregoing is not meant to imply that the Commission will not ever consider the issues and points put forth in the response you have designated as a motion to dismiss.

If you have any questions or concerns involving the above information, or should you wish to comply with the Commission subpoena without necessitating court action in this matter, please contact Marsha Gentner, at (202) 523-4057.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*
DATE: DECEMBER 20, 1979
SUBJECT: 15 SUBPOENAS IN RELATION TO MUR 1038

The attached subpoenas, approved by a vote of 4-0 on December 19, 1979, have been signed and sealed this date.

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ATTACHMENT:
15 Subpoenas

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 1038
Committee for Alternatives to)	
Democratic Presidential)	
Candidate (Iowa))	
New Hampshire Democrats for Change)	
Minnesotans for A Democratic)	
Alternative)	
D. C. Committee for a Democratic)	
Alternative)	
Illinois Citizens for Kennedy)	
National Call for Kennedy (D.C.))	
Democrats for Change - 1980)	
(California))	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 19, 1979, the Commission authorized by a vote of 4-0 the issuance of subpoenas for deposition to the following individuals in connection with the above-captioned matter:

Arthur C. Hedberg, Jr.	C. Grove Smith
William Fenton	Charles F. Williams
Matthew Wanning	William Luking
Dudley Dudley	Victor Kamber
Denis Kanin	Stanely K. Sheinbaum
George Mische	Dan Torii
Kenneth D. Grund	Anthony Podesta
Mary Anne Keefe	

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, and McGarry.

Attest:

12/19/79
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

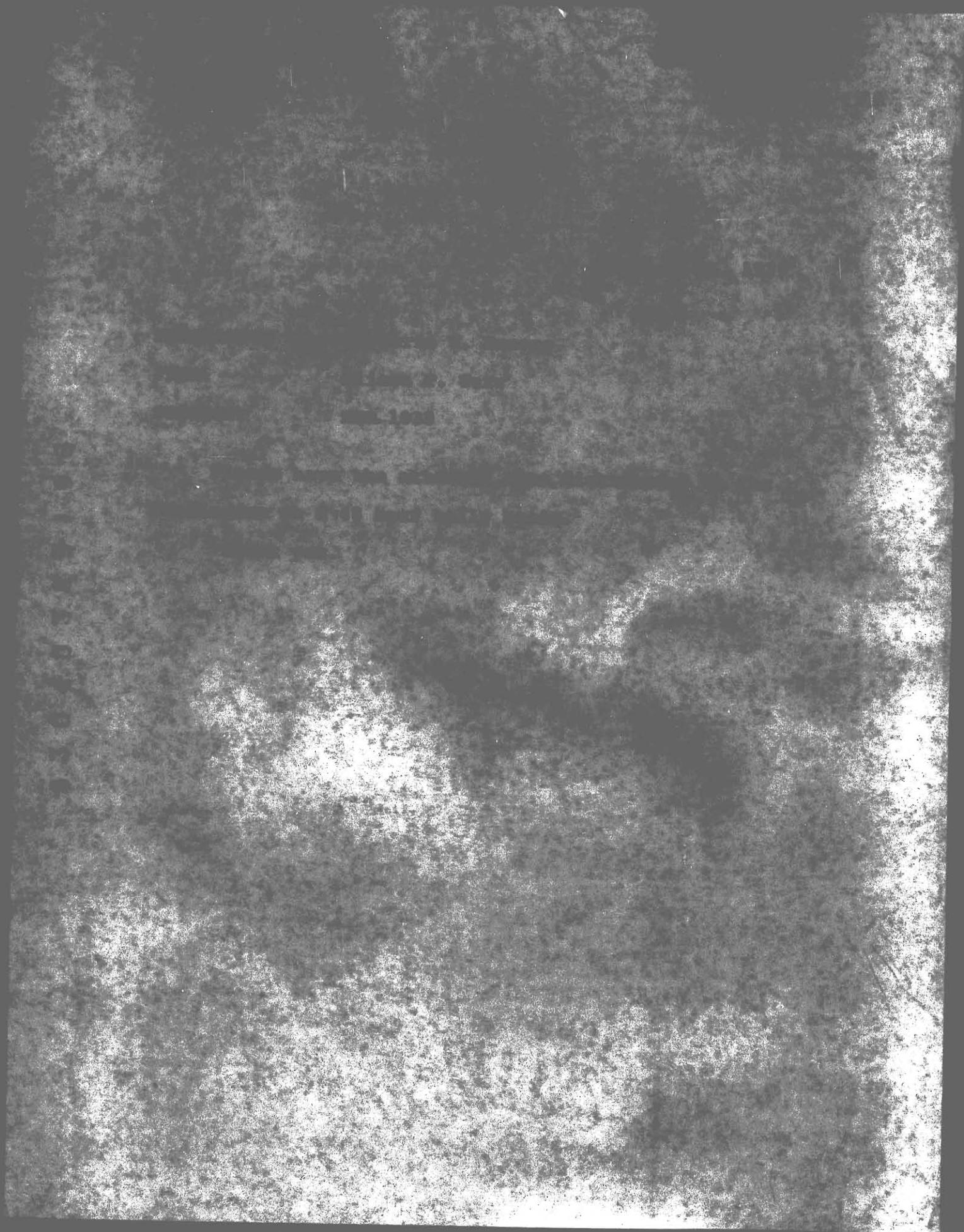
Received in Office of the Commission Secretary: 12-18-79, 12:15
Circulated on Expedited Basis: 12-18-79, 1:15

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TO: [REDACTED]
FROM: [REDACTED]
SUBJECT: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1979





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
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COMMISSION SECRETARY

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MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CS*
General Counsel

DATE: December 18, 1979

SUBJECT: Request for authorization to issue subpoenas
for deposition in MUR 1038

The Commission has determined there is reason to believe several violations of the Act and regulations may have been committed by persons or committees involved in the "draft Kennedy" effort. The substance of these potential violations is set forth more fully in our Interim Investigatory Report of December 13, 1979.

I. Affiliation of draft groups

Some of the possible violations stem from the alleged affiliation of eleven draft Kennedy committees. Nine of the "draft Kennedy" committees have been issued discovery orders, and all but three of those have produced documents and provided written answers to questions. In addition, most instances, affidavits or signed statements from the organizers or officials of the various draft committees have been submitted in response to the "reason to believe" notifications. While a good deal of helpful information has been provided by the respondents thus far on the affiliation issue, we believe that oral depositions are necessary to secure more detailed information about the formation and interconnection of these committee. Accordingly, we recommend that the Commission authorize the issuance of subpoenas for deposition to the following individuals (grouped according to respondent, where possible):

Committee for Alternatives to Democratic Presidential Candidate (Iowa):

Arthur C. Hedberg, Jr. - Treasurer; CADPC's response states that he was involved in its formation

William Fenton - IAM representative; CADPC's response stated that he was involved in its formation

Matthew Wanning - Executive Director; CADPC's

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Page 2

Memo to: The Commission

Subject: Request for authorization to issue subpoenas
for deposition in MUR 1038

response indicates that he was involved in
its formation

New Hampshire Democrats for Change:

Dudley Dudley - Chairman; NHDC's response indicates
that she was involved in its formation

Denis Kanin - Campaign Manager as of October 2, 1979;
NHDC's response indicates that he has been involved
in all levels of decision making

Minnesotans for a Democratic Alternative:

George Mische - Executive Director

Kenneth D. Grund - Treasurer

D.C. Committee for a Democratic Alternative:

May Anne Keeffe - Co-Chair

C. Grove Smith - DCCDA's response indicates that he
was one of the volunteer organizers

Illinois Citizens for Kennedy:

Charles F. Williams - Co-Chairperson; Illinois
legislative representative for IAM; ICK's response
indicates that he was involved in its formation

William Luking - Co-Chairperson; ICK's response
indicates that he served de facto as its chief
administrative officer

National Call for Kennedy (D.C.):

Victor Kamber - NCK's response indicates that he
was involved in its formation

Democrats for Change - 1980 (California):

Stanley K. Sheinbaum - Co-Chairperson; contributor
to both MDA and FKC; DC-80's response indicates
that he was one of six organizers

Dan Torii - consultant whose name appears in
documents produced by DC-80.

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Page 3

Memo to: The Commission

Subject: Request for authorization to issue subpoenas
for deposition in MUR 1038

II. Kennedy Candidacy

With regard to the possible violation of the Commission's regulations dealing with candidate registration and reporting by Senator Kennedy, the Commission's reason to believe finding requires inquiry into whether Senator Kennedy did in fact consent to the receipt of contributions or the making of expenditures on his behalf at a time earlier than his public filings indicate. The allegations touching on this question concern contact by Senator Kennedy's associates with representatives of the New Hampshire and Florida draft Kennedy groups.

Senator Kennedy and his committee, in their response to the "reason to believe" finding (copy attached), argue that the allegations in the complaint, as they are based largely on newspaper articles or general information and belief, are not sufficiently accurate or reliable to justify a Commission investigation of this question and that such an investigation could impinge upon first amendment constitutional protections. They suggest that they may well contest any discovery on this issue on grounds that the weighty protection given political speech and association should only be overridden where there are allegations based on direct information that there was actual consent by Senator Kennedy to the receipt or expenditure of funds on his behalf.

We have earlier requested authorization to depose Dudley Dudley in connection with the affiliation issue. We intend to depose her with respect to her reported contact with Paul Kirk, an associate of Senator Kennedy, as well. In addition, we recommend the authorization of a subpoena for deposition to Anthony Podesta, an IAM employee, alleged to have been in contact with Carl Wagner of Senator Kennedy's staff.

It is our view that deposition of these individuals will indicate whether there is substance to the allegations in the complaint. Should further depositions appear necessary, we will so advise the Commission.

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Page 4

Memo to: The Commission

Subject: Request for authorization to issue subpoenas
for deposition in MUR 1038

Recommendation

Authorize the issuance of subpoenas for deposition to
the following individuals in connection with MUR 1038:

Arthur C. Hedberg, Jr.
William Fenton
Matthew Wanning
Dudley Dudley
Denis Kanin
George Mische
Kenneth D. Grund
Mary Anne Keefe
C. Grove Smith
Charles F. Williams
William Luking
Victor Kamber
Stanley K. Sheinbaum
Dan Torii
Anthony Podesta

Attachment

Response of Senator Kennedy
Authorization Form

83040385199



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUTHORIZATION TO ISSUE SUBPOENAS FOR DEPOSITION

The Commission hereby authorizes the issuance of subpoenas for deposition to the following individuals in connection with MUR 1038:

Arthur C. Hedberg, Jr.
William Fenton
Matthew Wanning
Dudley Dudley
Denis Kanin
George Mische
Kenneth D. Grund
Mary Anne Keefe
C. Grove Smith
Charles F. Williams
William Luking
Victor Kamber
Stanley K. Sheinbaum
Dan Torii
Anthony Podesta

Robert O. Tiernan
Chairman

Thomas E. Harris
Commissioner

Max L. Friedersdorf
Vice Chairman

John W. McGarry
Commissioner

Joan D. Aikens
Commissioner

Frank P. Reiche
Commissioner

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from the Machinists Non Partisan Political League (MNPL), the MNPL and recipient committees have also been given "reason to believe" notification as to possible contribution limitation violations.

In a second category are possible violations stemming from the failure to register and report as political committees under the Act. On October 16, 1979, the Commission found reason to believe that the California-based Democrats for Change-1980 and the Washington, D.C.-based National Call for Kennedy, may have violated the registration and reporting provisions. On November 14, 1979, the Commission found reason to believe that Americans for Democratic Action may have violated the registration and reporting provisions.

In the third category is the possible violation of the candidate registration provision of the Commission's regulations by Senator Kennedy. The Commission found "reason to believe" on this issue on November 14, 1979.

The "reason to believe" notifications stemming from the Commission's October 16 and November 14 findings were sent, respectively, on October 19 and November 21, 1979. Written responses have been received from all respondents, except for Senator Kennedy.

Certain respondents have raised jurisdictional defenses and have requested that the allegations of the complaint be

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dismissed. The Florida for Kennedy Committee and the MNPL have styled their responses as "motions to dismiss." It is our present intention to set forth an analysis of the legal arguments raised by respondents in our General Counsel's Report following the investigation.^{2/}

In an effort to obtain facts concerning the foregoing possible violations we have issued orders for document production and for answers to written questions to nine of the respondent "draft Kennedy" committees and to MNPL. Pending before the Commission is a memorandum seeking authorization to issue such orders to three of the more recent respondents, Wisconsin Democrats for Change in 1980, Americans for Democratic Action Campaign Committee, and Americans for Democratic Action. During the past four weeks the Office of General Counsel has been actively engaged in document discovery. All but three of the respondents have produced the documents and answers requested.

The three respondents which have refused to produce the documents requested are the Florida for Kennedy Committee, Citizens for Democratic Alternatives in 1980 and MNPL. As in

^{2/} The Florida for Kennedy Committee filed a Motion to Dismiss, and subsequently filed a Motion to Quash a Commission subpoena, designating the prior Motion to Dismiss as the basis for the Motion to Quash. On November 27, 1979, the Commission voted to deny the Motion to Quash as well as the undulying Motion to Dismiss. Upon notification of this finding and the Commission's second finding of reason to believe against it, the Florida for Kennedy Committee submitted a Motion to Dismiss Amended Complaint.

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their motions to quash filed with and denied by the Commission, these respondents assert that the Commission does not have jurisdiction over the efforts of persons who are attempting to persuade an individual to become a candidate. We are preparing to file actions in U.S. District Court to enforce the Commission's discovery orders.

To date we have issued no discovery orders to Senator Kennedy regarding his possible violation of the candidate registration and reporting provisions. At the time of this writing, a written response to the Commission's "reason to believe" notification has not been received; however, members of the Office of General Counsel have met with Counsel for the Senator.^{3/} A formal response is to be provided by Monday, December 17, and as soon as such response is received we will present a memorandum to the Commission regarding possible discovery.

Depositions

Although documents have not yet been obtained from all of the respondents, the opinion of the Office of General Counsel is that the investigation should move forward at this time through the taking of depositions. Currently we are in the

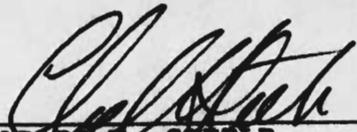
^{3/} A november 13, 1979, letter from Senator Kennedy's counsel (Attachment A) was sent to the Commission before it had made its "reason to believe" determination.

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Interim Investigative Report
MUR 1038
Page five

process of reviewing the responses and documents which have been received. As soon as this review is completed we will be able to recommend to the Commission that certain individuals who have knowledge of the formation, organization, and operation of the "draft Kennedy" committees be deposed. We anticipate completing this review so as to be able to submit a memorandum to the Commission on Monday, December 17, requesting authorization of subpoenas for depositions.

14 December 1979
DATE



CHARLES N. STEELE
GENERAL COUNSEL

Attachment A

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NOV 14 1979

FEDERAL ELECTION COMMISSION

KENNEDY FOR PRESIDENT COMMITTEE NOV 14 AM 8:58
1250 - 22nd Street
Washington, D. C. 20037

November 13, 1979

Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

004982

Dear Commissioners:

On October 4, 1979, the Carter-Mondale Presidential Committee filed a complaint with the Commission alleging that a number of the so-called "draft Kennedy" committees were affiliated with each other. More recently, on November 2, the Carter-Mondale Committee filed an "amendment" to that complaint, adding new respondents and supplementing the earlier allegations. The "amendment" in its final section raises a new and entirely separate allegation. It alleges that:

Senator Kennedy, by his actions and those of his agents, authorized and consented to the "making of expenditures with a view toward bringing about his nomination," 2 U.S.C. 431(b)(2), by the Florida, New Hampshire, and perhaps other draft-Kennedy committees no later than September 1, 1979, and thus has been a candidate for purposes of the Act since that time. ["Amendment to Complaint," at 2.]

Section IV of the "Amendment to Complaint" requests relief that would directly affect the Kennedy for President Committee, although the Committee is not named as a respondent. For that reason, the Commission's attention is directed at the outset to the obvious legal insufficiency of Section IV:

The Federal Election Campaign Act requires that a complaint be based on the belief of the person filing it that a violation of the election laws has occurred. Section IV not only fails to allege such a violation, but expressly admits that the conduct complained of is not "illegal or improper."

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Attachment A

This defect in the complaint goes to the jurisdiction of the Commission to consider it. Accordingly, I respectfully request that Section IV of the "Amendment to Complaint" be dismissed without further Commission proceedings.

Under the Federal Election Campaign Act, a person "who believes a violation . . . has occurred" may file a complaint with the Commission. 2 U.S.C. § 437g(a)(2). The Commission's regulations require that a complaint contain, among other things, "[a] clear and concise statement of the acts which are alleged to constitute a violation of the Act." 11 C.F.R. § 111.2(b)(2).

Section IV of the "Amendment to Complaint" not only fails to allege that a violation has occurred, but it disclaims any belief that illegal or improper activity has occurred. Of its principal allegation, "that Senator Kennedy was in touch with the key draft-Kennedy committees and did authorize, consent to, and encourage their activities," the "Amendment to Complaint" expressly states, "Nor is this illegal or improper." At 39, n. * (emphasis added).

Without alleging a violation, the Carter-Mondale committee is seeking a determination that "Senator Kennedy must accept the consequences" of the consent and encouragement of draft-Committees it charges, "which are . . . that their expenditures count against his expenditure limitations." *Id.* In short, the Carter-Mondale committee is seeking a Commission ruling on how expenditure limits should be applied to Senator Kennedy's campaign after it qualifies for payments from the Presidential Primary Matching Fund. This is not a proper use of the complaint procedure.* Nor is a "complaint" of this type an appropriate basis for a "reason to believe" determination

*/ Under the Commission's regulations, it is doubtful that the Carter-Mondale committee could obtain an advisory opinion on this point, much less make it the basis for a complaint. Advisory opinion requests must concern "application of a general rule of law . . . to a specific factual situation that involves the requesting person." 11 C.F.R. § 112.1(a) (emphasis added). Moreover, "Hypothetical questions will not be treated as advisory opinion requests." *Id.*, § 112.1(b).

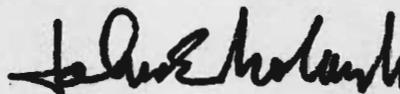
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Federal Election Commission
November 13, 1979
Page Three

by the Commission. Under the Act, the Commission is authorized to make an investigation upon receiving a complaint only "if it has reason to believe that any person has committed a violation. . . ." 2 U.S.C. § 437g(a)(2) (emphasis added).

Accordingly, Section IV of the "Amendment to Complaint" of the Carter-Mondale committee should be dismissed by the Commission without further consideration.

Very truly yours,



John E. Nolan, Jr.
General Counsel

83040385209



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE ✓
FROM: MARJORIE W. EMMONS/MARGARET CHANEY me
DATE: DECEMBER 20, 1979
SUBJECT: ORDERS IN RELATION TO MUR 1038

The attached orders, approved by a vote of 5-0 on December 17, 1979, have been signed and sealed this date.

83040385207

ATTACHMENTS:
Orders (3)
Newman, Betka, Shull

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 1038
Americans for Democratic Action)	
Campaign Committee)	
Wisconsin Democrats for Change)	
in 1980)	
Americans for Democratic Action)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 17, 1979, the Commission authorized by a vote of 5-0 the sending of the orders to produce documents and materials and to answer written questions and cover letters to the above-named respondents.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, and Reiche.

Attest:

12/18/79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Memorandum to the Commission dated:	12-12-79
Received in Office of the Commission Secretary:	12-13-79, 11:20
Circulated on 48 hour vote basis:	12-13-79 4:00

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RECEIVED TO: [Illegible]

[Illegible]

[Illegible]

[Illegible]



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 DEC 13 AII: 20

December 12, 1979

MEMORANDUM TO: The Commission
FROM: Charles N. Steele *CS*
General Counsel
SUBJECT: Request for authorization to issue
discovery orders in MUR 1038

83040385211
On November 21, 1979, the Commission issued letters of notification that it had found reason to believe two additional "draft Kennedy" groups may have violated the Act and regulations by failing to report affiliation with each other and nine earlier-notified "draft Kennedy" committees. The two additional committees are: Americans for Democratic Action Campaign Committee and Wisconsin Democrats for Change in 1980.

Orders to produce documents and to answer written questions have been issued to the nine previously-notified committees. We now seek authorization to issue similar orders to the two additional committees.

The Commission has also found reason to believe Americans for Democratic Action ("ADA") may have violated the Act by failing to register and report as a political committee. A proposed discovery order for the ADA is attached for your authorization, as well.

Recommendation: Authorize the attached orders to produce documents and materials and to answer written questions and cover letters.

Attachments

- 3 Orders to Produce Documents and Materials and to Answer Written Questions
- 3 cover letters
- Authorization Form



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

**AUTHORIZATION TO ISSUE ORDERS TO PRODUCE DOCUMENTS
AND MATERIALS AND TO ANSWER WRITTEN QUESTIONS**

The Commission hereby authorizes the issuance of orders to produce documents and materials and to answer written questions to the following persons in connection with MUR 1038(79):

Americans for Democratic Action Campaign Committee
1411 K Street, N.W., Suite 850
Washington, D.C. 20005

Wisconsin Democrats for Change in 1980
2313 Highway MM
Oregon, Wisconsin 53575

Americans for Democratic Action
1411 K Street, N.W., Suite 850
Washington, D.C. 20005

Robert O. Tiernan
Chairman

Thomas E. Harris
Commissioner

Max L. Friedersdorf
Vice Chairman

John W. McGarry
Commissioner

Joan D. Aikens
Commissioner

Frank P. Reiche
Commissioner

63040395211



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

HAND DELIVERED

Jack A. Blum, Esquire
Blum & Nash
1015 Eighteenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Blum:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to Americans for Democratic Action.

If you have any questions, please contact Marsha Gentner or Scott Thomas, the attorneys assigned to this matter, at (202) 523-4057.

Sincerely,

**Charles N. Steele
General Counsel**

Enclosures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL EXPRESS

**David E. Lasker
Lasker & Lasker
2225 Hamilton Street
Madison, Wisconsin 53703**

Re: MUR 1038

Dear Mr. Lasker:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to Wisconsin Democrats for Change in 1980.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

**Charles N. Steele
General Counsel**

Enclosure

83040385213



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

Jack A. Blum
Blum & Nash
1015 Eighteenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Blum:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to Americans For Democratic Action Campaign Committee.

If you have any questions, please contact Marsha Gentner or Scott Thomas (202/523-4143), the attorneys assigned to this matter.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

83040385216



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *me*
DATE: NOVEMBER 29, 1979
SUBJECT: ORDERS IN RELATION TO MUR 1038

The attached four orders, approved by a vote of 5-0 on November 27, 1979, have been signed and sealed this date.

83040385217

ATTACHMENTS:

Orders:

1. CDA
2. NHDC
3. FKC
4. MNPL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *g*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*
DATE: NOVEMBER 29, 1979
SUBJECT: REMOVAL OF OBJECTION TO MUR 1038 - Memorandum
to the Commission dated 11-19-79 with
Proposed Letters of Notification

The above-named memorandum was circulated on a 24 hour no-objection basis at 11:00, November 20, 1979.

Commissioner Friedersdorf submitted an objection at 10:25, November 21, 1979, to the advisory opinion paragraph of the letter to John Nolan.

Contact between Commissioner Friedersdorf's office and the Office of the General Counsel apparently corrected the problem.

Attached is a copy of Commissioner Friedersdorf's memorandum removing his objection to the document.

There were no other objections to this matter.

ATTACHMENT:
Copy of memorandum

83040385213



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

79 NOV 29 P 2: 40

November 29, 1979

MEMORANDUM FOR:

MARJORIE W. EMMONS
SECRETARY TO THE COMMISSION

FROM:

MAX L. FRIEDERSDORF *MLF*
COMMISSIONER

SUBJECT:

MUR 1038 - Memorandum to the
Commission dated 11-19-79 with Letters
of Notification

This is to advise that I have removed my objection to the
recommendation in the memorandum to the Commission dated 11-19-79
with Letters of Notification in MUR 1038.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: The Commission
FROM: Charles N. Steele
Acting General Counsel *CNS*
SUBJECT: Letters of Notification of the Commission's
Findings in MUR 1038
DATE: November 19, 1979

Attached please find the letters to respondent committees notifying them of the Commission's findings of November 14, 1979, in MUR 1038. The Office of General Counsel recommends the Commission approve these letters.

RECOMMENDATION

Approve and send the attached letters.

Attahments

Letters

83040385221



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

L. Michael Winograd, Esquire
72 North Main Street
Concord, New Hampshire

Re: MUR 1038

Dear Mr. Winograd:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the New Hampshire Democrats for Change ("NHDC") may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on NHDC reports to the Commission. This letter is to notify you that the Commission has made an additional finding that NHDC may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980 as well, and that there is reason to believe NHDC may have also violated 2 U.S.C. § 433 (b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on NHDC reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Act, NHDC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, NHDC's response should be submitted within ten (10) days after receipt of this notification.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless NHDC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385223



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Edward M. Kennedy
United States Senate
2241 Dirkson Senate Office Building
Washington, D.C.. 20510

Re: MUR 1038

Dear Senator Kennedy:

This is to notify you that the Federal Election Commission has found reason to believe you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe you may have become a candidate, as defined by 2 U.S.C. § 431(b) and 11 C.F.R. § 100.2, for the nomination for election to the Office of President by September 1, 1979. 2 U.S.C. § 432 and 11 C.F.R. § 101.2(a) require an individual to file a Statement of Candidate for Nomination of Election to Federal Office within thirty days of attaining candidate status under the Act. As you did not file such a Statement by October 1, 1979, the Commission has found reason to believe you may have violated 2 U.S.C. § 432 and 11 C.F.R. § 101.2(a).

Under the Act you have an opportunity to demonstrate why no further action should be taken against you. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath. Enclosed is a copy of an "Amendment to Complaint" filed by the Carter-Mondale Presidential Committee, Inc., which the Commission had before it at the time the finding of reason to believe you may have violated the Act was made.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after receipt of this notification. If you intend to be represented by counsel in this matter, please have such counsel notify this Office in writing.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385225



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John E. Nolan, Jr.
General Counsel
Kennedy for President Committee
1260 22nd Street, N.W.
Washington, D.C. 20037

Dear Mr. Nolan:

On November 2, 1979, the Carter-Mondale Presidential Committee, Inc., filed a complaint with the Federal Election Commission alleging that expenditures by the New Hampshire Democrats for Change and the Florida for Kennedy Committee should be included as expenditures by Senator Kennedy or the Kennedy for President Committee for purposes of the limitations on expenditures contained in 2 U.S.C. § 441a(b) for those who receive presidential primary matching fund payments. The Commission has determined to take no action at this time concerning this allegation and request of the Carter-Mondale Presidential Committee complaint.

The complaint filed by the Carter-Mondale Presidential Committee also alleges that the Kennedy for President Committee has received contributions of money from individuals who signed a pledge card to the Americans for Democratic Action's Kennedy Matching Pledge Fund prior to making such contributions. Complainant alleges that these contributions of money to the Kennedy for President Committee should not be deemed matchable in determining the amount of presidential primary matching fund payments to be made to the Kennedy for President Committee, should Senator Kennedy seek and be certified to receive matching funds. The Commission has determined to take no action at this time with regard to the question of whether these contributions are matchable under 26 U.S.C. § 9034.

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Please note that pursuant to 2 U.S.C. § 437f, the Kennedy for President Committee may wish to submit a request for an Advisory Opinion from the Commission addressing the above-mentioned questions. If you have any questions concerning this procedure or any of the foregoing information, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385227



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph L. Rauh, Jr.
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Rauh:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the Machinists Non Partisan Political League ("MNPL") may have violated 2 U.S.C. § 441a(a)(2)(C) by contributing in the aggregate, in excess of \$5,000 to the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate, and Illinois Citizens for Kennedy. The Commission has determined that these committees may be affiliated; and under the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations, affiliated committees are treated as one committee for purposes of the limitations set forth in 2 U.S.C. § 441a(a). This letter is to notify you that the Commission has determined that the Wisconsin Democrats for Change in 1980 ("WDC") may also be affiliated with the abovementioned committees, and that inasmuch as the MNPL has contributed to WDC, there is reason to believe the MNPL may also have violated 2 U.S.C. § 441a(a)(2)(C) by making a contribution to WDC, as well as to the four committees listed above.

Under the Act, MNPL has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, MNPL's response should be submitted within ten (10) days after receipt of this notification.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless MNPL notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely

Charles N. Steele
Acting General Counsel

83040385229



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas E. Lindley, Esquire
Treasurer
Illinois Citizens for Kennedy
c/o Jenner and Block
1 IBM Plaza
Chicago, Illinois 60611

Re: MUR 1038

Dear Mr. Lindley:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the Illinois Citizens for Kennedy ("ICK") may have violated 2 U.S.C. § 441a(a)(2)(C) by receiving an excessive contribution and 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on ICK reports to the Commission. This letter is to notify you that the Commission has made an additional finding that ICK may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980, as well, and that there is reason to believe ICK may have also violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on ICK reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Act, ICK has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

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The Commission is under a duty to investigate this matter expeditiously. Therefore, ICK's response should be submitted within ten (10) days after receipt of this notification. If ICK intends to be represented by counsel in this matter, please have such counsel notify this Office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless ICK notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385231



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul D. Friedman, Esquire
Treasurer
Florida for Kennedy Committee
200 Southeast First Street
12th Floor
Miami, Florida 33131

Re: MUR 1038

Dear Mr. Friedman:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the Florida for Kennedy Committee ("FKC") may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft-Kennedy" committees as affiliated committees on FKC reports to the Commission. This letter is to notify you that the Commission has made an additional finding that FKC may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980 as well, and that there is reason to believe FKC may have also violated 2 U.S.C. § 433 (b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on FKC reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Act, FKC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, FKC's response should be submitted within ten (10) days after receipt of this notification. If FKC intends to be represented by counsel in this matter, please have such counsel notify this Office in writing.

83040385232

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless FKC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385233



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arthur C. Hedberg, Jr., Esquire
Treasurer, Committee for Alternatives
to Democratic Presidential Candidate
840 Fifth Avenue
Des Moines, Iowa 50309

Re: MUR 1038

Dear Mr. Hedberg:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the Committee for Alternatives to Democratic Presidential Candidate ("CADPC") may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on CADPC reports to the Commission. This letter is to notify you that the Commission has made an additional finding that CADPC may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980, as well, and that there is reason to believe CADPC may have also violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on CADPC reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Act, CADPC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, CADPC's response should be submitted within ten (10) days after receipt of this notification.

83040385234

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless CADPC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

63040385235



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Patsy T. Mink
President, Americans for
Democratic Action
1411 K Street, N.W., Suite 850
Washington, D.C. 20005

Re: MUR 1038

Dear Ms. Mink:

This letter is to notify you that the Federal Election Commission has found reason to believe the Americans for Democratic Action ("ADA") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe ADA may be a political committee as defined by the Act. 2 U.S.C. § 433 requires political committees to register with the Commission and 2 U.S.C. § 434 requires these committees to file reports with the Commission. As ADA has not registered with or reported to the Commission, the Commission has found reason to believe the ADA may have violated 2 U.S.C. §§ 433 and 434.

Under the Act, ADA has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, ADA's response should be submitted within ten (10) days after receipt of this notification. If ADA intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

83040385236

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless DCCDA notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385237



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Landis, Esquire
1730 Rhode Island Avenue, N.W.
Suite 910
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Landis:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the D.C. Committee for a Democratic Alternative ("DCCDA") may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on DCCDA reports to the Commission. This letter is to notify you that the Commission has made an additional finding that DCCDA may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980, as well, and that there is reason to believe DCCDA may have also violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on DCCDA reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Act, DCCDA has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, DCCDA's response should be submitted within ten (10) days after receipt of this notification.

83040385238

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless ADA notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385239



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William Espinosa, Esquire
Co-Counsel, Citizens for Democratic
Alternatives in 1980
c/o 1156 15th Street, N.W.
Suite 1200
Washington, D.C. 20005

Re: MUR 1038

Dear Mr. Espinosa:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the Citizens for Democratic Alternatives in 1980 ("CDA") may have 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on CDA reports to the Commission. This letter is to notify you that the Commission has made an additional finding that CDA may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980, as well, and that there is reason to believe CDA may have also violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on CDA reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Act, CDA has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, CDA's response should be submitted within ten (10) days after receipt of this notification.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless CDA notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Bonderman, Esquire
Arnold & Porter
1229 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Bonderman:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the National Call for Kennedy ("NCK") may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on NCK reports to the Commission. This letter is to notify you that the Commission has made an additional finding that NCK may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980, as well, and that there is reason to believe NCK may have also violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on NCK reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Act, NCK has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, NCK's response should be submitted within ten (10) days after receipt of this notification.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John S. Connolly
Minnesotans for a Democratic
Alternative
208 McCall Building
366 Jackson Place
St. Paul, Minnesota 55107

Re: MUR 1038

Dear Mr. Connolly:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe that the Minnesotans for a Democratic Alternative (MDA) may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on MDA reports to the Commission. This letter is to notify you that the Commission has made an additional finding that MDA may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980, as well, and that there is reason to believe MDA may have also violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on MDA reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Act, MDA has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, MDA's response should be submitted within ten (10) days after receipt of this notification.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless MDA notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Terrance Fallon-McKnight, Esquire
Irell & Manella
1800 Avenue of the Stars
Los Angeles, California 90067

Re: MUR 1038

Dear Mr. Fallon-McKnight:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the Democrats For Change ("DC-80") may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on DC-80 reports to the Commission. This letter is to notify you that the Commission has made an additional finding that DC-80 may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980 as well, and that there is reason to believe DC-80 may have also violated 2 U.S.C. § 433 (b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on DC-80 reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Act, DC-80 has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, DC-80's response should be submitted within ten (10) days after receipt of this notification.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless DC-80 notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless NCK notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Winn Newman
Treasurer, Americans for Democratic
Action Campaign Committee
1411 K Street, N.W., Suite 850
Washington, D.C. 20005

Re: MUR 1038

Dear Mr. Newman:

This letter is to notify you that the Federal Election Commission has found reason to believe the Americans for Democratic Action Campaign Committee (ADACC) may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe ADACC may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report the Americans for Democratic Action as a "connected organization". 2 U.S.C. § 433(b)(2) requires a political committee to include the names, addresses, and relationships of all connected organizations in the committee's Statement of Organization.

This letter is also to notify you that the Commission has determined ADACC may be affiliated with the following committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, Illinois Citizens for Kennedy, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, National Call for Kennedy, Democrats for Change-1980, and Wisconsin Democrats for Change in 1980. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) also require political committees to report to the Commission the names of any affiliated committees. As ADACC has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe ADACC may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) for this reason, as well.

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Under the Act, ADACC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, ADACC's response should be submitted within ten (10) days after receipt of this notification. If ADACC intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless ADACC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Elizabeth Betka
Chairperson, Wisconsin Democrats
for Change in 1980
2313 Highway MM
Oregon, Wisconsin 53575

Re: MUR 1038

Dear Ms. Betka:

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This letter is to notify you that the Federal Election Commission has found reason to believe the Wisconsin Democrats for Change in 1980 ("WDC") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has determined WDC may be affiliated with the following committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, Illinois Citizens for Kennedy, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, National Call for Kennedy, Democrats for Change-1980, and Americans for Democratic Action Campaign Committee. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As WDC has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe WDC may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act and Commission regulations, affiliated committees are treated as a single committee and share one contribution limitation. Reports filed with the Commission indicate that the Machinists Non Partisan Political League (MNPL) has contributed in excess of \$5,000, total, to the above-mentioned committees. As WDC received a contribution from the MNPL, the Commission has also found reason to believe WDC may have violated 2 U.S.C. § 441a(f). 2 U.S.C. § 441a(a)(2)(C) prohibits committees such as the MNPL from contributing in excess of \$5,000 a year to political committees, and 2 U.S.C. § 441a(f) prohibits political committees from accepting excessive contributions.

Under the Act, WDC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, WDC's response should be submitted within ten (10) days after receipt of this notification. If WDC intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless WDC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Americans for Democratic)
Action, et al.)

MUR 1038

CERTIFICATION

I, Marjorie W. Emons, Recording Secretary for the Federal Election Commission's Executive Session on November 14, 1979, do hereby certify that the Commission took the following actions in MUR 1038:

1. Determined by a vote of 6-0 to find reason to believe the Americans for Democratic Action Campaign Committee may have violated 2 U.S.C. §432(b)(2) and 11 C.F.R. §102.2(a)(2) for failing to report the Americans for Democratic Action as its connected organization.
 - 1A. Determined by a vote of 6-0 to find reason to believe that the Americans for Democratic Action may have violated 2 U.S.C. §§433 and 434 by failure to register as a political committee and to report expenditures.
2. Determined by a vote of 6-0 to find reason to believe the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in '80 may have violated 2 U.S.C. §433(b)(2) and 11 C.F.R. §102.2(a)(2) by failing to report each other and the Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D. C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy, Democrats for Change-1980, and Citizens for Democratic Alternatives in 1980 as affiliated committees.
3. Determined by a vote of 6-0 to find reason to believe the Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D. C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy, Democrats for Change-1980, and Citizens for Democratic Alternatives in 1980 may have violated 2 U.S.C. §433(b)(2) and 11 C.F.R. §102.2(a)(2) by failing to report the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in '80 as affiliated committees.

(Continued)

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4. Determined by a vote of 6-0 to find reason to believe the Machinists Non Partisan Political League may have violated 2 U.S.C. §441a(a) (2) (C) by contributing in excess of \$5,000, total, to the Wisconsin Democrats for Change in 1980, as well as the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy.
 5. Determined by a vote of 6-0 to find reason to believe the Wisconsin Democrats for Change in 1980 may have violated 2 U.S.C. §441a(f) by receiving an excessive contribution from the Machinists Non Partisan Political League.
 6. Determined by a vote of 6-0 to take no action at this time on recommendations 6 through 10 as set forth in the First General Counsel's Report in this matter and transmitted to the Commission on November 13, 1979.
 7. Determined by a vote of 6-0 to take no action at this time with respect to recommendation #11 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.
 8. Determined by a vote of 5-1 to take no action at this time with respect to recommendation #12 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

Commissioners Aikens, Harris, McGarry, Reiche, and Tiernan voted affirmatively for this determination; Commissioner Friedersdorf dissented.

9. Failed by a vote of 2-4 to pass a motion to take no action at this time with respect to recommendation #13 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

Commissioners Reiche and McGarry voted affirmatively for the motion. Commissioners Aikens, Friedersdorf, Harris, and Tiernan dissented.

(Continued)

MWE

10. Failed by a vote of 2-3 to pass a motion to approve recommendation #13 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

Commissioners Friedersdorf and McGarry voted affirmatively for the motion; Commissioners Aikens, Harris, and Reiche dissented; Commissioner Tiernan abstained in the vote.

11. Determined by a vote of 4-2 to find reason to believe that Senator Edward M. Kennedy may have become a candidate for the nomination for election to the office of President by September 1, 1979, and reason to believe that Senator Edward M. Kennedy may have violated 2 U.S.C. §432 and 11 C.F.R. §101.2(a) by failing to file a Statement of a Candidate for Nomination or Election to Federal Office by October 1, 1979.

Commissioners Aikens, Friedersdorf, Harris, and Reiche voted affirmatively for the determination; Commissioners McGarry and Tiernan dissented.

12. Determined by a vote of 6-0 to take no action at this time on recommendation #14 as set forth in the First General Counsel's Report in this matter transmitted to the Commission on November 13, 1979.

13. Determined by a vote of 6-0 to decline to review at this time the question of whether contributions of money to the Kennedy for President Committee from individuals who previously signed a pledge card to the Americans for Democratic Action Campaign Committee's Kennedy Matching Pledge Fund are matchable for presidential primary matching funds, as the Kennedy for President Committee has not yet submitted contributions to be matched.

Attest:

11/15/79

Date

Marjorie W. Emons
Marjorie W. Emons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 11-13-79

MUR NO. 1038
DATE COMPLAINT RECEIVED
BY OGC 11/02/79

STAFF MEMBERS - Johansen,
Gentner & Thomas

COMPLAINANT: Carter-Mondale Presidential Committee, Inc.

RESPONDENTS: Americans for Democratic Action, Americans for Democratic Action Campaign Committee, Kennedy Matching Pledge Fund, Wisconsin Democrats for Change in 1980, Californians for Kennedy, Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (Cal.), Citizens for Democratic Alternatives in 1980 (D.C.), Mark Dayton, Cynthia Rosenberg, Stephen Ross, Miles Rubin, and Stanley Sheinbaum.

RELEVANT STATUTE: 2 U.S.C. §§ 431(b), 433(b)(2), 441a(a)(1)(A), 441a(a)(2)(A), 441a(b), 441a(f), 441b(b)(2)(C); 11 C.F.R. §§ 100.2(C), 100.14(b)(1), 101.2(a), 102.2(a)(2), 110.6(d), 9034.3(d), 90 34.3(e).

INTERNAL REPORTS CHECKED: Statements of Organizations and Reports of Receipts and Expenditures of all registered respondents; disavowel notices of Senator Kennedy, computer printout of contributions to respondent committees.

FEDERAL AGENCIES CHECKED: None

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SUMMARY OF ALLEGATIONS

Complainant alleges: (1) that five named respondents are affiliated with other groups named by complainant in its complaint filed on October 4, 1979, raising possible violations of 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) for failure to report affiliation, (2) that certain individuals have aggregated contributions to certain of the respondents named in the October 4, 1979 complaint in violation of 2 U.S.C. § 441a(a)(1)(C), (3) that Senator Edward Kennedy became a "candidate" under the Act and regulation by September 1, 1979, and thus expenditures of certain respondent committees should be attributable to Senator Kennedy's potential presidential primary expenditure limitations under 2 U.S.C. § 441a(b), (4) that the Kennedy Matching Pledge Fund is or will be making contributions in excess of 2 U.S.C. § 441a(a)(4)(A) to Senator Kennedy's authorized committee, and (5) that the Pledge Fund contributions may not be matched with primary matching funds under 11 C.F.R. § 9034.3.

PRELIMINARY LEGAL ANALYSIS

Introduction

This report stems from a document entitled "Amendment to Complaint" filed with the Commission on November 2, 1979, by the Carter-Mondale Presidential Committee, Inc., (C-M). The document names five organizations as respondents, but the underlying allegations concerning those organizations are closely related to the allegations of affiliation among several "draft-Kennedy" committees which were named as respondents in a complaint filed by C-M on October 4, 1979. The "Amendment to Complaint" sets forth additional information to support the allegations of affiliation made in the October 4th complaint names additional organizations which are alleged to be affiliated with the respondents named in the October 4th complaint, and alleges that certain individuals by making contributions to the respondents have exceeded their contribution limitations.

Furthermore, as the Summary of Allegations above indicates, the Amendment to Complaint sets forth new allegations of a different nature with respect to the candidate status of Senator Kennedy and with respect to the activities of the Kennedy Matching Pledge Fund. Thus, while the Amendment to Complaint in one sense merely adds additional information supporting the original alleged violations, in another sense it stands as a separate complaint alleging or giving rise to new and distinct possible violations.

With respect to the new possible violations, we recommend hereinafter that the Commission determine there is reason to believe two of the respondents named in the Amendment to

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Complaint" may have failed to report affiliation with each other and with the "draft-Kennedy" committee respondents named in the October 4th complaint and that certain individuals may have exceeded the \$5,000 limitation of 2 U.S.C. § 441a(a)(1)(C) by aggregating contributions to more than one of the respondent committees. We recommend that the Commission determine there is not reason to believe that Senator Kennedy failed to timely register as a candidate and that there is not reason to believe the Kennedy Matching Pledge Fund has made an excessive contribution to the Kennedy for President Committee. Finally, we are of the opinion that certain of the allegations raised by complainant concerning Senator Kennedy's primary matching fund expenditure limitations and the matchability of certain contributions are not ripe for Commission action.

I. Failure to Report Affiliation

Complainant names five new "respondents" in its "Amendment to Complaint" which it claims to be "affiliated" with the draft-Kennedy committees named in its complaint filed on October 4th. The new respondents are: Americans for Democratic Action (ADA), Americans for Democratic Action Campaign Committee (ADACC), Kennedy Matching Pledge Fund (KMPF), Wisconsin Democrats for Change in '80 (WDC'80), and Californians for Kennedy (CK). Three of the persons named in the complaint however, do not appear to be appropriate respondents.

The Americans for Democratic Action (ADA), is an unincorporated membership organization. The complainant does not allege, nor do any of the documents appended to the complaint indicate, that the ADA itself is a "political committee" as defined by 2 U.S.C. § 431(d) which has failed to register with the Commission (2 U.S.C. § 433) or which has failed to list any of the draft-Kennedy groups as affiliated committees (2 U.S.C. § 433(b)(2); 11 C.F.R. § 102.2(a)(2), (b)(1)). While the ADA may be the connected organization of ADACC, and while the ADA may have expended funds to communicate to its membership information regarding the establishment of political committees (see Amendment of Complaint Ex. XX), it does not appear to be a political committee or subject to the possible violations raised by complainant.1/

1/ Section 431(f)(4)(C) specifically excludes from the definition of "expenditure" "any communication by any membership organization or corporation to its members or stockholders if such membership organization or corporation is not organized primarily for the purpose of influencing [a federal election]." By making such communications a membership organization or corporation does not become a "political committee" under 2 U.S.C. § 431(d).

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The ADACC Statement of Organization, filed September 25, 1979, does not list the ADA as its connected organization. The Commission's regulations define a "connected organization" as "any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports the registrant...." 11 C.F.R. § 100.15. As Patsy Mink, the President of ADA, and Leon Shull, National Director of ADA, are listed as the Chairperson and Secretary of ADACC, respectively, we recommend that the Commission determine there is reason to believe ADACC may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) for failing to list the ADA as its connected organization.

The Kennedy Matching Pledge Fund (KMPF) is named by the complainant as an unregistered political committee. It appears, however, that KMPF was organized and administered by ADACC as simply one of ADACC's fundraising efforts. A letter on ADA "Kennedy in '80" stationery states, "ADAers have taken the lead in developing a Kennedy Matching Pledge Fund to assist Senator Kennedy...." Amendment to Complaint Ex. NN. The addresses of ADACC, Kennedy in '80, and KMPF are identical. Thus, it appears that KMPF, as well as Kennedy in '80 are simply different names for ADACC.

Californians for Kennedy (CK) is named by the complainant as an unregistered political committee. However, there is no factual allegation by the complainant, or any documentation, newspaper article, or other evidence indicating that CK has received contributions or made expenditures during a calendar year in excess of \$1,000. Thus, there is no reason to believe that CK is a political committee subject to the Act or the Commission's regulations.

In view of the foregoing, we limit our analysis of possible violations relating to affiliation among ADACC, and WDC '80, and Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (Cal.), and Citizens for Democratic Alternatives in 1980 (D.C.).^{2/}

The evidence supporting complainants' allegation that the ADACC and WDC '80 are affiliated with the draft-Kennedy committees listed above is similar to that supporting the allegations of the complaint filed on October 4th. Among other things, it is asserted that William L. Winpisinger played a central role in the

^{2/} The Commission found reason to believe that these committees may be affiliated on October 16, 1979.

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formation and operation of ADACC and WDC '80 in addition to several of the other respondents. According to documents purportedly written by ADACC, Winpisinger is a Vice Chairman of the ADA (Amendment to Complaint Ex. LL) and also Vice Chairperson of the Kennedy Matching Pledge Fund which is apparently administered by ADACC (Amendment to Complaint Exs. LL and NN).

Winpisinger, as was noted in the First General Counsel's Report submitted on October 12th, is one of three co-chairmen of the Machinists Non-Partisan Political League. Complainant alleges, and the public reports verify, that except for \$40 in unitemized contributions, the only contribution received by WDC '80 through the end of September was \$3,000 from the MNPL. Thus, as was the case with several of the earlier-named respondent groups, infusions of start-up funds were provided to WDC '80 by the committee which Winpisinger co-chairs.^{5/}

On the basis of the foregoing we recommend there is a sufficient basis for finding reason to believe that ADACC and WDC '80 may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) for failing to list each other or any of the nine respondent draft-Kennedy committees listed above as affiliated committees on their statements of organization.^{6/} Similarly, we believe there is "reason to believe" that the nine respondent draft-Kennedy committees listed above may have violated these provisions for failing to list ADACC and WDC '80.

II. Excessive Contributions

Complainant alleges that five named individuals have contributed in excess of \$5,000 in the aggregate to certain of the respondent draft-Kennedy committees. Amendment to Complaint, pp. 20,21. This allegation is based on complainant's contention that the respondent draft-Kennedy committees are affiliated. Affiliated committees are treated as one for purposes of 2 U.S.C. § 441(a) limitations on contributions to

^{5/} Complaint sets forth a listing of the contributions reported by the MNPL to the various draft-Kennedy groups at pp. 22,23 of Amendment to Complaint.

^{6/} As in our October 12th report, we do not rely upon newspaper articles for our recommendation. We note, however, for the Commission's information, that the Milwaukee Journal reported on October 6, 1979, that William Winpisinger attended and spoke at the organizational meeting of WDC '80. Amendment to Complaint Ex. WW.

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such committees. The issue of limitations on contributions to affiliated committees was discussed extensively in the First General Counsel's Report of October 12, 1979, pp. 7 and 8.

Reports filed by these committees through October 10, 1979, indicate the following aggregations in excess of \$5,000.

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<u>Name</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
1. Mark Dayton	Minnesotans for Democratic Alternative	09/25/79	\$2,000
	New Hampshire Democrats for Change	09/30/79	5,000
	TOTAL:		\$7,000
2. Cynthia Rosenberg	Florida for Kennedy Committee	08/03/79	1,000
	New Hampshire Democrats for Change	08/07/79	5,000
	TOTAL:		\$6,000
3. Stephen Ross	Florida for Kennedy Committee	05/19/79	500
	Florida for Kennedy Committee	07/30/79	500
	Committee for Alternatives to Democratic Presidential Candidate (Iowa)	09/06/79	1,000
	New Hampshire Democrats for Change	09/27/79	5,000
	TOTAL:		\$7,000

<u>Name</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
4. Miles Rubin	Florida for Kennedy Committee	08/23/79	\$5,000
	Committee for Alternatives to Democratic Presidential Candidate (Iowa)	08/28/79	750
	TOTAL:		\$5,750
5. Stanley Sheinbaum	Committee for Alternatives to Democratic Presidential Candidate (Iowa)	06/06/79	500
	Florida for Kennedy Committee	06/08/79	1,000
	Minnesotans for a Democratic Alternative	06/19/79	1,000
	Florida for Kennedy Committee	08/25/79	2,000
	New Hampshire Democrats for Change	09/26/79	2,000
	TOTAL:		\$6,500

The Office of General Counsel recommends that the Commission determine there is reason to believe the five individuals listed above may have violated 2 U.S.C. § 441a(a)(1)(C) by aggregating contributions in excess of \$5,000 in a calendar year to the specified draft-Kennedy groups. We further recommend that the committees which have received the excessive aggregations be notified by the Commission that there is reason to believe they may have violated 2 U.S.C. § 441a(f) for having accepted contributions from these individuals in excess of the contribution limitation.

The Commission, on October 16, 1979, found that the MNPL may have violated 2 U.S.C. § 441a(a)(2)(C) by contributing in excess of \$5,000, total, to certain draft-Kennedy committees which were alleged to be affiliated. Reports filed with the Commission indicate that

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MNPL has also contributed \$3,000 to the Wisconsin Democrats for Change in 1980, also alleged to be an affiliated draft-Kennedy committee. The General Counsel's Office recommends, therefore, that the Commission find reason to believe that the MNPL may have violated 2 U.S.C. § 441a(a)(2)(C) by contributing in excess of \$5,000, total, to the Wisconsin Democrats for Change in 1980, as well as the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy; and reason to believe that Wisconsin Democrats for Change in 1980 may have violated 2 U.S.C. § 441a(f) by receiving an excessive contribution from the MNPL.

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II. OTHER ALLEGATIONS

A. Kennedy Candidacy

Complainant alleges that although Senator Kennedy filed a Statement of Candidacy with the Commission on October 29, 1979, ^{5/} by virtue of his consent to, and cooperation and communication with the New Hampshire Democrats for Change ("NHDC") and the Florida for Kennedy Committee ("FKC"), Senator Kennedy actually became a candidate for the Democratic nomination for President sometime shortly after September 1, 1979. Therefore, complainant alleges, the expenditures made by NHDC and FCK after September 1, 1979, should be counted against the expenditure limitations of 2 U.S.C. § 441a(b) imposed on the Kennedy for President Committee should Senator Kennedy seek and receive presidential primary matching funds. It is the opinion of the Office of General Counsel that the question of which expenditures would count against Senator Kennedy's potential limitations under § 441a(b) is not ripe for review.

Under 2 U.S.C. § 437g(a)(1), a person may file a complaint with the Commission if that person believes a violation of the Act or Chapter 95 or Chapter 96 of the Internal Revenue Code of 1954 has occurred. However, the allegation that NHDC and FKC expenditures should count as part of Senator Kennedy's campaign expenditures is not an allegation that any violation has occurred or that such a violation is imminent. ^{6/} In addition, Senator Kennedy has not yet requested the Commission

^{5/} The Statement of Candidacy was dated October 26, 1979, but received by the Commission on October 29, 1979.

^{6/} Under 2 U.S.C. § 437g(a)(5)(A) the Commission may find that it has reasonable cause to believe a person has or is about to commit a violation of the Act or Chapters 95 and 96 of the Internal Revenue Code of 1954, and take further action against such person. However, the complaint does not allege or present facts to support the allegation that a violation of 2 U.S.C. § 441a(b) (expenditure limitations) by the Kennedy for President Committee will occur at some point in the future.

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to certify him to receive matching funds. Should Senator Kennedy not seek matching funds, the expenditure limitations of 2 U.S.C. § 441a(b) would not apply to his campaign. Even if Senator Kennedy does seek and receive matching funds, his campaign expenditures may be within the limitations (and thus not a violation of 2 U.S.C. § 441a(b)) even if the NHDC and PKC expenditures are included. Thus, if the Commission addresses at this time the issue of what expenditures should be included as Senator Kennedy's campaign expenditures for purposes of the expenditure limitations of § 441a(b), it would, in effect, be issuing an advisory opinion. Therefore, the Office of General Counsel recommends that the Commission find that based on the evidence put forth in the C-M complaint, there is no reason to believe at this time that the Kennedy for President Committee has violated or will violate the expenditure limitations of 2 U.S.C. § 441a(b).

The question of whether Senator Kennedy actually did become a candidate for the Democratic Presidential nomination on September 1, 1979, however, should be addressed because if this allegation is true, Senator Kennedy would have violated 2 U.S.C. § 433 and 11 C.F.R. § 101.2(a) by failing to file a Statement of Candidacy within thirty days after attaining candidate status.

2 U.S.C. § 431(b) provides that:

"Candidate" means an individual who seeks nomination for election, or election to Federal office, whether or not such individual is elected, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has --

- (1) taken the action necessary under the law of a state to qualify himself for nomination for election, or election, to Federal office; or
- (2) received contributions or made expenditures, or has given his consent for any person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office.

The regulations further provide that an individual will

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be deemed to be a candidate if after written notification by the Commission that another person is receiving contributions/ making expenditures on behalf of that individual, the individual fails to submit a written disavowal of such activity within 30 days. 11 C.F.R. § 100.2(c).

The complainant alleges that Senator Kennedy became a candidate on or about September 1, 1979, by cooperating with, communicating with, and consenting to the activities of NHDC and FKC in receiving contributions and making expenditures to bring about the nomination for election of Senator Kennedy. Specifically, the Carter-Mondale complaint alleges that although Senator Kennedy has not actually consented to the activities of NHDC and FKC on his behalf, political associates or aides of Senator Kennedy have consulted with and encouraged NHDC and FKC officers, creating a constructive or implied consent by Senator Kennedy to the activities of these committees, thereby making him a candidate under 2 U.S.C. § 431(b)(2).

In response to Commission notifications, and pursuant to 11 C.F.R. § 100.2(c), Senator Kennedy submitted letters disavowing any activities undertaken on his behalf by NHDC and by FKC. Attachment I. Therefore, in seeking to demonstrate that Senator Kennedy has constructively consented to NHDC and FKC activities on his behalf since September 1, 1979, complainant must rebut the presumption created by Senator Kennedy's letters of disavowal, that he did not "consent" to the NHDC and FKC activities on his behalf.

It appears that complainant has not met this burden. Other than newspaper articles, complainant points to two sets of circumstances or events to rebut the presumption of disavowal and sustain its contention that Senator Kennedy did, in fact, consent to the activities of NHDC and FKC. The first is a transcript of an appearance by Dudley Dudley of NHDC on the "Good Morning America" program on September 11, 1979, which reveals a statement by Ms. Dudley that she had "an informal social meeting with someone very close to Senator Kennedy" and was "very encouraged by that meeting." See Complaint Exhibit FF. The other is an allegation that, on information and belief, Carl Wagner, a political aide of Senator Kennedy, maintained daily contact since August 1979, with Anthony Podesta, an IAM employee; and that Podesta, in consultation with Wagner, performed a personnel "recruiting function" for FKC.

Neither of the above described events rises to the level of consent by Senator Kennedy to the activities of NHDC and FKC. Nowhere does the Carter-Mondale complaint put forth

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facts, or even allege on information and belief, that Senator Kennedy gave his consent to Wagner, Podesta or the unidentified person with whom Dudley Dudley claims to have met, to induce, participate in or consent to the activities of NHDC and FKC on the Senator's behalf. 7/ Nor does it seem such consent can be inferred by virtue of the relationship of Wagner or some other political aide or associate to Senator Kennedy. Assuming arguendo that the consent required by 2 U.S.C. § 431(b) to impose candidate status on Senator Kennedy may be established by reference to the acts or consent of agents of the Senator, it would seem that these agents must have actual authority, whether express or implied, to give such consent, and not merely apparent authority to do so, especially in light of the existence of Senator Kennedy's express disavowals of consent for NHDC and FKC to undertake campaign activities on his behalf. 8/

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7/ As noted in the First General Counsel's Report of October 12, 1979, in this matter, in keeping with the Commission's present policy, we do not rely on newspaper articles in making recommendations to the Commission in this matter. It does appear from newspaper articles, however, that Paul Kirk, a political aide of Senator Kennedy may be the person with whom Dudley Dudley met. See Amendment to Complaint Ex. AAA. If it could be shown that Paul Kirk did meet with Dudley Dudley, that at that meeting Paul Kirk consented to NHDC activities on behalf of Senator Kennedy, and that Paul Kirk had actual authority from Senator Kennedy to give such consent, then the Commission could find that the presumption created by Senator Kennedy's disavowals of NHDC activities may have been rebutted and Senator Kennedy may have become a candidate within 2 U.S.C. § 431(b) by this event.

8/ In discussing what kinds of acts of other persons are sufficient to impose constructive consent by an individual complainant quotes the "Explanation and Justification for Part 109 Independent Expenditures" to the effect that, "[t]he definition of 'agency' imputes agency power not only to persons actually authorized, but also to persons who appear to have such power in accordance with general principles of the law of agency." Amendment to Complaint at 29. However, Part 109 of the Regulations concerns only independent expenditures as defined by 2 U.S.C. § 431(p). That these various interpretations in Part 109 of the word "agent" are not meant to apply to all sections of the Act and Regulations is evidenced by the absence of a definition for "agent" in the general definitional section of the Regulations. See 11 C.F.R. § 100. Also, 2 U.S.C. § 431(b)(2) does not contain the word "agent", while § 431(p) includes the acts of an "agent of" a candidate in determining whether something is an "independent expenditure".

As complainant has presented no evidence to support the allegation that Senator Kennedy consented to the activities by NHDC and FRC on his behalf and to rebut the presumption created by the Senator's written disavowal of NHDC and FRC activities, the Office of General Counsel recommends the Commission find there is not sufficient evidence in the complaint to make a finding there is reason to believe that Senator Kennedy became a candidate within the meaning of 2 U.S.C. § 431(b) by September 1, 1979. The Office of General Counsel, therefore recommends that the Commission find no reason to believe Senator Kennedy has violated 2 U.S.C. §432 and 11 C.F.R. § 101.2(a) for failure to file a statement of candidacy by October 1, 1979.

B. Excessive Contributions by ADA

Complainant also alleges that ADACC, through its Matching Pledge Fund, is making excessive contributions to the Kennedy for President Committee. Complainant points to ADACC Kennedy Matching Pledge Fund literature (Amendment to Complaint Exs. LL and MM) which solicit pledges (which in the aggregate may exceed \$1,000) to the Kennedy Matching Pledge Fund to be returned to ADACC. This literature states that upon a declaration of candidacy by Senator Kennedy, telegrams will be sent to all who have made a pledge directing them to send a check to the Senator's authorized campaign committee. Complainant alleges that these pledge cards are earmarked contributions to the Kennedy for President Committee when and if honored, and that ADACC has exercised the "direction and control" over these pledge cards to make them contributions to the Kennedy for President Committee from ADACC, as well as the pledger. 11 C.F.R. § 110.6(d).

It would appear that the pledge cards collected by ADACC are not contributions to the Kennedy for President Committee even if they have subsequently been "honored." The promise or pledge was made to ADACC (its Kennedy Matching Pledge Fund), not to Senator Kennedy or the Kennedy for President Committee. See Amendment to Complaint Ex. NN at 3. Neither Senator Kennedy nor the Kennedy for President Committee will receive these cards 9/ or be able to enforce them. Under 2 U.S.C. § 441a(a)(7)(A), a

9/ The Complaint does not allege, nor does the ADACC literature state that the cards themselves (as opposed to information about the pledger) will be transferred to the Kennedy for President Committee.

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contribution will be considered to have been made to a candidate if made to any of his authorized committees. ADACC, however, is not an authorized committee of Senator Kennedy, as the Senator has submitted a letter of disavowal of its activities. See 11 C.F.R. § 100.14(b)(1). If the pledge cards do not constitute contributions to Senator Kennedy from the pledger, they cannot be earmarked contributions from ADACC to Senator Kennedy. 10/

Complainant further alleges that when and if the pledges are honored, the money received by the Kennedy for President Committee will also constitute earmarked contributions from ADACC. Complainant bases this contention on 11 C.F.R. § 110.6(d) which provides that an earmarked contribution will be considered to be a contribution from the conduit as well as the original contributor if the conduit exercises "direction and control" over the contribution. It would appear, however, that 11 C.F.R. § 110.6 does not apply to these monies if received by the Kennedy for President Committee since they would be direct, rather than earmarked contributions. ADACC would not be a "conduit" or "intermediary" because the checks, if they are sent, will not pass through ADACC, even momentarily, but will go directly from the original contributor to the Kennedy for President Committee. Inasmuch as the pledge cards to ADACC are not contributions to Senator Kennedy or the Kennedy for President Committee, and as checks from "pledges" to the Kennedy for President Committee are direct contributions and not earmarked contributions through ADACC as a conduit, the Office of General Counsel recommends the Commission find there is no reason to believe ADACC has made excessive contributions to the Kennedy for President Committee in violation of 2 U.S.C. § 441a(a)(1)(A) by receiving Kennedy Matching Pledge Fund pledge cards, and no reason to believe the Kennedy for President Committee has accepted an excessive contribution from ADACC in violation of 2 U.S.C. § 441a(f) by receiving checks or other monies from those individuals who signed a pledge card to ADACC.

C-M also alleges in its complaint that any contributions of monies received by the Kennedy for President Committee from individuals who signed pledge cards to ADACC's Kennedy Matching Pledge Fund are not matchable contributions because they are

10/ It is questionable whether these "pledges" would suffice as contributions to ADACC either, since they were promised on the contingency of Senator Kennedy becoming a candidate and were not unencumbered promises or agreements to contribute at the time they were made.

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contributions from a political committee (ADACC), see 11 C.F.R. § 9034.3(d), and because they are illegal contributions, see 11 C.F.R. § 9034.3(e). 11/ In light of the fact that Senator Kennedy has not yet requested to be certified for matching funds, nor has he or his committee submitted these or any contributions to be matched, the Office of General Counsel recommends that the Commission decline to review in the context of the complaint now before it the question of whether contributions of money to the Kennedy for President Committee from individuals who previously signed a pledge card to ADACC are matchable for presidential primary matching funds. 12/

RECOMMENDATIONS

1. Find reason to believe the Americans for Democratic Action Campaign Committee may have violated 2 U.S.C. § 432(b)(2) and 11 C.F.R. § 102.2(a)(2) for failing to report the Americans for Democratic Action as its connected organization.
2. Find reason to believe the Americans for Democratic Action Campaign Committee and Wisconsin Democrats for Change in 80' may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report each other and the Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy, Democrats for Change-1980, and Citizens for Democratic Alternatives in 1980 as affiliated committees.

11/ The complainant alleges these contributions are illegal because the pledge cards to ADACC were solicited from those who are not members of ADA, in violation of 2 U.S.C. § 441b (b)(2)(C). See Amendment to Complaint at 7, 12. However, as complainant itself recognizes (See Amendment to complaint at 4), ADA is an unincorporated membership association, and thus neither it nor its political action committee is subject to the solicitation restrictions of 2 U.S.C. § 441b.

12/ Even if Senator Kennedy had requested to be certified for matching funds using the contributions in question as part of his threshold (or any subsequent) submission, there is a question as to whether the complaint process of 2 U.S.C. § 437g(a)(1) may be used to challenge the Commission's certification of funds as matchable if there is no allegation that the candidate/committee requesting the certification or matching of the funds has violated the Act.

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3. Find reason to believe the Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy, Democrats for Change-1980, and Citizens for Democratic Alternatives in 1980 may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 80' as affiliated committees.
4. Find reason to believe the Machinists Non Partisan Political League may have violated 2 U.S.C. § 441a(a)(2)(C) by contributing in excess of \$5,000, total, to the Wisconsin Democrats for Change in 1980, as well as the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy.
5. Find reason to believe the Wisconsin Democrats for Change in 1980 may have violated 2 U.S.C. § 441a(f) by receiving an excessive contribution from the Machinists Non Partisan Political League.
6. Find reason to believe Mark Dayton may have violated 2 U.S.C. § 441a(a)(1)(C) by contributing in excess of \$5,000, total, to Minnesotans for a Democratic Alternative and New Hampshire Democrats for Change.
7. Find reason to believe Cynthia Rosenberg may have violated 2 U.S.C. § 441a(a)(1)(c) by contributing in excess of \$5,000, total, to the Florida for Kennedy Committee and the New Hampshire Democrats for Change.
8. Find reason to believe Stephen Ross may have violated 2 U.S.C. § 441a(a)(1)(C) by contributing in excess of \$5,000, total, to the Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, and New Hampshire Democrats for Change.
9. Find reason to believe Miles Rubin may have violated 2 U.S.C. § 441a(a)(2)(C) by contributing in excess of \$5,000, total, to the Florida for Kennedy Committee and the Committee for Alternatives to Democratic Presidential Candidate.

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10. Find reason to believe Stanley Sheinbaum may have violated 2 U.S.C. § 441a(a)(1)(C) by contributing in excess of \$5,000, total, to the Committee for Alternatives to Democratic Presidential Candidate, Florida for Kennedy Committee, Minnesotans for a Democratic Alternative, and New Hampshire Democrats for Change.
11. Find reason to believe the Committee for Alternatives to Democratic Presidential Candidate, Florida for Kennedy Committee, Minnesotans for a Democratic Alternative, and New Hampshire Democrats for Change may have violated 2 U.S.C. § 441a(f) by accepting excessive contributions from individuals.
12. Find that, based on the evidence put forth in the Carter-Mondale Presidential Committee, Inc. complaint, there is no reason to believe at this time that the Kennedy for President Committee has violated or will violate the expenditure limitations of 2 U.S.C. § 441a(b).
13. Find no reason to believe that Senator Edward M. Kennedy became a candidate for the nomination for election to the office of President by September 1, 1979, and no reason to believe Senator Kennedy violated 2 U.S.C. § 432 and 11 C.F.R. § 101.2(a) by failing to file a Statement of a Candidate for Nomination or Election to Federal Office by October 1, 1979.
14. Find no reason to believe at this time that Americans for Democratic Action Campaign Committee has made excessive contributions to the Kennedy for President Committee in violation of 2 U.S.C. § 441a(a)(1)(A) by receiving Kennedy Matching Pledge Fund cards; and no reason to believe the Kennedy for President Committee has accepted an excessive contribution from Americans for Democratic Action Campaign Committee in violation of 2 U.S.C. § 441a(f) by receiving monies from individuals who have signed a pledge card to Americans for Democratic Action Campaign Committee.
15. Decline to review at this time the question of whether contributions of money to the Kennedy for President Committee from individuals who previously signed a pledge card to the Americans for Democratic Action Campaign Committee's Kennedy Matching Pledge Fund are matchable for presidential primary matching funds, as the Kennedy for President Committee has not yet submitted contributions to be matched.

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16. Approve the attached sample letters to be sent to the respondents.

Attachments:

**Attacheent I--Letters of Disavowal (2)
Sample letters of notification of Commission findings**

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Attachment I

United States Senate

WASHINGTON, D.C. 20510

June 9 7 1979

FEDERAL ELECTION COMMISSION

**Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463**

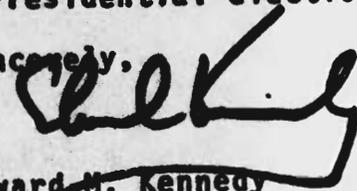
Attention: Reports Analysis Division

Dear Sirs:

In compliance with Part 100.2(c) of the Federal Election Commission Regulations (11 CFR 100.2(c)), I hereby disavow any and all activities of: the Florida for Kennedy Committee, the ~~Minnesotans for a Democratic Alternative~~ Committee, and the Ready for Teddy Committee in my behalf for the 1980 Presidential election.

Sincerely,

Edward M. Kennedy



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Attachment I

MS / T

United States Senate

WASHINGTON, D.C. 20540

October 23, 1979

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RECEIVED

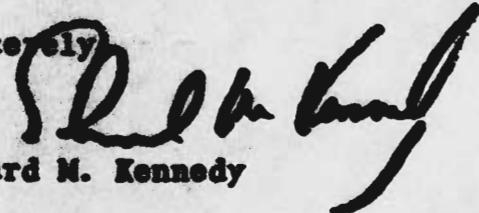
12-20

Mr. Thomas J. Haselhorst
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Haselhorst:

In compliance with the Federal Election Commission's Regulations (11 CFR 100.2(c)), I hereby disavow any activities undertaken in my behalf by: New Hampshire Democrats for Change Committee, Greek Americans for Kennedy Committee, Alaskans for Kennedy Committee, Vermont for Kennedy Committee, Oregon Ready for Teddy Committee and Nassau Citizens for Kennedy Committee.

Sincerely,



Edward M. Kennedy

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SAMPLE LETTER - This type of letter will go to Democrats for Change-1980; National Call for Kennedy; D.C. Committee for a Democratic Alternative; and Citizens for Democratic Alternatives in 1980.



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas E. Lindley, Esquire
Treasurer
Illinois Citizens for Kennedy
c/o Jenner and Block
1 IBM Plaza
Chicago, Illinois 60611

Re: MUR 1038

Dear Mr. Lindley:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the Illinois Citizens for Kennedy ("ICK") may have violated 2 U.S.C. § 441a(a)(2)(C) by receiving an excessive contribution and 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on ICK reports to the Commission. This letter is to notify you that the Commission has made an additional finding that ICK may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980, as well, and that there is reason to believe ICK may have also violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on ICK reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Act, ICK has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

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The Commission is under a duty to investigate this matter expeditiously. Therefore, ICK's response should be submitted within ten (10) days after receipt of this notification. If ICK intends to be represented by counsel in this matter, please have such counsel notify this Office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless ICK notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

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SAMPLE LETTER - This type of letter will go to the Commitee for Alternative
to Democratic Presidential Candidate (Iowa); New Hampshire
Democrats for Change



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul D. Friedman, Esquire
Treasurer
Florida for Kennedy Committee
200 Southeast First Street
12th Floor
Miami, Florida 33131

Re: MUR 1038

Dear Mr. Friedman:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the Florida for Kennedy Committee ("FKC") may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on FKC reports to the Commission. This letter is to notify you that the Commission has made an additional finding that FKC may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980 as well, and that there is reason to believe FKC may have also violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on FKC reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

The October 19, 1979, letter from this Office to you also informed you that the Commission had found reason to believe FKC may have violated 2 U.S.C. § 441a(a)(2)(C) by receiving, along with other "draft Kennedy" committees, an excessive contribution from the Machinists Non-Partisan Political League. As noted in that letter, under the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations, affiliated committees are treated as a single committee and share one contribution limitation. Reports filed with the Commission indicate

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that Cynthia Rosenberg, Stephen Ross, Miles Rubin, and Stanley Sheinbaum each have contributed in excess of \$5,000, total, to the FKC and other "draft Kennedy" committees whom the Commission has previously determined may be affiliated with FKC. The Commission has therefore found reason to believe the FKC may have violated 2 U.S.C. § 441a(f). 2 U.S.C. § 441a(a)(1)(C) prohibits an individual from contributing in excess of \$5,000 a year to political committees, and 2 U.S.C. § 441a(f) prohibits political committees from accepting excessive contributions.

Under the Act, FKC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, FKC's response should be submitted within ten (10) days after receipt of this notification. If FKC intends to be represented by counsel in this matter, please have such counsel notify this Office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless FKC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

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SAMPLE LETTER

This type of letter will go to
Cynthia Rosenber; Stephen P. Ross, Miles Rubin,
and Stanley Sheinbaum



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Dayton
2617 Euclid Place
Minneapolis, Minnesota 55408

Re: MUR 1038

Dear Mr. Dayton:

This letter is to notify you that the Federal Election Commission has found reason to believe you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe that by contributing, in the aggregate, in excess of \$5,000 in a calendar year to the Minnesotans for a Democratic Alternative and New Hampshire Democrats for Change, you may have violated 2 U.S.C. § 441a(a)(1)(C). The Commission has determined that Minnesotans for a Democratic Alternative and New Hampshire Democrats for Change may be affiliated within the meaning of the Act and Commission regulations, and that if affiliated, a contribution to one committee will be treated as a contribution to both of these committees for purposes of the limitations set forth in 2 U.S.C. § 441a(a)(1)(C). 2 U.S.C. § 441a(a)(1)(C) prohibits an individual from contributing in excess of \$5,000 per year to a political committee.

Under the Act you have an opportunity to demonstrate why no further action should be taken against you. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten (10) days after receipt of this notification. If you intend to be represented by counsel in this matter, please have such counsel notify this office in writing.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John S. Connolly
Minnesotans for a Democratic
Alternative
208 McCall Building
366 Jackson Place
St. Paul, Minnesota 55107

Re: MDR 1038

Dear Mr. Connolly:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe that the Minnesotans for a Democratic Alternative (MDA) may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report certain "draft Kennedy" committees as affiliated committees on MDA reports to the Commission. This letter is to notify you that the Commission has made an additional finding that MDA may be affiliated with the Americans for Democratic Action Campaign Committee and the Wisconsin Democrats for Change in 1980, as well, and that there is reason to believe MDA may have also violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to designate the aforementioned committees as affiliated committees on MDA reports to the Commission. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees.

Under the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations, affiliated committees are treated as a single committee and share one contribution limitation. Reports filed with the Commission indicate that Mark Dayton and Stanley Sheinbaum have each contributed in excess of \$5,000, total, to the MDA and other "draft Kennedy" committees whom the Commission has previously determined may be affiliated with MDA. The Commission has therefore found reason to believe the MDA may have violated 2 U.S.C. § 441a(f) by accepting these contributions. 2 U.S.C. § 441a(a)(1)(C) prohibits an individual from contributing in excess of \$5,000 a year to political committees, and 2 U.S.C. § 441a(f) prohibits political committees from accepting excessive contributions.

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Under the Act, MDA has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, MDA's response should be submitted within ten (10) days after receipt of this notification. If MDA intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless MDA notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385282



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Winn Newman
Treasurer, Americans for Democratic
Action Campaign Committee
1411 K Street, N.W., Suite 850
Washington, D.C. 20005

Re: MUR 1038

Dear Mr. Newman:

This letter is to notify you that the Federal Election Commission has found reason to believe the Americans for Democratic Action Campaign Committee (ADACC) may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe ADACC may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report the Americans for Democratic Action as a "connected organization". 2 U.S.C. § 433(b)(2) requires a political committee to include the names, addresses, and relationships of all connected organizations in the committee's Statement of Organization.

This letter is also to notify you that the Commission has determined ADACC may be affiliated with the following committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, Illinois Citizens for Kennedy, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, National Call for Kennedy, Democrats for Change-1980, and Wisconsin Democrats for Change in 1980. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) also require political committees to report to the Commission the names of any affiliated committees. As ADACC has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe ADACC may have violated 2 U.S.C. § 433 (b)(2) and 11 C.F.R. § 102.2(a)(2) for this reason, as well.

Under the Act, ADACC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

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The Commission is under a duty to investigate this matter expeditiously. Therefore, ADACC's response should be submitted within ten (10) days after receipt of this notification. If ADACC intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless ADACC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385284



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Elizabeth Betka
Chairperson, Wisconsin Democrats for Change
in 1980
2313 Highway MM
Oregon, Wisconsin 53575

Re: MUR 1038

Dear Ms. Betka:

This letter is to notify you that the Federal Election Commission has found reason to believe the Wisconsin Democrats for Change in 1980 ("WDC") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has determined WDC may be affiliated with the following committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, Illinois Citizens for Kennedy, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, National Call for Kennedy, Democrats for Change-1980, and Americans for Democratic Action Campaign Committee. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As WDC has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe WDC may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act and Commission regulations, affiliated committees are treated as a single committee and share one contribution limitation. Reports filed with the Commission indicate that the Machinists Non Partisan Political League (MNPL) has contributed in excess of \$5,000, total, to the above mentioned committees. As WDC received a contribution from the MNPL, the Commission has also found reason to believe WDC may have violated 2 U.S.C. § 441a(f). 2 U.S.C. § 441a(a)(2)(C) prohibits committees such as the MNPL from contributing in excess of \$5,000 a year to political committees, and 2 U.S.C. § 441a(f) prohibits political committees from accepting excessive contributions

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Under the Act, WDC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, WDC's response should be submitted within ten (10) days after receipt of this notification. If WDC intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless WDC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385286



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph L. Rauh, Jr.
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Rauh:

As you know from our letter of October 19, 1979, the Federal Election Commission has found reason to believe the Machinists Non Partisan Political League ("MNPL") may have violated 2 U.S.C. § 441a(a)(2)(C) by contributing in the aggregate, in excess of \$5,000 to the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate, and Illinois Citizens for Kennedy. The Commission has determined that these committees may be affiliated; and under the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations, affiliated committees are treated as one committee for purposes of the limitations set forth in 2 U.S.C. § 441a(a). This letter is to notify you that the Commission has determined that the Wisconsin Democrats for Change in 1980 ("WDC") may also be affiliated with the abovementioned committees, and that inasmuch as the MNPL has contributed to WDC, there is reason to believe the MNPL may also have violated 2 U.S.C. § 441a(a)(2)(C) by making a contribution to WDC, as well as to the four committees listed above.

Under the Act, MNPL has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, MNPL's response should be submitted within ten (10) days after receipt of this notification.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless MNPL notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely

Charles N. Steele
Acting General Counsel

83040385208



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Edward M. Kennedy
United States Senate
2241 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Kennedy:

On November 2, 1979, a complaint was filed by the Carter-Mondale Presidential Committee, Inc., alleging that under the Federal Election Campaign Act of 1971, as amended ("the Act") you became a candidate for the nomination for election to the Office of President by September 1, 1979. The Federal Election Commission has determined that, based on the evidence put forth in the complaint, there is no reason to believe you became a candidate for the nomination for election to the Office of President by September 1, 1979, and that therefore there is no reason to believe you violated 2 U.S.C. § 432 and 11 C.F.R. § 101.2(a) by failing to file a Statement of Candidate for Nomination of Election to Federal Office by October 1, 1979. 2 U.S.C. § 432 and 11 C.F.R. § 101.2(a) require an individual to file such a Statement within thirty days of attaining candidate status, as defined by § 431(b) of the Act.

If you have any questions concerning the foregoing, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4073.

Sincerely,

Charles N. Steele
Acting General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John E. Nolan, Jr.
General Counsel
Kennedy for President Committee
1260 22nd Street, N.W.
Washington, D.C. 20037

Dear Mr. Nolan:

On November 2, 1979, the Carter-Mondale Presidential Committee, Inc., filed a complaint with the Federal Election Commission alleging that expenditures by the New Hampshire Democrats for Change and the Florida for Kennedy Committee should be included as expenditures by Senator Kennedy or the Kennedy for President Committee for purposes of the limitations on expenditures contained in 2 U.S.C. § 441a(b) for those who receive presidential primary matching fund payments. The Commission has found that, based on the evidence put forth in the complaint, there is no reason to believe at this time that the Kennedy for President Committee has or will violate 2 U.S.C. § 441a(b). The Commission therefore has declined to consider whether, based on the allegations in the complaint, New Hampshire Democrats for Change and Florida for Kennedy Committee expenditures are to be Kennedy for President Committee expenditures for purposes of the limitations of 2 U.S.C. § 441a(b).

The complaint filed by the Carter-Mondale Presidential Committee also alleges that the Kennedy for President Committee has received contributions of money from individuals who signed a pledge card to the Americans for Democratic Action's Kennedy Matching Pledge Fund prior to making such contributions. Complainant alleges that these contributions of money to the Kennedy for President Committee should not be deemed matchable in determining the amount of presidential primary matching fund payments to be made to the Kennedy for President Committee, should Senator Kennedy seek and be certified to receive matching funds. The Commission has

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declined to review at this time the question of whether these contributions are matchable under 26 U.S.C. § 9034, inasmuch as Senator Kennedy has not yet asked the Commission to certify him to receive primary matching funds nor submitted the contributions in question to be matched by the Commission.

Please note that pursuant to 2 U.S.C. § 437f, the Kennedy for President Committee may wish to submit a request for an Advisory Opinion from the Commission addressing the above-mentioned questions. If you have any questions concerning this procedure or any of the foregoing information, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385291

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Citizens for Democratic)
Alternatives in 1980,)
et al.)

MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on November 14, 1979, at which a quorum was present, do hereby certify that the Commission approved by unanimous consent the sending of the letter to William H. Espinosa, Co-Counsel for the Citizens for Democratic Alternatives, as submitted by the FEC Office of the General Counsel under memorandum dated November 13, 1979, subject to the addition of a specific sentence to the letter which states that the Commission thinks the complaint fairly puts into issue all four standards set forth in 2 U.S.C. §441a(a)5, and therefore is directing its investigation at all four points.

Attest:

11-16-79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

83040385292



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: The Commission
FROM: Charles N. Steele *CS*
SUBJECT: MUR 1038
Request to Know Legal Theory
DATE: November 13, 1979

William H. Espinosa, Co-Counsel for the Citizens for Democratic Alternatives (CDA), requested by letter of November 7, 1979, to know the precise legal theory underlying the Commission's determination that there is reason to believe CMA may have violated FECA (Attachment I). Mr. Espinosa also refers to his letter of October 24, 1979, (Attachment II) and to the response made by the Office of General Counsel on October 26, 1979, (Attachment III).

The Office of General Counsel has drafted a response to Mr. Espinosa's letter of November 7, which we propose be approved and sent.

RECOMMENDATION

The Office of General Counsel recommends that the attached letter to William H. Espinosa, Co-Counsel for the Citizens for Democratic Alternatives, be approved and sent.

Attachments

- I. November 7, 1979, letter from William H. Espinosa
- II. October 24, 1979, letter from William H. Espinosa and Robert A. Blair
- III. November letter to William H. Espinosa and Robert A. Blair from the Office of General Counsel
- IV. Proposed letter to William H. Espinosa

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ATTACHMENT I

November 7, 1979

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

received O.G.C.
12.46 PM

Re: MUR 1038

Dear Mr. Oldaker:

Reference is made to our letter of October 24, 1979, and your response to it dated October 26, 1979. We requested in our October 24 communication that the Commission identify the statutory ground upon which the affiliation of the Citizens for Democratic Alternatives in 1980 (CDA) with each of eight named committees was alleged. Specifically, our inquiry was whether the finding of reason to believe with respect to each committee was one of common control, common maintenance, common establishment, common financing, or a combination of the above. See 2 U.S.C. Section 441 a(a) (5).

In your response to us you stated that you would not "disclose any work product or internal memoranda or any information contained therein prepared pursuant to our attorney-client relations with the Commission." We assume that by this sentence you intended to state that you were not prepared to inform us of which of the four tests of affiliation were applied in finding an alleged affiliation with each of the eight committees. If our assumption is incorrect, we would greatly appreciate receiving this information, orally or in writing, no later than Friday, November 9, 1979, so that CDA's extremely limited resources may be focused on a proper response to the Commission's lawful concerns.

Very truly yours,

CITIZENS FOR DEMOCRATIC ALTERNATIVES IN 1980

By: William H. Espinosa
William H. Espinosa, Co-Counsel
Citizens for Democratic Alternatives in 1980
c/o 1156 15th Street, N.W., Suite 1200
Washington, D.C. 20005

cc: Stephen Daniel Keefe, Esq.
Louis David Gordon
Marsha Gentner, Esq.

WHE:jb

63040385294

October 24, 1979

HAND CARRIED

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1038

Dear Mr. Oldaker:

Pursuant to our conversation this morning with Ms. Marsha Gentner, the attorney with the Federal Election Commission ("FEC") assigned to the above-referenced matter, we hereby request a meeting with you or your designee for the purpose of obtaining details concerning the FEC's finding that there is reason to believe that Citizens for Democratic Alternatives in 1980 ("CDA") "may" have violated the Federal Election Campaign Act of 1971, as amended, by failing to report an alleged affiliation with certain "Draft-Kennedy" committees set forth in the Commission's letter to CDA of October 19, 1979. We seek this information in order to permit the CDA, through its counsel, to respond completely and adequately to the FEC's letter. We find the allegation in the Commission's letter to be extremely broad and without specificity as to the basis upon which the finding of affiliation has been made, thereby making it impossible for CDA to respond completely and adequately to the Commission's letter. The difficulties of response are compounded by the very short response period given to CDA.

There are four bases upon which affiliation between political committees may be found: common control, common maintenance, common establishment, or common financing. (See 2 U.S.C. § 441a(a)(5).) You have not set forth which of the above bases the FEC has found applicable to its October 19, 1979 finding or the evidence upon which the finding was made. You have named eight organizations with whom or among whom affiliation may exist. There are, therefore, literally hundreds of combinations and permutations of affiliation theories which are possible. An adequate defense against any one possibility would require a substantial amount of research into the activities of the other committees, which knowledge is not presently in our control.

We would also like to note that the FEC's finding that it has "reason to believe that the [CDA] may have violated the Federal Election Campaign Act of 1971, as amended"

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Mr. William C. Oldaker
October 24, 1979
Page 2

(emphasis added) does not comport with the statutory standard set forth in 2 U.S.C. § 437g(a)(2), which requires that the Commission must find that it has reason to believe that the CDA "has" violated the Act before it notifies the CDA of such alleged violation and commences its investigation. Thus, your request of the CDA is invalid.

In addition, without acknowledging or accepting the validity of the FEC's request, should the Commission continue to maintain that its request was valid, we respectfully request that the time for response by the CDA be extended until twenty (20) days after the date of the meeting requested above, or twenty (20) days after the date of this letter, whichever is later. Such extension would permit the CDA and its counsel to obtain the additional information specified above and would give them adequate time to prepare an appropriate response to the Commission.

Finally, we understand that a first written report of the General Counsel concerning this matter has been prepared and submitted to the Commission. We hereby respectfully request that we be provided a copy of that report as soon as possible.

Very truly yours,

CITIZENS FOR DEMOCRATIC ALTERNATIVES IN 1980

By: Robert A. Blair

Robert A. Blair, Co-Counsel, Citizens
for Democratic Alternatives in 1980
c/o 1156 15th Street, N.W., Suite 1200
Washington, D. C. 20005

William H. Espinosa
William H. Espinosa, Co-Counsel, Citizens
for Democratic Alternatives in 1980
c/o 1156 15th Street, N.W., Suite 1200
Washington, D.C. 20005

cc: Stephen Daniel Keefe, Esq.
Louis David Gordon
Marsha Gentner, Esq.

83040385295



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 26, 1979

HAND DELIVERED

Mr. Robert A. Blair
Mr. William H. Espinosa
Co-Counsels, Citizens for
Democratic Alternatives in 1980
c/o 1156 15th Street, N.W.
Suite 1200
Washington, D.C. 20005

Re: MUR 1038

Dear Messrs. Blair and Espinosa:

This Office received your letter of October 24, 1979, requesting an extension of twenty days in which to respond to the Commission's initial finding in MUR 1038 as it regards the Citizens for Democratic Alternatives in 1980 ("CDA"), and requesting a meeting with staff members of the Office of General Counsel to "obtain details" concerning the aforementioned finding by the Commission.

In regard to your request for a meeting, members of the staff will meet with you if you so desire. However, during the course of such meeting we will not disclose any work product or internal memoranda, or any information contained therein prepared pursuant to our attorney-client relationship with the Commission. If you still desire to meet with us to discuss Commission procedures in matters under review, or other questions concerning the Federal Election Campaign Act of 1971, as amended, ("the Act"), please call Marsha Gentner to arrange such a meeting.

In response to your request for an extension of twenty days to respond to the Commission's initial finding in this matter, the Commission has determined not to grant CDA such an extension, in view of the Commission's statutory duty,

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found in 2 U.S.C. § 437g(a)(3)(A), to proceed expeditiously with its investigation. During the course of the investigation, all relevant information will be considered, including any further information or response CDA may supply.

You have also requested that you be provided with a copy of the "first written report of the General Counsel concerning this matter." As such a report is an intra-agency memorandum and part of the attorney work product that is privileged communication between attorney and client, and as disclosure of the report would interfere with enforcement proceedings, your request for a copy of this document is denied.

If you have any further questions or problems concerning this or any other matter, please call Marsha Gentner at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:



Gary L. Johansen
Special Assistant
General Counsel

83040385298



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 1979

Mr. William H. Espinosa
Co-Counsel, Citizens for
Democratic Alternatives in 1980
c/o 1156 15th Street, N.W., Suite 1200
Washington, D.C. 20005

Re: MUR 1038

Dear Mr. Espinosa:

This is in response to your letter of November 7, 1979, concerning the above-captioned matter. You indicate that you wish to know the precise legal theory underlying the Commission's determination that there is reason to believe your client, Citizens for Democratic Alternatives ("CDA"), may have violated the Federal Election Campaign Act of 1971, as amended (the "Act").

The Commission's finding of reason to believe was communicated to Stephen D. Keefe, Treasurer of CDA, by letter dated October 19, 1979. That letter sets forth the basis of the Commission's finding. Once the Commission has found reason to believe, it is required by the Act to conduct an investigation to determine if there is reasonable cause to believe the Act was violated. During the Commission's investigation it will be endeavoring to determine the facts of this matter and how those facts are applied to the Act. CDA has, of course, an opportunity to demonstrate that no action should be taken against CDA by the Commission under the Act. In this regard, we will evaluate any factual or legal response you wish to submit on behalf of your client.

Sincerely yours,

Charles N. Steele
Acting General Counsel

83040385299

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Americans for Democratic Action,) MUR 1038
 et al.)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on November 14, 1979, do hereby certify that the Commission determined by a vote of 4-2 to take the following actions in MUR 1038:

1. Adopt the recommendation submitted by the Office of the General Counsel that Section IV of the November 2nd "Amendment to Complaint" filed by the Carter-Mondale Committee not be treated as a complaint separate from Sections II and III of the "Amendment to Complaint" and from the October 4th complaint filed by the Carter-Mondale Committee;
2. Direct that the November 2nd "Amendment to Complaint" be filed under the MUR number 1038; and
3. Direct that the letter to John Nolan, General Counsel of the Kennedy for President Committee, be approved as submitted by the Office of the General Counsel under memorandum dated November 13, 1979.

Commissioners Aikens, Friedersdorf, Harris, and Reiche voted affirmatively for the above determination; Commissioners McGarry and Tiernan dissented.

Attest:

11-15-79

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

83040385300

EXECUTIVE SESSION
November 14, 1979



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
Acting General Counsel *CS*

DATE: November 13, 1979

SUBJECT: MUR 1038 Request to Divide November 2nd
"Amendment to Complaint" into Two MURs

On November 7, 1979, John Nolan, counsel for the Kennedy for President Committee, submitted a letter to the Office of General Counsel requesting that Section IV of the Carter-Mondale November 2nd "Amendment to Complaint" be treated by the Commission as a new complaint (Attachment I). Mr. Nolan contends that as the "Amendment to Complaint" "involves a new charge and new (though unnamed) respondents", it should be considered in a separate proceeding and be given a MUR number different from the MUR number given to the October 4th complaint filed by the Carter-Mondale Committee.

Although it is true that Section IV of the "Amendment to Complaint" sets forth different allegations than were contained in the Carter-Mondale complaint filed on October 4th, the general nature of Section IV is not entirely different. The October 4th complaint and Sections II and III of the November 2nd "Amendment to Complaint" (Section I is a summary of the entire document) are concerned with the possible affiliation of a number of draft-Kennedy committees. Section IV of the "Amendment to Complaint" is concerned with Senator Kennedy's possible relationship with those draft-Kennedy committees and the effect that may have on Kennedy's candidate status. Further it involves whether the expenditures of the draft-Kennedy committees should count against Senator Kennedy's potential primary presidential expenditure limitations of 2 U.S.C. § 441a(b).

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The Office of General Counsel is also of the opinion that for purposes of the "Amendment to Complaint" the 90 day period of 2 U.S.C. § 437g(a)(9) begins to run on November 2nd, the date the "Amendment to Complaint" was filed, as the "Amendment to Complaint" adds new respondents and makes allegations not raised in the October 4th complaint.

RECOMMENDATIONS:

The Office of General Counsel recommends:

1. that Section IV of the November 2nd "Amendment to Complaint" filed by the Carter-Mondale Committee not be treated as a complaint separate from Sections II and III of the "Amendment to Complaint" and from the October 4th complaint filed by the Carter-mondale Committee;
2. that the November 2nd "Amendment to Complaint" be filed under the MUR number 1038; and,
3. that the attached letter to John Nolan, General Counsel of the Kennedy for President Committee, be approved and sent.

ATTACHMENTS:

- I. Letter from John Nolan
- II. Proposed letter to John Nolan

83040385302

RECEIVED
GENERAL INVESTIGATIVE DIVISION
NOVEMBER 6, 1979

NOV 1979

CCC#

11556

1250 Connecticut Avenue, N.W.
Washington, D. C. 20036

JORDON
MUR1036

Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

CC4852

Dear Commissioners:

On Friday, November 2, the Carter-Mondale Presidential Committee filed another complaint with the Commission. This new filing seeks to amend an earlier complaint, filed on October 4, which alleged that certain draft-Kennedy committees were affiliated and that, as a consequence of their affiliation, contribution limits of the Federal Election Campaign Act had been violated. The more recent complaint adds five additional respondents to those named in the October 4 complaint, alleging that they are affiliated with the draft-Kennedy committees previously named.

In addition to these new respondents, Section IV of the "Amended Complaint" of November 2 adds a new allegation-- that Senator Kennedy, "by his actions and those of his agents, authorized and consented to the 'making of expenditures with a view toward bringing about his nomination,' 2 U.S.C. 431(b)(2), by the Florida, New Hampshire, and perhaps other draft-Kennedy committees no later than September 1, 1979, and thus has been a candidate for purposes of the Act since that time." This allegation encompasses 17 pages of the "Amended Complaint." No respondents are named with reference to this new allegation.

Section IV of the Carter-Mondale "Amended Complaint" of November 2 must be treated by the Commission as a new complaint. Neither the Federal Election Campaign Act nor the Commission's regulations provide for amendments to complaints. The Act gives the Commission 90 days to act upon a complaint. 2 U.S.C. §437g. At the time the "Amended Complaint" was filed, 25 days had run since the filing of the initial Carter-Mondale complaint. The Commission should have the benefit of a full 90 days from the filing of the new allegation on November 2, as contemplated by the statute, in which to act upon it.

Moreover, it would be particularly inappropriate to treat Section IV of the November 2 filing as an amendment to the earlier complaint because it involves a new charge and new (though unnamed) respondents. Press reports indicate that the Commission has already issued notice of reason to believe that

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Federal Election Commission
November 6, 1979
Page Two

there may be a violation of law with respect to the original complaint. If this is in fact true, that determination by the Commission obviously cannot be extended to reach entirely different allegations added by the Carter-Mondale committee by "amendment."

The Kennedy for President Committee, the authorized committee for Senator Kennedy's campaign for the presidential nomination, respectfully suggests to the Commission that the new allegation, involving new parties, included in Section IV of the Carter-Mondale Committee's filing of November 2 should be dealt with in a new, and separate proceeding.

Very truly yours,



John E. Nolan, Jr.
General Counsel
Kennedy for President Committee

83040385304



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John E. Nolan, Jr.
General Counsel
Kennedy for President Committee
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Nolan:

This is in response to your letter of November 6, 1979, in which you requested on behalf of the Kennedy for President Committee that Section IV of the Carter-Mondale November 2nd "Amendment to Complaint" be treated by the Commission as a complaint separate from Sections II and III of the "Amendment to Complaint" and from the October 4th complaint filed by the Carter-Mondale Committee.

The Commission has considered your request and determined that Section IV will not be treated as a separate complaint. The Commission has numbered this matter, consisting of both the October 4th complaint and the November 2nd "Amendment to Complaint", as MUR 1038.

If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4073.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385303

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Machinists Non-Partisan)
Political League ("MNPL"))

MJR 1038

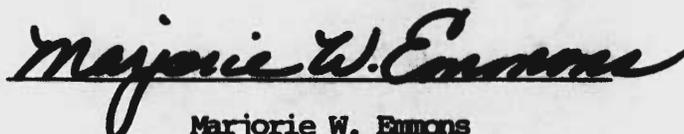
CERTIFICATION

I, Marjorie W. Emons, Recording Secretary for the Federal Election Commission's Executive Session on November 14, 1979, do hereby certify that the Commission determined by a vote of 6-0 that MNPL's request that the Commission stay its order to produce documents and materials be denied, and that the letter attached to the November 13, 1979 report from the FEC Office of the General Counsel be approved and sent.

Attest:

11-15-79

Date



Marjorie W. Emons
Secretary to the Commission

83040385306



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CS*
Acting General Counsel

DATE: November 13, 1979

SUBJECT: MUR 1038 Request for Stay of Order to
Produce Documents and Materials

On November 8, 1979, counsel for the Machinists Non-Partisan Political League (MNPL) submitted a letter (Attachment I), to the Office of General Counsel requesting a stay of the Commission's order to produce documents until the Commission considers MNPL's response to the allegations in the complaint filed by the Carter-Mondale Committee on October 4, 1979, and in the "Amendment to Complaint" filed by the Carter-Mondale Committee on November 2, 1979.^{1/}

^{1/} MNPL also contends that the "Amendment to Complaint" serves to confine all alleged violations by the MNPL to the time period following September 1, 1979. However, while the "Amendment to Complaint" does allege that Senator Kennedy acquired candidate status beginning September 1, 1979, it does not, as MNPL contends, withdraw the allegations set forth in the October 4th complaint concerning possible violations by MNPL in connection with its contributions to various draft-Kennedy committees.

The Commission has given MNPL notification that it may have violated 2 U.S.C. § 441a(a)(2)(C) by contributing, in the aggregate in excess of \$5,000 to various draft-Kennedy committees which may be affiliated and hence treated as a single political committee. The underlying allegation of affiliation among the committees is not confined to the period following September 1, 1979, and in deed most of the contributions which formed the basis of the possible violations by the MNPL were made before September 1, 1979.

83040385307

MNPL was notified of the Commission's reason to believe finding on October 22, 1979. On October 31, 1979, counsel for MNPL requested an extension of time in which to respond to the October 4th Carter-Mondale complaint. The extension was requested as counsel indicated he had just been retained by MNPL on October 30th. MNPL's response to the allegations of the October 4th Carter-Mondale complaint was due on November 1, 1979. On November 5th MNPL was provided a copy of the November 2nd "Amendment to Complaint" filed by Carter-Mondale. On November 7th, the Commission granted MNPL an extension until November 8th to reply to the October 4th Carter-Mondale complaint "so long as the extension does not stay or impede the continuation of the investigation in this matter" (Attachment II). To date, the Commission has not received a response from MNPL.

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The Office of General Counsel recommends that MNPL's request to stay the production of documents be denied. MNPL was notified when it received its extension of time in which to respond to the October 4th Carter-Mondale complaint that the Commission would not stay its investigation of this matter pending MNPL's response (Attachment III). 2 U.S.C. § 437g(a)(3)(A) requires that any Commission investigation that the FECA has been violated "be conducted expeditiously." The mere fact that the Carter-Mondale Committee filed an "Amendment to Complaint" on November 2nd, on which MNPL also wishes to respond, should not change the Commission's earlier determination that the investigation in this matter should proceed.

Further, as a practical matter, MNPL should have an adequate opportunity to respond to both the October 4th Carter-Mondale complaint and the November 2nd Carter-Mondale "Amendment to Complaint" before November 30, 1979, when the document production is scheduled to take place.

RECOMMENDATIONS

The Office of General Counsel recommends:

1. that MNPL's request that the Commission stay its order to produce documents and materials be denied; and,
2. that the attached letter be approved and sent.

ATTACHMENTS:

- I. Letter from Joseph L. Rauh
- II. Commission Certification of November 7, 1979
- III. Letter of November 8, 1979, from Charles N. Steele to Joseph L. Rauh
- IV. Proposed letter to Joseph L. Rauh

83040385309

ATTACHMENT I *Johnson*

RECEIVED
OF THE
GENERAL COUNSEL

LAW OFFICES

RAUH, SILARD AND LIGHTMAN

1001 CONNECTICUT AVENUE
WASHINGTON, D. C. 20038

NOV 8 1:00

November 8, 1979

502-100-1700

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT S. LIGHTMAN
DANIEL H. POLLITT
MARY M. LEVY

BY HAND

Charles N. Steele, Esq.
Acting General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20005

Dear Mr. Steele:

We are writing to protest the confused procedure being followed by the Federal Election Commission concerning the complaint filed by the Carter-Mondale Presidential Committee on October 4th and the "amendment to complaint" filed on November 2nd, and to request that the Commission's Order to Produce Documents and Materials and to Answer Written Questions be suspended until further appropriate procedures at the Commission have been completed. That course is warranted by the fact that the amendment to complaint greatly restricts the scope of the earlier allegations and thus restricts the only possible relevant factual inquiry by the Commission.

On October 30th we were retained by the Machinists Non-Partisan League to handle the Carter-Mondale complaint filed against them on October 4th. Since the Commission had directed the League to submit a response by November 1st, we naturally sought additional time to prepare an adequate response. By letter dated October 31, 1979, we asked for 10 additional days therefor, pointing out:

"That request is the more justified because this case has grave constitutional implications; indeed, there are serious doubts about the jurisdiction of the Commission over the matters alleged in the complaint. There is no allegation anywhere in the complaint that Senator Kennedy had anything to do with any of the respondents' activities. Under Buckley v. Valeo it would seem clear, therefore, that the activities of the respondents are fully protected by the Constitution against any Congressional expenditures limitations."

That letter was hand-delivered to both Mr. Oldaker and Mr. Steele on October 31st.

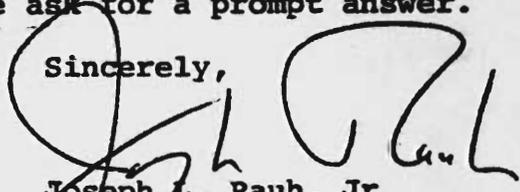
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Early Monday, November 5th, Mr. Rauh telephoned Mr. Steele to point out that the request for additional time to respond to the October 4th complaint appeared to be moot because there would have to be a response to the amendment to complaint filed late Friday, November 2nd. Mr. Steele seemed to agree with this, and we assumed we would be hearing from the Commission both on the initial complaint and the amendment to complaint with a time schedule for a response to the latter. Instead of this, at 5 o'clock the night before last, a document was left at our office entitled "Order to Produce Documents and Materials and to Answer Written Questions." This document and covering letter refer to MUR 1038, which is the number on the initial complaint, and make no reference to our letter of October 31st or to the amendment to complaint. They also make no reference to the jurisdictional point in our letter of October 31st on which we had asked time to elaborate. This is all the more remarkable because the amendment to complaint (p. 43) apparently concedes the absence of any violations by our client before September 1, 1979, and thus during most of the time period covered by the Order to Produce.

As just pointed out, the amendment is inconsistent with the initial complaint, for the amendment confines its relief request to the period following September 1st. Yet the Order to Produce is based on the initial complaint now modified and restricted in scope. If there was no violation until there was candidacy, and thus no Commission jurisdiction -- and the Carter-Mondale amendment has conceded there was no candidacy prior to September 1st -- then there will be no need for the present blanket order to produce but at most for one confined to events after September 1, 1979. To issue a subpoena before the Commission determines the scope of inquiry under the amended complaint is to put the cart before the horse.

We are not asking that the order be withdrawn but only that it be suspended until the Commission considers responses to amended complaint and then determines what, if any, order to produce is appropriate. This is the basis for the requested suspension, and we ask for a prompt answer.

Sincerely,


Joseph L. Rauh, Jr.
John Silard

JLR:JS:ehb

cc: Chairman, Robert O. Tiernan
Vice Chairman Max L. Friedersdorf
Commissioner Joan D. Aikens
Commissioner Thomas E. Harris
Commissioner John W. McGarry
Commissioner Frank P. Reiche

83040385311

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 1038
Machinists Non-Partisan)	
Political League ("MNPL"))	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 7, 1979, the Commission decided by a vote of 6-0 to grant an extension of seven days (to November 8, 1979) to Mr. Rauh, on behalf of the MNPL, to respond to the Reason to Believe findings so long as the extension does not stay or impede the continuation of the investigation in this matter.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

11/7/79
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

83040385312

Received in the Office of the Commission Secretary: 11-5-79, 10:19
Circulated on 48 hour vote basis: 11-5-79, 4:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joseph L. Rauh, Jr.
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Rauh:

The Office of General Counsel has received your letter of October 31, 1979, seeking an extension of the time in which to respond on behalf of the Machinists Non-Partisan Political League ("MNPL") to the Commission's finding of reason to believe the MNPL may have violated 2 U.S.C. § 441a(a)(2)(C). The Commission has voted to grant you an extension of seven days in which to submit the MNPL response originally due on November 1, 1979. However, the Commission has also determined that the granting of this extension will not stay or affect the investigation of this matter by this Office.

We look forward to receiving your response on behalf of the MNPL, to be submitted by November 8, 1979. If you have any further questions or problems, please call Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385313



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph L. Rauh, Jr.
Rauh, Silard and Lichtman
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Rauh:

This is in response to your letter of November 8, 1979, in which you requested a stay of the Commission's order for the Machinists Non-Partisan Political League (MNPL) to produce documents. The Commission has considered your request and determined that a stay will not be granted.

Section 437g(a)(3)(A) of Title 2, United States Code, provides that any Commission investigation pursuant to a finding that the Federal Election Campaign Act of 1971, as amended, has been violated "shall be conducted expeditiously." When the Commission granted your request for an extension of time in which to respond to the October 4th Carter-Mondale complaint you were specifically notified by my letter of November 8th that "the granting of this extension will not stay or affect the investigation of this matter." The mere fact that the Carter-Mondale Committee filed an "Amendment to Complaint" on November 2nd, to which MNPL also wishes to respond, does not change the Commission's determination that it must move forward with its investigation of this matter.

Further, as a practical matter, MNPL should have an adequate opportunity to respond to both the October 4th Carter-Mondale complaint and the November 2nd Carter-Mondale "Amendment to Complaint" before November 30, 1979, when the document production is scheduled to take place.

If you have any questions, please feel free to contact me.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385314

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Extension of Time -)
Democrats for Change - 1980)
National Call for Kennedy)

MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 14, 1979, the Commission decided by a vote of 6-0 to take the following actions regarding the above-captioned matter:

1. Grant an extension until November 13, 1979, to the Democrats for Change-1980 and the National Call for Kennedy Committee to respond to the Commission's initial finding of reason to believe DC-80 and NCK may have violated the Federal Election Campaign Act of 1971, as amended.
2. Approve and send the letters attached to the Acting General Counsel's Memorandum dated November 8, 1979.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

11-14-79

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 11-9-79, 10:50
Circulated on 48 hour vote basis: 11-9-79, 2:00

83040385315



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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November 8, 1979

MEMORANDUM

TO: The Commission
FROM: Charles N. Steele
Acting General Counsel *CS*
SUBJECT: Request for Extension in MUR 1038

Attached are letters from Terrance Fallon-McKnight and Dave Bonderman, on behalf of Democrats for Change-1980 ("DC-80") and the National Call for Kennedy ("NCK"), respectively, seeking extensions of the time in which to respond more fully to the Commission's finding of reason to believe DC-80 and NCK may have violated the Federal Election Campaign Act of 1971, as amended.

In light of the fact that both Mr. Fallon McKnight and Mr. Bonderman were only recently retained by their respective clients, and that neither attorney expects nor requests the Commission to stay its investigation in this matter while waiting to receive the responses on behalf of DC-80 and NCK, the Office of General Counsel recommends the Commission grant Mr. Fallon McKnight (on behalf of DC-80) and Mr. Bonderman (on behalf of NCK) an extension until November 13, 1979, to respond to the Commission's initial finding in this matter.

Recommendations

1. Grant an extension until November 13, 1979, to the Democrats for Change-1980 and the National Call for Kennedy Committee to respond to the Commission's initial finding of reason to believe DC-80 and NCK may have violated the Federal Election Campaign Act of 1971, as amended.

2. Approve and send the attached letters.

Attachments:

Letter from David Bonderman, letter from Terrance Fallon-McKnight
Letter to David Bonderman, and Terrance Fallon-McKnight

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Gentner

ARNOLD & PORTER

1229 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036

TELEPHONE: (202) 678-6700

CABLE: "ARFOPO"

TELEX: 89-2733

DIRECT LINE (202) 678-6830

DAVID BONDERMAN

November 6, 1979

Marsha Gentner, Esquire
Attorney
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1038

Dear Ms. Gentner:

This letter is written on behalf of the National Call for Kennedy (the "Call") and is in response to your letter of October 19, 1979.

As I indicated in our recent phone conversation, we were retained by the Call on October 29 to to represent them in connection with the matters described in the Commission's October 19 letter. We are currently making our best efforts to educate ourselves on the facts involved, and we will file a response to the Commission's October 19 letter as promptly as possible. However, we cannot file a response within the time specified in the October 19 letter. Accordingly, as we discussed, this is to request the Commission to grant us an extension of time to and including Tuesday, November 13, 1979, on the understanding that we will have our response delivered to your offices prior to the close of business on that date.

In addition, since we last spoke, we have obtained a copy of an amended complaint filed against the Call, apparently on November 2, 1979. We have not been officially notified by the Commission whether the filing of the amended complaint will require any response on our part. In the event that a response to that amended complaint is requested by the Commission, we assume that such a response would not be subject to the November 13 date.

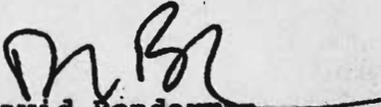
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ARNOLD & PORTER

Marsha Gentner, Esquire
November 6, 1979
Page 2

Thank you for your courtesy.

Yours truly,


David Bonderman

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LAW OFFICES

IRELL & MANELLA
1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CALIFORNIA 90067
(213) 277-1010 AND 879-2800
CABLE ADDRESS: IRELLA

60483

October 31, 1979

Federal Election Commission
c/o Marsha Gentner
Washington, D.C. 20463

Re: MUR 1038

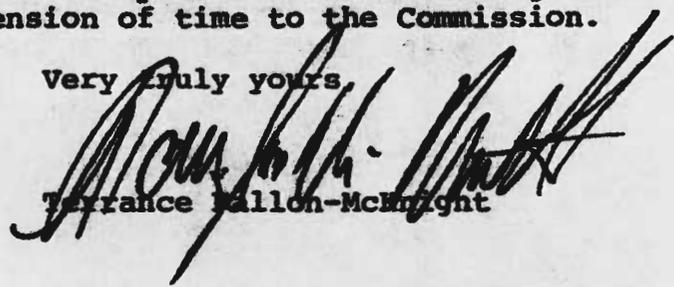
Dear Ms. Gentner:

I am writing to inform you that our firm has been retained by Democrats for Change - 1980, a respondent in the above-captioned matter, to represent that group with respect to that matter.

As Marvin Shapiro informed you in our telephone conversation today, we were retained only this morning. Therefore, we respectfully request that the Commission grant Democrats for Change - 1980, a one week extension of time within which to respond to the complaint which has been filed with the Commission herein. We will make every effort to provide you with our response as soon as practicable.

Thank you for your cooperation in submitting the above request for an extension of time to the Commission.

Very truly yours,



Terrance Fallon-McKnight

TFM:beb

cc: Marvin S. Shapiro, Esq.

79 OCT 5 P 3: 08

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

83040385320



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Terrance Fallon McKnight, Esquire
Irell and Manella
1800 Avenue of the Stars
Suite 900
Los Angeles, California 90067

Re: MUR 1038

Dear Mr. Fallon McKnight:

The Office of General Counsel has received your letter of October 31, 1979, seeking an extension of the time in which to respond on behalf of the Democrats for Change-1980 ("DC-80") to the Commission's finding of reason to believe DC-80 may have violated the Federal Election Campaign Act of 1971, as amended. The Commission has voted to grant you an extension in which to submit the DC-80 response. However, the granting of this extension will not stay or affect the investigation of this matter by this Office.

We look forward to receiving your response on behalf of DC-80, to be submitted by November 13, 1979. If you have any further questions or problems, please call Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385321



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dave Bonderman, Esquire
Arnold and Porter
1229 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Bonderman:

The Office of General Counsel has received your letter of November 6, 1979, seeking an extension of the time in which to respond on behalf of the National Call for Kennedy ("NCK") to the Commission's finding of reason to believe the NCK may have violated the Federal Election Campaign Act of 1971, as amended. The Commission has voted to grant your request of an extension until November 13, 1979, in which to submit the NCK response. However, the granting of this extension will not stay or affect the investigation of this matter by this Office.

We look forward to receiving your response on behalf of the NCK on November 13, 1979, as indicated by your letter. If you have any further questions or problems, please call Marsha Gentner, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

Charles N. Steele
Acting General Counsel

83040385322

I.

SUMMARY

This is an amendment to the complaint filed by the Carter-Mondale Presidential Committee, Inc. ("CMPC") with the Commission on October 4, 1979. It is based on information obtained from the third-quarter reports of several respondents and other facts learned by complainant subsequent to the filing of its original complaint.

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The amendment has four main parts. Following this summary, Section II adds several new respondents to the complaint: the Americans for Democratic Action ("ADA"), the Americans for Democratic Action Campaign Committee, the Kennedy Matching Pledge Fund (also an ADA-connected committee), Wisconsin Democrats for Change in '80, and Californians for Kennedy. These additional respondents are alleged to be affiliated with the draft-Kennedy committees already named and, in the case of the ADA committees, to have committed other violations of the Federal Election Campaign Act of 1971, as amended (hereinafter "the Act").

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Section III provides updated financial data and other relevant information corroborating and showing in further detail the affiliation among the respondent Kennedy committees named in the CMPC's original complaint and this amendment.

Section IV treats an issue on which complainant specifically reserved comment in its complaint of October 4th. At that time complainant took no position on whether Senator Kennedy had

given his consent to the activities of any of the respondents and thus whether he had become a "candidate" for purposes of the Act. There is now no question that Senator Kennedy is a candidate by virtue of his authorization of a campaign committee, which registered with the Commission on October 29, 1979. Complainant alleges, however, that Senator Kennedy, by his actions and those of his agents, authorized and consented to the "making of expenditures with a view toward bringing about his nomination," 2 U.S.C. 431 (b) (2), by the Florida, New Hampshire, and perhaps other draft, Kennedy committees no later than September 1, 1979, and thus has been a candidate for purposes of the Act since that time.

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As to the subject matter of the original complaint and the additional items set forth in Sections II and III herein, complainant respectfully reiterates its request for three main types of timely relief: an order prohibiting respondent committees from accepting further illegal contributions; the return of all illegal contributions to the donors; and an order requiring public disclosure of contributions and expenditures by two major, and still as-yet unregistered, components of the draft-Kennedy movement: "The National Call for Kennedy" and "Democrats for Change-1980" (hereinafter "Democrats for Change").

In addition, complainant asks that the ADA's Matching Pledge Fund be prohibited from making, and Senator Kennedy from accepting, contributions in excess of \$1,000; and that none of the Pledge Fund's contributions be matched with public monies.

As to the issues raised in Section IV of this amendment, complainant asks that Senator Kennedy be found to be a candidate under 2 U.S.C. 431(b)(2) as of no later than September 1, 1979; that all expenditures since that date by the Florida and New Hampshire draft-Kennedy committees (and those of any other such committees that the Commission finds have been consented to by Senator Kennedy or his agents) and any affiliated committees be counted against Senator Kennedy's state and national expenditure limitations; and that all contributions made by individuals in excess of \$1,000 -- and by multicandidate political committees in excess of \$5,000 -- to the Florida, New Hampshire and any other affiliated draft-Kennedy committees on or after September 1, 1979, be found in violation of the limitations of 2 U.S.C. 441a(a) and be refunded to the contributors in question.

830403385326

II.

ADDITIONAL RESPONDENTS

1. Description of Additional Respondents.

The following organizations are added as respondents to the complaint:

AMERICANS FOR DEMOCRATIC ACTION (hereinafter "ADA") is, on information and belief, an unincorporated membership association. Its president is Patsy T. Mink. One of its vice presidents is William W. Winpisinger. Its address is 1411 K Street, N.W., Suite 850, Washington, D. C. 20005.

The AMERICANS FOR DEMOCRATIC ACTION CAMPAIGN COMMITTEE* (hereinafter "ADACC") may also be known as "Kennedy in 80." It registered with the Commission on September 25, 1979 as an unauthorized single-candidate committee supporting Edward M. Kennedy for President. Its officers are Patsy T. Mink, Chairperson; Winn Newman, Treasurer; and Leon Shull, Secretary. Its address is 1411 K Street, N.W., Suite 850, Washington, D. C. 20005.

THE KENNEDY MATCHING PLEDGE FUND (hereinafter "Pledge Fund" or "Fund") is an unregistered political committee that shares

* In addition to the various ADA Kennedy committees listed above, there may be other political committees connected to ADA and affiliated with ADACC. See Exhibit XX, a memorandum from Leon Shull to the officers, Board and chapters of ADA, which explains how the chapters may establish "independent" committees, while maintaining "full control" over them.

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offices with, and may be another name for, the Americans for Democratic Action Campaign Committee. The Chairperson of the Kennedy Matching Pledge Fund is Patsy T. Mink. Vice Chairperson is William W. Winpisinger.

THE WISCONSIN DEMOCRATS FOR CHANGE IN 1980 is, on information and belief, the principal draft-Kennedy committee for the State of Wisconsin. Its co-chairs are Elizabeth Betka and Vern Zitlow. Its address is 2313 Hiway MM, Oregon, Wisconsin 53575.

CALIFORNIANS FOR KENNEDY is, on information and belief, an as-yet unregistered political committee whose chairman is George Mitrovich, 2872 Cliffridge Way, LaJolla, California 92037.

2. Summary of this Section. In the complaint filed by the CMPC with the Commission on October 4, 1979 (hereinafter "complaint" or "original complaint"), it was alleged that a common group of individuals established and financed the various draft-Kennedy committees. Additional information indicates that the ADA and its connected political committees were an important part of this nationally coordinated effort. Complainant also alleges, in addition to the affiliation of ADA with the other respondents, certain separate violations of the Act by ADA's political committees. Also added as respondents are two state draft-Kennedy committees, Wisconsin Democrats for Change in 1980, and Californians for Kennedy, which were established by, and thus are affiliated with, the other respondents. Finally, com-

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plainant in this section submits additional information and evidence concerning several previously named respondents.

3. The ADA and Its Connected Political Committees Are Affiliated With Other Respondents Named in the Amended Complaint.

The original complaint provided evidence that the respondent draft-Kennedy committees were directed and financed by a group of individuals which include William Winpisinger and Marjorie Phyfe of the International Association of Machinists, political consultant Mark Siegel, and the leaders of a California-based group, "Democrats for Change".

Complaint has subsequently learned that ADA and its connected political committees played a central role in this coordinated political communications and fundraising network, the initial focus of which was to funnel money and people into Florida for the October 13th Democratic county caucuses there. The activities of the ADA also include publication of "Kennedy in '80" newsletters, establishing state draft-Kennedy committees, solicitation of contributions,* and collection of pledges for contributions to Kennedy upon his announcement.

* See Exhibit 00.

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The newsletters disseminated* by the ADA clearly demonstrate its role as a national coordinator of the draft-Kennedy movement. The first "Kennedy in 80" newsletter stated: "In the months ahead, the ADA will continue to publish this newsletter to keep you informed about the needs and progress of the 'Democratic Alternative' movement overall." The second newsletter stated: "[C]ontact your local Democratic Alternative or Draft-Kennedy Committee. Enclosed is a list of Kennedy/Alternative Committees around the country.... If there is no committee at work in your area, contact us and we will help in forming one." The mailings also include a state-by-state roster of the various draft-Kennedy committees throughout the country. (Exhibits MM, NN and YY)

The ADA's assistance in the establishment of state draft-Kennedy committees and its ties to other components of the draft-Kennedy movement control group are illustrated in a recent Los Angeles Times article:

Shirley Wechsler of Los Angeles, national vice president of the Liberal Americans for Democratic Action, told the Times that Californians for Kennedy will be formally launched Tuesday.... Others participating, sources say, will include Justin Ostro, general vice president of the International Assn. of Machinists....

* The second "Kennedy in 80" newsletter, which provides space for the recipient to request "information about membership in ADA" and to list other individuals who "would like to receive this 'Kennedy in 80' newsletter," indicates that ADA may be distributing this newsletter, which contains a solicitation for the Kennedy Matching Pledge Fund, to non-ADA members, in violation of 2 U.S.C. 441b(b) (2) (C). (Exhibit NN)

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Besides Cory, other prominent Democrats said to be considering joining a Kennedy campaign, but not ready to participate in next week's announcement are... contributors Miles Rubin, Harold Willens, and Leo Wyler. (Exhibit RR)

Additional evidence of ADA's coordination with the other draft-Kennedy committees is the ADA's Pledge Fund request that donors send "pledges not money, because we don't want to drain any funds from the draft Kennedy committees in the states...." The Fund also urges individuals to "immediately approach leaders in all states except Florida, New Hampshire and Iowa to organize the state matching pledge fund campaign." (Exhibit LL)

The affiliation of ADA and its connected political committees with the other respondents is further demonstrated by activities of the following ADA officers and members:

1. William Winpisinger, who serves as Vice Chairperson of both the ADA and the Kennedy Matching Pledge Fund is also President of IAM, Co-Chair of the MNPL, Chairman of National Call for Kennedy, and is listed as a founding member of the D.C. draft-Kennedy committee.
2. According to the ADA newsletter, the "third [Florida for Kennedy] Co-Chairperson is longtime ADA member Katherine Kelly and other ADAers are deeply involved. With their help the draft Kennedy movement is organizing in every county in the state. It has enlisted ADA National Board member,

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Page Gardner, to work through the Florida primary in March and ADA Press Secretary, Harry Margolis, to participate in the last two weeks of the caucus campaign." (Exhibit NN)

- 3. The D. C. draft-Kennedy committee lists on its solicitation materials as founding members (in addition to William Winpisinger) the following ADA officers: Vice President Joseph L. Rauh, Jr., National Director Leon Shull, Membership Director Viva Baylinson, and Greater Washington ADA President Peter Schott (Exhibit SS)

4. ADA's Kennedy Matching Pledge Fund Is Making Excessive Earmarked Contributions.

A. Background. The Act provides that a political committee may contribute no more than \$1,000 to a candidate's authorized committee. 2 U.S.C. 441a(a)(1)(A). Included in a political committee's \$1,000 limitation are earmarked contributions from individual donors over which the political committee has exercised "direction and control." 11 CFR 110.6(d) states that if a conduit or intermediary exercises any direction or control over the choice of the recipient candidate, the contribution shall be considered a contribution by both the original contributor and the conduit.

B. Discussion. The complainant believes that earmarked contributions from individual donors which in the aggregate exceed

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\$1,000 are being directed and controlled by the ADA's Kennedy Matching Pledge Fund ("Pledge Fund") and that this constitutes a violation by the Pledge Fund of the contribution limitations of 2 U.S.C. 441a(a)(1)(A):

The Kennedy Pledge Fund Committee, according to its literature, intends to raise a total of \$100,000 -- \$5,000 in each of 20 states -- in pledges of \$250 or less, which will be held until Senator Kennedy formally announces his candidacy. Upon announcement, the Pledge Fund "will forward to the authorized Kennedy Campaign all the information on hand, and we will send telegrams to all pledgers requesting immediate payment of all pledges." (Exhibit LL)

These pledges constitute "contributions" by the individual donors to the Pledge Fund and, if honored, to Kennedy's authorized campaign committee. See 11 CFR 100.4(a)(3).

The "direction and control" necessary to count these pledged contributions also as contributions from the Pledge Fund to Senator Kennedy is evidenced by the elaborate "calendar" of activities designed by the Pledge Fund committee to insure that pledgers subsequently make donations:

CALENDAR

1. Immediately approach leaders of all states except Florida, New Hampshire, and Iowa to organize the state matching fund pledge campaign.
2. Send full information to all interested parties.
3. Carefully check all pledges received for accuracy and completeness of information required by

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federal election law. This includes: name, address, occupation, business address, and amount of pledge/contributions.

4. Upon announcement of candidacy by Senator Kennedy, we will forward to the authorized Kennedy Campaign all the information on hand and we will send telegrams to all pledgers requesting immediate payment of pledges. (Exhibit LL)*

5. Contributions to Senator Kennedy's Regular Campaign Committee from the ADA's Pledge Fund Are Not Matchable.

11 CFR 9034.3(d) and (e) state that contributions which are not matchable include:

(d) Funds from a corporation, labor organization, government contractor, political committee as defined in 11 CFR 100.14 or any group of persons other than those under 11 CFR 9034.2(c)(4);

(e) Contributions which are illegally made or accepted, such as contributions in the name of another.

Contributions to Senator Kennedy's regular campaign committee which were preceded by pledges to the Pledge Fund may not be matched with public monies for two reasons:

- (1) The direction and control exercised by the Pledge Fund requires that the pledge/contributions also count as a contribution from the Pledge Fund.

* Nor should the fact that the Pledge Fund directs pledgers to send their contributions directly to Senator Kennedy's announced committee permit evasion of the Commission's earmarking rule and contribution limitations. The communication by the Pledge Fund committee of "all information on hand" to Senator Kennedy -- so that his committee can identify the source of the contributions and can conveniently solicit unhonored pledges -- clearly should constitute a transfer of the earmarked contributions. To allow a committee to avoid such an interpretation by utilizing the two-step process of the Pledge Fund, instead of a one-step "batching" operation, would be to honor a distinction without a difference.

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A contribution by a political committee is not matchable under 11 CFR 9034(d).

(2) The Pledge Fund appears to have solicited pledges (contributions) from persons outside the membership of the ADA. See footnote herein at p.7; Exhibit NN. Any pledges so solicited are illegal and thus not matchable under 11 CFR 9034(e).

6. The Wisconsin Draft-Kennedy Committee and an Additional California Draft-Kennedy Committee Are Affiliated With Other Respondents Named in the Amended Complaint.

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 A. Wisconsin Committee. The Wisconsin draft-Kennedy committee, "Wisconsin Democrats for Change in 1980", is affiliated with the International Association of Machinists and therefore with the other respondents. The October 10 report of the Wisconsin committee indicates that, except for \$40 in unitemized contributions, the only contribution received was from MNPL on September 27, 1979, in the amount of \$3,000. William Winpisinger, President of IAM, was the speaker at the Wisconsin committee's first organizational meeting, at which it was reported in press accounts that "fully a third of those attending the meeting... were representatives of the Machinists Union." (See, e.g., Exhibit WW)

B. Additional California Committee. The original complaint named as a respondent the California-based group,

"Democrats for Change", which had sponsored two full-page newspaper ads urging Senator Kennedy to run, each costing approximately \$11,000.* Individual members of this still-unregistered committee have now contributed in excess of an additional \$27,500 to the Florida, Iowa, Minnesota, and New Hampshire draft-Kennedy committees.**

In addition, several members of "Democrats for Change" have now joined with officers of the ADA and IAM to form a second California draft-Kennedy committee. This committee, "Californians for Kennedy", is an as-yet unregistered political committee. Its founding members include Shirley Wechsler, national vice president of ADA; Justin Ostro, general vice president of IAM and member of "Democrats for Change"; and on information and belief, Harold Willens and Leo Wyler, also members of "Democrats for Change". The September 29, 1979, press release of the National Clearinghouse for Kennedy, a respondent in the initial complaint, provides further information on "Californians for Kennedy."
(Exhibit UU)

* See Exhibit I, original complaint.

** For an updated listing of the contributions of Stanley Sheinbaum, Ted Ashley, Joyce Ashley, Norman Lear, and Leopold Wyler, co-chairs or founding members of "Democrats for Change", see p. 20, infra. Since the filing of the complaint, "Democrats for Change" member Harold Willens also contributed \$500 to the Florida draft-Kennedy committee.

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7. Additional Information Concerning Original Respondents.

Based on subsequently obtained information, the following additional information and clarification should be noted with regard to the respondents originally named:

A. D. C. Committee for a Democratic Alternative. In the complaint filed October 4, 1979, complainant stated, on information and belief, that William W. Winpisinger is "a co-chair of this [the D.C.] committee." By letter to the Commission dated October 11, 1979, a copy of which was provided to complainant, Mr. Winpisinger stated that he was not a co-chair of the D.C. committee and further that: "I am not now, nor have I ever been even a member of this committee." On receipt of this information, complainant further researched the public records and literature of the D. C. committee, which shows that Mr. Winpisinger is not a co-chair but rather is listed as a founding member of the committee. (See Exhibit SS)

B. National Call for Kennedy. Also in his letter of October 11, 1979, Mr. Winpisinger stated that, while he is Chairman of National Call, neither the IAM nor its separate segregated fund, the Machinists Non-Partisan Political League ("MNPL"), "sponsors or funds" this organization. It should be noted, however, that the offices of the National Call for Kennedy are in the Machinists Building, 1300 Connecticut Avenue, N.W., Washington, D. C. 20037, and that this office also is used as the return address for contributions to the National Call for

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D. The New York Draft-Kennedy Committee. Although Robert Abrams and Ethan Geto were listed as the leaders of the draft-Kennedy forces in New York in news accounts and also the National Clearinghouse for Kennedy's state-by-state roster of draft-Kennedy organization leaders, further research has revealed that Abrams and Geto apparently ultimately chose not to form or register a draft committee, since they believed that one was not necessary, i.e., that Senator Kennedy had already decided to run. See N.Y. Times, 8/18/79 Exhibit HHH); Washington Post, 9/2/79 (Exhibit I to original complaint); and Syracuse Post Standard, 10/4/79 (Abrams quoted as saying he was abandoning a draft-Kennedy plan since the Senator will be a declared candidate in November). (Exhibit TT)

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III.

ADDITIONAL EVIDENCE OF AFFILIATION

1. Summary.

In its original complaint, the CMPC presented more than 10 pages of factual evidence to demonstrate that the respondent draft-Kennedy committees were affiliated within the meaning of 2 U.S.C. 441a(a)(5). Specifically, the complaint alleged that the respondent draft committees were established and financed by a common group of persons, including the IAM and the leaders of "Democrats for Change".

The complaint also alleged that the respondent committees have been maintained and controlled by a common group of persons. Evidence for such common maintenance and control* included the acknowledged communications and strategy coordination activities of the respondent draft-Kennedy committees, the IAM, political consultant Mark Siegel, and the National Clearinghouse for Kennedy, among others, as well as similar patterns of contributions to, and apparent substantial transfers of funds between, the committees. As noted above, the various ADA groups should also be added to the list of organizations engaged in such communications, coordination, and cooperative fundraising activities.

The complaint further alleged that an immediate common purpose of these groups has been to carry out a coordinated effort

* Indicia of which includes the power or ability to influence the decisions of officers or members of the other entity or entities. 11 CFR 100.14(c)(2)(ii)(C).

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to promote Senator Kennedy and defeat President Carter in the October 13th Florida Democratic county caucuses. The additional evidence of affiliation and of an extensive, coordinated effort in Florida which is presented below corroborates and supports the basic allegations of the CMPC's initial complaint. In fact, the extent of this effort, which has only recently come to light, has turned out to be far greater than even complainant had anticipated. For example, when it "disbanded" last week, the Florida draft-Kennedy committee publicly admitted to spending between \$260,000 and \$270,000, although it reported less than \$120,000 on its third-quarter report. (See Exhibit VV) Complainant believes that detailed analysis of this incredible influx of funds into Florida during the closing days of the Democratic county caucus campaign there will reveal a clear pattern of coordinated support and assistance to the Florida draft-Kennedy committee by the other draft-Kennedy committees named as respondents in this complaint.

2. Additional Evidence of Financial Indicia of Affiliation: Similar Patterns of Contributions and Transfers.

The third-quarter reports of respondents support complainant's claim of a pattern of coordinated fundraising among respondents. As several leaders of the draft-Kennedy movement acknowledged (see Complaint at pp. 20-22), there was a general agreement among respondents that funds from most states should be directed to the

states with the earliest primaries or caucuses, particularly Florida, New Hampshire, and Iowa.

The newly available evidence is striking in this regard. It is clear that the draft-Kennedy committees in these important states were not solely "local grassroots efforts" as claimed. An analysis of the sources of the funding of the New Hampshire and Iowa committees is instructive.

Only 9% of the almost \$65,000 raised through September by the New Hampshire committee was contributed by citizens of New Hampshire. In fact, more money was raised for the New Hampshire committee from Hollywood, California, than from the entire State of New Hampshire, and more from New York City than from the entire New England region. Only 3% of all funds reported by the Iowa committee through September were raised from Iowans. Here, too, contributions from the Los Angeles area exceeded those from the entire state of Iowa.

The third-quarter reports also provide further evidence of fundraising by one draft committee on behalf of another. For example, it appears that the Ohio draft-Kennedy committee raised \$8,500 for the New Hampshire committee in September, since all Ohio contributions to the New Hampshire committee occurred on the same day, September 30, 1979, and the contributors included leaders of the Ohio draft-Kennedy campaign.

Finally, the third-quarter reports confirm a pattern of significant overlap among the major contributors to the respondent

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committees. Many of the contributors to the New Hampshire and Iowa committees also gave to other draft-Kennedy committees. Similarly, as shown by the chart below, the largest contributors to the Florida committee* also gave to the Iowa, New Hampshire, or Minnesota committees -- or all four.

Stanley Sheinbaum Los Angeles, CA	FL	6/8	\$1,000
	FL	8/25	2,000
	IA	6/6	1,000
	MN	6/19	1,000
	NH	9/26	2,000
Ted Ashley Beverly Hills, CA	FL	6/8	1,000
	FL	8/28	3,000
	IA	5/31	1,000
Joyce Ashley (Mrs. Ted Ashley) Beverly Hills, CA	FL	8/26	3,000
	FL	9/4	2,000
Norman Lear Los Angeles, CA	FL	6/8	1,000
	FL	8/28	2,000
	IA	5/31	1,000
Leopold Wyler Beverly Hills, CA	FL	9/17	3,000
	MN	5/29	1,000
Miles Rubin Washington, D.C.	FL	8/23	5,000
	IA	9/28	750 **
Stephen Kovacik Columbus, OH	FL	8/25	1,000
	FL	9/16	750
	NH	9/9	1,000
	NH	9/30	1,000
	NH	9/30	1,000

* Based on FEC records through September 30, 1979, only. Thus, contributions made during the last two weeks of the Florida Caucus Campaign would not be covered.

** Contribution was from Miles and Nancy Rubin in amount of \$1,500.

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Stanley Salett	FL	8/28	1,000
Columbia, MD	NH	9/6	1,000
Stephen Ross	FL	7/30	500
Miami Beach, FL	IA	9/6	1,000
	NH	9/27	5,000
Richard B. Knight	FL	7/30	1,000
Miami Beach, FL	IA	9/5	1,000
Cynthia Rosenberg	FL	8/3	1,000
Coral Gables, FL	NH	8/7	5,000
Stephen Muss	FL	9/27	5,000
Maureen Muss	NH	9/27	5,000
Miami Beach, FL			
Mark Dayton*	NH	9/30	5,000
	MN	9/25	2,000

It also can be seen from the above that at least five individuals have made contributions to various draft-Kennedy committees that in the aggregate exceed \$5,000. A finding by the Commission that these committees are affiliated, as submitted by complainant, thus would result in violations by the following individuals: Stanley Sheinbaum (\$7,000), Mark Dayton (\$7,000), Stephen Ross (\$6,500), Cynthia Rosenberg (\$6,000) and Miles Rubin (\$5,750).

3. Additional Evidence Concerning the International Association of Machinists and Aerospace Workers and the Machinists Non-partisan Political League.

Complainant has previously shown the extent to which the International Association of Machinists and Aerospace Workers

* Mark Dayton's wife, Alida Rockefeller Dayton, also contributed \$5,000 to the New Hampshire committee.

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("IAM") and its separate segregated fund, the Machinists Non-Partisan Political League ("MNPL"), were instrumental in "establishing, financing, maintaining, and controlling" the respondent draft-Kennedy committees. In addition to showing that IAM officials hold leadership roles or were involved in founding every one of the respondent committees (and that IAM President William Winpisinger was an officer or founding member of three* of the respondents), complainant described the coordinating and communications role the IAM has played in the draft-Kennedy movement and its status as provider of the seed money for most of the respondent committees.

As shown in the complaint, the MNPL had made the following contributions during the period May through August:

<u>Amount</u>	<u>Date</u>	<u>Exhibit</u>	<u>Description</u>
\$ 264.00	3/27/79	AA	Payments to Millenium Group, Inc., for buttons. Candidate listed as "Edward M. Kennedy for the U.S. Presidency"
\$10,534.92	5/15/79	K	" "
\$ 440.00	8/20/79	M	Payment to Millenium Group, Inc., for posters. Candidate listed as "Edward M. Kennedy for the U.S. Presidency."
\$ 1,210.00	5/9/79	K	Contributions to Committee for An Alternative Candidate (Iowa)
\$3,790.00	8/30/79	M	" "
\$ 257.50	5/9/79	K	Contribution to Committee for An Alternative Candidate (Iowa) for rental of meeting room at Hotel Savoy in Des Moines (for the committee's organizational meeting)

* Now five, counting the ADA and the Kennedy Matching Pledge Fund Committee.

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<u>Amount</u>	<u>Date</u>	<u>Exhibit</u>	<u>Description</u>
\$ 500.00	7/5/79	L	Contributions to Illinois Citizens for Kennedy Committee
\$ 1,220.00	8/3/79	M	" "
\$ 2,500.00	7/9/79	L	Contributions to Florida for Kennedy Committee
\$ 2,500.00	8/21/79	M	" "
\$ 2,500.00	7/9/79	L	Contributions to New Hampshire Democrats for Change Committee
\$ 2,500.00	8/3/79	M	" "
\$ 5,000.00	8/21/79	M	Contribution to Kennedy for President Indiana
\$ 500.00	8/21/79	M	Contribution to Pennsylvania Committee for a Democratic Alternative (now called Kennedy '80
<hr/>			
\$33,716.41 total			

Since that time, MNPL has continued to violate the limitations of 2 U.S.C. 441a(a)(1)(C) by making the following additional contributions:

<u>Amount</u>	<u>Date</u>	<u>Description</u>
\$ 1,250	8/10/79	Contributions to Illinois Citizens for Kennedy
2,000	9/19/79	
3,000	9/27/79	Contribution to Wisconsin Democrats for Change in 1980

These contributions bring the total reported contributions of MNPL to the draft-Kennedy committees to \$39,966.41. This amount does not include an undisclosed amount to "Hawaii Democrats for Kennedy... '80", which Mr. Winpisinger mentioned in his October 11,

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1979 letter to the Commission, and does not include any amounts or in-kind contributions that may have been given after September 30, 1979.

In addition, IAM and MNPL personnel were extensively involved in the efforts of the Florida draft-Kennedy committee during the last three to four weeks of the Florida Democratic county caucus campaign. On information and belief, for example, Marjorie Phylfe, MNPL political representative, was effectively in charge of the Florida committee's campaign in Palm Beach County. She was assisted by four or five IAM personnel. Also on information and belief, IAM provided phone banks in both Southern and Central Florida on behalf of Senator Kennedy, beginning in late September. William Holayter, IAM's Political Director, was also active in the Florida campaign. As discussed in further detail in Section IV (p. 38), infra, Anthony Podesta, an IAM employee, was instrumental during the same period in recruiting out-of-state organizers to work for the Florida Kennedy committee and in maintaining liaison with Senator Kennedy's chief political aide during the county caucuses campaign.

Moreover, subsequent to filing the complaint, the CMPC learned that the Machinists have established and financed three additional draft-Kennedy committees. As noted above, the MNPL provided 98% of the initial funding for the Wisconsin draft-Kennedy committee as well as running its organization meeting. The Machinists also have provided funds for the Hawaii draft-Kennedy committee,* as

* The Hawaii Democrats for Kennedy... '80 registered with the FEC on September 19, 1979.

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acknowledged in Mr. Wimpisinger's letter of October 11th to the Commission. On information and belief, IAM officials also were the main organizers of the draft-Kennedy committee in Vermont, and Frank Avery, an IAM official, was one of the founding members of the Massachusetts draft-Kennedy committee in May, 1979.

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IV.

SENATOR KENNEDY'S STATUS AS A CANDIDATE

1. Background.

The Act defines "candidate" as an individual who seeks nomination or election to federal office, 2 U.S.C. 431(b). An individual is considered to seek nomination or election if he has:

- (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office; or
- (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office. (Ibid.)
(emphasis supplied)*

* In addition to these two statutory methods, Commission regulations provide that an individual also is a candidate:

"[I]f after written notification by the Commission that any other person is receiving contributions or making expenditures on the individual's behalf, the individual fails to disavow this activity by letter to the Commission within 30 days of receipt of the notification."
11 CFR 100.2(c).

Senator Kennedy by letter to the Commission has disavowed the activities of a number of the draft-Kennedy committees. For example, he disavowed the activities of the Florida draft-Kennedy committee on June 8, 1979 (Exhibit PP) and the Iowa committee on July 25, 1979 (Exhibit QQ). As further explained below, however, complainant believes that these early disavowals are not in any way controlling with respect to the question of whether Senator Kennedy subsequently consented to the continuation of activities by these and other draft-Kennedy committees.

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The Commission in the past has looked to the actual conduct of the individuals involved to determine whether and when candidate status has been achieved in particular cases. An example is one of the Commission's first compliance actions which involved Congressman Jerry Litton. There the Commission found that, based on his travel schedule and other activities, Representative Litton had made expenditures and thus had become a candidate for the purposes of the Act more than five months before his formal declaration of candidacy for the Democratic nomination for United States Senator from Missouri. See Staff Report and Conciliation Agreement concerning CA 002-75.*

Similarly, the Commission has approved a broad test for finding authorization and consent in the analogous context of determining whether a group's "independent expenditures" on behalf of a candidate are actually "independent."** In MUR 260 (78), which involved the relationship of then Presidential candidate

* A noteworthy parallel between the Litton matter and the facts at hand is that the complaint in the former instance was apparently triggered by news accounts concerning the motivation behind Congressman Litton's failure to file with the Commission. The St. Louis Post-Dispatch (June 22, 1975, Section 1-10-F) reported: "[t]he principal logic behind Litton's delay in filing his candidacy is simple. Federal election law places a spending limit...on the primary." Cf. Time Magazine (October 1, 1979, p. 21): "The draft [Kennedy] movements also offer financial advantages. As long as they are not personally connected to Kennedy, they can raise (and spend) as much money as they want, according to a ruling of the Federal Election Commission."

** See 2 U.S.C. 431 (p); 11 CFR Part 109. See also, Buckley v. Valeo, 424 U.S. 1, 46, n. 53.

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Senator Henry Jackson to a labor union, the Commission approved a broad test for authorization and consent that takes into account not only words and formal writings, but also actions and conduct. The Commission's General Counsel's Report stated:

[The questions are] whether the expenditures were "authorized" by the Jackson campaign or whether Senator Jackson or his campaign gave "consent" to the expenditures. Certainly it is clear that authorization or consent need not be in writing or even verbal. Conduct could indicate "authorization" or "consent". Thus, Senator Jackson's conduct could have indicated "authorization" for or "consent" to the expenditures.

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The language of the Commission's regulations is further evidence of an intent to define "consent" liberally. For example, the regulations require that, to qualify as an independent expenditure, an expenditure may not be "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent...of the candidate." 11 CFR 109.1(b)(4). Moreover, the regulations provide that such coordination -- and resultant loss of independent status -- will be presumed when the expenditure is made "[b]ased on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made." 11 CFR 109.1(b)(4)(i)(A).

In MUR 473 (78), involving the 1976 Democratic Presidential Campaign Committee, Inc. and the Kentucky United Labor Committee for Carter-Mondale ("KUL"), the General Counsel's report, which was approved by the Commission, explained further:

It appears that Congress and the Buckley decision intended that expenditures made merely with the consent of the candidate's agent should be considered contributions and [KUL's counsel's] statement that "the inquiry must focus on whether the agent directed or guided the group with the intention that an expenditure be made..." is too narrow.

Consent need not be given by the individual or candidate himself, but may be given by his agent. "Agent" is defined in the regulations to include any person with actual oral or written authority, either express or implied, to make or authorize expenditures. 11 CFR 109.1(b)(5). The "Explanation and Justification for Part 109 Independent Expenditures" reiterates: "The definition of 'agency' imputes agency power not only to persons actually authorized, but also to persons who appear to have such power in accordance with general principles of the law of agency."

There appears to be no reasonable basis for differentiating between the consent sufficient to trigger candidate status and the consent sufficient to preclude independent expenditure status. In both cases, a broad definition of consent is required to prevent evasion of the Act's reporting requirements and its contribution and expenditure limitations.*

* One exception from the definition of contribution and expenditures (and derivatively from candidate status) is the so-called "testing the waters" exception, contained in Commission regulations 1004(b)(1) and 100.7(b)(2). Thus, Section 1004(b)(1) excludes from the "definition" of contribution:

[footnote continued]

2. Relationship Between Senator Kennedy and the Draft-Kennedy Committees: Communications, Cooperation, and Consent.

A. Summary. As explained above, the issue presented here is whether as of September 1, 1979, Senator Kennedy, through his words or conduct, directly or through any agent, had authorized or consented to the activities of any of the draft committees, i.e., their receiving of contributions or making of expenditures with a view to bringing about his nomination or election.

The facts set forth below demonstrate that by early August 1979, Senator Kennedy had begun consenting to the activities

[P]ayments made for the purpose of determining whether an individual should become a candidate, such as those incurred in conducting a poll, if the individual does not otherwise become a candidate. If the individual otherwise subsequently becomes a candidate, the payments are contributions, and must be reported with the first report filed by the candidate or the principal campaign committee of the candidate, as appropriate, regardless of the date the payments were made.

This exception appears clearly inapplicable here. For example, the campaign literature of the Florida and New Hampshire draft-Kennedy committees indicates that the expenditures made by them on behalf of Senator Kennedy go much further than determining whether Senator Kennedy should run for President; these expenditures were clearly made with a view toward his nomination.

Moreover, even if some portion of the Committees' contributions and expenditures could be determined to fall under the "testing the waters" exception, in light of Senator Kennedy's declared status as of October 29, 1979 as a candidate for purposes of the Federal Election Campaign Act, any such contributions and expenditures would now become subject to the Act's contribution and expenditure limits and would become reportable on Senator Kennedy's first report.

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of the Florida and New Hampshire draft-Kennedy Committees,* and that by September 1, 1979, he was not only consenting but encouraging and assisting them through a combination of direct and indirect communications and a series of public signals designed to boost the lagging fundraising and organizational activities of these groups.

Complainant, of course, does not have subpoena power or discovery rights at this stage of the current proceeding, and thus is hampered in its ability to present detailed evidence of specific communications and understandings between Senator Kennedy and the respondents. From publicly available sources alone,** however, it can be seen that:

(1) in August, 1979, the leadership of the Florida and New Hampshire draft committees communicated urgent requests for assistance to Senator Kennedy through the Senator's political agents;

(2) the assistance requested was for a strong public signal that the Senator was running for President, which was seen as necessary to boost fundraising and organization efforts, particularly in Florida where the first Carter-Kennedy test was forthcoming in the October 13th Democratic County caucuses;

* While this amendment concentrates on Florida and New Hampshire, Senator Kennedy or his agents also may have authorized or consented to the activities of the Iowa and other draft-Kennedy committees as well. Moreover, if the Commission finds the respondent draft committees affiliated, then authorization or consent of one of the committees would amount to authorization or consent of all of the affiliated committees.

** See Appendix I hereto and discussion, infra.

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(3) the Senator and his political advisors carefully weighed the decision about whether to give the requested signal and to assist the draft committees in this way;

(4) in late August and early September, the requested public signal was made, emphasized, and repeated in deliberate fashion in response to these requests; and

(5) the leaders of the Florida and New Hampshire committees then confirmed that they had communicated their political needs to Senator Kennedy through intermediaries and had been given positive and encouraging responses.

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; In addition, on information and belief, complainant submits that commencing at least as early as September 1, 1979, regular and continuing political contact with the Florida committee, and perhaps other respondent committees, was maintained by Carl Wagner, then the chief political aide on Senator Kennedy's Senate staff and now field director of the Kennedy campaign. This contact was carried on by Mr. Wagner through the IAM and specifically through Anthony Podesta, a Machinists' employee and unofficial advisor and recruiter for both the draft-Kennedy committees and the authorized Kennedy "exploratory" committee.

B. Contacts and Communications by or on Behalf of Senator Kennedy with the New Hampshire and Florida Committees.

A general chronology of Senator Kennedy's positions on his candidacy is attached as Appendix I to this amendment. It

shows that three distinct phases existed in 1979 with respect to Senator Kennedy's actions and statements on the issue of his candidacy.

The first phase, lasting until early June of 1979, was characterized by statements of strong support for President Carter's renomination and re-election. Draft-Kennedy committee organizers were called by members of Senator Kennedy's staff and asked to stop their activities. Senator Kennedy stated that he was prepared to campaign for the President if the President wished and said he would sign written disclaimers in order to keep himself off primary ballots wherever that was possible.

During the second phase, which lasted from early June to early August, Senator Kennedy's posture changed. He said he would run if President Carter did not. His staff and political agents discontinued their previous practice of telling draft-Kennedy committee leaders to stop their activities. Reports began to appear that Senator Kennedy privately was telling political associates to "hang loose" or "stay in touch." During this interim period, however, Senator Kennedy continued to state that he "intended to support" President Carter for renomination and re-election.

Beginning sometime in August, Senator Kennedy began to function as a candidate for the Democratic nomination for President, encouraging the activities of the strategically located draft

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committees in Florida and New Hampshire, and allowing his political advisors to begin planning a fall campaign, recruiting staff, and the like. A more specific review of the communications with the New Hampshire and Florida committees follows below.

(1) New Hampshire. During the mid-summer period, the leaders of the draft-Kennedy committees, including New Hampshire, began to note publicly that Senator Kennedy was not doing anything to stop their efforts. For example, on August 11, 1979, the Boston Globe reported that Dudley Dudley, New Hampshire draft-Kennedy co-chair, said of Senator Kennedy: "He must know what we're doing. He could put a stop to it, but he has very clearly chosen not to." (See Exhibit ZZ)

Dudley and the other leaders of the New Hampshire committee, however, wanted a stronger signal of Senator Kennedy's approval of their efforts and his intention to run for President and so sought a meeting with Senator Kennedy or a representative for this purpose. The meeting that resulted in Hyannis, Massachusetts, between Dudley and Joanne Symons, the co-chairs of the New Hampshire draft-Kennedy committee, and Paul Kirk, former Administrative Assistant to Senator Kennedy and now political director of the Kennedy campaign committee, was described in the Concord, N.H., Monitor of August 27, 1979 (Exhibit AAA):

"We went to Hyannis hoping to get some sort of sign that we're doing the right thing," Mrs. Dudley said. "We got our sign and that's all I can say about it."

. . . .

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While Kennedy...promoted SALT in the front of the room, a senior Kennedy operative, Paul Kirk, was in the rear telling a very surprised Mrs. Dudley and Mrs. Symons, "You're doing a great job."

But the entry of a reporter broke up the coveted meeting to the obvious displeasure of the two women.

Nevertheless, a short while later the trio reassembled out of earshot of reporters, and for 15 minutes the unauthorized molders of the rapidly growing Kennedy movement talked in hushed tones with Kirk.

The discussion did not go unnoticed and several political zealots who watched said it wasn't supposed to. "Dudley and Joanne have just been given Kennedy's blessing," said a veteran Massachusetts politician. "Speaking to Kirk is the same as speaking to Ted. They could have had their little talk over the phone but they did it here because they wanted everyone to see it."

In a subsequent national television interview ("Good Morning America," ABC, September 11, 1979), Dudley confirmed that she considered the message from Kirk to be encouragement from Senator Kennedy:

Steve Bell: Has anyone closely identified with Senator Kennedy ever given you encouragement?

David Hartman: Dudley?

Dudley: I feel that we've been encouraged, yes. We've had a meeting with -- an informal social meeting with someone very close to Senator Kennedy, and I feel that we were very encouraged by that meeting. (See Exhibit FF to original complaint)

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(2) Florida. In two different interviews given on or about August 19, 1979, Sergio Bendixen, co-chair of the Florida draft-Kennedy committee, similarly indicated that he had communicated with political representatives of Senator Kennedy and had been given positive responses.

The Jacksonville Times-Union of August 19, 1979 (column of Political Editor Hank Drane; Exhibit BBB) reported:

Sergio Bendixen of Miami, the shrewd, youthful organizer of the draft-Kennedy campaign, which also has no official status, claims to have never met or talked with Kennedy. Yet, in a subtle way, he lends the impression that he knows a great deal more about Kennedy's presidential plans than he is free to admit.

He is confident, he says, that Kennedy will issue a statement shortly before Oct. 13, the date delegates will be selected in statewide caucuses for the Nov. 18 St. Petersburg ballot. The statement, Bendixen says, will move Kennedy closer to the status of a candidate and boost his chances of defeating President Carter in the straw ballot.

On the same day, the Orlando Sentinel-Star also carried an interview with Bendixen (Exhibit CCC) in which he said:

I talked to some people who were close to Kennedy and his staff and I became convinced he would run if the political conditions were right.

On information and belief, Bendixen during this period had at least one telephone conversation and one breakfast meeting with Carl Wagner, chief political aide to Senator Kennedy, concerning, inter alia, the October 13th Florida Democratic county caucuses and the benefits to Senator Kennedy of defeating President Carter there.

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Interviews with the Florida draft-Kennedy committee's other co-chair, Mike Abrams, also tend to corroborate the fact and general content of the communications with Kennedy's representatives. The Miami Herald reported on September 11, 1979 ("Is Ted a Draft Volunteer?", Exhibit DDD):

The Kennedy faithful, like Abrams -- who helped carry the 1976 Florida primary for Carter -- have no doubt that Kennedy is running. A big reason is that Kennedy touched off the speculation himself at a moment that the Florida effort was lagging.

Abrams acknowledged that he and others in the Florida draft-Kennedy movement indirectly let the Massachusetts Democrat know that the fund-raising was going slowly and that the President's campaigners, including outgoing U.S. Ambassador Andrew Young, were making inroads.

Abrams feared disaster later this month and in November when Florida Democrats choose their favorite in a straw vote at the party's state convention.

Similarly, the Palm Beach Post-Times of October 7, 1979 (Exhibit EEE) quoted Abrams as saying that he had a "pretty good feeling" in April that "Kennedy could be brought in," but that "I wasn't really certain until August."

C. The Kennedy Response.

On September 7, 1979, the Senator's office announced that his family had removed any objections to his running. Shortly afterwards, Senator Kennedy's office also announced that the Senator on the same day had informed the President that he did not "rule out" challenging him for the Democratic nomination. Both announcements received intensive news coverage.

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An article contained in the September 8, 1979 New York Times (Exhibit FFF), which appears to have been based on interviews with Kennedy political associates, reported that these signals had been designed to "encourage draft-Kennedy movements in 19 states."

The article further explained:

Privately, Kennedy backers said, the Senator has been urged strongly by such close associates as Stephen E. Smith, his brother-in-law, that he had to shift his longstanding position -- as he did today -- or else he would risk a serious and perhaps fatal loss of momentum in the draft-Kennedy movements around the country.

Some Kennedy associates had hoped the disclosure yesterday that the Kennedy family no longer objected to his candidacy would be a sufficient stimulus for the draft-Kennedy movement. But the Senator apparently felt the need to go further today. And he added force to the disclosure about his family today by confirming it personally.

D. Contacts by Carl Wagner with Draft-Kennedy Committees Through the Machinists and Anthony Podesta.

On information and belief, another method by which Senator Kennedy and his political representatives maintained contact with, and provided assistance to, the Florida committee (and perhaps other draft committees) was through Anthony Podesta. Mr. Podesta is an employee in the IAM's legal department. Mr. Wagner, as explained above, was until recently employed on Senator Kennedy's Senate staff as chief political aide and is now serving, on information and belief, as field director of the Kennedy campaign committee.

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It is believed that Wagner has maintained nearly daily contact with Podesta since August, 1979, concerning the Kennedy candidacy and concerning means of assisting the draft-Kennedy committees, particularly the Florida committee, during the September and October Carter-Kennedy contest in the Florida Democratic county caucuses. Podesta, in turn, has provided coordination, oversight and assistance to the draft committees. For example, on information and belief, Podesta, in consultation with Wagner, performed a recruiting function for the Florida committee to find experienced out-of-state organizers to go to Florida for the closing weeks of that campaign. For instance, on information and belief, Podesta was instrumental in recruiting Kent Brownridge, an employee of Rolling Stone magazine, to run Sarasota County, Florida, for the draft-Kennedy committee.*

Many of the workers recruited by Podesta and/or Wagner for the draft committees will apparently assume roles with the announced Kennedy committee. The Washington Star of October 24, 1979, reported in an article based on interviews with those forming the authorized "exploratory" committee that "a pointed

* In drawing attention to these activities and communications by Messrs. Wagner and Podesta, complainant does not suggest that either person has done anything illegal or improper. Rather, complainant brings these facts to light for the purpose of demonstrating that Senator Kennedy was in touch with the key draft-Kennedy committees and did authorize, consent to, and encourage their activities. Nor is this illegal or improper. Having consented to and even encouraged these committees, however, Senator Kennedy must accept the consequences, which are, as further discussed infra, that their expenditures count against his expenditure limitations.

effort will be made to bring in newcomers, especially those who started up the draft committees in various states."*

3. Relief Sought Under This Section.

It is abundantly clear from the above that if Senator Kennedy had wished this summer to avoid authorizing or consenting to the activities of the mentioned draft committees, he could have done so by following his practice of this spring: active discouragement of the efforts on his behalf by the committees. Instead, he not only allowed them to finance substantial anti-Carter campaigns, he deliberately gave public signals and private encouragement that could have had no other reasonable purpose but to enhance the financial and organizational activities of the draft committees and thus his own prospects against President Carter.

Senator Kennedy, however, has maintained that the draft committees were and are completely independent from, and unauthorized by, him and his campaign. Complainant believes that this position

* See also the Washington Star story of October 25, 1979, confirming that the Kennedy campaign would attempt to assimilate much of the draft movement:

Kennedy advisers are in the process of deciding how to use workers from the draft committees in the official committees that must eventually be set up at the state level. In the key primary states, the draft movement has the ability to hand over to Kennedy a vast collection of workers who have already been organized all the way down to the precinct level.

is simply not sustainable, either legally or factually. Nor does complainant believe that permitting this position to prevail would be consistent with the spirit of the Federal Election Campaign Act or fair to the other candidates.

The consequences of the Commission's decision on this matter are extremely serious.

The situation in New Hampshire is illustrative. By now, the New Hampshire draft-Kennedy committee, on information and belief, has raised and spent on Senator Kennedy's behalf in excess of \$70,000, or over 25 percent of the state expenditure limitation of around \$264,000.* These funds, it should be noted, appear to have been spent for exactly the same things that Senator Kennedy would have had to acquire as an acknowledged candidate: voting and contributor lists; the services of political organizers and consultants; media advertising; and campaign literature, bumper stickers, buttons, posters, and other paraphernalia. And the New Hampshire committee has made clear that it plans to turn over the fruits of these expenditures to Senator Kennedy's campaign. For example, Joanne Symons, the co-chair of the draft committee, has stated:

We've got almost a quarter of a million three by five cards that identify every registered Democrat and independent in every town in New Hampshire, but one....

* The large majority of these funds were raised and spent subsequent to the well-publicized meeting between the leaders of the committee and the political director of the Kennedy campaign. See Exhibit AAA.

There's nothing the FEC can do to prevent us from turning them over to Kennedy.*

The situation in Florida is comparable. The draft-Kennedy committee in Florida has acknowledged spending between \$260,000 and \$270,000, or almost 20 percent of the state spending limitation. The Iowa, Minnesota, and California draft-Kennedy committees have also raised and spent substantial sums on the Senator's behalf. In all, the registered draft-Kennedy committees have reported or acknowledged spending in excess of \$400,000. (This figure is undoubtedly low, since the last relevant FEC reports are now a month old.)

Unless the amounts spent by the draft-Kennedy committees are counted against the applicable expenditure limits, Senator Kennedy's campaign will have up to a 20-to-25 percent financial advantage over all other candidates in New Hampshire and Florida and a significant advantage in several other states. Yet, by all available accounts, Senator Kennedy has no intention of either refusing the benefits of the draft committees' work product or counting their expenditures against his spending limits. Under these circumstances, complainant has no alternative but to ask the Commission to intervene.

Specifically, based on all of the above, complainant believes that -- as of no later than September 1, 1979** -- Senator Kennedy

* Foster's Daily Democrat, Dover, N.H., October 29, 1979; Exhibit GGG.

** Without subpoena or discovery power, complainant is unable to fix precisely the date on which Senator Kennedy first authorized or consented to the activities of one or more of the respondent draft committees. As previously indicated, September 1, 1979, is offered as a conservative choice, which could be changed as further investigation and information warrants.

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GENERAL COUNSEL

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should be considered as having authorized or consented to the activities on his behalf by the respondent committees.

Complainant further asks: that all expenditures made by the respondent committees subsequent to that date should count against Senator Kennedy's national and state expenditure limitations; and that all contributions made to such committees subsequent to that date should count against the applicable limitations for contributions by individuals and multicandidate political committees to an authorized candidate committee.

Moreover, and also as of September 1, 1979, individuals contributing more than \$1,000 to the respondent committees, and multicandidate political committees contributing more than \$5,000 to such committees, should be found to be in violation of the contribution limitations set forth in 2 U.S.C. 441a(a), and the committees receiving such contributions should be ordered to return all amounts to the donors.

Time is of utmost importance in this regard. Unless the requested relief is granted promptly, the Carter-Mondale campaign will face a serious spending disadvantage in New Hampshire and perhaps elsewhere. For, unless the Commission acts expeditiously, amounts that ultimately may be found greatly in excess of the state expenditure limitations may be spent without any adequate remedy for the Carter-Mondale committee; and once made, these excessive expenditures and their unfair political impact can never be undone.

4. Verification.

The undersigned counsel for the complainant swear that the allegations and other facts in the complaint are true and correct to the best of their knowledge, information, and belief.

BY: Timothy G. Smith

Timothy G. Smith
General Counsel

Carol C. Darr

Carol C. Darr
Deputy General Counsel

Carter-Mondale Presidential
Committee, Inc.
1413 K Street, N.W.
Washington, D. C. 20005
202/789-7300

Subscribed and sworn to, before
me, this 2nd day of November, 1979.

Darla J. Cooke
Notary Public
My commission expires 3/31/83

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CHRONOLOGY OF KENNEDY CANDIDACY

<u>Date</u>	<u>Source</u>	<u>Summary of Kennedy Position/Action</u>
3/23/79	Minn. <u>Tribune</u>	Kennedy will ask Rep. Richard Nolan to stop trying to generate support in Minnesota for a Kennedy presidential campaign in 1980, a Kennedy aide said Thursday..
5/24	Minn. <u>Tribune</u>	Asked (in view of "Gang of Five" announcement of dump-Carter, pro-Kennedy campaign) why he would not make a "Sherman-like" statement, Kennedy said that the current situation differed from that facing Sherman: "General Sherman didn't have a candidate at that time. I have a candidate and it is President Carter."
5/27	L.A. <u>Times</u> (p.1)	"I intend to support the President," has been Kennedy's consistent response to questions about whether he will run. He has also said repeatedly that he is prepared and willing to campaign for Carter if that's what the President wants. <p style="text-align: center;">. . . .</p> In Iowa, when a draft-Kennedy drive was getting public attention, Kennedy staff members began making calls to key organizers, telling them to stop.
6/6	St. L. <u>Post-Dispatch</u>	Kennedy has said he will sign written disclaimers of candidacy to keep himself off primary ballots in cases where that is possible.
6/10	Boston <u>Globe</u>	Senator Kennedy quoted in interview with Robert Healy as saying he would probably run for President if Carter withdraws.

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<u>Date</u>	<u>Source</u>	<u>Summary of Kennedy Position-Action</u>
7/15	<u>Atlanta Constitution</u> (Cox syndicate)	Story, based on interview with Sen. Kennedy, says he would run under the right circumstances, e.g., if the President were to "bow out." But, asked if he will run, Kennedy says, "Carter's my man."
8/5	<u>Washington Star</u>	Kennedy has been privately telling politicians interested in his political plans to "hang loose" or "stay in touch."
8/10	<u>St. Paul Dispatch</u> (AP story)	While the Massachusetts Democrat says he's done nothing to encourage these [draft committee] efforts, neither is there any evidence that he is trying to stop them. . . . When [Paul] Tsongas, Massachusetts' junior senator, recently announced he might run as a stand-in for Kennedy in the Massachusetts primary, his senior colleague's response was predictable. According to Tsongas aide, Helen Thompson, "We haven't heard anything from Kennedy. He could have told us not to do it. But he didn't."
8/10	Various wire stories	Meeting between Senator Kennedy, Senator Daniel Moynihan and Governor Carey of New York at Brookport, N.Y., where Kennedy tells them he will make a decision on whether to run by Thanksgiving.
8/11	<u>Boston Globe</u>	Story quoting Dudley Dudley, co-chair of New Hampshire draft-Kennedy committee: "He must know what we're doing. He could put a stop to it, but he has very clearly chosen not to."

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Summary of
Kennedy Position/Action

<u>Date</u>	<u>Source</u>	<u>Summary of Kennedy Position/Action</u>
8/19	<u>Jacksonville Times- Union</u> (Hank Drane column)	"Sergio Bendixen of Miami, the shrewd, youthful organizer of the draft-Kennedy campaign, which also has no official status, claims to have never met or talked with Kennedy. Yet, in a subtle way, he lends the impression that he knows a great deal more about Kennedy's presidential plans than he is free to admit. . . . "He is confident, he says, that Kennedy will issue a statement shortly before Oct. 13, the date delegates will be selected in statewide caucuses for the Nov. 18 St. Petersburg ballot. The statement, Bendixen says, will move Kennedy closer to the status of a candidate and boost his chances of defeating President Carter in the straw ballot."
8/19	Orlando <u>Sentinel-Star</u>	Interview with Sergio Bendixen, co-chair of Florida draft-Kennedy committee. "I talked to some people who were close to Kennedy and his staff and I became convinced he would run if the political conditions were right."
8/27	Concord, N.H. <u>Monitor</u>	Report of meeting in Hyannis, Mass. of Dudley Dudley and Joanne Symons, the co-chairs of the New Hampshire draft-Kennedy committee, with Paul Kirk, former administrative assistant to Senator Kennedy, and now identified as the political director of the Kennedy campaign. "We went to Hyannis hoping to get some sort of sign that we're doing the right thing," Mrs. Dudley said. "We got our sign and that's all I can say about it." . . .

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Date

Source

Summary of Kennedy Position/Action

While Kennedy...promoted SALT in the front of the room, a senior Kennedy operative, Paul Kirk, was in the rear telling a very surprised Mrs. Dudley and Mrs. Symons, "You're doing a great job."

But the entry of a reporter broke up the coveted meeting to the obvious displeasure of the two women.

Nevertheless, a short while later the trio reassembled out of ear-shot of reporters, and for 15 minutes the unauthorized molders of the rapidly growing Kennedy movement talked in hushed tones with Kirk.

The discussion did not go unnoticed and several political zealots who watched said it wasn't supposed to. "Dudley and Joanne have just been given Kennedy's blessing," said a veteran Massachusetts politician. Speaking to Kirk is the same as speaking to Ted. They could have had their little talk over the phone but they did it here because they wanted everyone to see it."

See generally, "Senator's Own Signal Set Off Draft-Kennedy Drive." (Post, p. A-1)

Senator Kennedy's office reveals that his family has removed any objections to his running for President.

President Carter and Senator Kennedy meet at White House lunch. Kennedy tells President that he does not "rule out" a candidacy. (See, e.g., Washington Star, 9/12, p. A-1)*

* Cf. also Washington Star, 9/11, p. A-1 ("Economy Is Key to Run By Kennedy -- He Tells What Might Put Him in '80 Race") with Washington Star, 9/13, p. A-1 ("Kennedy Stress on Economy Seen As Cover Story.").

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9/2

Washington Post

9/7

Various news accounts

9/7

Various news accounts

<u>Date</u>	<u>Source</u>	<u>Summary of Kennedy Position/Action</u>
9/8	<u>N.Y. Times</u>	Kennedy's shift in position analyzed as clear signal that he was moving closer to entering the race and encouraging draft-Kennedy movements in 19 states. "Privately, Kennedy backers said, the Senator has been urged strongly by such close associates as Stephen E. Smith, his brother-in-law, that he had to shift his longstanding position -- as he did today -- or else he would risk a serious and perhaps fatal loss of momentum in the draft-Kennedy movements around the country. "Some Kennedy associates had hoped the disclosure yesterday that the Kennedy family no longer objected to his candidacy would be a sufficient stimulus for the draft-Kennedy movement. But the Senator apparently felt the need to go further today. And he added force to the disclosure about his family today by confirming it personally." "Mike Abrams, a leader of the draft-Kennedy movement in Florida (a crucial state for any candidate), told Knight-Ridder Newspapers that he understood that Kennedy has decided to make an announcement by late November. "The Kennedy faithful, like Abrams -- who helped carry the 1976 Florida primary for Carter -- have no doubt that Kennedy is running. A big reason is that Kennedy touched off the speculation himself at a moment that the Florida effort was lagging.
9/11	<u>Miami Herald</u> ("Is Ted a Draft Volunteer?")	

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<u>Date</u>	<u>Source</u>	<u>Summary of Kennedy Position/Action</u>
9/11	"Good Morning America" (ABC Transcript (pp. 2-3)	<p>"Abrams acknowledged that he and others in the Florida draft-Kennedy movement indirectly let the Massachusetts Democrat know that the fund-raising was going slowly and that the President's campaigners, including outgoing U.S. Ambassador Andrew Young, were making inroads.</p> <p>"Abrams feared disaster later this month and in November when Florida Democrats choose their favorite in a straw vote at the party's state convention."</p> <p>Interview of Mike Abrams and Dudley Dudley by David Hartman and Steve Bell:</p> <p>Hartman: Have you -- have you had -- he has the right to ask you to stop doing these movements to draft him. Has he asked you all to stop?</p> <p>Dudley: Never.</p> <p>Hartman: Never.</p> <p>Abrams: No.</p> <p>Hartman: You're laughing, though, Mike. Why are you laughing?</p> <p>Abrams: Well, because I think that's the whole point. That's why he's running. Otherwise this whole thing could be stopped.</p> <p>Steve Bell: Has anyone closely identified with Senator Kennedy ever given you encouragement?</p> <p>Hartman: Dudley?</p>

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Date

Source

Summary of Kennedy Position/Action

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9/11

Wall St. Journal;
Boston Globe

Dudley: I feel that we've been encouraged, yes. We've had a meeting with -- an informal social meeting with someone very close to Senator Kennedy, and I feel that we were very encouraged by that meeting.

Senator Kennedy tells Journal and Globe reporters in interviews that he has not "foreclosed the possibility" of running for President.

The Journal reported: The Massachusetts Democrat is slower to repeat his long-standing pro-forma statement that he expects President Carter to be renominated and reelected with his support. This switch, he said, occurred "in the last six to eight weeks as I had more time for reflection...."

9/12

AP story in
Washington Star

Senator Kennedy calls the nation's response to his potential presidential candidacy heartening.

9/12

Washington Star
(p. A-1)

Kennedy, confirming that he has opened the door to a possible 1980 challenge to President Carter, has already begun to talk in terms of waging a long, tough fight against him for their party's nomination.

"I think it will be a hard-fought battle, both the nomination and election," Kennedy told reporters.

9/28

UPI story
(Clay Richards)

Senator Kennedy tells Massachusetts AFL-CIO convention that they won't be disappointed when he announces in a few weeks whether he will challenge President Carter in 1980.

<u>Date</u>	<u>Source</u>	<u>Summary of Kennedy Position/Action</u>
9/30	Palm Beach Post-Times	The draft-Kennedy movement started slowly in Florida last spring but mushroomed this summer when Kennedy sent out a steady stream of signals that he may run. Money from other states with draft-Kennedy movements began pouring into Florida....
10/1	<u>Time Magazine</u>	Behind the scenes, Paul Kirk, a Washington attorney who is a long-time friend of Kennedy, started coordinating campaign activities.
10/6	Ames (Iowa) Tribune (p.9) (UPI story)	<p>Asked if there is still a chance he might decide against running, Kennedy said, "I am very much aware of the sense of expectation that has built up. I wouldn't attempt to mislead people in terms of my own thinking.</p> <p>"You have to take what I've said in recent weeks and where I've said it."</p> <p>. . . .</p> <p>Kennedy said if he were to run he does not think he will have a problem uniting the various draft Kennedy organizations.</p> <p>"There are always organizational issues to be resolved. There is a question about bringing the people who have been supporting us in different places in the country together with those who haven't been involved.</p> <p>"It takes some doing. It takes some time, but I think we can do it," Kennedy said.</p>

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<u>Date</u>	<u>Source</u>	<u>Summary of Kennedy Position/Action</u>
10/7	<u>Palm Beach Post-Times</u> (p. D-4)	Mike Abrams quoted as saying that he had a "pretty good feeling" in April that "Kennedy could be brought in," but "I wasn't really certain until August."
10/18	Wall St. <u>Journal</u>	Kennedy to start now-certain campaign with a committee next week.
10/24	<u>Washington Star</u> (Germond & Witcover)	"[Gerard] Doherty's heavy involvement does not, however, signal a complete takeover of the embryonic campaign by old Kennedy hands. According to informed sources, a pointed effort will be made to bring in newcomers, especially those who started up the draft committees in various states."

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CARTER/Mondale Presidential Committee
Legal Office

FEDERAL Election Commission
Office of GENERAL Counsel
7th Floor
1320 K St, NW

ATTN: Marsha G.

Carter/Mondale Presidential Committee
PO. Box 500
Washington, D.C. 20044

Exhibits LL through ~~MM~~
for Amendment to Complaint

Exhibit U

**KENNEDY MATCHING PLEDGE FUND
1411 K STREET, N.W.
SUITE 850
WASHINGTON, D.C. 20005**

September 14, 1979

**From: Patsy T. Mink, Chairperson
Kennedy Matching Pledge Fund**

**Subject: Kennedy Presidential Primary
Matching Payment Pledge**

5 3 7 9
Under the Federal Election Campaign laws there is established a "Presidential Matching Payment Account". Under the provision of the federal law, a candidate in Presidential primaries after qualifying may receive matching funds from a special federal treasury account. Obviously federal money is a tremendous help to a candidate.

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During 1976 the major Presidential campaigns had difficulty qualifying for federal matching funds--and one campaign took almost a year; this delay resulted from the need for accurate information, audits and other difficulties caused by lack of time. This Kennedy "pledge" campaign will take care of most of these problems.

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It is our purpose by this campaign to take whatever steps are necessary to help the Kennedy campaign and to make campaign funds available quickly. We will request pledges, not money, because we don't want to drain any funds from draft Kennedy committees in the states and believe the funds should be paid over to the "authorized" Kennedy committee when established--and not to the pledge committee. We will collect the pledge cards and the required information.

The purpose of the fund will be to raise at least \$5,000 in pledges of \$250 or less in each of twenty states so that when Senator Edward Kennedy decides to become a candidate for the Democratic nomination for President, he will be able to qualify quickly for matching funds under the Federal Election Law. The pledges raised will be held until Senator Kennedy makes his decision. Upon his announcement of candidacy, the pledgers immediately will be requested to pay their pledges to the Senator's authorized election campaign committee for immediate qualification for matching funds.

Calendar:

1. Immediately approach leaders of all states except Florida, New Hampshire, and Iowa to organize the state matching fund pledge campaign.

2. Send full information to all interested parties.
3. Carefully check all pledges received for accuracy and completeness of information required by federal election law. This includes: name, address, occupation, business address, and amount of pledge/contributions.
4. Upon announcement of candidacy by Senator Kennedy, we will forward to the authorized Kennedy Campaign all the information on hand and we will send telegrams to all pledgers requesting immediate payment of pledges.

It is our belief that this pledge campaign will play a significant role in giving the Kennedy campaign a quick start upon formal announcement. Of course, if Kennedy decides not to run, the pledges will not be collected. The members of the Kennedy Matching Pledge Fund Committee are:

Patsy T. Mink, ADA President
Chairperson

William Winpisinger, President, International Association of Machinists
and Vice President, Americans for Democratic Action
Vice Chairperson

Winn Newman, General counsel, International Union of Electrical
Workers and Coalition of Labor Union Women
Treasurer

Joseph L. Rauh, Jr., Vice President, Americans for Democratic Action

Paul Tsongas, Senator (D-Mass.)

Leon Shull, National Director, Americans for Democratic Action
Secretary

For additional information write or phone:

Leon Shull
Amy Isaacs
1411 K Street, N.W., Suite 850
Washington, D.C. 20005
202/638-6447

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EXHIBIT MM

KENNEDY in '80

Americans for Democratic Action • 1411 K St., N.W., Suite 850 • Washington, D.C. 20005 • 202/638-6447

September 1979

Vol. 1, No. 1

GRASSROOTS MOVEMENT SEEKS TO RESTORE DEMOCRATIC PARTY

All across the country, a movement is afoot to restore the Democratic Party to its traditional posture as a party of the people -- and to seek new leadership that can successfully meet the challenges of the 1980's.

Senator Edward Kennedy of Massachusetts can provide that kind of leadership. By every test of public opinion Senator Kennedy is the overwhelming choice of both Democrats and the general population for President in 1980. In almost every state substantial "Draft Kennedy" committees have been formed.

On June 24, Americans for Democratic Action (ADA) endorsed the Draft Kennedy movement, pledging to help build a "national mandate" for a Kennedy candidacy -- or else seek an alternative progressive candidate if Senator Kennedy declines to run.

In 1976, candidate Jimmy Carter embraced the Democratic Party's national platform and proclaimed a standard of excellence for his presidency, asking in the title of his autobiography: "Why Not the Best?"

Regretfully, as is widely recognized, President Carter has not kept his "Contract with the American People" (the 1976 Democratic Party Platform) and has not displayed the leadership qualities, an essential ingredient of a successful Presidency. We have not had the "best."

As a result Jimmy Carter's job approval rating with the American people is lower than that of any other President since public opinion polling first began; lower than even that of Richard Nixon at the height of Water-gate. Since Carter took office, the number of Americans identifying themselves as Democrats has dropped drastically in proportion to the total electorate, and if the 1980 election were held today, Republicans such as Gerald Ford or Ronald Reagan might defeat Jimmy Carter outright.

In 1980, Democrats have the right -- and the obligation -- to ask: "Why not the best?" We want the stongest possible contender against all potential Republican opposition. We need a candidate who can arouse the enthusiasm of the American people -- and who can give positive leadership. We need a candidate who can also help the Democratic Party to retain control of the U.S. Senate, which they are in grave danger of losing in 1980. Finally we need a presidential candidate who can offer positive solutions to the problems of the 1980's that are in the great tradition of the Democratic Party and its past years' liberal leadership.

Senator Kennedy is that kind of candidate, and we believe that a demonstration of solid support will convince Senator Kennedy to make the race. If he does decline to run, there are still other strong and talented leaders to whom the party can turn. Together, we must show these people that the nation wants an alternative -- and that it is our collective judgment that President Carter's leadership, no matter how well-intentioned, is woefully inadequate.

FLORIDA, IOWA, NEW HAMPSHIRE: THE KEYSTONE STATES

The widely spread perceived need for a change can be demonstrated quickly and easily in three states that figure early in the delegate selection process for the 1980 Democratic National Convention in New York City:

In Florida, the Democratic State Convention will be held November 18, 1979. The effective date is October 13, 1979 when the delegates are selected. Delegates will take a straw vote to indicate their preference for the party's 1980 nominee. The vote will not affect the actual delegate selection process for the 1980 convention, but is still of immense psychological importance. In 1976, Florida was the site of an early Carter victory which created significant momentum for his national candidacy.

Iowa, which will hold precinct caucuses on January 21, 1980 as the initial stage of its delegate selection process, likewise gave an important boost to the 1976 Carter campaign. However, the Iowa caucuses lend themselves to the election of uncommitted delegates. If Senator Kennedy does not announce his candidate by that time we intend to remain uncommitted in Iowa and other states until Kennedy or another acceptable alternative emerges as a candidate.

After Iowa, comes New Hampshire on February 26, 1980 -- the state that traditionally makes or breaks a presidential candidate. In 1952 and 1968, incumbents Harry Truman and Lyndon Johnson withdrew from the presidential race after suffering defeats in New Hampshire. A less than impressive showing seriously wounded Senate Edmund Muskie's candidacy in 1972. In 1976, Carter won the primary -- and must do so again to maintain his credibility as a candidate. The New Hampshire primary is, however, traditionally receptive to write-in votes. In 1980, we intend to write-in for Kennedy.

The efforts in Florida, Iowa and New Hampshire are crucial. But equally crucial is the need to run "uncommitted" delegate states in other states, so that Senator Kennedy can still have a chance at the nomination, even if he enters the race at a fairly late date, after many filing deadlines have passed. It is our responsibility to keep the Party's options as wide open as possible as long as possible.

In the months ahead, ADA will continue to publish this newsletter to keep you informed about the needs and progress of the "Democratic Alternative" movement overall. In the meantime, there are several ways in which you can assist our campaign nation-wide:

*** Contact your local Democratic Alternative or Kennedy Draft Commit-

tee. Find out what their plans are and how you can help. If there is no committee at work in your area, contact us and we will help in forming one.

*** Help raise funds to assist the crucial early efforts in Florida, Iowa, and New Hampshire. Hold a bake sale, or a dinner, or fund-raising cocktail reception. Or do some old fashioned fund raising by just asking supporters for contributions. The Carter re-election campaign has already raised almost \$2 million nation-wide; people in the early states need money desperately. Please send what you can spare today.

*** Familiarize yourself with your state party's delegate selection plan. Plan on attending precinct caucuses if your state has them.

*** The rules for the federal election fund raising are strict and complex. We enclose a brief memo on that subject explaining "Independent expenditures." The memo was prepared for ADA chapters but applies equally well to any independent campaign committee. Please read it carefully. The penalties for violations are serious and include violation of criminal statutes.

Information can be obtained from the ADA office. When in doubt, ask!

We also enclose up-to-date information about state dates for caucuses, primaries and filing dates plus a brief run down on state delegate selection plans. All this information is accurate at this date but is subject to change and many state plans are not yet available. We'll keep you informed.

Enclosed is a partial list of Democratic Alternative or Kennedy Draft organizations around the country. These groups do not constitute a single national organization. In the best spirit of democracy, the Democratic Alternative movement is a grassroots movement -- initiated by the people themselves.

Enclosures:

1. Partial List of Kennedy/Alternative Committees around the Country.
2. List of state primaries and delegate filing dates.
3. List of caucus states and dates.
4. Information on fund raising.
5. Information on State Delegate Selection.

Finally: Remember that the end process of all this is the election of delegates to the 1980 Democratic party convention in New York City in August, 1980. Join the process. Help in the work of your state and local committee. Become a delegate yourself.

- - - - -

DO YOU NEED ADDITIONAL HELP? ASK THE ADA OFFICE.

DO YOU HAVE SUGGESTIONS? SEND THEM TO THE ADA OFFICE.

ADA OFFICE CONTACT: AMY ISAACS

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EXHIBIT 201

Exhibit NN

KENNEDY in '80

Americans for Democratic Action • 1411 K St., N.W., Suite 850 • Washington, D.C. 20005 • 202/638-6447

October 1979

Vol. 1, No. 2

KENNEDY LOOKS LIKE CANDIDATE -- MOMENTUM BUILDS IN KEY STATES

Senator Kennedy's recent encouraging comments have spurred a gathering momentum in the Draft Kennedy movements around the country. Since the second week of September, Senator Edward Kennedy of Massachusetts has moved leagues from his studied statements that he expected President Carter to be the nominee and that he expected to support Carter, to the clear implication that his own candidacy is imminent.

Kennedy supporters have taken to heart this signal that the Senator will run and have put additional effort into the three crucial states -- Florida, Iowa and New Hampshire. "A Kennedy candidacy is virtually a reality now," said Americans for Democratic Action (ADA) National Director Leon Shull. "He has all but declared for the Presidency. In fact, he joins Jimmy Carter and Jerry Brown who have yet to declare their own candidacies officially."

Kennedy's statements have given a shot in the arm to the Draft Kennedy movements. For the first time the independent Kennedy groups, of which approximately 30 are registered with the Federal Election Commission, are beginning to receive substantial donations. New Draft Kennedy organizations are being formed in almost every state, often by or with the help of ADA members.

Meanwhile, the organizations in the three key states -- Florida, Iowa and New Hampshire -- are moving ahead. The first head-on confrontation between the Senator and the President will take place in a straw poll to be voted at the Florida State Democratic Convention in St. Petersburg, November 17-18, 1980. Although the vote has no binding effect on the selection of delegates to the National Convention, it does set the tone for the ensuing debate in 1980.

In Florida, the crucial date is October 13, when little more than half the delegates to the State Convention will be elected in county caucuses. The other delegates will be selected by the county and state Democratic leaders, a hierarchy that is heavily Carter-controlled. Under these circumstances we cannot expect a Kennedy victory. However, these conditions will not prevail in the March primary in which the 1980 Democratic National Convention delegates will be chosen. Then Kennedy can win.

Carter first came to national notice when he won the 1975 Florida State Convention straw poll with 67 percent of the vote. The President still has strong support in this Southern state and his re-election campaign has made the Florida campaign a major priority, committing large amounts of staff and resources to it. Despite these efforts, there have been major defections from the 1975 Carter team. Florida for Kennedy Committee Chairperson Mike Abrams, the Dade County (Miami) Democratic Chairperson, and Executive Director Sergio Bendixen, a

Democratic National Committeeman, both helped mastermind the Carter victory in 1975. The third Kennedy Co-Chairperson is longtime ADA member Katherine Kelly and other ADAers are deeply involved. With their help the Draft Kennedy movement is organizing in every county in the state. It has enlisted ADA National Board member Page Gardner to work through the Florida primary in March and ADA Press Secretary Harry Margolis to participate in the last two weeks of the caucus campaign.

A strong Kennedy showing in Florida would do great harm to the Carter re-election campaign and would greatly aid the prospective Kennedy campaign. In addition, it would serve as a preliminary test of the strength of a national Kennedy candidacy. As Kennedy has said, he cannot wait for the New Hampshire primary results on February 26, 1980, to decide whether to seek the presidency. By then, the filing dates for over half the other primaries will have passed.

The actual selection of delegates to the 1980 Democratic National Convention begins with the precinct caucuses in Iowa on January 21 where pro-Kennedy forces are organized to make a strong showing. At the same time the latest poll in New Hampshire, the state that quadrennially makes or breaks presidential candidates, shows Kennedy favored over Carter 2-1. Even if Kennedy does not file in New Hampshire, the Draft Kennedy movement there is prepared to run a write-in campaign. According to New Hampshire Democrats for Change leader Dudley Dudley a write-in campaign would be difficult to win, even with Kennedy's overwhelming lead in the polls.

3 THE MATCHING PLEDGE FUND

5 ADAers have taken the lead in developing a Kennedy Matching Pledge Fund to assist Senator Kennedy in qualifying quickly for federal matching funds once he declares his candidacy.

3 The Fund is seeking \$5,000, in pledges of \$250 or less, in each of 20 states. Patsy T. Mink, ADA President, explains that "the pledges raised will be held until Senator Kennedy makes his decision. Upon his announcement of candidacy, the pledgers will be requested to pay their pledges immediately to the Senator's authorized election campaign committee for immediate qualification for matching funds."

3 The Fund, Ms. Mink said, will "ease the effort for the Kennedy campaign when he enters, and add one more important proof of the very substantial support for a Kennedy candidacy."

Ms. Mink has agreed to serve as Chairperson of the Matching Pledge Fund committee. Other members are William Wimpisinger, President of the International Association of Machinists; Winn Newman, Treasurer of the Pledge Fund and general counsel of the International Union of Electrical Workers; lawyer Joseph Rauh, Jr.; Senator Paul Tsongas (D-Mass.); and ADA National Director Leon Shull, who will serve as Pledge Fund Secretary.

The Draft Kennedy movement needs your help in every state, and especially now in Florida, Iowa and New Hampshire. If you can volunteer some of your time or make a contribution, contact your local Democratic Alternative or Draft Kennedy Committee. Enclosed is a list of Kennedy/Alternative Committees around the country. New committees are being formed constantly, so this cannot be a complete list. If there is no committee at work in your area, contact us and we will help.

in forming one.

Help raise funds to assist the crucial early efforts in Florida, Iowa and New Hampshire. Hold a bake sale, or a dinner, or a Run Teddy Run race, or a fund-raising cocktail reception. The Carter re-election campaign has already raised almost \$2 million nation-wide; pro-Kennedy people in the early states need money desperately. Please send what you can spare today.

Familiarize yourself with your state party's delegate selection plan. Attend precinct caucuses if your state has them. We enclose up-to-date information about state dates for caucuses, primaries and filing dates, plus a brief run-down on state delegate selection plans. All this information is accurate at this date, but is subject to change, and many state plans are not yet available.

Above all, get involved now and ask us if you need further information. We'll be happy to help you help in this crucial effort.

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Please return this to Amy Isaacs; Kennedy in '80; 1411 K St., N.W.; Suite 850; Washington, D.C. 20005. Or phone (202) 638-6447.

Please keep me informed. I enclose \$ _____ to help ADA's Draft Kennedy program.

I would like information about ...

delegate selection in my state.

the Kennedy Matching Pledge Fund.

membership in ADA.

people or groups in my state working for Draft Kennedy.

I would like to pledge \$ _____ to the Kennedy Matching Pledge Fund.

Please send me a 'Kennedy in '80' button _____ buttons _____.

These people would like to receive this Kennedy in '80 newsletter: _____

My name and address: _____

EXHIBIT 00

Exhibit 00

KENNEDY in '80

Americans for Democratic Action • 1411 K St., N.W., Suite 850 • Washington, D.C. 20005 • 202/638-6447

"...The voters of this country want the chance to elect Edward Kennedy their President..."

Dear Friend:

I write today with an urgent request for funds. In poll after poll, the people of this country are recorded as dissatisfied with the Carter Administration. They want action. We cannot wait out events; to do so would be to court a conservative victory. Together we must build a positive campaign grounded in our hopes and expectations for the future.

The Carter presidency promised change: a new citizens' control over the policies of government. People were tired of bureaucrats and the duplicity of politicians. We all had high hopes for the future. We listened to Jimmy Carter in 1976 and had renewed faith in our country's ability to solve difficult problems, like inflation and the energy crisis.

We are now hearing the same Jimmy Carter argue that the problem with America is that the people have lost faith. He misreads the signs. The loss of faith is in him as an effective leader. But this letter is not intended to spell out the obvious.

This letter asks you to join ADA in picking up the challenge and opportunity which the voters are presenting... to elect a President who can really make things happen, who is willing to fight inflation with tough mandatory controls, seek lower interest rates to allow the economy to grow and protect us against a recession, regulate and disentangle us from Big Oil and the industrial conglomerates, and develop a comprehensive national economic policy which will provide job security with high productivity, reasonable profit margins with good wages, and an adequate non-polluting energy program which makes heavy demands for conservation.

ADA believes that the voters of this country want the chance to elect Edward Kennedy their President in 1980. He has been a United States Senator for 17 years. His record is unparalleled. The nation knows where he stands on issue after issue, and he combines the electability of a popular

8304035390

leader, on the one hand, with the realistic, hard positions which these times require.

ADA needs your help to make sure that Senator Kennedy himself sees 1980 as his mandate.

Understandably he has been constrained by circumstances. Although those constraints are easing, and Senator Kennedy seems to be more receptive to the idea of running for President in 1980, we must provide all possible assistance, now, to assure the success of the Draft Kennedy movement.

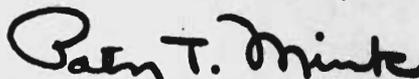
Most of the voters are already pro-Kennedy. But no matter how popular he is today, time will soon run out. We have no time to lose. The crucial deadlines and primary elections are upon us.

ADA has blueprinted a nation-wide campaign. We will be sending speakers across the country...into New Hampshire, Florida, Iowa, California. We will run candidates to become delegates to the 1980 Democratic National Convention. We will organize in precincts, go door to door. We will work closely with labor, women, blacks, Hispanics, clergy and other community leaders.

When ADA made its convention decision to seek a liberal alternative to Carter, many hailed it, as many have hailed the groundswell of support for Teddy Kennedy. But the Kennedy candidacy will not succeed by itself, and ADA needs your active support, your financial contribution. This unique Draft Kennedy campaign will require money...money for travel, for organizers in key areas, for media, communications, publicity, mailings, staff, etc., etc. We are working under rigid laws and Democratic Party rules which do not make it easy to wage this kind of campaign. But we must carry our case to the grassroots.

We are asking for your help, now when it counts, and to the limit of your ability.

With thanks,


Patsy T. Mink

P.S. Please make your check payable to Americans for Democratic Action. A copy of our report is filed with and available for purchase from the Federal Election Commission, Washington, D.C.

PTM/k

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EXHIBIT PP

Exhibit PP

SECTION
FEDERAL
United States
WASHINGTON, D.C. 20540

June 27 1968 .7 K 19

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Attention: Reports Analysis Division

Dear Sirs:

In compliance with Part 100.2(c)
of the Federal Election Commission
Regulations (11 CFR 100.2(c)), I hereby
disavow any and all activities of:
the Florida for Kennedy Committee, the
Minnesotans for a Democratic Alternative
Committee, and the Ready for Teddy Committee
in my behalf for the 1968 Presidential election.

Sincerely,



Edward W. Kennedy

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EXHIBIT 00

Exhibit QQ

United States
Washington, DC

July 23, 1979 PM 1 47

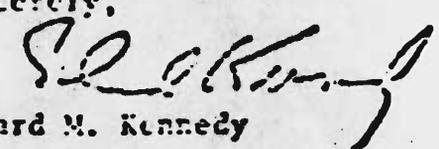
Federal Election Commission
1525 K Street, N. W.
Washington, D. C. 20463

Attention: Reports Analysis Division

Dear Sirs:

In compliance with Part 100.2(c)
of the Federal Election Commission
Regulations (11CFR 100.2(c)), I hereby
disavow any and all activities of the
Committee for Alternatives to Democratic
Presidential Candidates in my behalf
for the 1980 Presidential election.

Sincerely,


Edward M. Kennedy

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EXHIBIT 2R

Exhibit RR

CORY MAY JOIN KENNEDY DRIVE

BY KENNETH REICH and SUD LEMSKY

Times Political Writers

State Controller Kenneth Cory, after meeting with Sen. Edward M. Kennedy (D-Mass.) recently in Washington, D.C., is giving active consideration to playing a prominent role in a Kennedy for President organization in California. The Times has learned.

A source close to Cory declared that the controller may not even wait until the senator makes up his mind to run for the Democratic presidential nomination. Cory may become active in a draft-Kennedy movement here before then, the source said.

The controller declined to comment publicly on the matter.

Word that such a high-ranking state officeholder is contemplating leading the Massachusetts senator's prospective challenge to President Carter comes just as a group of lesser-known Californians are trying to go public next week with formation of a Kennedy committee.

Shirley Wechsler of Los Angeles, national vice president of the liberal Americans for Democratic Action, told The Times that Californians for Kennedy will be formally launched Tuesday with news conferences in San Francisco and Los Angeles.

Joining Mrs. Wechsler in forming the group will be state Board of Equalization member William H. Bennett, U.S. Rep. Fortney (R-Cal.) Stark of California and Anna Mayor, national director of the Center for Women's Rights and Gender Equity in Los Angeles.

Lee, a USC administrator who has run unsuccessfully for the Los Angeles City Council, and Sofia Esparza of the Hispanic Urban Center in Los Angeles.

The representation, in short, will include persons from both the black and brown communities, where Kennedy would be expected to run particularly well.

Many insiders believe that if a Democratic presidential primary were held today in California, with Carter, Kennedy and Gov. Brown on the ballot, Kennedy would run first, Brown second and Carter a poor third.

Kennedy has scheduled three days of appearances in the state beginning Nov. 30, when he plans to address a \$100-a-plate fund raise in Los Angeles for the Mexican-American Legal Defense and Educational Fund.

He also is firming up plans to participate in fund raisers for U.S. Sen. Alan Cranston, the veteran Democrat

up for reelection to a third term next year, and Democratic Assembly Speaker Leo McCarthy in the San Francisco area Dec. 2.

There is already a draft-Kennedy organization operating in California and other Western states under the leadership of Roland Moore of Mission Viejo, a former deputy assistant secretary of labor in the Carter Administration who has become disillusioned with the President.

Cory, it was emphasized, was not asked by Kennedy to undertake any activity at this time on his behalf. However, the state controller backed Kennedy for President as early as 1968, after his older brother, Sen. Robert F. Kennedy, was assassinated, and Cory long has felt close to the Kennedy family.

Cory has been telling associates that while he is alive to the political difficulties inherent in bucking an incumbent President in his own party, not to mention Gov. Brown, he feels that Kennedy is the best alternative the Democrats may have next year.

Economically and in other ways, things have not been going well in this Administration, Cory has been saying privately, and while he keeps hoping the situation will improve, it does not seem to be.

Another long-time supporter of the Kennedys for national office, state Treasurer Jess Unruh, has decided, however, to keep his commitment to back Carter.

Unruh is reported by associates to believe he could back the President without impairing his long-term ties with Kennedy.

Bennett told The Times: "My dissatisfaction with Carter grew early. I was particularly offended when he took deregulation of natural gas. That will have a devastating effect on California."

And Mr. Wechsler: "There was a growing impetus for Kennedy. As Carter declines in the polls, there is a growing impetus for Kennedy. I've been talking to a lot of people about this."

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EXHIBIT SS

NOW IS THE TIME... The Florida caucuses take place October 15, 1979; the Iowa caucuses, January 25, 1980; the D.C. caucuses, February 16; and the New Hampshire Primary, February 22. If the incumbent President is the nominee in 1980, it is clear that Democrats will lose not only the Presidency but a lot of good Congressmen and Senators, as well as Governors and state legislators.

IS THERE AN ALTERNATIVE? YES! We and other Democrats across the country are convinced there is. The question is - do we exercise our leadership responsibilities and act now or do we wait and hope?

Exhibit SS

sponsored by...

D.C. COMMITTEE FOR A DEMOCRATIC ALTERNATIVE

(committee information)

Barry K. Campbell - Co-Chairman
Chairman, Ward 4 Democratic Committee

Mary Ann Keefe - Co-Chairman
Chairman, Ward 3 Democratic Committee

Marla Axford
First Vice President, D.C. Young Democrats

Margaret Aylward
Udall Delegate, '76 Convention

Wes Bryllman
Membership Director, Americans for Democratic Action

Bliss Berry
D.C. Democratic State Committee, At Large

Charles J. Best
Commissioner, ANC-5A08

Joseph C. Brown, Jr.
Carter Alternate Delegate, '76 Convention

Marshall Brown
Democratic Activist, Ward 1

Jon Butler
Legislative Assistant, Hon. Shirley Chisholm

Walter Byard
Secretary, ANC-7C

Leola Byrum
Uncommitted Alternate Delegate, '76 Convention

Joseph Carter
D.C. Democratic Alternate National Committeeman

Lee Carly
D.C. Democratic State Committee, At Large

Glorian Clayton
Area Neighborhood School Council, Ward 7

Therelia Corbett
D.C. Democratic State Committee, Ward 6

Bertha Crossling
Democratic Activist, Ward 5

Joan Davis
Democratic Activist, Ward 7

Elena Evans-McNeill
Recording Secretary, Ward 1 Democratic Committee

James Featherstone
Former Member, D.C. Board of Education, Ward 7

Barbara Ferrell
Democratic Activist, Ward 6

Carol FitzRandolph
Democratic Activist, Ward 2

Rezalie Foster
Pct. 38 Democratic Committee

David Grinnell
Udall Delegate, '76 Convention

Richard Halberstein
Democratic Activist, Ward 6

James Haynes
Former ANC Commissioner, Ward 4

Miss Holmes
Former ANC Commissioner, Ward 7

Lillian Hull
Former D.C. Democratic National Committeewoman

Virginia Johnson
Member, Adams-Morgan Organization

Blaine Jones
Democratic Activist, Ward 4

Bertha Jordan
Area Neighborhood School Council, Ward 7

Victor Kamber
Labor Activist

Melen Kidd
Commissioner, ANC-3C12

Richard Landis
Secretary, Federation of Legal Staff Attorneys

Grove Lockwood
Chairman, ANC-9A

Tom Lodge
Former Chairman, ANC-2C

Amanda Lyon
Democratic Activist, Ward 4

Paul Macle
D.C. Democratic State Committee, Ward 3

Franklin Malone
Operation PUSH

Carol McGuinn
Former Board Member, Bethesda Citizens Association

Susan Meahan
D.C. Democratic State Committee, At Large

Jeanette Michael
Democratic Activist, Ward 1

Devie Moore
Carter Delegate, '76 Convention

Douglas E. Moore
Former At Large Member, D.C. City Council

James W. Moore, Jr.
Carter Alternate Delegate, '76 Convention

Norman Neversen
Vice Chairman, Ward 4 Democratic Committee

Paula Nichols
D.C. Democratic State Committee, At Large

James Nisell
Recording Secretary, D.C. Democratic State Committee

Dr. James Oliver
Vice Chairman, ANC-2B

Phillip Pannell
Candidate, D.C. Board of Education, Ward 4

Emma Patten
D.C. Democratic State Committee, Ward 2

Harry Quintana
Commissioner, ANC-1C

Joseph L. Rank, Jr.
Vice President, Americans for Democratic Action

Richard Rosen
D.C. Democratic State Committee, Ward 6

Carole Rodman
Former Speechwriter, Mrs. Carter

Candyn Rowland
Commissioner, ANC-7C02

Ernest Rice
Democratic Activist, Ward 6

Richard Riser
D.C. Democratic State Committee, At Large

Daniel Robinson
D.C. Democratic State Committee, Ward 5

Peter Schell
President, Greater Washington ADA

Adela Schultz
Udall Alternate Delegate, '76 Convention

Spencer Scott
Carter Alternate Delegate, '76 Convention

Leon Shell
National Director, Americans for Democratic Action

Leorio Siegel
Democratic Activist, Ward 1

Rev. Ms. Lela Singletary
Democratic Activist, Ward 4

C. Grove Smith
D.C. Democratic State Committee, Ward 3

John Smith, III
Secretary, Greater Washington ADA

Nancy Stewart
Uncommitted Alternate Delegate, '76 Convention

Donald C. Tolan
Democratic Activist, Ward 2

Helen Westbrook
Democratic Activist, Ward 2

Berna Williams
Democratic Activist, Ward 7

Peter Williams
Treasurer, Ward 1 Democratic Committee

William Wiegand
President, International Association of Machinists and Aerospace Workers

Ethel Winslow
Democratic Activist, Ward 6

Frank Zampieri
Treasurer, Gertrude Stein Democratic Club

(Titles for identification purposes only)

Barry K. Campbell
Co-Chairman
D.C. Committee for a
Democratic Alternative

"WHAT'S HAPPENING"

Richard Nolan
Congressman
Minnesota

"THE GANG OF FOUR"

William J. Holayter
International
Association of
Machinists and
Aerospace Workers

"NATIONAL CALL
FOR KENNEDY"

Joseph L. Rauh, Jr.
Vice President
Americans for
Democratic Action

"AN IRRESISTIBLE
FORCE"

Mary Ann Keefe
Co-Chairman
D.C. Committee for a
Democratic Alternative

"ACTION NOW"

SEPTEMBER 25, 1979 6-9pm (briefing starts at 7pm sharp)
CAPITAL YACHT CLUB 1000 Water St., S.W., Washington, D.C.
CASH BAR FREE PARKING

for further information call (202) 338-2544

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An invitation to a . . .

DEMOCRATIC LEADERSHIP BRIEFING
the movement for a
DEMOCRATIC ALTERNATIVE

EXHIBIT 77

Exhibit II

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Abrams Predicts Kennedy Won't Need To Be Drafted

By LUTHER F. BLIVEN

Att. Gen. Robert Abrams said here Wednesday night that he has abandoned plans to organize a statewide "Draft Kennedy Committee" because he does not want that U. S. Sen. Edward Brooke to declare his candidacy for the Democratic presidential nomination in November. The meeting was at the home of the Legislature Chairman Michael ... Abrams said he was abandoning the Draft Kennedy Committee plan for two reasons. For one, he said, it won't be needed because the senator will be a

Kennedy campaign for delegate strength in Florida this month may not be as successful as had first been expected. Kennedy will vie with President Jimmy Carter for straw votes for president in the Florida Democratic convention this month. At the meeting with local Kennedy supporters, Abrams told them he thinks Kennedy is strong in this state. He also reported that he attended a recent conference of state attorney generals and found in conversations with them that Kennedy is equally strong in many other parts of the nation. Abrams told the group that he expects Kennedy will become a declared candidate in November. "We need his leadership," Abrams told the group. "There is a sense of frustration in the land. Inflation is rampant. There is a high level of unemployment. There is a sense of malaise and drift in the

Syracuse Post-Standard

country," the attorney general continued.

Kennedy, he said, "would be a strong leader," and would help New York state with its energy and transportation programs.

Abrams said that in the last 10 years utility companies have 'passed along' almost \$3 billion in costs to consumers.

Abrams said he was abandoning the Draft Kennedy Committee plan for two reasons. For one, he said, it won't be needed because the senator will be a

Thursday, October 4, 1979

declared candidate in November.

Secondly, Abrams said, Kennedy should not be encumbered with an organization formed by someone else, but should be able to put together his own team to run his campaign for the nomination in New York state.

What role he will play is not known, Abrams said. He said he has been playing the role of the catalyst up to now, "someone that speaks out early and enthusiastically."

And, he added, "I've been successful."

Abrams came here for two reasons other than to meet with the Kennedy backers.

He was a featured guest at the "It's Your County" fund raising affair in the basement of the Civic Center. This is an organization formed to raise money to finance the election and re-election of Democratic county legislators.

He also conducted a press conference to announce that he has filed a

brief with the state Public Service Commission to seek sharp limitations in the amount of money that electric utilities can collect from their customers for rising fuel costs.

Under the so-called Fuel Adjustment Clause, better known as the "pass along provision," utility companies are allowed to pass on to their customers, automatically, all increases in fuel costs that the utility companies incur.

The provision is "too generous," Abrams held, and said that in the last 10 years utility companies in this state have "passed along" almost \$3 billion in costs to consumers.

The pass along provision, Abrams maintained, "does nothing to encourage conservation or to limit dependence on expensive foreign oil."

"The Fuel Adjustment Clause seriously undermines conservation efforts because it gives no incentive for utilities to switch to less expensive fuel sources," Abrams said.



ATTY. GEN. ROBERT ABRAMS

EXHIBIT 00

Democratic Alternatives in 1980

The National Clearinghouse to Draft Kennedy

P.O. Box 2485, Washington, D.C. 20013

FOR RELEASE SEPTEMBER 29, 1979

CONTACT: Lou Gordon
(202)783-5777
387-9107

DRAFT KENNEDY COMMITTEES ARE NOW IN 45 STATES AND EUROPE

The strength of the Draft Kennedy movement increased this week with 45 states, the District of Columbia, Puerto Rico, and Paris, France reporting the formation of Draft Kennedy Committees, the Draft Kennedy Clearinghouse announced today.

"The steady growth and proliferation of Draft Kennedy committees in the United States as well as abroad is a clear sign that Americans are looking to Senator Kennedy for leadership, direction and inspiration," said Lou Gordon, director of the Draft Kennedy Clearinghouse.

"We are witnessing an historical event in American politics. Everywhere, it seems, prominent and grass roots Democrats are working independently and spontaneously to bring Senator Kennedy into the 1980 presidential race. They all say the same thing: that Senator Kennedy must lead America into the 1980's," Gordon said. "The issues are leadership, the economy, and the right of all Americans to national health insurance.

"These state committees--and there are several states with more than one committee--are providing the positive atmosphere necessary for Senator Kennedy to enter the 1980 race leading to the White House. Next year's election will be crucial for all Americans and it is the goal of the Draft Kennedy Clearinghouse to foster, encourage, support, and provide technical assistance to the draft movements across the nation," Gordon said.

Illinois Citizens for Kennedy, the statewide draft organization, announced formation of a labor committee, which will be chaired by Mike Klein, a member of the United Auto Workers (UAW). Attorney Bill Luking, co-chairman of the Illinois draft organization, explained that the labor committee is made up of people in unions who came out in strong support of a draft Kennedy movement and who want to work with

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In Washington state, attorney David McDonald (206)223-4666 has joined with several prominent Democrats to form People for Kennedy. McDonald said he is well advanced in organizing the state's democrats in Seattle and eastern Washington.

California, with the largest number of delegates in the country, has reported another Draft Kennedy group, called the Californians for Kennedy Committee. The group held a coming out party at Balboa Park in San Diego this week as a forerunner to a major effort by Kennedy backers. Chairman of the group is George Mitrovich, former campaign press aide to Senator Robert Kennedy and president of the City Club of San Diego. Other members of the group include: Paula Siegel, former San Diego Chairwoman of the Democratic State party; Tom Carter, Vice President of San Diego Federal Savings and Loan and a key fundraiser; Maureen O'Connor of the San Diego City Council; Colleen O'Connor, former candidate for the 41st congressional district; Alfred O'Brien, a leading Democrat; Adrian Permeter, former aide to Senators Robert and Edward M. Kennedy; Richard Thornton, president of the San Diego Teacher's Association. Further information at (714)235-46

In Pennsylvania, another group has formed "The Kennedy Campaign", with headquarters in Pittsburgh at 407 Standard Life Building, 345 Fourth Ave, (412)261-7344. Chairwoman of the group is Sally Folan.

Meanwhile, overseas, in Paris, France, two former Carter organizers have formed Democrats Abroad for Kennedy, Rue Prony, Paris, France 75017, phone 563-1494. The group held a press conference earlier this week to make the announcement. Attorney Richard H. Moore, former chairman of the Carter campaign in France in 1976, is chairman of the pro-Kennedy group. And Alfred Davidson, who was Carter campaign manager for Paris in 1976, has reported that in addition to France, the committee is organizing in England and Belgium.

Finally, in Florida, major organizing efforts are continuing in virtually every county. Supporters of Senator Kennedy have reported that grass roots organizers and prominent Democrats are turning out en masse.

2-2-2

the organization. Some of the labor members on the committee are: Harry Conlon, head of the Illinois Graphic Arts Union; Jerry Hawkings of the United Mine Workers; Charles Williams, Midwestern director for the International Association of Machinists and Aerospace Workers; and Libby Saries, Midwestern Political Education Director for the Amalgamated Clothing and Textile Workers union.

Others working with the Chicago-based organization(127 N. Dearborn, Chicago, IL 60602; (312) 781-1980), are Democratic political activist Bill San Hamel, who is the executive director; and former member of the Illinois Senate Democratic Majority Committee, Mike McGann. By the end of September, the committee intends to have a Draft Kennedy committee in at least 12 of the state's 24 congressional districts.

A group made up of prominent Oklahoma Democrats also formed a statewide Draft Kennedy organization this week. The Duncan, Oklahoma-based group is currently setting up committees in each of the state's congressional districts. Among the members of the group are Ted Ritter[(405) 255-1964], former assistant district attorney and official for the Jefferson County Democratic party; Kelly Haney, internationally-known Indian artist; Butch Graham, Stephens County tax assessor and chairman of the Stephens County Democratic Committee; Larry Uhl, president of the Tulsa Labor Council and president of the State Council of Machinists; and Dr. Rufus G. Hall, professor of political science at the University of Oklahoma.

At the same time, in Norman, Oklahoma, State Rep. Ken Nance (405) 631-2371, former Democratic candidate for attorney general, is working towards the development of a broad-based Kennedy organization in Oklahoma. His major concerns are the crisis of leadership and the failure of the Carter Administration to control the economy.

Democratic Leadership for the 80s, a group of prominent Maine Democrats, announced on September 25 the formation of a Draft Kennedy organization in the state. Sandy Maisel[(207) 426-8045], co-chair and state coordinator of the pro-Kennedy group, stated: "We feel it is imperative that a candidate with Senator Kennedy's qualities head the Democratic ticket in 1980." In addition to Maisel, the co-chairs of the committee include State Representative Richard Davies, Mary Smith, Laurie Parkin and Roger Hare.

EXHIBIT W

group set for big one

Exhibit VV
Orlando Sentinel Star

10/28/79

By TIM JENNINGS

Members of the Florida for Kennedy committee voted themselves out of business Saturday, but they're willing to join a national effort to help Sen. Edward Kennedy oust President Carter from the Democratic Party's top spot.

And still unanswered is just what role Sergio Bendixen, a national committeeman who resigned his \$3,000-a-month job as draft-Kennedy committee executive director Friday, will play in that effort.

Some members of the committee were critical of Bendixen's handling of the campaign for delegates to the Nov. 16-18 state convention.

They were ready to confront him with complaints Saturday, but Bendixen, scheduled as chairman of the session at the Howard Johnson's Motor Inn at Interstate 4 and Kirkman Road, became ill and returned to Tallahassee hours earlier.

While there was griping outside the meeting room of his handling of the campaign, talk at the meeting was upbeat and future-oriented.

The national Kennedy effort is scheduled to begin Monday when the Massachusetts senator names a national exploratory committee to consider his formal candidacy for the party nomination for president.

And just what roles are available for the Florida draft-Kennedy committee members in the formal state and national effort already has them jockeying for position.

Bendixen had been criticized for predicting early that Kennedy would beat Carter in the caucus.

After Carter's victory, he again drew fire from committee members by saying that Kennedy shouldn't be on the convention's straw vote. Saturday's meeting backed that strategy, however.

Predictably, committee members said they're facing a "stacked deck" convention, with only 20 percent to 25 percent of the delegates at St. Petersburg.

As a result, they will put their main effort toward the March 11 primary where Carter and Kennedy face each other in a binding vote for delegates to the National Democratic Convention.

"There's no state picking a fight with only 20 to 25 percent support at the convention. We won't go over there and sit on our hands though," said Paul Freedman, a Mi-

ami lawyer and treasurer and legal adviser of the draft-Kennedy committee.

At Freedman's urging, the members agreed to align themselves with labor union delegates at the convention to gain influence in drafting the party platform.

Freedman stepped in for Bendixen as chairman of the meeting. He said Bendixen called him around 5 a.m. Saturday and said he was sick "from something he had eaten."

"We met Friday night and everything was fine. We talked about what to do next, how to go about the March primary," Freedman said.

Bendixen couldn't be reached for comment.

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Freedman said there isn't any question about Kennedy's name going on the ballot because he will be a national candidate at the time of the Florida convention, which guarantees a spot on the ballot.

Criticism of Bendixen continued before and after the committee meeting.

Some said Bendixen and Dade County Democratic Chairman Mike Abrams were trying to gain positions with the national committee but were having a hard time "trying to explain away the caucus loss by now saying it was rigged and that the straw ballot isn't important."

Others countered that both will play significant roles in the national Kennedy effort in Florida.

The Florida effort should be "split into three distinct sections," said George Platt, a Broward County commissioner and one of the organizers of the draft-Kennedy group earlier this year.

"I can see one person set up by the national committee to oversee Florida operations. But you need to have leaders in North, Central and South Florida who are familiar with the territories and the voters because each area is so different from the others," Platt said.

Platt said that while he would "like to have everything from Martin County south," he isn't actively campaigning against Bendixen and Abrams, who live in Dade County.

The Florida for Kennedy state headquarters in Tallahassee closed its doors Friday and Bendixen has

Kennedy ----- From 1-B

resigned. Most committee members said they also would file letters of resignation with Freedman.

Freedman said there are some final technical details, such as paying off campaign expenses, to be handled before the Florida for Kennedy committee officially expires. He expects that to be done within "a couple of weeks."

Freedman said the campaign spent \$260,000 and added that the final bill will probably be around \$270,000.

The Carter-Mondale re-election committee is contending to the Federal Election Commission that the Florida effort was part of a national Kennedy movement and should be subject to the same limits on campaign donations and spending as the president.

Freedman said there is no connection, but the committee nevertheless plans a reply to the FEC inquiry.

Carter representatives said they hope Kennedy would apply the money spent in Florida toward the state spending limit of \$1.2 million to \$1.3 million. But unless the FEC rules in the president's favor, that's something "you wouldn't want to hold your breath over," one Carter backer said.

Elsewhere on the political scene, Chicago Mayor Jane Byrne said Saturday that she'll endorse Kennedy for the Democratic nomination.

Mrs. Byrne, a longtime friend of the Kennedys who has their pictures in her city hall office, made the decision after a poll showed that Carter could not win against Kennedy in the March 18 Illinois primary.

Mrs. Byrne had indicated publicly that she may endorse Carter, but always stopped short of saying she backed him for re-election.

EXHIBIT W

Exhibit WW

MILWAUKEE JOURNAL

10/6/79

Kennedy unit forms

By Donald Pfarer
Journal Political Reporter

Stevens Point, Wis. — About 100 Democrats met here Saturday to begin organizing a Wisconsin presidential campaign for Sen. Edward M. Kennedy of Massachusetts.

Fully a third of those attending the meeting — called by Wisconsin Democrats for Change in 1980 — were representatives of the Machinists Union. The rest were a scattering of party regulars and representatives of a few other unions.

The two major themes of the afternoon's oratory were that President Carter has betrayed rank and file working people by ignoring the Democratic platform of 1976 and that he would be a "political Titanic" carrying large numbers of Democrats down to defeat if he headed the ticket in next year's general election.

State Rep. David Travis (D-Madison) said, "No president can run and win on a platform of 14% inflation, 14% mortgage interest rates and \$1-a-gallon fuel oil. Let's face it — President Carter is the political Titanic...."

"Darn near every Democrat I know supports Ted Kennedy and believes he would be a great president."

Critic blasts Carter

William Winpisinger, president of the machinists international union and the most vocal critic of President Carter in the labor movement, told the meeting that Carter had repudiated the '76 platform by following Republican policies in the fields of economics and energy.

He caricatured Carter's energy policy as nothing more than a rapid and huge increase in the price of oil, and said the president's policies promoted a "regressive shift in income and wealth toward the dominant few...."

He said Carter had offended labor by first gutting, then signing and then ignoring the Humphrey-Hawkins bill, that

Carter's inflation had reduced the purchasing power of workers to 1967 levels, and that Carter had placed himself in opposition to the Democratic leadership in Congress.

Kennedy money, power

Winpisinger warned that 10 Democratic losses in the Senate would make Strom Thurmond (R-S.C.), chairman of the Judiciary Committee, and deliver the Senate to the Republicans.

Winpisinger said of Kennedy, "He knows at least as well as I do that big businessmen are SOBs and that they respect only money and power.

"If he were elected he'd have the power, and since he's independently wealthy he can't be bought."

Helen Sigmund, chairperson of the Democrats' 7th Congressional District, said Democratic support in central Wisconsin was grouped around three men — Carter, Kennedy and Vice President Walter F. Mondale of Minnesota.

Ms. Sigmund said that if Mondale were a candidate she probably would support him.

Last-minute decision

The president of the Milwaukee Professional Fire Fighters Association, Joseph Ruditys, attended and wore a Kennedy button, but said he was just a tourist.

Donald O. Peterson of Eau Claire, a former Democratic national committeeman, said he planned to commit himself to Kennedy. He decided to do so, Peterson said, only last week when the White House indicated that Carter would announce his candidacy on Dec. 4.

Peterson read this move as an exclusion of Mondale from the 1980 campaign. Were Mondale a candidate, Peterson said, he would support him.

The heavy artillery of the state's Democratic Party was not visible at Saturday's meeting. It is still in the bushes.

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EXHIBIT XX

Americans for Democratic Action
1411 K Street, N.W.
Washington, D.C. 20005
202/638-6447: Viva Baylinson

September 1979

TO: Officers, Board, Chapters

FROM: Leon Shull, National Director

SUBJECT: "Independent" Campaign Committees for Federal Election.

1. ADA Chapters can, under the federal election law, organize Independent Campaign Committees to raise funds to carry out political campaign activities. This can include contributions to candidates and/or expenditures for campaign activities. But if they are to do anything beyond communicate with ADA members, there are many strict and stringent rules that must be followed.

Such Independent Campaign Committees should be established only after approval by the ADA Chapter Boards. ADA Chapter Boards should maintain full control over the policies of these Independent Campaign Committees. Contributions to candidates should be made only after endorsement by the Chapters.

2. Under the Federal Election Campaign Law "independent" campaign committees may be established to advocate the support and/or defeat of any candidate for federal office through "independent expenditures". An independent expenditure is defined in the law as "an expenditure by a person (committee) expressly advocating the election or defeat of a clearly defined federal candidate which is made without cooperation or consultation with any candidate or any authorized committee or agent of such candidate and which is not made in concert with, or the request or the suggestion of, any candidate or any authorized committee or agent of such candidate."

3. It is necessary when setting up an independent political committee to heed the admonition under the penalty of perjury and/or punishment under criminal law for all the activities of the independent political committee to be made without cooperation, consultation, concert or request of any candidate or the candidate's authorized committee.

4. Each independent committee must have a chairman and treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of an independent political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of an independent political committee without the authorization of the chairman or treasurer, or their designated agents.

5. Such independent political committees may accept contributions up to \$5,000 from any person. They may make contributions to a candidate up to \$1,000.

6. No individual may make contributions to candidates or committees aggregating more than \$25,000 in any calendar year.

7. There is no limit on the amount of contributions that may be accepted for expenditures provided that both the spirit and the letter of the law as defined for independent committees and independent expenditures as outlined above is carefully followed.

8. Multi-candidate political committees are permitted to make contributions up to \$5,000. A multi-candidate political committee means a political committee which has been registered for a period of not less than six months, which has received contributions from more than 50 persons, except for any state political party organization, has made contributions to five or more candidates for federal office. Clearly, independent committees may not contribute more than \$1,000 to any candidates for federal office which do not meet multi-committee qualifications.

9. Each political committee which anticipates receiving contributions or making expenditures during the calendar year which aggregate more than \$1,000 should file with the Federal Election Commission a statement of organization within 10 days after its organization or, if later, 10 days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000.

obligations are extinguished, together with a statement as to the circumstances and conditions under which any such debt or obligation is extinguished and the consideration thereof;

10. The registration statement should contain the following:

NOTE:

It is essential that these records be maintained. NOT TO DO SO is a clear violation of the law.

- a. The Name and Address of the Committee;
- b. The Names and Addresses, and Relationships of affiliated or connected organizations;
- c. The Area, Scope, or Jurisdiction of the Committee;
- d. The Name, Address, and Position of the Custodian of Books and Accounts;
- e. The Names, Addresses, and Positions of other Principle Officers;
- f. The Name, Address, Office Sought, and Party Affiliation of each candidate whom the Committee is Supporting;
- g. A Statement whether the Committee is a continuing one;
- h. The disposition of residual funds which will be made in the event of dissolution;
- i. A listing of all banks, safety deposit boxes, or other repositories used;
- j. A statement of the reports required to be filed by the Committee with state and local officers, and, if so, the Names, Addresses, and Positions of such persons.

11. In addition to the foregoing registrations, certain reports are required. These reports should be filed no later than the 10th day before the date when such election is held and shall be complete as of the 15th day before the date of such election. Additional reports should be filed not later than the 30th day after the date of such election and shall be complete as of the 20th date after the date of such election.

12. The reports are supposed to contain the following:

- a. The amount of cash on hand at the beginning of the reporting period;
- b. The full name and mailing address, occupation and the principle place of business, if any; of each person who has made one or more contributions to the committee within the calendar year in aggregate amount or value in excess of \$100 together with the amount and date of such contributions;
- c. The total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph #2 above;
- d. The name and address of each political committee from which the reporting committee received any transfer of funds together with the amounts and dates of all transfers;
- e. Each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses, occupations and principle places of business, if any, of the lenders, endorsers, and guarantors if any, the date and amount of such loans;
- f. The total amount of proceeds from the sale of tickets to dinners, luncheons, rallies, and other fund raising events. Sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature and similar materials;
- g. Each contribution, rebate, refund or other receipt in excess of \$100 not otherwise listed under paragraph #2 above;
- h. The total sum of all receipts by or for such independent committees during the reporting period;
- i. The identification of each person to whom expenditures have been made by the independent committee in an aggregate amount or value in excess of \$100, including the amount, date, and purpose of each such expenditure and the name and address of, the office sought by each candidate on whose behalf such expenditure was made;
- j. The identification of each person to whom an expenditure for personal services, salaries and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported including the amount, date, and purpose of such expenditure;
- k. The total sum of expenditures made by such committee during the calendar year;
- l. The amount and nature of debts and obligations owed by or to the committee, in such form as the Commission may prescribe, and a continuous reporting of these debts and obligations after the election at such periods as the Commission may require until such debts and obligations are extinguished, together with a statement as to the circumstances and conditions under which any such debt or obligation is extinguished and the consideration thereof;

m. Independent committee expenditures shall carry a certification under penalty of perjury that the expenditures were not paid in cooperation with, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.

13. ADA Chapters may declare themselves as independent committees but if they do so and intend to influence the electorate beyond their membership, then they must follow the rules and regulations stated above. They should register as independent committees for limited periods to expire election day so they need not go on making unnecessary reports for the future. ADA Chapters may find it convenient to set up a separate structure as an independent committee segregating monies received and spent.

14. Any ADA Chapter or any committee organized by an ADA Chapter can get additional information from the Federal Election Commission, 1325 K Street, N.W., Washington, D.C., 20463. They can also be phoned, toll free, at (800) 424-9530, for information. Groups that intend to establish independent campaign committees are urged to be in touch with the Federal Election Commission for more detailed information of the Federal Election Law. The requirements are complex but they can be followed carefully and should be followed carefully to make sure we obey the spirit and the letter of the law.

NOTE: The information in this memo was taken directly from a pamphlet titled, Federal Election Campaign Laws compiled by the Federal Election Commission, June 1976.

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EXHIBIT YV

Americans for Democratic Action
1411 K St., N.W. Suite 850
Washington, D.C. 20005
202/ 638-6447

October 1979

DEMOCRATIC ALTERNATIVE/ KENNEDY COMMITTEES
Registered with the FEC or in formation

California

Californians for a Democratic Alternative
13 Columbus
San Francisco, CA 94104
415/ 434-0790
Jeff Stark, Executive Director

Kennedy For President
9225 Sunset Blvd.
Los Angeles, CA 90069
Brian Henning, Thom Mount & Thomas P.
Pollock, co-chairpersons

Colorado

Colorado Democrats for Change in '80
P.O. Box 18491
Denver, CO 80218
14 co-chairpersons

Coloradoans For Kennedy
1747 Dahlia Street
Denver, CO 80220
Ramona Ann Harrington, Chairperson

Connecticut

Connecticut For Kennedy
400 Stillson Road
Fairfield, CT 06430
Sherin V. Reynolds, Chairperson

District of Columbia

D.C. Committee For a Democratic Alternative
P.O. Box 1500
Washington, D.C. 20013
Barry K. Campbell & Mary Ann Keefe,
Co-chairpersons

He

D.C. Kennedy For President
Suite 205 4124 Edmunds St., N.W.
Washington, D.C. 20007
Mark Plotkin, Chairperson

Florida

Florida For Kennedy Committee
200 S.E. First St. 12th Floor
Miami, FL 33131
Mike Abrams, Chairperson
Paul D. Friedman, Treasurer

North Florida Draft Ted for President
Committee
4401 Wisconette Blvd. Suite 113
Jacksonville, FL 32211
Novina Kersey - Chairperson
Sandy Singleton, Treasurer

Hawaii

Hawaii Democrats for Kennedy... '80
2240 Kuhio Avenue Apartment 1212
Honolulu, HI 96815
Ted Fritschel Chairperson

Iowa

Committee for Alternatives to Democratic
Presidential Candidate
840 Fifth Ave, 837 Insurance Exchange Bldg.
Des Moines, IA 50309
515/ 244-0272
Virginia Hood, Chairperson

Illinois

Illinois Citizens For Kennedy
One IBM Plaza Room 3100
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312/ 467-9300
W.H. Luking & Charles F. Williams, Co-
chairpersons

Indiana

Kennedy For President - Indiana Committee
5101 Madison Avenue
Indianapolis, IN 46227
317/ 244-9279
Robert H. Brown, Chairperson

Kansas

Kansas For Kennedy
P.O. Box 381
Hays, KS 67601
Patrick Drinan, Chairperson

Louisiana

Louisiana Draft Kennedy Committee
P.O. Box 15030
New Orleans, LA 70175
Claramae Wells, Chairperson

Louisiana For Kennedy Committee
526 North Parkerson Avenue
Crowley, LA 70526
Edmund M. Reggie, Chairperson

Maine

Democratic Leadership for the '80's
RFD 2 Box 255
Waterville, ME 04901
contact - Sandy Maisel
207/ 873-1131, ext. 614

(over)

Massachusetts

Massachusetts Committee for a Democratic
Alternative in 1980
464 Bremen Street
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Paul J. Eustace, Chairperson

Maryland

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5753 Flagflower Place
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Jacob I. Bregman

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Rep. Richard Nolan, Chairperson

Minnesotans For Kennedy
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Krook, Co-chairpersons

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John T. Sluggett III, Chairperson

Missourians For Kennedy
7951 Teasdale
University City, MO 63130
Thomas J. Ernst, Chairperson

Montana

Kennedy '80 Committee
601 Breckenridge
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Joseph E. Reber, Chairperson
406/ 442-5100 (w)

Nebraska

Nebraskans For Kennedy Draft Committee
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Central Pennsylvanians For Kennedy
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Andrew L. Stern, Chairperson

Pennsylvanians For a Democratic Alternative
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Paul Tully, Executive Director

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Rio Piedra, San Juan, PR 00928
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Andres Salas-Soler, Esq., Chairperson

Rhode Island

Eddy For Teddy Committee
6 Merit Drive
Cranston, RI 02910
Rep. Edward P. Beard, Chairperson

Rhode Island Kennedy For President
63 Sockanossett Crossroads
Cranston, RI 02920
Ronald Moretti, Chairperson

Texas

El Paso County Democrats to Elect Edward
Kennedy President
6321 Falling Star
El Paso, TX 79912
Lloyd W. McConnell, Treasurer

Texas For Kennedy - North Texas
P.O. Box 50962
One Main St. Station
Dallas, TX 75250
Donald J. Maison, Jr. - Chairperson

Texas For Kennedy - South Texas
1205 Milan Bldg.
San Antonio, TX 78205
Louise Caddell & Pat Robards, Co-
chairpersons

Virginia

Virginia Democrats For Leadership &
Commitment
1321 Chetworth Court
Alexandria, VA 22314
James Gibbs, Chairperson

New Hampshire Democrats for Change
P.O. Box 4268
Manchester, NH 03108
Dudley W. Dudley, Chairperson

8/11/79

It was Concord a month ago, Laconia two weeks ago, Hampton and Manchester last week, with Hanover, Nashua, and Keene to come.

Write-in campaigns present a monumental organizational task, the organizers concede, pointing out that 29 percent of the 1976 presidential primary vote in New Hampshire was cast on machines, which create problems for a write-in effort.

Nonetheless, the talk among those at the meeting was of a Kennedy victory in New Hampshire. While some organizers avoid raising expectations and say that 20 percent of the vote would be an excellent showing for Kennedy as a write-in, others are more bullish.

"I fully expect Kennedy to win the primary," Williams said. "The campaign is well organized. It's no fly-by-night, fleabag operation."

Dudley W. Dudley, head of the campaign, said she expects the effort to raise about \$250,000 and match Carter's campaign spending dollar for dollar, even though the Kennedy effort will not be eligible for federal matching funds. Only declared candidates are eligible for this money. Dudley said the committee has received a generous contribution from the Machinists' Union in Washington.

But the campaign will succeed or fail not because of the efforts of anyone in Washington, but on the strength of the grass-roots organization in New Hampshire, Dudley said.

"This is a very unique thing in American politics," Joanne Symons, one of the campaign's organizers, told the group. "This campaign is coming from us, from you and I. It is not being imposed on us by people from Washington."

Dudley told the group that there has been no contact with either Kennedy or his staff, but she said Kennedy "must know what we're doing." He could put a stop to the group's actions if he wished to, "but he has very clearly chosen not to," she said.

Unless that happens, the group will work to raise money, recruit volunteers and teach New Hampshire voters how to write in Kennedy's name on the primary ballot next February.

At this week's meeting, the group focused on two projects: raising money and recruiting workers through the distribution of Kennedy "draft cards" and through beer parties for the senator.

All but two participants in the Hampton meeting left with half a dozen or so draft cards they will attempt to sell for \$10 each.

The money raised will be spent on television, radio and newspaper advertising, as well as on the salaries of staff organizers. Three paid staffers already are working full time. At the Hampton meeting, Rick Jenkinson, a salaried field organizer for the write-in campaign, asked for volunteers to organize beer parties in late September. He found more than a dozen.

At one point in the meeting, in an attempt to rally the workers to action, Symons told the group, "We have the enthusiasm, we have the spirit and we have the candidate..." She paused and smiled, then said, "Well, we have the noncandidate."

MONEY, spirit for write-in campaign

By Charles Kenney
Globe Staff

HAMPTON, N.H. — The Yankees and the Orioles were on television in the bar, but about 60 people ignored the game and filed into a function room at Lamie's Tavern to go about the business of electing a president.

A few of those at the meeting last week stood up and declared that they had worked for Fred Harris, Sargent Shriver or Birch Bayh in the 1976 New Hampshire presidential primary. Many said they had worked for US Rep. Morris K. Udall (D-Ariz.).

But more people there had worked for Jimmy Carter than for any other candidate: 18 in all.

Benjamin and Marilyn Runnals had Carter fever in 1976, but it's gone now. They drove for an hour and 10 minutes from their Wolfboro home to attend the meeting of people working on a write-in campaign on behalf of Massachusetts Sen. Edward M. Kennedy in the New Hampshire presidential primary.

Cecilia Winn, 72, traveled from Nashua, where she is a state representative, to be at the meeting.

Barbara Holland, 21, of Newburyport, Mass., was lending bar at the meeting, but she was so taken with the pro-Kennedy sentiment there that she signed a pledge card and made a contribution.

Scott Williams, a 23-year-old student at the University of New Hampshire, says he has "almost unlimited time" and plans to give it to the Kennedy cause.

"Carter's had too much on-the-job training," Williams said, reflecting the sentiment of the group. "Kennedy can lead the country, and I don't think Carter can... The Democratic Party will lose the White House and the Senate if Carter's the nominee."

Despite repeated denials by Kennedy, these Democrats say that the Massachusetts senator will enter the presidential race. They're working to make sure that, after the nation's first primary in New Hampshire next February, the political world will be filled with talk of a Kennedy candidacy.

Spirits of those at the meeting were high, partly because of a recent Louis Harris poll saying that Carter would lose a presidential election to either US Sen. Howard Baker of Tennessee or former California governor Ronald Reagan and that Kennedy would defeat either of those Republicans in a presidential contest.

Encouraged by poll results and the response of Democrats in the state, organizers of the Kennedy write-in effort are setting up meetings

EXHIBIT A-4

Exhibit AAA

Concord Monday
Write-In Campaign 2/27/79

Gets Go-Ahead Sign From Kennedy Aide

by ANDREW SCHNEIDER
Associated Press Writer

HYANNIS, Mass. — The two women who organized the nation's fastest-growing campaign to draft Sen. Edward Kennedy have gone to the senator's hometown in search of a sign that they were doing the right thing.

Although Kennedy, Dudley Dudley and Joanne Symons spent last night skillfully avoiding one another, the two New Hampshire Democrats gleefully returned home early today satisfied they had accomplished their mission.

"We went to Hyannis hoping to get some sort of sign that we're doing the right thing," Mrs. Dudley said. "We got our sign and that's all I can say about it."

In the two months since the women announced the formation of "Democrats for a Change," the New Hampshire-based organization has become the focus of many national labor and political groups pushing for a Kennedy presidency.

Their success at recruiting and fund-raising for the Massachusetts senator has stunned many experienced political activists who, with respect or envy, call Mrs. Dudley and Mrs. Symons the "Dynamic Duo" or the "Gold Dust Twins."

But regardless of their success or the national media attention it has generated, they have never discussed their quest with Kennedy or his top people.

Political enthusiasts, and there were many attending the "Americans for SALT" fund-raiser, were well aware that the event would be the first time Kennedy and his pair of New Hampshire patrons would be in the same room.

Columnists and reporters from newspapers, wire services and magazines were tipped to the "political significance" of the gathering and the word of a possible "Kennedy-Dudley-Symons meeting" prompted many to head for Hyannis.

But the confrontation never occurred.

Kennedy, showing agility that would draw envy from a pro quarterback, swerved, dodged and U-turned all night to avoid confronting his northern loyalists.

A half-a-dozen photographers watched Kennedy's every move while never getting more than a few feet from the New Hampshire twosome. And although some photographers urged the senator on, Kennedy never got close enough for a group portrait.

While Kennedy, former Ambassador Henry Cabot Lodge and former New Hampshire Sen. Thomas McIntyre promoted SALT in the front of

the room, a senior Kennedy operative, Paul Kirk, was in the rear telling a very surprised Mrs. Dudley and Mrs. Symons, "You're doing a great job."

But the entry of a reporter broke up the coveted meeting to the obvious displeasure of the two women.

Nevertheless, a short while later the trio reassembled out of earshot of reporters, and for 15 minutes the unauthorized insiders of the rapidly growing Kennedy movement talked in hushed tones with Kirk.

The discussion did not go unnoticed and several political scalars who watched said it wasn't supposed to.

"Dudley and Joanne have just been given Kennedy's blessing," said a veteran Massachusetts politician. "Speaking to Kirk is the same as speaking to Ted. They could have had their little talk over the phone but they did it here because they wanted everyone to see it."

Neither woman would say what the conversation was about. "We just had a nice little chat," was the only comment Mrs. Dudley would make.

But the renewed excitement in the women was impossible to conceal.

Earlier that afternoon, it was a different story.

Just an hour before the event, the two veteran political strategists sat in a Howard Johnson's south of Boston, each eating a towering ice cream creation.

"We always eat when we want to think," Mrs. Dudley said as they agonized over whether they should continue on to Cape Cod. They weighed the facts carefully.

An invitation from the Dunleys, one of New England's most powerful political clans, is difficult to refuse.

A very prominent Democrat, who Mrs. Dudley refused to identify, "strongly urged" them to attend and the media had been told they were coming.

At last they agreed to go and then the debate turned to whether they should confront their candidate and if so, what should they say.

With their ice cream gone and a decision un-reached, Mrs. Dudley said "The hell with it. We'll wing it."

Hours later, after a mandatory stop at an Italian bakery for a box of large, cream-filled, sweets, they headed for New Hampshire.

By the time they reached Boston the sweets were gone and they had decided the visit to Kennedy's hometown was well worth the 200 mile drive.

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EXHIBIT BBB

The Florida Times Union

8/19/79



People/Politics

Hank
Drane

Kennedy bid seen keyed to Florida

Although nothing has been said for the record, suspicions are deepening that Sen. Ted Kennedy is viewing Florida's Democratic Party straw ballot on Nov. 18 as a springboard to launch his bid for the presidency.

The ballot has no official status in the selection of convention delegates but is being orchestrated by the media as a major political extravaganza — the first test of strength for presidential candidates.

Sergio Bendixen of Miami, the shrewd, youthful organizer of the draft-Kennedy campaign, which also has no official status, claims to have never met or talked with Kennedy. Yet, in a subtle way, he lends the impression that he knows a great deal more about Kennedy's presidential plans than he is free to admit.

Perhaps it is only his way of exciting potential Kennedy supporters who are reluctant to lend their name and support to a professed non-candidate. Whatever Bendixen's motives, the strategy is intriguing.

He is confident, he says, that Kennedy will issue a statement shortly before Oct. 15, the date delegates will be selected in statewide caucuses for the Nov. 18 St. Petersburg ballot. The statement, Bendixen says, will move Kennedy closer to the status of a candidate and boost his chances of defeating President Carter in the straw ballot.

A victory for Kennedy, Bendixen says, would amount to a stinging defeat for the president, opening the door for Kennedy to announce officially.

Despite Carter's problems, the cards seem to be heavily stacked in favor of the president for the convention ballot. Of the 1,800 delegates to be selected, 922 will be either top party or elected officials or delegates handpicked by these officials, the vast majority of which, including Gov. Bob Graham, are Carter supporters.

State Democratic Chairman Alfredo Duran of Miami, for example, a strong Carter booster, will personally appoint 100 delegates.

The other 878 will be chosen at statewide caucuses on Oct. 13 open to all registered Democrats. Bendixen is concentrating his efforts on these caucuses. His goal is to win 500 or more of these grassroots delegates to trigger a stampede for Kennedy at the convention.

He is predicting a near sweep

of Palm Beach, Broward and Dade delegates, one third of the statewide caucus total, where Kennedy is most popular. He hopes to win a majority in the big counties in Central and North Florida.

Bendixen is carefully selecting county committee leaders, as he did this past week in Duval County, who have been active in party politics at the county executive committee levels — often referred to as backwater politics. There is a careful mix of blacks, labor, disillusioned former Carter supporters and loyal party people.

They are the political types who will take the time to attend a party caucus on a Saturday afternoon and bring along their friends to vote for their slate of delegates.

They are the same type party workers who voted for Jimmy Carter at the 1975 straw ballot convention to help defeat Gov. George Wallace, who was regarded as a party renegade.

"These delegates weren't my kind of people," Wallace grumbled after his 1975 defeat, which gave Carter a tremendous psychological boost toward winning the state's presidential primary the following March.

Bendixen's strategy, which may have been concocted with the secret help of key Kennedy aides, could be shot down if top party leaders devote the necessary time and energy to the caucus votes.

But it's still conceivable, as Bendixen believes, that the November state convention could, through a strong grassroots Kennedy showing, provide the spark to ignite his candidacy.

That's why scores of members of the national media will descend on St. Petersburg the weekend of Nov. 17 to see if it will happen, and why President Carter plans to attend personally to try to make certain it doesn't happen.

* * *

Personal note: Supreme Court Justice James Adkins, the dean of the court, and Elizabeth "Bess" Lawrence, a television newscaster in Panama City were married Saturday in a quiet ceremony. The justice met her while sitting as a circuit court judge recently in the Bay County Sandy Creek murder case.

(Hank Drane is Times Union political editor.)

A-2 *SOUTH STAR*, Sunday, August 19, 1978

Bendixen big threat to Carter



The contenders

Another in a series on presidential candidates for 1980.

By DAVID POWELL
Associated Press

TALLAHASSEE — For weeks now, from one end of Florida to the other, Democratic National Committeeman Sergio Bendixen has been on the telephone and on the road trying to dump President Carter.

And Carter should know better than anyone the threat Bendixen poses. For it was Bendixen and the other activists in the Florida Democratic Party's left wing who were Carter's first supporters in 1975, when he was an obscure southerner trying to make his mark in the presidential race by

defeating former Alabama Gov. George Wallace in Florida.

That Bendixen is now running the Florida campaign to draft U.S. Sen. Edward M. Kennedy, D-Mass., for president is not only an irony. More importantly, it is a measure of how far Carter has fallen, that his original supporters are behind someone who says he's not running.

"Since Carter went to the White House he has closed himself off except for a small circle," Bendixen says. "He's become more conservative. He's cut social spending and increased the military budget. He's allowed the progressive wing of the Demo-

cratic Party to quietly die. He's become someone who just deals with pollsters and media technicians. I became pretty disenchanted with him."

"I talked to some people who were close to Kennedy and his staff and I became convinced he would run if the political conditions in the country were right."

So Bendixen, who says he met Kennedy briefly once in 1972, and his colleagues like Dade County Democratic Chairman Mike Abrams, set about changing the political conditions of the country. Their immediate goal is a strong showing in the presidential straw ballot at the Nov. 18

state Democratic convention in St. Petersburg.

They are off to a quick start.

Last week, despite White House intervention against them, they won a lopsided 41-37 vote in the Dade Democratic Executive Committee. The Kennedy faction beat back an attempt to invoke a state party rule that would have let party leaders name 47 of 188 convention delegates that are supposed to be chosen at Dade County caucuses on Oct. 13.

They have raised about \$20,000 and say they have pledges for at least another \$20,000. A major portion of that money has been

raised by Abrams outside the state from Kennedy enthusiasts, Bendixen says.

"The convention is an expression of how the political establishment of the state feels. Even a president who is unpopular with the grassroots like Carter should be able to hang on to them.

"I think Kennedy will announce shortly after the convention, definitely if he wins. Carter might even withdraw. There's no way he could withstand losing it's the South, it's a key state."

"It's beginning to look like a real campaign."

All Bendixen needs now is a candidate.

Exhibit CCL

EXHIBIT DDD

EXHIBIT DDD

Miami Herald

8/11/79

Kennedy Set Stage For His Candidacy

FROM PAGE 1A

Thanksgiving I'll have a pretty good idea... if he would announce.
Kennedy's press secretary, Tom Southwick, declined to discuss the conversation. Southwick added that Kennedy had set no timetable for his political plans.

But Mike Abrams, a leader of the draft-Kennedy movement in Florida (a crucial state for any candidate), told Knight-Ridder Newspapers that he understood that Kennedy has decided to make an announcement by late November.
By waiting until November, Kennedy would have a better reading on whether Carter can make it back from his low in the polls and make a fight of it in Florida straw poll, scheduled for November, and in the early 1980 primaries.

And by announcing in November, Kennedy would have time to get his name on the ballots in New Hampshire and Massachusetts, where he is well liked.

A top official of the Democratic National Committee said: "We have to consider this a three-person race," meaning Carter, Kennedy and California Gov. Jerry Brown.
A source at Carter's reelection campaign headquarters said, "We're going on the assumption that Kennedy is not a candidate, but clearly things have changed."

And House Speaker Thomas P. O'Neill of Massachusetts, while conceding that Kennedy is not yet a candidate, added, "I don't think that he [Kennedy] could be denied the nomination if he were to run."

THE KENNEDY FAITHFUL, like Abrams — who helped carry the 1976 Florida primary for Carter — have no doubt that Kennedy is running. A big reason is that Kennedy touched off the speculation himself at a moment that the Florida effort was lagging.

Abrams acknowledged that he and others in the Florida movement indirectly let Kennedy know that fund-raising was going slowly and

that the President's campaigners, including outgoing U.N. Ambassador Andrew Young, were making inroads.

Abrams apparently feared disaster later this month and in November when Florida Democrats choose their favorite in a straw vote at the party's state convention.

A New Hampshire victory for Kennedy would not be as effective, according to many observers, as a good showing in the South.

At about the same time, speculation began growing that Vice President Walter Mondale might be an alternative to Kennedy for liberals and moderates dissatisfied with Carter. Brown's stock began rising again. And Washington columnist Joseph Kraft wrote that "family reasons" remained a barrier to a Kennedy candidacy.

THE DAY AFTER that column, James Wiegart, a New York Daily News columnist, wrote that Kennedy's family had agreed to support him if he decided to run. The New York Times published a similar story.

Although the elder Mrs. Kennedy and voiced some objection to her son's candidacy, she had told the Public Broadcasting System, in an interview weeks before, that she would support whatever decision he made.

But the fact that the New York Daily News and New York Times stories had come from Kennedy on his office was taken as an important signal to the world of politics.

As reporters sought out Kennedy, he quickly raised the speculation fires again.

Asked about a candidacy, he did not say, as usual, "I expect to expect to be renominated and expect to support him."

Instead, Kennedy said: "At the time I am clearly not a candidate, I don't have any particular time frame or any particular date."

And he added that he is "very much concerned about the direction the country is going in and the state of our economy."

Is Ted a Draft Volunteer?

By SAUL FRIEDMAN
Herald Washington Bureau

WASHINGTON — Sen. Edward M. Kennedy (D., Mass.) helped orchestrate the latest round of speculation that he may challenge President Carter for the 1980 Democratic presidential nomination.

As a result, key political observers are convinced that Kennedy has decided to run and has left open only the question of when and how he will enter.

First, Kennedy volunteered that his 89-year-old mother, Rose, and the rest of his family would support him if he chose to run — some-

thing that had been assumed anyway. And Kennedy suddenly changed his standard answer on his plans to add that he was not a candidate "at this time."



NEWS ANALYSIS

"Everyone was looking for a signal from him because they wanted one," said an official with Carter's reelection campaign. "They got what they wanted."

"I am absolutely convinced Ted is running," said a union official with connections to the draft-Kennedy movement. "The issue remaining is how can it

be done with as little pain as possible to the Democratic Party, and to Carter, a sitting president?

"Will Carter be so weak that he can be eased out? Or will he regain some standing in the polls and force Kennedy to push him out? That's what Kennedy is waiting to see."

KENNEDY APPEARED to confirm that view when, according to the Associated Press, he told two New York Democrats, Gov. Hugh Carey and Sen. Daniel P. Moynihan, " ... By

Turn to Page 11A Col. 1

EXHIBIT EEE

Bendixen, Abrams Burned B

By Bud Newman

Cap Newspapers Washington Bureau

Sergio Bendixen leaned forward, broke into a big smile and said, "I don't think I'm going to get any more private dinners with Jimmy."

He was joking about the days, as recently as last summer, when he was invited to dine in the family quarters at the White House with Jimmy Carter, the man Bendixen helped elect president of the United States in 1976.

It used to be that the door to the White House was open to Bendixen and to his friend Mike Abrams, the Dade County Democratic chairman. Not anymore.

Though both men played key roles in elevating Jimmy Carter from obscurity to frontrunner status among Democratic presidential candidates in 1976, Bendixen and Abrams now have severed the cord that once kept them plugged into the Carter administration.

They burned their political bridges with the most powerful politician in the country in order to organize a draft movement in Florida for a man they weren't even sure could be persuaded to challenge Carter — and a man neither of them has ever met.

Bendixen, 39, and Abrams, 41, started the Florida campaign to draft Sen. Edward Kennedy (D-Mass.) for president. What began as little more than a joke to Florida's political community last summer now has become anything but a joke to the Carter administration, which is taking the Kennedy challenge in Florida very seriously.

Fearing a serious political embarrassment in Florida, a state that voted so much for Carter in 1976, the White House has launched an all-out, heavily funded (at least \$100,000) effort to defeat the Kennedy forces in Florida at delegate elections at Saturday's party caucuses and again in the straw ballot at the state Democratic convention in November.

Back in July, Bendixen and Abrams invested all their political chips on what then seemed like a prohibitive longshot — Kennedy challenging an incumbent Democratic president. But, spurred by efforts on his behalf in Florida, Kennedy recently has signaled the world he is considering running.

Now Bendixen and Abrams find themselves major shareholders in the political stock of the man the polls say is the odds-on favorite to win the Democratic nomination and the presidency.

Should Kennedy enter the race — and current signs indicate he will — Bendixen and Abrams likely will find themselves as Kennedy's point men in Florida, the same position of influence they enjoyed four years ago with Carter.

What brought Bendixen and Abrams into the Kennedy camp is a shared philosophy, if you ask them, or bitterness at not having more clout with Carter, if you ask their critics. The truth is a combination of the two. Bendixen and Abrams are politically more liberal than Carter and they have had disputes with the White House about which Floridians should be named to government jobs.

"He (Kennedy) is progressive like me and he believes in the same things I believe in," said Bendixen, an organizing mastermind who had a \$36,000-a-year job as assistant to Rep. William LeVine of Miami for the same salary as director of the Florida for Kennedy campaign.

"I'm also disappointed in Carter," he said. "I think



Carter's political operation was never very good."

Abrams said he helped start the draft-Kennedy movement because he felt "Carter was not reelectable."

Last spring, he said "I became convinced that Kennedy could be brought in. In April, I had a pretty good feeling that this could happen if the environment was right ... I wasn't really certain until August."

But the fact that Kennedy has come so close to declaring his candidacy amazes Abrams.

"In a lot of ways, I'm still shocked that it's happening because I remember what it was like back in April — people telling us that you're tilting at windmills, that you're stupid," he said.

And Abrams takes some of the credit for forcing the senator to move so quickly. "I think we escalated his timetable," Abrams said of the Florida draft movement, seen by many observers as the most aggressive in the nation.

For Abrams, the chance to work in a Kennedy presidential campaign "is, in part, living out a fantasy."

His first political hero was John F. Kennedy and in 1968 Abrams was chairman of a Florida student group

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Abrams To Push for Kennedy



Abrams and Bendixen (center) talk with Kennedy supporters during a May organization meeting at the Holiday Inn in Palm Beach Gardens.

Post File Photo

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Robert F. Kennedy, even though there was no formal Kennedy campaign in the state.

"Kennedy brought me into politics," he said. Now the chance to work for another Kennedy in a presidential race has Abrams' adrenaline flowing.

"This is really the culmination of everything I wanted to do in politics," he said. "I can't think of anything I'm enjoying more or want to do ... I think this probably our one chance to make a really incredible impact on presidential politics."

Whatever their impact on presidential politics will be this year, Bendixen and Abrams already have left their mark on Florida Democratic politics.

In 1974, they and their activist supporters began taking over the state Democratic Party — a move that was completed in 1976 with the election of Alfredo Fran of Miami as state party chairman.

Bendixen was elected state Democratic committeeman from Dade County in 1974 and was chosen one of the national committeemen from Florida in 1975. He supported Atty. Gen. Robert Shubin for governor last year.

Abrams started as president of the Florida Young Democrats in 1970 and he worked for Democratic pre-

sidential nominee Sen. George McGovern (D-S.D.) in 1972. "Until it ended, the war (in Vietnam) was always my most consuming personal issue," he said.

He was elected national vice president of the Young Democrats in 1973 and chosen chairman of the Dade County Democratic Party in 1974.

In 1975, both men helped organize the first state Democratic convention in 75 years as a vehicle to establish Jimmy Carter as the Southern alternative to Alabama Gov. George Wallace. Carter won the straw ballot at that stacked convention with a whopping 67 percent of the vote, giving him momentum in Florida that helped him beat Wallace again in the more important Florida presidential primary in March 1976.

Now they have abandoned Carter for Kennedy and, though they have their enemies among Florida Democrats, few will dismiss what Bendixen and Abrams can do once they put their energies into it. Carter supporters pay special tribute to Bendixen's organizing skills and say that if anyone in Florida can pull off a Kennedy victory over Carter, Bendixen is the one.

But it hasn't been easy, Bendixen said. "It's challenging," he said. "It's the toughest campaign I've ever run."

EXHIBIT 111

Kennedy Hints He Is Re-evaluating Possibility of Running for President

By HEDRICK SMITH

Special to The New York Times

WASHINGTON, Sept. 7 — Senator Edward M. Kennedy indicated today that he was re-evaluating whether to run for the 1980 Democratic Presidential nomination and seemed to leave open a greater possibility than ever before that he would make the race.

After making a speech to a Hispanic group here this afternoon, he was asked by reporters when he might decide whether to run for his party's nomination. He replied: "At this time, I am clearly not a candidate. I don't have any particular time frame or any particular date."

For the first time in months he did not repeat what had become his ritual disclaimer of noncandidacy. This shift in his position was widely taken as a clear signal that he was moving closer to entering the race and encouraging draft-Kennedy movements in 19 states.

Although he said that he "expects" to support Mr. Carter next year, he added that he was "very much concerned about the direction the country is going in and the state of our economy."

Meeting With Carter

Informed sources reported that Senator Kennedy had lunch today with President Carter, apparently to inform the President of his latest political thinking. The Senator's press secretary, Thomas Southwick, refused to comment on the meeting between the two men at the White House.

Although the White House also refused to comment, sources close to the President indicated their concern over the important changes in Senator Kennedy's position in the last 48 hours, though they continued to insist that Mr. Carter would not be driven from the race for reelection by any other candidate.

One Carter intimate acknowledged that the warnings that a Kennedy candidacy would dangerously split the Democratic Party had obviously not been an effective deterrent to Mr. Kennedy.

Except for periodic telephone calls about legislative issues or policy developments, the last time Mr. Carter and Mr. Kennedy met was on June 21 at the White House when President Carter took the Senator aside after a news conference on trucking legislation. But the last time they were understood to have discussed politics was on March 21, the day that President Carter informed Mr. Kennedy that he intended to run for re-election.

Cautious Kennedy Pledge

At that point the President asked for Senator Kennedy's vigorous and enthusiastic support. But he has told friends that all he got in return was a smile and a cautious statement of support that eventually became the ritualistic comment that Mr. Kennedy used to back the President but still leave himself the option of deciding later to make the race.

Until today, the Massachusetts Democrat's standard response to whether he would become a candidate has been: "I expect the President to be renominated and I expect him to be re-elected and I intend to support him."

Despite his statement today that he had no "particular time frame or date" for

making a final decision on whether to enter the race, his advisers and associates have reportedly told him that he must decide by the end of the year or perhaps even as early as Thanksgiving.

Privately, Kennedy backers said, the Senator has been urged strongly by such close associates as Stephen E. Smith, his brother-in-law, that he had to shift his longstanding position — as he did today — or else he would risk a serious and perhaps fatal loss of momentum in the draft-Kennedy movements around the country.

Some Kennedy associates had hoped the disclosure yesterday that the Kennedy family no longer objected to his candidacy would be a sufficient stimulus for the draft-Kennedy movement. But the Senator apparently felt the need to go further today. And he added force to the disclosure about his family today by confirming it personally.

Mr. Kennedy, the only survivor of four Kennedy brothers, said he had discussed the subject of a Presidential campaign with his family during his recent vacation because "personal considerations, family considerations, have always been a matter of enormous importance and any consideration of running for President, and they continue to be."

"I suppose it is only natural I would talk with the members of my family," he said. "Both my mother and my wife and other members of my family have indicated they would support any decision I would make to become a candidate."

Despite Senator Kennedy's careful assertion that he is "not a candidate at this time," his statements over the last 48 hours have moved much closer to entering the race. The prevailing view among most Democratic politicians here is that he will probably wait to see the reaction and to study the impact of his latest declarations on pro-Kennedy efforts around the country before taking a decisive step to declare his candidacy.

Time to Watch Carter

He has at least several weeks to see how President Carter fares with Congress on his energy program and on the handling of the arms treaty with the Soviet Union, how much further the economy deteriorates and inflation worsens, and how Mr. Carter performs in the public opinion polls.

But some politicians felt that Mr. Kennedy's moves had added to the President's political problems and might well contribute to a further decline in opinion polls. For weeks, the Administration and John White, the Democratic national chairman, have been trying to forestall further erosion of Mr. Carter's support among Democrats by warning that a Kennedy candidacy could split the party with the result that the Republicans would win the White House in 1980.

Mr. Kennedy's latest moves reflect a calculation among the Senator's closest political advisers that Mr. Carter may already be so weakened that with his candidacy the Republicans would win the Presidency and possibly inflict enough serious defeats on Democratic senators and members of the House to change the political balance in both branches of the Congress.

EXHIBIT GGG

ed drafters out of work — and smiling

10-29-79 Foster's Daily Democrat

MANCHESTER (AP) — It's unusual and people eager to be put out of a business by the thousands of workers in the New Hampshire campaign to draft Sen. Edward Kennedy say they're overjoyed at the prospect of being fired today.

"No one before has any group been so anxious to be put out of business," said Joanne Symons, the former state Democratic party chairman, who launched the draft movement that is expected to end Monday with the announcement of a formal Kennedy exploratory committee.

"I had this dream about getting Kennedy to run and the dream has come true. We've done our part," Mrs. Symons said Sunday. "If there's any other role we can play, we'll play it, but that decision is now up to Ted Kennedy."

The activity at the campaign's state headquarters this weekend was frantic, as it has been since Mrs. Symons and Executive Councillor Dudley Dudley had opened the doors a few weeks ago.

In a spare room, papered with "Kennedy in '81" posters and dozens of precinct maps, volunteers performed the voluminous tasks of a campaign — transferring names from voting lists to the cards, stuffing envelopes, making lists and answering telephones, which

rang incessantly. In another room, many of the 20 full-time employees surrounded Mrs. Symons, who had returned from Washington, just moments earlier. They all asked the same question — "What's going to happen Monday after the announcement?"

Monday's expected announcement of an exploratory committee for Kennedy will, under Federal Election Commission regulations, make all draft Kennedy campaigns both unlawful and unneeded. They no longer will be able to collect or spend money.

As late as Friday, Mrs. Symons and Mrs. Dudley raised \$3,000 at a Washington fundraiser for their New Hampshire operation.

"It was our final one but it ended with a nice touch," Mrs. Symons said. "The last person to give us a check was Evelyn Lincoln, John Kennedy's personal secretary."

The two New Hampshire women have collected more than \$98,000.

Under FEC regulations, draft or write-in committees can only pass \$5,000 on to their candidates.

"There won't be a whole lot of money left after we pay the bills," she said. "With four offices, lots of telephones and a large paid staff, the money will



Joanne Symons spent this weekend in Kennedy's Manchester headquarters acting as though it was business as usual. (AP)

go quickly." But she added that her group may be able to give Kennedy's campaign more than money — an organization in the home state's first presidential primary.

"We've got almost a quarter of a million three by five cards that belong to every registered Democrat and are dependent in every town in New Hampshire, but one. And we're turning that checklist today," she said. "There's nothing the FEC can do to prevent us from turning them over to Kennedy."

But the FEC may be the reason why Mrs. Symons couldn't tell when the doors of their operation close for good.

Charges have been filed by the commission by Jimmy Carter's campaign organization alleging that drafting by the New Hampshire committees and 60 other states as draft Kennedy operations is improper, and in fact, under the guidance of Kennedy, she said.

It's a charge that Mrs. Symons strongly denies. She says Mrs. Symons strongly denies the charges mean in the opinion of the commission.

EXHIBIT HHH

New York Times
8/18/79

Exhibit HHH

Group Aiming to Draft Senator for
Presidency Plans New York
Party at \$250 a Person

By MAURICE CARROLL

The "Draft Kennedy" committee in Florida, armed with a Federal ruling that lets it raise and spend unlimited amounts of money to influence the state's psychologically important "straw vote," will seek funds at a \$250-a-ticket cocktail party in New York City Sept. 13.

"New York will be performing one of its traditional political functions — exporting money," said Ethan Geto, an assistant to York Attorney General Robert Abrams of New York and one of a small, informally organized group of New Yorkers who are urging that Senator Edward M. Kennedy of Massachusetts be given the Democratic nomination for President.

"Is the New York party a major deal? No question about it," said Paul Friedman, treasurer of the Florida campaign.

Invitations from Mr. Abrams and William Woodward, a wealthy Manhattan resident who is active in Democratic politics, will be sent to some 2,000 persons next week.

The Need for Leadership

"Leadership is a function of those who are unwilling to wait," reads a key sentence in the invitation written by Frank Fagan, a public relations man who is close to New York's state Democratic chairman, Dominic J. Barile.

The supporters hope to raise \$20,000 or so to send to Florida.

So far, according to Mr. Friedman, the Florida group has spent only \$21,000 in its organizing efforts for the Oct. 13 caucus that will be the first step toward the November "straw vote." The Kennedy people feel that vote could be of enormous psychological significance in their effort to dump President Carter.

Had the Federal Election Commission ruling announced late Thursday in Washington opened up a rush of contributions?

"No," said Mr. Friedman.

But he said that potential contributors had been leery of the Kennedy effort until they were assured of the legal status of such contributions.

\$5,000 Individual Limit

The F.E.C. advised the Florida group that since Mr. Kennedy was not a declared candidate and had disavowed the group's efforts, its members were not subject to the contribution limit of \$1,000 a person set by Federal law. Instead the group can collect \$5,000 from individuals.

More important, the agency ruled, whatever the committee spends will not be counted against the overall ceiling for the Florida primary next March if the Senator should declare his candidacy.

A commission spokesman noted that while other groups that feel themselves in "the same factual situation" might be guided by the ruling it applied only to the Florida group.

Supporters of President Carter, who has registered as a candidate with the commission, are held to the lower individual ceiling and their spending on the caucuses must be counted against the overall limit for the Florida primary, which is expected to be a bit higher than \$1.4 million.

Shift of the Mastermind

It was the 1975 "straw vote," masterminded for Jimmy Carter by Mike Abrams, the Democratic chairman of Dade County, that saw the former Georgia Governor, then lightly regarded as a Presidential possibility, get some two-thirds of the total and project himself into the forefront of the race.

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The F.E.C. advised the Florida group that since Mr. Kennedy was not a declared candidate and had disavowed the group's efforts, its members were not subject to the contribution limit of \$1,000 a person set by Federal law. Instead the group can collect \$5,000 from individuals.

More important, the agency ruled, whatever the committee spends will not be counted against the overall ceiling for the Florida primary next March if the Senator should declare his candidacy.

A commission spokesman noted that while other groups that feel themselves in "the same factual situation" might be guided by the ruling it applied only to the Florida group.

Supporters of President Carter, who has registered as a candidate with the commission, are held to the lower individual ceiling and their spending on the caucuses must be counted against the overall limit for the Florida primary, which is expected to be a bit higher than \$1.4 million.

Shift of the Mastermind

It was the 1975 "straw vote," masterminded for Jimmy Carter by Mike Abrams, the Democratic chairman of Dade County, that saw the former Georgia Governor, then lightly regarded as a Presidential possibility, get some two-thirds of the total and project himself into the forefront of the race.

Now Mr. Abrams heads the Kennedy effort.

On Oct. 13, county caucuses will pick 678 delegates to a statewide meeting. On Nov. 18, those chosen will be part of a convention of 1,717 delegates — the balance made up of party and government leaders — who will hold a Presidential "straw vote."

"We are shooting for 35 to 40 per cent," said Phil Hammermith, press secretary for the Kennedy group.

Some politicians suspect that figure, like the organizing budget that Mr. Friedman insists totals only \$20,000, is deliberately understated.

The New York group has stayed all but invisible so far. Even the expenses of the planned fundraising party will be paid for by the Florida committee. Subsequently, said Mr. Geto, the New Yorkers will try to raise some money for New Hampshire.

Shift of the Mastermind

It was the 1975 "straw vote," masterminded for Jimmy Carter by Mike Abrams, the Democratic chairman of Dade County, that saw the former Georgia Governor, then lightly regarded as a Presidential possibility, get some two-thirds of the total and project himself into the forefront of the race.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Machinists Non-Partisan) MUR 1038
Political League ("MNPL"))

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 7, 1979, the Commission decided by a vote of 6-0 to grant an extension of seven days (to November 8, 1979) to Mr. Rauh, on behalf of the MNPL, to respond to the Reason to Believe findings so long as the extension does not stay or impede the continuation of the investigation in this matter.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

11/7/79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in the Office of the Commission Secretary: 11-5-79, 10:19
Circulated on 48 hour vote basis: 11-5-79, 4:00

33040085139

November 5, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 1038

Please have the attached Memo distributed to the
Commission on a 48 hour tally basis.

Thank you.

0 1 9 2 7 C H O R O



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

79 NOV 5 AIO: 19

November 2, 1979

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele *CS*
Acting General Counsel

SUBJECT: Request for Extension in MUR 1038

Attached is a letter from Mr. Joseph Rauh on behalf of the Machinists Non-Partisan Political League ("MNPL") responding to the Commission's finding of reason to believe the MNPL may have violated the Federal Election Campaign Act of 1971, as amended. Inasmuch as Mr. Rauh was only recently retained by the MNPL, the Office of General Counsel recommends an extension of seven days (to November 8, 1979) to respond on behalf of the MNPL be granted Mr. Rauh so long as the granting of that extension does not stay or impede the continuation of the investigation in this matter.

83040605410

#3

BY HAND - URGENT

LAW OFFICES OF
RAUH, SILARD AND LICHTMAN

1001 CONNECTICUT AVENUE, N. W.

WASHINGTON, D. C. 20036

October 31, 1969

1038
Gentner

10/31 P 2:39

202-331-1798

JOSEPH L. RAUH, JR.
JOHN SILARD
ELLIOTT C. LICHTMAN
DANIEL H. POLLITT
MARY M. LEVY

William C. Oldaker, Esq.
General Counsel
Federal Elections Commission
1325 K Street, N. W.
Washington, D. C. 20005

Dear Mr. Oldaker:

Yesterday our firm was retained by the International Association of Machinists and the Machinists Non-Partisan League in connection with the complaint filed with the Commission by the Carter-Mondale Committee on the 4th of October.

On October 22nd the Machinists Union and the League received letters from you that the League "may have violated the Federal Election Campaign Act of 1971, as amended" and that the League's "response should be submitted within ten (10) days after receipt of this notification." The 10-day period will be up tomorrow, and obviously we are not in a position to file a response with only one day of research and preparation. We therefore request an additional 10 days to file the League's response.

That request is the more justified because this case has grave constitutional implications; indeed, there are serious doubts about the jurisdiction of the Commission over the matters alleged in the complaint. There is no allegation anywhere in the complaint that Senator Kennedy had anything to do with any of the respondents' activities. Under Buckley v. Valeo it would seem clear, therefore, that the activities of the respondents are fully protected by the Constitution against any Congressional expenditures limitations. There are also additional defects in the complaint which result from the Carter-Mondale Committee's heedless rush to the Commission to further their political interests. By letter of October 11, Mr. Winpisinger pointed out to the Commission some of the factual errors in the complaint, and careful examination may reveal additional deficiencies.

In any event, the first question is whether the Commission has jurisdiction over the complaint, and we would like to present a careful legal memorandum on that subject. We believe such a memorandum will be helpful to the Commission in arriving at a decision whether to proceed further in this matter.

Sincerely,

Joseph L. Rauh, Jr.
John Silard

JLR:JS:ehb
cc: Charles N. Steele, Esq.

0304033411



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *ynwE*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *me*
DATE: NOVEMBER 5, 1979
SUBJECT: ORDERS IN RELATIONS TO MUR 1038

The attached orders (10), approved by a vote of 5-0 on October 31, 1979, have been signed and sealed this date.

ATTACHMENT:
Orders)10

83040685412

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1038
 Florida for Kennedy Committee)
 Committee for Alternatives to)
 Democratic Presidential Candidate)
 New Hampshire Democrats for Change)
 Minnesotans for a Democratic)
 Alternative)
 Illinois Citizens for Kennedy)
 D.C. Committee for a Democratic Alternative)
 Democrats for Change - 1980)
 Citizens for Democratic Alternatives in 1980)
 National Call for Kennedy)
 Machinists Non-Partisan Political League)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 31, 1979, the Commission approved by a vote of 5-0 the following:

1. 10 orders to produce documents and materials and answer written questions to be issued to the above-named respondents.
2. 10 cover letters, attached to the General Counsel's memorandum dated October 26, 1979, to be sent to the above-named respondents.

Voting for this determination were Commissioners Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

10/31/79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 10-26-79, 10:12
 Circulated on 48 hour vote basis: 10-26-79, 2:00

83040685413

October 26, 1979

MEMORANDUM TO: Marge Emmons
FROM: Jane Colgrove
SUBJECT: MUR 1038

Please have the attached Memo to the Commission on MUR 1038 distributed to the Commission on a 48 hour tally basis.

Thank you.

8504068511



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 26, 1979

MEMORANDUM TO: The Commission

FROM: Gary L. Johansen *GLJ*
Special Assistant General Counsel

SUBJECT: Request for authorization to issue discovery orders in MUR 1038

On October 19, 1979, the Commission issued letters of notification that it had found reason to believe certain "draft Kennedy" groups may have violated the Act and regulations by failing to report affiliation with each other and that the Machinists Non-Partisan Political League ("MNPL") may therefore have violated the Act by aggregating contributions to these groups in excess of the applicable contribution limitation. In addition, two of the respondent groups were notified that they may have violated the Act and regulations by not registering and reporting with the Commission. Respondents were requested to submit responses within ten days from receipt of the notification letters. Responses should, for the most part, be due by November 5.

In order to be prepared to investigate this matter should the respondents deny the allegations, we recommend that the Commission authorize the issuance of orders to produce documents and materials and to answer written questions. We would send the orders promptly upon expiration of the response period.

We contemplate later requesting the Commission for authorization to issue subpoenas for deposition to individuals who, on the basis of the complaint and documentary evidence, would appear to have knowledge relevant to the allegations.

Recommendation: Authorize the attached orders to produce documents and materials and to answer written questions and cover letters.

Attachments

10 Orders to Produce Documents and Materials and
to Answer Written Questions
10 cover letters
Authorization Form



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

AUTHORIZATION TO ISSUE ORDERS TO PRODUCE DOCUMENTS
AND MATERIALS AND TO ANSWER WRITTEN QUESTIONS

The Commission hereby authorizes the issuance of orders to produce documents and materials and to answer written questions to the following persons in connection with MUR 1038(79):

Florida for Kennedy Committee
200 Southeast First Street, 12th Floor
Miami, Florida 33131

Committee for Alternatives to Democratic
Presidential Candidate
840 Fifth Avenue
Des Moines, Iowa 50309

New Hampshire Democrats for Change
P.O. Box 4268
Manchester, New Hampshire 03108

Minnesotans for a Democratic Alternative
208 McCall Building
366 Jackson Place
St. Paul, Minnesota 55107

Illinois Citizens for Kennedy
127 N. Dearborn, Room 238
Chicago, Illinois 60602

D.C. Committee for a Democratic Alternative
P.O. Box 1500
Washington, D.C. 20013

Democrats for Change - 1980
P.O. Box 6707
Los Angeles, California 90067

8 0 0 4 0 0 3 4 1 6

Citizens for Democratic Alternatives in 1980
P.O. Box 2485
Washington, D.C. 20013

National Call for Kennedy
1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

Machinists Non-Partisan Political League
1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

83040695417

Robert O. Tiernan
Chairman

Thomas E. Harris
Commissioner

Max L. Friedersdorf
Vice Chairman

John W. McGarry
Commissioner

Joan D. Aikens
Commissioner

Frank P. Reiche
Commissioner



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Paul D. Friedman, Esq.
Treasurer, Florida for Kennedy
Committee
200 Southeast First Street, 12th Floor
Miami, Florida 33131

Re: MUR 1038

Dear Mr. Friedman:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to Florida for Kennedy Committee.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

BY: Gary L. Johansen
Special Assistant
General Counsel

enclosure

93040105119



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Arthur C. Hedberg, Jr., Esq.
Treasurer, Committee for Alternatives
to Democratic Presidential Candidate
840 Fifth Avenue
Des Moines, Iowa 50309

Dear Mr. Hedberg:

Re: MUR 1038

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to Committee for Alternatives to Democratic Presidential Candidate.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

BY: Gary L. Johansen
Special Assistant
General Counsel

enclosure

00040585419



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Richard W. Leonard
Treasurer, New Hampshire Democrats
for Change
P.O. Box 4268
Manchester, New Hampshire 03108

Re: MUR 1038

Dear Mr. Leonard:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to New Hampshire Democrats for Change.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

BY: Gary L. Johansen
Special Assistant
General Counsel

enclosure

83040103430



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Thomas E. Lindley
Treasurer, Illinois Citizens for
Kennedy
127 N. Dearborn, Room 238
Chicago, Illinois 60602

Re: MUR 1038

Dear Mr. Lindley:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to Illinois Citizens for Kennedy.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

BY: Gary L. Johansen
Special Assistant
General Counsel

enclosure

83040635151



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Richard L. Rousch
Treasurer, D.C. Committee for
a Democratic Alternative
P.O. Box 1500
Washington, D.C. 20013

Re: MUR 1038

Dear Mr. Rousch:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to D.C. Committee for a Democratic Alternative.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

BY: Gary L. Johansen
Special Assistant
General Counsel

enclosure

3304068542



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Ken Grund
Treasurer, Minnesotans for a
Democratic Alternative
208 McCall Building
366 Jackson Place
St. Paul, Minnesota 55107

Re: MUR 1038

Dear Mr. Grund:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to Minnesotans for a Democratic Alternative.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

BY: Gary L. Johansen
Special Assistant
General Counsel

enclosure

3304068313



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Treasurer
Democrats for Change - 1980
P.O. Box 6707
Los Angeles, California 90067

Re: MUR 1038

Dear Sir:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to Democrats for Change - 1980.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

BY: Gary L. Johansen
Special Assistant
General Counsel

enclosure

337403854



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Stephen D. Keefe
Treasurer, Citizens for Democratic
Alternatives in 1980
P.O. Box 2485
Washington, D.C. 20013

Re: MUR 1038

Dear Mr. Keefe:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to Citizens for Democratic Alternatives in 1980.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

BY: Gary L. Johansen
Special Assistant
General Counsel

enclosure

930406345



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Victor Kamber
Treasurer, National Call for
Kennedy
1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Kamber:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to National Call for Kennedy.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

BY: Gary L. Johansen
Special Assistant
General Counsel

enclosure

0304003416



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Howard F. Dow
Secretary-Treasurer
Machinists Non-Partisan
Political League
1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Dow:

Please find enclosed an order to produce documents and materials and to answer written questions issued by the Federal Election Commission to the Machinists Non-Partisan Political League.

If you have any questions, please contact Marsha Gentner or Scott Thomas (telephone no. 202/523-4143), the attorneys assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

BY: Gary L. Johansen
Special Assistant
General Counsel

enclosure

03040595117

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1038
Citizens for Democratic Alternatives)
in 1980 ("CDA"))

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 26, 1979, the Commission decided by a vote of 4-0 to take the following actions regarding the above-captioned matter:

1. Deny CDA's request for an extension of time in which to respond to the Commission's letter of notification of finding of reason to believe that CDA may have violated the ACT.
2. Approve and send the letter attached to the General Counsel's Office Memorandum dated October 26, 1979.

Voting for this determination were Commissioners Aikens, Harris, McGarry, and Reiche.

Attest:

10-26-79

Date

Margaret E. Chaney
for Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 10-26-79, 12:30
Circulated on an Expedited Basis : 10-26-79, 12:45
Deadline: 10-26-79, 3:00

93040095419

October 26, 1979

MEMORANDUM TO: Marg e Emmons
FROM: Jan e Colgrove
SUBJECT: MUR 1038

Please have the attached Memo to the Commission on MUR 1038 distributed to the Commission on an expedited tally basis, with a vote deadline of 3:00PM this date.

Thank you.

83040585159



FEDERAL ELECTION COMMISSION 79 OCT 26 P12: 30
WASHINGTON, D.C. 20463

EXPEDITED MATTER

MEMORANDUM TO: The Commission

FROM: Gary L. Johansen *GLJ*
Special Assistant
General Counsel

SUBJECT: Request for Extension of Time in MUR 1038

DATE: October 26, 1979

Attached is a letter from co-counsels for Citizens for Democratic Alternatives in 1980 ("CDA"), requesting an extension of twenty days in which to respond to the Commission's finding of reason to believe that CDA may have violated the Act. Inasmuch as the Commission has directed this office to move as expeditiously as possible in this matter, the Office of General Counsel recommends that the extension request be denied.

Also attached is a letter in response to counsel for CDA. The General Counsel's office recommends that the Commission approve and send this letter.

Recommendations:

1. Deny CDA's request for an extension of time in which to respond to the Commission's letter of notification of finding of reason to believe that CDA may have violated the Act.
2. Approve and send the attached letter.

Attachments:

Letter from CDA co-counsel
Response letter

October 24, 1979

HAND CARRIED

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1038

Dear Mr. Oldaker:

8 3 0 4 0 3 4 1

Pursuant to our conversation this morning with Ms. Marsha Gentner, the attorney with the Federal Election Commission ("FEC") assigned to the above-referenced matter, we hereby request a meeting with you or your designee for the purpose of obtaining details concerning the FEC's finding that there is reason to believe that Citizens for Democratic Alternatives in 1980 ("CDA") "may" have violated the Federal Election Campaign Act of 1971, as amended, by failing to report an alleged affiliation with certain "Draft-Kennedy" committees set forth in the Commission's letter to CDA of October 19, 1979. We seek this information in order to permit the CDA, through its counsel, to respond completely and adequately to the FEC's letter. We find the allegation in the Commission's letter to be extremely broad and without specificity as to the basis upon which the finding of affiliation has been made, thereby making it impossible for CDA to respond completely and adequately to the Commission's letter. The difficulties of response are compounded by the very short response period given to CDA.

There are four bases upon which affiliation between political committees may be found: common control, common maintenance, common establishment, or common financing. (See 2 U.S.C. § 441a(a)(5).) You have not set forth which of the above bases the FEC has found applicable to its October 19, 1979 finding or the evidence upon which the finding was made. You have named eight organizations with whom or among whom affiliation may exist. There are, therefore, literally hundreds of combinations and permutations of affiliation theories which are possible. An adequate defense against any one possibility would require a substantial amount of research into the activities of the other committees, which knowledge is not presently in our control.

We would also like to note that the FEC's finding that it has "reason to believe that the [CDA] may have violated the Federal Election Campaign Act of 1971, as amended"

Mr. William C. Oldaker
October 24, 1979
Page 2

(emphasis added) does not comport with the statutory standard set forth in 2 U.S.C. § 437g(a)(2), which requires that the Commission must find that it has reason to believe that the CDA "has" violated the Act before it notifies the CDA of such alleged violation and commences its investigation. Thus, your request of the CDA is invalid.

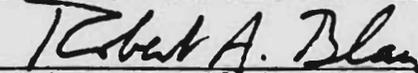
In addition, without acknowledging or accepting the validity of the FEC's request, should the Commission continue to maintain that its request was valid, we respectfully request that the time for response by the CDA be extended until twenty (20) days after the date of the meeting requested above, or twenty (20) days after the date of this letter, whichever is later. Such extension would permit the CDA and its counsel to obtain the additional information specified above and would give them adequate time to prepare an appropriate response to the Commission.

Finally, we understand that a first written report of the General Counsel concerning this matter has been prepared and submitted to the Commission. We hereby respectfully request that we be provided a copy of that report as soon as possible.

Very truly yours,

CITIZENS FOR DEMOCRATIC ALTERNATIVES IN 1980

By:


Robert A. Blair, Co-Counsel, Citizens
for Democratic Alternatives in 1980
c/o 1156 15th Street, N.W., Suite 1200
Washington, D. C. 20005


William H. Espinosa, Co-Counsel, Citizens
for Democratic Alternatives in 1980
c/o 1156 15th Street, N.W., Suite 1200
Washington, D.C. 20005

cc: Stephen Daniel Keefe, Esq.
Louis David Gordon
Marsha Gentner, Esq.

03040385492



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

HAND DELIVERED

Mr. Robert A. Blair
Mr. William H. Espinosa
Co-Counsel, Citizens for
Democratic Alternatives in 1980
c/o 1156 15th Street, N.W.
Suite 1200
Washington, D.C. 20005

Re: MUR 1038

Dear Messrs. Blair and Espinosa:

This Office received your letter of October 24, 1979, requesting an extension of twenty days in which to respond to the Commission's initial finding in MUR 1038 as it regards the Citizens for Democratic Alternatives in 1980 ("CDA"), and requesting a meeting with staff members of the Office of General Counsel to "obtain details" concerning the aforementioned finding by the Commission.

In regard to your request for a meeting, members of the staff will meet with you if you so desire. However, during the course of such meeting we will not disclose any work product or internal memoranda, or any information contained therein prepared pursuant to our attorney-client relationship with the Commission. If you still desire to meet with us to discuss Commission procedures in matters under review, or other questions concerning the Federal Election Campaign Act of 1971, as amended, ("the Act"), please call Marsha Gentner to arrange such a meeting.

In response to your request for an extension of twenty days to respond to the Commission's initial finding in this matter, the Commission has determined not to grant CDA such an extension, in view of the Commission's statutory duty,

0040185450

found in 2 U.S.C. § 437g(a)(3)(A), to proceed expeditiously with its investigation. During the course of the investigation, all relevant information will be considered, including any further information or response CDA may supply.

You have also requested that you be provided with a copy of the "first written report of the General Counsel concerning this matter." As such a report is an intra-agency memorandum and part of the attorney work product that is privileged communication between attorney and client, and as disclosure of the report would interfere with enforcement proceedings, your request for a copy of this document is denied.

If you have any further questions or problems concerning this or any other matter, please call Marsha Gentner at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant
General Counsel

3304069546



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 22, 1979

MEMORANDUM TO: Gary Johansen
FROM: William C. Oldaker
SUBJECT: MUR 1038

This memorandum is to inform you that I will not participate in this Matter Under Review in any way. Please sign all materials and direct all relevant papers directly to the Commission.

Further, I will not participate in any Commission discussion on this MUR.

William C. Oldaker

3504050545

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1038
Democrats for Change-1980)
National Call for Kennedy)
Citizens for Democratic)
Alternatives in 1980)
D. C. Committee for a)
Democratic Alternative)
Minnesotans for a Democratic)
Alternative)
Florida for Kennedy Committee)
Committee for Alternatives to)
Democratic Presidential)
Candidate)
New Hampshire Democrats for)
Change)
Illinois Citizen for Change)
Machinist Non-Partisan Political)
League)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 19, 1979, the Commission decided by a vote of 5-0 to take the following actions:

1. Send the REASON TO BELIEVE notification letters, attached to the General Counsel's Memorandum dated October 17, 1979, to the above-named respondents.
2. Send the letter addressed to William W. Winpisinger which was attached to the General Counsel's Memorandum dated October 17, 1979.

Voting for this determination were Commissioners Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

10/19/79
Date

Marjorie W. Emmons
Marjorie W. Emmons, Secretary to the Commission

Received in Office of Commission Secretary: 10-17-79, 12:48
Circulated on 48 hour vote basis: 10-17-79, 4:00

03040305436

October 17, 1979

MEMORANDUM TO: Marge Emmons
FROM: Jane Colgrove
SUBJECT: MUR 1038

Please have the attached Memo to the Commission on
MUR 1038 distributed to the Commission on a 48 hour tally
basis.

Thank you.

03040583467



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

70 OCT 17 P12:48

October 17, 1979

MEMORANDUM TO: The Commission
FROM: William C. Oldaker *WCO*
General Counsel
SUBJECT: "Reason to Believe" Notification
Letters in MUR 1038

Attached for your approval are "reason to believe" notification letters which we recommend sending in MUR 1038. Also attached is a letter responding to the letter received from William L. Winpisinger.

33040035456



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Treasurer
Democrats for Change-1980
P. O. Box 6707
Los Angeles, California 90067

Re: MUR 1038

Dear Treasurer:

33040133469
This letter is to notify you that the Federal Election Commission has found reason to believe that the National Call for Kennedy ("DC-1980") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe DC-1980 may have violated 2 U.S.C. §§ 433 and 434 by failing to register with and report to the Commission. Section 433 of Title 2, United States Code, requires all political committees as defined by the Act to register with the Commission, and 2 U.S.C. § 434 requires all such political committees to make periodic reports to the Commission.

This letter is also to notify you that the Commission has determined DC-1980 may be affiliated with the following "draft-Kennedy" committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, Illinois Citizens for Change, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, and National Call for Kennedy. Section 433(b)(2) of Title 2, United States Code and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As DC-1980 has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe DC-1980 may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act, DC-1980 has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, DC-1980's response should be submitted within ten (10) days after receipt of this notification. If DC-1980 intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless DC-1980 notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4073. 523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant General Counsel

04068170



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Victor Kamber
Treasurer, National Call for Kennedy
1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Kamber:

33040035171

This letter is to notify you that the Federal Election Commission has found reason to believe that the National Call for Kennedy ("NCK") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe NCK may have violated 2 U.S.C. §§ 433 and 434 by failing to register with and report to the Commission. Section 433 of Title 2, United States Code, requires all political committees as defined by the Act to register with the Commission, and 2 U.S.C. § 434 requires all such political committees to make periodic reports to the Commission.

This letter is also to notify you that the Commission has determined NCK may be affiliated with the following "draft-Kennedy" committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, Illinois Citizens for Change, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, and Democrats for Change-1980. Section 433(b)(2) of Title 2, United States Code and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As NCK has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe NCK may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act, NCK has an opportunity to demonstrate why no further action should be taken against it. We have received your letter of October 10, 1979. Please submit any other factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, NCK's response should be submitted within ten (10) days after receipt of this notification. If NCK intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless NCK notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant General Counsel

040305472



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stephen D. Keefe
Treasurer, Citizens for Democratic
Alternatives in 1980
P.O. Box 2485
Washington, D.C. 20013

Re: MUR 1038

Dear Mr. Keefe:

33040685473

This letter is to notify you that the Federal Election Commission has found reason to believe that the Citizens for Democratic Alternatives in 1980 ("the Committee") may have violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has determined the Committee may be affiliated with the following "draft-Kennedy" committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Illinois Citizens for Change, D.C. Committee for a Democratic Alternative, Minnesotans for a Democratic Alternative, National Call for Kennedy, Democrats for Change-1980. Section 433(b)(2) of Title 2, United States Code, and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As the Committee has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe the Committee may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act, the Committee has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, the Committee's response should be submitted within ten (10) days after receipt of this notification. If the Committee intends to be represented by counsel in this matter, please have such counsel notify this Office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless the Committee notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant General Counsel

040685474



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard L. Rousch
Treasurer, D.C. Committee for a
Democratic Alternative
P.O. Box 1500
Washington, D.C. 20013

Re: MUR 1038

Dear Mr. Rousch:

This letter is to notify you that the Federal Election Commission has found reason to believe that the D.C. Committee for a Democratic Alternative ("the Committee") may have violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has determined the Committee may be affiliated with the following "draft-Kennedy" committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Illinois Citizens for Change, Minnesotans for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, National Call for Kennedy, Democrats for Change-1980. Section 433(b)(2) of Title 2, United States Code, and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As the Committee has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe the Committee may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act, the Committee has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, the Committee's response should be submitted within ten (10) days after receipt of this notification. If the Committee intends to be represented by counsel in this matter, please have such counsel notify this Office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless the Committee notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant General Counsel

3304053476



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Grund
Treasurer, Minnesotans for a
Democratic Alternative
208 McCall Building
366 Jackson Place
St. Paul, Minnesota 55107

Re: MUR 1038

Dear Mr. Grund:

33040505477

This letter is to notify you that the Federal Election Commission has found reason to believe that the Minnesotans for a Democratic Alternative ("the Committee") may have violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has determined the Committee may be affiliated with the following "draft-Kennedy" committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, Illinois Citizens for Change, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, National Call for Kennedy, Democrats for Change-1980. Section 433(b)(2) of Title 2, United States Code, and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As the Committee has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe the Committee may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act, the Committee has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. ~~Where appropriate, statements should~~ be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, the Committee's response should be submitted within ten (10) days after receipt of this notification. If the Committee intends to be represented by counsel in this matter, please have such counsel notify this Office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless the Committee notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul D. Friedman, Esq.
Treasurer, Florida for Kennedy
Committee
200 Southeast First Street, 12th Floor
Miami, Florida 33131

Re: MUR 1038

Dear Mr. Friedman:

33040695479

This letter is to notify you that the Federal Election Commission has found reason to believe that the Florida for Kennedy Committee ("FKC") may have violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has determined FKC may be affiliated with the following "draft-Kennedy" committees under the Act and the Commission's regulations: Committee for Alternatives to Democratic Presidential Candidate, Illinois Citizens for Change, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, National Call for Kennedy, Democrats for Change-1980. Section 433(b)(2) of Title 2, United States Code, and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As FKC has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe FKC may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act and Commission regulations, affiliated committees are treated as a single committee and share one contribution limitation. Reports filed with the Federal Election Commission indicate that the Machinists Non-Partisan Political League (MNPL) has contributed in excess of \$5,000, total, to the above mentioned "draft Kennedy" committees. As FKC received a contribution from the MNPL, the Commission has also found reason to believe FKC may have violated 2 U.S.C. § 441a(f). Section 441a(a)(2)(C) of Title 2, United States Code,

prohibits committees such as the MNPL from contributing in excess of \$5,000 a year to political committees, and 2 U.S.C. § 441a(f) prohibits political committees from accepting excessive contributions.

Under the Act, FKC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, FKC's response should be submitted within ten (10) days after receipt of this notification. If FKC intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless FKC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant General Counsel

3040385430



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arthur C. Hedberg Jr., Esq.
Treasurer, Committee for Alternatives
to Democratic Presidential Candidate
840 Fifth Avenue
Des Moines, Iowa 50309

Re: MUR 1038

Dear Mr. Hedberg:

33040685431

This letter is to notify you that the Federal Election Commission has found reason to believe that the Committee for Alternatives to Democratic Presidential Candidate ("CADPC") may have violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has determined CADPC may be affiliated with the following "draft-Kennedy" committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Illinois Citizens for Change, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, National Call for Kennedy, Democrats for Change-1980. Section 433(b)(2) of Title 2, United States Code, and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As CADPC has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe CADPC may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act and Commission regulations, affiliated committees are treated as a single committee and share one contribution limitation. Reports filed with the Federal Election Commission indicate that the Machinists Non-Partisan Political League (MNPL) has contributed in excess of \$5,000, total, to the above mentioned "draft Kennedy" committees. As CADPC received a contribution from the MNPL, the Commission has also found reason to believe CADPC may have violated 2 U.S.C. § 441a(f). Section 441a(a)(2)(C) of Title 2, United States Code,

prohibits committees such as the MNPL from contributing in excess of \$5,000 a year to political committees, and 2 U.S.C. § 441a(f) prohibits political committees from accepting excessive contributions.

Under the Act, CADPC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, CADPC's response should be submitted within ten (10) days after receipt of this notification. If CADPC intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless CADPC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard W. Leonard
Treasurer, New Hampshire Democrats
for Change
P. O. Box 4268
Manchester, New Hampshire 03108

Re: MUR 1038

Dear Mr. Leonard:

13040635493

This letter is to notify you that the Federal Election Commission has found reason to believe that the New Hampshire Democrats for Change ("NHDC") may have violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has determined the Committee may be affiliated with the following "draft-Kennedy" committees under the Act and the Commission's regulations: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate, Illinois Citizens for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, National Call for Kennedy, Democrats for Change-1980. Section 433(b)(2) of Title 2, United States Code, and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As NHDC has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe NHDC may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act and Commission regulations, affiliated committees are treated as a single committee and share one contribution limitation. Reports filed with the Federal Election Commission indicate that the Machinists Non-Partisan Political League (MNPL) has contributed in excess of \$5,000, total, to the above mentioned "draft Kennedy" committees. As NHDC received a contribution from the MNPL, the Commission has also found reason to believe NHDC may have violated 2 U.S.C. § 441a(f). Section 441a(a)(2)(C) of Title 2, United States Code,

prohibits committees such as the MNPL from contributing in excess of \$5,000 a year to political committees, and 2 U.S.C. § 441a(f) prohibits political committees from accepting excessive contributions.

Under the Act, NHDC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, NHDC's response should be submitted within ten (10) days after receipt of this notification. If NHDC intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless NHDC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

F. Prell
Treasurer, Illinois Citizen for Change
One IBM Plaza, Suite 3100
Chicago, Illinois 60611

Re: MUR 1038

Dear Mr. Prell:

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This letter is to notify you that the Federal Election Commission has found reason to believe that the Illinois Citizens for Change ("ICC") may have violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has determined ICC may be affiliated with the following "draft-Kennedy" committees under the Act and the Commission's regulations: Committee for Alternatives to Democratic Presidential Candidate, Florida for Kennedy Committee, New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Citizens for Democratic Alternatives in 1980, National Call for Kennedy, Democrats for Change-1980. Section 433(b)(2) of Title 2, United States Code, and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As ICC has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe ICC may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act and Commission regulations, ~~affiliated~~ committees are treated as a single committee and share one contribution limitation. Reports filed with the Federal Election Commission indicate that the Machinists Non-Partisan Political League (MNPL) has contributed in excess of \$5,000, total, to the above mentioned "draft Kennedy" committees. As ICC received a contribution from the MNPL, the Commission has also found reason to believe ICC may have violated 2 U.S.C. § 441a(f). Section 441a(a)(2)(C) of Title 2, United States Code,

prohibits committees such as the MNPL from contributing in excess of \$5,000 a year to political committees, and 2 U.S.C. § 441a(f) prohibits political committees from accepting excessive contributions.

Under the Act, ICC has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, ICC's response should be submitted within ten (10) days after receipt of this notification. If ICC intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless ICC notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202)523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant General Counsel

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless MNPL notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant
General Counsel

33040585439



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

William W. Winpisinger
International President
International Association of
Machinists and Aerospace
Workers
1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Winpisinger:

This is in response to your letter of October 11, 1979, concerning a complaint filed with the Federal Election Commission by the Carter-Mondale Presidential Committee. The complaint, as you know, names as potential respondents the International Association of Machinists and Aerospace Workers and the Machinists Non-Partisan Political League.

We have today sent under separate cover a letter concerning the complaint to Howard F. Dow, Treasurer of the Machinists Non-Partisan Political League. A copy of that letter is enclosed for your information.

Sincerely,

William C. Oldaker
General Counsel

by:

Gary L. Johansen
Special Assistant
General Counsel

33040636430

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Florida for Kennedy Committee,)
 et al.)

MUR 1038

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on October 16, 1979, do hereby certify that the Commission determined by a vote of 6-0 to direct the Office of the General Counsel to move on MUR 1038 with expedited procedures and use whatever resources necessary to carry out this directive and to report back to the Commission no later than two weeks from this date.

Attest:

10/18/79
Date

Marjorie W. Emmons

33040605400

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Florida for Kennedy Committee ,)
 et al.)

MJR 1038

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on October 16, 1979, do hereby certify that the Commission determined by a vote of 6-0 to take the following actions in the above-captioned matter:

1. FIND REASON TO BELIEVE that the following respondents may have violated 2 U.S.C. §433(b)(2) and 11 C.F.R. §102.2(a)(2) by failing to report each other as affiliated committees: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D. C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D. C.), Democrats for Change-1980 (California), and Citizens for Democratic Alternatives in 1980 (D.C.);
2. FIND REASON TO BELIEVE the MNPL may have violated 2 U.S.C. §441a(a)(2)(C) by contributing in excess of \$5,000, total, to the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy;
3. FIND REASON TO BELIEVE that the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy may have violated 2 U.S.C. §441a(f) by receiving excessive contributions;
4. Take no action at this time that any individuals have violated 2 U.S.C. §441a(a)(1)(C) by contributing in excess of \$5,000, total, to the respondent committees;

(Continued)

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5. FIND REASON TO BELIEVE that the National Call for Kennedy and the Democrats for Change-1980 may have violated 2 U.S.C. §§433 and 434 by failing to register with and report to the Commission; and
6. Direct the Office of the General Counsel to circulate amended draft letters to the respondents for Commission approval on a no-objection basis.

Attest:

10/18/79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

33040695472



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mic*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*
DATE: OCTOBER 15, 1979
SUBJECT: OBJECTION - MUR 1038 - First General Counsel's Report
dated 10-12-79; Received in OCS 10-12-79,
9:39

The above-named document was circulated on a 48 hour vote basis at 2:00, October 12, 1979.

Commissioner Aikens submitted an objection at 9:57, October 15, 1979, thereby placing MUR 1038 on the Amended Agenda for Tuesday, October 16, 1979.

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FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OCT 12 9:39

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION OCT 11 1979

MUR # 1038
DATE COMPLAINT RECEIVED
BY OGC 10/4/79

STAFF MEMBER(s) Johansen/
Gentner/Thomas

COMPLAINANT'S NAME: Carter-Mondale Presidential Committee, Inc.

RESPONDENTS' NAMES: Florida for Kennedy Committee; Committee for Alternatives to Democratic Presidential Candidate (Iowa draft-Kennedy); New Hampshire Democrats for Change (New Hampshire draft-Kennedy); Minnesotans for a Democratic Alternative (Minnesota draft-Kennedy); D.C. Committee for a Democratic Alternative (District of Columbia draft-Kennedy); Illinois Citizens for Kennedy; The New York, New Jersey, and Michigan Draft-Kennedy Committees (as yet unregistered according to publicly available filings); International Association of Machinists and Aerospace Workers; Machinists Non-Partisan Political League; National Call for Kennedy (unregistered); Democrats for Change-1980 (unregistered); and Citizens for Democratic Alternatives in 1980, also known as National Clearinghouse for Kennedy

RELEVANT STATUTES: 2 U.S.C. §§ 433, 434, 441a(a)(1)(C); 441a(a)(2)(C), 441a(a)(5), 441a(f).
11 C.F.R. §§ 100.14(c); 102.2; 114.12.

INTERNAL REPORTS CHECKED: Statements of Organization

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

Complainant alleges that the above-named respondents are affiliated with one another but failed to report such affiliation in violation of 2 U.S.C. § 433(b)(2); that the Machinists Non-Partisan Political League and certain individuals contributed in excess of \$5,000 to these affiliated committees in violation of 2 U.S.C. § 441a(a)(1)(C) and (2)(C), and the committees accepted these contributions in violation of 2 U.S.C. § 441a(f);

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and that the National Call for Kennedy and Democrats for Change-1980 are political committees which have failed to register and report to the Commission in violation of 2 U.S.C. §§ 433 and 434.

PRELIMINARY LEGAL ANALYSIS

Introduction

This action stems from a complaint filed by the Carter-Mondale Presidential Committee, Inc. Respondents (with the exception of the New York, New Jersey and Michigan Draft-Kennedy Committees, the National Call for Kennedy, and the Democrats for Change-1980) are political committees registered with the Commission. Respondent International Association of Machinists and Aerospace Workers (IAM) is a labor organization whose separate segregated fund is respondent Machinists Non-Partisan Political League (MNPL), a multicandidate committee. With respect to the foregoing alleged violations, we recommend hereinafter there is reason to believe that certain of the named respondents may have failed to properly report affiliation with each other, that because of this affiliation the MNPL, but not the individuals, may have made excessive contributions to such groups, and that two of the named respondents may have failed to properly register and report as political committees.

I. Failure to Report Affiliation

The threshold question presented is whether any of the named respondents are "affiliated committees" within the meaning of 2 U.S.C. §§ 433(b)(2) and 441a(a)(5) and 11 C.F.R. § 100.14(c) and hence required to report their affiliation on their statements of organization pursuant to 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) and (b)(1). 1/ The Commission regulations have

1/ The analysis in this report is limited to the relationship among the registered respondent draft Kennedy groups, i.e., Florida, Iowa, New Hampshire, Minnesota, District of Columbia, Illinois, and Citizens for Democratic Alternatives in 1980, and the two respondent groups for which we make registration recommendations, i.e., National Call for Kennedy and Democrats for Change-1980. See Part III. When the October 10 Quarterly Reports are filed, the staff will be better able to analyze the status of some of the unregistered draft groups mentioned in the complaint, i.e., New York, New Jersey and Michigan. In this regard, the complainant has requested leave to amend its complaint on the basis of future information.

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drawn from the language of 2 U.S.C. § 441a(a)(5) to enunciate the standard for analyzing whether political committees are "affiliated" for purposes of the Act. For purposes relevant here, the regulations at 11 C.F.R. § 100.14(c) state:

All committees...established, financed, maintained, or controlled by the same corporation, labor organization, person, or group of persons, including any parent, subsidiary, branch, division, department, or local unit thereof, are affiliated.

(i) Application of the rule of this paragraph means that --
.....

(E) All the political committees established by the same person or group of persons are affiliated.

(ii) For organizations not covered by (i) above, indicia of establishing, financing, maintaining, or controlling include --
.....

(B) Provisions of bylaws, constitutions, or other documents by which one entity has the authority, power, or ability to direct another entity;

(C) The authority, power, or ability to hire, appoint, discipline, discharge, demote, or remove or otherwise influence the decision of the officers or members of an entity.

(D) Similar patterns of contributions;

(E) The transfer of funds between committees which represent a substantial portion of the funds of either the transferor or transferee committee, other than the transfer of funds between the committees which jointly raised the funds so transferred.

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Information available from reports filed with the Commission provides support for the contention that some of the named respondents were set up and funded in large part by certain identifiable persons. William Winpisinger seems to be foremost among those allegedly responsible for the creation of the respondent groups. Winpisinger, President of the IAM, is one of three co-chairmen of MNPL which in turn has been the single largest reported contributor to the various respondents. The MNPL has already contributed \$5,000 each to the respondent draft-Kennedy groups in Florida, Iowa, and New Hampshire. 2/ Complaint, pp. 16, 17. Substantial contributions to more than one of the named respondent committees have also been made by Stanley Sheinbaum (\$3,000), Norman Lear (\$2,000), and Ted Ashley (\$2,000), all of whom are California residents and allegedly co-chairmen of respondent Democrats for Change-1980. Complaint, p. 18 and Exs. P, Q, R, N and O.

Complainant asserts, presumably on the basis of a transcript of a Meet the Press television broadcast (Complaint Ex. CC), that Winpisinger, supra, is chairman of the Washington, D.C., based group, the National Call for Kennedy. 3/ According to the transcript of this program, Winpisinger indicated that this group had active committees in over half of the states, that a mass mailing had been conducted, and that another was being planned.

Additionally, complainant alleges on information and belief that Winpisinger serves also as co-chairman of the respondent D.C. Committee for a Democratic Alternative. These indications that Winpisinger serves in an official capacity on at least two of the respondent draft-Kennedy groups imply not only that he may have been involved in their creation, but also that he may exercise a significant degree of influence over their operations.

2/ The total amount reported with the Commission as contributions by both the MNPL and the recipients is \$22,477.50. The Indiana and Pennsylvania committees, neither of which are named respondents, account for \$5,500 of this amount. The additional \$11,238.92 listed by complainant at 16, 17, purportedly for materials purchased, was reported as an expenditure by the MNPL. No reported evidence exists that the materials were in fact in-kind contributions to any of the respondent committees. Although complainant alleges that these materials have been contributed in-kind, it is unnecessary at this time to resolve this question since substantial monetary contributions have been reported.

3/ The National Call for Kennedy apparently has the same address as the MNPL. Complaint, p. 8.

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Another individual, Mark A. Siegel, is alleged by complainant to have been instrumental in coordinating the strategy of respondents. Complaint, pp. 20, 21. Siegel apparently did provide services to at least the Minnesota committee, for it reported an obligation of \$233.38 owing to Siegel for rent and telephone expenses on "various" dates. (Complaint Ex. R).

As evidence that all of the respondent groups have a common source of assistance and coordination, complainant refers to the activities of the Citizens for Democratic Alternatives in 1980, also known as the National Clearinghouse to Draft Kennedy. Based in Washington, D.C., this organization has issued a publication (Complaint Ex. JJ) which states as follows:

It is the mission of the National Clearinghouse to foster, encourage and support efforts to draft Edward M. Kennedy to run for President of the United States.... While the Clearinghouse is not affiliated with any of the state or local committees seeking a Democratic alternative in 1980, it is the goal of this Office to serve these groups directly in any possible way throughout the final months of 1979....

...As we approach the early campaigns in Florida, Iowa, New Hampshire, and Minnesota, there is a need to coordinate and channel these national energies so that the national campaign when it emerges can build on the personnel and organizational assets of these grassroots movements.

The National Clearing House provides a referral service among interested volunteers, coordinates information exchange, supports fund-raisers for state and local groups, publishes a periodic newsletter, and plays whatever other coordinating roles seem appropriate as events unfold.

The foregoing evidence would, in our view, support a determination that there is reason to believe the respondent committees of Florida, Iowa, New Hampshire, Minnesota, Illinois, and the District of Columbia, as well as the Democrats for a Change-1980 (California), the National Call for Kennedy, and the National Clearinghouse to Draft Kennedy may be affiliated within the meaning of the Act and regulations. The complaint includes as attachments several newspaper articles which in turn allege additional facts bearing on the relationship of the respondent organizations. While we do not believe that

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the newspaper articles need be relied upon to support our recommendation, in our discussion below we have summarized the articles which the complainant sets forth in support of its argument.

For example, the role played by William Winpisinger in setting up certain of the respondent groups is suggested by reports that officials of state units of the IAM have also been participants in the organization of certain of the respondents. The St. Petersburg Times, May 17, 1979, 2B, reported that Glen Powell, state president of the IAM would attend the organizational meeting of a "Florida Draft Kennedy Committee" (Complaint Ex. A). The New York Daily News, May 24, 1979, reported that William Fenton, head of the IAM in the state, had called the meeting at which an Iowa exploratory committee for a Democratic alternative was formed (Complaint Ex. B). The Des Moines Register, June 14, 1979, 7A, reported, "The draft-Kennedy move in Iowa was started by labor union leaders who are upset at Carter's performance in office... [M]ost of the group's money has come from the [IAM] a labor union that has been calling draft-Kennedy meetings around the country, including one in March in Iowa." (Complaint Ex. C). The St. Louis Dispatch, June 6, 1979, reported that Charles Williams, "an official of the Machinists Union," was "one of the leaders of the move" seeking to draft Edward Kennedy in Illinois. It went on to state that a meeting to organize a draft-Kennedy movement in Illinois "was organized by the Machinists Union and the Committee on Illinois Government..." (Complaint Ex. H). Thus, from the face of the articles there is the suggestion that officials from various levels of the IAM may have played a role in the formation of several of the respondent committees.

The Washington Post, September 16, 1979 (Complaint Ex. I), reported:

[Charles Williams, a co-chairman of the Illinois Citizens for Kennedy,] said the group came together, in part, through Machinists headquarters. 'I got a call from Washington saying some people in Illinois were for Kennedy and wanted to contact us.'

Since then, Williams said, he had been in regular communications with [Marjorie Phyfe] and others at the Machinists, getting 'absoutely [sic] any kind of help I want. They tell me what's going on around the country.'

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Yet another newspaper article also reported that Winpisinger appears to have had a direct role in the formation of respondent National Call for Kennedy. What was apparently its first solicitation letter was signed by Winpisinger, according to the New York Times, July 6, 1979. The article stated, "Winpisinger said that a group of original subscribers to the movement had put up about \$1,000 each to start the movement."

On the basis of the evidence set forth on pages 4 and 5 above, we recommend that the Commission determine there is reason to believe the following respondents may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report each other as affiliated committees: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (California), and Citizens for Democratic Alternatives in 1980 (D.C.).

II. Excessive Contributions

In addition to alleging that the respondent committees are affiliated, complainant further contends that the committees received in excess of \$5,000, total, from the MNPL and possibly from each of certain individuals. Such facts, the complainant argues, place the MNPL and these individuals in violation of 2 U.S.C. §§ 441a(a)(2)(C) and 441a(a)(1)(C) respectively, and the recipient respondent committees in violation of 2 U.S.C. § 441a(f) for accepting such contributions.

2 U.S.C. § 441a(a)(5) provides that:

For purposes of the limitations provided by [2 U.S.C. § 441a(a)(1) and (2)], all contributions made by political committees established or financed or maintained or controlled by... any other person, or by any group of such persons, shall be considered to have been made by a single political committee... (emphasis added)

While this language establishes that affiliated committees are to be treated as a single committee for purposes of contributions by such committees, it is not clear from the face of the statute whether affiliated committees are treated as one for purposes of the limitations on contributions to such committees. However, the Commission has previously stated in AO 1976-104 at 2, 3 (June 20, 1977) and AO 1978-39, at 4 (November 20, 1978) that the language expressed in 2 U.S.C. § 441a(a)(5) applies to contributions made to affiliated committees as well as to contributions made by such committees. See also General Counsel Murphy's Memorandum, Commission memo 809, approved August 30, 1976.

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The Commission has consistently treated affiliated committees as one entity under the provisions of 2 U.S.C. § 441a(a), permitting unlimited transfers of funds among affiliated committees and permitting affiliated committees to rely on one another's number of contributors and contributions to candidates to obtain multicandidate committee status. The regulations and the history of the Federal Election Campaign Act of 1971, as amended ("the Act") support this interpretation of the language in § 441a(a)(5). See 11 C.F.R. § 110.3(a)(1)(ii)(E); H.R. Rep. No. 94-1057, 94th Cong., 2d Sess. 58 (1976); H.R. Rep. No. 94-917, 94th Cong., 2d Sess. 6 (1976); S. Rep. No. 94-677, 94th Cong., 2d Sess. 9-10 (1976).

Inasmuch as MNPL reports filed with the Commission (See Complaint at 28 and attached exhibits L and M) reveal that the Committee has contributed in excess of \$5,000 to various respondent committees, the Office of General Council recommends that the Commission find reason to believe the MNPL may have violated 2 U.S.C. § 441a(a)(2)(C) by contributing in excess of \$5,000, total, to the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy; and reason to believe that these committees may have violated 2 U.S.C. § 441a(f) by receiving such contributions. 4/ However, as the complaint supplies insufficient supporting evidence of the allegation of possible individual contributions in excess of \$5,000, total, to the respondent committees, and fails to identify the individuals who made these alleged excessive contributions and which committees accepted these contributions, the Office of General Counsel recommends the Commission find no reason to believe at this time as to the allegation that certain individuals violated the Act.

4/ The complaint alleges the Kennedy for President Indiana Committee and the Pennsylvania Committee for a Democratic Alternative were recipients of contributions from the MNPL. However, as the complaint does not name either of these committees as a respondent, and as neither is the subject of an allegation of affiliation, the General Counsel's Office makes no recommendation of a finding as to these two committees.

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III. Failure to Register and Report

Complainant alleges that two groups, the National Call for Kennedy (NCFK) and the Democrats for Change-1980 (DC-80) are political committees that fall within the Act's filing requirements, but have failed to register with or report to the Commission in violation of 2 U.S.C. §§ 433 and 434. 2 U.S.C. § 431(d) defines a "political committee" as:

[A]ny committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in aggregate amount exceeding \$1,000.

The Act further defines "contributions" and "expenditures" as those gifts and payments which are "made for the purpose of influencing the nomination for election, or the election of any person to federal office." 2 U.S.C. § 431(e) and (f). If the facts alleged by the complainant are substantiated, both the NCFK and the DC-80 may have made expenditures and/or received contributions in excess of \$1,000 to oppose the nomination of President Carter for the Office of President in 1980, and therefore may be political committees subject to the Act's registration and reporting requirements.

The NCFK is a group incorporated ^{5/} in the District of Columbia, alleged to be chaired by William W. Winpisinger. See Complaint at 33-4 and its attached exhibit CC at 2. The complaint alleges that the NCFK has produced Kennedy bumper stickers and buttons for public distribution, has conducted and anticipates conducting in the future, a direct mail program urging support of a "draft Kennedy"/"oppose Carter" movement,

^{5/} If the NCFK is a political committee, it would not be subject to the proscriptions contained in 2 U.S.C. § 441b. 11 C.F.R. § 114.12(a).

and solicits funds to help finance these endeavors. 6/ Complaint at 33-4. In addition, a NCFK solicitation reprinted in an article in "New York" magazine seeks contributions "to affirm" to Senator Kennedy that there is widespread support for his candidacy for the Democratic nomination for President in 1980. Complaint Ex. BB.

If the results of an investigation substantiate the facts alleged by the complainant as true, the NCFK would be subject to the Act's filing requirements, as money spent on these activities would be payments in excess of \$1,000, made to influence the nomination for election of a person (Kennedy) to federal office, 2 U.S.C. § 431(f). This conclusion is supported by NCFK Chairman Winpisinger's statement on NBC's Meet the Press (September 2, 1979) that in response to a planned future mass mailing by the NCFK, "We expect to have as a result of that fully 50,000 supporters both in terms of physical effort and financial resources for the [S]enator's candidacy if he agrees to become one." (Emphasis supplied). Complaint Ex. CC at 3. Section 100.14 of the Commission's regulations defines a political committee as a group of persons which, inter alia, "anticipates" receiving or receives contributions totaling more than \$1,000 in value. The above-quoted statement by Mr. Winpisinger demonstrates that the NCFK has such "anticipations."

The Democrats for Change-1980 is a California based group co-chaired by Stanley Sheinbaum, Norman Lear and Ted Ashley, among others. Complaint Exs. N, O. The complaint alleges that this group has run anti-Carter, pro-Kennedy newspaper ads and sponsored similar mass mailings. Complaint at 35. The DC-80 advertisements chiefly relied upon by the complainant to substantiate its allegations (Complaint Ex. O) is captioned in bold type "We're sorry President Carter". The ad refers to a "crisis of leadership" in this country, stating that President Carter "has not succeeded" in his attempts to be a good president, listing specifically the areas of disagreement/disappointment with President Carter's term of office. The ad then identifies the sponsors as the Democrats for Change-1980, listing chairpersons and supporters. The ad closes with a request to complete and return a coupon in order to keep the sender informed.

6/ The complaint points to newspaper articles in the New York Times and Washington Post which characterize the letters sent by the NCFK in its direct mail effort as entreating the recipients to show their support for a Kennedy presidential candidacy. According to the articles, the letters state: "Considering the alternatives facing us, you and I simply must find a way to convince Senator Edward Kennedy to run for the Presidency next year." Complaint Ex. HH and II. The New York Times article also quotes NCFK's chairman, Mr. Winpisinger, as stating that a group of original members of the NCFK have put up \$1,000 each to start the movement. Complaint Ex. II.

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The payments to run this ad in various newspapers appear to be § 431(f) expenditures made to influence the choice for the Democratic nomination for President in 1980. The basic message of the ad is the dissatisfaction with an identifiable presidential candidate, President Carter, and the search for an alternative for the Democratic nomination in 1980. The coupon at the bottom of the ad states that "a change is needed in the White House." The ad also specifically mentions the presidential primaries in 1980, and that Senator Kennedy is the leading choice for the nomination among Democrats. In AO 1979-41 (September 13, 1979), the Commission found that payments to run an ad similar in material respects to the one in question were expenditures within the Act's definition which could (and did) trigger political committee status. The substantial activities of the committee (mass mailings and ads in major newspapers) provides a basis to assume that more than \$1,000 by DC-80 was expended on these ads and activities and thus in influencing the Democratic nomination.

A finding by the Commission that the NCFK and the DC-80 may be political committees within the statutory definition based on the allegations in the complaint would not be inconsistent with the decision in United States v. National Committee for Impeachment, 469 F.2d 1135 (2d Cir. 1972). The Court found that the National Committee for Impeachment did not become a political committee under what is now 2 U.S.C. § 431(d) by paying for an ad calling for the impeachment of Mr. Nixon because the central theme of that ad concerned a question of national policy, the impeachment of the President, "not specific election campaigns or candidates." Id. at 1140. However, in this case the alleged activities and mass mailings of the NCFK and DC-80, as well as the ad run by DC-80 (Exhibit O), do have their basic thrust in a specific campaign -- the Democratic nomination for President in 1980. See also AO 1975-81 (January 26, 1976). (Committee need not support a named candidate for federal office to be a political committee within 2 U.S.C. § 431(d).

Accordingly, it is recommended that the Commission find reason to believe the NCFK and the DC-80 may be political committees as defined by the Act and thus are required to register and report with the Commission pursuant to 2 U.S.C. §§ 433 and 434. As neither committee has registered or reported to the Commission, the General Counsel's Office recommends the Commission find reason to believe the NCFK and and DC-80 may have violated 2 U.S.C. §§ 433 and 434.

RECOMMENDATIONS

For the foregoing reasons, it is recommended that the Commission:

1. determine there is reason to believe the following respondents may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2) by failing to report

each other as affiliated committees: Florida for Kennedy Committee, Committee for Alternatives to Democratic Presidential Candidate (Iowa), New Hampshire Democrats for Change, Minnesotans for a Democratic Alternative, D.C. Committee for a Democratic Alternative, Illinois Citizens for Kennedy, National Call for Kennedy (D.C.), Democrats for Change-1980 (California), and Citizens for Democratic Alternatives in 1980 (D.C.);

2. determine there is reason to believe the MNPL may have violated 2 U.S.C. § 441a(a)(2)(C) by contributing in excess of \$5,000, total, to the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy;
3. determine there is reason to believe that the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate (Iowa), and Illinois Citizens for Kennedy may have violated 2 U.S.C. § 441a(f) by receiving excessive contributions;
4. determine there is no reason to believe at this time that any individuals have violated 2 U.S.C. § 441a(a)(1)(C) by contributing in excess of \$5,000, total, to the respondent committees;
5. determine there is reason to believe that the National Call for Kennedy and the Democrats for Change-1980 may have violated 2 U.S.C. §§ 433 and 434 by failing to register with and report to the Commission; and
6. approve the attached sample letters to be sent to respondents.

ATTACHMENTS:

4 Sample Letters to Respondents

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October 12, 1979

MEMORANDUM TO: Marge Emmons
FROM: Jane Colgrove
SUBJECT: MUR 1038

Please have the attached First General Counsel's Report
MUR 1038 distributed to the Commission on a 48 hour tally
basis.

Thank you.

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Sample Letter A to be sent to the following respondents:
Florida for Kennedy Committee, Committee for Alternatives
to Democratic Presidential Candidate (Iowa), New Hampshire
Democrats for Change, and Illinois Citizens for Kennedy.

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The Commission is under a duty to investigate this matter expeditiously. Therefore, _____'s response should be submitted within ten (10) days after receipt of this notification. If _____ intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless _____ notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

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Sample Letter B to be sent to the following respondents:
Minnesotans for a Democratic Alternative, D.C. Committee
for a Democratic Alternative, and Citizens for Democratic
Alternatives in 1980 (D.C.).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SAMPLE LETTER B

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: MUR 1038

Dear _____:

This letter is to notify you that the Federal Election Commission has found reason to believe that _____ may have violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has determined _____ may be affiliated with the following "craft-Kennedy" committees under the Act and the Commission's regulations: _____,

_____ Section 433(b)(2) of Title 2, United States Code, and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As _____ has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe _____ may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act, _____ has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, _____'s response should be submitted within ten (10) days after receipt of this notification. If _____ intends to be represented by counsel in this matter, please have such counsel notify this Office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless _____ notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

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Sample Letter C to be sent to the following respondents:

National Call for Kennedy (D.C.) and Democrats for

Change - 1980 (California).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SAMPLE LETTER C

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear _____ :

This letter is to notify you that the Federal Election Commission has found reason to believe that the _____ may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the Commission has found reason to believe _____ may have violated 2 U.S.C. §§ 433 and 434 by failing to register with and report to the Commission. Section 433 of Title 2, United States Code, requires all political committees as defined by the Act to register with the Commission, and 2 U.S.C. § 434 requires all such political committees to make periodic reports to the Commission.

This letter is also to notify you that the Commission has determined _____ may be affiliated with the following "draft-Kennedy" committees under the Act and the Commission's regulations: _____,

_____, _____, _____,
_____. Section 433(b)(2) of Title 2, United States Code, and 11 C.F.R. § 102.2(a)(2) require political committees to report to the Commission the names of any affiliated committees. As _____ has not designated the above-mentioned committees as affiliated committees, the Commission has found reason to believe _____ may have violated 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 102.2(a)(2).

Under the Act, _____ has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, _____'s response should be submitted within ten (10) days after receipt of this notification. If _____ intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless _____ notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

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Letter D to be sent to the following respondent:

Machinists Non-Partisan Political League.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

SAMPLE LETTER D

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Howard F. Dow
Secretary-Treasurer, Machinists
Non-Partisan Political League
1300 Connecticut Ave., N.W.
Washington, D.C. 20036

Re: MUR 1038

Dear Mr. Dow:

This letter is to notify you that the Federal Election Commission has found reason to believe that the Machinists Non-Partisan Political League ("MNPL") may have violated the Federal Election Campaign Act of 1971, as amended. Specifically, the Commission has determined that by contributing, in the aggregate, in excess of \$5,000 in a calendar year to the Florida for Kennedy Committee, New Hampshire Democrats for Change, Committee for Alternatives to Democratic Presidential Candidate, and Illinois Citizens for Kennedy, MNPL may have violated 2 U.S.C. § 441a(a)(2)(C). The Commission has determined that these four committees, among others, may be affiliated within the meaning of the Act and the Commission's regulations and that, if affiliated, contributions to them must be aggregated for purposes of the limitations set forth in 2 U.S.C. § 441a(a)(2)(C).

Under the Act, MNPL has an opportunity to demonstrate why no further action should be taken against it. Please submit any factual or legal materials believed relevant to the Commission's analysis in this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, MNPL's response should be submitted within ten (10) days after receipt of this notification. If MNPL intends to be represented by counsel in this matter, please have such counsel notify this office in writing.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(3) unless MNPL notifies the Commission in writing that it wishes the investigation to be made public. If you have any questions, please contact Marsha Gentner, the attorney assigned to this matter, at (202) 523-4073.

Sincerely,

William C. Oldaker
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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October 15, 1979

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker
General Counsel *WCO*

SUBJECT: First General Counsel's Report in MUR 1038

DATE: October 15, 1979

The following letters from two respondents in MUR 1038 were received by this Office on Friday, October 12, 1979. As these letters respond to specific allegations contained in the Carter-Mondale, Inc., complaint, we are circulating them for your information.

Attachment: Letters(2)

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**INTERNATIONAL ASSOCIATION of MACHINISTS
and AEROSPACE WORKERS**

MACHINISTS BUILDING, 1300 CONNECTICUT AVENUE, WASHINGTON, D. C. 20036

Office of the
INTERNATIONAL PRESIDENT

Area Code 202
857-5200

October 11, 1979

The Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Commissioners:

Last week I learned from reporters that the Carter-Mondale Presidential Committee (hereinafter C-M) was filing a complaint with the Commission that pertained to my activities as International President of the International Association of Machinists & Aerospace Workers (hereinafter IAM) and Co-Chairman of the Machinists Non-Partisan Political League (hereinafter MNPL). I have reviewed the Carter-Mondale press releases and the complaint and wish to provide the Commission and the parties with information which would correct the misstatements of law and fact contained throughout the Carter complaint. I have also received a copy of the complaint sent from General Counsel Oldaker of the Federal Election Commission.

The IAM is a connected organization with the MNPL, a multi-candidate political committee. I am an officer of both organizations. The IAM has made no contributions to any of the other respondents named by President Carter or to any other political committees. The MNPL by vote of its Executive Committee has made contributions to four of the 12 named respondents. The MNPL has made contributions to the Florida for Kennedy Committee, the Committee for Alternatives to Democratic Presidential Candidate, New Hampshire Democrats for Change, and Illinois Citizens for Kennedy. The MNPL has made no contributions to the other eight named respondents. The MNPL has made contributions as well to three other committees of the 52 committees supporting Senator Kennedy which are registered with the Commission. These three contributions were made to Kennedy for President Indiana Committee, Wisconsin Democrats for Change in 1980, and Hawaii Democrats for Kennedy-80. No contributions were made to the 45 other committees registered with the Commission as of October 5, 1979, or to any other committees or organizations for the purpose of supporting Senator Kennedy. The IAM and MNPL have, however, recently made contributions to more than 300 political committees and other organizations which share the interests of our members.

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Contributions from the MNPL come from a segregated fund composed primarily of the one and two dollar donations of IAM members. The MNPL Constitution provides that contributions to political committees shall be made by a nine-member Executive Committee. MNPL members have been involved in political activities and vigorously supported the election of President Carter in 1976. Many MNPL members became disenchanted with President Carter when he abandoned the 1976 Democratic Party Platform on many issues of vital concern to our members. In January of this year, members of the constitutional National Planning Committee of the MNPL committed themselves to seek an alternative to President Carter who would embrace and seek to implement the Party Platform. This grass-roots movement was confirmed in polls of IAM leadership which showed that 86 percent supported Senator Kennedy as compared with 5 percent for Governor Brown. Two percent favored the reelection of President Carter and 2 percent supported Governor Reagan. The MNPL is committed also to encouraging political expression and activity of our members. For example, in Florida, IAM members have filed to run for delegate to the State Convention on both pro- and anti-Kennedy slates. IAM staff and members are encouraged by the MNPL to be politically active and are free to support candidates of their choice.

The C-M complaint should be dismissed forthwith by the Commission on the following grounds as to the IAM and MNPL.

1. The C-M complaint did not comply with the provisions of the Commission's regulations contained in Section 111.2, requiring certain information, which was not provided.

2. Neither the MNPL nor the IAM established, maintained, or controlled or is affiliated with any of the respondents, but assuming for the sake of argument that there is affiliation because the IAM has organized the other respondents, the contributions made by the MNPL to its alleged affiliates would be intra-committee transfers under 2 U.S.C. 441a, and thus perfectly lawful under the Federal Election Campaign Act.

3. The C-M complaint does not, even if all of its allegations were taken to be true, state facts sufficient to find affiliation under applicable law. MUR 306 (76); MUR 297 (76). The publication by complainant of a list composed of individuals and organizations who strongly oppose the renomination of President Carter and support his opponents, does not prove affiliation, any more than the publication of a list of like-minded conservative political activists and organizations, composed of those who have opposed liberal candidates and supported their opponents, proves affiliation. 2 U.S.C. 441a(a)(5); MUR 297 (76).

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4. The C-M complaint does not even allege facts sufficient under the Commission's regulations, Section 100.14, to show affiliation between the MNPL and any of the other respondents. There is no allegation that, apart from incorrect and inaccurate suppositions about National Call for Kennedy and the D.C. Committee for a Democratic Alternative that I or other members of the MNPL officers or staff established or controlled any of the respondent political committees or other organizations. Section 100.14(i)(E). There is no allegation that I or the IAM or the MNPL officers or staff have a controlling interest in any of the other respondents. Section 100.14(ii)(A). There is no allegation that any of the other respondents has a constitution or bylaws which permit me or the IAM or the MNPL officers or staff to exercise authority, power or ability to direct any of the other respondents. I indeed do not even have the authority to direct contributions from the MNPL. Section 100.14(ii)(B). There is no allegation that I or the IAM or the MNPL officers or staff has personnel authority with respect to any of the other respondents. Section 100.14(ii)(C). There is no allegation that the MNPL has engaged in a pattern of contributions similar to any of the other respondents. Section 100.14(ii)(D). ~~There is no support for the allegation~~ that contributions to any of the four respondent committees which received MNPL contributions was a substantial portion of MNPL funds, nor is there support for the allegation that any contribution to the four respondents who received MNPL contributions or certainly any lack of contribution to the eight respondents who did not, was a substantial portion of their receipts. The Florida for Kennedy Committee, which is at the center of the C-M complaint has reported no contribution from the IAM, no contribution from National Call for Kennedy, no contribution from the D.C. Committee for a Democratic Alternative, and two percent of its funds to date have come from the MNPL. Section 110.14(ii)(E).

5. The centerpiece of the C-M complaint is the campaign to elect delegates to the Democratic State Convention in Florida. The Commission does not, however, have jurisdiction over this "election" or "contributions" or "expenditures" in relation to it. 2 U.S.C. 431(a), (e), (f); Regulations Section 100.4, 100.6, 100.7. The Florida delegate selection process for the State convention is not an election for purposes of the Federal Election Campaign Act.

Much of the "factual" basis for the C-M complaint has no basis in fact.

The sworn C-M complaint alleges without support that I am a co-chair of D.C. Committee for a Democratic Alternative. The fact is, I am not now, nor have I ever been a co-chair of this committee. I am not now, nor have I ever been even a member of this committee. I have never met its officers. I have never attended its meetings. The MNPL Executive Committee has never voted to make a contribution to this committee.

The C-M complaint alleges without support that National Call for Kennedy is sponsored by the IAM. The fact is, that neither the IAM nor the MNPL sponsors or funds National Call for Kennedy. While I am chairman and have solicited funds for National Call for Kennedy from individuals, National Call was organized by Victor Kamber and Jules Bernstein and Thomas Mathews before I ever heard of the concept.

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The C-M complaint alleges without support that one or more IAM officials is a chairperson or organizer or member of each respondent and all other Kennedy committees. The fact is that among the nine state committees named as respondents, only the Illinois committee has a registered officer who is an IAM official. The Commission has in its public records the names of at least 164 officers of the 52 registered Kennedy committees. Of all of these registered Kennedy committees, only three, including Illinois, have reported having officers who are IAM International staff. Three other local IAM staff are officers but are subject to local election for their IAM positions. Only one of these three local IAM staff is an officer of a political committee which has received an MNPL contribution. One of the three International staff members is also an officer of a political committee which has not received an MNPL contribution. There is no allegation and indeed no evidence that these six individuals in any way control the remaining 158 officers of the 52 committees or even the committees on which they serve. None of the alleged political committees in New York, New Jersey, and Michigan are even alleged to have IAM members as leaders. IAM members are free to join political organizations of their choice of any political persuasion. Some are working for President Carter in Florida at this time.

3
The C-M complaint alleges without support that the MNPL has provided a substantial portion of the funding for the respondent state Kennedy committees. The fact is that the MNPL Executive Committee has voted to contribute funds which amounted to two percent of the contributions thus far raised by the Florida for Kennedy Committee. The Committee for Alternatives to Democratic Presidential Candidate in Iowa has received approximately 12 percent of its contributions to date from funds voted by the MNPL Executive Committee. New Hampshire Democrats for Change has received merely 7 percent of its funding from MNPL Executive Committee contributions. Only seven of the 52 committees have received MNPL funds.

Mr. Smith also, in his sworn affidavit dated October 3, 1979, stated the "Michigan Draft-Kennedy Committee" was "as-yet unregistered." Had Mr. Smith been responsible enough to check the public records of the Commission, as I did, he would have learned that the same Mr. Donald Tucker, mentioned in his sworn affidavit, had indeed registered the Michigan Kennedy for President Committee on September 24, 1979. I would, in light of the apparent discrepancies reviewed above in the C-M complaint, respectfully request that the Commission refer the sworn complaint to the Department of Justice since it is possible that criminal violations of Sections 1001 of the Criminal Code may have occurred. The criminal penalties for making false statements to the Commission are specifically referenced in Section 437g of the Act.

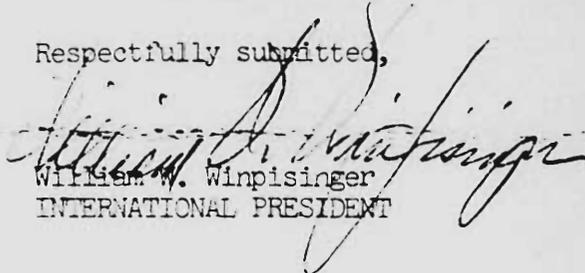
I would also respectfully request that the Commission, if it determines to investigate the C-M complaint, as part of its investigation of President Carter's reports which is required by Section 437g(a)(3)(A), pursue possible violations of Section 434 and Regulation Sections 106.3(b) and 100.4(a)(5). The Carter-Mondale Presidential Committee, Inc., is apparently interpreting these regulations to permit the use of United States Treasury funds to support the bulk of expenses and salary of Government officials who campaign virtually full-time for the President.

Specifically, we are concerned with two apparently illegal methods of operation currently employed by the Carter-Mondale Presidential Committee. First, while administration officials have been dispatched to Florida under the guise of "official business", these officials engage primarily in political campaign duties for Jimmy Carter. The campaign committee does not, however, incur expenses in proportion to the amount of time spent on strictly political duties as is required by FEC Regulation Section 106.3. For instance, if an official travels to Florida and spends 5 percent of his time on official business and 95 percent of his time on campaign duties, it would seem logical that the campaign committee would pay for 95 percent of the total expenses connected to the trip. An investigation of the Carter-Mondale Reelection Committee apparently will reveal that this is not the procedure of the Committee and that the major costs of such campaign trips are being borne by the taxpayers in violation of the law. As reported in the Washington Star, October 7, 1979, "If an administration official goes to Tampa on official business, for example, he or she can make a political stop in nearby St. Petersburg and the campaign committee is billed primarily for the car mileage between the two points." (Copy attached.) Second, Federal Election Commission Regulations define contributions to include "the payment of any person other than a candidate or political committee of compensation for the personal services of another person which are rendered to a candidate or a political committee without charge." (Sec. 100.4(a)(5)). The Carter-Mondale Reelection Committee does not report as contributions the salaries and benefits paid by the United States Government to the numerous

Government officials who have spent a substantial amount of time performing campaign duties for the Carter campaign rather than fulfilling their official responsibilities. The taxpayers of the country are subsidizing campaign workers for Jimmy Carter and as required by law, this "contribution" by the taxpayers should be disclosed to the public. A review of the public record indicates that the campaign committee has not disclosed this source of contributions.

The IAM remains concerned about this last-minute effort of the Carter-Mondale Presidential Committee to use the process of the Commission for political purposes. I am confident that the Commission shares the concern of the IAM that the Commission not be used by political candidates for hyperbolic campaign fodder. (Attached statements by Carter staff member Weddington in Tampa Tribune). Candidates, such as President Carter, should not be permitted to automatically initiate a Commission investigation by the device of irresponsibly inaccurate sworn affidavits attached to news reports. The C-M complaint is not deserving of an FEC investigation. If the Commission, however, wishes further information from the IAM or MNPL, we stand ready to cooperate with the Commission in hope that this matter might be resolved with dispatch.

Respectfully submitted,


William W. Winpisinger
INTERNATIONAL PRESIDENT

WWN/rja

cc: Respondents
C-M

His Incumbency Has Its Uses, Carter Is Finding in Florida

By Phil Gailey

Washington Star Staff Writer

For weeks now the state of Florida has been experiencing the second coming of Jimmy Carter.

And unlike 1976, when Carter had little more than a smile and a bionic handshake to offer, he is courting Floridians this time with the full weight of the presidency as he makes an all-out effort to win his first encounter with the draft-Kennedy movement — the Oct. 13 Democratic caucuses.

Despite White House press secretary Jody Powell's claim that being an incumbent president puts Carter under a "rather severe disadvantage" in Florida, the president has discovered that it affords him some powerful political levers to pull.

Only an incumbent president can:

- Launch a wave after wave of high-level administration officials to Florida to mix politics with their official duties — travel financed primarily by the government.

- Tour the hurricane-ravaged shores on Florida's gulf coast to personally announce federal disaster aid for the storm's victims.

- Summon 300 Floridians to the White House for a series of briefings on domestic and foreign issues by top administration officials, then top administration reception in the East Room.

- Send Estaban Torres, the president's special assistant for Hispanic affairs, to Miami's "Little Havana" to announce a \$1 million grant to promote tourism in the city's Cuban section.

- Dispatch HUD Secretary Moon Landrieu to Miami to announce a new low-income housing project, and Mideast envoy Robert Strauss to soothe feelings in south Florida's Jewish community.

- Hand out major and minor appointments and assignments to more than two dozen Floridians in recent months, including the appointment of former Gov. Reubin Askew, the state's most popular political figure, to a Cabinet-level job as special trade negotiator.

- Promise Tampa leaders that the White House will consider favorably a proposed Tampa-to-London air route.

- Make sure the state's Catholics got their share of the seats at yesterday's White House reception for Pope John Paul II.

Federal Funds Flow Too

The state also is reaping a bonanza of federal grants for housing, transportation, health and other purposes, many of which have been announced by the president, vice president and Cabinet officers.

In September, for example, the government announced a \$1.1 billion loan guarantee commitment to an electric cooperative that made its formal application only last July. Also last month, Florida received 21 community development block grants for urban renewal, including \$10.7 million for Miami, \$6 million for Tampa and \$4 million each for Polk, Orange and Hillsborough counties.

In addition to the more than \$200,000 the Carter campaign plans to pour into the Florida caucus contest, the taxpayers will be picking up part of the tab for a political skirmish that is more of a battle in logistics and organization than a referendum on the candidates.

Powell told reporters last week the Carter campaign committee is doing its best to make sure the campaign pays all or part of the expense when administration officials make political forays into Florida.

In recent weeks 11 administration figures have been to Florida — including first lady Rosalynn Carter, HEW Secretary Patricia Harris, and

White House staffers Sara Weddington and Jody Powell.

The Carter-Mondale campaign committee said six of the trips were considered "official" and paid for by the government. In other cases parts of the trips were deemed political and the campaign committee picked up part of the cost under a complex formula that makes such excursions a bargain.

If an administration official goes to Tampa on official business, for example, he or she can make a political stop in nearby St. Petersburg and the campaign committee is billed primarily for the car mileage between the two points.

Only Powell's and Strauss' trips were totally financed by the campaign committee.

Mondale Mixed Duties

The committee told reporters the first lady's trip to Florida last week — her second in recent weeks — was paid for entirely out of campaign funds, but Mrs. Carter's White House office said the cost would be split between the government and the campaign committee because her itinerary included a stop a mental health conference.

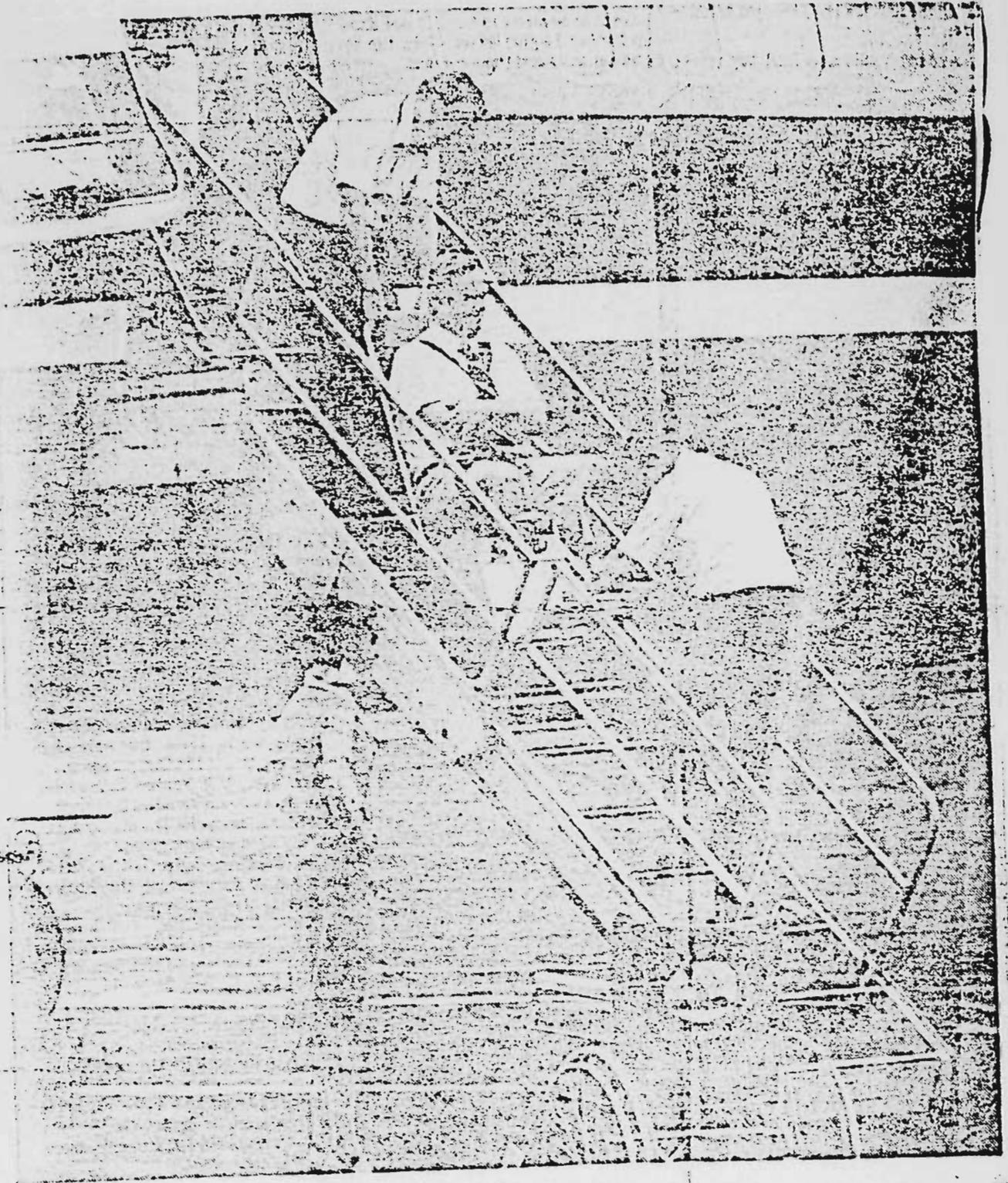
On Sept. 19 Vice President Walter Mondale made an "official" trip to Hollywood, Fla., where he met with Democratic officials and made a political speech raving about Carter's record of achievement.

Other "official" trips to Florida were made by Labor Secretary Ray Marshall, Budget Director James McIntyre, Veterans Administration head Max Cleland, Federal Aviation Administration chief Langhorne Bond and White House domestic adviser Stuart Eizenstat.

Next week Defense Secretary Harold Brown will inspect the new Task Force headquarters in Key West the president ordered as part of his response to the presence of Soviet troops in Cuba, and then will make speeches in several cities around the state.

Carter is not the first president to take advantage of his incumbency. As long as some effort is made not to stick taxpayers with the bill for travel that is obviously political, it is considered an acceptable practice.

White House spokesman Jody Powell said if anyone finds any abuses "we would welcome knowing about our mistakes."



Cleland Arrives For Speech At Stetson

Max Cleland, head of the Veterans Administration, is helped down the steps of a plane at the Daytona Beach Regional Airport Friday. Cleland is in Florida to speak at his alma mater, Stetson University, and to promote a new VA readjustment counseling program for Vietnam veterans. — AP

President's Adviser Fears Drop In Status Of Women

By JACK GREENE
Tribune Staff Writer

Presidential Assistant Sarah Weddington told a Tampa women's audience Friday that she fears a backlash against women's successes in politics and government.

In her catalog of improvements in the status of women, she pointed to President Carter's appointments of women judges — 21 percent women compared to the previous high of any administration of 12 percent.

But the status of women needs continuing improvement, Weddington added, before telling members of the Athena Society and Women In Communications:

"I think we're in for something of a backlash."

She later explained in an interview that it is not from men that she expects this reaction, but from women, "primarily women who are housewives and mothers."

That is the reason, Weddington said, that she stressed in her speech the importance of what the Carter administration is doing in developing options for women.

Women who stay at home, especially in rural conservative communi-

ties, are likely to become envious of strides by career women unless all women understand things are being done to improve their status, Weddington said.

During a press conference after her speech, Weddington listed what she considers major Carter administration accomplishments — pointing to benefits for many Floridians — and then fielded reporters' questions, most of them political.

Responding to Sen. Edward Kennedy's statement in Washington that the Iowa caucus, not the Oct. 13 Democratic caucuses in Florida, will be the first test of the Carter-Kennedy matchup strength:

"He is sensing, as we are, that Carter is doing very well in Florida."

Weddington told reporters that the Carter-Mondale complaint filed with the Federal Elections Commission is more than a political maneuver.

She argued that the Machinists Union alone, with a series of interacting "Draft Kennedy" groups, has funneled \$23,000 into the Florida campaign for straw ballot delegates.

The Carter campaign, she said, is limited to a total of \$1,000 from a source.



Presidential adviser Sarah Weddington fears backlash against

Tribune Photo by Don Fisher

CCC# 11337

RECEIVED
FEDERAL ELECTION
COMMISSION

National Call for Kennedy

1300 Connecticut Avenue, N.W. • Washington, D.C. 20036

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October 10, 1979

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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Dear Commissioners:

It has come to my attention through newspaper reports that the Carter-Mondale Presidential Committee, Inc., has filed a complaint before the Commission relating in part to the activities of National Call for Kennedy. As Treasurer for National Call for Kennedy, I have had occasion to review the complaint, which was filed on October 4 with the Commission. I wish to take this opportunity to correct mis-statements of fact contained in the complaint and to seek legal guidance from the Commission as to the activities of National Call for Kennedy.

National Call for Kennedy is incorporated under the laws of the District of Columbia as a nonprofit corporation pursuant to Title 29 of the District of Columbia Code. I am Treasurer of National Call for Kennedy. The Chairman is William W. Winpisinger.

National Call for Kennedy has embarked, as its sole activity, on a direct mail program to encourage our like-minded fellow citizens to urge Senator Edward M. Kennedy to become a candidate for President of the United States. The Articles of Incorporation state, "The purpose of this corporation is not to achieve the nomination nor election of Edward M. Kennedy to the Office of President of the United States, but merely to demonstrate the degree of citizen support in favor of the candidacy of Edward M. Kennedy for the Office of President." National Call for Kennedy has a contractual relationship with the firm of Craver, Mathews, Smith & Company to administer this direct mail program, including the mailing of solicitations and the processing of responses and receipts and record-keeping. National Call for Kennedy has no paid staff personnel.

National Call for Kennedy sought a legal opinion on the impact of the Federal Election Campaign Act on the activities of National Call. Counsel advised the corporation in an opinion letter that "This committee should not qualify as a political committee subject to the federal election laws. Since its sole purpose will be to urge the potential candidate to run, it will

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OFFICE OF THE
GENERAL COUNSEL

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National Call for Kennedy

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Letter to Federal Election
Commission
October 10, 1979

not qualify as a political committee subject to the federal election laws. Since its sole purpose will be to urge the potential candidate to run, it will not receive contributions or make expenditures to influence his nomination for election or election. Accordingly, it will not be a political committee." (Citations omitted). Counsel also advised National Call for Kennedy that AO 1979-26 provided that a committee such as National Call for Kennedy need not register as a political committee under the Federal Election Campaign Act.

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The Carter-Mondale complaint states that National Call for Kennedy is "sponsored by the IAM". This statement is not true. Neither the International Association of Machinists and Aerospace Workers nor the Machinists Non-Partisan Political League has sponsored or ever provided funds for National Call for Kennedy. National Call for Kennedy has never made any contribution to the MNPL. National Call for Kennedy was initially organized by myself and Jules Bernstein, who is the Secretary and registered agent of National Call. We worked with Craver, Mathews, Smith & Company before incorporating and before Mr. Winpisinger knew of these proposed activities or was approached to join National Call for Kennedy.

The Carter-Mondale complaint also states that the firm Craver, Mathews, Smith & Company has provided services to one or more of the other respondents apart from National Call for Kennedy. This allegation is also totally without basis in fact, according to the information we received from the Company.

The Carter-Mondale complaint suggests that other named respondents have made contributions to National Call for Kennedy. This is also absolutely false. No other political committees registered with the FEC, or organizations of any kind have made any contributions to National Call for Kennedy. It is of interest to note that no specific allegations of contributions from such committees were made by Mr. Smith in his sworn affidavit. All donations to National Call for Kennedy have been from private citizens in small amounts, in no case larger than \$1,000. National Call for Kennedy has also never made any contribution to any respondent or other organization of any kind.

National Call for Kennedy

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Mr. Smith asserted in his sworn affidavit that Mark Siegel "serves as political consultant and advisor to the overall committees." (Complaint at 25). I am at a loss to understand the term "overall committees". However, I can say Mr. Siegel has no role whatsoever as advisor or consultant or in any capacity, paid or unpaid, official or unofficial with National Call for Kennedy. I am at a loss to understand how Mr. Smith in a sworn affidavit could make such a baseless and factless allegation.

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National Call for Kennedy is committed to complying in every respect with the letter and spirit of state and federal law. We relied in good faith upon an opinion of counsel that an unauthorized nonelectoral committee, seeking to urge an individual to become a candidate, is not a political committee under the Federal Election Campaign Act. If the Commission determines that such a committee is a political committee under the Federal Election Campaign Act, and therefore should register, we are prepared to do so immediately and would file reports on our activities at once.

Please advise me if you wish further information on this matter or wish information in some other form. National Call for Kennedy stands ready to cooperate with the Commission to expedite the business of the Commission in any way the Commission decides.

Very truly yours,

Victor Kamber

Victor Kamber
Treasurer

VK/ra

cc: Carter-Mondale Committee
Other respondents

I.

SUMMARY

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This complaint sets forth a prima facie case that the respondent draft-Kennedy committees are affiliated for purposes of the contribution limitations and other requirements of the Federal Election Campaign Act. The complaint demonstrates that these committees are not independent entities as claimed, but rather are part of a coordinated national effort, the principal purpose of which is to defeat President Carter and to elect Senator Edward Kennedy in the first Carter-Kennedy electoral test of the 1980 campaign: the straw ballot at the Florida Democratic Party's state convention on November 18, 1979.*

The facts set forth below show that a group of anti-Carter activists -- including William Winpisinger, President of the International Association of Machinists and Aerospace Workers (hereinafter "IAM" or "Machinists"); Marjorie Phylfe, PAC Representative of the Machinists Non-Partisan Political League; Mark A. Siegel, a former White House employee and Washington political consultant; and the leaders of "Democrats for Change-1980", a California-based, anti-Carter committee -- has provided the initial funding and political communications network for this national effort.

* The Florida State Democratic Party has a state convention on November 18, 1979, at which a Presidential preference straw vote will be taken. Approximately half the delegates to this convention will be picked at county caucuses on October 13, 1979.

The facts further show the continuing existence of a common and coordinated strategy among the respondent committees, aided by this same group. Their common strategy at present is clearly to funnel money and people to the Florida For Kennedy Committee in connection with the October 13th caucuses and the November 18th state party convention vote in Florida.

Unless the Commission acts promptly to find affiliation, it is possible that a single individual -- who could give no more than \$1,000 to the Carter-Mondale committee or any other authorized committee -- could give up to \$25,000 to the draft-Kennedy committees. Moreover, a single multicandidate committee -- e.g., a political action committee (or "PAC") -- could give up to \$5,000 to each of an unlimited number of Kennedy committees.

If the Commission finds, as we believe it must, that the respondent draft-Kennedy committees are affiliated, then the Machinists Non-Partisan Political League ("MNPL") and perhaps several individuals have, as of July, 1979, already exceeded the statutory contribution limitations. With the intensified national fundraising efforts of the draft-Kennedy movement in the last several weeks geared towards Florida, further violations of the contribution limits may be occurring every day.

Under the circumstances, time is obviously of the essence. Therefore, complainant urges expedited consideration of this matter by the Commission. So that all participants in the 1980

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campaign will understand the rules and particularly so that potential contributors do not inadvertently violate the federal election laws by giving more than the legal limit to the combined draft-Kennedy committees, the complainant asks the Commission to make public at the earliest possible date its enforcement policy and intentions with respect to the types of fact situations described herein.

Since complainant has had to develop its prima facie case almost solely from public sources without subpoena power or discovery, it also asks the Commission's General Counsel to subpoena such persons and evidence as are likely to have relevant information about the subject matter of this complaint, including persons and records identified in the course of the discussion that follows.

The substance of the complaint is divided into three counts.

Count One alleges that the respondent draft-Kennedy committees are affiliated within the meaning of 2 U.S.C. 441a(a)(5) and have failed to report such affiliation as required by 2 U.S.C. 433(b)(2).

Count Two alleges that, by virtue of such affiliation, the respondent draft-Kennedy committees have accepted, and respondent Machinists Non-Partisan Political League has made,

illegal contributions in violation of 2 U.S.C. 441a(f) and 441a(a)(2)(C), respectively. Count Two also sets out the possibility that certain individuals may have similarly exceeded the legal contribution limits.

Count Three alleges that National Call for Kennedy and Democrats for Change-1980, two of the major participating organizations in the draft-Kennedy campaign, have failed to register with the Commission as required by 2 U.S.C. 433 or to disclose their contributors and expenditures as required by 2 U.S.C. 434.

In its concluding section, the complaint describes the relief sought herein, including a prompt finding of affiliation among the respondent draft-Kennedy committees and an order (or conciliation agreement) by the Commission that (1) requires such further registration and reporting by respondents as is required by the law, (2) prohibits further contributions to the affiliated committees in excess of the statutory limits, (3) requires return of any such contributions that have already been made, and (4) includes any other such relief that the Commission may find justified under the circumstances.

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This complaint is filed on behalf of the Carter-Mondale Presidential Committee, Inc., 1413 K Street, N.W., Washington, D. C. 20005. Complainant asks leave to amend this complaint, if necessary, based on information that may be contained in the third quarter reports of respondents due to be submitted to the Commission on October 10, 1979, or on any other relevant information complainant may obtain during the pendency of this proceeding.

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II.

RESPONDENTS

FLORIDA FOR KENNEDY COMMITTEE is, on information and belief, the principal draft-Kennedy committee for the State of Florida. Its officers are Mike Abrams, Chairman, and Paul D. Friedman, Esq., Treasurer. Its address is 200 Southeast First Street, 12th Floor, Miami, Florida 33131.

COMMITTEE FOR ALTERNATIVES TO DEMOCRATIC PRESIDENTIAL CANDIDATE is, on information and belief, the principal draft-Kennedy committee for the State of Iowa. Its Treasurer is Arthur C. Hedberg, Jr., Esq. Its address is 840 Fifth Avenue, Des Moines, Iowa 50309.

NEW HAMPSHIRE DEMOCRATS FOR CHANGE is, on information and belief, the principal draft-Kennedy committee for the State of New Hampshire. Its officers are Dudley W. Dudley, Chairman, and Richard W. Leonard, Treasurer. Its address is Box 4268, Manchester, New Hampshire 03108.

MINNESOTANS FOR A DEMOCRATIC ALTERNATIVE is, on information and belief, the principal draft-Kennedy committee for the State of Minnesota. Its officers are the Hon. Richard Nolan, Chairman, and Ken Grund, Treasurer. Its address is 208 McCall Building, 366 Jackson Place, St. Paul, Minnesota 55107.

D. C. COMMITTEE FOR A DEMOCRATIC ALTERNATIVE is, on information and belief, a registered draft-Kennedy committee in the District

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of Columbia. Its officers are Barry K. Campbell, and Mary Anne Keefe, Co-Chairmen, and Richard L. Rousch, Treasurer. On information and belief, William W. Winpisinger is also a co-chair of this committee. Its address is P.O. Box 1500, Washington, D.C. 20013

ILLINOIS CITIZENS FOR KENNEDY is, on information and belief, the principle draft Kennedy committee in the State of Illinois. Its officers are W. H. Luking, and C. F. Williams, Co-Chairmen, and F. Prell, Treasurer. Its address is One IBM Plaza, Suite 3100, Chicago, Illinois 60611.

THE NEW YORK DRAFT-KENNEDY COMMITTEE, on information and belief, is an as-yet unregistered committee* whose leaders include Robert Abrams, Attorney General of New York; Ethan Geto, Executive Assistant to Mr. Abrams; and Andrew Stein, Manhattan Borough President. The address for Messrs. Abrams and Geto is 2 World Trade Center, New York, New York.

THE NEW JERSEY DRAFT-KENNEDY COMMITTEE, on information and belief, is an as-yet unregistered committee* whose leaders include James Dugan, whose address is 601 Broadway, Bayonne, New Jersey 07002.

* Based on currently available public records.

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THE MICHIGAN DRAFT-KENNEDY COMMITTEE is, on information and belief, an as-yet unregistered committee* whose leaders include Bobby D. Crim, Frank Kelly, and Donald Tucker. Tucker's address is 3510 Shorecrest Circle, West Bloomfield, Michigan 48033.

THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS is a labor organization within the meaning of 2 U.S.C. 441b(b)(1). Its President is William W. Winpisinger. Its national headquarters is at 1300 Connecticut Avenue, N.W., Washington, D. C. 20037.

THE MACHINISTS NON-PARTISAN POLITICAL LEAGUE is the separate segregated political fund (or "PAC") of the International Association of Machinists and Aerospace Workers. Its officers include William W. Winpisinger. Its "PAC Representative" is Marjorie Phye. Its national headquarters is at 1300 Connecticut Avenue, N.W., Washington, D. C. 20037.

NATIONAL CALL FOR KENNEDY is an unregistered political committee incorporated in the District of Columbia. On information and belief, its Chairman is William W. Winpisinger. Its address is 1300 Connecticut Avenue, N.W., Washington, D.C. 20037.

DEMOCRATS FOR CHANGE-1980 is an unregistered political committee located, on information and belief, in Los Angeles,

* Based on currently available public records.

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California. Its co-chair include Stanley Sheinbaum, Norman Lear, and Ted Ashley. Its address appears to be P.O. Box 67007, Los Angeles, California 90067.

CITIZENS FOR DEMOCRATIC ALTERNATIVES IN 1980, also known as NATIONAL CLEARINGHOUSE FOR KENNEDY, is a draft-Kennedy committee located in Washington, D. C. Its Director is Louis D. Gordon. Its Treasurer is Stephen D. Keefe. Its address is listed as P. O. Box 2485, Washington, D. C. 20013.

In view of the need for some reasonable constraints on the length and complexity of this complaint, complainant has not named every draft-Kennedy committee that it appears may be affiliated with one or more of the others.* Nor, without subpoena power, has complainant attempted to prove the affiliation of each respondent committee with each and every other respondent committee. Rather, this complaint describes the affiliation, coordination, and common decision-making processes of the respondent committees as a group. Particular attention is paid to the affiliation of the Florida committee with the other respondents, since it is currently the recipient of substantial funds and personnel from the other committees and is the focal point for a coordinated political strategy among respondents.

The other respondents -- Machinists Non-Partisan Political League ("MNPL"), the International Association of Machinists and

* Examples of the organization or activities of other, non-respondent Kennedy committees or their officials, however, are provided where relevant to the activities of respondents or to the draft-Kennedy campaign as a whole.

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Aerospace Workers ("IAM"), Democrats for Change-1980, and National Clearinghouse for Kennedy -- are named in this complaint not only because their activities support a finding of affiliation among the respondent Kennedy committees, but also because a number of these activities may independently constitute violations of the Act.

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III.

COUNT ONE

THE RESPONDENT DRAFT-KENNEDY COMMITTEES ARE AFFILIATED WITHIN THE MEANING OF 2 U.S.C. 441a(a) (5) AND HAVE FAILED TO REPORT SUCH AFFILIATION AS REQUIRED BY 2 U.S.C. 433(b) (2).

1. THE RESPONDENT DRAFT-KENNEDY COMMITTEES ARE AFFILIATED WITHIN THE MEANING OF 2 U.S.C. 441a(a) (5).

A. Background

The respondent draft-Kennedy committees (hereinafter occasionally "Kennedy committees" or simply "committees") are "political committees" as that term is defined by the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431(d) (hereinafter "the Act").

2 U.S.C. 441a(a) (1) sets out the individual contribution limitations of the Act. In summary, these limits are: a total of \$1,000 per election per individual to any candidate and his authorized committee; and \$5,000 per calendar year per individual to "any other political committee" (excluding national party committees).^{*} 2 U.S.C. 441a(a) (2) limits multicandidate political committees, e.g., PAC's, to contributions not exceeding a total of \$5,000 per election to candidates and their authorized committees and \$5,000 per year to "other political committees."

* This complaint takes no position on whether Senator Edward Kennedy is a "candidate" for purposes of the Act, but notes that 2 U.S.C. 431 includes in the definition of candidate any individual who "has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election" to Federal office. 2 U.S.C. 431(b) (2).

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The operative statutory provision governing affiliation of political committees is 2 U.S.C. 441a(a)(5). This section provides that, for purposes of the Act's contribution limitations, all contributions made by political committees that are

established or financed or maintained or controlled by any corporation, labor organization, or any other person...or by any group of such persons, shall be considered to have been made by a single political committee.

(It appears clear that this section when read together with the limitations on excessive contributions contained in 441a(a)(1) and (2), applies to contributions to affiliated committees, as well as to contributions by them.)

In addition, FEC Regulations, 11 CFR Part 100 et seq., provide that "[A]ll the political committees established by the same person or group of persons are affiliated," Sec. 100.14 (c)(i)(E), and further that

indicia of establishing, financing, maintaining, or controlling, include --

* * * *

(C) The authority, power, or ability to hire, appoint, discipline, discharge, demote, or remove or otherwise influence the decision of the officers or members of an entity;

(D) Similar patterns of contributions;

(E) The transfer of funds between committees which represent a substantial portion of the funds of either the transferor or transferee committee, other than the transfer of funds between the committees which jointly raised the funds so transferred. 100.14(c)(ii).

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In interpreting the statute and regulations on the issue of affiliation, the Commission has said that it will "look beyond form to the substance of relationships between committees."

Advisory Opinion ("AO") 1975-45.

In its complaint against the California Medical Association and the California Medical Political Action Committee ("CALPAC"), for example, the Commission alleged, inter alia, that CALPAC and an affiliated political committee "have communicated to each other information and decisions about their support of candidates for federal office, and have followed the same or similar policies in their support of candidates for federal office." Federal Election Commission v. California Medical Association and California, Medical Political Action Committee, Civil Action No. C79-1197, United States District Court for the Northern District of California, para. 10. See also, Matter Under Review ("MUR") Number 490. But cf. MUR 306.

2 U.S.C. 433(b) (2) requires each political committee which anticipates receiving contributions or making expenditures during the calendar year that exceed in the aggregate \$1,000 to register with the FEC and to disclose:

the names, addresses, and relationships of affiliated or connected organizations.

Section 433(c) adds the requirement that any change in information previously submitted in such statement "shall be reported to the Commission within a ten-day period following the change."

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B. The respondent Kennedy committees were established and financed by a common group of persons.

(1) On information and belief, one or more officials of the IAM was the chairperson, organizer, or one of the founding members of every one of the respondent committees.*

(a) On information and belief, William Winpisinger, President of the IAM, is a co-chair of the D. C. Committee for a Democratic Alternative. Mr. Winpisinger is also co-chairman of the Machinists Non-Partisan Politican League, the largest single contributor to the draft-Kennedy committee (see below). He also is the Chairman of "National Call for Kennedy,"** an unregistered political committee apparently sponsored by the IAM, which has paid for direct-mail activities, button and bumper sticker production, and other

* The same is true of numerous other draft-Kennedy committees not named as respondents herein. For example, Don LeBlanc, President of the Virginia Machinists Council, was a co-host of the Virginia Kennedy committee's fundraiser for the New Hampshire committee. (Exhibits D and E) Dean Ames, President of the Colorado IAM is Co-Chair of the Colorado Democrats for Change, a Kennedy committee. (Exhibit F) Al Wydick, President of District Lodge 751, IAM, was a founding member of the Washington State Kennedy committee. (Exhibit G; Seattle Times, 6/14/79, p.B-10.) On information and belief, Robert H. Brown, an IAM state official, is Chair of the Indiana draft-Kennedy committee.

** On Meet the Press, NBC, September 2, 1979, Winpisinger stated "...[S]everal of my colleagues who are like minded both in and out of the labor movement have...more or less asked me to be chairman of the "Call for Kennedy" as we are identified. We have active committees now in over half the 50 states." (Exhibit CC)

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expenses related to the draft-Kennedy campaign. (See further discussion of these activities below at p.33, and Exhibit J, 7/24/79 AP story in Chicago Tribune.)

(b) Glen Powell, the Florida State Machinists President, helped organize the Florida For Kennedy committee and attended its first meeting at Palm Beach Gardens, Florida, in May, 1979. (See, e.g., Exhibit A; St. Petersburg Times, 5/17/179.)

(c) William Fenton, Iowa State IAM President called the organizational meeting for the Iowa draft-Kennedy Committee (Exhibit B; New York Daily News, 5/21/79), and the IAM's separate, segregated fund (or "PAC"), the Machinists Non-Partisan Political League (hereinafter "MNPL"), appears to have rented the room for the meeting (Exhibit K; see also Exhibit C).

(d) Charles Williams, Illinois legislative representative for the IAM, is a co-chair of Illinois Citizens for Kennedy. The IAM organized the initial meeting of the committee. (Exhibit H; St. Louis Post-Dispatch, 6/6/79.)

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(e) On information and belief, Machinists officials helped organize respondent committees in New Hampshire, Minnesota, New York, New Jersey, and Michigan.

(f) The Washington Post (Exhibit I, 9/16/79, "Senator's Own Signal Set Off Draft Kennedy Drive", p. A-4, hereinafter Washington Post article) reported that "at least a dozen of the Kennedy groups in the states include among their leaders a local or state political operative from the [Machinists] union."

(f) Justin Ostro, General Vice President (National) of the IAM, is listed as a co-chair of Democrats for Change-1980, a pro-Kennedy, anti-Carter committee located in California. (Exhibits N and O; see also further discussion of this group below at p. 35.)

(2) The separate segregated fund or PAC of the IAM, the Machinists Non-Partisan Political League ("MNPL"), provided a substantial portion of the initial financing for the Iowa, Illinois, Florida, and New Hampshire Kennedy committees.* Specifically, the MNPL listed as among its expenditures for the period May through July:

* See Exhibits K, L and M.

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<u>Amount</u>	<u>Date</u>	<u>Exhibit</u>	<u>Description</u>
\$ 264.00	3/27/79	AA	Payments to Millenium Group, Inc., for buttons. Candidate listed as "Edward M. Kennedy for the U.S. Presidency"
\$10,534.92	5/15/79	K	" " *
\$ 440.00	8/20/79	M	Payment to Millenium Group, Inc., for posters. Candidate listed as "Edward M. Kennedy for the U.S. Presidency."
\$ 1,210.00	5/9/79	K	Contributions to Committee for An Alternative Candidate (Iowa)
\$ 3,790.00	8/30/79	M	" "
\$ 257.50	5/9/79	K	Contribution to Committee for An Alternative Candidate (Iowa) for rental of meeting room at Hotel Savoy in Des Moines (for the committee's organizational meeting)
\$ 500.00	7/5/79	L	Contributions to Illinois Citizens for Kennedy Committee
\$ 1,220.00	8/3/79	M	" "
\$ 2,500.00	7/9/79	L	Contributions to Florida for Kennedy Committee
\$ 2,500.00	8/21/79	M	" "
\$ 2,500.00	7/9/79	L	Contributions to New Hampshire Democrats for Change Committee
\$ 2,500.00	8/3/79	M	" "
\$ 5,000.00	8/21/79	M	Contribution to Kennedy for President Indiana
\$ 500.00	8/21/79	M	Contribution to Pennsylvania Committee for a Democratic Alternative (now called Kennedy '80)
<hr/>			
\$33,716.42	total		

* Although this sizeable expenditure was not attributed to particular committees, on information and belief the MNPL made contributions in kind of some or all of these buttons to various of the respondent Kennedy committees.

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(3) The other substantial portion of the seed money for the Florida, Iowa and Minnesota Kennedy committees came from the leaders of a California-based committee called "Democrats for Change-1980," an unregistered political committee. Its chairpersons include Stanley Sheinbaum, Norman Lear, Ted Ashley, Leopold Wyler, and Justin Ostro, General Vice President (National), International Association of Machinists and Aerospace Workers. (Exhibit N)

Specifically, during May and June, 1979, the leaders of the Democrats for Change group made the following contributions to the Kennedy committees: *

<u>Kennedy Committee</u>	<u>Person</u>	<u>Date</u>	<u>Amount</u>	<u>(Ex.)</u>
Florida	Sheinbaum	6/8/79	\$1,000 **	P
Florida	Lear	6/8/79	\$1,000	P
Florida	Ashley	6/8/79	\$1,000	P
Iowa	Sheinbaum	6/6/79	\$1,000	Q
Iowa	Lear	5/31/79	\$1,000	Q
Iowa	Ashley	5/31/79	\$1,000	Q
Minnesota	Sheinbaum	6/19/79	\$1,000	R
Minnesota	Leopold Wyler	5/29/79	\$1,000	R
Minnesota	Robert Wyler ***	5/29/79	\$1,000	R
Minnesota	Michael Scott	5/29/79	\$1,000	R

* In addition, Democrats for Change sponsored full-page anti-Carter newspaper advertisements in the Los Angeles Times and the Los Angeles Herald Examiner in March, 1979, and subsequently engaged in an extensive direct mail campaign. (See Exhibits N and O) The individual contributors to Democrats for Change are not known to complainant since the group has never filed any report to the Commission.

** On information and belief, Sheinbaum, Ashley and Lear have now given \$3,000 each to the Florida committee.

*** Scott, a founding member of Democrats for Change, is corporate secretary for TRE, an aerospace firm of which Leopold Wyler is Chairman. See generally, Exhibit T, Atlanta Constitution, 9/9/79 (Hollywood Cash Could Help Push Ted Kennedy Into Race")

C. Respondent committees are maintained and controlled by a common group of persons.

(1) Summary. The common maintenance and control in this situation takes the form of extensive communications, strategy coordination, transfer of funds, sharing of personnel, exchange of political intelligence, and similar activities. This process involves the leadership of each of the respondents, but is coordinated mainly through the Machinists and through Mark Siegel, 400 N. Capitol Street, N.W., Washington, D. C. 20001, consultant to the draft-Kennedy committees. This process is also assisted and supported by the National Clearinghouse for Kennedy.

(2) The Communications Network: The Machinists' Role.

The Washington Post article cited above (Exhibit I) has described in some detail the communication and coordination among the Kennedy committees:

There are at least two communications networks linking many of the groups -- one informal and the other through the International Association of Machinists. And there is, to a large extent, a coordinated strategy, with one group helping another whose needs are more immediate.

* * * *

The most obvious thread leads back to the Washington offices of the International Association of Machinists, whose president William Winpisinger, is an ardent Kennedy supporter.

The union has provided start-up money for some groups. And at least a dozen of the Kennedy groups in the states include among their leaders a local or state political operative from the union. These men consult on a regular basis with Marjorie Fife, a political organizer based in the union's Washington headquarters.

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The Illinois Citizens for Kennedy is illustrative. The co-chairmen are William Luking, a Chicago lawyer and liberal activist and Charles Williams, Illinois legislative representative for the Machinists.

Williams said the group came together, in part, through Machinists headquarters. "I got a call from Washington saying some people from Illinois were for Kennedy and wanted to contact us."

Since then, Williams said, he has been in regular communications with Fife and others at the Machinists getting "absolutely any kind of help I want. They tell me what's going on around the country."

Fife, in turn, confers with non-union Kennedy operatives, like Geto in New York. Geto says he is in "daily contact" with Mike Abrams in Florida, Matthew Wanning in Iowa, Dudley Dudley in New Hampshire and Mark Siegel, the former Carter White House aide now working for Kennedy's election.

Though everyone involved declares that they do not work in concert from state to state, there is a striking confluence of strategy.

California, New Jersey and New York organizations, for example, are planning on pumping money they raise into Florida, New Hampshire and Iowa, to help Kennedy forces there.

(3) Strategy Coordination: Siegel's Role.

On information and belief, Mr. Siegel is in frequent contact and communication with Marjorie Phyfe, MNPL Representative, and other officials of the MNPL and the IAM. Specifically, Mr. Siegel has been instrumental in coordinating the joint strategy by respondents of concentrating their collective resources in Florida in an attempt to defeat President Carter in

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the October 13th county caucuses and the November 18th state convention there.

(a) James Dugan formed a New Jersey Kennedy committee in September, 1979 (Exhibit U; New York Times, 9/19/79), and explained the group's initial purpose as raising funds for pro-Kennedy efforts in Florida and New Hampshire. In response to charges from party leaders that such a group was unauthorized and divisive, Dugan responded, according to the Times, "We are not an unguided missile." The article continues: "He said the New Jersey drive was being coordinated by Mark Siegel, the former White House staff member who has been heading a campaign for a Kennedy candidacy in Washington for about a year."

(b) Ethan Geto, a leader of the New York Kennedy committee, reported in the Washington Post article (Exhibit I) as in "daily contact" with Siegel and also with Kennedy organizers in Florida, Iowa, and New Hampshire, helped organize a \$46,000 fundraiser for the Florida Kennedy committee held in New York City on September 13, 1979.* The fundraiser was sponsored

* See 9/14/79 Washington Post (Exhibit V) account of the event: "The organizers had hoped to raise \$25,000, but easily exceeded their goal with the help of a \$10,000 contribution from painter Georgia O'Keefe and her sister, Mrs. Robert B. Young. ...[T]he money raised tonight in New York will be spent miles away in the October 13 Florida Democratic caucuses...."

See also "Decision '80" (issue #1, 9/21/79), the Florida For Kennedy newsletter, which described the fundraiser and noted: "The money was promptly earmarked for the Florida draft-Kennedy movement." (emphasis supplied) (Exhibit KK)

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by Robert Abrams, Chairman of the New York Kennedy Committee, and was attended by Mike Abrams, Co-Chair of the Florida Committee.

(c) Recent press reports from Minnesota quote Siegel as stating that Minnesotans have already contributed \$15,000 to the Florida Kennedy committee. (See, e.g., Exhibit W)*

(d) The Washington Post reported (Exhibit X; 9/20/79) that a Michigan Kennedy group had been formed and had already raised \$2,000 "to help elect Kennedy delegates to the Florida Democratic convention in November." On information and belief, Mr. Siegel has been in contact with the organizers of the Michigan committee.

(4) Support and personnel coordination: National Clearinghouse for Kennedy.

The process of strategy coordination among respondents, particularly the process of deploying funds, staff, and other resources to the Florida committee, is assisted by Citizens for Democratic Alternatives in 1980, familiarly known as National Clearinghouse for Kennedy, which is headed by Louis D. Gordon

* The Minnesota committee listed as an expenditure on its second quarter report a payment to Mark Siegel for "rent and telephone." (See Exhibit R)

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and lists its address as P. O. Box 2485, Washington, D. C.

20013* (See Exhibit Z)

(a) On its literature, the National Clearinghouse prominently displays the names and addresses of the respondent Kennedy Committees in Florida, Iowa, New Hampshire, and Minnesota under the heading, "The First States in the 1980 Campaign." (Exhibit JJ)

(b) Other literature states that the National Clearinghouse "provides a referral service among interested volunteers, coordinates information exchange, supports fundraisers for state and local groups, publishes a periodic newsletter, and plays whatever other coordinating roles seem appropriate as events unfold." (Ibid.)

(5) Direct contact by leaders of one respondent committee, e.g., Florida, with other committees.

(a) On information and belief, Mike Abrams, Co-Chair of the Florida committee, has met directly with leaders of the New York, New Hampshire, Iowa and Minnesota committees, as well as with Siegel and the leaders of the Democrats for Change group, in order to coordinate strategy solicit funds and recruit personnel for use in Florida.

* Gordon was listed as receiving \$1,008.17 in expense payments in the second quarter of 1979 from the Minnesota Kennedy committee, of which Congressman Richard Nolan is Chair. On information and belief, during April, 1979, Gordon worked out of Congressman Richard Nolan's office. Since then, Gordon's group has moved to 1718-20th St., N.W., Washington, D. C., but, on information and belief, maintains frequent contact with the Minnesota committee, other respondent committees, and also with Mark Siegel and Marjorie Phyfe.

(b) In turn, other Kennedy committees have sent staff and officials to Florida to assist in organizing for the October caucuses. For example, on information and belief, Bill Scheel, an organizer from the Iowa Kennedy committee was sent to Florida by Matthew Wanning, the Iowa committee coordinator, following a request for such assistance by the Florida committee. On information and belief, officials of the Minnesota Kennedy group also are being sent to Florida to provide similar assistance. (See, e.g., Minneapolis Tribune, 9/20/79, not included as an exhibit.)*

(6) Financial indicia of common control.

The two financial indicia of common control (see FEC Regulations 100.14(c)(i) -- similar patterns of contributions and substantial transfers of funds between affiliated entities -- also are both present here.

As indicated above at pp.17-18, there are striking patterns of similar contributions to respondent committees particularly at the critical "seed money" period.

As also indicated above, pp. 21-22, more recent evidence clearly shows a common and consistent pattern of respondent committees soliciting, and then transferring or acting as conduit for, contributions to affiliated committees in more critical states, particularly Florida.

* See also Los Angeles Times, 10/3/79, p. 1, quoting the Chairman of Californians for a Democratic Alternative, an unregistered draft-Kennedy committee, as stating: "We've already sent people off to Florida to work in the straw election there...."

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(7) Further indicia: common use of consultants and vendors.

Further indicia of common control exist in the common use of the same consultants and vendors by the respondent committees.

(a) On information and belief, Mark Siegel serves as political consultant and advisor to the overall committees, not just to the Minnesota committee, which, as noted, reported paying some of his expenses.

(b) According to FEC reports, both the Iowa committee and MNPL purchased their Kennedy buttons from the Millenium Group, Inc., 924 Cherry Street, Philadelphia, Pa. 19107. (See Exhibits Q, K and AA) On information and belief, the IAM also purchased its buttons and certain other Kennedy campaign paraphernalia from Millenium Group, Inc.

(c) On information and belief, Craver, Mathews, and Smith, a direct-mail firm, has been used for mass-mail solicitations on behalf of the "National Call for Kennedy," sponsored by the IAM, and also by one or more of the other respondents.

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COUNT TWO

THE AFFILIATED RESPONDENT COMMITTEES HAVE ACCEPTED, AND RESPONDENT MACHINISTS NON-PARTISAN POLITICAL LEAGUE HAS MADE, ILLEGAL CONTRIBUTIONS IN VIOLATION OF 2 U.S.C. 441a(f) AND 441a(a)(2)(C), RESPECTIVELY.

1. BACKGROUND

2 U.S.C. 441a(a)(1) prohibits contributions by any person that total (a) in excess of \$1,000 per election to any candidate and his authorized committees, (b) in excess of \$20,000 per calendar year to committees of a national political party, and (c) in excess of \$5,000 per year to "any other political committee."*

Section 441a(a)(2) prohibits multicandidate political committees from making contributions to any other political committee in any calendar year which, in the aggregate, exceed \$5,000. "Multicandidate political committee" means a political committee which has been registered with the FEC for a period of not less than six months, has received contributions from more than 50 persons, and, except for State party organizations, has made contributions to five or more candidates for Federal office. 2 U.S.C. 441a(a)(4). The MNPL is a multicandidate political committee.

* Since Senator Kennedy has formally disavowed the various draft-Kennedy committees, they fall into the "other committee" category and thus are able to accept contributions of up to \$5,000 per person. See Commission Advisory Opinion 79-40, August 16, 1979.

Section 441a(f) prohibits the knowing acceptance by any political committee of contributions in violation of any of these limitations.

2. THE MNPL HAS CONTRIBUTED MORE THAN \$5,000 TO THE RESPONDENT COMMITTEES IN VIOLATION OF 2 U.S.C. 441a(a)(2).

Besides the \$10,798.92 paid by the MNPL for Kennedy buttons and \$440 for posters* (Exhibits AA, K and M), the MNPL through August, 1979, has reported contributions of \$5,000 to the Florida committee, \$5,000 to the New Hampshire committee; \$5,000 plus \$257.50 to the Iowa committee** ; \$5,000 to the Indiana committee; \$1,770 to the Illinois committee; and \$500 to the Pennsylvania committee.

Thus, even excluding the expenditures for buttons and posters, the MNPL had already contributed at least \$22,477 to the respondent committees. Since these committees are affiliated, such contributions violate 441a(a)(2)(C).

3. SEVERAL INDIVIDUALS MAY ALSO HAVE CONTRIBUTED MORE THAN \$5,000 TO THE RESPONDENT COMMITTEES IN VIOLATION OF 2 U.S.C. 441a(a)(1).

Unlike the MNPL which reports monthly, FEC reports for the respondent Kennedy committees and their individual contributors

* As noted above at p.17, some portion of this amount should be treated as a contribution in kind since, on information and belief, sizeable quantities of these buttons were distributed to the respondent committees.

** The \$257.50 item was actually listed as an expenditure by the MNPL, but seems clearly to have been a contribution in kind to the Iowa committee. It paid for the hotel room rental and other expenses of the Iowa committee's organizational meeting. (Exhibit K)

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are only available for the second quarter of 1979 (i.e., through June). Nevertheless, there is reason to believe that individuals like Stanley Sheinbaum, who through June had given a total of \$3,000 to the Florida, Iowa, and Minnesota committees, by now may also have contributed in excess of \$5,000 to respondents, particularly if Sheinbaum, Lear, Ashley, Wyler, etc. paid for any significant portion of the full-page newspaper advertisements (Exhibit S) or direct-mail campaign sponsored by Democrats for Change-1980, of which he is a chairperson.* Moreover, it is likely that, absent action by the Commission, other persons will donate in excess of \$5,000 to respondent committees and the draft-Kennedy campaign. Since these committees are affiliated, such contributions would violate Section 441a(a)(1)(C).

4. THE AFFILIATION AMONG RESPONDENTS MUST BE PRESUMED TO BE KNOWING, SINCE RESPONDENTS PARTICIPATED IN AND, IN FACT, CAUSED THE AFFILIATION THROUGH STRATEGY COORDINATION, JOINT FUNDRAISING AND TRANSFER OF FUNDS, AND THE OTHER ACTIVITIES ENUMERATED HEREIN.

(a) Respondent committees appear to have the benefit of expert federal election law counsel. (See, e.g., Advisory Opinion Request by Paul Friedman, Treasurer of the Florida Kennedy committee, AOR 1979-40, July 17, 1979.)

* See also the report, discussed at p.21, supra, that Ms. Georgia O'Keefe and her sister contributed \$10,000 at the New York committee's fundraiser for the Florida committee.

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(b) Respondents cannot credibly claim to be unaware of the law on affiliation. In fact, the available evidence is that the leaders of the affiliated committees are aware of the issue and sensitive about it. The Washington Post article cited above states, for example:

Though everyone declares that they do not work in concert from state to state, there is a striking confluence of strategy.
(Emphasis supplied.)

A recent Washington Star article (Exhibit EE; "Proliferating Volunteer Units May Give Kennedy Problems," 9/27/79) indicates a similar sensitivity about the affiliation issue:

Several committee officials admit privately that there is an unofficial communications network among some of the draft committees, but as one said, "It's as much in the nature of gossip as anything else."

[Ms. Dudley] Dudley said she is worried enough about the affiliation issue that members of the New Hampshire committee are not communicating with any of the other committees.*

5. ACCEPTANCE OF THE ILLEGAL CONTRIBUTIONS BY THE AFFILIATED RESPONDENTS MUST ALSO BE PRESUMED TO BE KNOWING.

Just as respondents cannot credibly deny knowledge of affiliation, neither can they claim to be unaware of the contributions

* Cf., however, Ms. Dudley's own appearance as guest of honor at the fundraiser held for the New Hampshire committee by the Virginia Kennedy committee (Exhibit D); her joint television appearance on Good Morning America, ABC, September 11, 1979, with Mike Abrams, Florida Co-Chair (Exhibit FF); and, on information and belief, her own contacts and communications with Mark Siegel, IAM representatives, and others.

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made by the MNPL and other large contributors to the other Kennedy committees. Their general sharing of information is admitted. Information on wealthy contributors and generous PAC's would be of great strategic value to the committees. It is inconceivable that one Kennedy committee does not know of major contributions to the others. In fact, as demonstrated above, several of the respondent committees have raised funds for transfer to others, particularly the Florida committee.

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COUNT THREE

NATIONAL CALL FOR KENNEDY AND DEMOCRATS FOR CHANGE-1980 ARE POLITICAL COMMITTEES AND PART OF THE COORDINATED DRAFT-KENNEDY CAMPAIGN BUT HAVE FAILED TO REGISTER WITH THE COMMISSION AS REQUIRED BY 2 U.S.C. 433 OR TO DISCLOSE THEIR CONTRIBUTORS AND EXPENDITURES AS REQUIRED BY 2 U.S.C. 434.

1. BACKGROUND.

2 U.S.C. 431(d) defines "political committee" as any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000. Section 431(e), in turn, defines "contribution" as

a gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of --

(A) influencing the nomination for election, or election, of any person to Federal office or for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party; or

(B) influencing the result of an election held for the expression of a preference for the nomination of persons for election to the office of President of the United States.

"Expenditure" is similarly defined as "a purchase, payment,...or gift of money or anything of value" made for these same purposes.

2 U.S.C. 433 requires each political committee which anticipates receiving contributions or making expenditures in excess of \$1,000 during a calendar year to register with the

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Commission within 10 days of its formation and to disclose its officers, address, affiliated organizations, and the like.

2 U.S.C. 434 requires committees, during a non-election year, to file reports at least quarterly that describe contributors, expenditures, and other detailed information for public review.

Recently, in Advisory Opinion 1979-41, the Commission made clear that any group spending over \$1,000 to influence the Presidential nomination is a political committee subject to the reporting and other requirements of the Act, without regard to other purposes of the group or whether or not it expressly supports a particular candidate.

2 NATIONAL CALL FOR KENNEDY AND DEMOCRATS FOR CHANGE-1980 ARE POLITICAL COMMITTEES, BUT HAVE FAILED TO REGISTER WITH THE COMMISSION OR TO MAKE ANY REPORTS OF CONTRIBUTIONS OR EXPENDITURES.

A. National Call for Kennedy. On information and belief, this committee is chaired by William W. Winpisinger, President of the International Association of Machinists and Aerospace Workers. He is also one of the officers of the Machinists Non-Partisan Political League (Exhibit GG). Mr. Winpisinger is also a co-chair of the D. C. Committee for a Democratic Alternative. The National Call for Kennedy committee produces Kennedy bumper stickers and buttons for public distribution. It solicits funds. It has engaged in an extensive direct-mail campaign in support of a Kennedy draft and in opposition to President Carter's reelection. (Exhibit HH, Washington Post, 7/6/79, p. A-3; Exhibit II, New York Times, 7/29/79)

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(1) The group has been incorporated in the District of Columbia. There were about 17 charter members of the committee, according to the IAM's political director. (Exhibit HH)

(2) The group has used the direct-mail firm of Craver, Mathews and Smith to send at least 20,000 to 50,000 solicitation letters. The firm's president said, according to the Washington Post, that "the group is not registered with the Federal Election Commission as a political committee because it is not directly contributing to any campaign." * (Exhibit HH)

(3) The Times story (Exhibit II) stated: "Mr. Winpisinger said that a group of original subscribers to the movement had put up \$1,000 each to start the movement. Mr. Craver said that the initial mailing was expected to cost about \$10,000 and that the organizers hoped that the first series of letters would generate funds for future mailings." Thus, National Call for Kennedy appears to have spent in excess of \$1,000 for the purpose of influencing the 1980 Presidential nomination. **

* This, of course, is inconsistent with the Commission's ruling in AO 1979-41.

** It is not known by complainant whether IAM union treasury money has been used in connection with National Call for Kennedy's efforts. There is no payment yet reported by the MNPL or other of the Kennedy committees to Craver, Mathews, and Smith for the referenced mass mailing. Thus, this area may be an appropriate one for Commission investigation.

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(4) Based on the above and a review of FEC registration statements and reports, it appears that National Call for Kennedy has failed to register or report its contributions and expenditures in violation of 2 U.S.C. 433 and 434. It also appears that such failure to report was knowing and willful in violation of 2 U.S.C. 441j.

B. Democrats for Change-1980^{*}. As previously discussed above, this group has run anti-Carter, pro-Kennedy full-page newspaper advertisements and sponsored mass mailings to the same effect. Its leaders have contributed a total of at least \$10,000 (and, on information and belief, considerably more) to the respondent Kennedy committees.

(1) Copies of its literature demonstrate that it is clearly a political committee within the meaning of the Act. (Exhibits N and O)

(2) On information and belief, the leaders of Democrats for Change are knowledgeable about the requirements of federal election law and have access to expert legal counsel. Yet, this committee has never registered with the FEC or disclosed its contributors or expenditures. Thus, as above, such failure to report may have been knowing and willful in violation of 2 U.S.C. 441j.

* See generally, Exhibit BB, New York, July 30, 1979, "The Drafting of a President."

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IV.

RELIEF

1. BACKGROUND.

2 U.S.C. 437g(a)(2) provides that, upon receiving a valid complaint, the Commission, if it has reason to believe that a violation has occurred, shall notify the persons involved in the alleged violation and shall make an expeditious investigation of the complaint's allegations.

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The Act further provides that, if the Commission finds a violation based on this investigation, it shall make an effort to correct or prevent the violation through informal methods and shall, if possible enter into a conciliation agreement with the persons involved in the violation. 2 U.S.C. 437g(a)(5)(A). If the Commission is unable to correct or prevent the violation through such informal methods, the Commission may institute in United States District Court a civil action for relief, including a permanent or temporary injunction or other order and a civil penalty not exceeding the greater of \$5,000 or the amount of any contribution or expenditure involved in the violation. 2 U.S.C. 437g(a)(5)(B).

Generally, the Act provides a period of not less than 30 days for the conciliation process.* In cases of complaints filed

* Past Commission practice indicates that far-reaching relief may be obtained through the conciliation agreement process, including admission of violations, amended reporting, civil penalties, return of illegal contributions, reimbursement of illegal expenditures, representations as to future conduct, and the like.

within 45 days of an election, however, the conciliation period may be shortened to not less than half the number of days between the date of the finding of reason to believe that a violation has occurred and the date of the election involved. 2 U.S.C. 431(a) defines election, inter alia, as "a convention or caucus of a political party which has authority to nominate a candidate."

Section 437g(a)(3)(B) provides that no public disclosure of any notification by the Commission of a finding of reason to believe that a violation has occurred or public disclosure of any investigation shall be made without written consent of the persons to whom notification has been made or with respect to whom the investigation is made.

2 U.S.C. 438, however, gives the Commission certain general administrative powers, including, e.g., the power to make special reports relating to non-filing, Section 438(a)(7), and to prescribe rules and regulations to carry out the provisions of the Act, Section 438(a)(10). In the past, the Commission has used these powers where appropriate to issue rules of general applicability when faced with attempts by one or more campaigns to circumvent a particular contribution or spending limit or other important requirement of the Act. See, e.g., the Commission's 1976 Policy Statement concerning expenditures by Presidential delegate candidates (FEC Record, Vol. 2, No. 3) and its recent proposed rule to

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prevent Presidential candidates from evading state expenditure limits and still receive Federal matching funds. Federal Register, Vol. 44, No. 189, 9/27/79.

Finally, 2 U.S.C.441j sets out the penalties for knowing and willful violations of any of the provisions of the Act which involve the making, receiving or reporting of any contribution or expenditure of more than \$1,000.

2. DISCUSSION.

Complainant has set forth clear evidence that respondent committees are affiliated and that contributions in excess of the statutory limitations are being made to respondents. The evidence also shows that the coordinated efforts of respondents are geared to the Florida Democratic Party's county caucuses on October 13, 1979, and to its state convention on November 18, 1979, at which a Presidential preference vote involving Senator Kennedy and President Carter will be taken.

Absent a timely finding of affiliation by the Commission and an order, rule, or clear policy statement prohibiting acceptance of contributions in excess of the limitations of 2 U.S.C. 441a(a), it is likely that additional persons will contribute in excess of \$5,000 (and up to \$25,000) to the respondent committees. Moreover, only individuals are subject to the overall \$25,000 limit for all political contributions in a calendar year. 2 U.S.C. 441a(a) (3). Political action committees, like the MNPL, in theory could give \$5,000 each to an unlimited number of Kennedy committees.

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This complaint also has shown knowing -- and, in some cases, perhaps knowing and willful -- violations of the Act, which are continuing.

While the Presidential preference vote at the November 18, 1979 convention of the Florida Democratic Party may or may not be an "election" within the meaning of the Act, it is nevertheless an integral part of the Florida primary process. Moreover, it is widely perceived as an important national test for the Democratic nomination. For this reason, complainant requests that whatever the Commission's characterization of the November 18 state convention vote, the instant complaint be processed in the same manner as a complaint filed within 45 days of an election. Complainant further requests that the Commission use both its statutory enforcement and general administrative powers to fashion an appropriate remedy, and to make public at the earliest possible date its enforcement policy and intentions with respect to the fact situations described herein. Complainant's specific prayer for relief with respect to respondents is set forth below.

3. PRAYER FOR RELIEF.

Based on all of the foregoing, Complainant asks the Commission to find reason to believe that the violations alleged herein have occurred; to conduct an expeditious investigation using its subpoena power; to make a prompt finding that affiliation exists among the respondent committees and that violations of the Act have occurred; and to promulgate, through an expedited conciliation agreement process, or obtain, through

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petitioning the United States District Court for the District of Columbia, an order that:

- (1) requires such further registration and reporting as is required by law;
- (2) prohibits further contributions to the affiliated committees in excess of the statutory limits;
- (3) requires return of any such contributions that have already been made; and
- (4) includes any other such relief that the Commission may find justified under the circumstances.

4. VERIFICATION.

The undersigned counsel for the complainant swear that the allegations and other facts in the complaint are true and correct to the best of their knowledge, information, and belief.

BY: Timothy G. Smith
 Timothy G. Smith
 General Counsel
 Carter-Mondale Presidential
 Committee, Inc.

Carol C. Darr
 Carol C. Darr
 Deputy General Counsel

Subscribed and sworn to, before me, this 34 day of October, 1979.

John C. [Signature]
 Notary Public
 My commission expires 3/3/83

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ROGERS & WELLS
1666 K STREET, N. W.
WASHINGTON, D. C. 20006

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Complaint & Exhibits

Original signed copy
See filing with ~~SEE~~

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Draft-Kennedy effort starts in Florida Saturday

By CHARLES STAFFORD
St. Petersburg Times Washington Correspondent

WASHINGTON — Florida Democrats who are disenfranchised with the presidency of Jimmy Carter will meet in West Palm Beach Saturday to organize a "Florida Draft-Kennedy Committee," a dissident leader said Wednesday.

National Committee member Sergio Bendixen said, "This is going to be a meeting in which we call together everyone who has indicated an interest in the Kennedy movement."

THE IMMEDIATE GOAL will be to elect delegates favorable to Sen. Edward M. Kennedy, D-Mass., to the Democratic State Convention in St. Petersburg Nov. 16-18, and to get Kennedy's name on the ballot for the presidential preference vote that will be taken among delegates.

Bendixen said between 25 and 35 persons are expected for the Saturday meeting. The necessary papers will be ready at that time for registering the committee with the Federal Election Commission.

The Florida draft-Kennedy effort is being headed by Bendixen and Dade County Democratic Chairman Mike Abrams.

"We are working to form an alliance of labor leaders, black leaders, liberal-progressive activists, senior citizens and some party people," Bendixen said in an interview. "It has been put together so far with a lot more ease than we expected. People have sought us out, actually."

HE AND ABRAMS HAVE gotten a particularly good response from the Machinists Union, whose state president, Glen Powell of Jacksonville, will attend the meeting, Bendixen said. So will Ed Cohen of Miami, who heads Florida's Concerned Democrats. Max Serchuck will represent the Florida branch of the National Council of Senior Citizens, which has worked closely with Kennedy in the development of his national health insurance legislation.

Bendixen emphasized that Powell, Cohen and Serchuck were not committing their organizations, but were attending the meeting out of personal interest.

"We have also had strong response from black leaders in the state," he said, but he declined to name them.

He said he has had discussions with members of Kennedy's staff.

"I GOT THE STANDARD answer," he said. "It's like they're reading you your rights: 'Sen. Kennedy is not a candidate. He supports the President.' But we talked. It left me with a very positive feeling."

The committee has a tough job ahead in getting Kennedy's name on the state convention ballot.

"I attended the straw ballot meeting last Saturday in Jacksonville, and it came up with some interesting rules," Bendixen said. "Anyone who has announced and qualified for federal matching funds automatically qualifies to be on the ballot. That will probably mean Carter and (California Gov.) Jerry Brown."

But to get Kennedy's name enrolled, the committee will have to persuade 425 delegates from at least 13 different counties to sign a petition. "We have to have that by 3 p.m. on the first day of the convention," he said.

The majority, 1,000 delegates, will be elected Oct. 20 in county caucuses. There will be an additional 300 delegates who are party officials, 150 who are elected officials, 100 appointed by State Chairman Alfredo Duran to make sure the convention has balance in minorities and sex, and 100 who will be appointed (five each) by the governor, members of the Cabinet and members of the congressional delegation.

The draft Kennedy committee will have to get its 425 signatures mostly from the elected delegates, Bendixen said.

AS HE HAS EARLIER, the national committee member emphasized that he has nothing personally against Carter. He supported him in 1976, he said, and believes him to be a good and honest man. But he doesn't think he can win re-election.

He is also interested in revitalizing the Democratic Party.

"This whole process forces presidential candidates to deal with the party, to listen to its members," he said. "They can no longer campaign just by buying pretty commercials on television. We want to get the party back in the process, to give it a say, to make the platform meaningful."

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Exhibit B

NYDN 5/21/79 5 Dems jump Carter ship, signal Ted

Washington (News Bureau) — Despite Sen. Edward M. Kennedy's insistence that he is supporting President Carter, five Democratic congressmen announced yesterday that they were joining in a nationwide draft-Ted effort, a movement that has spread to more than half a dozen states, including several holding key 1980 presidential primary elections.

Rep. Richard I. Ottinger (D., Westchester) told a Capital Hill press conference that he and Reps. Edward Beard (R.I.), Richard Nolan (Minn.), Fortney M. Stark (Calif.) and John Conyers (Mich.) were searching for someone committed to the pro-

grams for which the Democratic Party has traditionally stood. They made it clear that the "someone" was not President Carter.

The five, who signaled their intentions through news leaks almost a week in advance, are relatively unimportant by themselves. Beard, for example, is best known for carrying a housepainter's brush around in his back pocket to remind himself of his former job, and Conyers, a former head of the Congressional Black Caucus, has always been a Carter critic.

But their temerity in openly defying a sitting President — even one who has suffered as deep a political wound as the Bert Lance indictment — demon-

strates the increasing strength of the draft-Kennedy movement.

In Iowa, the state that first put Carter on the political map in August 1976, leading Democrats have formed an "exploratory committee for a Democratic alternative," a thinly veiled draft-Ted effort. The meeting of the exploratory committee was just held by William Fenton, head of the International Association of Machinists in the state.

In New Hampshire, one of the nation's first presidential primary states, a Kennedy write-in effort is expected to be organized by two longtime Democratic Party activists, one of whom serves as an elected member of Democratic Gov. Hugh Gallen's executive council.

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Exhibit C

Kennedy supporters aim to deliver money, crowds

By DAVID YEPSEN
Register Staff Writer

The key organizer in the Iowa move to craft Senator Edward Kennedy for the 1980 Democratic presidential nomination said Wednesday he hopes to raise \$30,000 this summer for campaign efforts.

And Matt Wanning of Des Moines, who has managed several Democratic campaigns in Iowa, said the draft Kennedy group also is working to turn out a crowd in Cedar Rapids tonight to welcome Kennedy when he arrives to deliver a speech there.

Kennedy is scheduled to give an evening address to about 1,000 lawyers at the Iowa State Bar Association convention.

The Massachusetts senator is appearing officially in his capacity as chairman of the Senate Judiciary Committee. But Wanning said his Iowa backers hope the appearance will pique more interest among Iowans in a dyft.

Organizing for Caucuses

In recent weeks, the Kennedy supporters have spent most of their time organizing demonstrators to turn out for Kennedy's appearance tonight, according to Donald Rowen,

executive vice president of the Iowa Federation of Labor.

Kennedy workers were handing out conflicting estimates of how many people would show up. Some were saying there would be 200. Others said 1,000.

Those backers said the purpose of organizing the demonstration is two-fold, to give Kennedyites in Iowa something to do and to provide a nice television backdrop for Kennedy's appearance.

Forces for Kennedy and for President Carter are organizing for the state's January precinct caucuses — an early test of a presidential candidate's strength.

Caucus victories are organizational ones — the winner is the candidate who can find supporters, and get them to leave their homes on a cold January night and spend two or three hours meeting in strangers' homes.

To that end, Wanning said that after the Kennedy visit, the work will turn to money raising.

Wanning, an unpaid volunteer, said the group needs money to hire three full-time staffers, publish and mail a newsletter and develop computer

lists of people who'll turn out in January for Kennedy.

He said the group already has raised about \$8,000, and he expects little activity — other than fund raising — in Iowa this summer. About Sept. 1, Wanning wants to hire a staff and hold organizational meetings in about 20 communities.

The draft Kennedy move in Iowa was started by labor union leaders who are upset at Carter's performance in office, particularly at his failure to endorse a comprehensive national health insurance system. Wanning said Wednesday the group needs these organizational meetings because it wants to recruit non-labor people for the drive.

Wanning said most of the group's money has come from the International Association of Machinists — a labor union that has been calling draft Kennedy meetings around the country, including one in March in Iowa. Other money has come from out-of-state sources, but Wanning declined to identify them.

Instructions for Supporters

Because Kennedy is not a candidate, Wanning doesn't want to place his name in the position of having to disavow this effort in order to stay clear of legal restrictions on candidates.

So, according to Wanning, the group isn't sure whether it wants its people to go to the caucuses and declare for Kennedy or to go and declare they are uncommitted.

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CONCORD MONITOR: Monday August 14, 1967 - 2

Exhibit D

Kennedy Supporters.

Two leaders of the Kennedy write-in drive will be heading for Virginia this month to pick up some money for the New Hampshire presidential primary.

Executive Councilor Dudley Dudley and former state Democratic Party chairman Joanne Symons have agreed to attend an Aug. 18 reception sponsored by 25 Virginia Democrats who want Ted Kennedy as the party's nominee next year.

Mrs. Dudley declined to say how much money the write-in movement has collected to date, but "we are continuing to look for money," she said.

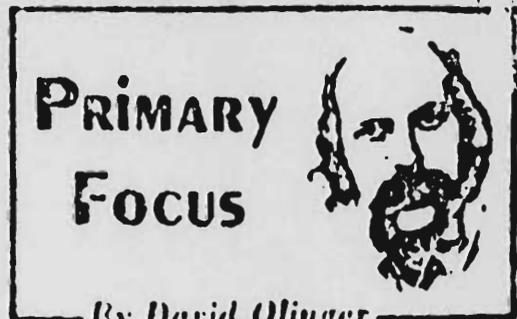
Kennedy supporters plan to begin soliciting contributions in New Hampshire this week by issuing "draft cards."

The Kennedy draft cards will be sold at varying prices by people working in the campaign, Mrs. Dudley said.

She has been billed by the Virginia organizers as "the second highest ranking elected Democrat in the state."

Virginians interested in meeting the two New Hampshire women and contributing to the Kennedy draft movement will be asked to donate \$12 at the door — or send money if they can't attend.

The "New Hampshire Democrats for Change"



have traveled outside the state before to meet other Kennedy sympathizers but have not yet raised the kind of change needed to run a campaign.

Except for the Virginia trip, no out-of-state trips have been planned to raise money for the New Hampshire primary. But "I think there may be some others in the future," Mrs. Dudley said.

The Kennedy forces are facing one unusual problem for a presidential campaign: how do you advertise a candidate who says he isn't running?

They intend to discuss that dilemma with some

To Seek Aid In Virginia

advertisers soon. Although they won't be able to use videotaped footage of Kennedy shaking hands with crowds of New Hampshire supporters, they probably will go ahead and use pictures of their candidate.

"Actually, we don't have to advertise the man," Mrs. Dudley said.

Kennedy has a rather high "name recognition factor" in New Hampshire. So the thrust of the Kennedy advertising effort may be to instruct voters that they can write in a name on the Democratic primary ballot.

So far, Kennedy has neither encouraged nor dissuaded the write-in effort. If he wins enough votes in the New Hampshire primary, he will have 10 days to name his delegates to the Democratic convention.

State law apparently does not specify what would happen if Kennedy fails to name any delegates, and party officials are aware of the possibility with that possibility.

The invitation to visit Virginia came from Jim Gibbs, a 32-year-old party regular who served as Carter's Virginia campaign manager during the 1976 primary season.

Gibbs said he turned against Carter several

months ago after deciding that the president had shown poor leadership ability and reneged on 1976 campaign promises to reform taxes, improve inner-city housing and block corporations from blooming into conglomerates.

After identifying the leading Kennedy organizers in New Hampshire, "I called them and asked them if they needed any money," he said. "They said they could use some help."

The reception will be "the first step in Virginia" to mount a Democratic challenge to Carter, he said. "We could have 10 people there or a thousand, I don't know."

At \$12 a handshake, 10 people wouldn't cover the air fare. In this day of \$100-a-plate fundraisers, isn't \$12 a rather low price to meet the number two Democrat in New Hampshire?

"I agree," Mrs. Dudley said. "Twelve dollars is a cheapie."

Gibbs explained that the "grassroots" reception was priced to attract "the average working Democrat."

□ □ □

A newcomer has joined the time-tested methods of sampling public opinion about the president's performance: the bumper poll.

After President Carter declared an American "crisis of confidence" and offered a new energy plan as a remedy, the Boston Phoenix distributed 75,000 red-white-and-blue "Carter Confidence" bumper stickers to its readers. Another 75,000 stickers will be passed out in stores in the Boston area this week.

The stickers give Carter fans and foes alike a chance to put their opinion right out there on the bumper. The red X that comes with the Carter Confidence sticker can be placed either beside the "I have it" box or the "I don't have it" box.

Originally, "the bumper sticker was going to say, 'honk if you pay too much for gas,'" said Phoenix publisher Stephen Mindich. "But the gas shortage became moot before we got it printed."

In a concession to more standard polling methods, coupons with the Phoenix' mailing address were attached to the bumper stickers.

Early returns are running about 2-1 against Carter, Mindich said. The final tally will be sent to House Speaker Tip O'Neill — or possibly Kennedy.

The publisher has not attempted to keep a running count of the car poll. But he said he did notice one Greyhound bus bearing a vote of no confidence.

Editor D (cont)

Exhibit E

Exhibit E

**Kennedy. Now.
Victory in New Hampshire
next spring begins with dollars
in Virginia right now.
25 VIRGINIA DEMOCRATS
INVITE YOU TO A KENNEDY-
IN-NEW-HAMPSHIRE RECEPTION.**

- | | | | |
|--|---|---|---|
| <p>Jim Gibes
Alexandria Democratic Committee</p> <p>John Corvill
Roanoke Democratic Committee</p> <p>Bill Fisher
Roanoke</p> <p>Samuel Gibbs
Alexandria</p> <p>Jack Hill
Chairman, Assembly County Democratic Committee</p> | <p>Linda Robinson
Fairfax County Democratic Committee</p> <p>Mrs. D. Evelyn Jordan
Newport News Northern Virginia Independent Caucus</p> <p>Walter P. Orr
Springfield County</p> <p>Paul Edwards
National Association of Manufacturers and Publishers, Blacksburg</p> <p>Roger and Eura Long
Alexandria Democratic Committee</p> | <p>Ben Latham
Fletcher, Virginia State Council of Democrats</p> <p>Samuel Levine
NVA</p> <p>Miss Williams
Virginia Beach</p> <p>Garret Shady
State Democratic Central Committee, Norfolk</p> <p>Don O'Flaherty
Independent Field Chairman, Alexandria Democratic Committee</p> <p>Southampton
State Democratic Central Committee, Spotsylvania County</p> | <p>Bob Blanton
State Central Committee, Virginia Beach</p> <p>Steve Robinson
Arlington Democratic Committee</p> <p>Harold Schatzberg
Legislative Director, International Association of Free Traders</p> <p>Ben and Karen Satter
Falls Church Democratic Committee</p> <p>Richard Spaulding
Alexandria</p> <p>Barbara Beckett
Chairman, Northern Virginia Independent Political Caucus</p> <p>Raymond L. Joseph Williams
Norfolk</p> |
|--|---|---|---|

**Saturday August 18
7 to 10 pm
Crystal Plaza
Party Room
Crystal City
211 Jefferson Davis
Highway, Arlington**

Meet the leaders of the New Hampshire Write-In Drive. New Hampshire Executive Council Member **DUDLEY W. DUDLEY** (she's the second highest ranking elected Democrat in the state) and **JOANNE SIMONS**, former state Democratic Chairman.

Donation \$12
Pay at the door, or mail your contribution to
**NEW HAMPSHIRE DEMOCRATS FOR CHANGE
VIRGINIA FUNDRAISER**
c/o JIM GIBBS, 1521 Chetworth Court
Alexandria, Virginia 22314

New Hampshire Democrats for Change, P.O. Box 4288 Manchester, NH 03105. A copy of our report is sent with the program. For more information and a brochure for purchase from the FEC Campaign, D.C. Not authorized by any candidate.

**VIRGINIANS FOR KENNEDY
P.O. BOX 11021
ALEXANDRIA, VA. 22311
(703) 931-1692**

Exhibit = C7

'Ready for Teddy' group not out to dump Carter, says leader

by KARIN DAVIES
Times staff reporter

SOUTH TIMES, Thursday, June 14, 1979

The formation of a state wide "Ready For Teddy" campaign is not part of a "dump Carter movement," says Theresa Dunbar, local committee coordinator.

It is simply preparation, she said, because "many people do not believe that President Carter can be re-elected." She added:

"They fear, as we do, that a faltering Carter re-election bid will leave the Democrats and the nation with presidential choices that will be unacceptable to a majority of Americans."

In announcing formation of the committee here this week, Ms. Dunbar cited popularity polls showing Mr. Carter slipping. She said the state committee was formed as part of a nation-wide campaign should Kennedy declare his candidacy. Campaign organizers hope to raise \$5,000 and involve 20 states by midsummer.

"If it becomes apparent that President Carter

cannot be re-elected, Senator Kennedy will have a volunteer organization in place and his campaign will be qualified to receive Federal Elections Committee matching funds," Ms. Dunbar said.

Thus far, however, Kennedy has said that he expects to support Mr. Carter's reelection and would not run unless Mr. Carter withdraws.

Al Wydick, president of District Lodge 751, International Association of Machinists and Aerospace Workers, said that "Kennedy is in the wings and waiting. He just can't come out now." Wydick's union supports the "Ready For Teddy" campaign.

Wydick said they are starting an "anyone but Carter" campaign, and called Mr. Carter the "most Republican President to hold the office since Herbert Hoover."

He said the national council began the campaign against Mr. Carter several months ago because the Carter administration is "not dealing with inflation properly" and is "more interested in big oil companies than in working people."

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exhibit #

Illinois Democrats Begin Drive To Draft Kennedy

By THOMAS W. OTTENAD
A Washington Correspondent
of the Post-Dispatch

WASHINGTON — Dissident Illinois Democrats are seeking 100,000 signatures in the state on petitions repudiating President Jimmy Carter's leadership and seeking to draft Sen. Edward M. Kennedy, D-Mass., for the 1980 Democratic presidential nomination.

The petitions went into circulation Tuesday after a meeting in Chicago to organize the new draft-Kennedy movement.

Charles Williams, an official of the Machinists union and one of the leaders of the move, expressed confidence that the signature goal can be met.

"The Machinists alone have 91,000 members in Illinois," he noted. He said, however, that the target for signatures from Machinists' members is only 20,000.

In addition, newspaper advertisements are to carry copies of the petition that can be cut out and circulated. The ads are to be placed in newspapers in Chicago and perhaps elsewhere in the state in several weeks.

The Illinois effort is the most ambitious attempt yet made to demonstrate mass support for Kennedy as a replacement for Carter. In the dozen other states where pro-Kennedy activities are under way, there is no comparable attempt to get thousands of voters to sign up now as supporters of the Massachusetts Democrat.

The petitions accuse Carter of failing to deal with inflation and the energy problem. They say the president has "failed to provide the leadership (needed) while actually contributing to the country's economic problems by advocating decontrol of gas and oil prices."

In contrast, the petitions credit Kennedy with providing "strong leadership in this country and U.S. Senate, advocating sound policies in the areas of health care, energy, equal rights and judicial reform."

They urge Kennedy "to make himself available as the candidate of the Democratic Party."

About 200 persons attended the organizational meeting Monday night in the Brother John Tavern, a block from Chicago's City Hall. Organizers said those present included several Democratic state legislators, Chicago aldermen and party regulars as well as several activists.

Besides the Machinists, other unions

represented included the Amalgamated Clothing Workers, United Auto Workers, Communications Workers, Graphic Arts, a college teachers local union and a union of nurses.

William Luking, one of the organizers, said speakers emphasized three complaints about Carter: abandonment of traditional Democratic policies, lack of leadership and "a feeling that they had been sold a bill of goods in 1976."

The meeting was organized by the Machinists union and the Committee on Illinois Government, a good-government organization set up by the late Adlai E. Stevenson in the 1950s. Luking, a Chicago lawyer and chairman of the committee, was named to coordinate the draft-Kennedy effort until a new organization is established for that purpose.

Like anti-Carter efforts in other states, the Illinois group seeks a "Democratic alternative" to the president but goes further than some in formally identifying Kennedy as its choice.

The eventual aim is to run a slate of delegates to the 1980 Democratic National Convention in all 24 congressional districts in the state's presidential primary election next year.

Contrary to the strategy in other states, Illinois delegates may run pledged to Kennedy rather than remaining uncommitted. Running uncommitted generally is preferred because, unlike pledged delegates, uncommitted delegates could not be removed from the ballot through a written disclaimer of candidacy, which Kennedy has said he will sign in cases where that is possible.

Luking said that under present Illinois law, it does not appear that delegates can be forced off the ballot in this manner even if they run committed to Kennedy.

One of those reported to be participating in the pro-Kennedy movement is Mark Cutright, who was staff director of Carter's successful campaign in the Illinois primary in 1976.

Carl Shier, an International representative of the United Auto Workers, said those at the organization meeting included workers in a number of previous liberal campaigns in the state, including those for Sen. Paul H. Douglas, D-Ill., Sen. Hubert H. Humphrey, D-Minn., and Sen. George McGovern, D-S.D. Also present were some who have been close to Sen. Adlai E. Stevenson, D-Ill.

Senator's Signal Sparked Draft Drive

By [Name] 10/16/79
CAMPAIGN, From A1

for successful attempt to encourage the timing and procedures of the state-wide primary to suit a Kennedy candidacy.

Estimates vary as to the Kennedy movement's capabilities. Independent of a full-fledged Kennedy-operated campaign, some of the participants are called "paper tigers" or, in the words of some Jimmy Carter allies, "people always identified with losers." The entire movement is crisscrossed as to those to labor and probed by too many liberals to be of wide appeal.

The first test will be the Florida state Democratic caucuses on Oct. 13, when Carter and a Kennedy organization will put up competing slates of supporters to represent them at a November straw-vote convention in St. Petersburg.

Judging from the Carter campaign's preparations for that contest, the Kennedy forces are getting respect. Evidence:

- Carter plans to spend \$300,000 on the effort, sources say, though the official figure is closer to \$100,000.

- Several top White House operatives, including appointments secretary Phil Wise and press secretary Jody Powell, are being dispatched to help out in Florida in one way or another. The president, his wife, his father and his son and Andy Young have all campaigned in Florida recently and Vice President Mondale is scheduled. Florida elected officials, local leaders and others have been scheduled into Washington for mass White House hearings on SALT and other issues.

- In the past six months, the White House has given out major and minor appointments and assignments to at least 25 Floridians, including Florida Attorney General, former governor Jeb Bush, former governor James Williams, the former lieutenant governor, Max and Mayor Maurice Ferré, various state legislators, leaders of the NAACP, the chairman of the state Democratic Party and leaders of the Cuban-American community.

- Seven Floridians were appointed to the John F. Kennedy Center Advisory



SEN. EDWARD M. KENNEDY
...the force in the forward.

Committee on the Arts in the month of March alone, and of 13 members throughout the country.

The Carter campaign's Florida director, Jay Hakes, credits Kennedy as "critical. We need to get 11 percent of the vote in the caucus states and the 100 or so delegate votes, and I'm backed by pro-Carter party people."

But it is hard to run against a Kennedy, they late learn, especially when he is underlined "votes against an idealized candidate," said an aide to Gov. Graham, who is helping Carter there. "Kennedy organizers will give their own views on issues before audiences," said Hakes, and they may or may not represent Kennedy's.

They can be anti-nuke and pro-nuke, against federal funding of abortion and for it. They scattershot out to those groups."

The draft Kennedy operation in Florida is among the most mature of the lot. Mike Abrams, a former Carter supporter and Dade County Democratic chairman, is in charge. There are seven staff members, a professional public relations man and an acknowledged budget goal of \$100,000, which some observers said is about a third of what the group hopes to spend.

That group, too, is learning the inherent advantages in a Kennedy candidacy last week, because of all the publicity generated by the senator's comments. Draft Kennedy officials were on local television almost every day.

In the nation as a whole, the Kennedy movement looks like this:

There are at least 51 state committees in varying stages of organization. At least 25 persons—concentrated in Florida, New Hampshire and Iowa—devote full or nearly fulltime to the effort. The effort, at this point, consists mostly of fund-raising or getting ready for fund-raising. One direct-mail effort has already taken place and a second is planned by an Oregon committee. Californians have run two full-page newspaper ads at \$11,000 each urging Kennedy to run.

The coordination among them is informal, but appears to tread perilously close to the fringes of federal election laws that make an important distinction between "affiliated" committees and independent ones.

The most obvious thread leads back to the Washington offices of the International Association of Machinists, whose president, William Winpinger, is an ardent Kennedy supporter.

The union has provided startup money for some groups. And at least a dozen of the Kennedy groups in the states include among their leaders a local or state political operative from the union. These men consult on a regular basis with Marjorie Fife, a political organizer based in the union's Washington headquarters.

The Illinois Citizens for Kennedy is illustrative. The co-chairmen are William Laking, a Chicago lawyer and liberal activist, and Charles Williams, Illinois legislative representative for the Machinists.

Williams said the group came together, in part, through Machinists headquarters. "I got a call from Washington saying some people from Illi-

nois were for Kennedy and wanted to contact us."

Since then, Williams said, he has been in regular communications with Fife and others at the Machinists, getting "absolutely any kind of help I want. They tell me what's going on around the country."

Fife, in turn, confers with non-union Kennedy operatives, like Geto in New York. Geto says he is in "daily contact" with Mike Abrams in Florida, Matthew Wanning in Iowa, Dudley Dudley in New Hampshire and Mark Siegel, the former Carter White House aide now working for Kennedy's election.

Though everyone involved declares that they do not work in concert from state to state, there is a striking common fluency of strategy.

California, New Jersey and New York organizations, for example, are planning on printing money, the idea being to help Kennedy later than they do not think that what anybody is doing in any state other than Florida, Iowa and New Hampshire is particularly meaningful, said James Poller, who is raising money in Los Angeles. "The battle is going to be won or lost there."

While the Kennedy movement as a whole may contact the media, what would become a campaign organization, there are instructions to curb in the meantime.

One of them is the law. Because of Kennedy organizations are formally unaffiliated with each other, wealthy contributors or political action committees (like the Machinists) could give up to \$5,000 to each organization—a contribution to the movement as a whole of as much as \$250,000 once 50 states are signed on. That is 10 times the amount any other national campaign could accept from any committee.

If the Kennedy organizations are ruled by the Federal Election Commission to be affiliated, no one could give more than \$5,000 to the end movement. That could harm the early fund-raising.

The FEC has never clearly defined "affiliation." Coordination, contact and consultation are, however, among the criteria it considers.

Some Kennedy supporters fear that the federal commission's regulations could put a stop to hard-core campaign support in other states. They campaign, should it ever reach the end and adding the pro-Kennedy would undoubtedly hire with an extra \$100,000.

Excerpt J
Chicago Tribune, July 24, 1979

Democratic Party

also working for Kennedy

Associated Press

Washington, D.C., July 23

The Democratic National Committee has fired a Virginia fund-raising firm that was mailing letters for a "draft Kennedy" movement at the same time it was working for the party.

Tom Mathews of Craver, Mathews, Smith and Co. said Monday the party canceled its contract in a letter he received last Friday.

But, Mathews said, letters seeking support for a movement to draft Sen. Edward Kennedy, D-Mass., to oppose President Carter for the party's 1980 presidential nomination have been so successful that more are going out this week.

While Mathews would not say exactly how much money had been raised by the 25,000 Kennedy letters already mailed, he said it was enough to finance a second mailing of 20,000.

Robert Neuman, press secretary for the Democratic National Committee, said that the Kennedy mailing was the principal cause of the cancellation.

The mailing was done for a group named The National Call for Kennedy Campaign and the letters were signed by machinist union President William J. Miller. The group said it is seeking to concentrate on Kennedy that increases support for his candidacy.

3304065535

SECTION 3
REVISED
MAY, 1979
Federal Election Commission
325 K Street, N.W.
Washington, D.C. 20463

REPORT OF RECEIPTS AND EXPENDITURES
FOR A CANDIDATE OR COMMITTEE
SUPPORTING CANDIDATE(S) FOR
NOMINATION OR ELECTION TO FEDERAL OFFICE

(Except for Candidates or Committees Receiving Federal Matching Funds)

JUN 12 11:50

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

1 Machinists Non-Partisan Political League
Name of Candidate or Committee (in full)
1300 Connecticut Avenue, N.W.
Address (number and street)
Washington, D. C. 20036
City, State and ZIP Code
2 I.D. No. 000002469
Candidate/Committee
3 _____
Office Sought, State/District (if applicable)
 Check if address is different than previously reported
Year of Election 79-80

4 Type of Report (check appropriate boxes)
 April 10 Quarterly Report
 July 10 Quarterly Report
 October 10 Quarterly Report
 January 31 Annual Report
 Monthly Report May on _____ in the State of _____
(month) (date)
 Tenth day report preceding _____ election
(primary, general or convention)
on _____ in the State of _____
(date)
 Thirtieth day report following _____ election
(primary, general or convention)
(which report)
 Termination Report
 Amendment for _____
This is a report for Primary Election General Election Primary and General Other (special, runoff, etc.)

SUMMARY OF RECEIPTS AND EXPENDITURES
(Figures may be rounded to nearest dollar.)

5 Covering Period	Column A This Period	Column B Calendar Year-To Date
<u>5-1-79</u> Through <u>5-31-79</u>		
6 Cash on hand January 1, 19 <u>79</u>		\$ 177,327.50
7 Cash on hand at beginning of reporting period	\$ 226,747.04	
8 Total receipts (from line 19)	\$ 37,280.82	\$ 216,124.61
(a) Subtotal: (Add lines 7 and 8 for Column A and lines 6 and 8 for Column B)	\$ 363,027.86	\$ 392,452.11
9 Total expenditures (from line 25)	\$ 15,145.52	\$ 44,059.77
10 Cash on hand at close of reporting period (Subtract line 9 from line 8a)	\$ 348,482.34	\$ 348,482.34
11 Value of contributed items on hand to be liquidated (Attach itemized list)	\$ _____	
12 Debts and obligations owed to the Committee/Candidate (itemize all on Schedule C)	\$.00	
13 Debts and obligations owed by the Committee/Candidate (itemize all on Schedule C)	\$.00	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.
June 8, 1979 (Date) Howard F. Dow (Typed Name of Treasurer or Candidate) Howard F. Dow (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437g, or Section 441 (see reverse side of form).

For further information, contact: Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463 or call 800/424 9530. Approved by GAO B-187620 (R0506) Expires 3-31-81

All previous versions of FEC FORM 3 are obsolete and should no longer be used.

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose

739034020486

NAME OF CANDIDATE OR COMMITTEE
 Machinists Non-Partisan Political League

REPORT COVERING THE PERIOD
 FROM: 5-1-77 TO: 5-31-79

RECEIPTS	Column A This Period	Column B Calendar Year-To-Date
14. Contributions from Individuals (including contributions in-kind):		
(a) Itemized (use Schedule A)	\$ 20,615.51	
(b) Unitemized	\$ 16,565.31	
(c) Sales and collections included above:		
List by event on memo Schedule D (\$ <u>9,368.90</u>)		
(d) Subtotal of contributions from individuals	\$ 37,180.82	\$ 216,074.61
15. Transfers from Political Committees:		
(a) Funds from affiliated/authorized committee (itemize on Schedule A regardless of amount)	\$	
(b) Funds from other committees (itemize on Schedule A regardless of amount)	\$	
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount)	\$	
(d) Subtotal of transfers in and contributions in-kind from political committees	\$.00	\$.00
16. Other Income:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of other income	\$.00	\$.00
17. Loans and Loan Repayments Received:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments received	\$.00	\$.00
18. Refunds, Rebates, Returns of Deposits:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of refunds, rebates, returns of deposits	\$.00	\$ 50.00
Total Receipts	\$ 37,180.82	\$ 216,124.61

EXPENDITURES	Column A This Period	Column B Calendar Year-To-Date
22. Operating Expenditures:		
(a) Itemized (use Schedule B)	\$ 257.50	
(b) Unitemized	\$ 943.10	
(c) Subtotal of operating expenditures	\$ 1,200.60	\$ 1,440.85
Loans, Loan Repayments, and Contribution Refunds Made:		
(a) Itemized (use Schedule B)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments made and contribution refunds	\$.00	\$ 300.00
Transfers Out to Political Committees:		
(a) To affiliated/authorized committee (itemize on Schedule B regardless of amount)	\$	
(b) To other committees (itemize on Schedule B regardless of amount)	\$ 3,710.00	
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount)	\$	
(d) Subtotal of transfers out	\$ 3,710.00	\$ 32,430.00
23. Independent Expenditures (use Schedule E)	\$ 10,755.92	\$ 10,755.92
24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441a(d)) (itemize on Schedule F)	\$.00	\$.00
Total Expenditures	\$ 15,445.52	\$ 44,060.77

RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES		
26. Total Receipts (from line 19)	\$ 37,180.82	
Transfers In (from line 15(a))	\$.00	
Net Receipts (Subtract line 27 from line 26)	\$ 37,180.82	
29. Total Expenditures (from line 25)	\$ 15,445.52	
30. Transfers Out (from line 22(a))	\$.00	
31. Net Expenditures (Subtract line 30 from line 29)	\$ 15,445.52	

739 of 3 B
 4487

Operating, Transfers Out, Contributions In-Kind,
Loans, Loan Repayments and Refunds Made)
Supporting Lines 20a, 21a, and 22a, 22b, and 22c
of FEC FORM 3

Line Number _____

(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full

Machinists Non-Partisan Political League

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Supp for Congress Committee Post Office Box 12148 Columbia, South Carolina 29211	deficit contribution Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	5-1-79	\$ 500.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Committee to Elect Geraldine Ferraro to Congress 716 Queens Boulevard Rego, New York 11373	reception tickets Expenditure for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	5-1-79	\$ 200.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Committee for An Alternate Candidate 147 - 5th Avenue Brooklyn, New York 11219	contribution to delegate selection committee Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	5-9-79	\$1,210.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Volunteer Campaign Committee 117 West Street St. Louis, Missouri 63101	campaign contribution Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	5-14-79	\$1,200.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Supporter for Congress Committee 1177 Connecticut Avenue, N.W. Washington, D. C. 20036	reception tickets - Mass. 5th District Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	5-14-79	\$ 200.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Volunteers for Vento 5119 Poplar Drive Bethesda, Maryland 20814	reception tickets Maryland 1st District Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	5-23-79	\$ 200.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Citizens for Downey 178 Post Office Box 91P Bay Shore, New York 11706	reception tickets New York 2nd District Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	5-31-79	\$ 200.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		
SUBTOTAL of expenditures this page (for check)			\$
TOTAL this period (last page this line number only)			\$ 3,710.00

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ITEMIZED INDEPENDENT EXPENDITURES
FOR LINE 23, FEC FORM 3

Page 1 of 1 Pages

Commission
Street, N.W.
Washington, D.C. 20463

(See Reverse Side for Instructions)

Name of Candidate or Committee in Full Machinists Non-Partisan Political League	ID No. 00000000
Full Name, Mailing Address and ZIP Code Machinists Non-Partisan Political League 1300 Connecticut Avenue, N.W. Washington, D. C. 20036	Is this a Separate Report by a Committee filing on FEC Form 3a? <u>No</u>

Itemize independent expenditures which exceed, in the aggregate, \$100 within a calendar year.

Full Name, Mailing Address & ZIP Code of Each Payee	Particulars of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
<input checked="" type="checkbox"/> The Millenium Group 244 Cherry Street Philadelphia, Pennsylvania 19107	purchase of buttons	5-15-79	\$10,534.02	Edward M. Kennedy U.S. Presidency <input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	\$ <u>10,534.02</u>
(b) SUBTOTAL of Unitemized Independent Expenditures	\$ _____
(c) TOTAL Independent Expenditures	\$ <u>10,534.02</u>

I, the undersigned, do hereby certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of a dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Subscribed and sworn to before me this 8th day of June, 1979
My Commission expires Jan 1, 1980
[Signature]
NOTARY PUBLIC, D.C.

[Signature] _____
Signature Date

MEMORANDUM FOR THE RECORD
 FEDERAL CAMPAIGN DISCLOSURE ACT

NAME OF CANDIDATE OR COMMITTEE	REPORT COVERING THE PERIOD	
Reichle's Non-Partisan Political League	FROM: 7-1-77	TO: 7-31-77
	Column A This Period	Column B Calendar Year To Date
14. Contributions from individuals (including contributions in kind):		
(a) Itemized (see Schedule A)	\$ 6,635.66	
(b) Unitemized	\$ 13,484.11	
(c) Subtotal of contributions included above		
Less by credit on Schedule C of \$ 7,300.32		
(d) Subtotal of contributions from individuals	\$ 20,099.77	\$ 275,975.83
15. Transfers from Political Committees:		
(a) Funds from affiliated/unaffiliated committees (itemize on Schedule A regardless of amount)	\$	
(b) Funds from other committees (itemize on Schedule A regardless of amount)	\$	
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount)	\$	
(d) Subtotal of transfers in and contributions in-kind from political committees	\$.00	\$.00
16. Other Income:		
(a) Itemized (see Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of other income	\$.00	\$.00
17. Loans and Loan Repayments Received:		
(a) Itemized (see Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments received	\$.00	\$.00
18. Refunds, Rebates, Returns of Deposits:		
(a) Itemized (see Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of refunds, rebates, returns of deposits	\$.00	\$ 50.00
19. Total Receipts	\$ 20,099.77	\$ 275,975.83
EXPENDITURES		
20. Operating Expenditures:		
(a) Itemized (see Schedule B)	\$ 782.95	
(b) Unitemized	\$ 304.00	
(c) Subtotal of operating expenditures	\$ 1,086.95	\$ 5,350.50
21. Loans, Loan Repayments, and Contribution Refunds Made:		
(a) Itemized (see Schedule B)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments made and contribution refunds	\$.00	\$ 300.00
22. Transfers Out to Political Committees:		
(a) To affiliated/unaffiliated committee (itemize on Schedule B regardless of amount)	\$	
(b) To other committees (itemize on Schedule B regardless of amount)	\$ 11,550.00	
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount)	\$	
(d) Subtotal of transfers out	\$ 11,550.00	\$ 45,480.00
23. Independent Expenditures (see Schedule E)	\$.00	\$ 10,798.92
24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441a(d)) (itemize on Schedule F)	\$.00	\$.00
25. Total Expenditures	\$ 12,636.95	\$ 61,959.52
RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES		
26. Total Receipts (from line 19)	\$ 20,099.77	
27. Transfers In (from line 15(a))	\$.00	
28. Net Receipts (Subtract line 27 from line 26)	\$ 20,099.77	
29. Total Expenditures (from line 25)	\$ 12,636.95	
30. Transfers Out (from line 22(a))	\$.00	
31. Net Expenditures (Subtract line 30 from line 29)	\$ 12,636.95	

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 7 9 0 3 1 1 4 1 1 0 7

FORM 2
 REVISED
 APRIL 1978
 Federal Election Commission
 1100 K Street, N.W.
 Washington, D.C. 20005

ITEMIZED EXPENDITURES

Operating, Traveling Out, Contributions In-Kind,
 Loans, Loan Repayments and Refund Made
 Supporting Lines 20a, 21a, and 22a, 22b, and 22c
 of FEC FORM 3

Page 1 of 2 for
 Line Number 22a

Also indicate Rebuttal for
 each numbered line!

83040311120

Name of Candidate or Committee to File			
Machinists Non-Partisan Political League			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Railway Labor Executives Assoc. Political League 400 First Street, N.W. Washington, D. C. 20001	transfer - contribution Expenditure for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other	7-5-79	\$ 5,000.00
Illinois Citizens for Kennedy Committee IEM Plaza, Room 3100 Chicago, Illinois 60611	transfer - contribution Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	7-9-79	\$ 500.00
Florida For Kennedy Committee 200 S.E. First Street Miami, Florida 33131	transfer - contribution Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	7-9-79	\$ 2,900.00
Erwin Barton Campaign Committee 1201 Main Street Pasadena, Texas 77006	contribution to candidate for state representative Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	7-9-79	\$ 200.00
Matsui for Congress Committee 444 North Capitol Street, N.W. Washington, D. C. 20001	reception purchase of tickets - Calif. 3rd District Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	7-9-79	\$ 200.00
Benjamin for Congress Committee Post Office Box 2000 Gary, Indiana 46403	purchase of reception tickets Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	7-9-79	\$ 200.00
New Hampshire Democrats for Change Committee Post Office Box 4268 Manchester, N. H. 03108	transfer - contribution Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	7-9-79	\$ 2,500.00
Sato for Congress Volunteers Post Office Box 1795 Washington, D. C. 20013	purchase of reception tickets - Minn., 5th Dist. Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	7-31-79	\$ 200.00
SUBTOTAL of expenditures this page (optional)			\$
TOTAL this period (last page this line number only)			\$

8304035595
79031360246

NAME OF CONTRIBUTOR		PERIOD FOR WHICH THE PERIOD	
MAY 1977		5-1-77	5-31-77
IDENTITY		Column A This Period	Column B Calendar Year To Date
10. Contributions from individuals (including non-cash contributions)			
(a) Reported (see Schedule A)	\$ 5,661.41		
(b) Unreported	\$ 22,748.92		
(c) Date and collection information			
(d) Subtotal of reported and unreported	\$ 28,410.33	\$ 304,136.16	
11. Transfers from Political Committees			
(a) Funds from affiliated political committees reported on Schedule A	\$ 2,028.00		
(b) Funds from other committees reported on Schedule A regardless of amount	\$		
(c) Contributions in kind from political committees	\$		
(d) Subtotal of transfers in kind and contributions in kind from political committees	\$ 2,028.00	\$ 2,028.00	
12. Other Income			
(a) Interest (see Schedule A)	\$		
(b) Dividends	\$		
(c) Subtotal of other income	\$.00	\$.00	
13. Loans and Loan Repayments Received			
(a) Reported (see Schedule A)	\$		
(b) Unreported	\$		
(c) Subtotal of loans and loan repayments received	\$.00	\$.00	
14. Refunds, Returns, Returns of Deposits			
(a) Reported (see Schedule A)	\$		
(b) Unreported	\$		
(c) Subtotal of refunds, rebates, returns of deposits	\$.00	\$ 50.00	
15. Total Receipts	\$ 30,238.33	\$ 306,214.16	
EXPENDITURES			
16. Operating Expenditures			
(a) Reported (see Schedule B)	\$ 1,042.02		
(b) Unreported	\$ 670.85		
(c) Subtotal of operating expenditures	\$ 1,712.87	\$ 7,093.67	
17. Loans, Loan Repayments, and Contribution Refunds Made			
(a) Reported (see Schedule B)	\$		
(b) Unreported	\$		
(c) Subtotal of loans and loan repayments made and contribution refunds	\$.00	\$ 300.00	
18. Transfers Out to Political Committees			
(a) To affiliated authorized committees (itemize on Schedule B regardless of amount)	\$		
(b) To other committees (itemize on Schedule B regardless of amount)	\$ 27,035.00		
(c) Contributions in kind to other committees (itemize on Schedule B regardless of amount)	\$		
(d) Subtotal of transfers out	\$ 27,035.00	\$ 72,575.00	
19. Independent Expenditures (see Schedule F)	\$	\$ 11,658.39	
20. Coordinated Expenditures Made by Political Committees (U.S.C. 441a(d)) (itemize on Schedule F)	\$.00	\$.00	
21. Total Expenditures	\$ 29,188.07	\$ 91,147.59	
RECEIPTS AND EXPENDITURES NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES			
22. Total Receipts (from line 15)	\$ 30,238.33		
23. Transfers In (from line 15 a)	\$ 2,028.00		
24. Net Receipts (Subtract line 23 from line 22)	\$ 28,210.33		
25. Total Expenditures (from line 21)	\$ 29,188.07		
26. Transfers Out (from line 21 a)	\$.00		
27. Net Expenditures (Subtract line 26 from line 25)	\$ 29,188.07		

FORM NO. 1
 FEBRUARY 1978
 FEDERAL ELECTION COMMISSION
 1225 K Street, N.W.
 Washington, D.C. 20543

CAMPAIGN EXPENDITURES
 Reporting, Provision On, Contributions and Disbursements, Loans, Loan Repayments and Refunds (Special)
 Reporting Lines 20a, 21a, and 22a, 21b, and 22b
 of FEC FORM 3

Page 2 of 2
 Line Number 20a
 Use Separate Schedules for each numbered line

8304035597
 19031360262

Name of Candidate or Committee as Filed			
Machinists Non-Partisan Political League			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Florida For Kennedy Committee 200 S.E. First Street Miami, Florida 33131	transfer - contribution Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	8-21-79	\$2,500.00
Kennedy for President Indiana Committee 5101 Madison Avenue Indianapolis, Indiana 46227	transfer - contribution Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	8-21-79	\$5,000.00
Pennsylvania Committee for a Democratic Alternative 145 South 13th Street Philadelphia, Pa. 19107	transfer - contribution Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	8-21-79	\$ 500.00
Eggleton Campaign Committee 818 Olive Street St. Louis, Missouri 63101	purchase of reception tickets Missouri Senate Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	8-24-79	\$2,000.00
Edward Markey for Congress Comm. 7 Townsend Street Malden, Massachusetts 02148	campaign contribution Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	8-24-79	\$1,000.00
The Committee for An Alternative Candidate 840 - 5th Avenue Des Moines, Iowa 50309	transfer - contribution Expenditure for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	8-30-79	\$3,790.00
SUBTOTAL of expenditures this page (optional)			\$
TOTAL this period (last page this line number only)			\$ 27,035.00

DEMOCRATS FOR CHANGE - 1980

CHAIRPERSONS

(Titles for information purposes only)

- Wallace Albertson
President, California Democratic Council
- Joyce Easton Ashley
- Ted Ashley
- Rev. Edgus R. Edwards
Immanuel United Church of Christ
- Rev. William Graves
Phillips Temple C.M.E. Church
- Norman Lee
- Manuel Lopez
Mexican-American National Organization (MANO)
- Sal Marcus
Vice President, Board of Public Workers, City of Los Angeles
- Nahty Martinez
Chair, Las Mujeres for Political Action
- Frederick M. Nicholas
Attorney
- Justin Oastro
Gen'l Vice President, (Natl'l) International Association of Machinists and Aerospace Workers
- Clark Parker
- Jon Peters
- Lee Rich
- Henry Rogers
- Erich Segal
Author
- Stanley K. Sheinbaum
Regent, University of California
- Paula S. Siegal
1977-78 Southern Women's Chair, California Democratic Central Committee
- Carl Tamaki
Former General Manager, Dept. of Water & Power
- The Honorable Maxine Waters
Assemblywoman
- Shirley Wechsler
National Vice President, Americans for Democratic Action
- Harold Wilkins
- Leo Wylor
Democratic National Finance Council

Dear Friend:

On March 2nd Democrats for Change - 1980 ran the enclosed ad saying "We're Sorry President Carter" in the Los Angeles Times and the Herald Examiner. Over three thousand people responded - which is a powerful political statement.

Since that time President Carter has achieved a major breakthrough in the Middle East. Nevertheless, there remains unresolved those many basic questions which trouble us so much.

Therefore, as concerned citizens we continue to address the CRISIS OF LEADERSHIP. We plan to repeat the March 2nd ad including the additions of the enclosed copy plus all the names that have been flowing in. To arrange all this is a massive effort. If you share our concern we ask for your help.

Please SIGN and RETURN the SMALL self-addressed envelope immediately so that we have authority to use your name in our next ad. A contribution is not required but we would appreciate your sending as much as you feel comfortable with to help cover the very considerable cost of the ad.

Finally, and most importantly, to achieve maximum impact, we urgently seek the endorsement of many additional thousands of people beyond those who have already responded. You can make a great personal contribution by arranging to have five (or more) of your friends sign the enclosed form authorizing the use of their name in the next ad and then returning it to us as soon as possible.

Thank you.

Sincerely,

DEMOCRATS FOR CHANGE - 1980

P.S. If you need more blank petitions, please call 475-5789.

WE'RE SORRY PRESIDENT CARTER.

President Carter's announced appearance tonight at the Democratic National Finance Council dinner in Los Angeles prompts us to focus on our country's **CRISIS OF LEADERSHIP**.

We are Democrats who supported Mr. Carter and believe him to be a hard-working and decent man. He has tried his best to be a good President. It pains us to say that he has not succeeded.

- He has neither listened nor led.
- We fear continued inflation, the threat of recession and even the shadow of a full depression.
- He has not addressed the problems of young Americans. (Among Black and Chicano alone there are 40% unemployed). The cities continue to rot. Yet he wants to increase the military budget by 12.5 billion dollars.
- He has responded poorly to the needs and aspirations of women.
- The elderly and the infirm remain neglected.
- We are still without an effective energy policy.
- It's impossible to understand what our foreign policy is from one day to the next.
- And there is more, much more.

As a result of this **CRISIS OF LEADERSHIP**, Americans everywhere are feeling more isolated, less connected to each other and to their government.

And so, with the Presidential primaries less than a year away, we ask ourselves: In whose hands should the leadership of our nation rest?

The polls show that Senator Ted Kennedy is the leading choice among Democrats everywhere. If ultimately he chooses not to run there are other gifted leaders who remain committed to the progressive principles of the Democratic Party.

The freedom to challenge the leadership of the President overwhelms us. On this day, therefore, we declare ourselves--

DEMOCRATS FOR CHANGE—1980.

CHAIRPERSONS

(Titles for informational purposes only)

Wallace Albertson, President
California Democratic Council
Joyce Easton Ashley
Ted Ashley
Rev. Edgar B. Edwards,
Immanuel United Church of Christ
Rev. William Graves,
Philips Temple CME Church

Norman Lear
Manuel Lopez, Mexican American
National Organization (MANO)
Sol Marcus, Former Vice President
Board of Public Works, City of Los Angeles
Sally Martinez, Chair
Las Mujeres for Political Action
Frederick M. Nicholas, Attorney

Justin Ostro,
Gen'l. Vice President, Nat'l
International Association
of Machinists & Aerospace Workers
Clark Parker
Jan Peters
Lee Rich
Henry Rogers

Brich Segal, Author
Stanley N. Shainbaum,
Regent, University of California
Paula S. Siegel,
1977-78 Southern Women's Chair,
California Democratic Central Committee
Carl Tamaki,
Former General Manager, Dept. of Water & Power

The Honorable Maxine Waters,
Assemblywoman
Shirley Wachter, National Vice President,
Americans for Democratic Action
Harold Wilkins
Leo Wyler,
Democratic National Finance Council

Alice Adams
 Mary Adelson
 Rose Allen
 French Amaro
 Julie Amerool
 Aris Anagnos, President
 Save Cyprus Council
 Carolyn Anagnos
 Maxwell Arnold
 Ted Austin
 Maria F. Autila
 Father-John Barahan
 Joel Barnes
 Clark Barr and
 Paul Bateman
 Alan & Marilyn Bergman
 Lynn Berger
 Terry Bell
 Aaron Black
 Paul Bogart
 Joan D. Boyer
 Blaine Brennan
 Gerald & Lenore Breslawer
 Stephen Brockelman
 Dr. William Burke
 Donald & Barbara Burnett
 John Carmel
 Lillian G. Carson
 Bill Carson
 Anthony E. Caruthers
 Mattie Caruthers
 Helen Page Camp
 Phillip Chacon
 Marjorie G. Chaldez
 Saul Chaplin
 Slobo Chung
 Mary Clarke, Women's Rights
 Hal Cooper
 Judi Davidson
 Carol DeLuise
 Lawrence S. Diets
 West Coast Editor, Publica
 Molly Dtp

Elyse Donnell
 Sid Durlman
 Janice Drickey
 Norman Edelin
 Jack Ellman
 Sandy Elster
 Ellen Ende
 Max Factor III, Board Member
 Western Law Center for Handicapped
 Susan B. Factor
 Gary & Elizabeth Faminan
 New Democrat Executive Council
 Michael J. Fasman
 Judy Feder
 Ted Flicker
 Brooke Forsythe
 Gilda Frantz
 Stanley Frazen
 Lila Garrett
 Larry Gelbart
 Frederick F. Gough, Jr.
 Richard Gray
 Rosalind Harada
 Janice Harris
 Tom Hayden & Jane Fonda
 Harold A. Haytin
 Hugh Hefner
 Richard A. Hernandez
 Melodie Johnson Howe
 Dolores Hyams
 Joe Hyams
 Ben Irwin
 Hannah Beth Jackson
 Claire Jampal
 Jerry Jaramillo, Jr.
 Nancy Judoden
 Carol Jones
 Milt Josephberg
 Bryan Joseph
 Fay Karin
 Michael Karin
 Gertrude Kern, Executive Director
 Bryn

DEMOCRATS FOR CHANGE—1980 SUPPORTERS

(Titles for informational purposes only)

James Kirsh
 Larry Klein
 Aaron Kloten
 Mort Lachman
 Burt Lancaster
 Alex Lawler
 Howard Lee
 Ernest Lehman
 Jacqueline Lehman
 Dick Leeb
 Elsie Leeb
 Alan Manings
 Stan Margulies
 Dr. Jud Marmor
 Linde Marsh
 Arline Matthews
 Rachel McAlister
 Frances McConnell
 Michael McDermott,
 Justice Department, 400 West
 58th
 Street
 Cyra McFadden
 Robert K. McPike
 Tony F. Meras, Los Angeles Club
 Mrs. Elizabeth Miller
 Mike Milligan
 Virginia Mitsui
 Jay Moriarty
 Ruth Morris
 William Morris, Jr.
 Winston Moss
 Michael Mount
 Reynaldo E. Munoz
 Susan Nevens
 William Norton
 Frank O'Connor

Serial Ostrow
 Norman Paul
 Lillian Peleso
 Jerry Perzigan
 Marjorie G. Peters
 Vicki Pierson
 Robert H. Powsner
 Ernest Pleshne
 Frank J. Quevedo
 Norma Ramirez
 Larry Rhine
 Andrea Rich
 John Rich
 David W. Rhintel
 Martin Rips
 Dian Roberts
 Jack Roberts
 Marcia Rodd
 Ben Rodriguez
 Si Rose
 Milt Rosen
 Mark Rosenberg
 Arthur Ross
 Herb Ross
 Kim Rowley
 Mann Rubin, Writer
 Diane A. Scanlan
 Marvin Schachter
 Dana & Ivy Schachter
 Bob & Sabrina Schiller
 Paul Schrade
 Michael Scott, M.D.
 Donald L. Seigel
 William Sennett
 Jack Shea
 Pat Shea
 Betty Warner Sheinbaum
 James Simons
 Eliza Simons
 Douglas I. & Bonnie Sloane
 Lee H. Smith
 Susan Smith
 Joseph Staroski
 Gloria Starr
 Kenneth E. Stenart
 Ben Steib
 Lorraine Stinson, Member
 Democratic State Party Executive

Anthea Sylbert
 Al Tittelbaum
 Sylvia Tittelbaum
 Jack Turner, Vice President
 Recreation and Parks Committee
 Mel Tullin
 Dan Turti
 Muriel Turti
 Ruben Tzavio
 Maurice Tuchman
 Dore Uranga
 Alfred Valdez
 Jerry Van Dyke
 Judy Walton
 Mark Warren
 Dr. Malbauro Watson
 Sydney Watson
 Susan Weber
 Monica Wolf
 Paula Weinstein
 Grace Williams
 Bob Wollertorff
 Pamela Wyler
 Robert Wyler
 Ira Yellin
 Bud Yorkin
 Susan Young

We will soon run another ad in these pages.
Please let us hear from you by completing the coupon below:

I agree that a change is needed in the White House
and I am interested in:

DEMOCRATS FOR CHANGE—1980

P.O. Box 67007 • Los Angeles, California 90067 • (213) 475-5789

Please keep me informed.

Name _____

Address _____

City/State _____ Zip _____

Phone _____

THIS AD PAID FOR BY DEMOCRATS FOR CHANGE—1980
THIS AD NOT AUTHORIZED BY ANY CANDIDATE

FORM 3

D

1978

Federal Election Commission
1225 K Street, N.W.
Washington, D.C. 20463

REPORT OF RECEIPTS AND EXPENDITURES
FOR A CANDIDATE OR COMMITTEE
SUPPORTING CANDIDATE(S) FOR
NOMINATION OR ELECTION TO FEDERAL OFFICE

(Except for Candidates or Committees Receiving Federal Matching Funds)

Exhibit P

FILED
AT ELECTION
OFFICE

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with nomination or election must maintain separate records with respect to each election.

1 Florida For Kennedy Committee 2 I.D. No. C99001091
Name of Candidate or Committee (in full) Candidate/Committee
200 Southeast First Street 12th floor
Address (number and street)
Miami, Florida 33131
City, State and ZIP Code Check if address is different than previously reported Year of Election _____

4 Type of Report (check appropriate boxes)
 April 10 Quarterly Report Tenth day report preceding _____ election (primary, general or convention) Termination Report
 July 10 Quarterly Report on _____ in the State of _____ Amendment for _____ (date)
 October 10 Quarterly Report Thirtieth day report following _____ election (which report) (primary, general or convention)
 January 31 Annual Report
 Monthly Report _____ on _____ in the State of _____ (month) (date)
This is a report for Primary Election General Election Primary and General Other (specify, date, etc.)

SUMMARY OF RECEIPTS AND EXPENDITURES
(Figures may be rounded to nearest dollar.)

	Column A This Period	Column B Calendar Year To Date
1 Reporting Period <u>5-22-79</u> Through <u>6-30-79</u>		
2 Cash on hand January 1, 1979	\$ -0-	\$ -0-
3 Cash on hand at beginning of reporting period	\$ -0-	
4 Receipts (from line 19)	\$ 12,535.00	\$ 12,535.00
5 Subtotal: Add lines 2 and 3 for Column A and lines 4 and 5 for Column B	\$ 12,535.00	\$ 12,535.00
6 Disbursements (from line 25)	\$ 6,012.15	\$ 6,012.15
7 Cash on hand at close of reporting period (Subtract line 6 from line 5a)	\$ 6,522.85	\$ 6,522.85
8 Value of contributed items on hand to be liquidated (Attach itemized list)	\$ _____	
9 Debts and obligations owed to the Committee (Candidate) (itemize all on Schedule C)	\$ _____	
10 Debts and obligations owed by the Committee (Candidate) (itemize all on Schedule C)	\$ _____	

I certify that I have examined this Report and to the best of my knowledge and belief it is true and correct and complete.
July 9, 1979 Paul D. Friedman, Treas.
(Date) (Typed Name of Treasurer or Candidate) (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437, or Section 447 (see reverse side of form).

For further information, contact: Federal Election Commission, 1225 K Street, N.W., Washington, D.C. 20463. (Call 800 424 9630). Approved by GAO, B-18-620, 10/81, 12/81, 5/82, 1/83.

All previous versions of FEC FORM 3 are obsolete and should no longer be used.

Any information reported herein may not be copied for use or use by any person for purposes of soliciting contributions or for any commercial purpose.

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RF

DETAILED SUMMARY OF RECEIPTS AND EXPENDITURES
(Page 2, FEC FORM 3)

NAME OF CANDIDATE OR COMMITTEE

Florida For Kennedy Committee

REPORT COVERING THE PERIOD

FROM: 5-22-79 TO: 6-30-79

RECEIPTS

Column A
This Period

Column B
Calendar Year To Date

14. Contributions from Individuals (including contributions in-kind):		
(a) Itemized (Use Schedule A)	\$ 11,190.00	
(b) Unitemized	\$ 1,345.00	
(c) Sales and collections included above List by event on memo Schedule D (S _____)		
(d) Subtotal of contributions from individuals	\$ 12,535.00	\$ 12,535.00
15. Transfers from Political Committees:		
(a) Funds from affiliated authorized committee (Itemize on Schedule A regardless of amount)	\$	
(b) Funds from other committees (Itemize on Schedule A regardless of amount)	\$	
(c) Contributions in-kind from political committees (Itemize on Schedule A regardless of amount)	\$	
(d) Subtotal of transfers in and contributions in-kind from political committees	\$	\$
16. Other Income:		
(a) Itemized (Use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of other income	\$	\$
17. Loans and Loan Repayments Received:		
(a) Itemized (Use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments received	\$	\$
18. Refunds, Rebates, Returns of Deposits:		
(a) Itemized (Use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of refunds, rebates, returns of deposits	\$	\$
19. Total Receipts	\$ 12,535.00	\$ 12,535.00

EXPENDITURES

20. Operating Expenditures:		
(a) Itemized (Use Schedule B)	\$ 6,012.15	
(b) Unitemized	\$	
(c) Subtotal of operating expenditures	\$ 6,012.15	\$ 6,012.15
21. Loans, Loan Repayments, and Contribution Refunds Made:		
(a) Itemized (Use Schedule B)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments made and contribution refunds	\$	\$
22. Transfers Out to Political Committees:		
(a) To affiliated authorized committee (Itemize on Schedule B regardless of amount)	\$	
(b) To other committees (Itemize on Schedule B regardless of amount)	\$	
(c) Contributions in-kind to other committees (Itemize on Schedule B regardless of amount)	\$	
(d) Subtotal of transfers out	\$	\$
23. Independent Expenditures (Use Schedule E)	\$	\$
24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441a(d)) (Itemize on Schedule F)	\$	\$
25. Total Expenditures	\$ 6,012.15	\$ 6,012.15

**RECEIPTS AND EXPENDITURES,
NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES**

26. Total Receipts (from line 19)	\$	
27. Transfers In (from line 15(a))	\$	
28. Net Receipts (Subtract line 27 from line 26)	\$	
29. Total Expenditures (from line 25)	\$	
30. Transfers Out (from line 22(a))	\$	
31. Net Expenditures (Subtract line 30 from line 29)	\$	

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14

**SCHEDULE A
RECEIPTS**

1978
Federal Election Commission
1375 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
of FEC FORM 3

Page 1 of 3 for
Line Number 14(a)

(Use Separate Schedules for
each numbered line.)

Name of Candidate or Committee in Full

Florida For Kennedy

Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Stephen Paul Ross 29 Star Island Miami Beach, Fla	3041 N.W. 7 St. Miami, Florida.	5-19-79	\$ 500.00
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other Check if Contributor is self-employed Appropriate Year To Date: \$ 500.00			
Katherine Kelly 210 Manana Lane Palm Beach, Florida	325 Worth Ave. Palm Beach, Fla.	5-19-79	\$ 240.00
Occupation: Investments Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other Check if Contributor is self-employed Appropriate Year To Date: \$ 240.00			
William P. Scherer 3020 N.E. 45 St. Ft. Lauderdale, Fla.	2001 E. Commercial Blvd. Ft. Lauderdale, Fla.	5-30-79	\$ 200.00
Occupation: Doctor Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other Check if Contributor is self-employed Appropriate Year To Date: \$ 200.00			
Ted Ashley	Warner Bros., Inc. Burbank, Cal.	5-8-79	\$1,000.00
Occupation: Executive Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other Check if Contributor is self-employed Appropriate Year To Date: \$ 1,000.00			
Martin Fox 58 Sycamore Rd. Wilburn, N.J.	Fox and Fox Newark, N.J.	6-8-79	\$ 250.00
Occupation: Attorney Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other Check if Contributor is self-employed Appropriate Year To Date: \$ 250.00			
Lawrence Lerner 52 Redwood Rd. Springfield, N.J.	Lerner, David, Littenberg and Samuel Westfield, N.J.	6-8-79	\$ 500.00
Occupation: Attorney Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other Check if Contributor is self-employed Appropriate Year To Date: \$ 500.00			
Norman Lear	1801 Ave. of the Stars Los Angeles, Cal.	6-8-79	\$1,000.00
Occupation: Producer Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other Check if Contributor is self-employed Appropriate Year To Date: \$ 1,000.00			
SUBTOTAL of receipts in this page (optional)			\$ 3,490.00
TOTAL this period (next page this line number only)			\$

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ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
of FEC FORM 3.

(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee in Full

Florida For Kennedy Committee

Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation	Date (month, day, year)	Amount of each Receipt this Period
Richard Samuel 526 Lenox Ave. Westfield, N.J.	Lerner, David, Littenburg, and Samuel Westfield N.J. Attorney	6-8-79	\$ 500.00
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$ 500.00		
Stanley Sheinbaum 240 Bentley Circle Los Angeles, Cal.	Los Angeles, Cal. Attorney	6-8-79	\$1,000.00
Joseph Barone 2195 N.W. 53 St. Tamarac, Florida	Barone Sales 13 Stirling Road Dania, Florida Wholesaler	6-22-79	\$1,000.00
Stephen Whilden 2700 N.E. 17 Pl. Ft. Lauderdale, Fla.	6073 Stirling Rd. Hollywood, Fla. Attorney	6-22-79	\$1,000.00
Marcellus Osceola 6341 N.W. 34 St. Hollywood, Fla.	6073 Stirling Rd. Hollywood, Fla. Tobacco Retailer	6-22-79	\$1,000.00
Isberah Osceola 6341 N.W. 34 St. Hollywood, Fla.	Hollywood, Fla. Housewife	6-22-79	\$1,000.00
Charlotte Osceola 6341 N.W. 34 St. Hollywood, Fla.	Hollywood, Fla. Housewife	6-22-79	\$1,000.00
SUBTOTAL (of record on this page foot only)			\$ 6,500.00
TOTAL (of period last page to this line number only)			\$

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ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In Kind,
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3.

Name of Candidate or Committee in Full			
Florida For Kennedy Committee			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each receipt this period
Cindy Wright 5228 Filmore St. Hollywood, Fla.	Occupation: <u>Housewife</u>	6-22-79	\$1,000.00
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date: \$ <u>1,000.00</u>		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each receipt this period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date: \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each receipt this period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date: \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each receipt this period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date: \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each receipt this period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date: \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each receipt this period
	Occupation		
Receipt for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date: \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each receipt this period
	Occupation		
GRAND TOTAL of receipts this period (optional)			\$ 1,000.00
TOTAL this period (last line on this type number only)			\$ 11,190.00

830403516016

SCHEDULE B
 REVISED
 January, 1978
 Federal Election Commission
 1125 K Street, N.W.
 Washington, D.C. 20543

ITEMIZED EXPENDITURES

(Operating, Transfers Out, Contributions In-Kind,
 Loans, Loan Repayments and Refunds Made)
 Supporting Lines 20a, 21a, and 22a, 22b, and 22c
 of FEC FORM 3

Page One of Two for
 Line Number 20 (a)

(Use Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full

Florida For Kennedy Committee

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
A&R Sales, Inc.	Buttons Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	6-1-79	\$204.75
Federal Express	Delivery charge-buttons Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	6-7-79	\$ 33.22
Mike Abrams	Travel Expenses Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	6-13-79	\$ 86.00
Paul D. Friedman	Travel Expenses Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	6-13-79	\$ 87.91
Bruce Rogow	Meeting room rental-Sarasota Inn Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	6-13-79	\$ 79.56
Sergio Bendixen	Air Travel Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	6-17-79	\$150.00
Mike Abrams	Air Travel and Food Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	6-17-79	\$308.40
Esquire Travel Agency	Air Travel - Paul D. Friedman Expenditure for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other	6-17-79	\$318.00
SUBTOTAL of expenditures this page (add rows)			\$ 1267.84
TOTAL this period (last page this line number only)			\$

8304055607

SCHEDULE B
FINANCED
 January, 1978
 Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20463

ITEMIZED EXPENDITURES
 (Operating, Transfers Out, Contributions In-Kind,
 Loans, Loan Repayments and Refunds Made)
 Supporting Lines 20a, 21a, and 22a, 22b, and 22c
 of FEC FORM 3

Page TWO of TWO for
 Line Number 20 (a)
 (Use Separate Schedules for
 each numbered line)

8304035608

Name of Candidate or Committee in Full			
Florida For Kennedy Committee			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Ramada Inn	meeting room rental	6-23-79	\$ 52.00
Expenditure for:			
<input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Fla. Systems Management	phone expenses	6-25-79	\$176.66
Expenditure for:			
<input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Mike Abrams	Air Travel, Meals, Room	6-25-79	\$451.65
Expenditure for:			
<input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Esquire Travel	Air Travel - Paul D. Friedman	6-25-79	\$ 64.00
Expenditure for:			
<input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Sergio Rendixen	Moving and Relocation Expenses	6-25-79	\$3,000.00
Expenditure for:			
<input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Jim Flack	Fundraising Consultant	6-25-79	\$1,000.00
Expenditure for:			
<input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Expenditure for:			
<input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Expenditure for:			
<input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other			
SUBTOTAL of expenditures this page (top panel)			\$ 4,744.31
TOTAL this period (last page this line number only)			\$ 6,012.15

5609
43D40J



20:1

NOV 7 1963

FEDERAL ELECTION COMMISSION
1325 "K" Street, Northwest
Washington, D.C. 20463

FLORIDA FOR KENNEDY COMMITTEE

FOR BY (A) FLORIDA KENNEDY COMMITTEE and not authorized by any candidate.
All other printed matter filed with and available for purchase from F.E.C., Washington, D.C.

Exhibit A

FEC FORM 3
REVISED
January, 1979
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF RECEIPTS AND EXPENDITURES
FOR A CANDIDATE OR COMMITTEE
SUPPORTING CANDIDATE(S) FOR
NOMINATION OR ELECTION TO FEDERAL OFFICE

RECEIVED
FEDERAL ELECTION
COMMISSION

(Except for Candidates or Committees Receiving Federal Matching Funds) JUL 12 PM 12:56

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

Committee for Alternatives to
Democratic Presidential Candidate

2 F.O. No. C99001166

Candidate/Committee

Name of Candidate or Committee (in full)

840 - 5th Avenue

3 President of United States

Address (number and street)

Des Moines, Iowa 50309

Office Sought, State/District (if applicable)

City, State and ZIP Code

Check if address is different than previously reported

Year of Election 1980

4 Type of Report (check appropriate boxes)

- April 10 Quarterly Report
- July 10 Quarterly Report on _____ in the State of _____
- October 10 Quarterly Report
- January 31 Annual Report
- Monthly Report _____ on _____ in the State of _____ (month) (date)
- Tenth day report preceding _____ election (primary, general or convention)
- Thirteenth day report following _____ election (primary, general or convention) (which report?)
- Termination Report
- Amendment for _____
- This is a report for Primary Election General Election Primary and General Other (special, runoff, etc.)

SUMMARY OF RECEIPTS AND EXPENDITURES
(Figures may be rounded to nearest dollar.)

5 Covering Period _____ Through _____	Column A This Period	Column B Calendar Year To Date
6 Cash on hand January 1, 1979		\$ 00
7 Cash on hand at beginning of reporting period	\$ 00	
8 Total receipts (from line 19)	\$ 4828.89	\$ 4828.89
(a) Subtotal (Add line 7 and 8 for Column A and line 6 and 8 for Column B)	\$ 4828.89	\$ 4828.89
9 Total expenditures (from line 25)	\$ 1424.58	\$ 1424.58
10 Cash on hand at close of reporting period (subtract line 9 from line 8a)	\$ 3404.31	\$ 3404.31
11 Value of contributed items on hand to be liquidated (Attach itemized list)	\$ _____	
12 Debts and obligations owed to the Committee/Candidate (itemize all on Schedule C)	\$ _____	
13 Debts and obligations owed by the Committee/Candidate (itemize all on Schedule C)	\$ _____	

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

7/9/79
(Date)

Arthur C. Hedberg, Jr.
(Typed Name of Treasurer or Candidate)

Arthur C. Hedberg, Jr.
(Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437e or Section 431 (see reverse side of form).

For further information, contact:



Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

or call 800-424-9680

Approved by GAO
3-787620 (IND-506)
Expires 3-31-81

All previous versions of FEC FORM 3 are obsolete and should no longer be used.

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

7 83040 3161

DETAILED SUMMARY OF RECEIPTS AND EXPENDITURES
(Page 2, FEC FORM 3)

NAME OF CANDIDATE OR COMMITTEE	REPORT COVERING THE PERIOD	
	FROM:	TO:
RECEIPTS		
	Column A This Period	Column B Calendar Year-To-Date
14. Contributions from individuals (including contributions in kind):		
(a) Itemized (use Schedule A)	\$ 3100.00	
(b) Unitemized	\$ 518.89	
(c) Sales and collections included above: List by event on memo Schedule D (S _____)		
(d) Subtotal of contributions from individuals	\$ 3618.89	\$ 3618.89
15. Transfers from Political Committees		
(a) Funds from affiliated/authorized committee (itemize on Schedule A regardless of amount)	\$ 1210.00	
(b) Funds from other committees (itemize on Schedule A regardless of amount)	\$	
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount)	\$	
(d) Subtotal of transfers in and contributions in-kind from political committees	\$ 1210.00	\$ 1210.00
16. Other Income:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of other income	\$ ----	\$ ----
17. Loans and Loan Repayments Received:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments received	\$ ----	\$ ----
18. Refunds, Rebates, Returns of Deposits:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of refunds, rebates, returns of deposits	\$ ----	\$ ----
19. Total Receipts	\$ 4828.89	\$ 4828.89
EXPENDITURES		
20. Operating Expenditures:		
(a) Itemized (use Schedule B)	\$ 1424.58	
(b) Unitemized	\$ 40.00	
(c) Subtotal of operating expenditures	\$ 1464.58	\$ 1464.58
21. Loans, Loan Repayments, and Contribution Refunds Made:		
(a) Itemized (use Schedule B)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments made and contribution refunds	\$ ----	\$ ----
22. Transfers Out to Political Committees:		
(a) To affiliated/authorized committee (itemize on Schedule B regardless of amount)	\$	
(b) To other committees (itemize on Schedule B regardless of amount)	\$	
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount)	\$	
(d) Subtotal of transfers out	\$ ----	\$ ----
23. Independent Expenditures (use Schedule E)	\$ ----	\$ ----
24. Coordinated Expenditures Made by Political Committee (2 U.S.C. 441(d)) (itemize on Schedule F)	\$ ----	\$ ----
25. Total Expenditures	\$ 1464.58	\$ 1464.58
RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES		
26. Total Receipts (from line 19)	\$ 4828.89	
27. Transfers In (from line 15(a))	\$ 1210.00	
28. Net Receipts (Subtract line 27 from line 26)	\$ 3618.89	
29. Total Expenditures (from line 25)	\$ 1464.58	
30. Transfers Out (from line 22(a))	\$ ----	
31. Net Expenditures (Subtract line 30 from line 29)	\$ 1464.58	

7 83040 85611
 7 7031015161

SCHEDULE A
REVISED
 January, 1978
 Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20542

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In Kind,
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

Page _____ of _____ for
 Line Number _____

(Use Separate Schedules for
 each numbered line)

Name of Candidate or Committee in Full			
Committee for Alternatives to Democratic Presidential Candidate			
Full Name, Mailing Address and ZIP Code Ted Ashley 1286 Lago Vista Drive Beverly Hills, CA 90210	Principal Place of Business California Occupation Chairman of Warner Bros., Inc. <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$1000.00	Date (month, day, year) 5/31/79	Amount of each Receipt this Period \$1,000.00
Receipt for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code Stanley K. & Betty Warner Sheinbaum 240 Bentley Circle Los Angeles, CA 90049	Principal Place of Business California Occupation Economist/Sculptress <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$1000.00	Date (month, day, year) 6/6/79	Amount of each Receipt this Period \$1,000.00
Receipt for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code Norman & Frances Lear 255 Chadbourn Los Angeles, CA 90049	Principal Place of Business California Occupation Television Producer <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$1000.00	Date (month, day, year) 5/31/79	Amount of each Receipt this Period \$1,000.00
Receipt for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code James Barber 2060 Edgewood Road, NW, #5 Cedar Rapids, IA 52405	Principal Place of Business Iowa Occupation Unknown <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$100.00	Date (month, day, year) 5/30/79	Amount of each Receipt this Period \$ 100.00
Receipt for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$		
SUBTOTAL of receipts this page (optional)			\$ 3,100.00
TOTAL this period (last page this line number only)			\$ 3,100.00

1 63040 5612
 7 1 3 1 0 1 3 1 0

SCHEDULE A
REVISED
 January, 1978
 Federal Election Commission
 1328 K Street, N.W.
 Washington, D.C. 20463

ITEMIZED RECEIPTS
 (Contributions, Transfers, Contribution In-Kind,
 Other Income, Loans, Refunds)

Page _____ of _____ for
 Line Number _____

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

Use Separate Schedules for
 each numbered line!

Name of Candidate or Committee in Full			
Committee for Alternatives to Democratic Presidential Candidate			
Full Name, Mailing Address and ZIP Code	Principal Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Machinists Non-Partisan Political League 1300 Connecticut Ave. NW Washington, D.C. 20036	Washington, D.C.	5/9/79	\$1,210.00
Receipt for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Full Name, Mailing Address and ZIP Code		Aggregate Year To Date \$1,210.00	
Full Name, Mailing Address and ZIP Code		Date (month, day, year)	Amount of each Receipt this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Full Name, Mailing Address and ZIP Code		Aggregate Year To Date \$	
Full Name, Mailing Address and ZIP Code		Date (month, day, year)	Amount of each Receipt this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Full Name, Mailing Address and ZIP Code		Aggregate Year To Date \$	
Full Name, Mailing Address and ZIP Code		Date (month, day, year)	Amount of each Receipt this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Full Name, Mailing Address and ZIP Code		Aggregate Year To Date \$	
Full Name, Mailing Address and ZIP Code		Date (month, day, year)	Amount of each Receipt this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Full Name, Mailing Address and ZIP Code		Aggregate Year To Date \$	
Full Name, Mailing Address and ZIP Code		Date (month, day, year)	Amount of each Receipt this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other		<input type="checkbox"/> Check if Contributor is self-employed	
Full Name, Mailing Address and ZIP Code		Aggregate Year To Date \$	
Full Name, Mailing Address and ZIP Code		Date (month, day, year)	Amount of each Receipt this Period
SUBTOTAL of receipts this page (optional)			\$ 1,210.00
TOTAL this period (last page this line number only)			\$ 1,210.00

0304085613
 72931013161

**SCHEDULE B
REVISED**
January, 1979
Federal Election Commission
1328 K Street, N.W.
Washington, D.C. 20543

ITEMIZED EXPENDITURES
(Reporting: Trustees Only, Democratic Party, and
General, Local Party Symbols and Ballots Issue)
Supporting Lines No. 21a, and 22a, 22b, and 22c
BIFEC FORM 3

Page _____ of _____ for
Line Number _____

(Use Separate Schedules for
each numbered line)

Name of Candidate or Committee as in Part 1			
Committee for Alternatives to Democratic Presidential Candidate			
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
The Millennium Group, Inc. 924 Cherry Street Philadelphia, PA 19107	purchase of buttons Expenditure for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	5/29/79	\$1,212.58
United Air Lines 525 Locust Des Moines, IA 50309	purchase of ticket Expenditure for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	6/27/79	212.00
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	Date (month, day, year)	Amount of each expenditure this period
SUBTOTAL of all expenditures this page (optional)			\$1,424.58
TOTAL this period (list page this line number on 1)			\$1,424.58

7 0 3 0 4 0 8 5 6 1 5 1 6 7

Exhibit R

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 JUL 23 AM 10:06

C 77-1083

17

MINNESOTANS FOR A DEMOCRATIC ALTERNATIVE

Room 208, McCOLL BLDG
ST. PAUL, MINN 55101

8304035615

6. Type of Report (check as appropriate)

- April 10 Quarterly Report
- July 10 Quarterly Report
- October 10 Quarterly Report
- January 31 Annual Report
- Monthly Report

This report is for: Primary Election General Election Primary and General

5. Contribution period	4-1-77	6-30-77	
6. Contribution period, 1-10			-0-
7. Contribution period, 11-10			-0-
8. Total receipts (from line 10)			14,127.42
9. Total disbursements (from line 11)			13,447.64
10. Contribution balance at close of reporting period			679.78
11. Total receipts (from line 10)			14,127.42
12. Total disbursements (from line 11)			13,447.64
13. Total receipts (from line 10)			14,127.42
14. Total disbursements (from line 11)			13,447.64
15. Total receipts (from line 10)			14,127.42
16. Total disbursements (from line 11)			13,447.64
17. Total receipts (from line 10)			14,127.42
18. Total disbursements (from line 11)			13,447.64
19. Total receipts (from line 10)			14,127.42
20. Total disbursements (from line 11)			13,447.64
21. Total receipts (from line 10)			14,127.42
22. Total disbursements (from line 11)			13,447.64
23. Total receipts (from line 10)			14,127.42
24. Total disbursements (from line 11)			13,447.64
25. Total receipts (from line 10)			14,127.42
26. Total disbursements (from line 11)			13,447.64
27. Total receipts (from line 10)			14,127.42
28. Total disbursements (from line 11)			13,447.64
29. Total receipts (from line 10)			14,127.42
30. Total disbursements (from line 11)			13,447.64
31. Total receipts (from line 10)			14,127.42
32. Total disbursements (from line 11)			13,447.64
33. Total receipts (from line 10)			14,127.42
34. Total disbursements (from line 11)			13,447.64
35. Total receipts (from line 10)			14,127.42
36. Total disbursements (from line 11)			13,447.64
37. Total receipts (from line 10)			14,127.42
38. Total disbursements (from line 11)			13,447.64
39. Total receipts (from line 10)			14,127.42
40. Total disbursements (from line 11)			13,447.64
41. Total receipts (from line 10)			14,127.42
42. Total disbursements (from line 11)			13,447.64
43. Total receipts (from line 10)			14,127.42
44. Total disbursements (from line 11)			13,447.64
45. Total receipts (from line 10)			14,127.42
46. Total disbursements (from line 11)			13,447.64
47. Total receipts (from line 10)			14,127.42
48. Total disbursements (from line 11)			13,447.64
49. Total receipts (from line 10)			14,127.42
50. Total disbursements (from line 11)			13,447.64
51. Total receipts (from line 10)			14,127.42
52. Total disbursements (from line 11)			13,447.64
53. Total receipts (from line 10)			14,127.42
54. Total disbursements (from line 11)			13,447.64
55. Total receipts (from line 10)			14,127.42
56. Total disbursements (from line 11)			13,447.64
57. Total receipts (from line 10)			14,127.42
58. Total disbursements (from line 11)			13,447.64
59. Total receipts (from line 10)			14,127.42
60. Total disbursements (from line 11)			13,447.64
61. Total receipts (from line 10)			14,127.42
62. Total disbursements (from line 11)			13,447.64
63. Total receipts (from line 10)			14,127.42
64. Total disbursements (from line 11)			13,447.64
65. Total receipts (from line 10)			14,127.42
66. Total disbursements (from line 11)			13,447.64
67. Total receipts (from line 10)			14,127.42
68. Total disbursements (from line 11)			13,447.64
69. Total receipts (from line 10)			14,127.42
70. Total disbursements (from line 11)			13,447.64
71. Total receipts (from line 10)			14,127.42
72. Total disbursements (from line 11)			13,447.64
73. Total receipts (from line 10)			14,127.42
74. Total disbursements (from line 11)			13,447.64
75. Total receipts (from line 10)			14,127.42
76. Total disbursements (from line 11)			13,447.64
77. Total receipts (from line 10)			14,127.42
78. Total disbursements (from line 11)			13,447.64
79. Total receipts (from line 10)			14,127.42
80. Total disbursements (from line 11)			13,447.64
81. Total receipts (from line 10)			14,127.42
82. Total disbursements (from line 11)			13,447.64
83. Total receipts (from line 10)			14,127.42
84. Total disbursements (from line 11)			13,447.64
85. Total receipts (from line 10)			14,127.42
86. Total disbursements (from line 11)			13,447.64
87. Total receipts (from line 10)			14,127.42
88. Total disbursements (from line 11)			13,447.64
89. Total receipts (from line 10)			14,127.42
90. Total disbursements (from line 11)			13,447.64
91. Total receipts (from line 10)			14,127.42
92. Total disbursements (from line 11)			13,447.64
93. Total receipts (from line 10)			14,127.42
94. Total disbursements (from line 11)			13,447.64
95. Total receipts (from line 10)			14,127.42
96. Total disbursements (from line 11)			13,447.64
97. Total receipts (from line 10)			14,127.42
98. Total disbursements (from line 11)			13,447.64
99. Total receipts (from line 10)			14,127.42
100. Total disbursements (from line 11)			13,447.64

6,622.03

7/12/77
KENNETH D. GRUND

[Signature]

For further information, contact the Commission at 1100 North 17th Street, Washington, D.C. 20542

DEMOCRATIC PARTY

- 12. Contributions from individuals
 - (a) Total amount received
 - (b) Unavailable
 - (c) Total amount received available
- 13. Total amount received available
- 14. Total amount received available
- 15. Total amount received available
- 16. Total amount received available
- 17. Total amount received available
- 18. Total amount received available
- 19. Total amount received available
- 20. Total amount received available
- 21. Total amount received available
- 22. Total amount received available
- 23. Total amount received available
- 24. Total amount received available
- 25. Total amount received available
- 26. Total amount received available
- 27. Total amount received available
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- 29. Total amount received available
- 30. Total amount received available
- 31. Total amount received available
- 32. Total amount received available
- 33. Total amount received available
- 34. Total amount received available
- 35. Total amount received available
- 36. Total amount received available
- 37. Total amount received available
- 38. Total amount received available
- 39. Total amount received available
- 40. Total amount received available
- 41. Total amount received available
- 42. Total amount received available
- 43. Total amount received available
- 44. Total amount received available
- 45. Total amount received available
- 46. Total amount received available
- 47. Total amount received available
- 48. Total amount received available
- 49. Total amount received available
- 50. Total amount received available

421.60

7,563.72
1,565.70

9,129.42

9,129.42

FIRST NAY'L BANK
(SEE SCHEDULE "C")

5,000.00
5,000.00

14,129.42

14,129.42

12,636.49
613.15
13,249.64

J. W. P. HOUSE DISPOSITIVE

200.00
200.00

13,449.64

13,449.64

14,129.42

14,129.42

13,449.64

13,449.64

6
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3

MINNESOTA FOR A DEMOCRATIC ALTERNATIVE

Michael Hayden
NRDFC
1300 19th St NW #360
WASH D.C. 20037

4/27/79

360 360 360

NATURE OF ORGANIZATION
bulletins

Low Graham
733 15th St NW
Wash DC 20005

VARIOUS

2037 2037 2037

NATURE OF ORGANIZATION
expenses

University of Minn
Business Office
205 Univ Ave
St Paul Mn 55114

7/3/79

2075 2075 2075

rental charge

1515

8304035617

Name of Contributor and Contribution to

MINNESOTA FOR A DEMOCRATIC INTERVENTION

Full Name, Street Address and ZIP

Michael Siegel
Suite 303
400 N Capitol St NW
Wash D.C. 20001

VARIOUS

Party Group Other

233.88 233.88 233.88

NAME OF ORGANIZATION

Rent & telephone

Full Name, Street Address and ZIP

FIRST NORTHWESTERN BANK
EMPL
MPLS, MN

Party Group Other

5000.00 5000.00 5000.00

NAME OF ORGANIZATION

LOAN GUARANTORS:

George Mische	\$1000.00
Ken Grund	\$1000.00
Robert Brandel	\$1000.00
Janet Cote	\$1000.00
Herdie Brown	\$1000.00

Full Name, Street Address and ZIP

NAME OF ORGANIZATION

8304035618

5225
6022

1 7
1.60

Number of Contributions or Contributions in Full

MINNESOTANS FOR A DEMOCRATIC ALTERNATIVE

Full Name, Lasting Address, and ZIP Code

MARVIN GEORGE
PRINCETON, MN 55311

Political Party of Donor

Occupation

5/2/79 ~~1000.00~~
15

Received by: Primary, Secondary, Other

JAMES G GIFFE
1913 PLEASANT
ST. PAUL MN 55113

Amount of Contribution
1000.00

912 P. Pleasant
ST PAUL MN 55113

Occupation
POLITICAL CONSULTANT

5/2/79 200.00

Received by: Primary, Secondary, Other

PHILIP O. SCNSTEWARD
BOX 2654
HOWARD LAKE, MN 55041

Amount of Contribution
300.00

Occupation

5/2/79 500.00

Received by: Primary, Secondary, Other

ROBERT WYLER
40 28th St
Manhattan Beach, CA 90266

Amount of Contribution
500.00

Wyer Assoc
9460 Wilshire Blvd
Beverly Hills CA 90212

Occupation
PROPERTY MANAGER

5/2/79 15
1000.00

Received by: Primary, Secondary, Other

MICHAEL D. SCOTT
9460 Wilshire Blvd
Beverly Hills, CA 90212

Amount of Contribution
1000.00

THE COPPERSHIRE BLD
9460 Wilshire Blvd
Beverly Hills CA 90212

Occupation
LAWYER

5/2/79 15
1,000.00

Received by: Primary, Secondary, Other

LS WYLER
9460 Wilshire Blvd
Beverly Hills CA 90212

Amount of Contribution
1,000.00

Chairman THE COPPERSHIRE BLD
9460 Wilshire Blvd
Beverly Hills CA 90212

Occupation
CHAIRMAN THE

5/2/79 15
1,000.00

Received by: Primary, Secondary, Other

HAROLD DURLAND
2001 E 101st St
Burnsville, MN 55337

Amount of Contribution
1000.00

Occupation
LAWYER

5/2/79 15
1000.00

Received by: Primary, Secondary, Other

Amount of Contribution
1000.00

4,100.00

8304035619

8304033300

MIRIAM SOTANUS FOR A DEMOCRATIC ALTERNATIVE			Principal Place of Business	
<p>YVONNE M. MARIANUS 1358 Kennel Ave St Paul Mn 55116</p>	<p>6/1/77</p>	<p>100.00</p>	<p>Occupation</p>	<p>100.00</p>
<p>SUE ANN SCOTT 630 57th St Manhattan Beach Ca 90266</p>	<p>6/1/77</p>	<p>15 1,000.00</p>	<p>Occupation <i>florist</i></p>	<p>1,000.00</p>
<p>TERENCE O'TOOLE 1009 Summit Ave. St Paul Mn 55105</p>	<p>6/1/77</p>	<p>100.00</p>	<p>Occupation Lawyer</p>	<p>100.00</p>
<p>DONALD CHAMBERLAIN 431 W Grandview St Paul Mn</p>	<p>6/1/77</p>	<p>100.00</p>	<p>← SAME Occupation Computer Specialist</p>	<p>100.00</p>
<p>STANLEY K. SHEINBAUM 240 Bentley Circle LA CA 90029</p>	<p>6/19/77</p>	<p>15 1,000.00</p>	<p>← SAME</p>	<p>1,000.00</p>
<p>G. WALTER KIBLER 214 EAST KING ST MARTINSBURG WV 25101</p>	<p>6/19/77</p>	<p>15 100.00</p>	<p>← SAME Occupation Antique Dealer</p>	<p>100.00</p>
<p>JOHN CONNELLY 12 IRVINE PARK St Paul Mn 55102</p>	<p>6/1/77</p>	<p>15 300.00</p>	<p>Occupation Lawyer</p>	<p>300.00</p>

200.00

OFFICE OF THE ATTORNEY GENERAL
STATE OF MINNESOTA

Name of Candidate or Committee

MINNESOTANS FOR A DEMOCRATIC ALTERNATIVE

U.S. POSTMASTER
St Paul, Minn

POSTAGE

VARIOUS 292.22

GEORGE MISCHÉ
853 4th AV N
St Cloud Minn 56301

Consultant fees
& expenses

VARIOUS 5,162.79

NORTHWESTERN BELL
St Paul, Minn

phone

VARIOUS 809.21

JOSEPH HUITTIE
841 Laurel
St. Paul Minn 55104

advertising

6/9/79 3,770.00

Blow-up photo
517 ELAKE ST.
Mpls Minn 55408

poster photos
wall copy

6/9/79 105.87

WESTY PRINT
618 2nd AV S
Mpls, Minn 55402

printing

6/8/79 120.63

RADISSON
Mpls Minn

rooms & services

6/11/79 175.00

NORTHWEST AIRLINES
Mpls St Paul Intl Airport
Mpls Minn

AIRFARE

6/12/79

10,110.00

MINNESOTA FOR A DEMOCRATIC NOMINATION

ED ELARD 131 CAMPBELL BLVD WASH DC 20515	Airfare/expense	6/5/79	250.00
FAMILY BANSON 4134 Coffman Ln Mpls 55400	Consultant fees	4/5/79	150.00
MEDIA INFO SYSTEMS 1536 Soperlin Circle Fridley MN 55432	media info/medialia	6/2/79	160.16
IMPRES, STOR & TRICLINE Mpls Mn	advertising	5/1/79	103.72
MINNESOTA DFL OFFICE 730 E 38th St Mpls Mn 55407	mailing expense	Various	752.70
CHASE PRINTING 41 Broadway St Paul	posters (1077)	6/4/79	101.92
NUMBER NINE CO. St Paul Mn	CATERING	6/10/79	331.92

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1,715.44
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RECEIVED
FEDERAL ELECTION
COMMISSION

79 JUL 23 AM 10:06

Federal Elections Commission
1325 K St N.W.
WASH. D.C. 20463

MINNESOTA FOR A
DEMOCRATIC ALTERNATIVE
300 JACKSON ST. SUITE 202
ST. PAUL, MINN. 55101

JUL 20
PM
1979

15c
15c



Exhibit T

Atlanta Constitution clipping

Hollywood Cash Could Help Push Ted Kennedy Into Race

By ANDREW MOLLISON
Journal Constitution Washington Bureau

WASHINGTON — Nine well-heeled Hollywood liberals supplied more than one-third of the seed money for draft Kennedy committees in Florida, Iowa and Minnesota.

Now their early gamble — which supported the impression that there was a nationwide demand for Sen. Ted Kennedy to challenge President Carter next year — seems to be paying off.

Kennedy's press secretary, Tom Southwick, confirmed Friday that the Massachusetts Democrat's mother, Rose, and wife, Joan, have stopped resisting the possibility that Kennedy will challenge President Carter in the 1980 primaries.

"The senator had a chance to spend a lot of time with his family on vacation during August," Southwick said. "They did indicate to him that whatever the future may hold they'll be behind him."

Although Kennedy still says he expects to support Carter's re-election bid, the statement gave pro-Kennedy political activists more ammunition for their dump-Carter drive.

In New York, J. Philip Sipsor, treasurer of the National Committee for a Democratic Alternative said "Apparently Sen. Kennedy is not a quitter. He has a lot of guts. He has a lot of energy. He has a lot of ideas. He has a lot of vision. He has a lot of courage. He has a lot of conviction. He has a lot of determination. He has a lot of passion. He has a lot of fire. He has a lot of spirit. He has a lot of soul. He has a lot of heart. He has a lot of mind. He has a lot of body. He has a lot of everything."

In Miami, Mike Hammersmith, press secretary of the Florida for Kennedy Committee, denied a New York Times report that pro-Kennedy organizers in Florida, among others, had threatened to drop their effort unless given tangible encouragement from the senator about his political plans.

"We were all convinced that he would run anyway. We did not need a sign," Hammersmith said. "We're not 12-year-old wild-eyed fools in the business of doing futile things."

But he said "there is no question about this helping us to raise more money."

Records at the Federal Election Commission indicate that nine rich southern Californians supplied at least \$15,000 of the first \$31,492 raised by "independent, non-authorized" dump-Carter committees formed in Florida, Minnesota and Iowa in May and June. (Eleven other such committees have yet to file financial reports.)

The Californians also helped arrange for anti-Carter advertisements in the New York

Times and Los Angeles Times last spring.

But if Kennedy has disavowed the committees' efforts, they are "independent committees" and under federal law can legally accept contributions of up to \$5,000 from an individual. Since the committees are separate, each could accept that amount.

Official committees, like the Carter-Mondale Campaign Committee authorized President Carter, can only take \$1,000 from any one person.

Stanley Sheinbaum of Beverly Hills, member of the California Board of Roger gave \$1,000 apiece to Minnesotans for Democratic Alternative and to the Florida Kennedy Committee. He and his wife, DeWarner Sheinbaum, a sculptor, gave another \$1,000 to the Committee for Alternat Democratic Candidates in Des Moines, Iowa.

He also signed newspaper ads placed ad hoc anti-Carter groups, such as the one New York, which have not yet filed any campaign spending reports.

Other Hollywood liberals helping dump-Carter committees included Ted Ash, board chairman of Warner Brothers Inc., in 1976 helped put together a series of public celebrity fund-raisers for the presidential campaign of California Gov. Jerry Brown. The year after, Ash gave anti-Carter gifts to 47 members of the California Times.

Los Angeles film producer Tom Lear and his wife Frances gave \$1,000 in Florida and \$1,000 in Minnesota. The dump-Carter group in Minnesota received \$1,000 apiece from L. Paul S. Wyler, board chairman, and Michael Scott, corporate secretary, of TITE Corp., aerospace firm; Suzanne Scott of Beverly Hills, and Robert Wyler, property manager Wyler Associates in Beverly Hills.

"Mike Abrams (chairman of the Florida group) went to Los Angeles on a fund-raising trip," said Hammersmith in explaining how Florida committee got California seed money to help finance its broad-based funding goals. "That's a stronghold of support for Kennedy, and it's also an area with a lot of affluent people."

Political scientist Herbert Alexander, nation's leading analyst of campaign finance for two decades, predicted that independent committees, like those supporting dump-Carter and draft Kennedy movements this year, become increasingly common in the future.

03040385623

Exhibit 4

A Committee to Help Kennedy Is Organized in Jersey

By JOSEPH P. SULLIVAN
Special to The New York Times

TRENTON, Sept. 18 — Formation of a Democratic campaign organization to support a possible Presidential candidacy of Sen. Edward M. Kennedy of Massachusetts was announced today by James P. Dugan, former chairman of the New Jersey state Democratic committee.

Mr. Dugan said the new group, called the New Jersey Democratic Alternative, initially would raise funds for pro-Kennedy efforts in Florida and New Hampshire and would enter a slate of

candidates to the Democratic National Convention in the June 1980 primary.

Mr. Kennedy has disavowed any direct connection with any of the efforts to promote his candidacy.

Some leading Democrats said the formation of the group was unauthorized and self-serving and might be a divisive force in county and legislative races in November.

In response, Mr. Dugan said, "We are not an unguided missile." He said the New Jersey drive was being coordinated by Mark Siegel, the former White House staff member who has been heading a

campaign for a Kennedy candidacy in Washington for about a year.

The president of the State Senate, Joseph P. Merlino, Democrat of Trenton, said the Dugan organization might siphon off money that would normally go to elect Democratic candidates in this year's Assembly elections.

Richard J. Coffey, the present state Democratic chairman, called on party members to concentrate on the elections at hand and "avoid the lure of Presidential and gubernatorial politics." His statement was released before news conference called by Mr. Dugan.

Mr. Dugan described himself as "just one of the trustees" of the new organization. The chairman is Jeremiah O'Connor, a former State Senator who is now director of the Bergen County Board of Chosen Freeholders. Constance Woodruff, a Democratic National Committee woman, is secretary, and George Callias, a former state committee staff aide, is treasurer.

The trustees include State Senators Frank J. Dodd of East Orange, Angelo Errichetti, who is also Mayor of Camden; Eugene J. Bodell of Keyport, John T. Gregorio, who is also Mayor of Linden, and Raymond J. Zane of Woodbury. Other trustees are Assemblyman Richard Van Wagner of Middletown and James W. Bornheimer of Metuchen, and several local officials. Richard I. Samuel, a National Democratic Committeeman, will serve as counsel.

Carey Asks 'Cease-Fire'

UNIONDALE, L.I., Sept. 18 (UPI) — Governor Carey of New York said today that he believed there should be a "political cease fire" on all discussion of who will be the 1980 Democratic candidate for President.

The moratorium should be in effect "right through Christmas" to give President Carter a better opportunity to get his legislative program passed, Mr. Carey said.

83040085626

7 DFL lawmakers flirt

Exhibit
W

By BETTY WILSON
Minneapolis Star Staff Writer

Seven DFL state legislators say they are seriously considering abandoning the Carter-Mondale ticket and lining up behind Sen. Edward Kennedy, D-Mass.

And several more said that they probably will support Kennedy in the next week or two, despite their pledge for Vice President Walter Mondale.

The defection talk indicates that many DFL Party regulars are ready to shift to the Massachusetts senator and that widespread disenchantment with Carter exists in Mondale's home state, said one high-ranking party leader.

"I think it's all over for President Carter," said a party leader who insisted his name not be used.

"I think most DFL regulars prefer Kennedy to Carter. I imagine many of the party leaders will come out for Kennedy at some point within the next few months. It's just a question of how and when."

The legislators include State Sens. John Chenoweth, St. Paul; David Schaaf, Fridley; Allan Spear, Minneapolis; State Reps. Janet Clark and Lee Greenfield, Minneapolis; Ray Farley, St. Paul, and Anne Lehto, Duluth.

'Carter is lacking'

"I like Kennedy. I like Carter. But I'm looking for someone to help get this country going again," Farley said.

"Carter is somehow lacking as the catalyst to get things done and people working together."

"I'm going to be doing some real soul-searching on this thing in the next two weeks. Mondale? That's the hard part," he said.

Clark, who let her name be used as a member of the Carter-Mondale committee in Minnesota last summer, said she's "infuriated" at reports that Carter may dump Mondale as his running mate.

"If I were asked to go on the Carter-Mondale list now, I would say no."

She plans to arrange a meeting for South Minneapolis legislators soon, she said, to talk about what course to take.

Spear said he'll probably support Kennedy and that he expects a number of other DFL legislators to follow in the next two weeks.

Chenoweth and Schaaf said they



Kennedy

Carter

are considering backing Kennedy, but won't decide until they talk with people in their districts.

"I just think we may be at a point where the best interests of the Democratic Party might call for a change," said Schaaf.

Leaning to Kennedy

"I think it's pretty clear that Kennedy might be the one people are willing to follow. We are kind of coming to this, especially in the last few days since Kennedy has given us some clear signals that he'll be a candidate," said Schaaf.

Schaaf, who refused to sign up with the Carter-Mondale committee, said, "Carter is just absolutely overwhelmed by energy and inflation problems."

Lehto said she's "leaning" toward Kennedy and is "very dis-

pleased" with some of Carter's actions, such as his cutbacks in rail service.

Greenfield said it's likely he'll switch to Kennedy within the next week or two.

"I find President Carter somewhat lacking in leadership. I think Kennedy has an excellent record as a U.S. senator."

Greenfield has "some apprehension" about how this affects the vice president. "I have a high regard for his ability. Sadly that doesn't carry over to the president," he said.

Another Minneapolis legislator, Rep. Dale Long, said she thinks that "it's inevitable that Kennedy will be the Democratic candidate."

Long went on the Carter-Mondale committee at the request of former Rep. Tom Berg, whom she replaced. (Berg did not run for reelection last year.)

"Being a miracle of some sort, I don't think Carter will have the support, Long said."

'New developments'

A DFL Party officer, who publicly is a Carter supporter, said privately that many DFL activists have a problem joining the Kennedy movement because they don't want to line up with the left-wing as they feel are running it.

George Misch, executive direc-

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with shift to Kennedy

...of the Minnesotans for a Democratic Alternative, the Kennedy organization, is abrasive and has alienated potential supporters, said the party officer.

"I would have come out for Kennedy long ago, but I don't want to hand the party over to those nuts," he said.

Mische said it's "foolishness" to characterize the Kennedy backers here as left-wingers and would not comment on the criticism directed at him. Mische, who has been phoning legislators and urging them to get on the Kennedy bandwagon, said there will be "major new developments" within a few days.

Campaign gifts

Bob Meeks, director of the Carter-Mondale campaign in Minnesota, said "it's hard to believe" that there will be any wholesale exodus of DFLers to Kennedy. He said there are 1,200 people on the Carter-Mondale committee, including most of the party leaders, and denied that support is "soft."

But Meeks conceded that loyalty to Mondale is "a very key factor to Carter's strength here in Minnesota."

Meanwhile Kennedy workers from outside Minnesota who are affiliated to the Mische group have

been successfully raising money here, it was learned.

Mark Siegel, Washington, D.C., a former executive director of the Democratic National Committee who is working for Kennedy, said Minnesotans have contributed about \$15,000 to a Florida for Kennedy Committee. The committee is organizing Kennedy support in Florida precinct caucuses next month and for a straw ballot at a Democratic state convention Nov. 23.

The safety of cigarettes had not altered smoking behavior, the CDC data suggest that a typical smoker today would be expected to begin smoking at 18.5 years of age and consume 21 cigarettes daily, each one of which would contain an average of 1.5 milligrams of nicotine.

Based on the study's statistical calculations, this daily intake "would, if continued for life, shorten this representative smoker's life by approximately two years."

It said health warnings have resulted in lowering the proportion of adults who smoke by about 8.8 percent. "These nonsmokers will presumably gain an added two years of life," it said.

The report also said the reduced tar and nicotine content of today's cigarettes "will lengthen a smoker's life by about three months" compared with pre-1953 ciga-

The Florida event is the first significant test for presidential candidates. It's one where Kennedy backers hope to demonstrate the Massachusetts senator's popularity and oust Carter in the state that gave him an early boost in the 1970 presidential primaries.

Paul Friedman, treasurer for the Florida committee, said one of the largest contributions from Minnesota was \$1,500 from Dennis Schroeder, an Edina businessman.

reduction in the percentage of Americans who smoke and a reduction in the tar and nicotine content of cigarettes. However, those people who do smoke consume as many cigarettes on the average now as did smokers before the health warnings, it said.

The report said anti-smoking commercial broadcast from 1963 to 1970 had little influence on the smoking rate. The percentage of Americans who smoke continued during that period with no significant increase, it said.

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Shelton (2) (cont.)

W. Post 9/20/79

Two Key Michigan Officials Launch Kennedy Draft Today

By Keith Reichburg

Special to The Washington Post

ANN ARBOR, Mich., Sept. 19—Two major Michigan Democrats, worried about President Carter's consistent unpopularity in public opinion polls, are launching a campaign on Thursday to draft Sen. Edward M. Kennedy (D-Mass.) as the party's 1980 presidential nominee.

The draft-Kennedy organization is being led by Attorney General Frank Kelley and Bobby D. Crim, who serves as both the speaker and the majority leader of the Democratic-controlled House of Representatives.

While the state's senior U.S. senator, Donald W. Riegle Jr., said he has not decided whether to join the new Kennedy campaign, he made what clearly amounted to an endorsement of Kennedy and a repudiation of Carter in a speech last week to the state's chamber of commerce.

Sen. Carl Levin (D-Mich.) will not announce whether he will support Kennedy until after Kennedy declares his candidacy, according to Levin's press secretary, Jim Crutchfield.

The fledgling draft organization has already contacted Donald Tucker, a suburban Detroit attorney, who is spearheading Michigan's only Kennedy fund-raising drive. The new organization will play a prominent role in the effort, Tucker said.

Tucker has raised \$2,000 "from a few casual phone calls" the past few weeks to help elect Kennedy delegates to the Florida Democratic convention in November. That convention

will hold a straw vote of the delegates' presidential preference, and will be viewed as the first battle between Carter and Kennedy backers.

Tucker said Kennedy's most recent statements about a possible candidacy are "very encouraging" and tantamount to a go-ahead signal for his fund-raising campaign.

By endorsing Kennedy, the state party leaders put themselves at odds with Detroit Mayor Coleman Young. Young is spearheading Carter's Michigan reelection campaign and is planning an October fund-raiser for the president.

This split between Young and most other state party Democrats will be reflected in an upcoming vote in the legislature here to determine whether Michigan will retain its primary election or choose delegates to the national convention through a party caucus.

Political observers in the state have suggested that Kennedy could win a primary election "3 to 1, if the election were held today," according to one state senator. The move to kill the primary, which was ruled illegal by new Democratic Party rules, is headed for the most part by backers of Carter's reelection campaign.

"The party is officially neutral. The party has to stay out of primaries," one state Democrat who asked not to be identified said. "But every member of the House is on the ballot next year and they don't want a repeat of what happened with Johnson at the top of the ticket in 1968." That year, Democrats lost control of the state House.

8304065619

FD-300 Form 1
July 1975
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20413

Statement of Organization
For a Political Committee

Supporting any candidate for Federal office and unexpended surplus
State or contribution to amount of \$1,000 in any calendar year in support
of such candidate(s).
(See Form 204 for instructions.)

FEDERAL ELECTION
COMMISSION

Name: Committee authorized by a candidate to receive contributions and make expenditures in connection with the campaign for such candidate. If the candidate is deceased, the committee must file a separate report with respect to each election.

1. Name of Committee (In full. Check if name or address is changed) CITIZENS FOR DEMOCRATIC ALTERNATIVES IN 1980	2. Identification Number 79-040-10-111-12
3a. Address (number and street) P.O. Box 2485	3. Date
3b. City, State and ZIP code Washington, D.C. 20013	4. Is this an amended statement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "YES" fill in only those lines on which there has been a change.

5. Check one:

(a) This committee has been designated as the principal campaign committee for a candidate for _____ in the _____ Election to be held in the State of _____ (Specify to which election is held).

(THE PRINCIPAL CAMPAIGN COMMITTEE WILL FORWARD TO THE COMMISSION A COPY OF THE STATEMENT OF ORGANIZATION FOR EACH AFFILIATED COMMITTEE REQUIRED TO FILE WITH IT.)

(b) This committee is supporting only one candidate, and is authorized by _____ to receive contributions and make expenditures with respect to the _____ held in _____ and will file all reports and statements with the candidate's principal campaign committee.

(ATTACH A COPY OF CANDIDATE'S WRITTEN AUTHORIZATION.) (PEC FORM 2a)

(c) This committee supports only one candidate _____ but is not an authorized committee.

(d) This committee supports more than one Federal candidate and is not a party committee.

(e) This committee is a _____ committee of the _____ Party.

Name of affiliated and/or connected organizations	Mailing address and ZIP code	Relationship

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

Corporation Labor organization Membership organization Trade association Cooperative

Corporation without capital stock Other (please specify)

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section where when information is contained on separate page(s).

79031342887
8304035630

Form 2800
 April 1979
 Federal Election Commission
 1100 L Street, N.W.
 Washington, D.C. 20004

Statement of Organization For a Committee

(Page 2)

Name of Committee

7. Aims, Goals and the Location of Committee:

- (a) Will this committee operate in more than one State? Yes No
- (b) Will it operate on a non-territory basis in one State? Yes No
- (c) Will it primarily support candidates covering State or local office? Yes No
- (d) Will it support or does it anticipate supporting directly or indirectly, candidates for Federal office in excess of \$1,000 in a calendar year? Yes No

8. (a) List by name, address, office sought, and party affiliation, any candidates for Federal office that this committee is supporting:

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

(b) List by name, address, office sought, and party affiliation, any candidate(s) for any other public office(s) that this committee is supporting (unless the committee is supporting the entire ticket of a party as indicated in line 9)

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

9. If this committee is supporting the entire ticket of a party, give name of party:

10. Identify by name, address and position, the person in possession of committee books and records:

Full name	Mailing address and ZIP code	Title or position
Stephen D. Keefe	733 15th St., N.W. Suite 1040 Washington, D.C. 20005	Treasurer

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

83040383631
 79031342808

Statement of Organization For a Committee

(Page 3)

Form 1
July 1977
Federal Election Commission
1225 N. Street, N.W.
Washington, D.C. 20463

Name of Committee

11 List by name, address and position, other principal officers of the committee (include chairman, treasurer, secretary, assistant treasurer, assistant secretary, members of Finance Committee)

Full name	Mailing address and ZIP code	Title or position
Louis D. Gordon	53 W. 87th St. New York, New York 10024	Director
John G. Rivanburgh III	2511 N. 16th St. Arlington, VA 22201	Assistant Director
William O. Sparks	204 Jasse St. Carrboro, N.C. 27510	National Field Coordinator
Stephen D. Keaffe	733 15th St., N.W., #1040 Washington, D.C. 20005	Treasurer

12 Does this committee plan to stay in existence beyond the current calendar year? Yes No
If "Yes" for how long? _____

13 In the event of dissolution, what disposition will be made of residual funds? _____

14 List all banks or other depositories to which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of bank, depository, etc.	Mailing address and ZIP code
Madison National Bank	Vermont and K Streets, N.W. Washington, D.C. 20005

15 List all election reports required to be filed by this committee with State and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports (also those reports filed with Secretary of State pursuant to USC 430(a)):

Report title	Date required	Name and position of recipient	Mailing address and ZIP code

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate report above when information is continued on separate page(s).

I, the undersigned, being a duly qualified officer of the committee, declare under oath that the foregoing is true and correct.

Signature of Treasurer: *Stephen D. Keaffe* Signature: *Judith A. Blanchard* (Date)

Provisional Treasurer: _____
 *If you submit false, fraudulent, or incomplete information may subject the donor to the penalties of 2 U.S.C. § 437g or § 441 (See Instructions)

For further information contact: Federal Election Commission
1225 N. Street, N.W.
Washington, D.C. 20463

15783040385632
79031342089

FEC FORM 3
 RECEIPTS
 January, 1979
 Federal Election Commission
 1225 K Street, N.W.
 Washington, D.C. 20462

**REPORT OF RECEIPTS AND EXPENDITURES
 FOR A CANDIDATE OR COMMITTEE
 SUPPORTING CANDIDATE(S) FOR
 NOMINATION OR ELECTION TO FEDERAL OFFICE**

RECEIVED
 FEDERAL ELECTION
 COMMISSION

(Except for Candidates or Committees Receiving Federal Matching Funds) **7:00 PM 12:58**

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

Committee for Alternatives to Democratic Presidential Candidate 2 IO No. C99001166
 Name of Candidate or Committee (in full) Candidate/Committee
840 - 5th Avenue President of United States
 Address (number and street) Office Sought, Seat/District (if applicable)
Des Moines, Iowa 50309
 City, State and ZIP Code Check if address is different than previously reported Year of Election 1980

4 Type of Report (check appropriate box)
 April 10 Quarterly Report Tenth day report preceding _____ election (primary, general or convention) Termination Report
 July 10 Quarterly Report on _____ (date) in the State of _____ Amendment for _____
 October 10 Quarterly Report Thirtieth day report following _____ election (which report)
 January 31 Annual Report (primary, general or convention)
 Monthly Report (month) _____ (date) in the State of _____
 This is a report for: Primary Election General Election Primary and General Other (special, runoff, etc.)

SUMMARY OF RECEIPTS AND EXPENDITURES
 (Figures may be rounded to nearest dollar.)

5 Covering Period _____ Through _____	Column A This Period	Column B Calendar Year-To Date
6 Cash on hand January 1, 1979		\$ 00
7 Cash on hand at beginning of reporting period	\$ 00	
8 Total receipts (from line 19)	\$ 4828.89	\$ 4828.89
(a) Subtotal (Add lines 7 and 8 for Column A and lines 6 and 8 for Column B)	\$ 4828.89	\$ 4828.89
9 Total expenditures (from line 25)	\$ 1424.58	\$ 1424.58
10 Cash on hand at close of reporting period (Subtract line 9 from line 8)	\$ 3404.31	\$ 3404.31
11 Value of contributed items on hand to be liquidated (Attach itemized list)	\$ _____	
12 Debts and obligations owed to the Committee/Candidate (itemize all on Schedule C)	\$ _____	
13 Debts and obligations owed by the Committee/Candidate (itemize all on Schedule C)	\$ _____	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.
7/9/79 (Date) Arthur C. Hedberg, Jr. (Typed Name of Treasurer or Candidate) Arthur C. Hedberg, Jr. (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437g, or Section 441 (see reverse side of form).

For further information, contact: Federal Election Commission, 1225 K Street, N.W., Washington, D.C. 20462 or call 800/424-9530. Approved by GAO, B-167820 (R0506), Expires 3-31-81.

All previous versions of FEC FORM 3 are obsolete and should no longer be used.

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

8304035633
 79031015161

DETAILED SUMMARY OF RECEIPTS AND EXPENDITURES
(Page 2, FEC FORM 3)

NAME OF CANDIDATE OR COMMITTEE	REPORT COVERING THE PERIOD	
	FROM:	TO:
RECEIPTS		
14. Contributions from Individuals (including contributions in kind) (a) Itemized (use Schedule A) (b) Unitemized (c) Taxes and collections included above List by amount on memo Schedule D (if applicable) (d) Subtotal of contributions from individuals	\$ 3100.00 \$ 518.89 \$ 3618.89	\$ 3618.89
15. Transfers from Political Committees (a) Funds from affiliated/authorized committee (itemize on Schedule A regardless of amount) (b) Funds from other committees (itemize on Schedule A regardless of amount) (c) Contributions in kind from political committees (itemize on Schedule A regardless of amount) (d) Subtotal of transfers in and contributions received from political committees	\$ 1210.00 \$ \$ 1210.00	\$ 1210.00
16. Other Income (a) Itemized (use Schedule A) (b) Unitemized (c) Subtotal of other income	\$ \$ \$ ----	\$ ----
17. Loans and Loan Repayments Received (a) Itemized (use Schedule A) (b) Unitemized (c) Subtotal of loans and loan repayments received	\$ \$ \$ ----	\$ ----
18. Refunds, Rebates, Returns of Deposits (a) Itemized (use Schedule A) (b) Unitemized (c) Subtotal of refunds, rebates, returns of deposits	\$ \$ \$ ----	\$ ----
19. Total Receipts	\$ 4828.89	\$ 4928.89
EXPENDITURES		
20. Operating Expenditures (a) Itemized (use Schedule B) (b) Unitemized (c) Subtotal of operating expenditures	\$ 1424.58 \$ 40.00 \$ 1464.58	\$ 1464.58
21. Loans, Loan Repayments, and Contribution Refunds Made (a) Itemized (use Schedule B) (b) Unitemized (c) Subtotal of loans and loan repayments made and contribution refunds	\$ \$ \$ ----	\$ ----
22. Transfers Out to Political Committees (a) To affiliated/authorized committee (itemize on Schedule B regardless of amount) (b) To other committees (itemize on Schedule B regardless of amount) (c) Contributions in kind to other committees (itemize on Schedule B regardless of amount) (d) Subtotal of transfers out	\$ \$ \$ ----	\$ ----
23. Independent Expenditures (use Schedule F) 24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441e(d)) (itemize on Schedule F)	\$ ---- \$ ----	\$ ----
25. Total Expenditures	\$ 1464.58	\$ 1464.58
RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES		
26. Total Receipts (from line 19)	\$ 4828.89	
27. Transfers in (from line 15(d))	\$ 1210.00	
28. Net Receipts (Subtract line 27 from line 26)	\$ 3618.89	
29. Total Expenditures (from line 25)	\$ 1464.58	
30. Transfers Out (from line 22(d))	\$ ----	
31. Net Expenditures (Subtract line 30 from line 29)	\$ 1464.58	

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SCHEDULE A
REVISED
 January 1978
 Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind
 Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

Page _____ of _____ for
 Line Number _____

(Use Separate Schedules for
 each numbered line.)

Name of Candidate or Committee in Full			
Committee for Alternatives to Democratic Presidential Candidate			
Full Name, Mailing Address and ZIP Code	Address, Place of Business	Date (month, day, year)	Amount of each Receipt this Period
Ted Rabley 1296 Lago Vista Drive Beverly Hills, CA 90210	California Occupation: Chairman of Warner Prods., Inc. Aggregate Year To Date: \$1000.00	5/31/79	\$1,000.00
Stanley K. & Betty Warner Sheinbaum 240 Bentley Circle Los Angeles, CA 90049	California Occupation: Economist, Sculptress Aggregate Year To Date: \$1000.00	6/6/79	\$1,000.00
Norman & Frances Lear 255 Chadbourne Los Angeles, CA 90049	California Occupation: Television Producer Aggregate Year To Date: \$1000.00	5/31/79	\$1,000.00
James Barber 2060 Edgewood Road, NW, #5 Cedar Rapids, IA 52405	Iowa Occupation: Unknown Aggregate Year To Date: \$100.00	5/30/79	\$ 100.00
SUBTOTAL of receipts on this page (last of all)			\$ 3,100.00
TOTAL for this period (last page this line number only)			\$ 3,100.00

0004075630

SCHEDULE A
 RECEIVED
 January 1878
 Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20543

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind,
 Other Income, Loans, Refunds)

Supporting Lines 14a, 14b, 15b, 15c, 16a, 17a, and/or 18a
 of FEC FORM 3

Page _____ of _____ for

Line Number _____

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full			
Committee for Alternatives to Democratic Presidential Candidate			
Full Name, Mailing Address and ZIP Code Machinists Non-Partisan Political League 1300 Connecticut Ave. NW Washington, D.C. 20036	Principal Place of Business Washington, D.C. Occupation	Date (month, day, year) 5/8/79	Amount of each Piece of this Period \$1,210.00
Receipt for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$1210.00		
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation	Date (month, day, year)	Amount of each Piece of this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation	Date (month, day, year)	Amount of each Piece of this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation	Date (month, day, year)	Amount of each Piece of this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation	Date (month, day, year)	Amount of each Piece of this Period
Receipt for <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year To Date \$		
Full Name, Mailing Address and ZIP Code	Principal Place of Business Occupation	Date (month, day, year)	Amount of each Piece of this Period
GRAND TOTAL of receipts on this page (list line number only)			\$ 1,210.00
TOTAL this period (last page of this receipt number only)			\$ 1,210.00

0004035636
 7-1-78

Exhibit AA

FEC FORM 3
REVISED

1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF RECEIPTS AND EXPENDITURES
FOR A CANDIDATE OR COMMITTEE
SUPPORTING CANDIDATE(S) FOR
NOMINATION OR ELECTION TO FEDERAL OFFICE

(Except for Candidates or Committees Receiving Federal Matching Funds)

FEDERAL ELECTION
COMMISSION

'79 APR 11 11 11 59

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

1 Machinists Non-Partisan Political League 2 I.D. No. C00002469
Name of Candidate or Committee (in full) Candidate/Committee
1304 Connecticut Avenue, N.W.
Address (number and street) 3 _____
Washington, D. C. 20036 Office Sought, State/District (if applicable)
City, State and ZIP Code Check if address is different than previously reported. Year of Election 1978-80

4 Type of Report (check appropriate boxes)

- April 10 Quarterly Report
 - July 10 Quarterly Report
 - October 10 Quarterly Report
 - January 31 Annual Report
 - Monthly Report March on _____ in the State of _____
(month) (date)
 - Tenth day report preceding _____ election
(primary, general or convention)
 - Thirtieth day report following _____ election
(primary, general or convention)
 - Termination Report
 - Amendment for _____
(which report)
- This is a report for Primary Election General Election Primary and General Other (special, runoff, etc.)

SUMMARY OF RECEIPTS AND EXPENDITURES
(Figures may be rounded to nearest dollar.)

5 Covering Period	Column A This Period	Column B Calendar Year To Date
<u>3-1-78</u> Through <u>3-31-78</u>		
6 Cash on hand January 1, 1978		\$ 177,111.56
7 Cash on hand at beginning of reporting period	\$ 266,704.90	
8 Total receipts (from line 19)	\$ 37,756.86	\$ 137,300.20
(a) Subtotal (Add lines 7 and 8 for Column A and lines 6 and 8 for Column B)	\$ 304,461.76	\$ 315,111.76
9 Total expenditures (from line 25)	\$ 16,484.00	\$ 27,134.00
10 Cash on hand at close of reporting period (Subtract line 9 from line 8a)	\$ 287,977.76	\$ 287,977.76
11 Value of contributed items on hand to be liquidated (Attach itemized list)	\$ _____	
12 Debts and obligations owed to the Committee/Candidate (itemize all on Schedule C)	\$.00	
13 Debts and obligations owed by the Committee/Candidate (itemize all on Schedule C)	\$.00	

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

4-9-78
(Date)

Howard F. Dow
(Typed Name of Treasurer or Candidate)

[Signature]
(Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437j, or Section 447j (see reverse side of form).

For further information, contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

or call 800/424-9530

Approved by GAO
B-187600 (110-061)
Expires 3/31/81

All previous versions of FEC FORM 3 are obsolete and should no longer be used.

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

DETAILED SUMMARY OF RECEIPTS AND EXPENDITURES
(Page 2, FEC FORM 3)

NAME OF CANDIDATE OR COMMITTEE	REPORT COVERING THE PERIOD	
Machinists Non-Partisan Political League	FROM: March 1, 1979	TO: March 31, 1979
RECEIPTS	Column A This Period	Column B Calendar Year-To-Date
14. Contributions from Individuals (including contributions in-kind):		
(a) Itemized (use Schedule A)	\$ 24,266.48	
(b) Unitemized	\$ 13,490.30	
(c) Sales and collections included above: List by event on memo Schedule D (\$ <u>1,445.00</u>)		
(d) Subtotal of contributions from individuals	\$ 37,756.86	\$ 137,300.20
15. Transfers from Political Committees:		
(a) Funds from affiliated authorized committee (itemize on Schedule A regardless of amount)	\$	
(b) Funds from other committees (itemize on Schedule A regardless of amount)	\$	
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount)	\$	
(d) Subtotal of transfers in and contributions in-kind from political committees	\$.00	\$.00
16. Other Income:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of other income	\$.00	\$.00
17. Loans and Loan Repayments Received:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments received	\$.00	\$.00
18. Refunds, Rebates, Returns of Deposits:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of refunds, rebates, returns of deposits	\$.00	\$.00
19. Total Receipts	\$ 37,756.86	\$ 137,300.20
EXPENDITURES		
20. Operating Expenditures:		
(a) Itemized (use Schedule B)	\$	
(b) Unitemized	\$	
(c) Subtotal of operating expenditures	\$.00	\$.00
21. Loans, Loan Repayments, and Contribution Refunds Made:		
(a) Itemized (use Schedule B)	\$	
(b) Unitemized	\$ 100.00	
(c) Subtotal of loans and loan repayments made and contribution refunds	\$ 100.00	\$ 300.00
22. Transfers Out to Political Committees:		
(a) To affiliated authorized committee (itemize on Schedule B regardless of amount)	\$	
(b) To other committees (itemize on Schedule B regardless of amount)	\$ 16,120.00	
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount)	\$	
(d) Subtotal of transfers out	\$ 16,120.00	\$ 26,570.00
23. Independent Expenditures (use Schedule E)	\$ 264.00	\$ 264.00
24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441a(d)) (itemize on Schedule F)	\$.00	\$.00
25. Total Expenditures	\$ 16,484.00	\$ 27,131.00
RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES		
26. Total Receipts (from line 19)	\$ 37,756.86	
27. Transfers In (from line 15(a))	\$.00	
28. Net Receipts (Subtract line 27 from line 26)	\$ 37,756.86	
29. Total Expenditures (from line 25)	\$ 16,484.00	
30. Transfers Out (from line 22(a))	\$.00	
31. Net Expenditures (Subtract line 30 from line 29)	\$ 16,484.00	

REVISED
January, 1978

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED INDEPENDENT EXPENDITURES FOR LINE 23, FEC FORM 3

(See Reverse Side for Instructions)

Page 1 of 1 Page

Name of Candidate or Committee in Full Machinists Non-Partisan Political League	I.D. No. 00000000
Full Name, Mailing Address and ZIP Code Machinists Non-Partisan Political League 1300 Connecticut Avenue, N.W. Washington, D. C. 20036	Is this a Separate Report by a Committee filing on FEC Form 3a? <u>No</u>

Itemize independent expenditures which exceed, in the aggregate, \$100 within a calendar year

Full Name, Mailing Address & ZIP Code of Each Payee	Particulars of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
The Millennium Group 221 Cherry Street Philadelphia, Pa. 19107	purchase of buttons	3/27/79	\$ 264.00	Edward M. Kennedy U. S. Presidency <input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	\$ <u>264.00</u>
(b) SUBTOTAL of Unitemized Independent Expenditures	\$ _____
(c) TOTAL Independent Expenditures	\$ <u>264.00</u>

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Thomas J. Lopez 4-1-79
Signature Date

Subscribed and sworn to before me this 9th day of

April, 1979

My Commission expires

1-1-84 James H. Thomas, Jr.
NOTARY PUBLIC, D.C.



MACHINISTS

NON-PARTISAN POLITICAL LEAGUE
MACHINISTS' BUILDING • 1300 CONNECTICUT AVE.
WASHINGTON, D.C. 20036

7 3 1 7

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 APR 11 AM 11:50

Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

REGISTERED

137015-

Return Receipt Requested

1 1 9 5 0 4 0 8 8

NEW YORK

Winning without running:
Whether it's the "Malibu mafia" or grass-roots movements, mailings for Kennedy are already spreading.

Please tell Senator Kennedy...

Americans the chance to vote for him as President.

Make certain that the Senator knows that

polls. To affirm this, I enclose my contribution.

NATIONAL CALL FOR KENNEDY

\$15 \$20 \$35 \$50



Name _____

Address _____

City _____

Please send me the Call for Kennedy bumper sticker.

Please mail your check payable to National Call for Kennedy, c/o _____
Cincinnati, Ohio 45202.

The Drafting Of a President

By Robert Shrum

"...Only Edward Kennedy can become president without being a candidate. Here's how he might get it without running..."

THE NON-CANDIDATE

In 1980 Edward Kennedy can become president without really trying. He can be drafted for the Democratic nomination. It won't be easy, but it won't be all that hard either.

First understand that American politics has two sets of rules, one for the Kennedys, another for everyone else. Ever since the Democratic party's rules were reformed after 1968, the prize really has gone to the man who wanted it most, declared for it soonest, and campaigned until it hurt. Only Kennedy, the most public of our public men, has the option of winning without running -- or without appearing to. Not in the back rooms, but by taking advantage of procedures that make a draft possible; not at the convention but in the primaries, where even states that forbid write-ins must provide an "uncommitted" line on the ballot.

The sentiment for Kennedy seems

Robert Shrum, former columnist for New Times, is an editor of Politics Today.

pervasive. Right now, says Alan Baron, whose Washington newsletter (the *Baron Report*) takes an authoritative pulse of political affairs, "the demand for Teddy is stronger than it was for Bobby in 1968." The Democratic governors are among Carter's most loyal supporters, but according to a new poll even a third of them believe that Kennedy will be the nominee. Major union leaders have announced a "national call for Kennedy" and sent out a first mailing of 27,000 fund-raising letters. George McGovern is very seriously considering an endorsement of the draft effort -- and may do it very soon.

Those organizing at the grass roots would welcome the help, but they are not waiting for it. There are already draft-Kennedy committees in eighteen states, including Alabama and the Carolinas, Jimmy Carter's heartland.

More important at this point is money. Most of it is coming from California, from the liberal millionaires nicknamed the "Malibu Mafia" who have

organized themselves into "Democrats for Change." Several of them have secured legal opinions whereby political contributors can take advantage of a loophole in federal election laws open to committees not sanctioned by a "non-candidate." Through this loophole, an individual can pass as much as \$5,000 to as many as five draft committees in different states. Thus a Kennedyophile with enough money can put \$25,000 behind his or her beliefs, far more than the \$1,000 limit on contributions to the campaigns of declared presidential hopefuls.

As everyone must know by now, Kennedy has declined to stop all this with the traditional Sherman-like statement: "I will not run if nominated. I will not serve if elected." There are suggestions that Kennedy's coyness merely reflects a sheer enjoyment of the game for its own sake. "When you come right down to it," quips Iowa Senator John Chafee, "Teddy's Harvard housemate," Kennedy doesn't mind not being



"... 'Kennedy doesn't mind not being president,' says a friend. 'He just minds that anyone else is'..."

president—he just minds that anyone else is." Perhaps.

It is more likely, however, as friends of Kennedy suggest, that he now wants to be president without running for the nomination—which he would have to do if he waited until 1984. For one thing, a campaign without the candidate would be personally safer for him, exposing Kennedy to the possible threat of assassination for a shorter period of time. And with Kennedy as a reluctant nominee, apparently acting on principle rather than personal ambition. Chappaquiddick would, as one Democratic pollster puts it, "threaten much less damage."

Coincidentally, Chappaquiddick has now become the first critical turning point of the Kennedy non-candidacy—and of the draft movement. This July marks the tenth anniversary of the accident; this month has brought reviews, reinterpretations, solutions, and picture stories in a ream of newspapers and magazines across the nation. Those waiting for Teddy hope that the episode has finally become an issue that fascinates the press more than the people—that most Americans have already drawn their conclusions, often the worst ones, and still prefer Kennedy to the pious, ineffectual Carter by a two-to-one margin—and so the spate of Chappaquiddick stories will hurt little if at all.

What may slow the draft, at least temporarily, is a Carter renaissance following the Camp David domestic summit and last week's dramatic Cabinet shake-up. But even the afterglow of this reborn presidency seems doomed to fade fast. "We may get some good press, but we won't get the results we really need on inflation and energy," says a White House assistant. At best, he concedes, "a program will pass, but the problems won't. Around here there are no permanent comebacks. It's like working for Somoza."

Still, the conventional wisdom dies hard; there are recurrent cautions in Washington about how "the advantages of incumbency" will somehow save this president. To which Richard Goodwin, one of the moving forces of the 1968 revolt against another president, replies: "Carter has the same advantages of incumbency that Herbert Hoover had." Kennedy himself worries that as a weak nominee Carter could take the Democratic Senate—and Kennedy's Judiciary Committee chairmanship—down with him. "The worst job in the

world for Kennedy," a longtime associate exclaims, "would be ranking member of the Judiciary Committee—with Strom Thurmond as chairman."

Finally, to those who rail that Kennedy must not split the party, his partisans answer that it was splintering well before the Teddy boom. One of New England's most important Democrats, nominally a Carter man, thinks that in a two-man race "Jerry Brown will beat the hell out of Carter in New Hampshire and Massachusetts."

Not even Edward Kennedy's best political friends know for sure about 1980. One of his closest associates flatly says: "There will be no Sherman statement anytime soon." Kennedy's non-candidacy gives him the best of both political worlds: He is in the race, but not of it. If the incumbent should perchance recover permanently, Kennedy could claim, with relative grace, that he had never meant to run at all. But his non-candidacy could also bring him the 1980 Democratic nomination. For him, there is a scenario for getting it without grasping for it.

THE SCENARIO

FLORIDA I

October 15, 1979

A lot of people who don't know Teddy at all profess to love him. And as the Indian summer of the Carter presidency, the post-Camp David season, fades into an autumn of recession, they will have a chance to show their feelings in the first election of the presidential campaign. Less than four months from now, Florida Democrats will caucus to pick delegates to a state convention that will meet a month later and declare its preferences for president. The results will be advisory; the actual selection of Florida's delegates will occur in the March primary. But that October 15 vote will be advice heard round the country. "It will be the first expression at the ballot box of popular opinion about 1980," says Mark Siegel, a former Carter adviser and expert on Democratic-party rules, who resigned from the White House over Middle Eastern policy. Carter won a similar Florida straw vote four years ago. Since then, Carter's main men in south Florida, Mike Abrams and Sergio Bendixen, have defected to Kennedy.

Abrams foresees an absolute sweep for Kennedy on October 15 in south Florida, with its concentrations of minority and Jewish voters. Statewide, he

anticipates a standard landslide—60 percent for the draft-Kennedy forces. "We're trying to focus the media on the October voting," he says. "We'll win that."

But half of the delegates who will attend the convention itself will be unelected: They will hold ex officio seats as state, local, and party officials, who traditionally feel the tug of conventional wisdom toward an incumbent. If, when the counting is over, the convention narrowly goes to Carter due to the support of such party apparatchiks, the victory may cast a counterproductive shadow: "The people want change; the backs are blocking it" is how Mark Siegel phrases it. "It would be 1968 again, when the politicians were all for Johnson."

Even if it did not bring Kennedy to Florida's advisory voting might nudge Carter out by delivering the ball early, Abrams says: "He's planning to come to the Florida convention. I'll find out that his smile and blue eyes won't do it for him anymore."

IOWA

January 21, 1980

Iowa gave Jimmy Carter his first stunning victory of 1976. Thirty thousand to fifty thousand registered Iowa Democrats will show up at their local precincts for the January caucuses; their presidential preferences will determine the composition of the state's national-convention delegation. Jerry Brown, as his aides now plan it, will make at most a token effort in Iowa, where he has little support and less opportunity for an expensive and spectacular media campaign. But the Iowa caucuses are ideal for the draft campaign. The outcome depends on relatively low-cost, high-intensity organizing at very local levels. There are close-knit labor, farming, black, and Jewish groups in the state likely to favor the Kennedy draft and dominate the caucuses. Chuck Gifford, the United Farm Workers man in Iowa and an early Carter supporter four years ago, has switched to Kennedy; most local labor unions are restive. Draft organizer Stan Wanning predicts that his efforts, probably in the form of uncommitted votes that are really pro-Kennedy votes, will do very well. "We can beat Carter," says Wanning, giving an assessment repeated by a gloomy White House aide: "We could be in tough shape in Iowa."



"...O'Neill introduces Teddy, and the convention roars. Finally, a smiling Kennedy starts to speak..."

The January count: In the face of an active, effective Kennedy draft, sources who favor Kennedy and others who favor Carter agree that the president might hold on to 30 to 35 percent in the Iowa caucuses; Brown probably would fall short of the minimum 15 percent required to qualify for delegates; the draft movement could near or exceed a majority. Kennedy would have 32 delegates, Carter 18.

After Iowa, it would become more difficult, but not impossible, to wage the draft campaign. The filing deadline for a place on the ballot will have passed in three states with critical pending primaries—New Hampshire, Massachusetts, and Illinois. All three allow write-ins and allocate a proportional share of delegates to write-in candidates. In others, such as Florida, write-ins don't count; a Democrat favoring Kennedy has to vote "uncommitted" or "no preference." Following the primary, caucuses are held to pick individuals for the uncommitted slots on the state's national-convention delegation.

"The problem in all this won't be getting people to vote for Kennedy," explains political consultant Mark Shields. "It will be how to explain to people how to vote for him." But a network reporter concludes that if the draft does well in Iowa, television "will do all the explaining that's necessary in other states. People will know that uncommitted equals Kennedy—or how to write in where that's allowed. The Kennedy draft will be the story."

NEW HAMPSHIRE February 26

Five weeks after Iowa comes the first real primary of 1980. New Hampshire has a record of successful insurgencies against incumbent presidents—Harry Truman in 1952 and Lyndon Johnson in 1968—and a history of winning write-in campaigns, including Henry Cabot Lodge's victory over both Rockefeller and Goldwater in 1964, when Lodge remained 10,000 miles away through the entire campaign. The state's chief drafts-woman, Dudley Dudley, cautiously offers the standard disclaimer that a write-in cannot win, but then she slips: "Actually I think we can pull it off." In fact, a Carter-campaign operative privately worries that the write-in could turn into a Kennedy landslide if there is a recession this winter—and certainly if there is a shortage of heat-

ing oil. A recent poll of the state's Democrats, conducted by political scientists from the University of New Hampshire, shows Kennedy trouncing Carter not only among liberals (four to one) but among moderates and conservatives as well (two to one). Jerry Brown, in his first serious run of 1980, will also have his share in budget-balancing New Hampshire, the only state with neither a sales nor an income tax. The draft forces calculate that they could take 55 percent or more in New Hampshire, with Carter probably edging out Brown 25 percent to 20.

MINNESOTA February 26

The same day as New Hampshire, half a continent away in Minnesota, Carter faces the possibility of an embarrassing rebuke in the home state of Vice-President Walter Mondale. The critical question for the Kennedy effort will be whether there is enough money to advertise the caucuses and get out the vote. But even if the vice-president pulls out all the stops, the draft forces could win an even split, which, along with a New Hampshire defeat, would suddenly leave Carter scrambling to retrieve a chance for the nomination.

The February count: The Kennedy draft would have 81 delegates, more than a majority of the 144 chosen so far, with 60 for Carter and 3 for Brown, all from New Hampshire.

MASSACHUSETTS, CONNECTICUT March 4

With Kennedy refusing to amplify his standard answer on his candidacy, he has done nothing to stop the snowballing efforts for him all over the country. Nor is it likely that Carter could stop the Kennedy snowball in the Snowbelt primaries in March in Massachusetts and Connecticut. The Democratic National Committee is trying to force both primaries to a later date, and although Connecticut may move to March 25, Massachusetts, at least, will resist the change. The state has an established tradition of write-ins and of anti-incumbent insurgency. This time, over half of Massachusetts's Democrats could be expected to vote for a Kennedy draft, with Carter winning a third and Brown again struggling to touch the 15 percent threshold to qualify for delegates.

In Connecticut, although it has no history of write-ins, the results would be similar. With strong labor, black, ethnic, and Jewish communities, the pre-eminent Wasp state is really the quintessential Kennedy constituency. The state's two most popular Democrats, Congressmen Toby Moffett and Christopher Dodd, the party's Senate candidate, would go with a rising Kennedy flow.

Beaten everywhere but in Minnesota and battered there, the condition of Carter's candidacy would now be critical. He would be thrown back on his own presumed southern base. The March 11 primaries in Florida and Alabama could rescue him, at least temporarily. Or in those states, the emperor's threadbare clothes could finally unravel. "The results there," Siegel says, "could show that Carter has no base, no constituency."

FLORIDA II March 11

Florida would be tough for the draft organizers. Without Kennedy actively campaigning, Mike Abrams says, "It would take a lot of dollars to sell the idea that 'no preference' spells Kennedy." But with heavy black and Jewish support, the draft leaders admit, the uncommitted line could achieve a minimum of 30 percent, unprecedented in a Florida election. With a fiscally conservative 25 percent for Brown—most of them in the northern panhandle, where George Wallace has done well—the White House would tout Carter's 40 or 45 percent as a great victory. "But the press won't let them," a veteran national reporter concludes. "It would be like Muskie claiming he beat McGovern in New Hampshire." The literal fact was beside the true point.

Some draft organizers think that an uncommitted line—standing for Kennedy—might win Florida straight out, though they refuse to venture such a prognosis publicly. "It would be unbelievable," one of them contends, "but with enough momentum coming in, it could happen."

ALABAMA March 11

This primary is slightly easier for the draft efforts because Alabama permits write-ins. Only slightly easier, though. "A lot of our people don't write too well," notes a southern lib-

eral who campaigned hard for Carter in 1976, "but I do believe more of them in Alabama might rather write in Kennedy than vote for Carter." A Republican survey shows Kennedy comfortably in front in Alabama. "Carter hardly has a base left anywhere in the South," said a top GOP operative after seeing that survey and others.

The March 12 count: Of 496 total delegates, including others chosen in Oklahoma, the Kennedy draft would have 242 to 262, almost or above a majority; Carter would have 183 to 193; and Brown would have approximately 61.

The decisive factor now would not be delegate numbers but political psychology. By the numbers, the Kennedy draft would still be about 1,400 delegates short of the nomination, but how could Carter salvage the image of an incumbent president losing to a phantom?

ILLINOIS March 18

This could become Carter's last stand. And he could be standing alone, with the established politicians all running the other way. Last May Jimmy Carter dispatched Rosalynn to a session with Chicago Mayor Jane Byrne and Cook County Chairman George Dunne. The First Lady asked the most powerful Democratic lady in America if she would consider endorsing Jimmy soon. The mayor answered that she was not making any commitment—and, what hurt more, she added that her first choice was Senator Kennedy. And if the draft forces have made him the first choice in a series of primaries before Illinois, predicts a longtime Democrat who knows Byrne, "she'll announce a major Kennedy effort a week before the Illinois primary."

Carter's sole recourse then would be to run against Kennedy as though he were a declared candidate. A White House assistant has no doubt that in such a situation the issue would have to become Chappaquiddick—"to show what the Republicans could do to Teddy in a general election."

"It wouldn't work," argues Mark Siegel. "They wouldn't do it right—they'd hit it with a sledgehammer. And Illinois is the wrong state for it anyway." Neither the Chicago machine nor the Jewish suburbs nor the unionized factories nor the farmers downstate would buy the Chappaquiddick issue. Illinois is potentially the strongest Kennedy state in the Midwest. As a non-candidate Kennedy could take 60 percent of the primary vote.

Such a victory could mute the Chap-

paquiddick issue, as the West Virginia primary quieted the Catholic issue during John Kennedy's 1960 campaign for the Democratic nomination. "You only do Chappaquiddick once," says a Republican political consultant. "And if Carter blows it in the primaries, that would blunt it for us in the fall."

Illinois, in effect, could convert Kennedy into the candidate of a relatively united Democratic party. The division that began in 1968 between reformers and regulars would be healed; the telegenic symbol of that reconciliation could very well be a primary-night victory celebration for the draft-Kennedy workers at Chicago's Conrad Hilton, a center of the 1968 turmoil, with a cheering Kennedy crowd composed of ward leaders and volunteers from the campuses—all presided over by the mayor of Chicago.

The March 19 count: Of 727 delegates chosen so far, including some in Wyoming and Puerto Rico, Kennedy's total, with 90 to 110 more from Illinois, would reach 349 to 389, with Carter trailing at 251 to 291, and Brown at 84 to 94.

NEW YORK

New York is perfectly positioned to be the place where Kennedy finally does wink—and declare as a candidate. If the Democratic State Committee's primary plan survives the September session of the State Legislature, the New York primary deadline for candidacy will be March 17, the day before, not after, the Illinois primary. But under the rules the draft organizers sought—and got—if Kennedy says nothing, his name will stay on the ballot. And if by then the draftee is willing to become a candidate, if Illinois is a foregone conclusion, what better city than New York, the media capital, and what better date than St. Patrick's Day, for a first campaign event—the St. Patrick's Day parade—which in 1968 was the first stop for Robert Kennedy's challenge to Lyndon Johnson. Or Edward Kennedy could smile, decline to comment, and start working on his acceptance speech.

At this point, says Alan Baron, "the party would be split—down the edge." Even a determined Carter almost certainly would have to withdraw.

The conventional caveats obviously apply to this entire scenario. It is doubtful that it will happen exactly so. But the Kennedy draft does not have to sweep so far so soon to prevail ultimately at the convention. For example, if Carter regained some momentum in the Florida primary, or in

Alabama, the draft effort still could stop him in later contests. In New York, says draftsman Ethan Geto, "if we had the money, we could squeeze out a large uncommitted vote—50 percent or more—for a Kennedy draft." The more modest object of the draftsmen under these circumstances would be to hold Carter (and, of course, Brown) below the 1,666 delegates needed for the nomination. "Carter could lose half his delegates on a second ballot," one of his own people agrees. Then the convention might actually result in an old-time draft.

Carter pollster Pat Caddell thinks Kennedy should wait out the conservative mood and the economic and the energy crises: The problems are insoluble and for Kennedy, who functions in the American mind as a political *deus ex machina*, to fail would create a new and nearly irreversible disillusionment. Yet it is precisely because the American people want solutions and a leadership to find them that Kennedy is so popular. He represents national possibility.

Kennedy may decline to run, or even to be drafted, in 1980. Still, one has the feeling that for him this year may be different from past campaigns—that the draft effort might permit him to ask his mother, who has reportedly been promised his non-candidacy, what else he can do, what his brothers would have done in these circumstances. His friend, historian Arthur Schlesinger Jr., foresees certain "events" that could indeed "propel Senator Kennedy into the contest."

After the Cuyahoga County Democratic party passed a resolution calling for a Kennedy draft, chairman Tim Hagan sent Kennedy a letter officially informing him. He wrote: "One leader of our party has said: 'Sometimes a party must sail against the wind.'" The leader, of course, was Kennedy himself. Afterward in Washington, Hagan encountered a Kennedy associate who quipped: "Anchors aweigh."

The final count: On August 13 House Speaker and Democratic convention chairperson Tip O'Neill announces, despite a few last ditch shouts from the direction of the Georgia delegation, that the convention has voted to confirm Senator Edward Kennedy's nomination for president by acclamation. The next night O'Neill introduces "The Great One" as he often refers to Kennedy back home in Massachusetts. The convention's cheers will not be quieted for 45 minutes. Finally, a smiling Kennedy starts to speak: "Let me end the suspense. I accept the nomination . . . I expect to be elected . . . And if elected I will serve."

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MEET THE PRESS

Produced by Betty Cole Dekert

SUNDAY, SEPTEMBER 2, 1979

Live/Washington

GUEST:

WILLIAM P. WINPISINGER, President,
International Association
of Machinists and Aerospace Workers

MODERATOR AND EXECUTIVE PRODUCER:

Bill Monroe - NBC News

PANEL:

- Bill Monroe - NBC News
- Philip Shabecoff - New York Times
- Robert Novak - Chicago Sun-Times
- Irving R. Levine - NBC News

This is a rush transcript provided for the information and convenience of the press. Accuracy is not guaranteed. In case of doubt, please check with

MEET THE PRESS

8304035616

MR. MONROE: Our guest today on MEET THE PRESS is William Winpisinger, the one time auto mechanic, who is president of the International Association of Machinists and Aerospace Workers. The Machinists Union contains almost 1 million members who work as automobile mechanics and in the aerospace, railroad, airline and other industries.

Mr. Winpisinger is a major leader in the movement among dissident Democrats to draft Senator Edward Kennedy for President in 1980.

Mr. Winpisinger, somebody has said that if there is a leader of the "Draft Kennedy" movement, you are it.

Where does the "Draft Kennedy" movement stand? Is it all talk or is something happening?

MR. WINPISINGER: There is lots going on, Bill. It is not talk by any stretch of the imagination.

First of all, I am identified as a leader of it I suspect because I have indicated publicly I would support Senator Kennedy and because several of my colleagues who are like-minded both in and out of the labor movement have indicated a desire to get on with doing something about it. They more or less asked me to be the chairman of the "Call for Kennedy Committee," as we are identified. We have active committees now in over half of the 50 States. We have a mass mailing that has gone out to which we have had excellent response. There is another in the making at the moment that will reach a quarter million Americans.

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MR. MONROE: What do you mean by excellent response to your mass mailing?

MR. WINPISINGER: The number of returns we got, based upon what the consultants tell us is the normal response to a mass mailing has been average or better, and it has been a mixed bag, of course, in the returns. The preponderance, however, at the moment, are favoring the candidacy of the senator and many of the responses have been accompanied by financial contributions which enable us to make successive mailings.

We expect to have between 1- and 2 million pieces of mail out by the first of the year. We expect to have as a result of that fully 50,000 supporters both in terms of physical effort and financial resources for the senator's candidacy if he agrees to become one.

83040685619

Exhibit DD

Democrats for Change - 1980
P.O. Box 67007
Los Angeles, CA 90067



I agree that the Country remains in trouble. The CRISIS OF LEADERSHIP must be addressed. Please include my name when you repeat the March 2 DEMOCRATS FOR CHANGE - 1980 ad, to which I responded, together with the CRISIS OF LEADERSHIP statement I received.

Although I realize a contribution is not required, I am enclosing a check to help cover costs.

\$1.00 \$5.00 \$20.00 \$100.00 Other \$ _____

Please Print

NAME MR. _____

MS. _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

SIGNATURE _____

Exhibit EE

Proliferating Volunteer Units May Give Kennedy Problems

Washington Star 9-27-79

By Mary Thornton,
Washington Star Staff Writer

In the three weeks since Sen. Edward M. Kennedy began hinting that he might consider a challenge to President Carter for the Democratic presidential nomination, the national draft-Kennedy movement has moved into high gear.

When Kennedy announced Sept. 6 that his wife and mother no longer opposed a presidential bid, there were 22 draft committees in 19 states registered with the Federal Election Commission.

Early this week, FEC records indicated that now at least 36 committees are working to draft the Massachusetts senator in 24 states, the District of Columbia and Puerto Rico.

Kennedy has said he will not decide until at least November whether to enter the race. To comply with federal law, he is carefully disavowing any connection with the draft committees.

But he finds himself in an unusual position of having a national campaign unfold without any apparent personal effort on his part or any need, for now at least, to commit himself to a candidacy. Should he decide to pursue the nomination, he will have a ready-made army of volunteers and a large fund-raising network at his disposal.

For the most part, the committees are being organized by what one volunteer worker characterized as "a coalition of local elected officials, second-echelon Democratic Party leadership and labor people, people who are very experienced in political work at the state level."

At this point, the committees are working mainly on fund-raising and organizing volunteers, with much of the emphasis on Florida, Iowa and New Hampshire, where the first confrontations will take place.

Not Expecting Florida Victory

The first contest would take place in Florida Oct. 13 when Democrats vote in a complex state-wide caucus to select delegates for a straw vote in November.

Phil Hammersmith, a spokesman for the Florida for Kennedy Committee, says his group doesn't expect to defeat Carter in the caucus, adding, "This is not Kennedy country. It's Carter country."

But although Hammersmith and others in the group have raised more than \$100,000 to be used in the caucus, Hammersmith hopes to raise another \$50,000 before Oct. 13, a job that has been made easier by Kennedy's recent national attention. A recent fund-raiser held by the committee in New York produced \$30,000 in contributions and another \$15,000 in pledges.

The second confrontation will come in the Iowa Democratic caucuses in January, if Kennedy has not ruled out a candidacy by then. Arthur C. Hedberg of Iowa's Committee for Alternatives to Democratic Presidential Candidates says the committee is already more than halfway toward the goal of \$40,000 to fund the caucus fights.

And in New Hampshire, Dudley Dudley, a long-time Democratic Party activist who is heading the Kennedy draft movement in that state, has budgeted \$250,000 to be used between now and the primary election in February.

Besides the fund-raising and the signing on of

volunteers, a California group has run newspaper ads urging Kennedy to get into the race, and Kennedy supporters in New York are working to engineer the timing and procedures of the state-wide primary to aide a Kennedy candidacy.

Legal Questions on Funds

But despite the obvious advantages of the draft movement, Kennedy could face some difficulties if he does finally enter the race.

One would be the legal question of how to handle the fund-raising efforts of the draft committees, which are not subject to the same laws as authorized political committees. Another would be the thorny issue of how to inject his own campaign staff in states where draft committees may feel they've earned the right to represent the senator.

Tom Southwick, a Kennedy spokesman, says he would not expect any problems if the draft committees were replaced by Kennedy campaign staff members.

"If the senator were to run, he'd certainly be calling the shots," he said. "I think everyone would recognize that. And there would certainly be enough work for everyone to do."

The question of fund-raising by "unauthorized" committees is a very tricky one under federal election law. A committee which is recognized by the candidate can accept individual contributions of no more than \$1,000 per election.

But because of a loophole in the law, an individual can give an unauthorized committee up to \$5,000 and can make multiple contributions of up to an annual \$25,000 to different draft committees for the same candidate.

Southwick said that if the senator were to become a candidate, he would seek an advisory opinion from the FEC before becoming involved with any of the draft committees.

But there are other legal problems, virtually all of them beyond Kennedy's control. One of these is that in order to accept contributions as they have been doing, the draft committees may not have any affiliation with one another, and there is no clear definition of the word "affiliation" in the election law.

Several committee officials admit privately that there is an unofficial communications network among some of the draft committees, but as one said, "It's as much in the nature of gossip as anything else."

Dudley said she is worried enough about the affiliation issue that members of the New Hampshire committee are not communicating with any of the other committees.

8304045630

WILLIAMS & WILKINS, INC.

10015 656-4068

FOR: CARTER/MONDALE PRESIDENTIAL COMMITTEE, INC.

PROGRAM: Good Morning America STATION: WJLA TV
ABC Network

DATE: September 11, 1979 7:00 AM CITY: Washington, DC

SUBJECT: The Draft-Kennedy Movement

DAVID HARTMAN: All year, Senator Edward Kennedy has said that he's not going to run for President in 1980, and that President Carter has his support. However, last week Senator Kennedy indicated that his family had finally given their long-withheld approval for him to seek the nomination next year, if he wants to.

Some Democrats have already decided they want Kennedy to be the candidate; and they will not take no for an answer, it seems. Draft-Kennedy campaigns have sprung up in over 20 states. We have the leaders of two of those movements with us this morning. Dudley Dudley is the chairman of the Draft-Kennedy campaign in New Hampshire, and Michael Abrams is the leader of the Draft-Kennedy movement in Florida. And Steve Bell is joining us from Washington, and he's not part of a Draft-Kennedy movement, I suppose.

First of all, the Senator has indicated that he will make up his mind by Thanksgiving whether or not to run. Additionally, in today's papers, there are new reports saying that he's going to -- it'll depend on what President Carter does with the inflation problems and so forth to make up his mind.

Do you all think he's going to run?

DUDLEY DUDLEY: I'm convinced he's going to run. I have not doubted it since we began this effort. I have felt that it was the job of the people in Florida and in New Hampshire to encourage him to run; and if the country called him, he would run. And I think he can sense even now that the country is calling him.

HARTMAN: All right. And you think he is really going

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to run. You don't think there's a chance that he's going to say no.

DUDLEY: No.

HARTMAN: Mr. Abrams, you agree?

MICHAEL ABRAMS: Well, our movements, I think, have created the kind of environment and climate that makes it more palatable for him to come in. And he's coming in. He's [unintelligible] before, I think the end of November, there's no question about it. And all of us are convinced of it. Otherwise we wouldn't be doing this.

HARTMAN: Suppose, just suppose that he turns around and surprises you both and says, "No, I am not going to run." Would you respect that? Would you then cave in your operations in both your states and say, "Okay. The Senator's not going to run"?

DUDLEY: At this point, I'm not sure that it would make very much difference if Joanne Simons, the leader, other leader in New Hampshire, and our campaign withdrew our efforts. I think this campaign now has a momentum of its own.

I certainly hope that that doesn't happen. It would have a dampening effect.

But I must say that the movement is there. It's self-propelling.

HARTMAN: Yeah, but if he said, "No, I don't want to run. I don't want to be the President. I don't want to run for the presidency," would you respect it and stop what you're doing?

ABRAMS: I think if he told myself and the movement in Florida, that we would have to. But that's not forthcoming. I'm sure of it.

HARTMAN: Have you -- have you had -- he has the right to ask you to stop doing these movements to draft him. Has he asked you all to stop?

DUDLEY: Never.

HARTMAN: Never.

ABRAMS: No.

HARTMAN: You're laughing, though, Mike. Why are you laughing?

ABRAMS: Well, because I think that's the whole point. That's why he's running. Otherwise this whole thing could be stopped.

STEVE BELL: Has anyone closely identified with Senator Kennedy ever given you encouragement?

HARTMAN: Dudley?

DUDLEY: I feel that we've been encouraged, yes. We've had a meeting with -- an informal social meeting with someone very close to Senator Kennedy, and I feel that we were very encouraged by that meeting.

8 3 0 4 0 5 6 5 0

Statement of Organization for a Political Committee

Supporting only candidates for State or office and one reporting each the total of expenditures in excess of \$1,000 in any calendar year in support of such candidate(s)
(See Reverse Side For Instructions.)

Exhibit GG
JUN 17 11 31

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

1(a) Name of Committee (in full) <input type="checkbox"/> Check if name or address is changed Machinists Non-Partisan Political League	2 Identification Number 000002469
(b) Address (number and street) 1300 Connecticut Avenue, N. W.	3 Date May 30, 1979
(c) City, State and ZIP code Washington, D. C. 20036	4 Is this an amended statement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "YES" FILL IN ONLY THOSE LINES ON WHICH THERE HAS BEEN A CHANGE

5 Check one:

(a) This committee has been designated as the principal campaign committee for _____ (Name of Candidate) a candidate for _____ in the _____ Election (Federal office sought) (Year of election) to be held in the State of _____ (State in which election is held).

(THE PRINCIPAL CAMPAIGN COMMITTEE WILL FORWARD TO THE COMMISSION A COPY OF THE STATEMENT OF ORGANIZATION EACH AFFILIATED COMMITTEE REQUIRED TO FILE WITH IT.)

(b) This committee is supporting only one candidate, and is authorized by _____ (Name of Candidate) to receive contributions and make expenditures with respect to the _____ Election (General, Primary, Runoff, etc.) held in _____ (Year of election in State) and will file all reports and statements with the candidate's principal campaign committee, _____ (Full name of principal campaign committee).

(ATTACH A COPY OF CANDIDATE'S WRITTEN AUTHORIZATION.) (FEC FORM 2a)

(c) This committee supports only one candidate _____ (Name of Candidate) but is not an authorized committee.

(d) This committee supports more than one Federal candidate and is not a party committee.

(e) This committee is a _____ committee of the _____ Party. (National, State, county, city) (Democratic, Republican, etc.)

6 Names of affiliated and/or connected organizations	Mailing address and ZIP code	Relationship
M.N.P.L. of District 727	2600 W. Victory Blvd., Burbank, Cal. 91505	affiliated
Machinists Bean Feed	1299 East St., St. Paul, Minn. 55108	"
District 70 M.N.P.L.	3830 S. Meridian, Wichita, Kansas 67217	"
Texas State Council of Machinists	6060 Navajo Trail, Beaumont, Texas 77708	"

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

Corporation Labor organization Membership organization Trade association Cooperative

Corporation without capital stock Other (please specify)

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

8304083634
79030284482

Name of Committee: Machinists Non-Partisan Political League

Area, Scope and Jurisdiction of Committee:

- (a) Will this committee operate in more than one State? Yes No
- (b) Will it operate on a statewide basis in one State? Yes No
- (c) Will it primarily support candidates seeking State or local office? Yes No
- (d) Will it support or does it anticipate supporting directly or indirectly, candidates for Federal office in excess of \$1,000 in a calendar year? Yes No

8 (a) List by name, address, office sought, and party affiliation, any candidate for Federal office that this committee is supporting.

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

(b) List by name, address, office sought, and party affiliation, any candidate(s) for any other public office(s) that this committee is supporting (unless the committee is supporting the entire ticket of a party as indicated in line 9)

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party

9 If this committee is supporting the entire ticket of a party, give name of party ▶

10 Identify by name, address and position, the person in possession of committee books and records:

Full name	Mailing address and ZIP code	Title or position
Howard F. Dow	1300 Connecticut Ave., N.W. Washington, D. C. 20036	Secretary-Treasurer

Print additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate place when information is continued on separate page(s).

Name of Committee: **Machinists Non-Partisan Political League**

11 List by name, address and position, other principal officers of the committee (include chairman, treasurer, secretary, assistant treasurer, assistant secretary, members of finance committee):

Full name	Mailing address and ZIP code	Title or position
<u>7-1-77 through 6-30-77</u>		
Floyd E. Smith	1300 Connecticut Ave., Wash. D.C. 20036	Co-Chairman
Eugene Glover	"	"
William Winpisinger	"	"
<u>7-1-77 to present</u>		
William Winpisinger	"	"
Eugene Glover	"	"
George Poulkin	"	"

12 Does this committee plan to stay in existence beyond the current calendar year? Yes No
If "Yes" for how long? no knowledge at this time

13 In the event of dissolution, what disposition will be made of residual funds? Furtherance of political and citizenship education as determined by the Executive Committee.

14 List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
Union First National Bank of Washington (only bank used)	1300 Connecticut Avenue, N.W. Washington, D. C. 20036

15 List all election reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports (other than reports filed with Secretaries of State pursuant to USC 439(a)):

Report title	Dates required	Name and position of recipient	Mailing address and ZIP code
None			

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

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

Howard F. Dow
(Signature of Treasurer)

May 30, 1979
(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. § 437g or § 441 (see Instructions)

For further information contact:  Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

830479684184

Raising Father By Draft Kennedy Group

With the backing of a Democratic labor leader, a nationwide drive to raise money for a campaign to draft Sen. Edward M. Kennedy (D-Mass.) for president.

The drive is being handled by a Washington political mailing firm, which also raises money for the Democratic Party. The first fundraising letter is signed by William W. Wimpfinger, president of the Machinists Union and a leader of the party's liberal wing.

Wimpfinger, an outspoken critic of the Carter administration, said the Kennedy draft is being organized because the government under President Carter "is hopelessly paralyzed, its boundaries hopelessly without direction in its approach to the pressing problems of today."

Wimpfinger contended that Carter "is anything but a dedicated public servant with sound intentions. But he is a man who is simply not equipped and trained to handle the problems that can provide the leadership."

Roger Cray, president of the United Mine Workers, Adlai Stevenson and Bill Bradley supporters, said letters will be sent out to thousands of voters if they return from the polls. Cray said he will personally call the thousands of presidents of local unions about the drive.

Kennedy has reportedly indicated that he would accept the offer to support Carter. However, Wimpfinger said that he would make no further official statements until he becomes a candidate at some time in the future. And Kennedy has done nothing directly to support the draft movement, but has urged voters to vote for the candidate of their choice.

Cray said he will be sending out letters to thousands of voters in the next few weeks. He said he will be sending out letters to voters in the next few weeks.

asks for contributions of \$15 to \$100 or more.

Wimpfinger also urged Kennedy's reluctance to challenge Carter for the Democratic nomination.

"Nevertheless, we are firmly convinced that he would run under one very special condition: Wimpfinger said in the letter. And that is, if there is a genuine, common, non-political grassroots people's draft calling on him to announce as a candidate for the presidency."

William Holviter, the Machinists political director, said there are about 17 charter members of the movement, called the "National Call for Kennedy."

The group has been incorporated in the District of Columbia with the leadership of Wimpfinger, Kamber, an officer of the National Labor Relations Board, and Bernard Bernick, a Washington lobbyist and former public relations director of the National Economic Center for Congress and the Senate.

Cray said the group is not registered with the Federal Election Commission. He said he is not directly contributing to the drive but he said he will not for the drive and will accept any gift over the \$100 legal limit for a campaign contribution.

An amount left over from the drive will be contributed to the John F. Kennedy Presidential Library, he said.

New President Chosen By Education Association

Raymond J. ... willard ...

8 3 0 4 0 3 5 6 5 7

Exhibit II

NEW YORK TIMES July 6, 1979

Direct-Mail Fund Drive Is Begun To Draft Kennedy for Race in '80

WASHINGTON, July 5 (AP) — With the backing of a Democratic labor leader, a nationwide direct-mail fund-raising campaign is being organized to draft Senator Edward M. Kennedy for President.

The drive is being handled by a professional Washington political mailing concern, which also raises money for the Democratic Party. And the first fund-raising letter is signed by William W. Wimpisinger, president of the International Association of Machinists and Aerospace Workers, a leader of the party's liberal wing.

Mr. Wimpisinger, an outspoken critic of the Carter Administration, said the Kennedy draft was being organized because the Government under President Carter "is hopelessly paralyzed — it functions hopelessly, without direction in its approach to the present problems of the day."

Mr. Wimpisinger called President Carter "is an honest, dedicated public servant with good intentions." But he also said "that is simply not enough" and added that Mr. Kennedy "is the one who can provide true leadership."

Letters Next Week

Roger Craver, president of Craver, Matthews & Smith, the mailing concern, said that 20,000 to 30,000 letters would be sent out beginning next week. He said that returns from the first mailing would be sent wide and held until Mr. Kennedy either announced for President or took himself firmly out of the race.

The Massachusetts Democrat has reportedly said he is not a candidate and that he expects to support Mr. Carter for reelection. However, he has also declined to make any firm statement that he will not become a candidate later. And Mr. Kennedy has done nothing directly to stop the various draft movements that

have been springing up across the country in recent weeks.

"Considering the alternatives facing us, you and I simply must find a way to convince Senator Edward Kennedy to run for the Presidency next year," Mr. Wimpisinger says in the letter, which asks for contributions of \$15 to \$100 or more.

Mr. Wimpisinger acknowledges Mr. Kennedy's reluctance to challenge Mr. Carter for the Democratic nomination.

'Continue' He'd 'Go' Run'

"Nevertheless, we are firmly convinced that he would run — under one very special condition," Mr. Wimpisinger says in the letter. "And that is, if there is a genuine, common, non-political, grassroots people's draft calling on him to announce as a candidate for the Presidency."

"Therefore, our job is to start the ball rolling in this unique, first industry draft of a candidate to the Presidency," the letter concludes.

Mr. Wimpisinger said that a group of original members to the movement had put up about \$1,000 each to start the movement. Mr. Craver said that the initial mailing was expected to cost about \$10,000 and that organizers hope the first series of letters would generate funds for future mailings.

Early Primary for Georgia

ATLANTA, July 5 (AP) — Georgia's 1980 Presidential primary will probably be moved up to March, as requested by President Carter's campaign strategists, and may be part of a cluster of Southern primaries that month, Gov. George D. Busby said today.

Some Carter supporters say that an early showing of Southern support for Mr. Carter next year would help offset the political effect of a possible poor showing in the earlier New England primaries.

8304035638

**Kennedy
1980**

cda

America Needs Leadership Again

There is a growing voice across America. A voice which asks honest, straightforward questions about America's future that deserve comprehensive, sensitive answers . . . Answers and feelings which are far beyond the reach of the current administration.

A voice which asks for leadership for America . . . leadership to provide the nation with confidence, effective policies, and solutions to the many crises we all face.

Our aspirations for a better America in 1976 have met with disappointment in 1979. President Carter has not provided the leadership, direction, and workable programs which can deal with the growing problems of double digit inflation, chronic unemployment, nuclear proliferation, energy, national health insurance, social justice, the family farm, welfare reform, and tax justice.

The American public has rejected the actions of the Carter administration. And this loss of faith will not be altered by public relations personnel changes, or the attempt of Carter campaign strategists to run a President against the record of his own administration.

The American public desire an alternative in 1980 . . . an alternative who can restore compassion in government and public faith in the nation's future. We believe that Senator Edward Kennedy is that alternative. Senator Kennedy has a positive record of achievement, and combines the spirit of the 1960's with a vision for the 1980's. Senator Kennedy offers the politics of hope . . . not the politics of neglect and indifference.

03040385659

Kennedy / 80

America needs Senator Edward Kennedy as President.

Draft Kennedy organizations exist in almost every state and there is a National Clearinghouse for a Democratic Alternative in 1980 . . . They need your support! . . . America needs your support . . . Join us.

The First States in the 1980 Campaign

Florida: Floridians for Kennedy, 12th floor, 200 Southeast 1st St, Miami, Fla 33131

Iowa: Iowa Committee for Alternatives, 640 18th St., Des Moines, Ia 50314

New Hampshire: New Hampshire Democrats for Change, P.O. Box 4268, Manchester, NH 03106

Minnesota: Minnesota for Democratic Alternatives, suite 208, 366 Jackson St., St. Paul, Minn. 55101

Yes, I want Senator Kennedy to run for President in 1980

- Add my name to your list of supporters
- Enclosed is \$10 \$25 \$50 \$ to help the National Clearinghouse for a Democratic Alternative in its work (for the first \$1 of your donation you will receive a **Kennedy/80** button and bumper sticker)
- Send my name to the local Draft Kennedy organization in my area

Name _____

Address _____

City _____

State _____

Zip _____

Occupation _____

Please make all checks payable to the
Citizens for Democratic Alternatives in 1980,
P.O. Box 2485, Washington, D.C. 20013





Citizens for Democratic Alternatives in 1980

The National Clearinghouse to Draft Kennedy

P.O. Box 2485, Washington, D.C. 20013

It is the mission of the National Clearing House to foster, encourage and support efforts to draft Edward M. Kennedy to run for President of the United States. Events in recent weeks underline the importance of this mission in the weeks ahead. While the Clearing House is not affiliated with any of the state or local committees seeking a Democratic alternative in 1980, it is the goal of this office to serve these groups directly in any possible way throughout the final months of 1979. It is our further goal to help them and to stimulate others to lay the political foundations within the Democratic Party and across America to create a favorable environment for the Senator to declare his candidacy.

It is the intention of the National Clearing House to encourage support among the Democratic Party's elected officials, among Democrats disaffected from the Party, and among Americans who disavow any party affiliation. It is also our aim to help to make the case on behalf of the Senator on a national scale among the American public at large, who are responding with overwhelming enthusiasm.

The spontaneous energy now emerging around the country on behalf of Senator Kennedy is in many ways our greatest asset. In the longrun it poses a potential problem, which is the key reason the National Clearing House was formed some months ago. More than 30 state and local groups on behalf of the Senator have been or are being formed around the country. As we approach the early campaigns in Florida, Iowa, New Hampshire, and Minnesota there is a need to coordinate and channel these national energies so that the national campaign when it emerges can build on the personnel and organizational assets of these grassroots movements.

The National Clearing House provides a referral service among interested volunteers, coordinates information exchange, supports fund-raisers for state and local groups, publishes a periodic newsletter, and plays whatever other coordinating roles seem appropriate as events unfold. The Clearing House is establishing a National Finance Committee with the goal of being self-sufficient, while also being supportive rather than competitive with state and local committees.

Now is the time to support alternatives for the Democratic Party for 1980. It is not 1976 when the incumbent President campaigned as an outsider against the national government in Washington. He has been the leader of that national government for nearly three years, and that government is in national disfavor among the American people, including apparently the President himself.

Now is the time for national leadership with an experienced, purposeful, principled President. Now is the time for Edward M. Kennedy for President. When Senator Kennedy announces his candidacy for the Democratic nomination for President of the United States, the National Clearing House for the Citizens for a Democratic Alternative in 1980 will have accomplished its mission. (202) 783-5777



DECISION '80

Published by The Florida for Kennedy Committee to Help Democrats Make the *Winning Decision* for 1980

Party Leader's Perception of President Carter

A critical erosion of support for President Carter is being felt within the leadership of his own Party.

A recent (Sept. 12) poll by ABC News of Democratic Party State Chairmen and Party leaders in 49 of the 50 states reveal the following facts:

...Party leaders in more states plan to support Senator Kennedy over President Carter.

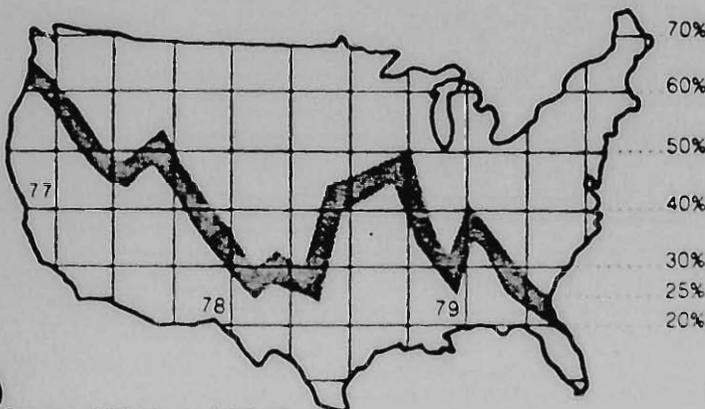
...Party leaders in more states believe Party members will support Senator Kennedy over President Carter.

...Party leaders in more states believe the electorate will support Senator Kennedy over President Carter.

State Chairmen and Party Leaders Who	Past and Present Number of States Supporting:					
	Carter		Kennedy		Undecided	
	Past	Present	Past	Present	Past	Present
Plan to Support.	31	18	4	19	15	12
Believe Party Members will Support		15		24		10
Believe Voters will Support		11		26		12

Source: ABC News

America's Perception of President Carter



Source: ABC-Harris, NBC-AP

The lowest rating attributed to a President in modern times was registered by Jimmy Carter in the Sept. 13 NBC-AP News Poll. Only 19% of the interviewed believed that President Carter was doing a good job--6% less than President Nixon's lowest rating.

The record setting level was attributed to runaway inflation, recession threats, non-reaction to Soviet presence in Cuba, and the expansion and popularity of the draft-Kennedy movement.

Lewis Accepts Florida Chairmanship

State Comptroller Gerald Lewis withdrew his support for President Carter and accepted the State Chairmanship of the Florida for Kennedy Committee last week in Tallahassee.

Lewis, a Kennedy supporter since his college days, cited the nation's need for dynamic leadership as his primary reason for actively supporting the Massachusetts Democrat.

"I think this country desperately needs to get moving again. We need the type of inspirational leadership that Senator Kennedy can give us."

"This is not a negative move towards the President, but a positive one towards Senator Kennedy," said Lewis, who refused to criticize the President at a press conference last week.

"The events of the past two weeks have convinced me that Senator Kennedy will be a candidate, especially if we can convince him that the people of this state - and the nation - want and need his leadership."

Speaking Out . . .

\\ Senator Lowell Weicker (R-Conn.): "Kennedy would win in a landslide. Every Republican in the Senate hopes Carter will head the Democratic ticket next year." (Miami Herald)//

\\ Senator Henry Jackson (D-Washington), noting Carter's continued slippage in the polls, told reporters that Carter's weakness, not a Kennedy challenge, might be devisive to the Party. (Tallahassee Democrat)//

\\ Iowa Democratic Chairman, Ed Campbell: "No one hates or dislikes Carter, but there is a lot of political frustration and discontent on inflation, energy and taxes. People can see no light at the end of the tunnel." (U.S. News and World Report)//

Florida Briefs . . .

\\ The Florida for Kennedy Committee officially opened its State Headquarters in Tallahassee last week. A wine and cheese reception, hosted by Executive Director Sergio Bendixen, was attended by over 150 supporters.

\\ A fund-raiser hosted by State Representative George Sheldon attracted 350 guests to his home in Tampa last week.

\\ Local headquarters for the Florida draft-Kennedy movement are scheduled to open soon in Tampa, Orlando, Miami, Jacksonville, St. Petersburg, Ft. Lauderdale and Palm Beach.

\\ \$46,000 was raised at a \$250-a-head fund-raiser in New York City last week hosted by State Attorney General, Robert Abrams and New York political figure William Woodward. The money was promptly earmarked for the Florida draft-Kennedy movement.

NOTICE

Because of the voluminous record in this MUR, only portions of the file have been microfilmed. The Complaint, Amendment to Complaint, and all staff reports (including General Counsel's Reports and memoranda to the Commission) have been microfilmed. Those portions of the file not microfilmed (including correspondence to and from respondents and other persons, deposition transcripts, and documents produced) are in storage. For further information, contact the Records Manager in the Administrative Division.

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Ms. Marsha Getner
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Seventh Floor
Washington, D.C. 20463

MUR 1038

Dear Marsha:

About a year and a half ago you advised me that the Federal Election Commission had not terminated its investigation of Citizens for Democratic Alternatives because of the pendency of the Florida for Kennedy case in the 11th Circuit. As you know, that case was decided against you and the petition for a rehearing was denied. I would appreciate your advising me as to whether or not the investigation will now be fully terminated. If it has not been terminated and you do not expect to do so, I would appreciate a statement of the reasons for not doing so.

Sincerely,


William H. Espinosa

WHE:lmg

03040131935



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WASHINGTON, D.C. 20463

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