



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF TMR # 1274

Date Filmed 10/30/80 Camera No. --- 2

Cameraman GPC

PS Form 3811, Jan. 1979

● 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:
Mary Courett, Texas.
P.O. Box 2043
Salem, OR 97308

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	946847	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent

4. *Barbara Henderson*
DATE OF DELIVERY POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

7500 : 1979-286-848

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Jan. 1979

● 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:
Alex City Miller
Democrat Smith
P.O. Box 12868
Salem, OR 97309

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	946848	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent

4. *Peter J. Moore*
DATE OF DELIVERY POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

7500 : 1979-286-848

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 10, 1980

Alex Kitzmiller, Chairman
Democrats for Smith
P.O. Box 12868
Salem, OR 97309

Re: MUR 1274

Dear Mr. Kitzmiller:

The Federal Election Commission has reviewed the allegations of your complaint dated August 4, 1980 and determined that on the basis of the information provided in your complaint and information provided by the People for Al Ullman that 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 had 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 Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4175.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Alex Kitzmiller, Chairman
Democrats for Smith
P.O. Box 12868
Salem, OR 97309

Re: MUR 1274

Dear Mr. Kitzmiller:

The Federal Election Commission has reviewed the allegations of your complaint dated August 4, 1980 and determined that on the basis of the information provided in your complaint and information provided by the People for Al Ullman that 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 had 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 Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4175.

Sincerely,

Charles N. Steele
General Counsel

MT
10/9/80

3001022212



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

October 10, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary Connett, Treasurer
People for Al Ullman
P.O. Box 2043
Salem, OR 97308

Dear Mr. Connett:

On August 13, 1980, the Commission notified you of a complaint alleging that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on October 9, 1980, determined that on the basis of the information in the complaint and information provided by you that 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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary Connett, Treasurer
People for Al Ullman
P.O. Box 2043
Salem, OR 97308

Dear Mr. Connett:

On August 13, 1980, the Commission notified you of a complaint alleging that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1980, determined that on the basis of the information in the complaint and information provided by you that 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

MT
10/9/80

900102214



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 10, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Al Ullman
1136 Longworth House
Office Building
Washington, D.C. 20515

Dear Congressman Ullman:

On August 13, 1980, the Commission notified you of a complaint alleging that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on October 9, 1980, determined that on the basis of the information in the complaint and information provided by your committee that 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,

A handwritten signature in cursive script, appearing to read "Charles N. Steele".

Charles N. Steele
General Counsel

80040221215



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Al Ullman
1136 Longworth House
Office Building
Washington, D.C. 20515

Dear Congressman Ullman:

On August 13, 1980, the Commission notified you of a complaint alleging that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1980, determined that on the basis of the information in the complaint and information provided by your committee that 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

8001022215

MT
10/9/80

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Congressman Al Ullman)
People for Al Ullman)

MUR 1274

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 9, 1980, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1274:

1. Find NO REASON TO BELIEVE that Congressman Ullman violated 2 U.S.C. §441d.
2. Find NO REASON TO BELIEVE that the People for Al Ullman violated 2 U.S.C. §§434 and 441d.
3. Approve the letters as attached to the First General Counsel's Report dated October 6, 1980.
4. CLOSE THE FILE.

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

Attest:

10/9/80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 10-6-80, 4:33
Circulated on 48 hour vote basis: 10-7-80, 11:00

80010222117

October 6, 1980

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 1274

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

300101131

FACTUAL AND LEGAL ANALYSIS

On September 10, 1980, this office received a response from Gary Connett, treasurer of the Committee, which addressed the subject allegations. Based on statements made in Mr. Connett's response, it appears the subject mailing should be considered official business of Congressman Ullman.

This is based on the fact that the costs of the mailing and the meeting were paid for out of appropriated congressional funds. Furthermore, the House Commission on Congressional Mailing Standards ruled the mailing was properly frankable after dismissing a complaint filed by the same complainant. Thirdly, Mr. Connett states that no effort was made at the meeting to identify the Congressman as a candidate, nor was there any solicitation of financial support.

In regard to the allegation of reporting violations, the statute and legislative history make it clear that the use of appropriated funds cannot be considered an "expenditure." Pursuant to 2 U.S.C. § 431(11), the term "person" does not include "the federal government or any authority of the Federal government." The term "expenditure" includes... anything of value, made by any person for the purpose of influencing any election for Federal office" (emphasis added). 2 U.S.C. § 431(9)(A)(i). According to the House Report on the 1979 Amendments:

The phrase 'by any person' was added to the definition of expenditure to incorporate the Commission opinion that the use of appropriated funds of the Federal Government is not an expenditure. Misuse of appropriated funds is a violation of Federal law and subject to enforcement by other agencies.

H.R. Rep. No. 96-422, 96th Cong., 1st Sess. 11 (1979).

As the costs of the mailing and the meeting were paid for out of Congressman Ullman's appropriated funds, such payments cannot be considered expenditures and therefore, are not reportable by the Committee. While 39 U.S.C. § 3210(a) (5)(C) prohibits the use of the frank for the solicitation of political support, votes or financial assistance for any candidate for any public office, a violation of this statute

would not be within the FEC's jurisdiction. */

In regard to the mailing, as it did not expressly advocate the election of Mr. Ullman nor solicit any contributions, a statement pursuant to 2 U.S.C. § 441d regarding who authorized and paid for the mailing was not required. See AO 1980-67.

Based on the facts and foregoing analysis, the General Counsel recommends the Commission find no reason to believe that Congressman Ullman and the People for Al Ullman violated the Act.

Recommendation

1. Find no reason to believe that Congressman Ullman violated 2 U.S.C. § 441d.
2. Find no reason to believe that the People for Al Ullman violated 2 U.S.C. §§ 434 and 441d.
3. Approve the attached letters.
4. Close the file.

Attachments

1. Complaint
2. Response from Connett
3. Proposed letters

*/ Although the Committee did not pay for the costs of the mailing, it did pay and report the costs of the radio advertisements which advertised the July 3, 1980 meeting. Mr. Connett stated that the Committee paid for these radio spots because they highlighted the Congressman's service and availability to his constituents. The fact that the Committee paid for the ads does not necessarily mean the mailing and the meeting should be considered as campaign activities.

Democrats for Smith
Alix Kitzmiller, Chairman
A Project of Friends of Denny Smith

GCC# 2284

Attachment 1

August 4, 1980

Alix Kitzmiller
P.O. BOX 12868
Salem, OR 97309

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

Dear Sir:

This letter constitutes a complaint filed with you by Alix Kitzmiller, Chairman of Democrats for Smith, PO BOX 12868, Salem, OR 97309, in accordance with 2 U.S.C. 437g.

Upon information and belief, Rep. Ullman mailed, or caused to be mailed, as franked mail, a mass mailing consisting of an invitation to attend a meeting with Mr. Ullman at Pringle Park in Salem, Oregon, on July 3, 1980. A sample of such mailing is attached hereto as Exhibit A.

In advance of the meeting referred to in the mass mailing, People for Al Ullman, the principal campaign committee of Mr. Ullman, caused advertisements to be broadcast over the radio consisting of an invitation to attend the same meeting. The text of three such advertisements, each containing a statement as required by 2 U.S.C. 441d, are attached hereto as Exhibits B, C and D.

Furthermore, upon information and belief, Mr. Ullman was identified at the meeting as a candidate for election to the House of Representatives and support for his election was solicited from the participants.

It appears from all the facts and circumstances that Mr. Ullman and his agents considered the meeting, which was the subject of the franked mail, to be a campaign activity. The meeting was designed and intended to influence the election of Mr. Ullman to the House of Representatives.

3071022222

Accordingly, it appears that the mass mailing (Exhibit A) violated 2 U.S.C. 441d in that it did not clearly state the identity of the person who paid for or authorized the communication; it appears that People for Al Ullman may have failed to report the value of the mass mailing as a contribution or an expenditure in violation of 2 U.S.C. 434; it appears that People for Al Ullman may have failed to report the entire cost of the meeting referred to in Exhibits A, B, C and D as a contribution or an expenditure in violation of 2 U.S.C. 434.

Your attention to this matter would be appreciated

Very truly yours,

Alvin Kitzman

Sworn to before me
this 4TH day of August, 1980.

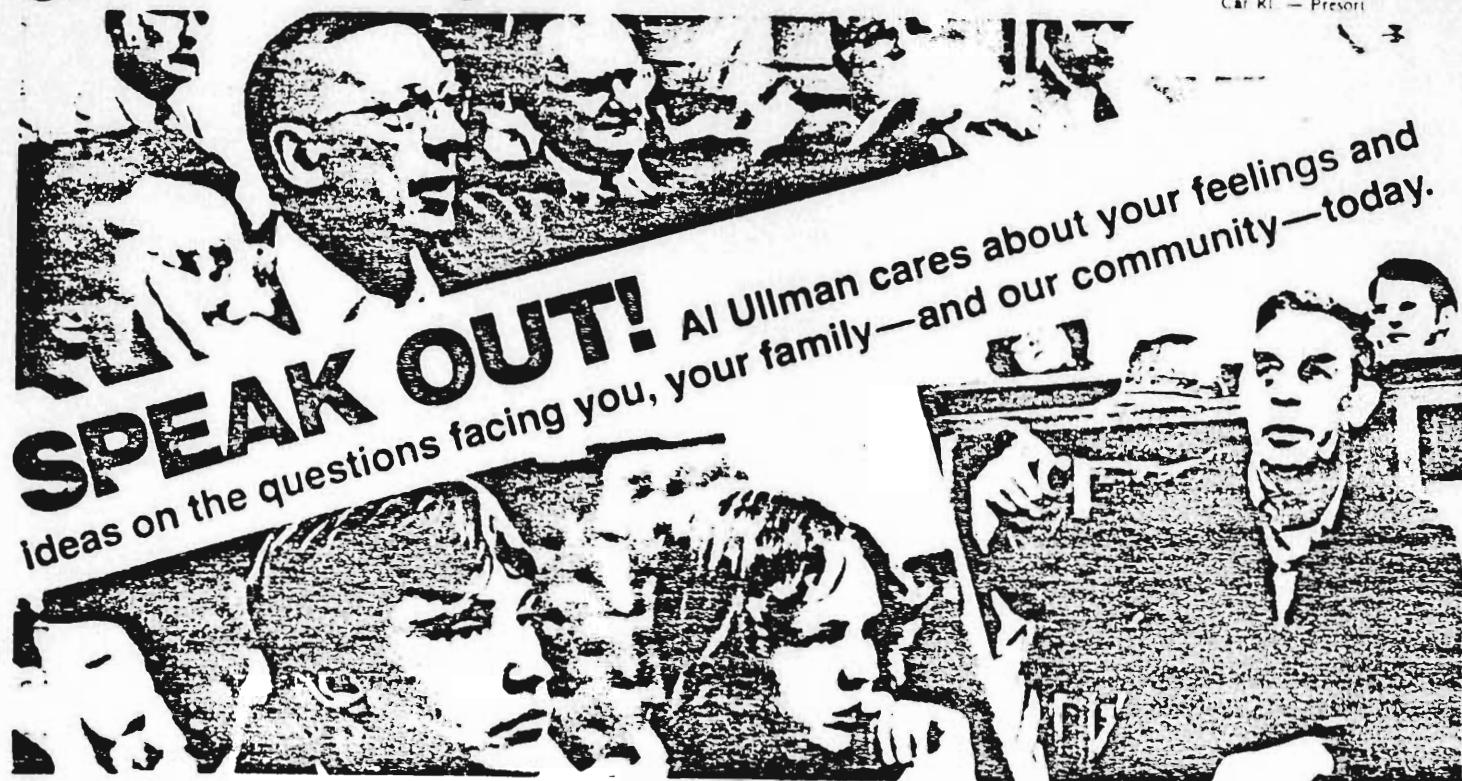
Patricia M. Buckendorf
Notary Public
Patricia M. Buckendorf

MY COMMISSION EXPIRES
3/16/84

Paid for and Authorized by
Friends of Denny Smith

300102223

Al Ullman
Bik. Pr. M.C.
Car Rt. — Presort



SPEAK OUT! Al Ullman cares about your feelings and ideas on the questions facing you, your family—and our community—today.



COME JOIN AL ULLMAN AT A COMMUNITY GET-TOGETHER

You do the talking. Congressman Al Ullman will do the listening.

GET HELP!

Al Ullman cares about the problems you and your neighbors may have with Social Security, the VA, or any other federal agency.

“Come talk with me. I’ll help you cut through the red tape.”

—Al

EXHIBIT A

Thursday, July 3 at noon

Pringle Park
Behind Salem Hospital
(Memorial Unit)
on Oak Street South

Salem

Bring brown bag lunch—
coffee provided

A new ten cent tax on gasoline. That's a bad idea. That's why I led the bill to kill the new gas tax that President Carter wanted to impose, and that was a big victory the day we won that fight.

Al Ullman's been fighting for what's best for Oregon. And its important. But Al can't do the job all by himself, he needs your advice, your ideas. Al needs to know your feelings about what's best for Oregon, for your family, and for our community. Come talk to Al at a community get-together.

Hi! This is Al Ullman. I'll be at Pringle Park in Salem at noon on Thursday, July 3. Bring some lunch. There will be free coffee and we can talk about what's on your mind. That's Pringle Park behind Salem Memorial Hospital on Oak Street, on Thursday, July the 3rd. I'll see you there.

This announcement was paid for by People for Al Ullman.

EXHIBIT B.

80010202225

I'll tell you one way to break the Arab oil stranglehold - with alternate energy - American energy, right here in Oregon. We can build new solar heated homes, we can use Oregon wheat to produce gasohol. We can break the OPEC stranglehold.

Al Ullman's been fighting for what's best for Oregon. And its important. But Al can't do the job all by himself, he needs your advice, your ideas. Al needs to know your feelings about what's best for Oregon, for your family, and for our community. Come talk to Al at a community get-together.

Hi! This is Al Ullman. I'll be at Pringle Park in Salem at noon on Thursday, July 3. Bring some lunch. There will be free coffee and we can talk about what's on your mind. That's Pringle Park behind Salem Memorial Hospital on Oak Street, on Thursday, July the 3rd. I'll see you there.

This announcement was paid for by People for Al Ullman.

You worked hard for your Social Security benefits and as long as this Oregonian is in control of the House Ways and Means Committee, nobody is going to get away with wrecking Social Security or cutting your benefits.

Al Ullman's been fighting for what's best for Oregon. And its important. But Al can't do the job all by himself, he needs your advice, your ideas. Al needs to know your feelings about what's best for Oregon, for your family, and for our community. Come talk to Al at a community get-together.

Hi! This is Al Ullman. I'll be at Pringle Park in Salem at noon on Thursday, July 3. Bring some lunch. There will be free coffee and we can talk about what's on your mind. That's Pringle Park behind Salem Memorial Hospital on Oak Street, on Thursday, July the 3rd. I'll see you there.

This announcement was paid for by People for Al Ullman.

EXHIBIT D.

300102227

Ullman of Oregon

RECEIVED

415000
GOC# 2541

80 SEP 10 All: 43

People for Al Ullman, P.O. Box 2043, Salem, Oregon 97308

Gary Connett, Treasurer. (503) 399-7045

Attachment 2

30 SEP 10 P 1:51

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

September 2, 1980

General Counsel - Attn: Mary Beth Tarrant
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

RE: MUR 1274 (80)

Dear Sir or Madam:

This constitutes a proper response to the complaint received by your office to which the above MUR number has been assigned.

In the opinion of People for Al Ullman, the complaint should be dismissed summarily because it lists facts which even if true (and People for Al Ullman believes they are not), would not constitute a violation of the Federal Election Campaign Act.

The complaint alleges three violations:

1. A mass mailing failed to contain the disclaimer as required by 2 U.S.C. 441d, 11 CFR 110.11(a)(1).
2. Failure to report the "value of the mass mailing".
3. Failure to report the "entire cost of the meeting".

As regards the first allegation, the mailing did not contain the disclaimer because the invitation was strictly official congressional business and an appropriate congressional expenditure and the Congressman's re-election campaign should not and cannot pay for such within the law. The mailing was an invitation from the Congressman to residents of a portion of the Congressional district to attend a public "town hall" meeting to discuss issues and problems of congressional concern. The July 3, 1980 meeting referred to in the complaint was such a function and no effort was made to identify the Congressman as a candidate, interject partisan politics into, or solicit political or financial support at the meeting.

3001022213

The mailing of these invitations was properly accomplished within the congressional franking privilege in accordance with the provisions of 39 U.S.C. 3210(a)(2) and (3) and in accordance with Regulations on the Use of the Congressional Frank by Members of the House of Representatives. Verification of the appropriateness was provided by the House Commission on Congressional Mailing Standards on August 27, 1980. A complaint by the same complainant as here regarding the same July 3, 1980 mailing was dismissed and the mailing held properly frankable. (attachment)

Respondent People for Al Ullman further notes that nothing in the mailing nor any of the materials submitted by complainant constitutes a "communication(s) expressly advocating the election or defeat of a clearly identified candidate or solicits any contribution". 2 U.S.C. 441d(a).

As regards the second allegation, the question of failure to report the "value of the mass mailing" by People for Al Ullman is moot. Since the mailing was a proper exercise of the franking privilege and not a campaign function, there is no "value" to report within the requirements of 2 U.S.C 434(b)(4).

As regards the third allegation of failure to report the entire cost of the meeting, it is difficult to respond because of lack of specificity in the allegation. People for Al Ullman is unable to determine what costs are referred to and, in any case, all costs of the meeting itself are borne by appropriated congressional funds.

The costs of advertisements paid for and authorized by People for Al Ullman which highlight the candidates record by service to his constituents including his continuing availability at open public meetings (such as his availability at the July 3, 1980 meeting) are recorded and duly reported in the proper reporting period. Specifically, the costs of broadcast time to highlight the Congressman's service and availability at the July 3, 1980 meeting were reported within the July 15, 1980 quarterly report.

Therefore, the complaint referred to as MUR 1274(80) is without merit. The respondent People for Al Ullman Committee requests that no further action be taken in response to the complaint and that it be summarily dismissed.

We will be pleased at your request to provide any additional information to further demonstrate that there is no possible violation of the Federal Election Campaign Act.

Sincerely,



Gary Connett-Treasurer
People for Al Ullman

GC/bk
attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Attachment 3

Alex Kitzmiller, Chairman
Democrats for Smith
P.O. Box 12868
Salem, OR 97309

Re: MUR 1274

Dear Mr. Kitzmiller:

The Federal Election Commission has reviewed the allegations of your complaint dated August 4, 1980 and determined that on the basis of the information provided in your complaint and information provided by the People for Al Ullman that 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 had 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 Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4175.

Sincerely,

Charles N. Steele
General Counsel

30040221



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Al Ullman
1136 Longworth House
Office Building
Washington, D.C. 20515

Dear Congressman Ullman:

On August 13, 1980, the Commission notified you of a complaint alleging that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1980, determined that on the basis of the information in the complaint and information provided by your committee that 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

3004022232



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary Connett, Treasurer
People for Al Ullman
P.O. Box 2043
Salem, OR 97308

Dear Mr. Connett:

On August 13, 1980, the Commission notified you of a complaint alleging that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1980, determined that on the basis of the information in the complaint and information provided by you that 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

3004022233

Ullman of Oregon

910035
CXC#
2591

RECEIVED

80 SEP 21 All: 43

People for Al Ullman, P.O. Box 2043, Salem, Oregon 97308

Gary Connett, Treasurer. (503) 399-7045

September 2, 1980

General Counsel - Attn: Mary Beth Tarrant
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

RE: MUR 1274(80)

Dear Sir or Madam:

This constitutes a proper response to the complaint received by your office to which the above MUR number has been assigned.

In the opinion of People for Al Ullman, the complaint should be dismissed summarily because it lists facts which even if true (and People for Al Ullman believes they are not), would not constitute a violation of the Federal Election Campaign Act.

The complaint alleges three violations:

1. A mass mailing failed to contain the disclaimer as required by 2 U.S.C. 441d, 11 CFR 110.11(a)(1).
2. Failure to report the "value of the mass mailing".
3. Failure to report the "entire cost of the meeting".

As regards the first allegation, the mailing did not contain the disclaimer because the invitation was strictly official congressional business and an appropriate congressional expenditure and the Congressman's re-election campaign should not and cannot pay for such within the law. The mailing was an invitation from the Congressman to residents of a portion of the Congressional district to attend a public "town hall" meeting to discuss issues and problems of congressional concern. The July 3, 1980 meeting referred to in the complaint was such a function and no effort was made to identify the Congressman as a candidate, interject partisan politics into, or solicit political or financial support at the meeting.

30040222224

30 SEP 10 P 1: 51

GENERAL COUNSEL

The mailing of these invitations was properly accomplished within the congressional franking privilege in accordance with the provisions of 39 U.S.C. 3210(a)(2) and (3) and in accordance with Regulations on the Use of the Congressional Frank by Members of the House of Representatives. Verification of the appropriateness was provided by the House Commission on Congressional Mailing Standards on August 27, 1980. A complaint by the same complainant as here regarding the same July 3, 1980 mailing was dismissed and the mailing held properly frankable. (attachment)

Respondent People for Al Ullman further notes that nothing in the mailing nor any of the materials submitted by complainant constitutes a "communication(s) expressly advocating the election or defeat of a clearly identified candidate or solicits any contribution". 2 U.S.C. 441d(a).

As regards the second allegation, the question of failure to report the "value of the mass mailing" by People for Al Ullman is moot. Since the mailing was a proper exercise of the franking privilege and not a campaign function, there is no "value" to report within the requirements of 2 U.S.C 434(b)(4).

As regards the third allegation of failure to report the entire cost of the meeting, it is difficult to respond because of lack of specificity in the allegation. People for Al Ullman is unable to determine what costs are referred to and, in any case, all costs of the meeting itself are borne by appropriated congressional funds.

The costs of advertisements paid for and authorized by People for Al Ullman which highlight the candidates record by service to his constituents including his continuing availability at open public meetings (such as his availability at the July 3, 1980 meeting) are recorded and duly reported in the proper reporting period. Specifically, the costs of broadcast time to highlight the Congressman's service and availability at the July 3, 1980 meeting were reported within the July 15, 1980 quarterly report.

Therefore, the complaint referred to as MUR 1274(80) is without merit. The respondent People for Al Ullman Committee requests that no further action be taken in response to the complaint and that it be summarily dismissed.

We will be pleased at your request to provide any additional information to further demonstrate that there is no possible violation of the Federal Election Campaign Act.

Sincerely,


Gary Connett-Treasurer
People for Al Ullman

GC/Lk
attachment

300402235

WU INFOMASTER 1-8215250248 08/28/80

ICS 1PMUAWA WSH

ZCZC 12001 NL GOVT BUWASHINGTON DC 114 08-27 523P EDT

TLX 892525 WU BU WSH

HOW AL ULLMAN

WASHINGTON DC 20515

BT

THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS ON AUGUST 27, 1980, BY A VOTE OF 5-0, DISMISSED THE COMPLAINT IN THE MATTER OF ALIX KITZMILLER V. AL ULLMAN, M.C., ON THE GROUND THAT THERE IS NO SUBSTANTIAL REASON TO BELIEVE THAT A VIOLATION OF LAWS OR REGULATIONS WITHIN THE JURISDICTION OF THE COMMISSION HAS OR IS ABOUT TO OCCUR AS ALLEGED IN THE COMPLAINT.

THE COMMISSION DISMISSED SAID COMPLAINT UNDER SECTION 5 OF THE ACT OF DECEMBER 18, 1973 (87 STAT. 743) PUBLIC LAW 93-191) AND RULE 3 OF THE RULES OF PRACTICE IN PROCEEDINGS BEFORE THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS. WRITTEN DECISION TO FOLLOW.

MORRIS H. UDALL CHAIRMAN

HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

BT

0828 237

WU BU WSH

Vertical text on the left margin: WASHINGTON TELETYPE UNIT



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Al Ullman
1136 Longworth House Office Building
Washington, D.C. 20515 Re: MUR 1274(80)

Dear Congressman Ullman:

This letter is to notify you that on August 11, 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 this complaint is enclosed. We have numbered this matter MUR 1274. 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 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.

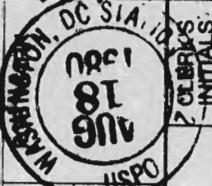
If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at 202-523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

[Handwritten Signature]
Charles N. Steele
General Counsel

Enclosures
Complaint
Procedures

3001022233

● 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). <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> Show to whom, date, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: <i>Hon. Be Ullman</i>	
3. ARTICLE DESCRIPTION: REGISTERED NO. <i>445819</i>	INSURED NO.
I have received the article described above SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent <i>[Handwritten Signature]</i>	
4. DATE OF DELIVERY	
5. ADDRESS (Complete only if requested) 	
6. UNABLE TO DELIVER BECAUSE: <i>1274 Tarrant</i>	

PS Form 3811 Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

USPO: 1977-0-246-586



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

August 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gary Connett, Treasurer
People for Al Ullman
P.O. Box 2043
Salem, Oregon 97308

Re: MUR1274(80)

Dear Mr. Connett:

This letter is to notify you that on August 11, 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 this complaint is enclosed. We have numbered this matter MUR 1274. 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 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.

300102210

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at 202-523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

Enclosures
Complaint
Procedures

1111022211

PS Form 3811 Apr 1977

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:
Mary Connett Shea kept for Al Hollman

3. ARTICLE DESCRIPTION:
 REGISTERED NO. *1R5hb* CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee of agent)
 I have received the article described above.
 SIGNATURE *CS Tarrant* Addressee Authorized agent
 DATE OF DELIVERY

4. POSTMARK
 PRINCIPLE PLAZA STA
 AUG 19 1980
 CLERKS
 INITIALS

5. ADDRESS: (Complete only if required)
 1274 Tarrant

6. UNABLE TO DELIVER BECAUSE OF:
 1274 Tarrant

1274 Tarrant

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alix Kitzmiller, Chairman
Democrats for Smith
P.O. Box 12868
Salem, Oregon 97309

Dear Mr. Kitzmiller:

This letter is to acknowledge receipt of your complaint of August 4, 1980, against Congressman Ullman and People for Al Ullman which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents 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 respondents' 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
Charles N. Steele
General Counsel

SENDER Complete items 1, 2, and 3. Add your address in the "RETURN TO" space reverse.	
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered <input checked="" type="checkbox"/> Show to whom, date, and address of delivery <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered <input type="checkbox"/> RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: <i>Alix Kitzmiller Democrats for Smith</i>	
3. ARTICLE DESCRIPTION REGISTERED NO. <i>915200</i>	CERTIFIED NO. <i>915200</i> INSURED NO.
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
4. DATE OF DELIVERY 80 AUG 29 P12:04	POSTMARK
5. ADDRESS (Complete only if requested)	
6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS	

☆GPO 1977-0-249-595

1274

Democrats for Smith
Alix Kitzmiller, Chairman
A Project of Friends of Denny Smith

(2) (4) #
2024

August 4, 1980

Alix Kitzmiller
P.O. BOX 12868
Salem, OR 97309

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

Dear Sir:

This letter constitutes a complaint filed with you by Alix Kitzmiller, Chairman of Democrats for Smith, PO BOX 12868, Salem, OR 97309, in accordance with 2 U.S.C. 437g.

Upon information and belief, Rep. Ullman mailed, or caused to be mailed, as franked mail, a mass mailing consisting of an invitation to attend a meeting with Mr. Ullman at Pringle Park in Salem, Oregon, on July 3, 1980. A sample of such mailing is attached hereto as Exhibit A.

In advance of the meeting referred to in the mass mailing, People for Al Ullman, the principal campaign committee of Mr. Ullman, caused advertisements to be broadcast over the radio consisting of an invitation to attend the same meeting. The text of three such advertisements, each containing a statement as required by 2 U.S.C. 441d, are attached hereto as Exhibits B, C and D.

Furthermore, upon information and belief, Mr. Ullman was identified at the meeting as a candidate for election to the House of Representatives and support for his election was solicited from the participants.

It appears from all the facts and circumstances that Mr. Ullman and his agents considered the meeting, which was the subject of the franked mail, to be a campaign activity. The meeting was designed and intended to influence the election of Mr. Ullman to the House of Representatives.

10 AUG 12 1980

RECEIVED
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

3004022213

Accordingly, it appears that the mass mailing (Exhibit A) violated 2 U.S.C. 441d in that it did not clearly state the identity of the person who paid for or authorized the communication; it appears that People for Al Ullman may have failed to report the value of the mass mailing as a contribution or an expenditure in violation of 2 U.S.C. 434; it appears that People for Al Ullman may have failed to report the entire cost of the meeting referred to in Exhibits A, B, C and D as a contribution or an expenditure in violation of 2 U.S.C. 434.

Your attention to this matter would be appreciated

Very truly yours,

Denny Smith

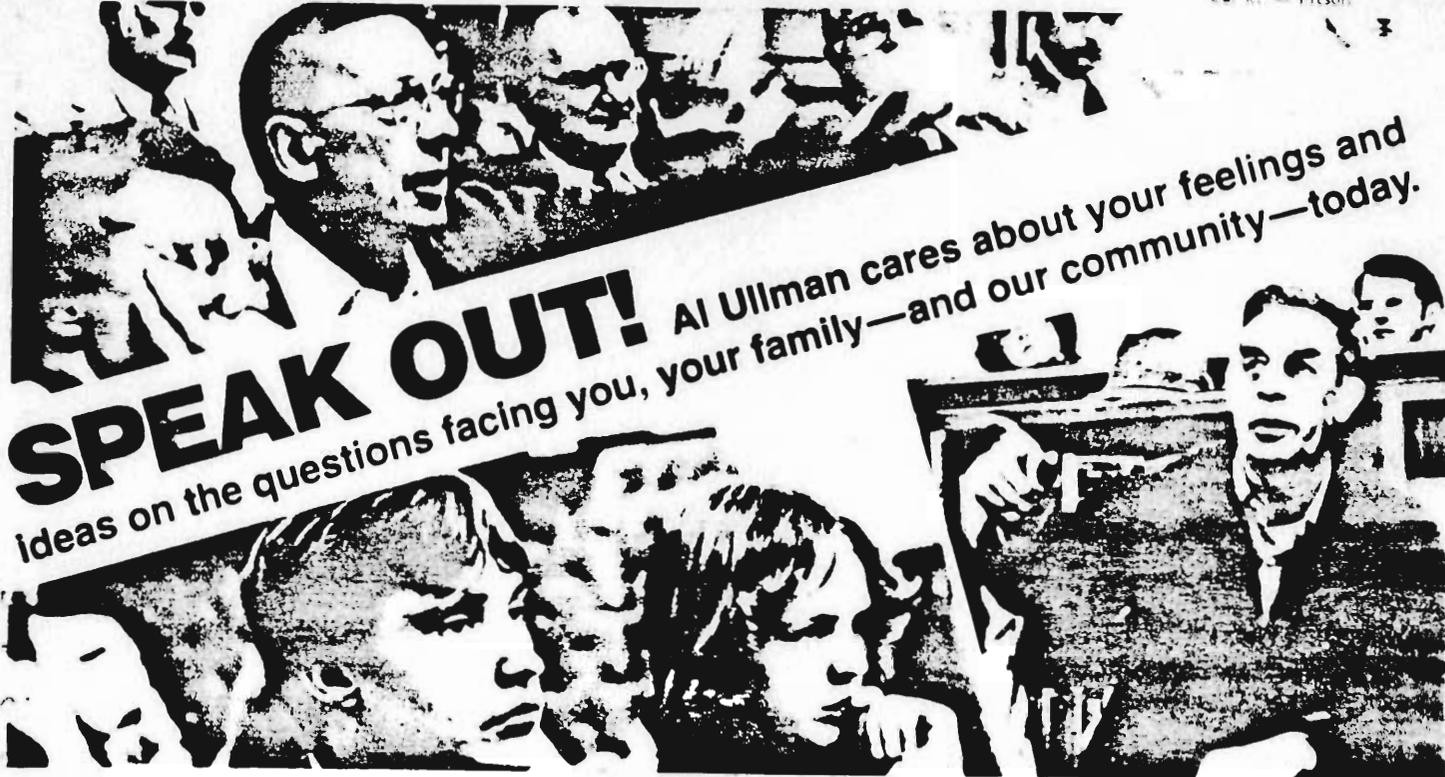
Sworn to before me
this 4TH day of August, 1980.

Patricia M. Buckendorf
Notary Public
Patricia M. Buckendorf

MY COMMISSION EXPIRES
3/16/84

Paid for and Authorized by
Friends of Denny Smith

8004022214



SPEAK OUT! Al Ullman cares about your feelings and ideas on the questions facing you, your family—and our community—today.



COME JOIN AL ULLMAN AT A COMMUNITY GET-TOGETHER

You do the talking. Congressman Al Ullman will do the listening.

GET HELP!

Al Ullman cares about the problems you and your neighbors may have with Social Security, the VA, or any other federal agency.

“Come talk with me. I’ll help you cut through the red tape.”

—Al

EXHIBIT A

Thursday, July 3 at noon

Pringle Park
Behind Salem Hospital
(Memorial Unit)
on Oak Street South

Salem

Bring brown bag lunch—
coffee provided

A new ten cent tax on gasoline. That's a bad idea. That's why I led the bill to kill the new gas tax that President Carter wanted to impose, and that was a big victory the day we won that fight.

Al Ullman's been fighting for what's best for Oregon. And its important. But Al can't do the job all by himself, he needs your advice, your ideas. Al needs to know your feelings about what's best for Oregon, for your family, and for our community. Come talk to Al at a community get-together.

Hi! This is Al Ullman. I'll be at Pringle Park in Salem at noon on Thursday, July 3. Bring some lunch. There will be free coffee and we can talk about what's on your mind. That's Pringle Park behind Salem Memorial Hospital on Oak Street, on Thursday, July the 3rd. I'll see you there.

This announcement was paid for by People for Al Ullman.

EXHIBIT B.

8004022215

I'll tell you one way to break the Arab oil stranglehold - with alternate energy - American energy, right here in Oregon. We can build new solar heated homes, we can use Oregon wheat to produce gasohol. We can break the OPEC stranglehold.

Al Ullman's been fighting for what's best for Oregon. And its important. But Al can't do the job all by himself, he needs your advice, your ideas. Al needs to know your feelings about what's best for Oregon, for your family, and for our community. Come talk to Al at a community get-together.

Hi! This is Al Ullman. I'll be at Pringle Park in Salem at noon on Thursday, July 3. Bring some lunch. There will be free coffee and we can talk about what's on your mind. That's Pringle Park behind Salem Memorial Hospital on Oak Street, on Thursday, July the 3rd. I'll see you there.

This announcement was paid for by People for Al Ullman.

3004022217

You worked hard for your Social Security benefits and as long as this Oregonian is in control of the House Ways and Means Committee, nobody is going to get away with wrecking Social Security or cutting your benefits.

Al Ullman's been fighting for what's best for Oregon. And its important. But Al can't do the job all by himself, he needs your advice, your ideas. Al needs to know your feelings about what's best for Oregon, for your family, and for our community. Come talk to Al at a community get-together.

Hi! This is Al Ullman. I'll be at Pringle Park in Salem at noon on Thursday, July 3. Bring some lunch. There will be free coffee and we can talk about what's on your mind. That's Pringle Park behind Salem Memorial Hospital on Oak Street, on Thursday, July the 3rd. I'll see you there.

This announcement was paid for by People for Al Ullman.

EXHIBIT D.

3004022213

Friends of Denny Smith
P. O. Box 12868
Salem, Oregon 97309

3 0 0 1 2 2 2 2 1 7



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

RETURN RECEIPT
REQUESTED

REGISTERED
NO. 9247



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1274

Date Filmed 10/30/80 Camera No. --- 2

Cameraman: GPC