FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1178

Date Filmed 5/16/80 Camera No. --- 2

Cameraman BRC

00411906224

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)
[ ] Show to whom and date delivered ____¢
[ ] Show to whom, date, and address of delivery ____¢
[ ] RESTRICTED DELIVERY
Show to whom and date delivered ____¢
[ ] RESTRICTED DELIVERY
Show to whom, date, and address of delivery $____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Loren A Smith

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	659665	

(Always obtain signature of addressee or agent)

I have received the article described above.

[ ] Addressee [ ] Agent

X. Kane Wilson

458

U.S. DISTRICT COURT LOS ANGELES, CA.

CLERK'S INITIALS

1178, 1179

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joann M. McSorley
Assistant Treasurer
Dole for President
Committee, Inc.
104 N. St., Asaph St.
Alexandria, Virginia 22314

Re: MURs 1178 and 1179

Dear Ms. McSorley:

The Federal Election Commission has reviewed the allegations of your complaints dated February 22 and 24, 1980, and determined that, on the basis of the information provided in your complaints and information provided by the Respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971 as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact Ms. Lyn Oliphant, the attorney assigned to this matter at 523-4175.

Sincerely,

Charles N. Steele
General Counsel

00010062 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David C. Hamblett
President
Telegraph Publishing Co.
60 Main Street
Nashua, New Hampshire 03061

Re: MURs 1178 and 1179

Dear Mr. Hamblett:

On February 25 and 27, 1980, the Commission notified you of two complaints alleging that the Telegraph Publishing Co. violated 2 U.S.C. § 441b in connection with the February 23 debate between Ronald Reagan and George Bush.

The Commission, on April 23, 1980, determined that, on the basis of the information in the complaints and information provided by you, there is no reason to believe that a violation of 2 U.S.C. § 441b has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

00001006627

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert P. Visser
Peabody, Rivlin, Lambert
& Meyers
1150 Connecticut Ave., N.W.
Washington, D.C. 20036

Re: MURs 1178 and 1179

Dear Mr. Visser:

On February 25 and 27, 1980, the Commission notified you of two complaints alleging that the George Bush for President Committee violated certain sections of the Federal Election Campaign Act of 1971, as amended, in connection with the February 23 debate in Nashua, New Hampshire.

The Commission, on April 23, 1980, determined that, on the basis of the information in the complaints, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

00019062 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Loren A. Smith
General Counsel
Reagan for President
Committee
9841 Airport Boulevard
Suite 1430
Los Angeles, California 90045

Re: MURs 1178 and 1179

Dear Mr. Smith:

On February 25 and 27, 1980, the Commission notified you of two complaints alleging that the Reagan for President Committee violated certain sections of the Federal Election Campaign Act of 1971, as amended, in connection with the February 23 debate in Nashua, New Hampshire.

The Commission, on April 23, 1980, determined that, on the basis of the information in the complaints and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

00001906629

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MURs 1178 and 1179
Telegraph Publishing Co.	)	
Ronald Reagan	)	
George Bush	)	

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 MURs 1178 and 1179:

1. Find NO REASON TO BELIEVE that the Telegraph Publishing Co. violated 2 U.S.C. § 441b.

2. Find NO REASON TO BELIEVE that Reagan and Bush violated 2 U.S.C. § 441a(a)(1)(A) by, respectively, giving and accepting an excessive contribution.

3. Send the letters as attached to the First General Counsel's Report dated April 18, 1980.

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

Attest:

4-23-80
Date

Margaret E. Chaney
for Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 4-18-80, 4:01
Circulated on 48 hour vote basis: 4-21-80, 11:00

00040 0630

April 18, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MURs 1178 and 1179

Please have the attached First GC Report distributed to the Commission on a 48 hour tally basis. Thank you.

00410063 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Loren A. Smith
General Counsel
Reagan for President
Committee
9841 Airport Boulevard
Suite 1430
Los Angeles, California 90045

Re: MURs 1178 and 1179

Dear Mr. Smith:

On February 25 and 27, 1980, the Commission notified you of two complaints alleging that the Reagan for President Committee violated certain sections of the Federal Election Campaign Act of 1971, as amended, in connection with the February 23 debate in Nashua, New Hampshire.

The Commission, on , 1980, determined that, on the basis of the information in the complaints and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

00006632

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert P. Visser
Peabody, Rivlin, Lambert
& Meyers
1150 Connecticut Ave., N.W.
Washington, D.C. 20036

Re: MURs 1178 and 1179

Dear Mr. Visser:

On February 25 and 27, 1980, the Commission notified you of two complaints alleging that the George Bush for President Committee violated certain sections of the Federal Election Campaign Act of 1971, as amended, in connection with the February 23 debate in Nashua, New Hampshire.

The Commission, on , 1980, determined that, on the basis of the information in the complaints, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

00010063

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David C. Hamblett
President
Telegraph Publishing Co.
60 Main Street
Nashua, New Hampshire 03061

Re: MURs 1178 and 1179

Dear Mr. Hamblett:

On February 25 and 27, 1980, the Commission notified you of two complaints alleging that the Telegraph Publishing Co. violated 2 U.S.C. § 441b in connection with the February 23 debate between Ronald Reagan and George Bush.

The Commission, on , 1980, determined that, on the basis of the information in the complaints and information provided by you, there is no reason to believe that a violation of 2 U.S.C. § 441b has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

00100006 34

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joann M. McSorley
Assistant Treasurer
Dole for President
Committee, Inc.
104 N. St., Asaph St.
Alexandria, Virginia 22314

Re: MURs 1178 and 1179

Dear Ms. McSorley:

The Federal Election Commission has reviewed the allegations of your complaints dated February 22 and 24, 1980, and determined that, on the basis of the information provided in your complaints and information provided by the Respondents, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971 as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact Ms. Lyn Oliphant, the attorney assigned to this matter at 523-4175.

Sincerely,

Charles N. Steele
General Counsel

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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 4-18-80

MUR # 1178 and 1179
DATE COMPLAINT RECEIVED BY OGC 2/22/80; 2/24/80

STAFF MEMBER Oliphant

COMPLAINANT'S NAME: Joann M. McSorley on behalf of Dole for President Committee

RESPONDENT'S NAME: Telegraph Publishing Co.
Ronald Reagan
George Bush

RELEVANT STATUTE: 2 U.S.C. § 441b
2 U.S.C. § 441a(a)(1)(A)

80 APR 18 P4:01

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

These two complaints were filed by the Dole for President Committee after the Commission's action in MURs 1167, 1168 and 1170. The complaints allege that, since the debate moderated by the Nashua Telegraph took place on February 23, 1980, with only two candidates, Reagan and Bush, and was not therefore nonpartisan, violations of FECA occurred even though the Reagan campaign advanced the Telegraph the total cost of staging the debate. Two allegations are made:

1) that the services of employees of the Telegraph in connection with moderating the debate resulted in in-kind contributions to Reagan and Bush prohibited by 2 U.S.C. § 441b;

2) that Reagan's payment of the costs of staging the debate resulted in an excessive in-kind contribution from Reagan to Bush under 2 U.S.C. § 441a(a)(1)(A).

FACTUAL AND LEGAL ANALYSIS

1. 2 U.S.C. § 441b. The Commission's action in MURs 1167, 1168 and 1170 was based upon the anticipated expenditure of corporate funds by the Nashua Telegraph in staging a nonpartisan debate. Such expenditure would

have violated 2 U.S.C. § 441b. However, a debate financed by permissible noncorporate funds, such as those of a political committee, need not be nonpartisan in nature. The nonpartisan requirement is relevant only where corporate expenditures are involved.

The response of the Nashua Telegraph to MURs 1178 and 1179 indicates that the Telegraph complied with the plan outlined to the Commission by telegram on February 21, 1980, in response to the Commission's finding of reason to believe in MURs 1167, 1168 and 1170. That is, no corporate funds were expended either directly or indirectly by the Telegraph in connection with the debate. It was on the basis of these representations that the Commission determined to take no further action and close the files in MURs 1167, 1168, and 1170. According to the Telegraph, the $3,500 paid by the Reagan campaign was deposited into a special bank account. These funds were used to defray all costs of the debate, including payment for "both cash disbursements by the Company as well as time expended by employees of the Company directly on the debate." Letter from Nashua Telegraph, March 12, 1980, p. 2. Apparently, no payments had been made by the Telegraph for any costs associated with the debate prior to receipt of the $3,500, although some bills had been incurred, e.g., chair and hall rental fees.

The mere fact that the rules governing the debate were agreed to in advance and that the Telegraph maintained the right to moderate the debate as it had been originally planned, would not bring the debate in violation of 2 U.S.C. § 441b where no expenditure of corporate funds is involved. Section 441b is not violated by a candidate's selection of a journalist moderator for a debate, nor by a candidate's agreement to participate in a debate in which the rules are set by a third party, provided that no corporate expenditure is made. Indeed, the League of Women Voters primary debates included moderators and questioners from the television networks and written press.

Because there was in fact no expenditure of corporate funds, and because the Telegraph made every effort to avoid such expenditures immediately upon notification by the Commission prior to the debate, it is recommended that the Commission find no reason to believe that the Nashua Telegraph violated 2 U.S.C. § 441b.

2. 2 U.S.C. § 441a(a)(1)(A). The theory underlying the second allegation is that 1/2 of the $3,500 cost of staging the debate was a contribution by Reagan for the purpose of influencing the election of Bush, and was, therefore, $750 in excess of the contribution limit of 2 U.S.C. § 441a(a)(1)(A).

This allegation should be dismissed for the following reasons:

1) where a candidate asks an opposing candidate to make an appearance to exchange views, the costs of such an appearance need not be evenly allocated between those candidates, or be deemed a contribution by one for the purpose of influencing the election of the other;

2) Reagan challenged Bush to debate him and sought to influence his own election by so doing.

This is not to suggest that, if the House and Senate nominees of the same party were to stage a joint activity to further each candidate's election, proportionate costs for such activity would not be attributable to each candidate. Rather, this situation is analogous to a television commercial in which a candidate (Candidate X) reviews the positions taken by an opposing candidate (Candidate Y). Viewers who may agree with those positions of Candidate Y may actually be influenced by Candidate X's commercial to vote for Candidate Y, yet Candidate X would not be deemed to have made a contribution to Candidate Y. Thus, the situation posed by these MURs is the narrow one involving opposing candidates for the same nomination. For the foregoing reasons, it is recommended that the Commission find no reason to believe that Reagan made an excessive contribution to Bush in violation of 2 U.S.C. § 441a(a)(1)(A).

Recommendation

1. Find no reason to believe that the Telegraph Publishing Co. violated 2 U.S.C. § 441b.

2. Find no reason to believe that Reagan and Bush violated 2 U.S.C. § 441a(a)(1)(A) by, respectively, giving and accepting an excessive contribution.

3. Send attached letters.

Attachments:
Complaints (2)
Responses from Respondents (4)
Notification Letters (4)

Bob Dole. President.

OFFICE OF THE GENERAL COUNSEL

1980 FEB 22 P 5: 52

February 22, 1980

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

Dear Members of the Commission:

This letter constitutes a complaint, filed with you by Dole for President Committee, Inc., the principal campaign committee of Senator Robert J. Dole, a candidate for the Republican nomination for election to the office of President, in accordance with Section 309 of the Federal Election Campaign Act of 1971, as last amended, P.L. 96-187, Act of January 8, 1980, effective January 8, 1980 (hereinafter "the Act"). All citations and references herein are to the Act as amended.

Upon information and belief, Telegraph Publishing Company, Inc., is a corporation having its offices in Nashua, New Hampshire (hereinafter "the Corporation"), which among other things, owns and publishes a newspaper of general circulation in New Hampshire known as Nashua Telegraph. Notwithstanding the order of the Federal Election Commission of February 21, 1980, the Corporation is still proposing to sponsor, conduct, control, direct and stage a debate on February 23 by and between two candidates for the Republican nomination for election to the office of President, George Bush and Ronald Reagan. The Corporation still insists on limiting participation in the debate to those two candidates, to the exclusion of all other candidates for the Republican nomination for election to the office of President.

Upon information and belief, the Corporation shall be required to expend its "in kind resources" in order to sponsor, conduct, direct and stage the subject debate, including advertising the event in its newspaper. Such expenditure of "in kind resources" would appear to be made for the prupose of influencing an election under Sections 301(8) and 301(9) of the Act; and as being made in connection with a Federal election under Section 316(a) of the Act.

Secondly, on issuance of the order by the Federal Election Commission on February 21, 1980, the Reagan for President Committee agreed to pay the costs of such debate -- believed to be $3,500. Such expenditure, if allocated on an equal basis, would appear to violate 2 U.S.C. 441(a), because the Reagan for President Committee cannot make a contribution to candidate George Bush in excess of the limits contained therein.

Thirdly, by sponsoring, conducting, directing and staging the subject debate, the Corporation is excluding five Republican candidates for nomination for President, and they are acting in concert with the Reagan for President Committee and the Bush for President Committee to accomplish this purpose. Such action

104 N. St. Asaph St., Alexandria, Va. 22314 703/836-8681
7700 LEESBURG PIKE FALLS CHURCH, VIRGINIA 22043 703/734-1270

Paid for by the Dole Committee, Ann McLaughlin, Treasurer. Corporate contributions prohibited by law. A copy of our report is filed with and is available for purchase from the Federal Election Commission, Washington, D.C.

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appears to violate the regulations the Federal Election Commission transmitted to Congress to govern the funding and sponsorship of nonpartisan Federal candidate debates. Reference to such regulations in the Dole for President Committee complaint filed February 18 are incorporated herein by reference. The result of such action by the Corporation and the Reagan for President Committee and the Bush for President Committee do promote two candidates over the others, to the detriment of the excluded candidates.

By reason of the fact that subject debate is scheduled to be held on February 23, 1980, the attention of the Commission is called to the fact that irreparable harm will occur if this complaint is processed in accordance with the procedures set forth in Section 309(a)(4) of the Act. Therefore, it is respectfully requested that the Commission consider this complaint immediately in emergency session, and if it determines that there is a probable cause to believe that the Corporation, the Reagan for President Committee or the Bush for President Committee are about to commit a violation of the Act, authorize its General Counsel to immediately institute a civil action for relief, including a temporary injunction, under Section 307(a)(6) of the Act.

Sincerely,

DOLE FOR PRESIDENT COMMITTEE, INC.

By: [signature]
Assistant Treasurer

District of Columbia.
Subscribed and sworn to before me
this 22ND day of February, 1980.

[signature]
NOTARY PUBLIC

My Commission expires 4-30-82

CCC 490 MUR 1179

Bob Dole. President.

GENERAL COUNSEL

80 FEB 25 P 1:05

February 24, 1980

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

Dear Members of the Commission:

This constitutes the third complaint filed with you by Dole for President Committee, Inc., the principal campaign committee of Senator Robert J. Dole, a candidate for the Republican nomination for election to the office of President, in accordance with Sections 301(8), 301(9), 309 and 316(a) of the Federal Election Campaign Act of 1971, as last amended, P.L. 96-187, Act of January 8, 1980, effective January 8, 1980 (hereinafter "the Act"). All citations and references herein are to the Act as amended.

As stated in the two preceding complaints, Telegraph Publishing Company, Inc., is a corporation having its offices in Nashua, New Hampshire (hereinafter "the Corporation"), which among other things, owns and publishes a newspaper of general circulation in New Hampshire known as Nashua Telegraph.

Notwithstanding the order of the Federal Election Commission of February 21, 1980, the Corporation appears to have sponsored, controlled, conducted, directed and staged a debate on February 23 between two candidates for the Republican nomination for election to the office of President, George Bush and Ronald Reagan. The Corporation did in fact limit participation in the debate to those two candidates, to the exclusion of all other candidates for the Republican nomination for election to the office of President.

On issuance of the order by the Federal Election Commission on February 21, 1980, the Reagan for President Committee agreed to pay the costs of such debate. Having agreed to pay those costs, the Reagan for President Committee apparently believed it was acting as sponsor of the event, and accordingly, invited the other Republican candidates to participate in the debate. However, it is on public record (i.e., radio, television and newspaper accounts) that the Corporation never relinquished control of the debate and continued to direct, control and stage the event, specifically refusing to allow the other candidates (John Anderson, Howard Baker, Philip Crane and Robert Dole) to participate -- in spite of the fact the four candidates were physically present at the debate site, having accepted the invitation of the Reagan for President Committee. (See enclosed copies of articles from The Washington Post and Washington Star of February 24, 1980.)

By retaining sole control of the staging of the debate, the corporation was apparently incurring expenses which would be considered "in kind" contributions made for the purpose of influencing an election and made in connection with a Federal election (Sections 301(8), 301(9) and 316(a) of the Act).

100 N. St. Asaph St., Alexandria, Va. 22314 703/836-8681
~~7760 LEESBURG PIKE, FALLS CHURCH, VIRGINIA 22043 703/734-0270~~

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Furthermore, the proposed regulations as submitted to the Congress by the Federal Election Commission governing the funding and sponsorship of non-partisan Federal candidate debates provide that such debates may not promote one candidate over another. It is clear from the Corporation's actions at the debate the evening of February 23 that it was in fact promoting the candidacy of Mr. Bush over the other candidates.

Such actions appear to be violations of the Federal Election Campaign Act, as amended, and the rules and regulations of the Federal Election Commission.

Accordingly, it is respectfully requested that the Federal Election Commission conduct a full investigation of the facts surrounding this event and determine whether or not the Corporation has in fact committed a violation and may therefore be subject to a fine.

Your expedited consideration of this complaint will be appreciated.

Sincerely,

DOLE FOR PRESIDENT COMMITTEE, INC.

By: Joann M McAlley
Assistant Treasurer

City of Alexandria, Virginia.
Subscribed and sworn to before me
this 25 day of February, 1980.

Dorian Rose
NOTARY PUBLIC

My Commission expires 1-29-83.

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THE WASHINGTON STAR -- Sunday, February 1980

GOP Rivals Gang Up On Bush as Debate Turns Into a Brawl

By Jack W. Germond
and Jules Witcover
Washington Star Political Editors

NASHUA, N.H. — The Republican presidential campaign erupted into an angry brawl here last night.

Four candidates walked off a debate stage and castigated George Bush in harsh terms after he refused to allow them to join a debate scheduled between Ronald Reagan and himself — and after he refused even to meet with them to discuss the issue.

Rep. John B. Anderson accused Bush of "a travesty on the whole democratic process" and of showing political "arrogance" because of his apparent status as the leader of the field of Republican presidential candidates.

And Sen. Howard H. Baker Jr., referring to Bush's position as the front-runner declared: "He wears that crown mighty unbecomingly."

The whole controversy evolved after Reagan, who had agreed to pay the $3,500 cost of a two-man debate sponsored by The Nashua Telegraph, suddenly announced less than six hours before the debate that he had decided to invite all the other Republicans running for president to join in. The newspaper balked but Reagan insisted it was his prerogative because he had become the de facto sponsor of the forum.

The invitation brought quick acceptances from Baker, Anderson, Sen. Bob Dole and Rep. John Crane — the entire field except for John B. Connally, who was out of the state and could not return in time.

But when the candidates showed up at Nashua High School about 7:30, they found a hassle in progress between the newspaper and Reagan's representatives about the attempt to change the format.

While the candidates waited in various holding rooms aides ran back and forth through the school corridors telling reporters their version of the Reagan ploy. Then, shortly before 8 p.m., the other candidates discovered that Bush had refused to agree to the change in format, although he had told the press he was anxious to do so. Arriving at the school, he said: "Here I am. We were challenged for a debate. We turned up for a debate and Reagan backed out. I don't know why."

As it developed, it was Bush who proved to be the sticking point. And when Reagan and the four other candidates sought a face-to-face meeting with him, Bush would not agree. He also turned down a request

See DEBATE, A-5

THE WASHINGTON STAR -- Sunday, February 24, 1980

Debate of GOP Rivals Turns Into Brawl

Continued From A-1

for such a meeting brought to him on behalf of the othe candidates by New Hampshire's senior Republican, Sen. Gordon Humphrey..

It was that, as much as anything, that infuriated his rivals. They filed into the hall as the debate bagan setting up about 15 minutes late.

Then J. Herman Pouliot, the publisher of The Telegraph, introduced Reagan and Bush and said the four other candidates would be allowed to make statements at the end of the debate between Reagan and Bush.

John Breen, a representative of the paper, then began the formalities. Reagan asked for time to speak.

As he started, Breen said, "Will the sound man please turn Mr. Reagan's microphone off."

Reagan, glaring at him, shot back, "I am paying for this microphone Mr. Breen." The crowd cheereed wild and long.

Reagan then said he had decided to broaden the debate to include all candidates after there was widespread criticism here ofthe two-man format. "I am the sponsor and I suppose I should have some right."

Reagan said the newspaper had refused to agree to the change or even to discuss it. He thought of walking out, he said, but had been told that would be "unfair" to the more than 2,000 citizens who had packed the big gymnasium. "But I want you to know the circumstances," Reagan said.

A few moments later the other four left the stage to be besieged by reporters. Anderson described what had happened and concluded: "Clearly the responsibility for this travesty on the whole democratic process is on Mr. Bush."

Baker then chimed in: "I've been in politics 15 years and this is the most flagrant attempt to return to the closed door I've ever seen."

Crane called the controversy "disappointing" and said Bush was using his position as a lever against the others.

"When that fellow said, 'cut off his microphone,' shades of the beer halls," Crane said.

Dole said, "I thought I was somewhere else . . . I can't believe Bush will ever explain this to rank-and-file Republicans. He might explain it to people who go to Yale. You don't step on your colleagues. I think George has a little explaining to do." Dole added he had told Bush on the stage: "I said they'll be another day, George."

Baker and Anderson both said repeatedly that Bush was trying to use his position to stifle debate and Baker suggested it could lead to what he called "divisiveness" in the Republican Party.

What was apparent was that this already had happened. Although Baker said he would support Bush if he were nominated, he added: "He's not wearing that crown very well." When the four were asked if this was a stop-Bush cabal, Dole replied, "No, this is just a little chance meeting."

Then he added: "They stiffed us — that's what they did." Several of the candidates then argued that the controversy would mean even greater determination on their own parts, and Dole broke up the press conference when he said, "I think I'll announce again." The broubaha overshadowed the debate itself in which Bush and Reagan finally spent 90 minutes taking questions from a panel of reporters and the audience.

In the gym, the scene was more appropriate to a championship basketball game than to a presidential debate. Cheers went up from Bush's supporters when he went up to the platform and took his seat. More cheers came when Reagan did the same and bedlam erupted when behind him walked the other four contenders.

The four disinvited guests stood behind the debate table and waved to the large crowd, evoking even more cheers. In the stands, groups supporting the various candidates started chanting for them: "We want Reagan!" "We want Bush!"

"This is getting to sound more like a boxing match," said Pouliot, publisher of The Telegraph, the original sponsor. "In the rear are four other candidates who have not been invited by The Nashua Telegraph." That remark evoked loud boos.

"Get them chairs!" a woman high in the stands called out, and the crowd cheered once again.

The Reagan scheme to change the format was hatched by campaign manager John Sears after polling data showed that Bush had gained ground after the debate last Wednesday in which all the candidates appeared.

What he devised was a situation in which Reagan might profit if all the candidates appeared and interest in the debate was defused or, alternatively, a situation in which Bush would be the villain in preventing the others from being heard.

Whether the controversy will affect the result in the primary 48 hours away is an open question.

Dole, for one, hopes to capitalize on the situation. He said he would invite the other candidates to a meeting set for this afternoon.

Accepting thanks from the spurned candidates after they walked out Sears smiled and said, "We're just party unifiers."

THE WASHINGTON POST -- Sunday, February 24, 1980

A Polite Republican Race Takes Turn for the Bitter

By David S. Broder
and Lou Cannon
Washington Post Staff Writers

NASHUA, N.H., Feb. 23 — The polite Republican presidential race exploded in anger tonight against presumed front-runner George Bush about the issue of who had the right to debate him three days before the New Hampshire primary.

Four other GOP contenders of various ideological stripes joined Ronald Reagan in condemning Bush and the Nashua Telegraph for insisting that Reagan alone be allowed to debate Bush before an excited audience of 2,000 in the Nashua High School gymnasium.

Bush's campaign manager, James A. Baker III, said the extraordinary protest was "a set-up" and showed that "it's stop-George Bush" time in the GOP contest.

Reagan scored repeated debating points off Bush in the 90-minute confrontation, while the other four, Sens. Howard H. Baker Jr. and Bob Dole and Reps. John B. Anderson and Philip M. Crane, had to content themselves with being introduced at the beginning and allowed to make brief statements at the end.

Off stage, the four jilted contenders denounced Bush even more than they did the newspaper that conceived the one-on-one encounter. "Clearly the responsibility for this travesty is on Bush," Anderson said. He charged that "any man seeking the highest office in the land . . . would show that kind of arrogance before the first primary in the nation" is almost unthinkable.

Baker, angrier than many reporters had ever seen him, called it "the most flagrant effort" to stifle debate. "It is an effort to reinstitute closed-door policies."

Baker and the others charged that Bush had refused to meet with Reagan and the rest of them to discuss Reagan's efforts to open the debate. "If he is the front-

See DEBATE, A4, Col. 1

A Well-Mannered Republican

DEBATE, From A1

runner," Baker said, "he wears that crown most unbecomingly."

Dole said, "George Bush torpedoed us tonight . . . . He had better find himself another party." Dole said that he told Bush as he was leaving the stage, "There'll be another day, George."

Crane said, "I wouldn't lend one iota of legitimacy to this fraud."

The four said they would work to deprive Bush of the GOP nomination, but they stopped short of saying they would back any other candidate or organize a stop-Bush effort. Baker summarized the views of his colleague competitors when he said, "If George Bush is the nominee, I will support (him), but I will do everything I can to see that does not happen."

The Bush campaign was taken aback by the stormy reaction. Bush told the audience in the gymnasium that he had been challenged to the debate by Reagan and accepted the invitation of the local newspaper, the Telegraph. "I've been invited here as the guest by the Nashua newspaper," he said, "and I will play by their rules."

His campaign manager, James A. Baker III, said he had told the others that "It wasn't our call—it was the Telegraph's call."

Asked why Bush had refused to meet the other candidates, James Baker said, "That would have been somewhat unwise. It was five against one."

Within the gymnasium, the scene was stormy. The crowd, alternating in cheers of "We Want Reagan," and "Bush, Bush," had walted for the debate to begin for 40 minutes past the scheduled time, with many members of the audience obviously not aware of the negotiations delaying the process.

Bush came in first, smiling. He was followed by an obviously angry Reagan and the four other candidates, who remained standing awkwardly behind the desk where the two invited debaters and Nashua Telegraph executive editor Jon Breen, the moderator, were seated.

When Breen announced it would remain a two-man debate, Reagan attempted to explain how he had wanted to include the other candidates.

"Will you please turn off Gov. Reagan's microphone?" Breen said.

"I'm paying for this microphone," Reagan responded, and went on to make an empassioned speech about why he had invited the other candidates to join him and Bush.

Reagan's comment was a reference to the fact that his campaign organization agreed to pay the $3,500 cost of renting the high school, after the Federal Election Commission ruled that it would be an illegal corporate contribution for The Nashua Telegraph to finance a debate from which most of the Republican contenders were excluded.

When Reagan finished his talk, even some Bush partisans were applauding him and the four shunned candidiates were waving to the crowd. As they left the stage, Reagan shook the hands of each of them, while Bush remained seated, waiting for the formal proceedings to begin.

Reagan was like a man aroused. Somewhat passive in his first debate Wednesday night, he completely dominated tonight's debate, punctuating his comments with one-liners and frequently putting Bush on the defensive.

When the 69-year-old Reagan was asked whether he believed in mandatory retirement at 70, he replied, to laughter "Don't you think there's a conflict of interest here?" Then he said government should not be dictating anyone's retirement age.

When Bush was asked whether he thought Reagan was too old to be president, and replied in the negative, Reagan responded, "I agree with George Bush."

Reagan said that Bush's proposal for a $20 billion federal tax cut would leave a $21 billion tax increase, because inflation would move many taxpayers into higher brackets.

Bush was peppered with questions about his 1968 vote restricting mail-order gun sales and about allegations that he failed to report contributions given him in 1970 from a secret fund organized at President Nixon's direction.

The "slush fund" question provoked Bush's most eloquent moment of the evening. He said, with some heat, that he had reported everything as far as he was aware and would have been proud to claim a contribution from Nixon at that time.

"My record in public life has been

Race Explodes Into Anger

one of total integrity and honor," Bush said.

This answer produced applause, but the loudest applause of the evening—a full minute, which moderator Breen interrupted with a threat to close the debate—came when Reagan answered a question about what he would do to help Vietnam war veterans who had been harmed by a defoliant known as "Agent Orange."

"We owe them an apology for the way they have been treated . . . and we must give them a promise never to let them fight and die for a war their government will never let them win," Reagan said.

Bush said the government should investigate and "make the proper settlement."

Although the substance of the debate was overshadowed by the off-stage and preliminary fireworks, Bush and Reagan broke new ground in some areas and defined their differences more clearly than they had before.

Reagan, for the first time, said that "the time has long since past" when a deadline should be set for release of American hostages in Iran. While acknowledging that he was not certain what form retaliation should take, he said the U.S. government should tell Iranian authorities, "Turn them over to us as of this date, or something is going to happen."

While Bush confessed to a "mounting frustration," over the delay in the hostages' release, he reaffirmed his support of President Carter's policies, saying, "There is no simple answer" to gaining their freedom and, meanwhile, there is the advantage of preserving their lives.

Bush was pressed to explain a recent newspaper interview some had interpreted as saying that he believed the United States could base its policy on surviving a nuclear war. He said flatly, "It is not possible. . . . The way to win it is to deter it, by keeping the country strong," Bush said.

Reagan said the Soviets are operating on the premise that a nuclear war is winnable, but said the danger of such a war is not imminent because the Soviets are moving toward strategic superiority but have not yet achieved it.

Both men ruled out the use of tactical nuclear weapons in the Persian Gulf. Bush said the security of the region depends on "reversing the decline" in U.S. conventional forces, and Reagan said the United States could make the Soviet Union "retreat a little, by putting a blockade around Cuba until they remove their troops from Afghanistan."

Both candidates were heavily applauded for their emotional closing statements, which were excerpted from their basic stump speeches. But afterward, at post-debate news conferences, they were peppered with questions about their pre-debate conduct.

Reagan and his press secretary, Jim Lake, said they had called the paper during the day because they did not want the onus of sponsoring a debate which the Federal Election Commission had found unfair. Reagan said he became concerned because he was, in effect, sponsoring the debate by paying its cost.

When Lake called a Bush aide to say he was "caving" on the issue, Bush campaign chairman Baker interpreted this as a sign that Reagan wanted to pull out entirely.

Apart from the merits of this dispute, there was a general feeling among camp followers on both sides that Reagan had profited from becoming angry.

"It really got the adrenalin flowing . . . which was just what we needed," said Reagan's New England coordinator, Gerald Carmen.

Reagan was asked what effect he though the debate would have, and replied, "The only thing I can think of is that I probably won't get a heil-uva lot of attention from the [Nashua] newspaper."

Staff writer Art Harris contributed to this article.

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The Night the Grand Old Party Went for Its Own Throat

By Martin Schram
and Maria McPherson
Washington Post Staff Writers

NASHUA, N.H., Feb. 23—As the Reagan-Bush debate droned on in the gym, the Grand Old Party was erupting in revolt in the band room.

John Anderson, Howard Baker, Philip Crane and Bob Dole—shut out from the debate of the front runners—were lambasting in angry unison at George Bush, charging that he alone had kept them from joining the debate.

They were charging that Bush had alone refused to meet with Reagan and them in the confused moments of negotiation and discord that preceded the debate.

And off to the side, as the candidates spoke, stood an unattracting young woman who was about to report what may be the most damaging quote of all. She was Eleanora Kettler, daughter of candidate Anderson, and she said she had managed to get herself right next to Bush and Ronald Reagan as they walked into the debate site in the gymnasium at Nashua Senior High School.

She said that "Bush told Reagan: 'I'm not going on unless this goes as planned. I worked too hard for this.'"

And she said Reagan replied to Bush: "What was that you said at the debate last Wednesday in Manchester about how all of us were winners because the debate was taking place?"

The joint attack on Bush came at the climax of one of the most confusing days in recent Republican politics, a day Bush may long remember with regret.

The controversy began in the early afternoon, when Reagan decided—according to his staff—to broaden the debate to include all challengers, since he had agreed to pay for the event and it was he who had borne the brunt of the criticism from the candidates who were left out.

Bush's advisers tell it differently—they say that Reagan telephoned the Nashua Telegraph, the newspaper that had originally scheduled the two-man debate, and that Reagan told the Telegraph he was going to pull out of the debate if it would not be broadened to include all candidates.

Only the editors and publisher of the Nashua Telegraph know which version is correct—but in the midst of all the confusion last night, the newspaper officials were telling the press only "no comment."

As 1,500 persons waited in the gym, a drama of sorts was going on in the corridors. In one, next to multi-colored school lockers, stood the Reagan aides. Around the corner stood the Bush aides. Telegraph executive editor Jon Breen and publisher J. Herman Poullot were shuttling back and forth in between.

At Reagan's invitation, issued earlier in the afternoon, the other four candidates had also shown up at the high school and were waiting in a holding room. At one point, the four of them conferred with Reagan's national political director, Charles Black. Black was dispatched to ask Bush's campaign manager, James A. Baker, if Bush would meet with Reagan and the other candidates. Campaign manager Baker rejected the request, according to all parties concerned.

The Reagan aide returned to the candidates and it was decided that Sen. Gordon J. Humphrey (R-N.H.) would be dispatched to ask Bush directly to meet with the candidates in order to discuss broadening the debate. According to Bush's campaign manager Jim Baker, Bush rejected the meeting. And when Humphrey pressed him about what would be good for the Republican Party, Bush, former chairman of the Republican National Committee, told Humphrey, according to James Baker: "Don't you lecture me about the GOP. I've worked a lot harder than you have to build the Republican Party."

James Baker said Bush would not meet with the other candidates because "we wanted to stick with the letter of the [arrangements originally made] by the Nashua Telegraph. It wasn't our call—it was the Telegraph's call."

To meet with the other candidates would have been "unwise," James Baker said, adding: "It was five against one. We have not been reluctant to debate but they gang up on you. They cut a backroom deal. It's let's stop George Bush."

And in the band room, as the debate played on, the excluded candidates were in the midst of doing just that. Clearly, the responsibility for this travesty is on Mr. Bush," said Anderson. He charged that Bush had shown "arrogance before the first primary in the nation has even started."

Then there was Howard Baker, angrier than many reporters have seen him in the past. "This is the most flagrant effort to stifle debate," he said. "It is an effort to reinstitute closed door politics. . . . If he is the front-runner, he wears the crown most unbecomingly."

Crane charged that the whole event was a fraud.

And Dole said: "George Bush torpedoed us tonight. . . . As far as George Bush is concerned, he had better find himself another party." As he walked off the stage after being excluded from the debate he told Bush: "There will be another day, George."

The four men said they would work to deprive Bush of the GOP nomination, but they stopped short of saying that they would join in any organized effort to stop Bush or jointly back any other candidate. Howard Baker summarized their views when he said: "If George Bush is the nominee, I will support him, but I will do everything I can to see that does not happen."

Bush, cornered by the press after the debate insisted that all he was doing was "keeping my word." He said that he had heard earlier that Reagan had wanted to cancel. Asked why, he said, "I don't know why. The newspaper told me he wanted to cancel. I don't know why I don't [illegible] these details. I keep my word."

Down the corridor and around the corner from the bandroom, where the also-rans were lambasting Bush, leaning against a wall outside the gymnasium where Reagan was debating Bush, Reagan campaign manager John Sears was leaning against the lockers. He was smiling. Reagan aide Charles Black came up and shook Sears' hand. "Another day on the campaign trail," Sears said, smiling at the end of what he obviously felt had been a day well spent.

Staff writer Art Harris contributed to this report.

TELEGRAPH PUBLISHING COMPANY
PUBLISHERS OF THE
Nashua Telegraph
ESTABLISHED 1832

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03061
TEL. 882-8741

MEMBER OF
AUDIT BUREAU OF
CIRCULATIONS AND
ASSOCIATED PRESS
UNITED PRESS INTERNATIONAL

740

14 MAR 1980

March 12, 1980.

Federal Election Commission,

1325 K Street,

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

ATTENTION: Robert O. Tiernan, Chairman.

Re: MUR 1178, 1179

Dear Chairman Tiernan:

In respect to the above complaints filed with you by the Dole for President Committee Inc. under dates of February 22 and 24, 1980 against the Telegraph Publishing Company, and received by it respectively on March 3 and 9, 1980, (hereinafter called "Telegraph,") the Telegraph maintains that no violation of the Federal Election Campaign Act (FECA) has occurred and that the files on the above matters should be closed for the following reasons:

1) As stated in the reply of February 21, 1980 by the Telegraph to the Commission in respect to MURS 1167, 1168 and 1170, "the Telegraph Publishing Company and/or the Nashua Telegraph has not expended, nor does it plan to expend, any of its funds in sponsoring and conducting the debate for which it will not be fully reimbursed. Representatives of Governor Ronald Reagan have agreed to advance to the Telegraph Publishing Company the sum of $3,500.00 to be used toward such expenses

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as may be incurred by the Company in sponsoring and conducting the debate, including both cash disbursements by the Company as well as time expended by employees of the Company directly on the debate. The Company estimates that such expenses will not exceed such amount." Such debate was in fact held on February 23, 1980 and the Telegraph did receive a check in the amount of $3,500.00 from the Reagan for President Committee. As stated in the letter of enclosure from the Reagan for President Committee: "...the Reagan Campaign has agreed to provide you with a check in the amount of $3,500.00 (check enclosed) to be held by you for the purpose of reimbursement for any and all expenses incurred by the Nashua Telegraph and may be used for the total amount expended by them should the Bush Campaign refuse to contribute their share." The expenses incurred by the Telegraph including "in kind resources" in order to sponsor, conduct, direct and stage the subject debate, including advertising in the Nashua Telegraph, did not exceed the $3,500.00 advanced to it as aforesaid to cover such expenses.

2) The Telegraph was not expending any of its own funds either directly or indirectly in payment of the cost of such debate. Upon receipt of said $3,500.00, the Telegraph opened a special account in its name to which it deposited said $3,500.00 and out of which all expenses incurred in such debate were paid including reimbursement to the Telegraph for "in kind resources" provided by it.

3) The Telegraph, by its said letter of February 21, 1980, advised the Commission that it intended to limit the debate to the participation

solely of Ambassador George Bush and Governor Ronald Reagan and that all expenses incurred in conducting the same would be fully reimbursed out of said $3,500.00. All of the foregoing in fact occurred as stated to the Commission and the Commission, accordingly, under date of February 21, 1980, advised the Telegraph that it had "determined to take no further action in the above referenced matters and has closed the files."

4) The Reagan for President Committee, even though it had agreed to pay the cost of such debate and having in fact paid such cost, could not believe that it was acting as sponsor of the event nor did it have any right to invite the other Republican candidates to participate in the debate. As stated in the above letter from the Reagan for President Committee to the Telegraph under date of February 21, 1980: "This letter will serve to confirm our agreement that the Nashua Telegraph Publishing Company will sponsor the above-referenced debate and that the procedures previously agreed to by the participants and the Nashua Telegraph will apply." (Copy enclosed.) Such procedure was outlined in letters under date of February 11, 1980, both to the George Bush for President Committee and to the Reagan for President Committee. As stated above, such procedures were reaffirmed by such letter of February 21, 1980 from the Reagan for President Committee. Further, such procedures were reaffirmed also orally between counsel for the Telegraph and counsel for the Reagan for President Committee as well

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as with Governor Hugh Gregg, Chairman of the George Bush President Committee on February 21, 1980. The other candidates who did appear on the evening of February 23, 1980 were not invited by the Telegraph and were not allowed to participate therein inasmuch as it had previously been agreed to both orally and in writing by the Telegraph as moderator of the debate and by the Reagan for President Committee as well as the George Bush for President Committee that only Governor Reagan and Ambassador Bush would be the participants. Such procedure was set forth in paragraphs 1 and 2 of the Telegraph reply to the Commission under date of February 21, 1980 in regard to the prior complaints in respect to which the Commission did close its files on the same.

5) The Telegraph did not violate 2 U.S.C. 441(a) since all expenses of the debate, including "in kind resources" were completely covered by the $3,500.00 advanced by the Reagan for President Committee.

6) The Telegraph was not in fact promoting the candidacy of George Bush over the other candidates, but rather carrying out a debate between Governor Reagan and Ambassador Bush as had been agreed to between the two candidates, the expenses of such debate being fully covered by the $3,500.00 advanced and the procedures being carefully adhered to by the moderator, all as having been previously approved by the Commission by its action in closing its files on the prior complaints. Accordingly,

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the Telegraph requests that the Commission find that based on the foregoing there has been no violation of the Federal Election Campaign Act and close its files on the above matters.

Very truly yours,

David C. Hamblett

President
Telegraph Publishing Company

DCH/rdb

Enclosure.

00010006 53

REAGAN for PRESIDENT

Former Gov. Lane Dwinell
Chairman
New Hampshire Reagan for President Committee

51 High Street
Manchester, New Hampshire 03104
(603) 668-0182
1-800-562-3816

February 21, 1980

Attorney David C. Hamblett
%NASHUA TELEGRAPH
60 Main Street
Nashua, New Hampshire 03061

RE: Reagan-Bush debate

Dear Attorney Hamblett:

This letter will serve to confirm our agreement that the Nashua Telegraph Publishing Company will sponsor the above-referenced debate and that the procedures previously agreed to by the participants and the Nashua Telegraph will apply.

In view of the FEC ruling that the Nashua Telegraph Company cannot expend funds for this debate, it is our position that the two participating candidates should share the cost equally. In order to expedite the debate arrangements, the Reagan Campaign has agreed to provide you with a check in the amount of $3,500.00 (check enclosed) to be held by you for the purpose of reimbursement for any and all expenses incurred by the Nashua Telegraph and may be used for the total amount expended by them should the Bush Campaign refuse to contribute their share.

Very truly yours,

W. Stephen Thayer, Esq.
Deputy Legal Counsel
Reagan for President Committee

WST:ces

Enclosure

cc: File

Reagan for President -- United States Senator Paul Laxalt, Chairman; Bay Buchanan, Treasurer.
A copy of our report is filed with and available from the Federal Election Commission, Washington, D.C. 20463

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GCC# 696

REAGAN for PRESIDENT

9841 Airport Boulevard
Suite 1430
Los Angeles, California 90045
(213) 670-9161

308679

5 March 1980

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1178 & 1179

Dear Mr. Steele:

This letter should be taken as our committee's formal response to both of the above numbered MURs. With respect to MUR 1179, I am somewhat puzzled as to why this was sent to our committee. It appears to charge the Nashua Telegraph with making an illegal corporate contribution to George Bush's campaign. Our committee has no knowledge of whether or not the Bush Committee was the recipient of such a corporate contribution.

MUR 1178 seems to charge REAGAN FOR PRESIDENT with making an excessive contribution to the George Bush campaign. This is based upon our payment of the $3500 in out-of-pocket costs for the Nashua Telegraph debate. I will not comment on the serious First Amendment problems such an interpretation of the law would raise. Suffice it to say the theory of the complaint borders on the frivolous. However, the very facts recited in MUR 1179 make it clear that the REAGAN FOR PRESIDENT Committee should be dismissed as a party in MUR 1178. Governor Reagan invited all the candidates to participate in the Nashua debate. Only outside forces stopped this invitation.

For the reasons cited, it is clear that at no time, ever, did the REAGAN FOR PRESIDENT Committee violate any law or rule in connection with the matters discussed in MUR 1178 & 1179.

Yours truly,

Loren A. Smith

Loren A. Smith
General Counsel

LAS/ym

Reagan for President - United States Senator Paul Laxalt, Chairman; Ray Buchanan, Treasurer
A copy of our reports is filed with and available for purchase from the Federal Election Commission, Washington, D.C. 20463

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GEORGE BUSH FOR PRESIDENT

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weidenfeld

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732 North Washington Street
Alexandria, Virginia 22314
(703) 836-5705

710 North Post Oak Road
Suite 208
Houston, Texas 77024
(713) 467-1980

February 29, 1980

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1178

Dear Mr. Steele:

Reference is made to your letter dated February 25, 1980 with regard to the above referenced matter.

As our General Counsel, Bob Visser discussed with your office, the original letter from you did not enclose the complaint from Senator Dole's Presidential campaign committee. Senator Dole's complaint, dated February 22, 1980 was just received in our office this date. I assume therefore that we may submit our response within 15 days of the receipt of such complaint.

This is also to confirm that we will be represented by our General Counsel, Robert P. Visser in this matter and that he is authorized to receive any notifications and other communications from the Commission with regard to this matter. All such communications should be forwarded to him at his law firm: c/o Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Ave., N.W., Washington, D.C. 20035, 202/457-1000.

Sincerely,

James A. Baker, III
Chairman

cc: Anne A. Weissenborn, Esq.

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GEORGE BUSH FOR PRESIDENT

732 North Washington Street
Alexandria, Virginia 22314
(703) 836-5705

906995

710 North Post Oak Road
Suite 208
Houston, Texas 77024
(713) 467-1980

March 12, 1980

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1179

Dear Mr. Steele:

Reference is made to your letter dated February 27, 1980 with regard to the above referenced matter.

This is to confirm that we will be represented by our General Counsel, Robert P. Visser, in this matter and that he is authorized to receive any notification and other communications from the Commission with regard to this matter. All such communications should be forwarded to him at his law firm: c/o Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Ave., N.W., Washington, D.C. 20036, 202/457-1000.

Sincerely,

James A. Baker III

James A. Baker, III
Chairman

JAB:jc
cc: Anne A. Weissenborn, Esquire

A copy of our report is on file with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C. 20463

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The Night the Grand Old Party Went for Its Own Throat

By Martin Schram
and Myra McPherson
Washington Post Staff Writers

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They were charging that Bush had twice refused to meet with Reagan and them in the confused moments of negotiation and discord that preceded the debate.

And off to the side, as the candidate spoke, stood an unaffacing young woman who was about to report what may be the most damaging quote of all. She was Eleanora Kettler, daughter of candidate Anderson, and she said she had managed to get herself right next to Bush and Ronald Reagan as they walked into the debate site in the gymnasium at Nashua Senior High School.

She said that Bush told Reagan: "I'm not going on unless this goes as planned. I worked too hard for this."

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The controversy began in the early afternoon, when Reagan decided—according to his staff—to broaden the debate to include all challengers, since he had agreed to pay for the event and it was he who had borne the brunt of the criticism from the candidates who were left out.

Bush's advisers tell it differently—they say that Reagan telephoned the Nashua Telegraph, the newspaper that had originally scheduled the two-man debate, and that Reagan told the Telegraph he was going to pull out of the debate if it would not be broadened to include all candidates.

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Staff writer Art Harris contributed to this report.

TELEGRAPH PUBLISHING COMPANY
PUBLISHERS OF THE
Nashua Telegraph
ESTABLISHED 1852

60 MAIN STREET
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TEL. 882-2741

MEMBER OF
AUDIT BUREAU OF
CIRCULATIONS AND
ASSOCIATED PRESS
UNITED PRESS INTERNATIONAL

OGC

GC# 740

14 MAR 1980

March 12, 1980.

006961

Federal Election Commission,

1325 K Street,

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

ATTENTION: Robert O. Tiernan, Chairman.

Re: MUR 1178, 1179

Dear Chairman Tiernan:

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as may be incurred by the Company in sponsoring and conducting the debate, including both cash disbursements by the Company as well as time expended by employees of the Company directly on the debate. The Company estimates that such expenses will not exceed such amount." Such debate was in fact held on February 23, 1980 and the Telegraph did receive a check in the amount of $3,500.00 from the Reagan for President Committee. As stated in the letter of enclosure from the Reagan for President Committee: "...the Reagan Campaign has agreed to provide you with a check in the amount of $3,500.00 (check enclosed) to be held by you for the purpose of reimbursement for any and all expenses incurred by the Nashua Telegraph and may be used for the total amount expended by them should the Bush Campaign refuse to contribute their share." The expenses incurred by the Telegraph including "in kind resources" in order to sponsor, conduct, direct and stage the subject debate, including advertising in the Nashua Telegraph, did not exceed the $3,500.00 advanced to it as aforesaid to cover such expenses.

2) The Telegraph was not expending any of its own funds either directly or indirectly in payment of the cost of such debate. Upon receipt of said $3,500.00, the Telegraph opened a special account in its name to which it deposited said $3,500.00 and out of which all expenses incurred in such debate were paid including reimbursement to the Telegraph for "in kind resources" provided by it.

3) The Telegraph, by its said letter of February 21, 1980, advised the Commission that it intended to limit the debate to the participation

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solely of Ambassador George Bush and Governor Ronald Reagan and that all expenses incurred in conducting the same would be fully reimbursed out of said $3,500.00. All of the foregoing in fact occurred as stated to the Commission and the Commission, accordingly, under date of February 21, 1980, advised the Telegraph that it had "determined to take no further action in the above referenced matters and has closed the files."

4) The Reagan for President Committee, even though it had agreed to pay the cost of such debate and having in fact paid such cost, could not believe that it was acting as sponsor of the event nor did it have any right to invite the other Republican candidates to participate in the debate. As stated in the above letter from the Reagan for President Committee to the Telegraph under date of February 21, 1980: "This letter will serve to confirm our agreement that the Nashua Telegraph Publishing Company will sponsor the above-referenced debate and that the procedures previously agreed to by the participants and the Nashua Telegraph will apply." (Copy enclosed.) Such procedure was outlined in letters under date of February 11, 1980, both to the George Bush for President Committee and to the Reagan for President Committee. As stated above, such procedures were reaffirmed by such letter of February 21, 1980 from the Reagan for President Committee. Further, such procedures were reaffirmed also orally between counsel for the Telegraph and counsel for the Reagan for President Committee as well

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as with Governor Hugh Gregg, Chairman of the George Bush President Committee on February 21, 1980. The other candidates who did appear on the evening of February 23, 1980 were not invited by the Telegraph and were not allowed to participate therein inasmuch as it had previously been agreed to both orally and in writing by the Telegraph as moderator of the debate and by the Reagan for President Committee as well as the George Bush for President Committee that only Governor Reagan and Ambassador Bush would be the participants. Such procedure was set forth in paragraphs 1 and 2 of the Telegraph reply to the Commission under date of February 21, 1980 in regard to the prior complaints in respect to which the Commission did close its files on the same.

5) The Telegraph did not violate 2 U.S.C. 441(a) since all expenses of the debate, including "in kind resources" were completely covered by the $3,500.00 advanced by the Reagan for President Committee.

6) The Telegraph was not in fact promoting the candidacy of George Bush over the other candidates, but rather carrying out a debate between Governor Reagan and Ambassador Bush as had been agreed to between the two candidates, the expenses of such debate being fully covered by the $3,500.00 advanced and the procedures being carefully adhered to by the moderator, all as having been previously approved by the Commission by its action in closing its files on the prior complaints. Accordingly,

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the Telegraph requests that the Commission find that based on the foregoing there has been no violation of the Federal Election Campaign Act and close its files on the above matters.

Very truly yours,

President
Telegraph Publishing Company

DCH/rdb

Enclosure.

00010663

REAGAN for PRESIDENT

Former Gov. Lane Dwinell
Chairman
New Hampshire Reagan for President Committee

51 High Street
Manchester, New Hampshire 03104
(603) 668-0182
1-800-562-3816

February 21, 1980

Attorney David C. Hamblett
%NASHUA TELEGRAPH
60 Main Street
Nashua, New Hampshire 03061

RE: Reagan-Bush debate

Dear Attorney Hamblett:

This letter will serve to confirm our agreement that the Nashua Telegraph Publishing Company will sponsor the above-referenced debate and that the procedures previously agreed to by the participants and the Nashua Telegraph will apply.

In view of the FEC ruling that the Nashua Telegraph Company cannot expend funds for this debate, it is our position that the two participating candidates should share the cost equally. In order to expedite the debate arrangements, the Reagan Campaign has agreed to provide you with a check in the amount of $3,500.00 (check enclosed) to be held by you for the purpose of reimbursement for any and all expenses incurred by the Nashua Telegraph and may be used for the total amount expended by them should the Bush Campaign refuse to contribute their share.

Very truly yours,

W. Stephen Thayer, Esq.
Deputy Legal Counsel
Reagan for President Committee

WST:ces

Enclosure

cc: File

Reagan for President -- United States Senator Paul Laxalt, Chairman; Bay Buchanan, Treasurer.
A copy of our report is filed with and available from the Federal Election Commission, Washington, D.C. 20463

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TELEGRAPH PUBLISHING COMPANY
60 Main St.
NASHUA, N.H. 03061

'80 MAR 19 AM 11:39

Federal Election Commission,

1325 K Street,

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

ATTENTION: Robert O. Tiernan, Chairman

GCC# 696

REAGAN for PRESIDENT

9841 Airport Boulevard
Suite 1430
Los Angeles, California 90045
(213) 670-9161

506679

5 March 1980

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1178 & 1179

Dear Mr. Steele:

This letter should be taken as our committee's formal response to both of the above numbered MURs. With respect to MUR 1179, I am somewhat puzzled as to why this was sent to our committee. It appears to charge the Nashua Telegraph with making an illegal corporate contribution to George Bush's campaign. Our committee has no knowledge of whether or not the Bush Committee was the recipient of such a corporate contribution.

MUR 1178 seems to charge REAGAN FOR PRESIDENT with making an excessive contribution to the George Bush campaign. This is based upon our payment of the $3500 in out-of-pocket costs for the Nashua Telegraph debate. I will not comment on the serious First Amendment problems such an interpretation of the law would raise. Suffice it to say the theory of the complaint borders on the frivolous. However, the very facts recited in MUR 1179 make it clear that the REAGAN FOR PRESIDENT Committee should be dismissed as a party in MUR 1178. Governor Reagan invited all the candidates to participate in the Nashua debate. Only outside forces stopped this invitation.

For the reasons cited, it is clear that at no time, ever, did the REAGAN FOR PRESIDENT Committee violate any law or rule in connection with the matters discussed in MUR 1178 & 1179.

Yours truly,

Loren A. Smith

Loren A. Smith
General Counsel

LAS/ym

Reagan for President—United States Senator Paul Laxalt, Chairman; Ray Buchanan, Treasurer
A copy of our report is filed with and available for purchase from the Federal Election Commission, Washington, D.C. 20463

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REAGAN for PRESIDENT
8841 Airport Boulevard
Suite 1430
Los Angeles, California 90045

Charles N. Steele, Esq.
Genreral Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 29463

GCC 569

GEORGE BUSH FOR PRESIDENT

732 North Washington Street
Alexandria, Virginia 22314
(703) 836-5705

710 North Post Oak Road
Suite 208
Houston, Texas 77024
(713) 467-1980

February 29, 1980

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1178

Dear Mr. Steele:

Reference is made to your letter dated February 25, 1980 with regard to the above referenced matter.

As our General Counsel, Bob Visser discussed with your office, the original letter from you did not enclose the complaint from Senator Dole's Presidential campaign committee. Senator Dole's complaint, dated February 22, 1980 was just received in our office this date. I assume therefore that we may submit our response within 15 days of the receipt of such complaint.

This is also to confirm that we will be represented by our General Counsel, Robert P. Visser in this matter and that he is authorized to receive any notifications and other communications from the Commission with regard to this matter. All such communications should be forwarded to him at his law firm: c/o Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Ave., N.W., Washington, D.C. 20036, 202/457-1000.

Sincerely,

James A. Baker, III
Chairman

cc: Anne A. Weissenborn, Esq.

A copy of this report is on file with the Federal Election Commission and available for purchase from the Federal Election Commission, Washington, D.C. 20463

GEORGE BUSH FOR PRESIDENT
732 North Washington Street
Alexandria, Virginia 22314

Anne A. Weissenborn, Esquire
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

GEORGE BUSH FOR PRESIDENT
732 North Washington Street
Alexandria, Virginia 22314

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION

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

February 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joann M. McSorley
Assistant Treasurer
Dole for President Committee, Inc.
104 North St. Asaph Street
Alexandria, Virginia 22314

Dear Ms. McSorley:

This letter is to acknowledge receipt of your complaint of February 22, 1980, against Telegraph Publishing Company, Inc. which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondent's notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Reagan for President Committee
9841 Airport Blvd., Suite 1430
Los Angeles, California 90045

Re: MUR 1178

Dear Sir or Madam:

This letter is to notify you that on February 22, 1980, the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1178. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action be taken against your committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter at (202) 523-4035. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

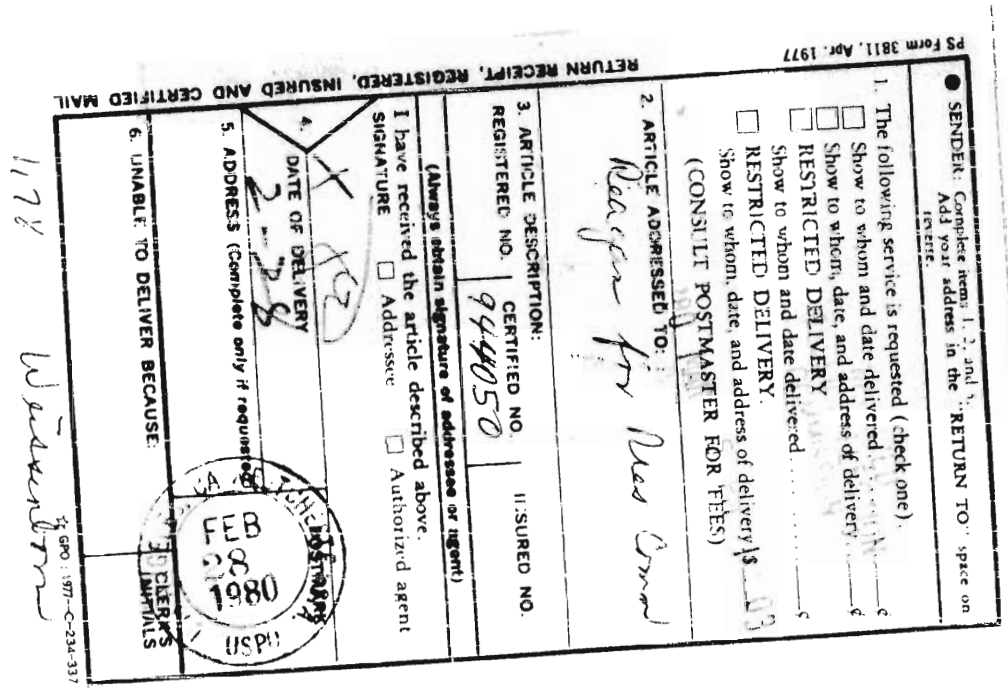
Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

cc: Loren Smith



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

George Bush for President
732 North Washington Street
Alexandria, Virginia 22314

Re: MUR 1178

Dear Sir or Madam:

This letter is to notify you that on February 22, 1980, the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1178. Please refer to this number in all future correspondence.

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Sincerely,

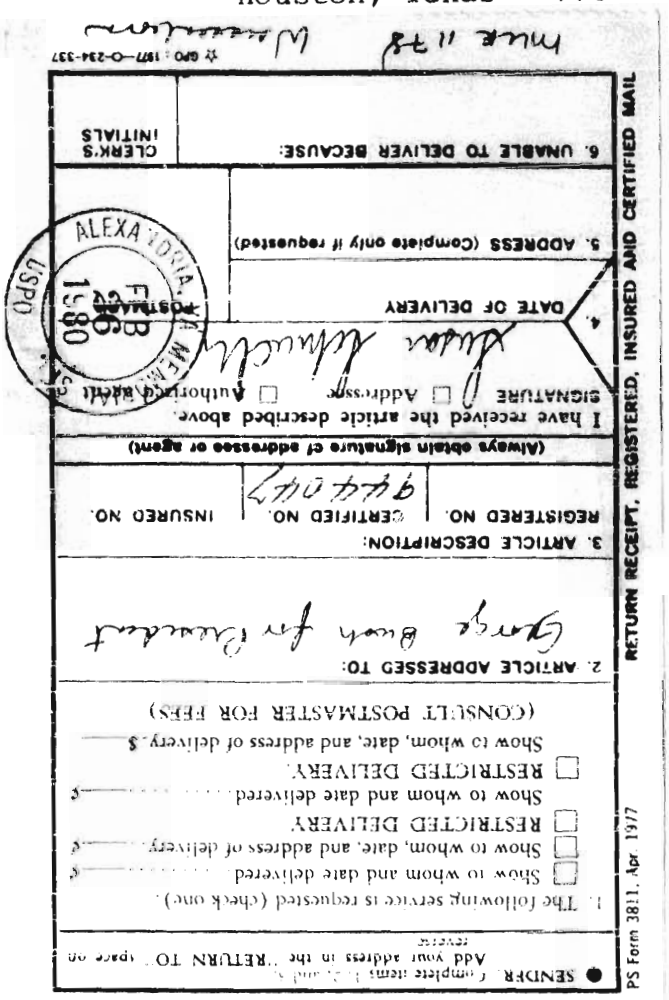
Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

cc: Robert P. Visser

George Bush for President
710 North Post Oak Road
Suite 208
Houston, Texas 77024



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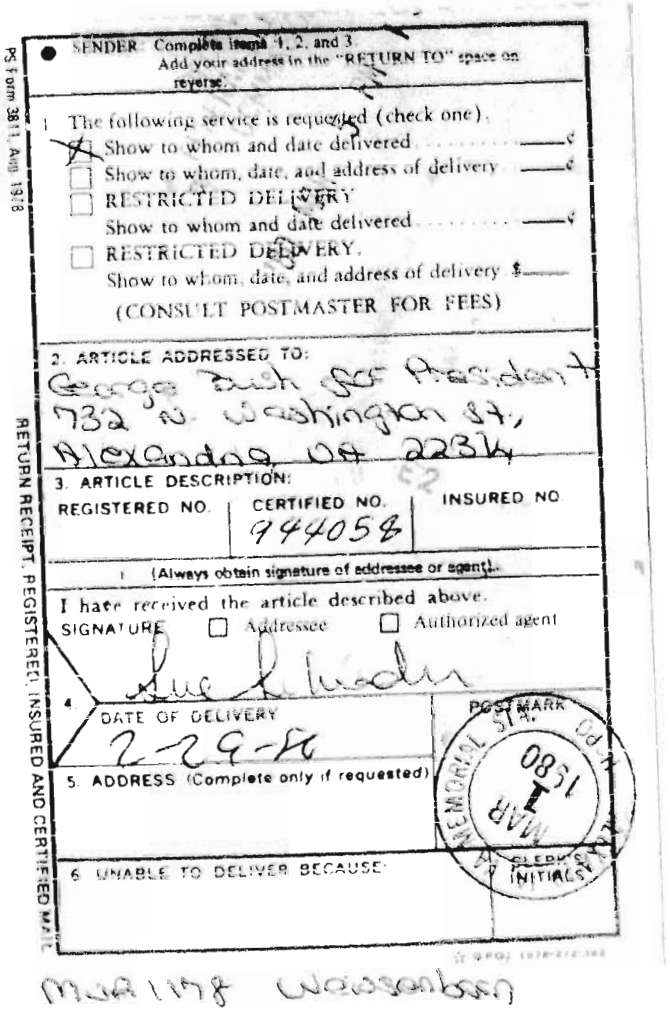

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Telegraph Publishing Company, Inc.
60 Main Street
Nashua, New Hampshire 03060

Re: MUR 1178

Dear Sir or Madam:

This letter is to notify you that on February 22, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1178. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter at (202) 523-4035.

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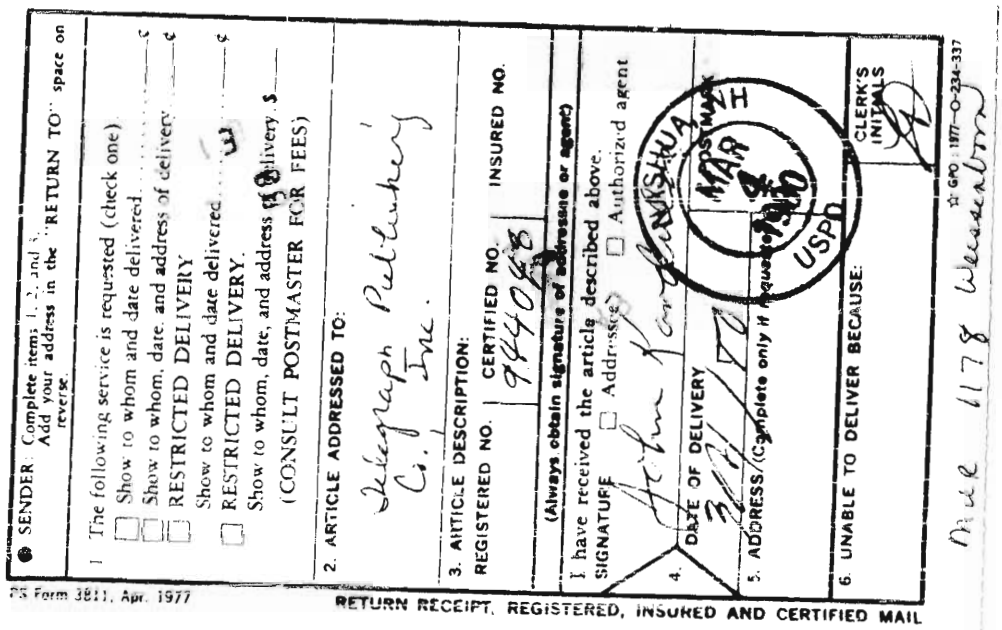
For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures


SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.
1. The following service is requested (check one)
Show to whom and date delivered ____¢
Show to whom, date, and address of delivery ____¢
RESTRICTED DELIVERY
Show to whom and date delivered ____¢
RESTRICTED DELIVERY
Show to whom, date, and address of delivery $____
(CONSULT POSTMASTER FOR FEES)
2. ARTICLE ADDRESSED TO:
Telegraph Publishing Co., Inc.
3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 984068 | INSURED NO.
(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
4. DATE OF DELIVERY
5. ADDRESS (Complete only if requested)
6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS
PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL
☆ GPO: 1977—O-234-337

GCC #485

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Bob Dole. President.

'80 FEB 22 P5:52

February 22, 1980

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

Dear Members of the Commission:

This letter constitutes a complaint, filed with you by Dole for President Committee, Inc., the principal campaign committee of Senator Robert J. Dole, a candidate for the Republican nomination for election to the office of President, in accordance with Section 309 of the Federal Election Campaign Act of 1971, as last amended, P.L. 96-187, Act of January 8, 1980, effective January 8, 1980 (hereinafter "the Act"). All citations and references herein are to the Act as amended.

Upon information and belief, Telegraph Publishing Company, Inc., is a corporation having its offices in Nashua, New Hampshire (hereinafter "the Corporation"), which among other things, owns and publishes a newspaper of general circulation in New Hampshire known as Nashua Telegraph. Notwithstanding the order of the Federal Election Commission of February 21, 1980, the Corporation is still proposing to sponsor, conduct, control, direct and stage a debate on February 23 by and between two candidates for the Republican nomination for election to the office of President, George Bush and Ronald Reagan. The Corporation still insists on limiting participation in the debate to those two candidates, to the exclusion of all other candidates for the Republican nomination for election to the office of President.

Upon information and belief, the Corporation shall be required to expend its "in kind resources" in order to sponsor, conduct, direct and stage the subject debate, including advertising the event in its newspaper. Such expenditure of "in kind resources" would appear to be made for the prupose of influencing an election under Sections 301(8) and 301(9) of the Act; and as being made in connection with a Federal election under Section 316(a) of the Act.

Secondly, on issuance of the order by the Federal Election Commission on February 21, 1980, the Reagan for President Committee agreed to pay the costs of such debate -- believed to be $3,500. Such expenditure, if allocated on an equal basis, would appear to violate 2 U.S.C. 441(a), because the Reagan for President Committee cannot make a contribution to candidate George Bush in excess of the limits contained therein.

Thirdly, by sponsoring, conducting, directing and staging the subject debate, the Corporation is excluding five Republican candidates for nomination for President, and they are acting in concert with the Reagan for President Committee and the Bush for President Committee to accomplish this purpose. Such action

104 N. St. Asaph St., Alexandria, Va. 22314 703/836-8681
7700 LEESBURG PIKE FALLS CHURCH, VIRGINIA 22043 703/734-1270

Paid for by the Dole Committee. Ann McLaughlin, Treasurer. Corporate contributions prohibited by law. A copy of our report is filed with and is available for purchase from the Federal Election Commission, Washington, D.C.

00411 0678

appears to violate the regulations the Federal Election Commission transmitted to Congress to govern the funding and sponsorship of nonpartisan Federal candidate debates. Reference to such regulations in the Dole for President Committee complaint filed February 18 are incorporated herein by reference. The result of such action by the Corporation and the Reagan for President Committee and the Bush for President Committee do promote two candidates over the others, to the detriment of the excluded candidates.

By reason of the fact that subject debate is scheduled to be held on February 23, 1980, the attention of the Commission is called to the fact that irreparable harm will occur if this complaint is processed in accordance with the procedures set forth in Section 309(a)(4) of the Act. Therefore, it is respectfully requested that the Commission consider this complaint immediately in emergency session, and if it determines that there is a probable cause to believe that the Corporation, the Reagan for President Committee or the Bush for President Committee are about to commit a violation of the Act, authorize its General Counsel to immediately institute a civil action for relief, including a temporary injunction, under Section 307(a)(6) of the Act.

Sincerely,

DOLE FOR PRESIDENT COMMITTEE, INC.

By: [signature]
Assistant Treasurer

District of Columbia.
Subscribed and sworn to before me
this 22nd day of February, 1980.

[signature]
NOTARY PUBLIC

My Commission expires 4-30-82

00010006679

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1128

Date Filmed 5/16/80 Camera No. --- 2

Cameraman BPC

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