FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1333

Date Filmed 4/1/82 Camera No. --- 2

Cameraman DPC

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1333
Stewart R. Mott	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 3, 1982, the Commission decided by a vote of 6-0 to take the following actions in MUR 1333:

1. Take no further action.
2. Close the file.
3. Send the letter as attached to the General Counsel's Report signed May 28, 1982.

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

Attest:

6-3-82
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 5-28-82, 3:30
Circulated on 48 hour tally basis: 6-1-82, 11:00

32040332267

FEDERAL ELECTION COMMISSION

1) Posting slip

2) 48 hour ballots and objection memo

3) Extra - OGC memo

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

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

Signed Jonathan M. Fleer

date 6/17/82

FEC 9-21-77

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 7, 1982

Paul D. Kamenar, Esquire
1015 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005

RE: MUR 1333

Dear Mr. Kamenar:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on November 5, 1980, found reason to believe that your client, Stewart R. Mott, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3), provisions of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available, the Commission has determined to take no further action against your client. The Commission reminds your client, however, that it is nevertheless a violation for a person to make expenditures in cooperation, consultation, or concert with a candidate or his agent, or at the request or suggestion of a candidate or his agent, if such expenditures exceed the limitations of 2 U.S.C. § 441a. Furthermore, if the person making the expenditures is himself an agent of the candidate, the expenditures are subject to the limitations of 2 U.S.C. § 441a. Your client should insure that this does not occur in the future.

The file in this matter will be made public within 30 days after this matter has been closed. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

32040332269

If you have any questions, please contact Jonathan Levin at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

32040332270

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

32040332272

May 28, 1982

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kagson

SUBJECT: MUR 1333

Please have the attached General Counsel's Report distributed to the Commission on a 48 hour tally basis. Thank you.

Attachment

cc: Levin

32040332273

SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1333
Stewart R. Mott)

GENERAL COUNSEL'S REPORT

I. Statement of the Case

This matter was referred to the Office of General Counsel by the Reports Analysis Division in regard to a possible violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) by Stewart R. Mott. It appeared that Mr. Mott may have made expenditures that were not independent and were, therefore, in-kind contributions, totalling $95,181 in support of John B. Anderson's presidential candidacy.

The evidence available at the outset of this matter indicated that Mr. Mott made $95,181 in expenditures for the purposes of obtaining radio time and newspaper space and for the "collection of signatures to support John Anderson for President" at the time that Mott Enterprises, a company apparently connected closely with Mr. Mott, was receiving compensation from the Anderson for President Committee ("the Committee") in the amount

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of $131,500 for mailing services, including direct mail testing.[1]

The receipt by Mr. Mott's organization of compensation or reimbursement from Anderson's committee or his agent prior to or at the time that Mr. Mott made his expenditures raised the presumption, in the General Counsel's view, that Mr. Mott's expenditures were made by an arrangement, coordintion, or direction by Anderson or his agent. See 11 C.F.R. § 109.1(b)(4)(i)(B). [2] Such an arrangement, coordination, or direction would destroy the independence of Mr. Mott's expenditures and make them in-kind contributions.

---

[1] Anderson Committee reports list payments to Mott Enterprises on March 5, 1980, for "test mailing and fee" and on March 18, 1980, for "mailing services." Stewart Mott's expenditures appear to have been made during the period of March 11 through March 21, 1980. Included in the initial $95,181 Mott expenditure figure was $5,000 reported on April 11, 1980, by Mr. Mott for the "collection of signatures" in support of John Anderson. Six days later, Mr. Mott reported that "no reportable expenditure for such purpose" had been made by him. Mr. Mott later explained that he had contributed to a citizens group which was interested in having Anderson's name placed on the general election ballot in Massachusetts. This money was not used by this group and was eventually returned to Mr. Mott.

[2] The pertinent language of the regulation requires that the expenditures in question be made by or through a person who has been compensated by the candidate's campaign. Although it did not appear that Mr. Mott made his expenditures through Mott Enterprises, it seemed plausible that, because Mr. Mott was connected with Mott Enterprises, he himself was compensated by the Anderson campaign and thus his expenditures were made by a person compensated by the campaign.

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In addition, it was clear that there were arrangements between the Committee and Mott Enterprises regarding the provision of and payment for the $131,500 in services. Because such contact between the Committee and Mott Enterprises involved the provision of an extensive amount of services, it appeared likely that the Committee gave information to Mott Enterprises, and hence to Mr. Mott, about its resources and needs prior to the time of Mr. Mott's expenditures.

The Office of General Counsel submitted a report to the Commission recommending that it open a Matter Under Review (MUR) and find reason to believe that Stewart Mott violated 2 U.S.C. § 441a(a)(1)(A) and (a)(3) and that the Anderson for President Committee violated 2 U.S.C. §§ 441a(f) and 434(b). The Commission voted on November 5, 1980, to open a MUR and find reason to believe against Stewart Mott, but there were insufficient votes to find reason to believe against the Anderson for President Committee. The Commission approved written questions to be sent to Mr. Mott only. These questions requested information as to the nature and purpose of Mott Enterprises and its relationship to Mr. Mott, the nature of the services provided by Mott Enterprises, and the contacts that may have occurred between Mr. Mott or his agents and John Anderson, his committee, or his agents.

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On December 15, 1980, this office received a reply which included a legal analysis of the matter from Mr. Mott's attorney, Paul Kamenar, and a sworn affidavit from Mr. Mott, replying to our questions. Both the analysis and the affidavit challenged the validity of the application of 11 C.F.R. § 109.1(b)(4)(i)(B) and maintained that Mr. Mott's expenditures were independent.

Mr. Mott and his attorney asserted that the presumption of coordination contained in the regulation goes beyond the scope of the statute. They further maintained that, while Mr. Mott is the owner and Chairman of the Board of Mott Enterprises, Mott Enterprises "is a corporation and is thus a separate legal entity from Mr. Mott the individual."

Mr. Kamenar and Mr. Mott also maintained that, apart from the presumption, the expenditures "were not <u>in fact</u> made by any 'arrangement, coordination, or direction'" between Mr. Mott and John Anderson or the Anderson campaign. Mr. Mott admitted that, while he did not have any "substantive contacts with the candidate or his campaign" concerning the direct mail services provided by Mott Enterprises, the President of Mott Enterprises (Daphne Dwyer) had several contacts with the campaign concerning the services. Mr. Mott also admitted that both he and his staff had contacts with Mr. Anderson and his staff, other than Ms. Dwyer's contacts with the campaign, but maintained that none of these contacts related either to Mott Enterprises' services or to his expenditures.

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Because the response and affidavit of Mr. Mott indicated that indeed several contacts had been made between Mr. Mott and the Anderson campaign, and because this office felt that a reason to believe finding should be made against the Anderson campaign as a predicate for directing questions to Anderson campaign officials, we again recommended to the Commission that they find reason to believe the Anderson for President Committee violated 2 U.S.C. §§ 441a(f) and 434(b). See General Counsel's Report sent to Commission April 15, 1981. The Commission rejected this recommendation, however, and directed this office to investigate the possible violations of Stewart Mott by deposing Mr. Mott and any appropriate representative of Mr. Mott or Mott Enterprises. On May 1, 1981, the Commission issued subpoenas for documents and deposition to Mr. Mott and Ms. Dwyer. OGC staff deposed Mr. Mott and Ms. Dwyer on July 21, 1981.

II. Legal Analysis

A. The law applicable

Unlimited independent expenditures by an individual in connection with an election to federal office are permitted pursuant to the United States Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1, 39-51 (1976). Commission regulations define

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the term "independent expenditure" to mean

> an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

11 C.F.R. § 109.1(a). See also 2 U.S.C. § 431(17).

According to 11 C.F.R. § 109.1(b)(4)(i), "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" means "[a]ny arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication." Under 11 C.F.R. § 109.1(b)(4)(i), an expenditure will be presumed to be made by such "arrangement, coordination, or direction" if

> (A) [b]ased on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;
>
> (B) [m]ade by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent.

11 C.F.R. § 109.1(b)(4)(i).

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Expenditures that are not independent are in-kind contributions subject to the limits of 2 U.S.C. § 441a. See 2 U.S.C. § 441a(a)(7)(B)(i). Contributions aggregating in excess of $1,000 to any candidate and his authorized political committees with respect to any election for federal office are prohibited by 2 U.S.C. § 441a(a)(1)(A). According to 2 U.S.C. § 441a(a)(3), no individual may make contributions aggregating over $25,000 during a calendar year.

B. Application of the facts to the law

In seeking to verify whether in fact Mr. Mott's expenditures were independent, this office explored several factual issues: (1) whether Mr. Mott was working for the Anderson campaign at the time his expenditures were made, (2) whether anyone working for the Anderson campaign gave their consent to, or requested or suggested, the Mott expenditures, (3) whether and to what extent Mr. Mott was involved with Mott Enterprises' services for the Anderson campaign, and (4) whether the Anderson campaign gave any information to Mr. Mott, through Mott Enterprises or otherwise, with a view toward having Mott make expenditures.

If Mr. Mott was working for the Anderson campaign at the time his expenditures were made it could be argued that he was an "agent" of the Anderson campaign and his expenditures would clearly be non-independent. See 2 U.S.C. § 431(17); 11 C.F.R. § 109.1(b)(4)(i). If Mr. Mott had been authorized to raise or

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expend funds for the Anderson campaign or had received compensation or reimbursement from the Anderson campaign, the presumption would arise that his expenditures were non-independent. See 11 C.F.R. § 109.1(b)(4)(i)(B). Also, if Mr. Mott's expenditures had been made through Mott Enterprises, which clearly was compensated by the Anderson campaign, the presumption would arise that his expenditures were non-independent. Id. 3/

Mr. Mott stated in deposition that he had some contact with the Anderson campaign prior to making expenditures advocating John Anderson's election. In early January, 1980, Mr. Mott

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3/ The effect of these presumptions would appear to be governed by Federal Rule of Evidence 301:

> In all civil actions and proceedings not otherwise provided for by Act of Congress or by these rules, a presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of the risk of nonpersuasion, which remains throughout the trial upon the party on whom it was originally cast.

The Conference Committee Report explaining Fed.R.Evid. 301, H.R. Conf. Rep. No. 93-1597, indicates that if a party offers no evidence contradicting the presumed fact, the factfinder may make the presumption if the basic facts supporting the presumption are shown. If the party does offer evidence contradicting the presumed fact, the factfinder cannot make the presumption, though it may infer the existence of the presumed fact if the basic facts are shown. In other words, if a party offers contradicting evidence, the factfinder may only weigh the evidence of the basic facts (that would otherwise support a presumption) against the contradicting evidence. In the present context, this would mean that if a respondent offers evidence contradicting a presumption that his or her expenditures were coordinated, the factfinder may no longer presume there was coordination, though it may weigh evidence that would otherwise support a presumption (for example, evidence that the respondent had been compensated by the candidate) against whatever contradicting evidence the respondent presents. See Leguille v. Dann, 544 F.2d 1 (D.C. Cir. 1976).

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attended a fundraiser at which he and his wife each contributed $1,000 to the Anderson campaign. He hosted a fundraiser for the campaign at his home in New York City on February 5, 1980, which appears to have been arranged through contacts between Mr. Mott and local Anderson campaign staff. In his deposition, he did not recall whether the fundraiser was set up at his initiative or at the campaign's initiative. Donations made at this fundraiser were turned over to the Committee. Mr. Mott stated that he had conversations at this fundraiser with Anderson staff in which the campaign's financial needs were discussed "only in most general terms." Deposition of Mott, p. 30. He also stated that there was no discussion of any possible independent expenditures because he "wasn't contemplating making them and [he] wasn't making them" at the time. Deposition of Mott, p. 31. Mr. Mott also gave a speech at this fundraiser asking for contributions to the campaign, but he did not recall anyone stating the purpose for which the funds would be spent. Another fundraiser was held at his Washington, D.C., residence during the third week of February, "featuring the key people in the Anderson campaign." Deposition of Mott, p. 33. Although Mr. Mott was a co-host, he did not attend the fundraiser.

At no time was Mott an officer or paid employee of the Committee. It does not appear from the evidence available that Mott had authority to authorize the expenditure of Committee funds, except to the extent he coordinated with campaign staff as

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to the Committee's payment of expenses for the fundraisers with which he was involved.

Mr. Mott stated that he first considered making expenditures advocating the election of John Anderson on March 1 when he conversed with Tony Schwartz and Joe Napolitan, two media experts who apparently did not have an "existing business relationship" with the Anderson campaign. During this conversation, the idea of producing radio advertisements was conceived. Deposition of Mott, p. 38. Mr. Mott testified that neither he nor the individuals or firms assisting him in the production of advertisements had any contact with the Anderson campaign with respect to the advertisement expenditures. Mr. Mott stated that, during March, when the advertisements were conceived, produced, and aired, he had no contact whatsoever with the campaign. Deposition of Mott, p. 71.

Mr. Mott had communications with the Anderson campaign in April, after the purchases of the advertisements. On or about April 14, 1980, David Garth (who became the manager of Mr. Anderson's independent general election campaign) and Mr. Anderson asked Mr. Mott to abstain from independent efforts to have Anderson's name placed on general election ballots in various states. Mr. Mott testified that he did not heed this request, however, and that he continued such efforts for several days after the request to stop. During the month of May, Mr. Mott wrote two memoranda to Mr. Anderson giving advice on the

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overall conduct of an independent candidacy. He testified that he conversed with Anderson once and with other campaign officials on two occasions. Mr. Mott estimated the date of his "official" entrance into the independent general election campaign as August 1 when he attended a national finance meeting after having been asked to help with fundraising.

The evidence thus indicates that Mr. Mott participated in some activities of the campaign prior to his expenditures, i.e., hosting two fundraisers, attending another fundraiser, and conversing with the candidate and his staff. However, Mr. Mott's participation in the Anderson campaign does not appear extensive or ongoing, and his testimony indicates that his participation in the campaign was not used by him or the Anderson campaign as a vehicle for him to obtain knowledge of the campaign's plans and needs or to incorporate such information in decisions regarding the making of expenditures. Indeed, his sworn testimony indicates that it was not until after his participation in these activities that Mr. Mott even thought about expending money for expenditures advocating the election of John Anderson. 4/

4/ In MUR 321, the Commission found reasonable cause to believe that Peter Secchia and a committee chaired by him violated 2 U.S.C. § 441a(a)(1)(A) by making excessive in-kind contributions to the President Ford Committee ("PFC"). In that matter, respondent Secchia was authorized to raise and expend funds for the PFC and was reimbursed by the PFC. Mr. Secchia's participation in the activities of the PFC prior to the "independent" expenditures included extensive fundraising and initiation and implementation of a campaign technique known as "scatter blitzing." During the making of independent expenditures by Mr. Secchia and his committee, Mr. Secchia continued his involvement in the campaign, including further communication with "scatter blitzers" and communications with PFC staff and with President Ford. After the cessation of "independent" activity, Mr. Secchia engaged in some Ford campaign activities. Thus, the facts in MUR 321 differ from the facts in the present matter. Mr. Mott appears to have suspended his involvement in the Anderson campaign while conducting independent activities, unlike Mr. Secchia who maintained his involvement with the Ford campaign.

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It is true that Mott apparently was authorized to raise funds on behalf of the Anderson campaign before he made his expenditures and that this potentially raises the presumption that his expenditures were non-independent. See 11 C.F.R. § 109.1(b)(4)(i)(B). However, as Mott has offered contradicting evidence to the effect that he broke off all contact with the Anderson campaign and that no one in the Anderson campaign knew of, or authorized in any way his expenditures, the presumption of coordination cannot be made; instead, the fact that Mott was authorized at one time to raise funds must be weighed with the other evidence available. See footnote 3, supra.

The testimony of Ms. Dwyer and Mr. Mott revealed that Mr. Mott was only marginally involved in decisions as to Mott Enterprises' provision of services to the Committee. He seems to have discussed the financial risks of doing the mailings with Ms. Dwyer and reviewed data as to the success of the mailings. It appears, however, that Ms. Dwyer was responsible for making the arrangements for Mott Enterprises' part in the transaction. Ms. Dwyer stated that there was no practice of keeping Mr. Mott generally informed of what Mott Enterprises was doing for the Anderson campaign. It appears that communications with respect to the direct mail transaction occurred between Ms. Dwyer and the campaign and not between Mr. Mott and the campaign. It does not

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appear from the evidence available that Mr. Mott or the Anderson campaign used Mott Enterprises' involvement in the mail services transaction as a vehicle for providing information about the Anderson campaign's needs and resources.

Mr. Mott's expenditures were not made through Mott Enterprises. It appears, from the independent expenditure reports filed by Mr. Mott, that Dresner Mercurio, Inc., New Sounds, Inc., Landco Labs, Inc., and Shaller Rubin Associates, Inc., were the vendors utilized for his expenditures. While, according to Mr. Mott's attorney, transcripts of the radio announcements purchased by Mr. Mott are not available, the newspaper advertisement has been obtained. In general terms, it extols the virtues of John Anderson and encourages readers to support his campaign. There appears to be no information contained in the advertisement that was not a matter of general public knowledge at the time. There is no basis, in the General Counsel's view, for believing that the advertisement came about through knowledge or expertise that could only be developed or provided by someone working closely with the Anderson campaign. Nor is there any basis for assuming that it was derived from the knowledge or expertise that Mott Enterprises may have developed in providing direct mail services for the campaign.

The evidence we have been able to discover does not, in the General Counsel's view, provide a sufficient predicate for

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finding probable cause to believe that Mr. Mott violated 2 U.S.C. § 441a(a)(1)(A) and (a)(3). As noted earlier, the Commission twice rejected the recommendation that reason to believe be found against the Anderson for President Committee and that discovery be directed to Anderson campaign officials. Accordingly, we have not explored whether any Anderson campaign officials might deny Mott's allegations that no coordination took place and that he was not an agent of the Anderson campaign at the time he made his expenditures. While there is evidence that Mott was at one time authorized to raise funds on behalf of the Anderson campaign and that a firm of which he was owner and president was compensated by the Anderson Committee, this evidence must be weighed against the other evidence available without making the presumption that coordination occurred.

In light of the fact that the evidence is very evenly balanced, the fact that no discovery from Anderson campaign officials has been obtained to date, and the fact that it is unlikely that additional investigation would be fruitful now, the Office of General Counsel recommends that the Commission vote to take no further action in this case.

12040332287

III. RECOMMENDATION

1. Take no further action.

2. Close the file.

3. Send the attached letter.

5-28-82
Date

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachment:
Letter to Counsel

3204033288

(1)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Paul D. Kamenar, Esquire
1015 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005

RE: MUR 1333

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After considering all the evidence available, the Commission has determined to take no further action against your client. The Commission reminds your client, however, that it is nevertheless a violation for a person to make expenditures in cooperation, consultation, or concert with a candidate or his agent, or at the request or suggestion of a candidate or his agent, if such expenditures exceed the limitations of 2 U.S.C. § 441a. Furthermore, if the person making the expenditures is himself an agent of the candidate, the expenditures are subject to the limitations of 2 U.S.C. § 441a. Your client should insure that this does not occur in the future.

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If you have any questions, please contact Jonathan Levin at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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Scott –

Per our conversation yesterday –

PK

RECEIVED
JUL 22 P3:11
GENERAL COUNSEL
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From
Paul Kamenar

ANDERSON FOR PRESIDENT COMMITTEE
25 K ST NORTHEAST
WASHINGTON DC 20002

Mailgram

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2027898700 MGM TDMT WASHINGTON DC 243 04-13 0756P EST

Gec #5116

MOR 333

MR STEWART R. MOTT
800 PARK AVE
NEW YORK NY 10021

1 JUL 22 P 3:11

DEAR STEWART,

IN THE LAST FEW DAYS I HAVE SEEN PRESS REPORTS THAT YOU AND OTHERS HAVE BEGUN TO UNDERTAKE EFFORTS WHICH MIGHT RESULT IN PLACING MY NAME ON THE BALLOTS FOR THE GENERAL ELECTIONS IN NEW JERSEY AND MASSACHUSETTS.

WHILE I DEEPLY APPRECIATE THE INTEREST AND CONFIDENCE YOU HAVE EXPRESSED IN MY CANDIDACY, I MUST ASK YOU TO TAKE NO FURTHER STEPS TO PURSUE WHATEVER EFFORTS YOU MAY HAVE UNDERTAKEN.

I HOPE, STEWART, THAT YOU UNDERSTAND THAT THIS COMMUNICATION IS NOT WRITTEN OUT OF ANY DISREPECT OF YOU OR OUT OF DISREGARD FOR OUR FRIENDSHIP. RATHER, IT IS INTENDED TO SET FORTH MY FEELING THAT UNLESS MY UNEQUIVOCAL DISAVOW OF YOUR ACTIVITIES IS PUT ON THE RECORD IN THIS FASHION, THERE COULD BE LEGAL CONSEQUENCES THAT COULD CONCEIVABLY IMPAIR FURTHER ACTIONS THAT I MIGHT CONTEMPLATE.

I HAVE ASKED A GROUP HEADED BY DAVID GARTH TO STUDY VARIOUS ISSUES RELATED TO MY CAMPAIGN FOR NOMINATION FOR ELECTION TO THE PRESIDENCY. I BELIEVE THAT MY CAMPAIGN WILL BE SUCCESSFUL ONLY IF I, AND I ALONE, REMAIN IN A POSITION TO CONTROL AND DIRECT IT. CONSEQUENTLY, I HAVE NOT AND CANNOT AUTHORIZE ANYONE OTHER THEN DAVID GARTH, HIS GROUP AND MY EXISTING CAMPAIGN ORGANIZATION TO UNDERTAKE ANY INITIATIVES.

I ASK THAT EFFECT IMMEDIATELY YOU STOP WHATEVER ACTIVITIES YOU HAVE UNDERTAKEN ON MY BEHALF.

WITH WARMEST PERSONAL REGARDS, I AM VERY TRULY YOURS,
CONGRESSMAN JOHN B. ANDERSON

19:57 EST

MGMCOMP MGM

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

81 JUL 14 P6:22

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

(202) 393-6338

HAND-DELIVER

July 14, 1981

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

RE: MUR 1333

Dear Mr. Levin:

Please find enclosed the documents that are being voluntarily provided to the FEC.

All documents are to be treated as confidential. Further, deleted information is proprietary information which the client does not wish to be released.

As always, respondents reserve all rights in the premises.

Very truly yours,

Paul D. Kamenar

encls

3204033229 3

Shaller
Rubin
Associates

909 THIRD AVENUE, NEW YORK, NEW YORK 10022 · 980-5300

CONTACT: Stewart Mott: (212) 421-2155
(813) 983-8151
(813) 983-8121

Milton Shaller: (212) 980-5300

Tony Schwartz: (212) 581-5025

FOR RELEASE: Saturday, March 22, 1980

ANDERSON RECEIVES
MAVERICK SUPPORT

Dateline: 23 March, N.Y.C.

Stewart Mott, political maverick and philanthropist, announced yesterday that he had embarked on an independent campaign expenditure on behalf of both John Anderson and Ted Kennedy for President. He started with radio commercials in New York City and Illinois to promote Anderson's candidacy. This independent campaign for Anderson is continuing with 60-second and 30-second spots in Connecticut and Wisconsin at a cost of some $80,000.

Today, Mott, heir to a General Motors fortune, is broadening his campaign to support "the best candidate in each major party" by placing two full-page advertisements in the New York Times urging New York and Connecticut supporters to vote for Anderson and Kennedy and send financial support. The two-page ad cost Mott approximately $40,000 and, according to a disclaimer in the ad, was not, "authorized by either the Anderson or Kennedy campaigns."

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Shaller
Rubin
Associates

· 909 THIRD AVENUE, NEW YORK, NEW YORK 10022 · 980-5300

CONTACT: FOR RELEASE:

The radio commercials which Mott paid for were conceived and produced by political consultant Joe Napolitan of Springfield, Mass. and by the radio media expert, Tony Schwartz of N.Y.C. Both provided their services to assist Mott in developing the radio campaign for Anderson.

The full-page ads in the New York Times were developed and placed by Shaller Rubin Associates, NYC.

Twelve years ago, Mott placed his first "double-truck" ad in the New York Times in support of Nelson Rockefeller for President. Subsequently, he shifted gears and spent $210,000 on the 1968 Eugene McCarthy campaign for the Democratic nomination and another $100,000 for the Rockefeller candidacy in 1968. The following year he supported both Republican John Lindsay and Democrat Herman Badillo in their respective primaries for the mayoralty race in N.Y.C.

In 1972, Mott was a McGovern supporter and provided $400,000 for that race, the largest single amount from any individual donor.

Since then, with the advent of federal campaign finance laws which restrict donors to $1000 per election, Mott has been a persistent opponent of the Federal Election Campaign Act (FECA). In 1975, he joined with co-plaintiffs James Buckley of New York and

Shaller
Rubin
Associates

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CONTACT: FOR RELEASE:

and Eugene McCarthy to challenge the provisions of the FECA which restrict individual donations to federal candidates to only $1000 per election. Further, the Buckley vs. Valeo lawsuit challenged the restrictions of the FECA on independent expenditures.

Since 1975, the Federal Election Commission issued regulations restricting the right of like-minded individuals to join together and make expenditures exceeding $1000 each in support of or against the candidacy of a federal candidate. Thus, a political advocate such as Norman Lear, who recently paid $50,000 for newspaper ads in an independent expenditure for John Anderson in the 1980 Massachusetts primary, would be prevented from joining Mott in his current activities.

In December 1979, Mott joined with the National Conservative Political Action Committee and other plaintiffs in filing Mott vs. FEC, a challenge to the FEC regulations, to seek a judicial ruling that he could indeed join together with political donors such as Norman Lear and others in making independent expenditures, exceeding $1000 per donor.

John Anderson's campaign has benefitted from the intervention of many independents and liberal-progressive Democrats such as Mott, Lear and others. Mott believes that Anderson's strong showings in Massachusetts and Vermont are likely to be repeated in Connecticut and Wisconsin on March 25th and April 1st.

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Associates

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CONTACT: FOR RELEASE:

Together, these independent expenditures of $120,000 represent the largest initiative by any single donor to the 1980 Presidential process. Restricted by the recently-enacted campaign finance laws, political fat-cats are limited by a $1000 ceiling in their donations to Presidential campaigns. However, owing to the 1975 Supreme Court decision, Buckley vs. Valeo, in which Mott was a plaintiff, independent expenditures of unlimited amounts are permitted provided there is an absence of any "coordination or pre-arrangement" with the candidate or the candidate's committee.

Mott, who gave a fund-raiser at his home in NYC for Anderson on Feb. 5th, asserts that he engaged in no cooperation or consultation with the Anderson campaign in planning his advertising program. Mott also serves on the National Finance Committee for the Kennedy campaign, but asserts further that the staff of the Kennedy campaign had no prior knowledge of the Sunday New York Times insertion.

Asked why he was supporting two separate competing Presidential campaigns, Mott said: "these are the only candidates in either of the two major parties who are presenting a reasoned, thoughtful view of domestic and foreign policy for the 1980's and I would be delighted if, in November, the electorate could be presented with a choice between these two best nominees."

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ANDERSON for PRESIDENT

The Anderson for President Committee 1100 Talcott Bldg., Rockford, IL 61101 815/964-3258

William G. Bradford
Campaign Manager

January 17, 1980

Mr. Stewart R. Mott
800 Park Avenue
New York, NY 10021

Dear Mr. Mott:

Thank you for your generous contribution of $1,000 to the Anderson for President effort. Your assistance is crucial to John's ability to proceed with the awesome challenge of the race for the Presidency of the United States.

Because of support such as yours, we have offices in Boston, Massachusetts, Concord, New Hampshire, Chicago, Illinois and Madison, Wisconsin to complement our headquarters in Washington, D.C. and this office in John's hometown.

To date, we have raised over $500,000. This modest amount has allowed us to maintain our campaign effort at a basic level. But to be successful in the early primaries, as we must, requires us to raise $250,000 between now and March 1. So if you have any friends who might like to join you in supporting John B. Anderson, please do all you can to get them on board. I'm enclosing another contribution envelope for such purposes.

John B. is grateful that so many are becoming involved. We all thank you.

Sincerely,

Frank Maggio

Frank P. Maggio
Chairman

P.S. You may not be aware that a portion of your contribution may be taken as a tax credit. Ask your tax advisor for details or feel free to contact us for the specifics. Again, thanks for your help.

Paid for and authorized by The Anderson for President Committee. Frank P. Maggio, Chairman, and Hugh D. Hammerslag, Treasurer. 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.

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UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

JOHN B. ANDERSON
ILLINOIS

Dear Friend:

When it comes to electing Presidents . . .

... The politicians and press don't think you count.

... You may exist, but you don't count.

... You may have strong beliefs, but you don't count.

You may be a well-informed, intelligent, courageous, fair-minded citizen, but you don't count.

The reason they think you don't count is simple. They believe that Presidential candidates are selected by fools, by citizens who believe lies, evasions, half-truths and soft soap.

I simply refuse to believe that. I've based my last act of political faith on your existence. I do believe you count. That you and I can make a difference in this country.

I'm assuming you want an honest man with sound experience to be President of the United States. I also assume you'd be willing to help such a man run for office. That's why I'm writing: to ask you to judge me and if you then think I'm worthy, to send my campaign a contribution for whatever you can afford.

If you and enough other concerned, issue-oriented citizens do, we'll make some history together. We'll refute a lot of political nonsense that passes for truth in this country.

According to the conventional and miserable commentary on the ability of Americans to make political decisions, I have committed public suicide because of my willingness to speak clearly and independently on the issues. But, I feel the issues must be addressed specifically. The times are simply too difficult, too dangerous for candidates not to make clear where they stand or how they intend to approach our problems.

Let me give you three examples of how I stand on the issues:

Energy

Now is the time to consider a higher gasoline tax. A 50-cent-a-gallon "energy conservation tax" on all motor fuels could reduce our gasoline consumption by 5-10%, saving up to three-quarters of a million barrels of fuel

(over, please)

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per day for more critical uses like home-heating oil and reducing our dependence on foreign supplies.

Safeguards for the needy, elderly and business use of motor fuel would have to accompany any hike in the gasoline tax. These could include:

(1) Using the proceeds of the tax to reduce Social Security payroll taxes and increase Social Security benefits; and,

(2) Allowing tax credits for those businesses unfairly penalized.

Of course, there would be some gas-consuming Americans who would "suffer" from such a tax. Consider, however, the alternatives: longer gas lines, uncertain fuel supplies, less heating oil, higher prices, ever-rising payroll taxes, more pollution, more traffic congestion and greater dependence on foreign oil.

As a counter to the dominance of the OPEC nations, I propose establishing an Agency for International Energy Development to promote energy exploration and development in Third World non-OPEC nations through low-interest loans or technical assistance.

To further break the stranglehold of OPEC, I urge consideration of a counter-cartel on the part of the major oil-importing nations that would emphasize energy conservation to reduce the demand for oil and implement a joint marketing strategy to give non-OPEC oil preferred access to our markets. This could be accomplished by tariff penalties, a central purchasing authority or agreed upon price ceilings so that downward pressure could be exerted on OPEC oil prices.

Abortion

The high incidence of unwanted pregnancies saddens me. My wife, Keke, and I have five children of our own and relish the rewards and satisfactions of a close family life.

But there are circumstances when it should be possible to terminate an unwanted pregnancy. And, the choice to do so is a matter to be decided by a woman in conjunction with her God and her physician.

The government simply cannot be allowed to interfere with this intimate choice. I am steadfastly opposed to a Constitutional amendment which would ban abortions and feel that poor women should have the opportunity to choose abortion as do women who can afford the cost.

Gun Control

Something simply must be done about handguns if we are to control the arming of our society. I favor a waiting period before a handgun can be

purchased to allow a criminal records check, a strengthening of rules for commercial handgun dealers, the registration of all handguns at time of purchase or transfer, a license to own a handgun, a mandatory prison sentence for all persons using a handgun in a crime and a ban on the sale of small, cheap, low-quality handguns.

I've cited these three positions because it can be seen that they either require real sacrifice or they run counter to powerful, organized special interests.

Now, that's what the next President of the United States is going to have to do. Require real sacrifices. And challenge powerful, narrow interests.

It wasn't easy sitting in the heart of Iowa -- in farm country — urging support of an embargo on the shipment of grain to the Soviet Union. But it seemed to me that it was passing strange that those who were critical of our foreign policy as being weak were unwilling to accept any measure of sacrifice when the first real test came to respond to the overt aggression that had just taken place against Afghanistan.

Also, in Iowa, I was asked how you balance the budget, cut taxes and increase defense spending at the same time. "You do it with mirrors," I answered.

And that's what it would take.

I don't recommend a general tax cut in 1980. Given the situation in the country today with the very real prospect of recession and the impact that would have on the receipts and expenditures of the federal government, I think it's irresponsible to call for a 33-1/3% tax cut.

Rather, I would put the emergency excise tax on gasoline into effect. Then I would recycle the proceeds of that tax to the wage earners of this country. In effect, I would give them the biggest tax cut in history — $46 billion -- by cutting their Social Security tax in half.

As far as federal spending is concerned, I oppose a Constitutional amendment limiting it, but favor a statute which would peg federal spending to a fixed percentage of our Gross National Product.

We need to make our federal system more responsive to the needs of our people. That's why I sponsored the Regulatory Reform Act of 1979 that would set an eight-year Congressional timetable for a comprehensive review of all regulatory agencies supported by sunset provisions which would terminate those agencies or functions which no longer served a useful purpose.

National Defense.

I do not believe that we have become a weak and pitiful giant. I do not think we are Number 2 militarily in the world. We can and we must design a leaner, tougher, better fighting force than we have today.

(over, please)

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But, to suggest that as one element of this program we ought to invest $55 billion in the MX missile is to me not the wisest, most judicious use of our nation's resources.

The limitations of this letter prevent me from sharing with you other specific positions. But, if you'll write me, I'll tell you how I stand on any question you may have.

I also want to tell you more about why I'm running for President.

I am a second generation American born of an immigrant father. For some two decades I have served in the Congress during some of the most turbulent events in the history of our Republic. I have watched five Presidents and ten Congresses grapple with the issues that have tested the very fabric of our democratic society, woven as it is from the diverse strands of many nationalities, cultures, and beliefs.

Today, far too many Americans look upon government as an impersonal monolith that will carry on regardless of their wishes and quite impervious to the claims they would make against it.

It would be partisan in the extreme to suggest that this feeling is entirely attributable to President Carter. But it is nonetheless true that the present administration has in large degree lost the confidence of the American people. It has temporized and vascillated while problems have multiplied at an almost unbelievable rate.

Congress must share some of the blame.

In a period when it seeks to reassert its authority over both domestic and foreign policy, it has the responsibility to deal with issues in a way that demonstrates a recognition of the national interest. All too often this has not occurred.

Clinton Rossiter, the great student of the American Presidency, said that "the more Congress becomes, in Edmund Burke's phrase, 'the confused and scuffling bustle of local agency,' the more the Presidency must become a clear beacon of national purpose."

Today that beacon has become shrouded in the politics of confusion and indecision. Coherence and clarity of purpose are what we Americans seek. A new national purpose which means that every American will come to believe that each has a role to play in the solutions of problems that involve us all.

Today, the ambiguity of our national purpose is reflected in our problems over energy. In the case of energy and diminishing energy resources, we are a nation at war with ourselves, battling one another for what we consider our fair share of the fading American dream.

But, the more we fight, the more we deplete our individual and national energies, resources and potential.

The problem in calling a truce in this new battle of competing interests is that most people don't recognize we are at war. After all, we are not fighting against each other -- as we see it -- we're simply looking out for ourselves.

But, we must recognize that we are all members of one or more special interest groups and that the way to restore a common interest -- the way to nurture the vital center -- is not by declaring war on competing factions, but rather by enlisting them in the unifying cause of a larger national purpose.

This will be the principal task of our nation's 40th President.

I believe that government -- for all the stigma that term bears these days -- can still represent an answer to some of our problems.

We cannot dispense with government and substitute a vacuum which lacks commitment and concern. That would only serve to invite social anarchy and promote a goal of national selfishness.

What we must do is to bend government to our national purpose, channel its energies in constructive directions and bring it under such control that it serves its citizens and not itself.

The dynamics of a Democratic society require individual effort and individual participation. It also requires something more than a perception of certain issues as being the sole responsibility of an elitist group and alien to the interests or capabilities of the average citizen.

. . . As long as 25 million Americans live below the poverty line . . . as long as millions more are discriminated against because of race . . . as long as unemployment persists, particularly among our young people and especially among black youth . . . as long as problems like these ravage our nation, we cannot remain indifferent.

All this will require a President of strength and vision.

If there is a desire to reclaim basic American values of thrift, decency, concern and compassion -- and I believe there is -- it cannot be a self-indulgent egocentric enterprise where we simply chant our own individual mantra. Those values have to be translated into a system of thought where we view ourselves and one another as part of a far larger enterprise -- the building of a more just society.

(over, please)

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Other candidates may boast of superior organization or financial resources. Still others speak in glittering generalities of their talents for leadership. But, I want to arouse the conscience and reason of America. To speak of the America yet to be. To return to the spirit that made America great.

Yes, I am a dark horse. I do not pretend that the task will be easy, or the burden light.

But, I know I can do it, if I can count on some help from people like you. Whether you are a Democrat, Republican or an Independent your help is crucial if we are to raise the issues which must be raised in this campaign.

To those who say "he doesn't stand a chance," I can only say that I will persist. A distinguished pollster has said, "A month is a lifetime in modern politics." You can see that in the changing fortunes of Mr. Carter and Mr. Kennedy.

In making this effort, I do not want to go into debt. I have borrowed money to stay in Congress. I am not going to add to those debts.

I put a very high priority on the education of my children. I have two in college and two more to go. I've never been rich, I don't expect to be rich, and I don't want to be rich, but I certainly don't want to end up in the poorhouse, either.

If you will support me with a contribution of $25, $35, $50, $100 or even $250, I can send out hundreds of thousands of letters like this one to enlist additional support. Together, we can galvanize the best part of our citizenry. The part that experts in their conventional wisdom write off.

With your help, we can conduct a campaign with the strength and resources to battle the non-voices, the maneuverers and the manipulators.

Sincerely,

John B Anderson

John B. Anderson

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foolish in the process, because he is concerned, with some justice, that he can do a better job than anyone else in the race.

"It is difficult to find a parallel to Anderson —an active candidate for President who has the experience and ability to serve well, who has the stage presence and the long record of public service to be elected, and yet has little chance of surviving the early primaries."

The Washington Star

Garry Wills: "The best answers given in the [Iowa] debate? Almost any of those from John Anderson. . . . Anderson did not help himself in electoral terms. He just proved that he is too good for this gaudy and not quite reputable trade."

The experts say this country cannot elect the best man running for President...

Anderson for President Committee
719 8th Street S.E.
Washington, D.C. 20003

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You can prove the experts wrong...

John B. Anderson, with more than 18 years' service in Washington, has become one of the most respected voices in the capital. Here's a sampling of what the nation's press has to say about the man who has the courage to make the difference...

Time Magazine

"How to persuade people to take him seriously is the predicament of the ten-term Republican Congressman from Illinois as he pursues the Presidency for the first time in his life. By most standards he should be a top contender. James Gannon, Executive Editor of the *Des Moines Register* calls Anderson a 'silver-haired orator with a golden tongue, a 17-jewel mind and a brass backbone.' Respected on Capitol Hill for his courage, he was one of the first of the Republicans to call for the resignation of Richard Nixon. Senator Robert Dole, a long-shot rival for the GOP nomination himself, says flatly: 'Anderson is the brightest man running for President.'"

The Washington Post

"In the debate the night before, Anderson had confirmed the positive rumors: he is a man with a lively mind, his beliefs have foundation in something firmer than the passing public mood, and his sorties from the conventional path have led him to fresh ideas."

The New York Times

"The single most important policy test for Presidential candidates in 1980 is energy. Their positions on energy necessarily tell where they stand on foreign policy, inflation, even the price of gold. By this test, Mr. Anderson so far makes more sense than the other candidates.

"We don't know if he is the best man in other respects. He says he is financially conservative, and his ideas about limiting federal spending certainly demonstrate that. He says he is socially liberal, and he has surely been in the forefront of civil rights legislation. He says he is bi-partisan, a claim supported by his bold defense of the President's cut-off of grain sales. We would like to know more. He deserves at least the chance to show more. We hope voters in New Hampshire and other early primary states give it to him."

The New York Times

Tom Wicker: "Those big, strong Republican candidates who want to get so tough with the Soviet Union and Iran turned chicken before the Iowa farmers. . . . John Anderson of Illinois was an honorable exception. He supported the grain embargo and pointed out that the real lesson of events in the Middle East is that the United States has to become less dependent on imported oil.

"Otherwise, the Republican candidates continue to show that when they talk tough, they mean exactly what they seem to mean—that their alternative would be military action whatever the consequences, a mindless recourse to violence because violence is possible, quick and understandable."

The Atlantic Monthly

Walter Shapiro: "Ultimately, what is most enigmatic about Anderson is why he is putting himself through this ordeal . . . Perhaps the best explanation is also the simplest. John Anderson is running for President and is willing to look

Dear Congressman Anderson . . .

I want to help in your campaign for the Presidency. Enclosed is my contribution of:

☐ $20 ☐ $25 ☐ $35 ☐ $50 ☐ $100 ☐ $250 ☐ Other $_____

Name _____

Address _____

City _____ State _____ Zip _____

To enable the Anderson for President Committee to obtain matching funds from the federal government, the following information is required:

Occupation _____

Name of Company _____

City & State _____

☐ I would also like to volunteer time for the campaign. Please contact me.

Please make checks payable to: **Anderson for President Committee**

John B. Anderson should be president, but the "experts" say it can't be done.

A news story from Washington quotes "One of the more skillful political analysts," saying this about John Anderson:

"He is a noble man. But he doesn't have a chance. He's too good, he's too smart, he's too honest. How can a man like that expect to be President of the United States?"

You can prove the experts wrong.

John Anderson is moving up in the polls. He's moved from last to fourth. With your help, he'll go higher.

The race is wide open. John Anderson can win.

Help us double your contribution. When you fill in the above information, your contribution—up to the first $250—will qualify for matching funds from the federal government.

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

"The first thing people say when John Anderson's name comes up in the talk about the 1980 election is something like, 'you know, he may be the best man in the race and one who appeals to Republicans and Democrats at that.' Invariably the next sentence is something like, 'Too bad he doesn't have a chance.'

It is our purpose to ask about the odd trap between those two sentiments. If a candidate is really that appealing, why shouldn't he have a chance?"

—The New York Times

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO. 12523 WASHINGTON, D.C.

POSTAGE WILL BE PAID BY ADDRESSEE

Anderson for President Committee
P.O. Box 37261
Washington, D.C. 20013

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Anderson for President Committee

March 11, 1980

Direct Mail Statistics - Through 3/10/80

List	Pkg.	Date Mld.'d	Code	Quantity	No. Ret.	% Ret.	$ Ret.	Avg. Gift	Cost/M	Ret./M	+ - Net

Anderson for President Committee

March 11, 1980

Direct Mail Statistics - Through 3/10/30

List	Pkc.	Date Mld.	Code	Quantity	No. Ret.	% Ret.	$ Ret.	Avg. Gift	Cost/M	Ret./M	+ - M

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Anderson for President Committee

March 11, 1980

Special Appeal Statistics - Through 3/10/80

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Anderson for President Committee

March 11, 1980

Continuation Mail Statistics - Through 3/10/80

List	Pkg.	Date Mld.	Code	Quantity	No. Ret.	% Ret.	$ Ret.	Avg. Gift	Cost/M	Ret./M	+ - Net
											590.94

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Anderson for President Committee

March 11, 1980

Continuation Mail Statistics - Through 3/10/80

List	Pkg.	Date Mld.	Code	Quantity	No. Ret.	% Ret.	$ Ret.	Avg. Gift	Cost/M	Ret./M	+ -

2140332313

CRAVER, MATHEWS, SMITH & COMPANY
1701 NORTH FT. MYER DRIVE
SUITE 602
ARLINGTON, VIRGINIA 22209

TELEPHONE (703) 522-9224

MEMORANDUM

TO: DAPHNE DWYER
STEWART MOTT

FROM: BILL BRENT
CRAVER, MATHEWS, SMITH AND COMPANY

DATE: FEBRUARY 19, 1980

SUBJECT: LISTS ORDERED FOR THE SECOND WAVE OF ANDERSON FOR PRESIDENT MAILING

The following lists have been ordered for the second wave of the Anderson for President mailing. If you have any questions concerning these lists, please contact me.

List	Quantity

12204033231 4

List	Quantity

3 2 0 4 0 3 3 2 3 1 5

February 19, 1980

Anderson for President Committee

Direct Mail Statistics - Through 2/19/80

List	Date Mld.	Code	Quantity	No. Ret.	% Ret.	$ Ret.	Avg. Gift	Cost/M	Ret./M	+ - Net

5 1 3 2 3 3 0 4 0 2

Anderson for President Committee

February 29, 1980

Direct Mail Statistics - Through 2/28/80

List	Pkg.	Date Mld.	Code	Quantity	No. Ret.	% Ret.	$ Ret.	Avg. Gift	Cost/M	Ret./M	+ - Net

Anderson for President Committee

February 28, 1980

Direct Mail Statistics - Through 2/28/80

List	Pkg.	Date Mld.	Code	Quantity	No. Ret.	% Ret.	$ Ret.	Avg. Gift	Cost/M	Ret./M	+ - Net

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Anderson for President Committee

April 3, 1980

WAVE I

Continuation Mail Statistics - Through 4/1/80

List	Pkg.	Mld.	Code	Quantity	No. Ret.	% Ret.	$ Ret.	Avg. Gift	Cost/M	Net/M	% Net

Anderson for President Committee

April 3, 1980

Continuation Mail Statistics - Through 4/1/80

List	Pkg.	Date Mld.	Code	Quantity	No. Rec	$	$

Anderson for President Committee

April 3, 1980

Continuation Mail Statistics - Through 4/1/80

List	Pkg.	Date Mld.	Code	Quantity	No. Ret.	% Ret.	$ Ret.	Avg. Gift	Cost/M	Ret./M	+ - Net

The Anderson for President Committee 321 W. State St., Room 100, Rockford, IL 61101 . 815/964-3258

62

April 24, 1980

Mr. Stewart R. Mott
122 Maryland Avenue, NE
Washington, D.C. 20002

Dear Mr. Stewart R. Mott:

Thank you very much for your recent contribution of $600.00 to the Anderson for President Committee. Unfortunately, we are returning your check as the Federal Election Commission regulations state that one person can not contribute over $1,000.00 to any one campaign.

Thank you again for your interest and support.

Sincerely,

Harry Koplin

Harry Koplin
Controller

HK/dg

enclosure: check

3 2 0 4 0 3 3 2 3 2 2

Paid for and authorized by The Anderson for President Committee. Hans P. Maggio, Chairman, and Hugh D. Hammerslag, Treasurer. 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.

stewart rawlings mott
122 maryland avenue, n.e.
washington, d.c. 20002
(202) 546-3732

April 30, 1980

Mr. Harry Koplin
Controller
Anderson for President Committee
321 W. State Street, Room 100
Rockford, Illinois 61101

Dear Harry Koplin:

Per our conversation of today, I am enclosing a copy of Stewart Mott's letter to Ed Morgan and the check in the amount of $600 which represents an entertainment expense for Stewart Mott on behalf of John Anderson for President.

Sincerely,

Diane S. Abelman

Diane S. Abelman

32040373223

CRAVER, MATHEWS, SMITH & COMPANY
1701 NORTH FT. MYER DRIVE
SUITE 602
ARLINGTON, VIRGINIA 22209

TELEPHONE (703) 522-0324

MEMORANDUM

TO: STEWART MOTT ASSOCIATES

FROM: JENNIE THOMPSON

DATE: FEBRUARY 19, 1980

RE: AUTHORIZATION TO ORDER MATERIALS FOR ANDERSON FOR PRESIDENT COMMITTEE

We are requesting authorization to order the following components on behalf of the Anderson for President Committee.

The following are the best prices which we have been able to obtain for the mailing schedule which has been developed.

The quantity for each component is [redacted]

Letter (6-page): $[redacted]
Flyer:
#9 regular:
6 3/4 wallet flap:

Total for printing (union): [redacted]
Postage:
Mailhouse:

[redacted]

* 100M wallet flaps x [redacted] (fast delivery - 5 day)
  400M wallet flaps x [redacted] (8-day delivery)

IN ADDITION, PLEASE ISSUE CHECKS FOR THE FOLLOWING ITEMS. THESE SHOULD BE RECEIVED IN OUR OFFICE BEFORE FRIDAY, FEBRUARY 22:

[redacted]

Payable to [redacted] for 1st class postage
Payable to [redacted] for lists
Payable to [redacted] for fixed product
Payable to [redacted] for business reply deposit

3204033324

CRAVER, MATHEWS, SMITH & COMPANY
[illegible]
[illegible]
ARLINGTON VIRGINIA [illegible]

MEMORANDUM

TO: ANDERSON FOR PRESIDENT COMMITTEE

FROM: CRAVER, MATHEWS, SMITH & COMPANY

DATE: FEBRUARY 20, 1980

SUBJECT: VENDOR INVOICES

Attached please find vendor invoices for services incurred on your behalf by Craver, Mathews, Smith & Company. The invoices have been approved and payment should be made to:

VENDOR	INVOICE NO.	INVOICE DATE	AMOUNT

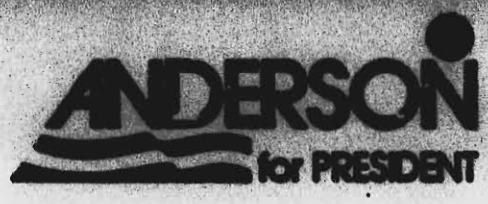
Please reconcile the statement referred to above with invoices previously passed through to you. If there is a discrepancy, please contact our office. If the statement reflects an unpaid invoice, payment should be made directly to the vendor.

Thank you.

GL:cja
Attach.

RECEIVED
MAR 21 1980

32040333225



The Anderson for President Committee 719 8th St. SE Washington, D.C. 20003 202/544-1090

February 6, 1980

Ms. Daphne W. Dwyer II
Suite 4200
515 Madison Avenue
New York, New York 10022

Dear Daphne:

To save time, I brought the attached Letter of Agreement to New York with me last night with the hope that I would see you there. Alas, you were nowhere to be found in that crush of people.

I trust no delay in our mailing schedule attends.

Thanks so much for everything.

With every best wish.

Sincerely,

Michael F. MacLeod
Campaign Manager

MFM:jhf

Enclosure

Paid for and authorized by The Anderson for President Committee, Frank P. Maguire, Chairman and Hugh D. Hammersing, Treasurer. 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.

32040332326

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

12049332327

Scott Thomas
FEC

Jerry -
Pls DNA 71...
Consider it 71 applies.
Letter of 7/21 applies.

PAUL D. KAMENAR
ATTORNEY AT LAW

1015 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005

SUITE 1100
[redacted]

CRAVER, MATHEWS, SMITH & COMPANY
[illegible]
Suite [illegible]
Arlington Virginia [illegible]
Telephone (703) 522 9424

MEMORANDUM

TO: ANDERSON FOR PRESIDENT COMMITTEE
ATTN: DAPHNE DWYER

FROM: CRAVER, MATHEWS, SMITH & COMPANY

DATE: MARCH 12, 1980

SUBJECT: VENDOR INVOICES

Attached please find vendor invoices for services incurred on your behalf by Craver, Mathews, Smith & Company. The invoices have been approved and payment should be made to:

VENDOR	INVOICE NO.	INVOICE DATE	AMOUNT

32040332328

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-155

March 4, 1980

Mr. Michael Macleod
Anderson For President Committee
719 8th Street, S.E.
Washington, D.C. 20003

For services rendered:

Mailing fee for [redacted] pieces:

List Rentals/
Exchanges .....$ [redacted]
Postage ..... [redacted]

Management Fee ... [redacted]

TOTAL [redacted]

Please remit to:

Mott Enterprises, Inc.
515 Madison Avenue
New York, N. Y. 10022

Rd

3 2 0 4 0 3 3 2 3 2 9

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-3155

February 20, 1980

Mr. Michael MacLeod
Anderson for President Committee
719 8th Street, S.E.
Washington, D.C. 20003

For services rendered:

Test Mailing: [redacted] Production ..... [redacted]
List Rentals/Exchanges .....
Postage (First Class) .....

Mott Enterprises Fee ..... [redacted]

TOTAL [redacted]

*Costs reflect quoted estimates. Accounting of all invoices will be forthcoming.

Please remit to:

Mott Enterprises, Inc.
515 Madison Avenue
New York, N. Y. 10022

Pd

3 2 0 4 0 3 3 2 3 3 0

CRAVER, MATHEWS, SMITH & COMPANY
[illegible] WILSON BLVD
SUITE 602
ARLINGTON VIRGINIA [illegible]
TELEPHONE (703) 522-9224

MEMORANDUM

TO: ANDERSON FOR PRESIDENT COMMITTEE
ATTN: DAPHNE DWYER

FROM: CRAVER, MATHEWS, SMITH & COMPANY

DATE: MARCH 24, 1980

SUBJECT: VENDOR INVOICES

Attached please find vendor invoices for services incurred on your behalf by Craver, Mathews, Smith & Company. The invoices have been approved and payment should be made to:

VENDOR	INVOICE NO.	INVOICE DATE	AMOUNT

32040332331

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

February 22, 1980

Mr. Rob Smith
Craver, Mathews, Smith & Company
1701 North Fort Myer Drive
Arlington, Va. 22209

Dear Rob,

Attached is check number [redacted] in the amount of [redacted]). The check, payable to [redacted], is to be used for postage for the Anderson for President mailing. Please provide all postage receipts.

Thank you.

Regards,

Daphne W. Dwyer II

DWD/kme

3 2 0 4 0 5 3 3 2 3 3 2

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

Mr. Michaul Macleod
Anderson for President Committee
719 Eigth street,SE
Washington, D.C. 20003

Dear Mike,

The test mailings to date are great! We are all pleased and encouraged.

We want to continue the campaign and mail another [redacted] names next week, and possibly mail [redacted] names in mid-March.

I am including herein a new agreement between Mott Enterprises, Inc. and the Anderson for President Committee. It ensures an ongoing direct mail campaign with terms similar to our previous agreement.

Please review the enclosed. If you have any questions, do not hesitate to call.

Warmest regards,

Daphne W. Dwyer II

3 2 0 4 0 3 3 2 3 3 3

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

January 31, 1980

Mr. Michael MacLeod
Anderson for President Committee
719 8th Street, S.E.
Washington, D.C. 20003

Dear Mike,

The enclosed has been revised according to our conversation yesterday. I believe the contract is in order and only requires your signature.

I enjoyed our meeting and look forward to working with the Anderson for President Committee.

It is my understanding there will be a fine gathering for the Anderson fundraiser next Tuesday night. Should you decide to attend, I will see you there.

Sincerely,

Daphne W. Dwyer II

DWD/kma

encl.

32040332334

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

February 21, 1980

Mr. Rob Smith
Craver, Mathews, Smith & Company
1701 North Fort Myer Drive
Suite 602
Arlington, Virginia 22209

Dear Rob:

Enclosed are the following checks:

Number	Amount	To	For
[redacted]			

Please forward all checks. Also, provide invoices and/or receipts for all amounts.

Best,

Daphne W. Dwyer II

3 2 0 4 0 3 3 2 3 3 5

Gec# 5063

RECEIVED
GENERAL COUNSEL
81 JUL 15 A11:39

February 21, 1980

Mr. Michael MacLeod
Anderson for President Committee
719 8th Street S.E.
Washington, D.C. 20003

LETTER OF AGREEMENT

Dear Mike,

This letter serves to confirm our agreement that Mott Enterprises, Inc. ("MEI") will consult and advise the Anderson for President Committee ("Committee") with their direct mail fund-raising campaign.

In connection with this, MEI will advise the Committee with every phrase of the direct mail campaign and will contract for all copy-writing, design/art work, list acquisition, printing and mailing services (i.e. "services").

In addition, MEI will record all results of the mailings and provide the Committee with an analysis of the mailings based upon the recorded results. For these services, MEI will charge a management fee of [redacted] per thousand pieces mailed.

Contents of the direct mail appeals and the design of the same are subject to the approval of the Committee prior to printing. All costs of the mailing should be approved by the Committee prior to contracting for services, and all invoices for services shall be charged to the Committee at cost with no agency mark-up.

The Committee is responsible for timely payments of all costs incurred as a result of the mailing and including MEI's fee.

The Committee will be billed for services and all invoices are to be paid from the first receipts of the mailings. If the receipts from the mailings are not sufficient to pay for the services, the Committee agrees to pay the balance from the matching funds.

81 JUL 15 A11:47

GENERAL COUNSEL
RECEIVED

81 JUL 15 A11:47

32040332336

Mott Enterprises, Inc. shall have the right to keep and maintain a copy of all the names and addresses of all respondents to the mailing; i.e. those names and addresses who contribute to the Anderson for President Committee through the direct mail solicitation. MEI shall have the right to include such names in a data bank for the purpose of building a revolving list bank. The use of such a bank will be available to the Committee for as long as the Committee remains a client of Mott Enterprises, Inc. The use of the list is permitted if available when requested, at maintenance cost (approximately [redacted]er thousand). MEI shall have the right to retain the mailing list after the termination of this Agreement, and possession of the mailing list shall not diminish any claims which we may have at any time against any of your other assets available for the purpose of paying any amount owed by you to us under this Agreement or otherwise.

If the above correctly sets forth our agreement, please sign below and return one copy to Mott Enterprises, Inc.

Sincerely,
Mott Enterprises, Inc.

Daphne W. Dwyer II
President

ACCEPTED AND AGREED TO
this _____ day of February, 1980

_____

By: Michael MacLeod, Campaign Director
For: Anderson for President Committee

32040332337

suite 4200 • 318 madison avenue
new york 10022 • (212) 421-2165

January 29, 1980

Mr. Michael MacLeod
Anderson for President Committee
719 8th Street S.E.
Washington, D.C. 20003

LETTER OF AGREEMENT

Dear Mike,

This letter serves to confirm our agreement that Mott Enterprises, Inc. ("MEI") will consult and advise the Anderson for President Committee ("Committee") with the creation and organization of a direct mail fund-raising campaign.

In connection with this, MEI will create and design a prospect mailing aimed at acquiring contributors for the Anderson for President Committee. The following will proceed:

1. A Prospect mailing, consisting of a fundraising appeal package, will be mailed to approximately [redacted] names.

2. The [redacted] names will include donors from organizations who solicit contributions through direct mail, who are similar in nature to the "Committee", and, in general, those lists which we feel will best respond to an Anderson for President appeal.

Mott Enterprises, Inc. will advise the Committee with every phase of the direct mail campaign and will contract for all copywriting, design/art work, list acquisition, printing and mailing services.

In addition, MEI will implement a tracking system to record all results of the mailing and will provide the Committee with an analysis of the mailing based upon the recorded results.

Mott Enterprises' fee for the above services is [redacted] plus direct costs of the mailing.

The Committee is responsible for timely payments of all costs incurred as a result of the mailing and including MEI's fee.

The Committee will be billed for services and all invoices are to be paid from the first receipts of the mailing. If the receipts from the mailing are not sufficient to pay for the services, the Committee agrees to pay the balance.

3 2 0 4 0 3 3 2 3 3 9

Contents of the direct mail appeal and the design of the same are subject to the approval of the Committee prior to printing. All costs of the mailing shall be approved by the Committee prior to contracting for services, and all invoices for services shall be charged to the Committee at cost with no agency mark-up.

Mott Enterprises, Inc. shall have the right to keep and maintain a copy of all names and addresses of all respondents to the mailing; i.e. those names and addresses who contribute to the Anderson for President Committee through the direct mail solicitation. MEI shall have the right to include such names in a data bank for the purpose of building a revolving list bank. The use of such a bank will be available to the Committee as long as the Committee remains a client of Mott Enterprises, Inc. The use of the list is permitted if available when requested, at maintenance cost (approximately [illegible] per thousand).

If the above correctly sets forth our agreement, please sign below and return one copy to Mott Enterprises, Inc.

Sincerely,
Mott Enterprises, Inc.

Charles W. Dryer II
President

ACCEPTED AND AGREED TO
this 4th day of February 1980

By: Michael MacLeod, Campaign Director
For: Anderson for President Committee

3 2 0 4 0 3 3 2 3 3 9

CRAVER, MATHEWS, SMITH AND COMPANY

MEMORANDUM

TO: DAPHNE DWYER, PRESIDENT
MOTT ENTERPRISES

FROM: ROGER CRAVER
CRAVER, MATHEWS, SMITH AND COMPANY

DATE: JANUARY 30, 1980

SUBJECT: PROPOSAL AND AGREEMENT

This memorandum sets forth a proposal and agreement wherein Craver, Mathews, Smith and Company will provide consulting and production services to Mott Enterprises to assist you in your work on behalf of the Anderson for President Committee.

As you know, CMS has played an active and effective role in political fund raising for progressive candidates. From the Udall Presidential Campaign in 1976 through our efforts for the Democratic National Committee, to our work on the senatorial campaigns of Packwood, Bayh, Holtzman, Culver and McGovern and our work with the Kennedy for President Committee, we have gained significant insights into the best, most efficient ways to build and resolicit a donor base for candidates.

In addition to our creative and management experience with regard to political campaigns, we have developed an enviable track record of producing the mailings at costs beneficial to our clients. This is made possible by the volume of printing and mailing we do when "ganging" our weekly production requirements.

Because of our unique position and capacity to produce the sort of mailings you contemplate for the Anderson Committee, we propose to provide the following services:

1. Consult with you on the design and implementation of a direct mail test to determine the breadth and intensity of donor support for the Anderson candidacy.

2. We will work with you on creating the package, and selecting the mailing lists.

3. We will serve as your agent for the bidding, purchasing and supervision of production services for the test mailing.

3 2 0 4 0 3 3 2 3 4 0

4. We will supervise the cashiering, statistical compilation and analysis of the mailing returns, giving you a prompt report on the results along with our recommendations for continuation should the test warrant such continuation.

5. In return for these services Craver, Mathews, Smith and Company will charge Mott Enterprises a fee of [redacted] per thousand pieces into the mail.

   In addition to our fee we will pass along to Mott Enterprises the invoices from the vendors who supply the mailing. As is our practice we will provide you with a fixed-cost estimate of each component part before production commences and we will not commit Mott Enterprises to any work until we have received your signed authorization. When the invoices are received from the vendors we will check them against their bids and pass them along to you for direct payment without the customary agency markup.

This agreement becomes effective upon the date of execution of both parties and may be cancelled by either party upon written notice.

We look forward to working with you on this important project.

ACCEPTED ON BEHALF OF CRAVER, MATHEWS, SMITH AND COMPANY BY:

_____

_____ _____

Title Date

ACCEPTED ON BEHALF OF MOTT ENTERPRISES BY:

_____

_____ _____

Title Date

(Please sign both copies of this agreement, retaining one for your files and returning one to Craver, Mathews, Smith and Company. Thank you.)

3204033234 1

3 2 0 4 0 3 7 2 3 4 2

HAND-DELIVER

JONATHAN LEVIN

FEC

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 7, 1981

HAND DELIVERED

Paul D. Kamenar, Esquire
1015 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005

RE: MUR 1333

Dear Mr. Kamenar:

The Office of General Counsel is in receipt of your written request of July 1, 1981, for an extension of time for compliance with the subpoenas sent to you and Ms. Dwyer in the above-captioned matter. Your request that the documents be provided by July 15, 1981, and that depositions be postponed until July 22, 1981, is granted. However, no further extensions will be granted with respect to these subpoenas.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at 523-4039.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

32040332343

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

Paul D. Kamenar, Esquire
1015 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005

RE: MUR 1333 JI 7/7/81

Dear Mr. Kamenar:

The Office of General Counsel is in receipt of your written request of July 1, 1981, for an extension of time for compliance with the subpoenas sent to you and Ms. Dwyer in the above-captioned matter. Your request that the documents be provided by July 15, 1981, and that depositions be postponed until July 22, 1981, is granted. However, no further extensions will be granted with respect to these subpoenas.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at 523-4039.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

32040332344

6 cc# 4992

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

(202) 393-6535

31 JUL 1 P4:23
GENERAL COUNSEL

July 1, 1981

HAND-DELIVER

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

RE: MUR 1333

Dear Mr. Levin:

Pursuant to our telephone conversation yesterday, this is to request that the return dates for the subpoenas and depositions be changed to July 15 and 22 respectively.

I learned yesterday that Ms. Dwyer's mother had died last week and she has been out of town since then and will not return to New York until next week. Also, Mr. Mott has not been able to complete his search for relevant documents and needs additional time to check several locations in both Washington, D.C. and New York.

It is further understood that all parties reserve all rights in the premises.

Very truly yours,

Paul D. Kamenar

Paul D. Kamenar

cc: Charles N. Steele, Esq.

32040332345

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

2 0 4 0 3 3 2 3 3 4 5

81 JUL 1 P1:54

RECEIVED

81 JUL 1 P

Jonathan Levin
PGC
1325 K St. NW
Wash. D.C.

81 JUN31 P1:54

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

3 2 0 4 0 3 3 2 3 4 7

RECEIVED

81 JUL 1 P1:55

Chas. N. Steele
FEC
1325 K St. NW
Wash. D.C.
20463

81 JUN 31 P1:54

RECEIVED

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 29, 1981

HAND DELIVERED

Paul D. Kamenar, Esquire
1015 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005

Re: MUR 1333

Dear Mr. Kamenar:

This is to advise you that requests for extension of time must be made in writing. However, the Office of General Counsel is treating your letter of June 23, 1981, as such a request and is granting the request. Therefore, the documents ordered to be produced by your clients in our letter of June 18, 1981, are due in this office on July 1, 1981, and the depositions referred to in our letter are to be held on July 8, 1981.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at 523-4039.

Sincerely,

Charles N. Steele
General Counsel

8204033348

GCC # 4948

RECEIVED
OFFICE OF
GENERAL
COUNSEL
81 JUN 24 P3:30

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005
(202) 393-6500

June 23, 1981

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

Re: MUR 1333

Dear Mr. Levin:

This is to confirm our telephone conversation of this date that the return dates for the subpoenas and depositions of Mr. Mott and Ms. Daphne have been changed to July 1 and July 8 respectively.

It is also understood that all parties reserve all rights in the premises.

Further, for your information, this is to advise that with respect to item (c) in Mr. Mott's subpoena, that he does not have copies of the radio advertisements that the Commission requests.

Very truly yours,

Paul D. Kamenar

Paul D. Kamenar

3 2 0 4 0 3 3 2 3 4 9

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

32040331350

Jonathin Levin
Federal ElectionCommission
1325 K Street, N.W.
Washington, D.C. 20463

GCC # 4778

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER jc

DATE: MAY 28, 1981

SUBJECT: REFERRAL OF LETTER REGARDING MUR 1333

The attached letter regarding a recommendation to quash was received in Chairman McGarry's office and then forwarded to the Secretary of the Commission. It is provided for your action.

RECEIVED
OFFICE OF
GENERAL COUNSEL
81 MAY 28 A11:24

32040332351

Attachment:
Letter from Paul D. Kamenar
Dated May 26, 1981

GCC# 4778

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005
(202) 289-6655

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

81 MAY 28 A10: 01

May 26, 1981

RECEIVED
GENERAL COUNSEL

81 MAY 28 A11: 24

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

Re: MUR 1333

Dear Mr. McGarry:

On behalf of Daphne W. Dwyer, II and Stewart R. Mott, I hereby request that the subpoenas issued to them last week which were signed by you on May 12 be quashed.

This request is being made pursuant to FEC regulation 11 C.F.R. § 111.15 which expressly provide for the opportunity for any person to whom a subpoena is directed to apply to the Commission to quash or modify that subpoena. The grounds for this request are as follows:

This MUR 1333 was initiated by the Commission alleging that Stewart Mott may have violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3). As you know, last December 1980, we submitted a detailed rebuttal to those charges including an affidavit by Mr. Mott which were dispositive of the issues. For over five months, no response was forthcoming from the FEC as to the sufficiency of that rebuttal. Instead, Mr. Mott and Ms. Dwyer are served with a broadly worded subpoena seeking voluminous documents and seeking to take the deposition of both Mr. Mott and Ms. Dwyer. Please notify us what information provided you in our December submission was not adequate and why you cannot dismiss this action based on that information.

Since the information already provided indicates that no violation took place of § 441a(a)(1)(A) and § 441a(a)(3), there is no further need to pursue this matter. Any further inquiry appears to be designed to obtain information that is outside the subject matter jurisdiction of the FEC.

Very truly yours,

Paul D. Kamenar

Paul D. Kamenar

cc: Charles N. Steele

3204033352

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

3 2 0 4 0 3 3 2 3 5

John McGarry
Federal Election Comm'n
1325 K Street, NW
Wash. D.C.
20463

81 MAY 27 P2:03

100636 GCC # 4772

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005
(202) 393-6226

May 26, 1981

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
81 MAY27 P4:04

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

Re: MUR 1333

Dear Mr. McGarry:

On behalf of Daphne W. Dwyer, II and Stewart R. Mott, I hereby request that the subpoenas issued to them last week which were signed by you on May 12 be quashed.

This request is being made pursuant to FEC regulation 11 C.F.R. § 111.15 which expressly provide for the opportunity for any person to whom a subpoena is directed to apply to the Commission to quash or modify that subpoena. The grounds for this request are as follows:

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Since the information already provided indicates that no violation took place of § 441a(a)(1)(A) and § 441a(a)(3), there is no further need to pursue this matter. Any further inquiry appears to be designed to obtain information that is outside the subject matter jurisdiction of the FEC.

Very truly yours,

Paul D. Kamenar

Paul D. Kamenar

cc: Charles N. Steele

R 2 0 4 0 3 3 2 3 5 4

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

9 2 0 4 0 3 3 2 3 5 5

Charles N. Steele
GC
Federal Election Commission
1325 K Street NW
Wash. DC
20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 1981

HAND DELIVERED

Paul D. Kamenar, Esquire
1015 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005

Re: MUR 1333

Dear Mr. Kamenar:

This is to inform you that, on June 11, 1981, the Commission voted to deny your motion to quash subpoenas for documents and deposition sent to Stewart R. Mott and Daphne W. Dwyer, II. A copy of the Commission's denial order is enclosed.

Because the motion to quash has been denied, Mr. Mott and Ms. Dwyer are ordered to provide the copies of the documents listed in the subpoenas for documents issued on May 12, 1981, and to appear for depositions pursuant to subpoenas also issued on May 12, 1981. The documents are to be submitted to the Office of General Counsel of the Federal Election Commission by the close of business, June 24, 1981. Ms. Dwyer is ordered to appear for deposition at the Javits Federal Building, 26 Federal Plaza, Room 1400, New York, New York, on July 1, 1981, at 9:00 a.m. Mr. Mott is ordered to appear at the same location on the same date at 2:00 p.m.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at 523-4039.

Sincerely,

Charles N. Steele
General Counsel

8 2 0 4 0 3 3 2 3 5 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1333
Stewart R. Mott)

COMMISSION ORDER

The May 26, 1981, motion to quash subpoenas issued to Stewart R. Mott and Daphne W. Dwyer, II, are denied. The Office of General Counsel is authorized to take all necessary and proper steps to ensure compliance with the subpoenas.

June 16, 1981
Date

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

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

82040332357

HAND DELIVERED

Paul D. Kamenar, Esquire
1015 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005

Re: MUR 1333

Dear Mr. Kamenar:

This is to inform you that, on June 11, 1981, the Commission voted to deny your motion to quash subpoenas for documents and deposition sent to Stewart R. Mott and Daphne W. Dwyer, II. A copy of the Commission's denial order is enclosed.

Because the motion to quash has been denied, Mr. Mott and Ms. Dwyer are ordered to provide the copies of the documents listed in the subpoenas for documents issued on May 12, 1981, and to appear for depositions pursuant to subpoenas also issued on May 12, 1981. The documents are to be submitted to the Office of General Counsel of the Federal Election Commission by the close of business, , 1981. Ms. Dwyer is ordered to appear for deposition at on , 1981, at . Mr. Mott is ordered to appear at the same location on the same date at .

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at 523-4039. 6/17/81

Sincerely,

Charles N. Steele
General Counsel

8 2 0 4 0 3 3 2 3 5 8

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER

DATE: JUNE 16, 1981

SUBJECT: COMMISSION ORDER REGARDING MUR 1333

The attached Commission Order, which was Commission approved on June 11, 1981 by a vote of 6-0, has been signed and sealed this date.

Attachment:
Order (1)

9 2 0 4 0 3 3 2 3 5 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Stewert R. Mott) MUR 1333

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 11, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1333:

1. Deny the motion to quash the subpoenas for documents and depositions.

2. Approve the letter to counsel for Mr. Mott and Ms. Dwyer as attached to the General Counsel's June 3, 1981 Report.

3. Authorize the General Counsel to initiate a civil action against these witnesses, pursuant to 2 U.S.C. §437d(b), should they decline to comply with the subpoenas.

Commissioners Aikens, Harris, McGarry, Reiche, Thomson and Tiernan voted affirmatively in this matter.

Attest:

6/11/81
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 6-9-81, 9:30
Circulated on 48 hour vote basis: 6-9-81,11:00

8204033236 0

June 9, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1333

Please have the attached General Counsel's Report distributed to the Commission on a 48 hour tally basis. Thank you.

Attachment

cc: Levin

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
81 JUN 9 A9:30

BEFORE THE FEDERAL ELECTION COMMISSION
June 3, 1981

In the Matter of)
) MUR 1333
Stewart R. Mott)

SENSITIVE

GENERAL COUNSEL'S REPORT IN OPPOSITION TO
MOTION ON BEHALF OF STEWART R. MOTT AND
DAPHNE W. DWYER, II, TO QUASH SUBPOENAS

On May 12, 1981, the Commission issued subpoenas for documents and for deposition to respondent Stewart R. Mott and to Daphne W. Dwyer, II, in connection with its investigation of possible in-kind contributions by Mr. Mott to the presidential candidacy of John B. Anderson in excess of the limits of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3). Mr. Mott is a respondent in this matter, and Ms. Dwyer is President of Mott Enterprises, a corporation which received compensation from the Anderson for President Committee while Mr. Mott made expenditures in support of Mr. Anderson's candidacy.

On May 27, 1981, the Commission received a motion to quash the subpoenas from Paul Kamenar who is representing both Mr. Mott and Ms. Dwyer. Mr. Kamenar states that a detailed rebuttal to the Commission's finding of reason to believe that Mr. Mott had violated sections 441a(a)(1)(A) and 441a(a)(3) was filed in December, 1980, and maintains that the rebuttal was dispositive of the matter. He proceeds to state that, instead of issuing a response as to the sufficiency of the rebuttal, the Commission, more

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than five months after the submission of the rebuttal, issued a "broadly worded subpoena seeking voluminous documents" and seeking to take depositions. Mr. Kamenar wishes to know what information provided by him was not adequate and why this matter cannot be dismissed based on the information already provided. He finally contends that any further inquiry into this matter is aimed at gathering information that is "outside the subject matter jurisdiction" of the Commission.

The fact that five months passed between the time that a rebuttal was received and subpoenas were sent out is partially due to an attempt by this office to pursue this matter by recommending a reason to believe finding against the Anderson for President Committee and the sending of interrogatories to the Committee. This approach was rejected by the Commission and, instead, the Commission expressed an interest in pursuing the investigation through the process of deposing Mr. Mott and persons acting on his behalf or associated with Mott Enterprises.

Despite Mr. Kamenar's claim that his rebuttal was dispositive of the issues, the denials of coordination between Mr. Mott and the Anderson campaign were largely conclusory. Statements were made that contacts occurred between Mr. Mott or his staff and Mr. Anderson or the Anderson campaign staff and that none of these contacts related either to services provided by Mott Enterprises or to Mr. Mott's expenditures.

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However, the rebuttal did not disclose what was stated during such contacts.

Although Mr. Kamenar characterizes the subpoenas for documents as "broadly worded" and "seeking voluminous documents," the subpoenas were drafted with the intent to obtain specific information relevant to the Commission's inquiry. Some of the documents requested may provide evidence of contacts between Mr. Mott or his staff and Mr. Anderson or his campaign staff. Other documents may provide information passing between Mott Enterprises and the Anderson campaign which may have been conveyed to Mr. Mott. Other documents subpoenaed may provide evidence of a similarity between the radio advertisements paid for by Mr. Mott and the texts of the mailings mailed through the services of Mott Enterprises. In this way, we can determine whether or not Mr. Mott had any involvement with the Mott Enterprises-Anderson campaign transaction and thus had sufficient contact with the Anderson campaign to negate the independence of his expenditures. Finally, the documents requested may provide us with names of persons to depose other than Mr. Mott and Ms. Dwyer.

Mr. Kamenar's assertion that any further inquiry appears designed to obtain information outside the Commission's subject matter jurisdiction is without foundation. The determination as to whether or not expenditures expressly advocating the

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election of a presidential candidate actually constituted contributions subject to the limits of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) is clearly within the subject matter jurisdiction of the Commission. Through the documents requested and the taking of depositions, we are attempting to obtain information which will enable us to make a further determination with respect to the expenditures in question.

Recommendation

The General Counsel recommends that the Commission deny the motion to quash the subpoenas for documents and depositions and approve the attached letter to counsel for Mr. Mott and Ms. Dwyer. It is further recommended that the Commission authorize the General Counsel to initiate a civil action against these witnesses, pursuant to 2 U.S.C. § 437d(b), should they decline to comply with the subpoenas.

6/8/81
Date

Charles N. Steele by KSR
Charles N. Steele
General Counsel

Attachments

1. Motion to quash on behalf of Stewart R. Mott and Daphne W. Dwyer, II.

2. Subpoenas for documents and deposition, approved by the Commission on May 12, 1981.

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3. Proposed denial order.

4. Proposed letter to Paul Kamenar, attorney for Mr. Mott and Ms. Dwyer.

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GCC + 4178

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005
(202) 393-6235

RECEIVED
OFFICE OF THE
MAIL SECRETARY
81 MAY 28 A10: 01

May 26, 1981

RECEIVED
MAIL ROOM
GENERAL COUNSEL
81 MAY 28 A11: 24

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

Re: MUR 1333

Dear Mr. McGarry:

On behalf of Daphne W. Dwyer, II and Stewart R. Mott, I hereby request that the subpoenas issued to them last week which were signed by you on May 12 be quashed.

This request is being made pursuant to FEC regulation 11 C.F.R. § 111.15 which expressly provide for the opportunity for any person to whom a subpoena is directed to apply to the Commission to quash or modify that subpoena. The grounds for this request are as follows:

This MUR 1333 was initiated by the Commission alleging that Stewart Mott may have violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3). As you know, last December 1980, we submitted a detailed rebuttal to those charges including an affidavit by Mr. Mott which were dispositive of the issues. For over five months, no response was forthcoming from the FEC as to the sufficiency of that rebuttal. Instead, Mr. Mott and Ms. Dwyer are served with a broadly worded subpoena seeking voluminous documents and seeking to take the deposition of both Mr. Mott and Ms. Dwyer. Please notify us what information provided you in our December submission was not adequate and why you cannot dismiss this action based on that information.

Since the information already provided indicates that no violation took place of § 441a(a)(1)(A) and § 441a(a)(3), there is no further need to pursue this matter. Any further inquiry appears to be designed to obtain information that is outside the subject matter jurisdiction of the FEC.

Very truly yours,

Paul D. Kamenar

Paul D. Kamenar

cc: Charles N. Steele

Attachment 1

8204033267

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

SUBPOENA

TO: Stewart R. Mott
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to provide copies of the following documents to the Commission which pertain to the Commission's investigation of a possible violation of 2 U.S.C. §441a(a)(1)(A) and 441a(a)(3) by yourself, Stewart R. Mott:

(a) All correspondence or other written communication between you, your agents, or your employees and John Anderson, the Anderson for President Committee, or any agents or employees of or volunteers for John Anderson, the Anderson for President Committee, or the Anderson primary campaign.

(b) All correspondence or other written communication, including memoranda or notes, between you and any director, officer, or employee of Mott Enterprises pertaining to any transaction between Mott Enterprises and the Anderson primary campaign and any transaction between Mott Enterprises and Craver, Mathews, Smith & Co. referring to services to the Anderson primary campaign.

(C) Transcripts of all radio advertisements on behalf of the presidential candidacy of John Anderson paid for by you.

Notice is hereby given that these materials must be submitted to the Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. by the close of business June 3, 1981.

Attachment 2 - p. 1 of 6

8204033236 8

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 12th day of May, 1981.

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

9204032369

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination

TO: Stewart R. Mott
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to appear for deposition in connection with the Commission's investigation of possible violations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) by yourself, Stewart R. Mott.

Notice is hereby given that the deposition is to be taken at the Jacob K. Javits Federal Bldg., 26 Federal Plaza, Rm. 1400, N.Y.,N.Y. at 2:00 p.m. on June 16,1981, and any and all dates adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 12th day of May , 1981.

John Warren McGarry
John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

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

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

SUBPOENA

TO: Daphne W. Dwyer, II, President
Mott Enterprises, Inc.
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to provide copies of the following documents to the Commission which pertain to the Commission's investigation of a possible violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) by Stewart R. Mott:

(a) All correspondence or other written communication, including letters, memoranda, bills, and invoices, between you, or any director, officer, or employee of Mott Enterprises, and John Anderson, the Anderson for President Committee, or any agent or employee of or volunteer for John Anderson, the Anderson for President Committee, or the Anderson primary campaign.

(b) All correspondence or other written communication, including letters, memoranda, bills, and invoices, between you or any director, officer, or employee of Mott Enterprises, and Craver, Mathews, Smith & Co. referring to services for the Anderson for President Committee.

(c) Copies of the texts of all solicitations and other mailings for the Anderson primary campaign that were produced or mailed through the services of Mott Enterprises.

Notice is hereby given that these materials must be submitted to the Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. by the close of business June 3, 1981.

2-p.4 of 6

8204033237 1

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 12th day of May, 1981.

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

8204033372

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination

TO: Daphne W. Dwyer, II, President
Mott Enterprises, Inc.
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to appear for deposition as a witness in connection with the Commission's investigation of possible violations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) by Stewart R. Mott.

Notice is hereby given that the deposition is to be taken at the Jacob K. Javits Federal Building, 26 Federal Plaza, Room 1400, New York, N.Y. at 9:00 a.m. on June 16, 1981, and any and all dates adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 12th day of May, 1981.

John Warren McGarry

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1333
Stewart R. Mott)

COMMISSION ORDER

The May 26, 1981, motion to quash subpoenas issued to Stewart R. Mott and Daphne W. Dwyer, II, are denied. The Office of General Counsel is authorized to take all necessary and proper steps to ensure compliance with the subpoenas.

Date

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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Attachment 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

Paul D. Kamenar, Esquire
1015 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005

Re: MUR 1333

Dear Mr. Kamenar:

This is to inform you that, on June , 1981, the Commission voted to deny your motion to quash subpoenas for documents and deposition sent to Stewart R. Mott and Daphne W. Dwyer, II. A copy of the Commission's denial order is enclosed.

Because the motion to quash has been denied, Mr. Mott and Ms. Dwyer are ordered to provide the copies of the documents listed in the subpoenas for documents issued on May 12, 1981, and to appear for depositions pursuant to subpoenas also issued on May 12, 1981. The documents are to be submitted to the Office of General Counsel of the Federal Election Commission by the close of business, , 1981. Ms. Dwyer is ordered to appear for deposition at
on , 1981, at . Mr. Mott is ordered to appear at the same location on the same date at .

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at 523-4039.

Sincerely,

Charles N. Steele
General Counsel

Attachment 4

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 18, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul D. Kamenar, Esquire
1015 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005

Re: MUR 1333

Dear Mr. Kamenar:

Pursuant to the investigation being conducted with respect to possible violations of 2 U.S.C. § 441a(a)(1)(A) and 441a(a)(3) by your client, Stewart R. Mott, the Commission has issued the attached subpoenas which require Mr. Mott to produce copies of certain documents by June 3, 1981, and to appear and give sworn testimony on June 16, 1981.

Please confirm Mr. Mott's scheduled deposition appearance with Jonathan Levin on our toll free line (800-424-9530) or 202-523-4039 within ten days of your receipt of this notification.

If you have any questions, please direct them to Mr. Levin, the attorney assigned to this matter, at 202-523-4039.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Subpoena for Copies of Documents
Subpoena to Appear for Deposition

8204033237 6

MUR 1333

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:
Paul D. Kamenar
1015-15th St, N.W.
Suite 1100
D.C. 20005

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. | INSURED NO.
7168 5h

(Always obtain signature of addressee or agent)

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

X [signature]

4. DATE OF DELIVERY
5/19/81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

BEN FRANKLIN STA. WASH. D.C. MAY 19 1981

P.O. Form 3811, Jan. 1979 DOMESTIC RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

5/18/81

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TREASURY
FISCAL SERVICE
DIVISION OF DISBURSEMENT

WASHINGTON, D. C.

Check No. 83,546,731
SYMBOL 3004

United States Treasury 15-51/000

PAY TO THE
ORDER OF STEWART R MOTT

MONTH	DAY	YEAR
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MUR 1333

DO NOT FOLD, SPINDLE OR MUTILATE
KNOW YOUR ENDORSER - REQUIRE IDENTIFICATION

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

SUBPOENA

TO: Stewart R. Mott
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to provide copies of the following documents to the Commission which pertain to the Commission's investigation of a possible violation of 2 U.S.C. §441a(a)(1)(A) and 441a(a)(3) by yourself, Stewart R. Mott:

(a) All correspondence or other written communication between you, your agents, or your employees and John Anderson, the Anderson for President Committee, or any agents or employees of or volunteers for John Anderson, the Anderson for President Committee, or the Anderson primary campaign.

(b) All correspondence or other written communication, including memoranda or notes, between you and any director, officer, or employee of Mott Enterprises pertaining to any transaction between Mott Enterprises and the Anderson primary campaign and any transaction between Mott Enterprises and Craver, Mathews, Smith & Co. referring to services to the Anderson primary campaign.

(C) Transcripts of all radio advertisements on behalf of the presidential candidacy of John Anderson paid for by you.

Notice is hereby given that these materials must be submitted to the Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. by the close of business June 3, 1981.

8204033279

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 12th day of May, 1981.

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

8204033280

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination

TO: Stewart R. Mott
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to appear for deposition in connection with the Commission's investigation of possible violations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) by yourself, Stewart R. Mott.

Notice is hereby given that the deposition is to be taken at the Jacob K. Javits Federal Bldg., 26 Federal Plaza, Rm. 1400, N.Y.,N.Y. at 2:00 p.m. on June 16,1981, and any and all dates adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 12th day of May , 1981.

John Warren McGarry

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

9204032381

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 18, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Daphne W. Dwyer, II, President
Mott Enterprises, Inc.
515 Madison Avenue
New York, New York 10022

Re: MUR 1333

Dear Ms. Dwyer:

The Federal Election Commission, established in April, 1975, has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26 Internal Revenue Code of 1954. In connection with an investigation being conducted by the Commission, the attached subpoenas which require you to produce copies of certain documents by June 3, 1981, and to appear as a witness and give sworn testimony on June 16, 1981, at 9:00 a.m. have been issued.

Since the document copies and testimony are being sought as part of an investigation being conducted by the Commission, the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) will apply. This section of the Act prohibits the making public of any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made.

You may consult with an attorney who may assist you in submitting the documents and accompany you at the deposition. If you intend to be so represented, please advise us, in writing, of the name and address of your attorney prior to the date of deposition.

Pursuant to 11 C.F.R. § 111.14, a witness summoned by the Commission shall be paid $30, plus mileage at the rate of 22.5 cents per mile. Enclosed is a money order made payable to you in the amount of $. If the estimated mileage is incorrect, please advise this office.

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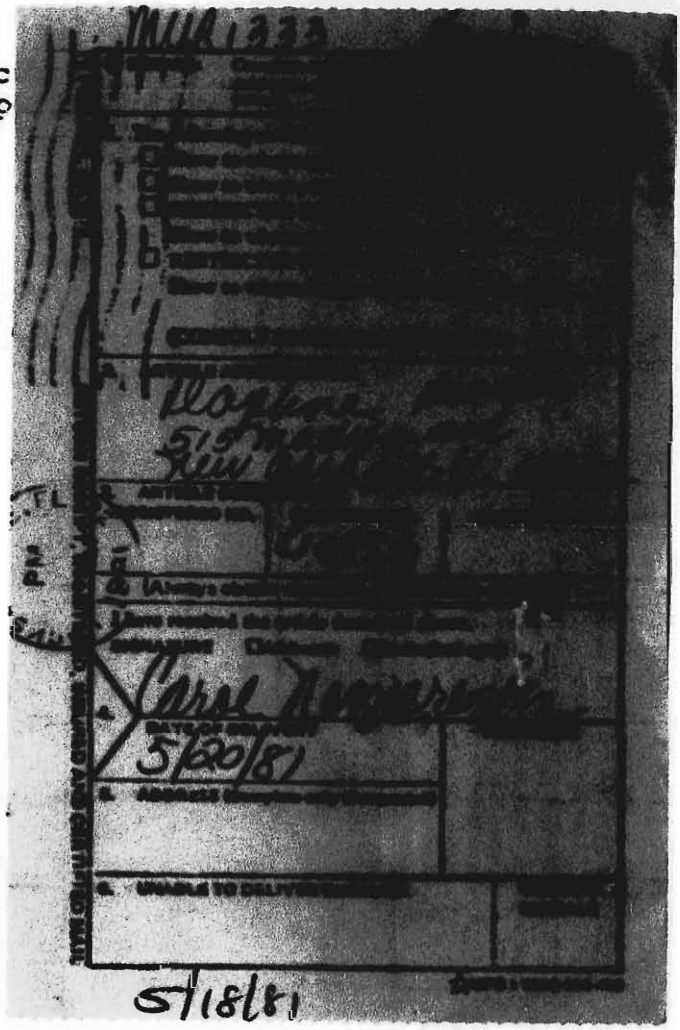
Please confirm your scheduled appearance with Jonathan Levin on our toll free line (800-424-9530) or 202-523-4039 within ten days of your receipt of this notification. If you have any questions please direct them to Mr. Levin, the attorney assigned to this matter.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Subpoena for Copies of Doc
Subpoena to Appear for Dep



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WASHINGTON, D. C.

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United States Government

PAY TO THE ORDER OF DAPHNE M DAVER II

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DATE 1 8 1 8 1

FEB 1 4 1981

MUR 1 3 3 6

WITNESS FEE

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DO NOT FOLD, STAPLE OR MUTILATE
KNOW YOUR ENDORSER - REQUIRE IDENTIFICATION

TREASURY
FISCAL SERVICE
DIVISION OF
DISBURSEMENT

FEB 1 3 1981

PAYMENT
SERVICE

DATE
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PAYMENT
SERVICE

DATE
25

WASH DC
WASH 211

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

SUBPOENA

TO: Daphne W. Dwyer, II, President
Mott Enterprises, Inc.
515 Madison Avenue
New York, New York 10022

RF: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to provide copies of the following documents to the Commission which pertain to the Commission's investigation of a possible violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) by Stewart R. Mott:

(a) All correspondence or other written communication, including letters, memoranda, bills, and invoices, between you, or any director, officer, or employee of Mott Enterprises, and John Anderson, the Anderson for President Committee, or any agent or employee of or volunteer for John Anderson, the Anderson for President Committee, or the Anderson primary campaign.

(b) All correspondence or other written communication, including letters, memoranda, bills, and invoices, between you or any director, officer, or employee of Mott Enterprises, and Craver, Mathews, Smith & Co. referring to services for the Anderson for President Committee.

(c) Copies of the texts of all solicitations and other mailings for the Anderson primary campaign that were produced or mailed through the services of Mott Enterprises.

Notice is hereby given that these materials must be submitted to the Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. by the close of business June 3, 1981.

8204032385

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 12th day of May, 1981.

John Warren McGarry

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

8204032385

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination

TO: Daphne W. Dwyer, II, President
Mott Enterprises, Inc.
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to appear for deposition as a witness in connection with the Commission's investigation of possible violations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) by Stewart R. Mott.

Notice is hereby given that the deposition is to be taken at the Jacob K. Javits Federal Building, 26 Federal Plaza, Room 1400, New York, N.Y. at 9:00 a.m. on June 16, 1981, and any and all dates adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 12th day of May, 1981.

John Warren McGarry
John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

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

3204033287

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER

DATE: MAY 12, 1981

SUBJECT: SUBPOENAS REGARDING MUR 1333

The attached subpoenas regarding MUR 1333, which were Commission approved on May 8, 1981, by a vote of 6-0, have been signed and sealed this date.

Attachments:
Subpoenas (4)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1333
Stewart R. Mott	)	
Anderson for President Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 8, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1333:

1. Authorize the subpoenas to Stewart R. Mott and to Daphne W. Dwyer, II, as attached to the General Counsel's memorandum May 5, 1981.

2. Approve the letters, as attached to the General Counsel's May 5, 1981 memorandum, to Paul Kamenar, the attorney for Mr. Mott, and to Daphne W. Dwyer, II.

Commissioners Aikens, Harris, McGarry, Reiche, Thomson and Tiernan voted affirmatively in this matter.

Attest:

5/8/81
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of the Commission Secretary: 5-5-81, 2:42
Circulated on 48 hour vote basis: 5-6-81, 11:00

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May 5, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1333

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

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

81 MAY 5 P2: 42

May 5, 1981

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Authorization to Issue Subpoenas in Connection with MUR 1333

This matter was referred to the Office of General Counsel in regard to possible violations of 2 U.S.C. § 441a by Stewart R. Mott. It appeared that Mr. Mott may have made expenditures in support of John B. Anderson's presidential candidacy that were not independent, and were therefore in-kind contributions, in excess of the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3). The referral stemmed from the apparent relationship between Mr. Mott and Mott Enterprises, a firm that received $131,500 in compensation from the Anderson for President Committee for direct mail services. The Commission, on November 5, 1980, determined there was reason to believe that Mr. Mott violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3). The Commission also approved interrogatories requesting information as to the nature and purpose of Mott Enterprises and its relationship to Mr. Mott, the nature of the services provided by Mott Enterprises, and the contacts that may have occurred between Mr. Mott or his agents and John Anderson, his committee, or his agents.

On December 15, 1980, this office received a legal analysis of this matter from Mr. Mott's attorney and a sworn affidavit from Mr. Mott replying to our questions. The Commission, after reading the responses and the General Counsel's analysis of these responses (see the General Counsel's Report, dated March 27, 1981), rejected the General Counsel's recommendation that the Commission find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f) for acceptance of excessive in-kind contributions and 2 U.S.C. § 434(b) for failure to report the receipt of contributions. However, the Commission expressed an interest in pursuing the investigation of this matter through the process of deposing Mr. Mott and persons acting on his behalf or associated with Mott Enterprises. Therefore, the General

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Counsel recommends that the Commission approve the attached subpoenas for deposition to Mr. Mott and to Daphne W. Dwyer, II, President of Mott Enterprises, who dealt directly with the Anderson campaign with respect to the services provided by Mott Enterprises.

In order to facilitate this office's preparation for depositions, the General Counsel considers it necessary to have certain documents produced in advance. Subpoenas for such documents should be sent to Mr. Mott and Ms. Dwyer. The documents requested will provide us with names of persons to depose other than Mr. Mott and Ms. Dwyer. Furthermore, by asking for transcripts of the radio advertisements funded by Mr. Mott and the texts of the mailings produced or mailed through the services of Mott Enterprises, we will be able to observe whether or not there is a similarity between the transcripts and the mailings. This may be useful in determining whether or not Mr. Mott himself had any involvement with the Committee-Mott Enterprises transactions and thus had sufficient contact with the Anderson campaign to negate the independence of his expenditures. Therefore, the General Counsel recommends that the Commission approve the issuance of the attached subpoenas for documents to Mr. Mott and Daphne W. Dwyer, II.

<u>Recommendations</u>

1. Authorize the attached subpoenas to Stewart R. Mott and to Daphne W. Dwyer, II.

2. Approve the attached letters to Paul Kamenar, the attorney for Mr. Mott, and to Daphne W. Dwyer, II.

Attachments
- Copies of Subpoenas (4)
- Copies of Letters (2)
- Authorization Form

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Daphne W. Dwyer, II, President
Mott Enterprises, Inc.
515 Madison Avenue
New York, New York 10022

Re: MUR 1333

Dear Ms. Dwyer:

The Federal Election Commission, established in April, 1975, has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26 Internal Revenue Code of 1954. In connection with an investigation being conducted by the Commission, the attached subpoenas which require you to produce copies of certain documents by May , 1981, and to appear as a witness and give sworn testimony on May , 1981, at have been issued.

Since the document copies and testimony are being sought as part of an investigation being conducted by the Commission, the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) will apply. This section of the Act prohibits the making public of any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made.

You may consult with an attorney who may assist you in submitting the documents and accompany you at the deposition. If you intend to be so represented, please advise us, in writing, of the name and address of your attorney prior to the date of deposition.

Pursuant to 11 C.F.R. § 111.14, a witness summoned by the Commission shall be paid $30, plus mileage at the rate of 22.5 cents per mile. Enclosed is a money order made payable to you in the amount of $. If the estimated mileage is incorrect, please advise this office.

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Please confirm your scheduled appearance with Jonathan Levin on our toll free line (800-424-9530) or 202-523-4039 within ten days of your receipt of this notification. If you have any questions please direct them to Mr. Levin, the attorney assigned to this matter.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Subpoena for Copies of Documents
Subpoena to Appear for Deposition

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

SUBPOENA

TO: Daphne W. Dwyer, II, President
Mott Enterprises, Inc.
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to provide copies of the following documents to the Commission which pertain to the Commission's investigation of a possible violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) by Stewart R. Mott:

(a) All correspondence or other written communication, including letters, memoranda, bills, and invoices between you, or any director, officer, or employee of Mott Enterprises, and John Anderson, the Anderson for President Committee, or any agent or employee of or volunteer for John Anderson, the Anderson for President Committee, or the Anderson primary campaign.

(b) All correspondence or other written communication, including letters, memoranda, bills, and invoices between you or any director, officer, or employee of Mott Enterprises, and Craver, Mathews, Smith & Co. referring to services for the Anderson for President Committee.

(c) Copies of the texts of all solicitations and other mailings for the Anderson primary campaign that were produced or mailed through the services of Mott Enterprises.

Notice is hereby given that these materials must be submitted to the Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. by the close of business , 1981.

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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this day of , 1981.

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination

TO: Daphne W. Dwyer, II, President
Mott Enterprises, Inc.
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to appear for deposition as a witness in connection with the Commission's investigation of possible violations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) by Stewart R. Mott.

Notice is hereby given that the deposition is to be taken at

at on May , 1981, and any and all dates adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this day of , 1981.

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul D. Kamenar, Esquire
1015 Fifteenth Street, N.W.
Suite 1100
Washington, D.C. 20005

Re: MUR 1333

Dear Mr. Kamenar:

Pursuant to the investigation being conducted with respect to possible violations of 2 U.S.C. § 441a(a)(1)(A) and 441a(a)(3) by your client, Stewart R. Mott, the Commission has issued the attached subpoenas which require Mr. Mott to produce copies of certain documents by May , 1981, and to appear and give sworn testimony on May , 1981.

Please confirm Mr. Mott's scheduled deposition appearance with Jonathan Levin on our toll free line (800-424-9530) or 202-523-4039 within ten days of your receipt of this notification.

If you have any questions, please direct them to Mr. Levin, the attorney assigned to this matter, at 202-523-4039.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Subpoena for Copies of Documents
Subpoena to Appear for Deposition

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

SUBPOENA

TO: Stewart R. Mott
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to provide copies of the following documents to the Commission which pertain to the Commission's investigation of a possible violation of 2 U.S.C. §441a(a)(1)(A) and 441a(a)(3) by yourself, Stewart R. Mott:

(a) All correspondence or other written communication between you, your agents, or your employees and John Anderson, the Anderson for President Committee, or any agents or employees of or volunteers for John Anderson, the Anderson for President Committee, or the Anderson primary campaign.

(b) All correspondence or other written communication, including memoranda or notes, between you and any director, officer, or employee of Mott Enterprises pertaining to any transaction between Mott Enterprises and the Anderson primary campaign and any transaction between Mott Enterprises and Craver, Mathews, Smith & Co. referring to services to the Anderson primary campaign.

(C) Transcripts of all radio advertisements on behalf of the presidential candidacy of John Anderson paid for by you.

Notice is hereby given that these materials must be submitted to the Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. by the close of business , 1981.

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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this day of 1981.

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination

TO: Stewart R. Mott
515 Madison Avenue
New York, New York 10022

RE: Matter Under Review 1333

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. § 437d(a)(4), you are hereby ordered to appear for deposition in connection with the Commission's investigation of possible violations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) by yourself, Stewart R. Mott.

Notice is hereby given that the deposition is to be taken at

at on May , 1981, and any and all dates adjourned to by the Commission.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this day of , 1981.

John Warren McGarry, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUTHORIZATION TO ISSUE SUBPOENAS

The Federal Election Commission hereby authorizes the issuance of a subpoena to produce documents and a subpoena to appear for deposition to each of the following persons in connection with MUR 1333:

Stewart R. Mott
515 Madison Avenue
New York, New York 10022

Daphne W. Dwyer, II, President
Mott Enterprises, Inc.
515 Madison Avenue
New York, New York 10022

John Warren McGarry
Chairman

Thomas E. Harris
Commissioner

Frank P. Reiche
Vice-Chairman

Robert O. Tiernan
Commissioner

Joan D. Aikens
Commissioner

Vernon Thomson
Commissioner

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1333
Stewart R. Mott	)	
Anderson for President Committee	)	

CERTIFICATION

I, Lena L. Stafford, Recording Secretary for the Federal Election Commission's Executive Session on April 21, 1981, do hereby certify that the Commission decided in a vote of 5-0 to reject the General Counsel's recommendations to act as follows in MUR 1333:

1. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. §44la(f) by accepting contributions from Stewart R. Mott in excess of the limitations of 2 U.S.C. §§ 44la(a)(1)(A) and 44la(a)(3).

2. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 434(b) by failing to report the receipt of contributions from Stewart R. Mott.

3. Approve the letter with questions attached to the General Counsel's Report dated March 27, 1981.

Commissioners Harris, McGarry, Reiche, Thomson, and Tiernan voted affirmatively to reject the recommendations of the General Counsel. Commissioner Aikens was not present at the time of the vote.

Attest:

4-23-81
Date

Lena L. Stafford
Recording Secretary

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April 15, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1333

Please have the attached General Counsel's Report distributed to the Commission on a 48 hour tally basis. Thank you.

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
March 27, 1981

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In the Matter of)
) MUR 1333
Stewart R. Mott)
Anderson for President Committee)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was referred to the Office of General Counsel by the Reports Analysis Division in regard to possible violations of 2 U.S.C. § 441a by Stewart R. Mott and the Anderson for President Committee ("the Committee"). It appeared that Stewart R. Mott may have made expenditures that were not independent, and were therefore in-kind contributions, totalling $95,181 in support of John B. Anderson's Presidential candidacy in violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3). It also appeared that the Anderson for President Committee may have violated 2 U.S.C. § 441a(f) for receipt of $95,181 in in-kind contributions.

The evidence available indicated that Mr. Mott made $95,181 in expenditures for the purposes of obtaining radio time and newspaper space and for the "collection of signatures to support John Anderson for President" at the time that Mott Enterprises, a company apparently connected closely with Mr. Mott, was receiving compensation from the Committee in the amount of $131,500 for mailing

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services, including direct mail testing. 1/ According to 11 C.F.R. § 109.1(b)(4)(i)(B), the receipt by Mr. Mott's organization of compensation or reimbursement from Anderson's committee or his agent prior to or at the time that Mr. Mott made his expenditures raised the presumption that Mr. Mott's expenditures were made by an arrangement, coordination, or direction by Anderson or his agent. Such an arrangement, coordination, or direction would destroy the independence of Mr. Mott's expenditures and make them in-kind contributions.

The evidence also indicated that there were arrangements between the Committee and Mott Enterprises regarding the provision of and payment for the $131,500 in services. Because such contact between the Committee and Mott Enterprises involved the provision of an extensive amount of services, it appeared likely that the Committee gave information to Mott Enterprises, and hence to Mr. Mott, about its resources and needs prior to the time of Mr. Mott's expenditures.

In considering these factors, the Commission, on November 5, 1980, decided to open a Matter Under Review and

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1/ An expenditure of $5,000 for the "collection of signatures to support John Anderson for President" was reported in a mailgram sent to the Commission by Mr. Mott on April 11, 1980. On April 17, 1980, Mr. Mott sent another mailgram stating that the April 11 mailgram was sent "in error" and that "no reportable expenditure for such purpose" had been made by him. This expenditure figure was originally included in the $95,181 figure because clarification was still needed as to the meaning of the April 17 mailgram.

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determined there was reason to believe that Stewart R. Mott violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3). At that time, the Commission also approved questions to be sent to Mr. Mott. These questions requested information as to the nature and purpose of Mott Enterprises and its relationship to Mr. Mott, the nature of the services provided by Mott Enterprises, and the contacts that may have occurred between Mr. Mott or his agents and John Anderson, his committee, or his agents. However, the Commission did not, at that time, make a determination as to the Committee.

On December 15, 1980, this office received a legal analysis of the matter from Mr. Mott's attorney, Paul Kamenar, challenging the validity of the application of 11 C.F.R. § 109.1(b)(4)(i)(B) and maintaining that Mr. Mott's expenditures were made independently. (See Attachment 1). Included with this response was a sworn affidavit from Mr. Mott, replying to our questions (See Attachment 2).

Mr. Kamenar first asserts that the creation of a presumption of coordination goes beyond the scope of the statute. He also states that such a presumption does not arise because Mott Enterprises "is a corporation and is thus a separate legal entity from Mr. Mott the individual." While acknowledging that Mr. Mott has a controlling interest in the company, he states that there is no regulation presuming that "the owner of a corporation is the person receiving compensation for services provided to a campaign committee

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by the corporation." Thus, he maintains that the Commission is improperly making a "double presumption."

Mr. Kamenar also maintains that, apart from the presumption, the expenditures in question "were not in fact made by any 'arrangement, coordination, or direction' of the candidate or his campaign." He states that "[t]here was no information provided to Mr. Mott by the candidate or his campaign that provided the basis of the content of the advertisements, or the manner of the time or place of their occurrences." He claims that the information used by Mr. Mott to prepare the advertisements came from "general public knowledge" of the candidate's issue positions and from public information "outside the control of the candidate" as to the dates and places of the Republican primaries. He further states that Mr. Mott was assisted by an advertising company, a political consultant, and a radio media expert, and that "none of these persons were authorized agents of the Anderson campaign."

In his affidavit, Mr. Mott questions the validity of the presumption in 11 C.F.R. § 109.1(b)(4)(i)(B) and asserts the independence of his expenditures.

In answering the questions specifically addressed to him, Mr. Mott states that Mott Enterprises "is a New York corporation that assists organizations, associations, corporations, political candidates, and others who wish to build and develop a constituency through direct mail for

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purposes of disseminating information and seeking financial support," and that Mott Enterprises was conducting such direct mail services for the Anderson campaign.

Mr. Mott claims that, although he is "the sole stock holder and Chairman of the Board of [Mott Enterprises], the day-to-day operations of the company are carried out by Daphne W. Dwyer, II who is the President and Chief Executive Officer" of the company.

Mr. Mott states that the $131,500 in expenditures by the Committee were made for services provided between January 31, 1980, and March 5, 1980. He claims that he "had no substantive contacts with the candidate in regard to the services provided." Ms. Dwyer, according to Mr. Mott, had several contacts with Michael MacLeod of the Anderson campaign and with Mr. MacLeod's assistants concerning the "direct mail fundraising program and [Mott Enterprises]' services."

Mr. Mott states that, prior to April 11, 1980, the date of the last expenditure reported, he and some of his staff had "various informal or incidental contacts with John Anderson and his staff concerning miscellaneous matters." He states that he has also had "a brief conversation or two with John Anderson at a fundraising or other event." However, according to Mr. Mott, none of these contacts, other than the ones involving Ms. Dwyer, related to Mott Enterprises' services, and none related to his

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expenditures. 2/

II. Legal Analysis

Even though the responses contend that the Commission is making a presumption on top of the presumption in § 109.1(b)(4)(i)(B) by linking Mr. Mott with Mott Enterprises, and even though it is stated that Ms. Dwyer carries out the day-to-day operations of the company, Mr. Mott is the sole stockholder and Chairman of the Board and thus holds positions which may have enabled him to have significant knowledge of and participation in the company's activities with respect to the Anderson campaign. Thus, at this point, there is still a sufficient basis for linking Mr. Mott to Mott Enterprises for the purpose of establishing the presumption in the regulations. Furthermore, although Mr. Mott claims that he himself had no substantive contacts with the candidate in regard to the services provided, he states that Ms. Dwyer had several contacts with the campaign concerning the services provided. In light of Mr. Mott's close connection to Mott Enterprises, information about the needs and resources of the campaign acquired by Ms. Dwyer in the course of these contacts may have been conveyed to Mr. Mott.

2/ In his response, Mr. Mott also refers to the reporting of the $5,000 expenditure discussed in footnote 1. He states that he had originally intended "to support an independent effort to collect signatures for ballot access purposes" but subsequently decided to cancel his participation in such efforts.

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While the responses contend that Mr. Mott's expenditures were not, in fact, made by any arrangement, coordination, or direction of John Anderson or his campaign, Mr. Mott admits that both he and his staff had contacts with Mr. Anderson and his staff (other than Ms. Dwyer's contacts with the campaign). Though Mr. Mott asserts that none of the contacts related either to Mott Enterprises' services or to his expenditures, and though Mr. Kamenar maintains that there was no information provided to Mr. Mott by Anderson or the campaign which provided the basis for the content, timing, or placing of the advertisements, there is still a question as what exactly was stated during the contacts between Mr. Mott or his staff and Mr. Anderson or the Anderson campaign staff.

Section 44la(a)(1)(A) of title 2 prohibits contributions in excess of $1,000 by a person to a candidate and his authorized committees with respect to any election for federal office. Section 44la(a)(3) states that no individual shall make contributions aggregating more than $25,000 in any calendar year. Section 44la(f) prohibits the acceptance of contributions in excess of the §§ 44la(a)(1)(A) and 44la(a)(3) limitations. Because of the existence of the close connection between Mr. Mott and Mott Enterprises and the admitted contacts between Mr. Mott or his staff and Mr. Anderson or his staff, there is, in the view of the

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General Counsel, reason to believe that the Anderson campaign coordinated or made arrangements with or provided direction to Stewart R. Mott. Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f).

Section 434(b) of title 2 requires political committees to report receipts of contributions. The Anderson for President Committee did not report the receipt of $90,181 from Stewart R. Mott. Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 434(b).

In order to verify the responses received from Mr. Mott and his attorney and in order to further ascertain the nature of the contacts discussed, the General Counsel has framed questions to be addressed to the Committee. The General Counsel recommends approval of these questions.

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Recommendations

1. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f) by accepting contributions from Stewart R. Mott in excess of the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

2. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 434(b) by failing to report the receipt of contributions from Stewart R. Mott.

3. Approve the attached letter with questions.

Attachments

1. Response from Paul Kamenar, attorney for Stewart R. Mott.

2. Response from Stewart R. Mott.

3. Letter, RTB notification, and questions to Lucille LaPlante, treasurer of the Anderson for President Committee.

15 April 1981
Date

Charles N. Steele
General Counsel

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LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005
(202) 393-8535

December 12, 1980

John Warren McGarry
Vice-Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1333

32040332115

Dear Mr. McGarry:

This letter is in response to yours dated November 13, 1980 in which you stated that the Federal Election Commission ("FEC" or "Commission") determined on November 5, 1980 that there was "reason to believe" that Stewart R. Mott ("Mott" or "respondent") violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) of the Federal Election Campaign Act, as amended ("FECA" or "the Act") by making excessive in-kind contributions to John B. Anderson's primary campaign in March 1980 rather than making independent expenditures as he reported. You also stated that the "General Counsel factual and legal analysis, which formed a basis for the Commission finding, is attached [illegible] your information." We would like to make some preliminary observations.

First, the document entitled "General Counsel's Factual and Legal Analysis" which was attached to your letter is dated November 13, 1980, the same date as your letter. How was it possible for that document to form a basis for a decision that

Attachment 1 - p. 1 of 12

was allegedly made by the Commission on November 5, 1980, more than a week earlier? We would appreciate a full explanation of this discrepancy. Also, we are concerned about the timing of this action since it appears that the bulk of the information which formed the basis of it had been in the possession of the Commission for six months. We would appreciate it further if we could be informed as to when this matter was referred to the Office of General Counsel by the Reports Analysis Division and when the post-primary audit of the Anderson Committee occurred.

Mr. Mott is acutely aware of the election law's impact on the exercise of First Amendment activity, having been a plaintiff with Senator Buckley and others in Buckley v. Valeo, 424 U.S. 1 (1976), and more recently a co-plaintiff with the National Conservative Political Action Committee in Mott et al., v. FEC, 494 F. Supp. 131 (D.D.C. 1980), currently on appeal. In this regard, Mr. Mott takes exception to the Commission's "presumption" that his expenditures were not independent merely because of his relationship with Mott Enterprises Inc.("MEI"), and which puts the burden on him to rebut that presumption. Such "presumptions" are not stated in the FECA and are thus invalid.

Nevertheless, in the spirit of cooperation, the respondent is filing this response and the attached Affidavit of Mr. Mott which we trust will clearly demonstrate that the expenditures in question were independent of any campaign, and thus, were not in-kind expenditures.

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As you know, the Supreme Court in Buckley v. Valeo struck down as unconstitutional any limits on independent expenditures. 424 U.S. 1, 39-51 (1976). The Court stated that expenditures "placed in cooperation with or with the consent of a candidate, his agents, or an authorized committee of the candidate" would not be independent. Id. at 46, n.53. The statutory definition of "independent expenditure" found in 2 U.S.C. § 431(17) provides that the term means:

> an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorize committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

In the FEC regulations, 11 C.F.R. 109.1(a), independent expenditures are defined in substantially the same way except that the FEC has completely dropped the "in concert with" language from the regulations.

From the General Counsel's report in this MUR, the key provision at issue is 11 C.F.R. 109.1(b)(4) which states in pertinent part:

> (4) "Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate" means--

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(i) Any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure will be presumed to be so made when it is --

(A) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;

(B) Made by or through any person who is, or has been, authorized to raise or expend funds . . . or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent. (Emphasis added).

Presumption (b)(4)(i)(A) above is cast is terms of factual information regarding the expenditure in question, whereas presumption (b)(4)(i)(B) is triggered merely because of the expending person's current or past status. Thus, for example, a person who was reimbursed a few dollars by the campaign for delivering a few campaign leaflets one afternoon would be presumed to be violating the FEC regulations if that person would take out an advertisement on his own a month later supporting that candidate. Such presumptions have a chilling effect on the rights of individuals to express their views.

In this case, the General Counsel's Report states that the apparent receipt by MEI of compensation for its services "while" or "prior to" the time of Mr. Mott's expenditures "creates the presumption that Mott's expenditures were made by an arrangement coordination, or direction by Anderson" or his campaign. GC Report at 3.

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This analysis is based upon a possible association of Mr. Mott to MEI. The GC Report thus is presuming a violation of the law because of Mr. Mott's status under (b)(4)(i)(B).

In addition, the GC Report states that during the course of MEI's providing of services to the Anderson campaign, "it is likely that the Committee gave information to Mott Enterprises, and hence to Mr. Mott, about its resources and needs prior to the time of Mr. Mott's expenditures." GC Report at 3. Although the GC Report does not so state, apparently this analysis is premised upon the factual presumptions of (b)(4)(i)(A).

As noted earlier, we object to such presumptions where none are stated in the statute. We also submit that the status presumption of (b)(4)(i)(B) does not even arise in the first instance since MEI is a corporation and is thus a separate legal entity from Mr. Mott the individual. See Mott Affidavit, ¶¶15-17. Thus, although Mr. Mott may have controlling interest in MEI corporation, there is currently no FEC regulation that "presumes" that the owner of a corporation is the person receiving compensation for services provided to a campaign committee by the corporation. In effect, the Commission is making a double presumption. Under (b)(4)(i)(B), the expenditures complained of would have to have been "made by or through any person . . . authorized to raise or expend funds"--i.e., MEI. But it is clear that there has never been any suggestion that MEI had any thing to do with placing the complained of expenditures in the New York Times or on the radio. Nor was Mr. Mott the individual authorized to raise or expend any funds for John Anderson's campaign during the period in question.

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Accordingly, the (b)(4)(i)(B) presumption does not even arise.

The inquiries posed by the FEC attached to the GC Report concerning the timing of the payment by the Anderson campaign to MEI further demonstrate the flaws of any presumption. Mr. Mott has stated that MEI received compensation for its services on March 11 and 20, 1980. Mott Affidavit, ¶ 19. Thus, some of Mr. Mott's expenditures came during a time that MEI was being reimbursed. However, it seems that if MEI had not been compensated for its services until after April, 1980, then no presumption would have ever arisen, even though MEI was providing services to the campaign during the time that Mott made his expenditures. Such distinctions as to when actual payment was made, and what that has to do with whether or not an "independent expenditure" had been made, is beyond comprehension.

Assuming, arguendo, that the presumption does arise, we submit that the factual information submitted herewith by Mr. Mott in his Affidavit clearly rebuts not only the status presumption of (b)(4)(i)(B), but also of the factual presumption of (b)(4)(i)(A)[which was not expressly raised in the GC Report, but was in our view implied]. In short, the expenditures is question were not in fact made by any "arrangement, coordination, or direction" of the candidate or his campaign. There was no information provided to Mr. Mott by the candidate or his campaign that provided the basis of the content of the advertisements, or the manner of the time or place of their occurrences. Mott Affidavit, ¶¶ 5-13.

The information used by Mr. Mott to formulate the advertisements came from general public knowledge of Mr. Anderson's position

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on the issues. He was assisted in the preparation of these communications by Shaller Rubin Associates, Inc., a New York advertising company and by Joe Napolitan, a political consultant from Springfield, Massachusetts, and Tony Schwartz, a radio media expert. None of these persons were authorized agents of the Anderson campaign. Mott Affidavit, ¶ 9.

Based on all the above, we sumit that a dismissal of this case is warranted by the facts. Furthermore, such a dismissal would be in accord with Commission practice in prior enforcement matters relating to independent expenditures.

In MUR 203(76), for example, the Commission investigated the possibility that certain expenditures made by the American Conservative Union and the Conservative Victory Fund on behalf of Ronald Reagan's campaign in 1976 were not independent because of possible cooperation and consultation with Mr. Reagan's campaign committee. In that case, four persons who were ACU directors were also at the same time regional directors for Reagan's campaign.

Nevertheless, on December 1, 1977, the Commission voted to find "no reasonable cause to believe" a violation occurred. In the GC Report on MUR 203, the General Counsel stated:

> Although the list of overlapping personnel . . . suggests that the named individuals served in capacities which would allow them the opportunity to be involved in ACU's decision to expend funds on behalf of Mr. Reagan, Mr. Roberts [of ACU] has stated under oath that none of these individuals in fact took part in ACU's decision to make independent expenditures on behalf of Mr. Reagan.
>
> GC Report, MUR 203, Nov. 11, 1977, at 9-10 (emphasis in original).

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In the instant case, while there has certainly been some opportunity for Mr. Mott or his assistants to discuss the expenditures in question--as there would be in most any case by a person making expenditures to contact the campaign--the facts show that in fact no information was given to Mr. Mott by the campaign in the making of his expenditures. The expenditures came as a complete surprise to the Anderson campaign. Mott Affidavit, ¶ 13.

Yet in another case, the FEC investigated, among other things, the possibility that an expenditure prepared by the respondent, a Dr. Lacy, advocating the defeat of a Mr. Hein, was made in consultation with that candidate's opponent, Jim Jeffries. The GC Report stated:

> If in fact . . . Lacy did inform the Jeffries campaign staff that he wanted to help, then Lacy's expenditure in producing his brochure may fall within the § 441a(a)(7)(B) definition of a contribution [i.e., one that is not independent].

MUR 700(78), GC Report, Sept. 26, 1978, at 2.

In the ensuing FEC investigation, Dr. Lacy stated that he had no aid from Jeffries' campaign, but did admit that prior to making the expenditure, he contacted the campaign, and informed them of his intentions. GC Report, Dec. 6, 1978, at 1. Nevertheless, the Commission did not find a violation in this respect.

In the instant case, Mr. Mott had no contact at all with the campaign with respect to this expenditure. In that respect, he made less contact than Dr. Lacy. Thus, Jim Jeffries campaign had the opportunity to voice or express its disapproval to Dr. Lacy of the intended expenditure but apparently did not. Thus, one

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could argue that Dr. Lacy had the tacit approval of the campaign. In this case, Mr. Mott had neither the tacit or express approval of the campaign since no consultations were made with respect to the expenditures in question.

In MUR 1231, the FEC voted on July 29, 1980 to find no reason to believe that the National Conservative Political Action Committee's (NCPAC) independent expenditures opposing Senator McGovern had been in fact illegal in-kind contributions to Jim Abdnor, Senator McGovern's opponent. This finding was made despite the evidence that NCPAC and Abdnor had several substantive discussions concerning Abdnor's potential candidacy, and that the timing of Abdnor's announcement coincided with that of NCPAC's "media blitz" against Senator McGovern.

In this case, there is no evidence that Mott had any substantive discussions with the Anderson campaign prior to April 1980 related to his expenditures. The timing of Mr. Mott's advertisements were based on public information that was outside of the control of the candidate--the dates and places of the Republican primaries--whereas the timing of an announcement of candidacy is a personally controlled and private one. Thus, in comparison to the facts in MUR 1231, the facts here warrant dismissal of the complaint.

In an earlier NCPAC case, the Commission at first found reason to believe that NCPAC's independent expenditures of some $40,000 supporting John Burcham against Gladys Spellman were not independent because NCPAC was at the same time paying a consultant working on Burcham's campaign, as well as having loaned the campaign money for telephone deposit. MUR 299(76), GC Report,

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January 26, 1977, at 2.

Nevertheless, the Commission, after receiving Mr. Dolan's denial of consulting or cooperating with the Burcham committee, voted to dismiss the complaint. The GC Report noted that in addition, similar advertisements were made for other candidates by NCPAC, and thereby evidenced a further intent to make independent expenditures. In that regard, it should be noted that Mr. Mott took out similar advertisement as that for Mr. Anderson for Senator Kennedy in the New York Times. Mott Affidavit, ¶ 8. Although NCPAC's advertisements emphasized the views of Gladys Spellman and criticized them, the fact that Mr. Mott chose to focus on the publically declared views of the candidate should not diminish the independence of the expenditure.

I should note that Commissioner Staebler filed a dissenting opinion in which he summarized the Commission's policy thusly:

> an expenditure may be treated as independent with respect to a campaign, so long as the expending organization does not discuss the particular "independent" expenditure, and that such conclusion may be drawn despite other contact, including contacts concerning financial needs, which the expending entity may have had with the campaign. I disagree.
>
> Staebler Dissent, Feb. 11, 1977, at 2.

Commissioner Staebler then went on to point out that the course of conduct between NCPAC and the campaign established such a close "nexus" to preclude, in his view, the making of independent expenditures at all.

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In this case, it is clear that the level of involvement between Mr. Mott and the Anderson campaign during the period in question did not approach the level that NCPAC had with the Burcham campaign. Thus, not only does Mr. Mott's expenditures satisfy the prevailing factual test as to whether the particular expenditure was coordinated, but also would even satisfy the general nexus test articulated by then Commissioner Staebler.

Finally, the remaining closed MUR that may be instructive to this case is MUR 321(76). In that case, the Commission found reasonable cause to believe that Peter Secchia did not make independent expenditures as he reported on behalf of Gerald Ford during the 1976 campaign. The Commission conciliated with the respondent in which both sides agreed that some $22,000 worth of expenditures were not independent and assessed a $500 civil penalty against Mr. Secchia. The facts in that case show that the respondent had been officially involved with the Ford campaign as a fundraiser. The investigation indicated from some 200 documents that the respondent was made familiar with Ford's campaign plans and other campaign activities. The expenditures were all made shortly after Mr. Secchia decided to sever all ties with the campaign. However, Mr. Secchia did continue to have contacts with President Ford and his staff.

Although the Commission stated that the presumption in that case was rebuttable, the evidence it received indicated that the expenditures were in fact based on Mr. Secchia's knowledge of campaign plans made available to him by President Ford and his committee. GC Report, July 14, 1977, at 7. It is clear from Mr. Mott's Affidavit that he had no such involvement with John

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Anderson or his campaign.

Based on the legal arguments presented here, the information in the Mott Affidavit, and past practice by the Commission, we submit that the expenditures in question were independent of the campaign for purposes of the election laws. Any presumption to the contrary has been sufficiently rebutted. The Commission is thus now in the position to terminate this enforcement action. However, if the Commission should desire to further verify these statements, it may contact John Anderson and Michael MacLeod from his campaign if the FEC has not already done so.

If any further information is required, please contact me as soon as possible.

Very truly yours,

PAUL D. KAMENAR

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BEFORE THE
FEDERAL ELECTION COMMISSION

In the Matter of)
Stewart R. Mott) MUR No. 1333
)

AFFIDAVIT OF STEWART R. MOTT

I, Stewart R. Mott, being first duly sworn, upon personal knowledge and belief, say:

1. I am the respondent in the above-captioned Matter Under Review (MUR) in which the Federal Election Commission (FEC or Commission) allegedly found "reason to believe" that I have presumably violated the election laws with respect to independent expenditures I made for John B. Anderson in March 1980 because of my relationship with Mott Enterprises, Inc. (MEI).

2. I take exception to any FEC regulation which "presumes" that I have violated the election laws simply because of my relationship to MEI and which puts the burden on me to prove my innocence. Such "presumptions" are not found in the statute.

3. I also cannot understand how the Commission could have voted on November 5, 1980 to find "reason to believe" that I have violated the law, when the General Counsel's Report upon which the November 5 vote was based is dated November 13, more than a week after the decision to institute these proceedings. I also question the timing of these proceedings inasmuch as the information upon which this MUR is allegedly based has been

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in the possession of the Commission for at least six months.

4. Nevertheless, I am voluntarily providing this information in order to rebut any such presumptions and to verify that my expenditures on behalf of John Anderson were "independent expenditures" as defined in 2 U.S.C. 431(17). At the same time, this information should also satisfy your inquiries attached to the November 13, 1980 General Counsel's Report.

5. As I verified under oath in my duly filed FEC Form 5 reports, and verify again here, the expenditures in question were made without the cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and was not made in concert with, or at the suggestion or request of, any authorized committee or agent of such candidate.

6. In early 1980, I decided that in my opinion, that Congressman Anderson would be the best candidate to obtain the Republican nomination for the Presidency, and that Senator Edward Kennedy would be the best nominee of the Democratic Party.

7. In that regard, I undertook to exercise my First Amendment rights by making independent expenditures that expressed my views on the candidates and advocated their election.

8. In March 1980, I purchased two full-page advertisements in the New York Times, one which advocated the election of John Anderson, and the other which advocated Senator Kennedy. I also purchased radio time to broadcast political advertisements advocating the election of John Anderson. These radio spots were broadcasted in New York, Connecticut, Wisconsin, and Illinois.

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9. I was assisted in the development and preparation of the New York Times advertisements by Shaller Rubin Associates, Inc., a New York advertising company. I was assisted in the development and production of the radio advertisements by Joe Napolitan, a political consultant from Springfield, Massachusetts, and Tony Schwartz, a radio media expert from New York City. To my knowledge, these persons were not nor had been associated with John Anderson or his campaign.

10. No campaign materials prepared by the candidate or his committee were used in any way for my expenditures.

11. The information contained in the advertisements concerning John Anderson was merely a restatement or summary of John Anderson's publicly declared positions on some of the issues that I thought were important, such as gun control.

12. The decisions as to where or when my expenditures would occur were also based on general public knowledge of the dates and places of various primary elections.

13. Therefore, the decisions as to the content of the advertisements and the time and place of their occurences, were not made with the cooperation or consultation or involvement of the John Anderson campaign. I did not inform John Anderson or his campaign that I was making these expenditures. These expenditures thus came as a complete surprise to the campaign.

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14. Based upon the foregoing, I believe that I have acted completely within the bounds of the law and the First Amendment to express my views. Therefore, my relationship to MEI is irrelevant to this inquiry. However, in the spirit of cooperation, I will provide further information on MEI.

15. MEI is a New York corporation that assists organizations, associations, corporations, political candidates, and others who wish to build and develop a constituency through direct mail for purposes of disseminating information and seeking financial support.

16. As part of its services, MEI provides consulting and counseling in direct mail response and marketing, contracting vendor services, and implementing on-going direct mail programs through re-solicitation campaigns. Thus, MEI is similar in its functions to other direct mail consulting services and businesses.

17. Although I am the sole stock holder and Chairman of the Board of MEI, the day-to-day operations of the company are carried out by Daphne W. Dwyer, II who is the President and Chief Executive Officer of MEI.

18. The nature of the services provided by MEI to the John Anderson for President Committee is those kind of services generally described in para. 16 above.

19. It is my understanding that payments for these services by the Anderson Committee were made on or about March 11, 1980 and another payment on or about March 20, 1980, for services rendered by MEI from January 31, 1980 to March 5, 1980.

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20. I had no substantive contacts with the candidate or his campaign in regard to the services described in paras. 16 and 18. Daphne Dwyer, in the regular course of business, necessarily had several contacts with the campaign with Michael MacLeod and his assistants. The purpose of those contacts concerned the direct mail fundraising program and MEI's services.

21. Prior to April 11, 1980, I and some of my staff persons had various informal or incidental contacts with John Anderson and his staff concerning miscellaneous matters. I have had a brief conversation or two with John Anderson at a fundraising or other event. None of these contacts related to MEI services, other than those described in para. 20. None of my contacts and those of my staff had any relationship to my independent expenditures in advocacy of John Anderson's Republican nomination during March 1980.

22. With respect to the mailgram of April 11, 1980, I had intended on my own without any contacts with John Anderson or his campaign in this regard, to support an independent effort to collect signatures for ballot access purposes in Massachusetts for John Anderson during early April. A few days later, I subsequently decided to cancel my participation in any such efforts and did not carry out this activity. Therefore, I revoked my notice to the FEC by the mailgram of 6 days later. Therefore, no reportable expenditures were made by me in this matter.

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Stewart R. Mott

STEWART R. MOTT

Washington,)
District of Columbia) ss

Subscribed and sworn to before me this 11th day of December, 1980.

NOTARY PUBLIC

My Commission Expires: Nov. 14, 1984

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lucille LaPlante, Treasurer
Anderson for President Committee
1100 Talcott Building
Rockford, Illinois 61101

Re: MUR 1333

Dear Ms. LaPlante:

On , 1981, the Federal Election Commission determined that there is reason to believe that the Anderson for President Committee ("the Committee") violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), in connection with the Committee's possible receipt of $90,181 in in-kind contributions from Stewart R. Mott during 1980. On that same date, the Commission also found reason to believe that the Committee violated 2 U.S.C. § 434(b) by failing to report the receipt of $90,181 from Mr. Mott. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

We have numbered this matter MUR 1333. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions. Your response should be submitted within ten days of your receipt of this letter. All statements and responses should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against the Committee, the Commission may find probable cause to believe that a violation has occurred and proceed with formal conciliation. Of course, this does

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not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), formerly § 437g(a)(3)(B), unless you notify the Commission in writing that you wish the investigtion to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at 202-523-4039.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Interrogatories
Procedures

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE _____

MUR NO. 1333
STAFF MEMBER(S) & TEL. NO.
Levin
202-523-4039

RESPONDENT Anderson for President Committee

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel (OGC) by the Reports Analysis Division (RAD) to investigate the possible receipt by the Anderson for President Committee ("the Committee") of $90,181 in in-kind contributions from Stewart R. Mott in violation of 2 U.S.C. §§ 441a(f).

FACTUAL BASIS AND LEGAL ANALYSIS

According to reports filed by Stewart Mott and other correspondence sent to the Commission by Mr. Mott, Mr. Mott has spent $90,181 for what he considers to be independent expenditures in support of John B. Anderson's Presidential candidacy. These expenditures were made at various times during March, 1980, for the purposes of obtaining radio time and newspaper space.

The 1980 April Monthly Report of the Anderson for President Committee, Anderson's principal campaign committee for the Republican Presidential primaries, discloses an $18,750 expenditure to Mott Enterprises, a New York corporation, on March 5, 1980, for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980, for "mailing services." In addition, documents obtained during the course of a post-primary audit of the Committee indicate that Mott Enterprises was arranging to provide services to the Committee as early as January, 1980. A memorandum dated January 30, 1980 from Craver, Mathews, Smith and Company ("CMS") to Mott Enterprises sets forth an agreement whereby CMS would "provide consulting and production services to Mott Enterprises to assist [Mott Enterprises] in [its] work on behalf of the Anderson for President Committee." This agreement states that there would be consultation and cooperation between CMS and Mott Enterprises for "the design and implementation of a direct mail test to determine the breadth and intensity of donor support for the Anderson candidacy." Invoices sent by Mott Enterprises to the Committee on February 20, 1980, and March 4, 1980, indicate that the $18,750 and $112,750 expenditures reported by the Committee were for mailing services provided by Mott Enterprises, including "production" and "management fee " costs. According to Mr. Mott,

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the services for which the Committee's expenditures were made were rendered between January 31, 1980, and March 5, 1980.

The address listed for Mott Enterprises in the Committee reports is 515 Madison Avenue, the same address as that given by Mr. Mott on mailgrams sent to the Commission to report his expenditures. Furthermore, the phone number on Mr. Mott's stationery, with the name "Stewart Rawlings Mott" and an address of 800 Park Avenue, is the same as that on the invoices sent by Mott Enterprises from 515 Madison Avenue. Mr. Mott has also stated that, while Daphne W. Dwyer is the President and Chief Executive Officer of Mott Enterprises and is in charge of the company's day-to-day operations, he is the sole stockholder and Chairman of the Board of the corporation.

Unlimited independent expenditures by an individual in connection with an election to federal office are permitted pursuant to the United States Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1, 39-51 (1976). 11 C.F.R. § 109.1(a) defines "independent expenditure" as

> an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

2 U.S.C. § 431(17) uses substantially the same wording. According to 11 C.F.R. § 109.1(b)(4)(i), "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" means "[a]ny arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication." According to 11 C.F.R. § 109.1(b)(4)(i)(B), an expenditure will be presumed to be made by such "arrangement, coordination, or direction" if "[m]ade by or through any person who is, or has been, authorized to raise or expend funds ... or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent."

From the face of the reports filed with the Commission and from the invoices obtained during the audit of the Committee, it appears that Mr. Mott spent money on advertisements for John Anderson's candidacy at the time that Mott Enterprises was being or already had been compensated for services provided to the Committee. The similarity of names and phone numbers indicates a close connection between Mr. Mott and Mott Enterprises. Furthermore, Mr. Mott is the company's sole stockholder and

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Chairman of the Board and thus holds positions which may have enabled him to have significant knowledge of and participation in the company's activities with respect to the Anderson campaign.

The receipt by Mott Enterprises of compensation while Mott was expending funds creates the presumption that Mott's expenditures were made by an arrangement, coordination, or direction by Anderson or his agent prior to the publication, distribution, display or broadcast of the advertisements. See 11 C.F.R. § 109.1(b)(4)(i)(B). The existence of such an arrangement, coordination, or direction would destroy the independence of Mr. Mott's expenditures.

Furthermore, it appears from the audit documents that there were arrangements made between the Committee and Mott Enterprises regarding the provision of and payment for the $131,500 in services reported by the Committee prior to the time of Mr. Mott's expenditures for media time. Because of the contact between the Committee and Mott Enterprises as to the provision of an extensive amount of services, it is likely that the Committee gave information to Mott Enterprises, and hence to Mr. Mott, about its resources and needs prior to the time of Mr. Mott's expenditures.

Mr. Mott has stated that, while Ms. Dwyer had several contacts with Michael MacLeod of the Anderson campaign and with his assistants concerning the "direct mail fundraising program and [Mott Enterprises]' services," he "had no substantive contacts with the candidate or his campaign" in regard to the services provided. Nevertheless, in light of Mr. Mott's close connection with Mott Enterprises, information about the needs and resources of the campaign acquired by Ms. Dwyer in the course of these contacts may have been conveyed to Mr. Mott.

While Mr. Mott claims that his expenditures were not made by any arrangement, coordination, or direction of John Anderson or his campaign, Mr. Mott admits that both he and his staff had contacts with Mr. Anderson and his staff (other than Ms. Dwyer's contacts with the campaign). Though Mr. Mott maintains that none of the contacts related either to Mott Enterprises' services or to his expenditures, and though it is asserted that there was no information provided to Mr. Mott by Mr. Anderson or the campaign which provided the basis for the content, timing, or placing of the advertisements, Mr. Mott made no explanation as to what was stated during such contacts.

Section 441a(a)(1)(A) of title 2 prohibits contributions in excess of $1,000 by a person to a candidate and his authorized

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committees with respect to any election for federal office. Section 441a(a)(3) states that no individuals shall make contributions aggregating more than $25,000 in any calendar year. Section 441a(f) prohibits the acceptance of contributions in excess of the §§ 441a(a)(1)(A) and 441a(a)(3) limitations. Because of the existence of the close connection between Mr. Mott and Mott Enterprises coupled with the contacts between Mr. Mott or his staff and Mr. Anderson or his staff, there is, in the view of the General Counsel, reason to believe that the Anderson campaign coordinated or made arrangements with or provided direction to Stewart R. Mott. Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f).

Section 434(b) of title 2 requires political committees to report receipts of contributions. The Anderson for President Committee did not report the receipt of $90,181 from Stewart R. Mott. Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 434(b).

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Recommendations

1. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f) by accepting contributions from Stewart R. Mott in excess of the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

2. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 434(b) by failing to report the receipt of contributions from Stewart R. Mott.

3. Approve the attached letter with questions.

FEDERAL ELECTION COMMISSION

TO: Lucille LaPlante, Treasurer
Anderson for President Committee

INTERROGATORIES

1. In its 1980 April Monthly Report, the Anderson for President Committee disclosed an $18,750 expenditure to Mott Enterprises on March 5, 1980 for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980 for "mailing services." Describe the services to which the 1980 April Monthly Report refers, including the following:

(a) The nature of services provided for this compensation.

(b) The dates on which such services were performed.

(c) The dates on which payment for such services was made by the Committee.

2. Has the Anderson for President Committee, John Anderson, or any agent or employee of or volunteer for the Committee or the candidate had any contact with Stewart R. Mott, his agent, or his employee in regard to any of the services described in Interrogatory #1. If so, in regard to each such contact, state the following:

(a) The dates on which each such contact occurred.

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

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(c) The name of each person involved in each such contacts.

(d) The relationship of each person listed in response to (c) above to the Anderson for President Committee or to Mott Enterprises.

(e) the purpose of each such contact.

3. Up to and including April 17, 1980, did the Anderson for President Committee, John Anderson, or any agent or employee of or volunteer for the Committee or the candidate have any contact with Stewart R. Mott, his agent, or his employee? If so, in regard to each such contact, state the following:

(a) The date on which each such contact occurred.

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

(c) The name of each person involved in each such contacts.

(d) The relationship of each person listed in response to (c) above to the Anderson for President Committee or John Anderson, or to Stewart R. Mott or Mott Enterprises.

(e) The purpose of each such contact.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE MWE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mc
OFFICE OF THE SECRETARY TO THE COMMISSION

DATE: JANUARY 21, 1981

SUBJECT: MUR 1333 - Interim Investigative Report #1, dated 1-15-81; Signed 1-16-81; Received in OCS 1-16-81, 4:24

The above-named document was circulated to the Commission on a no-objection basis at 11:00, January 19, 1981.

There were no objections to the Interim Investigative Report #1.

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January 16, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1333

Please have the attached Interim Invest Report distributed to the Commission. Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

January 15, 1981

81 JAN 16 P4: 25

In the Matter of	)	
	)	
	)	MUR 1333
Stewart R. Mott	)	

INTERIM INVESTIGATIVE REPORT #1

This matter involves the allegation that Stewart R. Mott made expenditures which were not independent totalling $95,181 in support of John B. Anderson's presidential candidacy and that such expenditures were, therefore, excessive in-kind contributions. On November 5, 1980, the Commission found reason to believe that Stewart R. Mott violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) in connection with these expenditures and approved questions to be directed to Mr. Mott.

On December 15, this office received a response which included a legal analysis of this matter by Mr. Mott's attorney and an affidavit sworn to by Mr. Mott responding partially to the questions directed to him. We have been reviewing this response and will report shortly to the Commission with appropriate recommendations.

16 January 1981
Date

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

January 15, 1981

In the Matter of	)	
	)	
	)	MUR 1333
Stewart R. Mott	)	

INTERIM INVESTIGATIVE REPORT #1

This matter involves the allegation that Stewart R. Mott made expenditures which were not independent totalling $95,181 in support of John B. Anderson's presidential candidacy and that such expenditures were, therefore, excessive in-kind contributions. On November 5, 1980, the Commission found reason to believe that Stewart R. Mott violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) in connection with these expenditures and approved questions to be directed to Mr. Mott.

On December 15, this office received a response which included a legal analysis of this matter by Mr. Mott's attorney and an affidavit sworn to by Mr. Mott responding partially to the questions directed to him. We have been reviewing this response and will report shortly to the Commission with appropriate recommendations.

Date

Charles N. Steele
General Counsel

JL/scs JL 1/15/80
ST ST 1/15/81
KAG KAG 1/15/81

file copy

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LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

(202) 393-6535

December 12, 1980

John Warren McGarry
Vice-Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1333

Dear Mr. McGarry:

This letter is in response to yours dated November 13, 1980 in which you stated that the Federal Election Commission ("FEC" or "Commission") determined on November 5, 1980 that there was "reason to believe" that Stewart R. Mott ("Mott" or "respondent") violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3) of the Federal Election Campaign Act, as amended ("FECA" or "the Act") by making excessive in-kind contributions to John B. Anderson's primary campaign in March 1980 rather than making independent expenditures as he reported. You also stated that the "General Counsel factual and legal analysis, which formed a basis for the Commission finding, is attached for your information." We would like to make some preliminary observations.

First, the document entitled "General Counsel's Factual and Legal Analysis" which was attached to your letter is dated November 13, 1980, the same date as your letter. How was it possible for that document to form a basis for a decision that

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was allegedly made by the Commission on November 5, 1980, more than a week earlier? We would appreciate a full explanation of this discrepancy. Also, we are concerned about the timing of this action since it appears that the bulk of the information which formed the basis of it had been in the possession of the Commission for six months. We would appreciate it further if we could be informed as to when this matter was referred to the Office of General Counsel by the Reports Analysis Division and when the post-primary audit of the Anderson Committee occurred.

Mr. Mott is acutely aware of the election law's impact on the exercise of First Amendment activity, having been a plaintiff with Senator Buckley and others in Buckley v. Valeo, 424 U.S. 1 (1976), and more recently a co-plaintiff with the National Conservative Political Action Committee in Mott et al., v. FEC, 494 F. Supp. 131 (D.D.C. 1980), currently on appeal. In this regard, Mr. Mott takes exception to the Commission's "presumption" that his expenditures were not independent merely because of his relationship with Mott Enterprises Inc.("MEI"), and which puts the burden on him to rebut that presumption. Such "presumptions" are not stated in the FECA and are thus invalid.

Nevertheless, in the spirit of cooperation, the respondent is filing this response and the attached Affidavit of Mr. Mott which we trust will clearly demonstrate that the expenditures in question were independent of any campaign, and thus, were not in-kind expenditures.

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As you know, the Supreme Court in Buckley v. Valeo struck down as unconstitutional any limits on independent expenditures. 424 U.S. 1, 39-51 (1976). The Court stated that expenditures "placed in cooperation with or with the consent of a candidate, his agents, or an authorized committee of the candidate" would not be independent. Id. at 46, n.53. The statutory definition of "independent expenditure" found in 2 U.S.C. § 431(17) provides that the term means:

> an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorize committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

In the FEC regulations, 11 C.F.R. 109.1(a), independent expenditures are defined in substantially the same way except that the FEC has completely dropped the "in concert with" language from the regulations.

From the General Counsel's report in this MUR, the key provision at issue is 11 C.F.R. 109.1(b)(4) which states in pertinent part:

> (4) "Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate" means--

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> (i) Any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure will be presumed to be so made when it is --
>
> (A) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;
>
> (B) Made by or through any person who is, or has been, authorized to raise or expend funds . . . or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent. (Emphasis added).

Presumption (b)(4)(i)(A) above is cast is terms of factual information regarding the expenditure in question, whereas presumption (b)(4)(i)(B) is triggered merely because of the expending person's current or past status. Thus, for example, a person who was reimbursed a few dollars by the campaign for delivering a few campaign leaflets one afternoon would be presumed to be violating the FEC regulations if that person would take out an advertisement on his own a month later supporting that candidate. Such presumptions have a chilling effect on the rights of individuals to express their views.

In this case, the General Counsel's Report states that the apparent receipt by MEI of compensation for its services "while" or "prior to" the time of Mr. Mott's expenditures "creates the presumption that Mott's expenditures were made by an arrangement coordination, or direction by Anderson" or his campaign. GC Report at 3.

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This analysis is based upon a possible association of Mr. Mott to MEI. The GC Report thus is presuming a violation of the law because of Mr. Mott's status under (b)(4)(i)(B).

In addition, the GC Report states that during the course of MEI's providing of services to the Anderson campaign, "it is likely that the Committee gave information to Mott Enterprises, and hence to Mr. Mott, about its resources and needs prior to the time of Mr. Mott's expenditures." GC Report at 3. Although the GC Report does not so state, apparently this analysis is premised upon the factual presumptions of (b)(4)(i)(A).

As noted earlier, we object to such presumptions where none are stated in the statute. We also submit that the status presumption of (b)(4)(i)(B) does not even arise in the first instance since MEI is a corporation and is thus a separate legal entity from Mr. Mott the individual. See Mott Affidavit, ¶¶15-17. Thus, although Mr. Mott may have controlling interest in MEI corporation, there is currently no FEC regulation that "presumes" that the owner of a corporation is the person receiving compensation for services provided to a campaign committee by the corporation. In effect, the Commission is making a double presumption. Under (b)(4)(i)(B), the expenditures complained of would have to have been "made by or through any person . . . authorized to raise or expend funds"--i.e., MEI. But it is clear that there has never been any suggestion that MEI had any thing to do with placing the complained of expenditures in the New York Times or on the radio. Nor was Mr. Mott the individual authorized to raise or expend any funds for John Anderson's campaign during the period in question.

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Accordingly, the (b)(4)(i)(B) presumption does not even arise.

The inquiries posed by the FEC attached to the GC Report concerning the timing of the payment by the Anderson campaign to MEI further demonstrate the flaws of any presumption. Mr. Mott has stated that MEI received compensation for its services on March 11 and 20, 1980. Mott Affidavit, ¶ 19. Thus, some of Mr. Mott's expenditures came during a time that MEI was being reimbursed. However, it seems that if MEI had not been compensated for its services until after April, 1980, then no presumption would have ever arisen, even though MEI was providing services to the campaign during the time that Mott made his expenditures. Such distinctions as to when actual payment was made, and what that has to do with whether or not an "independent expenditure" had been made, is beyond comprehension.

Assuming, arguendo, that the presumption does arise, we submit that the factual information submitted herewith by Mr. Mott in his Affidavit clearly rebuts not only the status presumption of (b)(4)(i)(B), but also of the factual presumption of (b)(4)(i)(A)[which was not expressly raised in the GC Report, but was in our view implied]. In short, the expenditures is question were not in fact made by any "arrangement, coordination, or direction" of the candidate or his campaign. There was no information provided to Mr. Mott by the candidate or his campaign that provided the basis of the content of the advertisements, or the manner of the time or place of their occurrences. Mott Affidavit, ¶¶ 5-13.

The information used by Mr. Mott to formulate the advertisements came from general public knowledge of Mr. Anderson's position

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on the issues. He was assisted in the preparation of these communications by Shaller Rubin Associates, Inc., a New York advertising company and by Joe Napolitan, a political consultant from Springfield, Massachusetts, and Tony Schwartz, a radio media expert. None of these persons were authorized agents of the Anderson campaign. Mott Affidavit, ¶ 9.

Based on all the above, we sumit that a dismissal of this case is warranted by the facts. Furthermore, such a dismissal would be in accord with Commission practice in prior enforcement matters relating to independent expenditures.

In MUR 203(76), for example, the Commission investigated the possibility that certain expenditures made by the American Conservative Union and the Conservative Victory Fund on behalf of Ronald Reagan's campaign in 1976 were not independent because of possible cooperation and consultation with Mr. Reagan's campaign committee. In that case, four persons who were ACU directors were also at the same time regional directors for Reagan's campaign.

Nevertheless, on December 1, 1977, the Commission voted to find "no reasonable cause to believe" a violation occurred. In the GC Report on MUR 203, the General Counsel stated:

> Although the list of overlapping personnel . . . suggests that the named individuals served in capacities which would allow them the <u>opportunity</u> to be involved in ACU's decision to expend funds on behalf of Mr. Reagan, Mr. Roberts [of ACU] has stated under oath that none of these individuals <u>in fact</u> took part in ACU's decision to make independent expenditures on behalf of Mr. Reagan.
>
> GC Report, MUR 203, Nov. 11, 1977, at 9-10 (emphasis in original).

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In the instant case, while there has certainly been some opportunity for Mr. Mott or his assistants to discuss the expenditures in question--as there would be in most any case by a person making expenditures to contact the campaign--the facts show that in fact no information was given to Mr. Mott by the campaign in the making of his expenditures. The expenditures came as a complete surprise to the Anderson campaign. Mott Affidavit, ¶ 13.

Yet in another case, the FEC investigated, among other things, the possibility that an expenditure prepared by the respondent, a Dr. Lacy, advocating the defeat of a Mr. Hein, was made in consultation with that candidate's opponent, Jim Jeffries. The GC Report stated:

> If in fact . . . Lacy did inform the Jeffries campaign staff that he wanted to help, then Lacy's expenditure in producing his brochure may fall within the § 441a(a)(7)(B) definition of a contribution [i.e., one that is not independent].

MUR 700(78), GC Report, Sept. 26, 1978, at 2.

In the ensuing FEC investigation, Dr. Lacy stated that he had no aid from Jeffries' campaign, but did admit that prior to making the expenditure, he contacted the campaign, and informed them of his intentions. GC Report, Dec. 6, 1978, at 1. Nevertheless, the Commission did not find a violation in this respect.

In the instant case, Mr. Mott had no contact at all with the campaign with respect to this expenditure. In that respect, he made less contact than Dr. Lacy. Thus, Jim Jeffries campaign had the opportunity to voice or express its disapproval to Dr. Lacy of the intended expenditure but apparently did not. Thus, one

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could argue that Dr. Lacy had the tacit approval of the campaign. In this case, Mr. Mott had neither the tacit or express approval of the campaign since no consultations were made with respect to the expenditures in question.

In MUR 1231, the FEC voted on July 29, 1980 to find no reason to believe that the National Conservative Political Action Committee's (NCPAC) independent expenditures opposing Senator McGovern had been in fact illegal in-kind contributions to Jim Abdnor, Senator McGovern's opponent. This finding was made despite the evidence that NCPAC and Abdnor had several substantive discussions concerning Abdnor's potential candidacy, and that the timing of Abdnor's announcement coincided with that of NCPAC's "media blitz" against Senator McGovern.

In this case, there is no evidence that Mott had any substantive discussions with the Anderson campaign prior to April 1980 related to his expenditures. The timing of Mr. Mott's advertisements were based on public information that was outside of the control of the candidate--the dates and places of the Republican primaries--whereas the timing of an announcement of candidacy is a personally controlled and private one. Thus, in comparison to the facts in MUR 1231, the facts here warrant dismissal of the complaint.

In an earlier NCPAC case, the Commission at first found reason to believe that NCPAC's independent expenditures of some $40,000 supporting John Burcham against Gladys Spellman were not independent because NCPAC was at the same time paying a consultant working on Burcham's campaign, as well as having loaned the campaign money for telephone deposit. MUR 299(76), GC Report,

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January 26, 1977, at 2.

Nevertheless, the Commission, after receiving Mr. Dolan's denial of consulting or cooperating with the Burcham committee, voted to dismiss the complaint. The GC Report noted that in addition, similar advertisements were made for other candidates by NCPAC, and thereby evidenced a further intent to make independent expenditures. In that regard, it should be noted that Mr. Mott took out similar advertisement as that for Mr. Anderson for Senator Kennedy in the New York Times. Mott Affidavit, ¶ 8. Although NCPAC's advertisements emphasized the views of Gladys Spellman and criticized them, the fact that Mr. Mott chose to focus on the publically declared views of the candidate should not diminish the independence of the expenditure.

I should note that Commissioner Staebler filed a dissenting opinion in which he summarized the Commission's policy thusly:

> an expenditure may be treated as independent with respect to a campaign, so long as the expending organization does not discuss the particular "independent" expenditure, and that such conclusion may be drawn despite other contact, including contacts concerning financial needs, which the expending entity may have had with the campaign. I disagree.
>
> Staebler Dissent, Feb. 11, 1977, at 2.

Commissioner Staebler then went on to point out that the course of conduct between NCPAC and the campaign established such a close "nexus" to preclude, in his view, the making of independent expenditures at all.

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In this case, it is clear that the level of involvement between Mr. Mott and the Anderson campaign during the period in question did not approach the level that NCPAC had with the Burcham campaign. Thus, not only does Mr. Mott's expenditures satisfy the prevailing factual test as to whether the particular expenditure was coordinated, but also would even satisfy the general nexus test articulated by then Commissioner Staebler.

Finally, the remaining closed MUR that may be instructive to this case is MUR 321(76). In that case, the Commission found reasonable cause to believe that Peter Secchia did not make independent expenditures as he reported on behalf of Gerald Ford during the 1976 campaign. The Commission conciliated with the respondent in which both sides agreed that some $22,000 worth of expenditures were not independent and assessed a $500 civil penalty against Mr. Secchia. The facts in that case show that the respondent had been officially involved with the Ford campaign as a fundraiser. The investigation indicated from some 200 documents that the respondent was made familiar with Ford's campaign plans and other campaign activities. The expenditures were all made shortly after Mr. Secchia decided to sever all ties with the campaign. However, Mr. Secchia did continue to have contacts with President Ford and his staff.

Although the Commission stated that the presumption in that case was rebuttable, the evidence it received indicated that the expenditures were in fact based on Mr. Secchia's knowledge of campaign plans made available to him by President Ford and his committee. GC Report, July 14, 1977, at 7. It is clear from Mr. Mott's Affidavit that he had no such involvement with John

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Anderson or his campaign.

Based on the legal arguments presented here, the information in the Mott Affidavit, and past practice by the Commission, we submit that the expenditures in question were independent of the campaign for purposes of the election laws. Any presumption to the contrary has been sufficiently rebutted. The Commission is thus now in the position to terminate this enforcement action. However, if the Commission should desire to further verify these statements, it may contact John Anderson and Michael MacLeod from his campaign if the FEC has not already done so.

If any further information is required, please contact me as soon as possible.

Very truly yours,

PAUL D. KAMENAR

encl

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BEFORE THE
FEDERAL ELECTION COMMISSION

In the Matter of Stewart R. Mott	)))	MUR No. 1333

AFFIDAVIT OF STEWART R. MOTT

I, Stewart R. Mott, being first duly sworn, upon personal knowledge and belief, say:

1. I am the respondent in the above-captioned Matter Under Review (MUR) in which the Federal Election Commission (FEC or Commission) allegedly found "reason to believe" that I have presumably violated the election laws with respect to independent expenditures I made for John B. Anderson in March 1980 because of my relationship with Mott Enterprises, Inc. (MEI).

2. I take exception to any FEC regulation which "presumes" that I have violated the election laws simply because of my relationship to MEI and which puts the burden on me to prove my innocence. Such "presumptions" are not found in the statute.

3. I also cannot understand how the Commission could have voted on November 5, 1980 to find "reason to believe" that I have violated the law, when the General Counsel's Report upon which the November 5 vote was based is dated November 13, more than a week after the decision to institute these proceedings. I also question the timing of these proceedings inasmuch as the information upon which this MUR is allegedly based has been

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in the possession of the Commission for at least six months.

4. Nevertheless, I am voluntarily providing this information in order to rebut any such presumptions and to verify that my expenditures on behalf of John Anderson were "independent expenditures" as defined in 2 U.S.C. 431(17). At the same time, this information should also satisfy your inquiries attached to the November 13, 1980 General Counsel's Report.

5. As I verified under oath in my duly filed FEC Form 5 reports, and verify again here, the expenditures in question were made without the cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and was not made in concert with, or at the suggestion or request of, any authorized committee or agent of such candidate.

6. In early 1980, I decided that in my opinion, that Congressman Anderson would be the best candidate to obtain the Republican nomination for the Presidency, and that Senator Edward Kennedy would be the best nominee of the Democratic Party.

7. In that regard, I undertook to exercise my First Amendment rights by making independent expenditures that expressed my views on the candidates and advocated their election.

8. In March 1980, I purchased two full-page advertisements in the New York Times, one which advocated the election of John Anderson, and the other which advocated Senator Kennedy. I also purchased radio time to broadcast political advertisements advocating the election of John Anderson. These radio spots were broadcasted in New York, Connecticut, Wisconsin, and Illinois.

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9. I was assisted in the development and preparation of the New York Times advertisements by Shaller Rubin Associates, Inc., a New York advertising company. I was assisted in the development and production of the radio advertisements by Joe Napolitan, a political consultant from Springfield, Massachusetts, and Tony Schwartz, a radio media expert from New York City. To my knowledge, these persons were not nor had been associated with John Anderson or his campaign.

10. No campaign materials prepared by the candidate or his committee were used in any way for my expenditures.

11. The information contained in the advertisements concerning John Anderson was merely a restatement or summary of John Anderson's publicly declared positions on some of the issues that I thought were important, such as gun control.

12. The decisions as to where or when my expenditures would occur were also based on general public knowledge of the dates and places of various primary elections.

13. Therefore, the decisions as to the content of the advertisements and the time and place of their occurences, were not made with the cooperation or consultation or involvement of the John Anderson campaign. I did not inform John Anderson or his campaign that I was making these expenditures. These expenditures thus came as a complete surprise to the campaign.

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14. Based upon the foregoing, I believe that I have acted completely within the bounds of the law and the First Amendment to express my views. Therefore, my relationship to MEI is irrelevant to this inquiry. However, in the spirit of cooperation, I will provide further information on MEI.

15. MEI is a New York corporation that assists organizations, associations, corporations, political candidates, and others who wish to build and develop a constituency through direct mail for purposes of disseminating information and seeking financial support.

16. As part of its services, MEI provides consulting and counseling in direct mail response and marketing, contracting vendor services, and implementing on-going direct mail programs through re-solicitation campaigns. Thus, MEI is similar in its functions to other direct mail consulting services and businesses.

17. Although I am the sole stock holder and Chairman of the Board of MEI, the day-to-day operations of the company are carried out by Daphne W. Dwyer, II who is the President and Chief Executive Officer of MEI.

18. The nature of the services provided by MEI to the John Anderson for President Committee is those kind of services generally described in para. 16 above.

19. It is my understanding that payments for these services by the Anderson Committee were made on or about March 11, 1980 and another payment on or about March 20, 1980, for services rendered by MEI from January 31, 1980 to March 5, 1980.

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20. I had no substantive contacts with the candidate or his campaign in regard to the services described in paras. 16 and 18. Daphne Dwyer, in the regular course of business, necessarily had several contacts with the campaign with Michael MacLeod and his assistants. The purpose of those contacts concerned the direct mail fundraising program and MEI's services.

21. Prior to April 11, 1980, I and some of my staff persons had various informal or incidental contacts with John Anderson and his staff concerning miscellaneous matters. I have had a brief conversation or two with John Anderson at a fundraising or other event. None of these contacts related to MEI services, other than those described in para. 20. None of my contacts and those of my staff had any relationship to my independent expenditures in advocacy of John Anderson's Republican nomination during March 1980.

22. With respect to the mailgram of April 11, 1980, I had intended on my own without any contacts with John Anderson or his campaign in this regard, to support an independent effort to collect signatures for ballot access purposes in Massachusetts for John Anderson during early April. A few days later, I subsequently decided to cancel my participation in any such efforts and did not carry out this activity. Therefore, I revoked my notice to the FEC by the mailgram of 6 days later. Therefore, no reportable expenditures were made by me in this matter.

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Stewart R. Mott

STEWART R. MOTT

Washington,)
District of Columbia) ss

Subscribed and sworn to before me this 11th day of December, 1980.

NOTARY PUBLIC

My Commission Expires: Nov. 14, 1984

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RECEIVED

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88 DEC 15 P12:06

P D Kamenar
1015 15th St. N.W.

Washington DC 20005

John Warren McGarry
Vice-Chairman
Federal Election Comm'n
1325 K Street, N.W. 5th Floor
Washington, D.C. 20463

GCC 3548 911558

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LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

(202) 393-6535

HAND DELIVERED

December 11, 1980

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

RE: MUR 1333

Dear Mr. Friedersdorf:

Because of scheduling difficulties, the respondent in the above-captioned MUR will not be able to complete his response until after 5 p.m. today, and thus we will not be able to deliver it to the FEC by the close of business.

We will file it tomorrow, December 12, 1980.

Very truly yours,

Paul D. Kamenar

cc; Jonathin Levin

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911517

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

(202) 393-8535

Next
911521

December 11, 1980

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

RE: MUR 1333

Dear Mr. Friedersdorf:

Because of scheduling difficulties, the respondent in the above-captioned MUR will not be able to complete his response until after 5 p.m. today, and thus we will not be able to deliver it to the FEC by the close of business.

We will file it tomorrow, December 12, 1980.

Very truly yours,

Paul D. Kamenar

cc: Jonathin Levin

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80 DEC 12 A9:57
GENERAL COUNSEL
RECEIVED

LAW OFFICES
PAUL DOUGLAS KAMENAR
918 SEVENTEENTH STREET, N.W.
10TH FLOOR
WASHINGTON, D.C. 20006

8204032 1

Max Friedersdorf

FEC

RECEIVED
80 DEC 11 P3:59

LAW OFFICES
PAUL DOUGLAS KAMENAR
910 SEVENTEENTH STREET, N.W.
10TH FLOOR
WASHINGTON, D.C. 20006

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J. Levin, Esq.
OGC
FEC

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LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

(202) 289-8806

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
80 DEC 9 A11:10

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

RE: MUR 1333

Dear Mr. Friedersdorf:

This letter is to request an extension of time until Thursday, December 11, within which to respond in MUR 1333.

The respondent is unexpectedly out of town, but will be able to be in Washington, D.C. this Thursday to complete the response in MUR 1333.

Thank you for your consideration.

Very truly yours,

Paul D. Kamenar

cc: Jonathan Levin

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LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

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Hand Deliver

Max Friedersdorf
FEC
1325 K St

88 DEC 8 P4:59

HAND DELIVERED

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

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JONATHAN LEWIN
OGC
FEC

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HAND DELIVERED

STEWART RAWLINGS MOTT
350 PARK AVE.
NEW YORK CITY 10022

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NEW YORK
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N.Y.

U.S. POSTAGE
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Jonathan Levin
Federal Election Commission
General Counsel
1325 K. N.W.
Washington D.C., 20463

CERTIFIED
P32 7250299
MAIL

RETURN RECEIPT REQUESTED

911423

stewart rawlings mott
CEC 3456
800 park avenue
new york 10021
(212) 421-2155

November 26, 1980

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RECEIVED
GENERAL COUNSEL

Jonathan Levin
Federal Election Commission
General Counsel
1325 K St. N.W.
Washington D.C. 20463

Re: MUR1333

Dear Mr. Levin:

I hereby request a two week extension re: MUR 1333 received November 17, 1980.

For the purpose of facilitating this extension I designate Jim Ostmann, 1820 Jefferson Place, N.W., Washington D.C., 202-331-8464, to be my counsel. For the duration of this matter my counsel will be Paul Kamenar, 910 17th St., N.W., Washington D.C., 202-393-8535.

Thank you for your cooperation.

Sincerely,

Stewart R. Mott

Stewart R. Mott

dwm

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HAND DELIVERED

LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

(202) 393-0535

November 25, 1980

HAND-DELIVER

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

RE: MUR 1333

Dear Mr. McGarry:

This letter is to inform you that I will be representing the respondent in the above-captioned MUR, and that due to the holidays and other business, we will not be able to respond in the 10-day period to your letter received by us on November 17, 1980.

Accordinginly, we request an additional 10-day period to respond, i.e., to December 7, 1980.

Very truly yours,

Paul D. Kamenar

cc: Jonathan Levin, FEC

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HAND DELIVERED

Forwarded to OGC

John McGarry
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

HAND-DELIVER

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LAW OFFICES
PAUL D. KAMENAR
1015 FIFTEENTH STREET, N.W.
SUITE 1100
WASHINGTON, D.C. 20005

(202) 393-8535

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GCC# 3413
HAND DELIVERED

November 25, 1980

HAND-DELIVER

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

RE: MUR 1333

Dear Mr. McGarry:

This letter is to inform you that I will be representing the respondent in the above-captioned MUR, and that due to the holidays and other business, we will not be able to respond in the 10-day period to your letter received by us on November 17, 1980.

Accordinginly, we request an additional 10-day period to respond, i.e., to December 7, 1980.

Very truly yours,

Paul D. Kamenar

cc: Jonathan Levin, FEC

80 NOV 25 P3:29

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LAW OFFICES
PAUL DOUGLAS KAMENAR
[illegible] SEVENTEENTH STREET, N.W.
10TH FLOOR
WASHINGTON, D.C. 20006

8204033217

RECEIVED

80 NOV 25 P 2:40

HAND DELIVERED

Jonathan Levin
General Counsel's Office
Federal Election Comm'n
1325 K Street, N.W.
Washington, DC 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stewart R. Mott
800 Park Avenue
New York, New York 10021

Re: MUR 1333

Dear Mr. Mott:

On November 5, 1980, the Federal Election Commission determined that there is reason to believe that you violated §§ 441a(a)(1)(A) and 441a(a)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by making $95,181 in in-kind contributions in support of John B. Anderson's Presidential candidacy during 1980. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

We have numbered this matter MUR 1333. Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), formerly § 437g(a)(3)(B), unless you notify the Commission in writing that you wish the investigation to be made public.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter, at 202/523-4039.

Sincerely,

JOHN WARREN McGARRY
Vice-Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Interrogatories
Procedures

8204033217 9

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE November 13, 1980

MUR NO. 1333

STAFF MEMBER(S) & TEL. NO.
Jonathan Levin
(202) 523-4039

RESPONDENT Stewart R. Mott

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel (OGC) by the Reports Analysis Division (RAD) to investigate the possibility that Respondent Stewart R. Mott made $95,181 in in-kind contributions to John Anderson's Presidential candidacy in violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

FACTUAL AND LEGAL ANALYSIS

According to reports filed by Stewart Mott and other correspondence sent to the Commission by Mr. Mott, Mr. Mott has spent $95,181 for what he considers to be independent expenditures in support of John B. Anderson's Presidential candidacy. These expenditures were made at various times during March and April, 1980, for the purposes of obtaining radio time and newspaper space, and for the "collection of signatures to support John Anderson for President." 1/

1/ An expenditure of $5,000 for the "collection of signatures to support John Anderson for President" was reported in a mailgram sent to the Commission by Mr. Mott on April 11, 1980. Six days later, Mr. Mott sent another mailgram stating that the April 11 mailgram was sent "in error" and that "no reportable expenditure for such purpose" had been made by him.

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The 1980 April Monthly Report of the Anderson for President Committee, Anderson's principal campaign committee for the Republican Presidential primaries, discloses an $18,750 expenditure to Mott Enterprises on March 5, 1980, for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980, for "mailing services." In addition, documents obtained during the course of a post-primary audit of the Anderson for President Committee indicate that Mott Enterprises was arranging to provide services to the Committee as early as January, 1980. A memorandum dated January 30, 1980 from Craver, Mathews, Smith and Company ("CMS") to Mott Enterprises sets forth an agreement whereby CMS would "provide consulting and production services to Mott Enterprises to assist [Mott Enterprises] in [its] work on behalf of the Anderson for President Committee." This agreement states that there would be consultation and cooperation between CMS and Mott Enterprises for "the design and implementation of a direct mail test to determine the breadth and intensity of donor support for the Anderson candidacy." Invoices sent by Mott Enterprises to the Committee on February 20, 1980, and March 4, 1980, indicate that the $18,750 and $112,750 expenditures reported by the Committee were for mailing services provided by Mott Enterprises, including "production" and "management fee " costs.

The address listed for Mott Enterprises in the Committee reports is 515 Madison Avenue, the same address as that given by Mr. Mott on mailgrams sent to the Commission to report his expenditures. Furthermore, the phone number on Mr. Mott's stationery, with the name "Stewart Rawlings Mott" and an address of 800 Park Avenue, is the same as that on the invoices sent by Mott Enterprises from 515 Madison Avenue.

Unlimited independent expenditures by an individual in connection with an election to federal office are permitted pursuant to the United States Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1, 39-51 (1976). 11 C.F.R. § 109.1(a) defines "independent expenditure" as

> an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

2 U.S.C. § 431(17) uses substantially the same wording. According to 11 C.F.R. § 109.1(b)(4)(i), "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" means "[a]ny arrangement, coordination, or

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direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication." According to 11 C.F.R. § 109.1(b)(4)(i)(B), an expenditure will be presumed to be made by such "arrangement, coordination, or direction" if "[m]ade by or through any person who is, or has been, authorized to raise or expend funds ... or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent."

From the face of the reports filed with the Commission and from the invoices obtained during the audit of the Committee, it appears that Mr. Mott spent money on advertisements (and signature collection) for John Anderson's candidacy at the time that Mott Enterprises was being or already had been compensated for services provided to the Committee. The similarity of names and phone numbers indicates a close connection between Mr. Mott and Mott Enterprises.

The receipt by Mott Enterprises of compensation while Mott was expending funds creates the presumption that Mott's expenditures were made by an arrangement, coordination, or direction by Anderson or his or her agent prior to the publication, distribution, display or broadcast of the advertisements. See 11 C.F.R. § 109.1(b)(4)(i)(B). The existence of such an arrangement, coordination, or direction would destroy the independence of Mr. Mott's expenditures.

Furthermore, it appears from the audit documents that there were arrangements made between the Committee and Mott Enterprises regarding the provision of and payment for the $131,500 in services reported by the Committee prior to the time of Mr. Mott's expenditures for media time and signature collection. Because of the contact between the Committee and Mott Enterprises as to the provision of an extensive amount of services, it is likely that the Committee gave information to Mott Enterprises, and hence to Mr. Mott, about its resources and needs prior to the time of Mr. Mott's expenditures.

Expenditures on behalf of a campaign that are not independent are in-kind contributions subject to the limits of 2 U.S.C. § 441a. 2 U.S.C. § 441a(a)(1)(A) prohibits any person from making contributions aggregating in excess of $1,000 to any candidate and his authorized political committees with respect to any election for federal office. 2 U.S.C. § 441a(a)(3) states that no individual shall make contributions aggregating more than $25,000 in any calendar year. It appears from the evidence available that Mr. Mott's expenditures may not have been independent. Therefore, the General Counsel recommends that the Commission find reason to believe that Stewart R. Mott violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

The General Counsel also recommends that the attached questions be addressed to Stewart R. Mott.

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Recommendations

1. Find reason to believe that Stewart R. Mott violated 2 U.S.C. § 441a(a)(1)(A).

2. Find reason to believe that Stewart R. Mott violated 2 U.S.C. § 441a(a)(3).

3. Approve the attached letter with questions.

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FEDERAL ELECTION COMMISSION

TO: Mr. Stewart R. Mott

INTERROGATORIES

1. In its 1980 April Monthly Report, the Anderson for President Committee disclosed an $18,750 expenditure to Mott Enterprises on March 5, 1980 for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980 for "mailing services." To the extent you have knowledge of the "Mott Enterprises" to which the Anderson for President Committee's report refers, state the following:

(a) The nature and purpose of Mott Enterprises.

(b) The type of activities in which Mott Enterprises engages.

(c) Your relationship, if any, to Mott Enterprises.

2. To the extent you have knowledge of any of the services reported by the Anderson for President Committee as being provided by Mott Enterprises, state the following:

(a) The nature of any such services.

(b) The dates on which any such services were performed.

(c) The dates on which payment for any such services was made by the Anderson for President Committee.

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3. Have you, your agent, or your employee had any contacts with John Anderson, the Anderson for President Committee, or an agent or employee of or volunteer for the Committee or the candidate in regard to any of the services described in response to Interrogatory #2 above? If so, in regard to each such contact state the following:

(a) The dates on which each such contact occurred.

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

(c) The name of each person involved in each such contact.

(d) The relationship of each person listed in response to (c) above to Mott Enterprises or to the Anderson for President Committee.

(e) The purpose of each such contact.

4. Up to and including April 11, 1980, did you, your agent, or your employee have any contacts with John Anderson, the Anderson for President Committee, or any agent or employee of or volunteer for the candidate or the Committee? If so, in regard to each such contact, state the following:

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(a) The date on which each such contact occurred;

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

(c) The names of the persons involved in each of these contacts.

(d) The relationship of each person listed in response to (c) above to you or Mott Enterprises or to the Anderson for President Committee or John Anderson.

(e) The purpose of each contact.

5. In a mailgram sent to the Commission on April 11, 1980, you stated that you were spending $5,000 "for collection of signatures to support John Anderson for President." Describe in detail the nature of the activities to which this mailgram referred. Your response should include, but not be limited to, the following:

(a) The date(s) and location(s) of the collection(s).

(b) The purpose(s) for which the signatures were collected.

(c) The contact(s), if any, between you, your agent, or your employee and John Anderson, the Anderson for President Committee, or any agent or employee of or volunteer for the candidate or the Committee. (For each such contact, include the date, the method of contact, the names of the persons involved, the relationship of these persons to you, the Committee, or the candidate, and the purpose.).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Stewart R. Mott	)	Pre-MUR 52
Anderson for President Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on November 5, 1980, do hereby certify that the Commission took the following actions in Pre-MUR 52:

1. Decided by a vote of 6-0 to open a Matter Under Review.

2. Decided by a vote of 6-0 to find reason to believe that Stewart R. Mott violated 2 U.S.C. §441a(a)(1)(A).

3. Decided by a vote of 5-1 to find reason to believe that Stewart R. Mott violated 2 U.S.C. §441a(a)(3).

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

4. Failed on a vote of 3-3 to pass a motion to find reason to believe that the Anderson for President Committee violated 2 U.S.C. §441a(f).

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

5. Failed on a vote of 3-3 to pass a motion to find reason to believe that the Anderson for President Committee violated 2 U.S.C. §434(b).

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

(Continued)

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6. Decided by a vote of 6-0 to approve the letters with questions attached to the General Counsel's October 27, 1980 report in this matter, subject to amendment to conform to the actions taken above.

Attest:

11-10-80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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October 27, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: Pre MUR 52

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

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FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 OCT 27 A11:33

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 10-27-80

MUR # Pre-MUR 52
STAFF MEMBER(S) Levin

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: Stewart R. Mott
Anderson for President Committee

RELEVANT STATUTE:
2 U.S.C. § 431(17)
2 U.S.C. § 432(e)(2)
2 U.S.C. § 434(b)
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(a)(3)
2 U.S.C. § 441a(f)
11 C.F.R. § 109.1(a)
11 C.F.R. § 109.1(b)(4)(i)(B)

INTERNAL REPORTS CHECKED: Public Records
Documents from Audit of Anderson for President Committee

FEDERAL AGENCIES CHECKED: None

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SUMMARY OF ALLEGATIONS

Respondent Stewart R. Mott may have made expenditures that were not independent pursuant to 2 U.S.C. § 431(17) totalling $95,181 in support of John B. Anderson's Presidential candidacy and, therefore, may have violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3). Respondent Anderson for President Committee (the Committee) may have violated 2 U.S.C. § 441a(f) for receipt of the $95,181 in expenditures which, if not independently expended, were in-kind contributions. The Committee may also have violated 2 U.S.C. § 434(b) in failing to report receipt of the possible in-kind contributions.

FACTUAL AND LEGAL ANALYSIS

According to reports filed by Stewart Mott and other correspondence sent to the Commission by Mr. Mott, Mr. Mott has spent $95,181 for what he considers to be independent expenditures in support of John B. Anderson's Presidential candidacy. These expenditures were made at various times during March and April, 1980, for the purposes of obtaining radio time and newspaper space, and for the "collection of signatures to support John Anderson for President." 1/

1/ An expenditure of $5,000 for the "collection of signatures to support John Anderson for President" was reported in a mailgram sent to the Commission by Mr. Mott on April 11, 1980. Six days later, Mr. Mott sent another mailgram stating that the April 11 mailgram was sent "in error" and that "no reportable expenditure for such purpose" had been made by him.

The 1980 April Monthly Report of the Anderson for President Committee, Anderson's principal campaign committee for the Republican Presidential primaries, discloses an $18,750 expenditure to Mott Enterprises on March 5, 1980, for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980, for "mailing services." In addition, documents obtained during the course of a post-primary audit of the Anderson Committee (see Attachment 2) indicate that Mott Enterprises was arranging to provide services to the Committee as early as January, 1980. A memorandum dated January 30, 1980 from Craver, Mathews, Smith and Company ("CMS") to Mott Enterprises sets forth an agreement whereby CMS would "provide consulting and production services to Mott Enterprises to assist [Mott Enterprises] in [its] work on behalf of the Anderson for President Committee." This agreement states that there would be consultation and cooperation between CMS and Mott Enterprises for "the design and implementation of a direct mail test to determine the breadth and intensity of donor support for the Anderson candidacy." Invoices sent by Mott Enterprises to the Committee on February 20, 1980, and March 4, 1980, indicate that the $18,750 and $112,750 expenditures reported by the Committee were for mailing services provided by Mott Enterprises, including "production" and "management fee " costs.

The address listed for Mott Enterprises in the Committee reports is 515 Madison Avenue, the same address as that given by Mr. Mott on mailgrams sent to the Commission to report his expenditures. Furthermore, the phone number on Mr. Mott's stationery, with the name "Stewart Rawlings Mott" and an address of 800 Park Avenue, is the same as that on the invoices sent by Mott Enterprises from 515 Madison Avenue.

Unlimited independent expenditures by an individual in connection with an election to federal office are permitted pursuant to the United States Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1, 39-51 (1976). 11 C.F.R. § 109.1(a) defines "independent expenditure" as

> an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

2 U.S.C. § 431(17) uses substantially the same wording. According to 11 C.F.R. § 109.1(b)(4)(i), "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" means "[a]ny arrangement, coordination, or

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direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication." According to 11 C.F.R. § 109.1(b)(4)(i)(B), an expenditure will be presumed to be made by such "arrangement, coordination, or direction" if "[m]ade by or through any person who is, or has been, authorized to raise or expend funds ... or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent."

From the face of the reports filed with the Commission and from the invoices obtained during the audit of the Committee, it appears that Mr. Mott spent money on advertisements (and signature collection) for John Anderson's candidacy at the time that Mott Enterprises was being or already had been compensated for services provided to the Committee. The similarity of names and phone numbers indicates a close connection between Mr. Mott and Mott Enterprises.

The receipt by Mott Enterprises of compensation while Mott was expending funds creates the presumption that Mott's expenditures were made by an arrangement, coordination, or direction by Anderson or his or her agent prior to the publication, distribution, display or broadcast of the advertisements. See 11 C.F.R. § 109.1(b)(4)(i)(B). The existence of such an arrangement, coordination, or direction would destroy the independence of Mr. Mott's expenditures.

Furthermore, it appears from the audit documents that there were arrangements made between the Committee and Mott Enterprises regarding the provision of and payment for the $131,500 in services reported by the Committee prior to the time of Mr. Mott's expenditures for media time and signature collection. Because of the contact between the Committee and Mott Enterprises as to the provision of an extensive amount of services, it is likely that the Committee gave information to Mott Enterprises, and hence to Mr. Mott, about its resources and needs prior to the time of Mr. Mott's expenditures.

Expenditures on behalf of a campaign that are not independent are in-kind contributions subject to the limits of 2 U.S.C. § 441a. 2 U.S.C. § 441a(a)(1)(A) prohibits any person from making contributions aggregating in excess of $1,000 to any candidate and his authorized political committees with respect to any election for federal office. 2 U.S.C. § 441a(a)(3) states that no individual shall make contributions aggregating more than $25,000 in any calendar year. It appears from the evidence available that Mr. Mott's expenditures may not have been independent. Therefore, the General Counsel recommends that the Commission find reason to believe that Stewart R. Mott violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

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The acceptance of contributions in excess of the §§ 441a(a)(1)(A) limitations is a violation of 2 U.S.C. § 441a(f). According to 2 U.S.C. § 432(e)(2), any candidate who receives a contribution for use in connection with his or her campaign for election to federal office "shall be considered, for purposes of this Act, as having received the contribution...as an agent of [his or her] authorized committee." It appears that John Anderson may have received $95,181 in in-kind contributions from Mr. Mott. Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f).

2 U.S.C. § 434(b) requires political committees to report receipts of contributions. The Anderson for President Committee did not report the receipt of $95,181 from Stewart R. Mott. Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 434(b).

The General Counsel also recommends that the attached questions be addressed to Stewart R. Mott and to the Committee.

RECOMMENDATIONS

1. Open a Matter Under Review.

2. Find reason to believe that Stewart R. Mott violated 2 U.S.C. § 441a(a)(1)(A).

3. Find reason to believe that Stewart R. Mott violated 2 U.S.C. § 441a(a)(3).

4. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f).

5. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 434(b).

6. Approve the attached letters with questions.

Attachments

1. Memorandum and information from RAD

2. Documents from audit of Anderson for President Committee.

3. Letter, General Counsel's Analysis, and Interrogatories to Stewart R. Mott.

4. Letter, General Counsel's Analysis, and Interrogatories to the Anderson for President Committee.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 21, 1980

MEMORANDUM

TO : HAL PONDER-OFFICE OF GENERAL COUNSEL

THROUGH : ORLANDO B. POTTER-STAFF DIRECTOR

FROM : TOM HASELHORST-REPORTS ANALYSIS DIVISION

SUBJECT : PRE-MUR ON STEWART MOTT-INDEPENDENT EXPENDITOR IN SUPPORT OF CONGRESSMAN JOHN B. ANDERSON FOR PRESIDENT

Stewart Mott has reportedly made $95,181 1/ in independent expenditures in support of Congressman John B. Anderson's candidacy for president. The independent expenditures were made on several dates during the months of March and April of 1980 (Attachment A).

The 1980 April Monthly Report of the Anderson for President Committee (the Committee), the primary principal campaign committee of Mr. Anderson, discloses two expenditures to Mott Enterprises totalling $131,500 (Attachments B & C). One expenditure was made on March 5, 1980 for "test mailing and fee" in the amount of $18,750; another made on March 18, 1980 for "mailing services" in the amount of $112,750.

The validity of the independent expenditures is questionable, in that Mott Enterprises (the same address and same telephone as Stewart Mott) has been compensated by the Committee, which according to 11 CFR 109.1(b)(4)(i)(B) jeopardizes the independence of the expenditures by Mr. Mott. Futhermore, it may be presumed that there were arrangements made between the candidate and/or an agent of the Committee and the independent expenditor and/or an agent of Mott Enterprises regarding the services provided by the vendor, which also nullifies or destroys the independence of the expenditures. If the activity of Mr. Mott does not fall within the definition of an independent expenditure as defined in 2 U.S.C. 431(17) and 11 CFR 109.1, it would be an

1/ This figure has been adjusted for a $40,000 payment to the New York Times in support of Congressman Anderson and Senator Kennedy for the office of president. An amendment will be forthcoming to disclose a $20,000 independent expenditure for Anderson. In addition, the total figure also includes a $5,000 independent expenditure for collecting signatures to support John Anderson, which was disclosed on a 24 hour mailgram.

Attachment 1 - 36 pages

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in-kind contribution in excess of the limits, according to 2 U.S.C. 441a.

This matter is being referred to your office for appropriate action. If you have any questions, please contact Michael Filler at x34048.

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stewart rawlings mott
800 park avenue
new york 10021
(212) 421-2155

80 MAR 31 A 10:

March 27, 1980

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

In accordance with the Federal Election Campaign Act Regulation 304(c)2. I am reporting my expenditure of ($16,414.54) to advocate the candidacy of John Anderson for President of the United States. Attached please find the report of Independent Expenditures and a listing of radio spots and other expenses involved.

Also enclosed is a copy of my March 21, 1980 mailgram to you regarding expenditures in Wisconsin.

Stewart R. Mott

Stewart R. Mott C90002775
March 27, 1980

cc: Wisconsin Secretary of State

82080313271649

FEC Form 5
March 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

RECEIVED

(To be used by an individual or a person other than political committee)

80 MAR 31 AM 9:34

1. (a) Name (in full)
Stewart Rawlings Smith

2. Identification Number
C00002775

(b) Address (number and street)
500 Park Ave.

(c) City, State and ZIP Code
New York N.Y. 10021

3. This is an Independent Expenditure
✓ in support of Federal candidate
☐ in opposition to Federal candidate.

(d) Principal Place of Business
500 Park Ave NYC 10021

(e) Occupation
Maverick

4. Type of Report (check appropriate box and complete)
in compliance with Section 304(c)2

(a) ☐ Amendment for _____ (which report)
(b) ☐ April 10 Quarterly Report
(c) ☐ July 10 Quarterly Report
(d) ☐ October 10 Quarterly Report
(e) ☐ January 31 Year End Report

(f) ☐ Tenth day report preceding _____ (primary, general or convention) election on _____ (date) in the State of _____

(g) ☐ Thirtieth day report following _____ (primary, general or convention) election on _____ (date) in the State of _____

5. This report covers the period March 21 through April 1

Complete either Line 6 or Line 7 whichever is appropriate. **CONTRIBUTIONS**

6.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate. **EXPENDITURES**

7.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate
see attached				

8. TOTAL CONTRIBUTIONS . . . . . $ _____

9. TOTAL EXPENDITURES . . . . . $ 16,414.54

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

Stewart Smith — Signature
27 Mar 80 — Date

Subscribed and sworn to before me this 27th day of March, 1980

My Commission Expires
Notary Public, State of New York
No. 41-2222250
Qualified in Queens County
Commission Expires March 30, 1980

Barbara S. Reid
NOTARY PUBLIC

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

For further information Contact

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

00001327155

Dresner
Mercurio,
Inc.
305 Madison Avenue
New York NY 10017

March 21, 1980

TO: Mr. Stewart Mott
800 Park Avenue
New York, New York

RE: John Anderson Radio Buy - Wisconsin

INVOICE

Wisconsin Radio Buy: March 25-March 31 (see attached schedule)	$14,611.02
TOTAL AMOUNT DUE:	$14,611.02

PAID IN FULL

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        0. C
14611.02+
  255.52+
  216.00+
  900.00+
  432.00+
16414.54*
```

RADIO SCHEDULE

March 25 - March 31

ADI RATED MARKETS:

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
APPLE/OSHKOSH			
WHBY	15	38.1	$ 185.00
WRAU a/f	23 ca.	30.7	139.71
WNAM	26	52.6	311.50
WROE	19	34.0	228.85
WYTL	18	30.7	202.80
		186.1	
DULUTH/SUPERIOR			
WARX	20	43.0	211.60
WDSM	20	29.2	313.80
WEBC	20	37.8	320.85
KDAL	20	91.0	350.50
		201.0	
GREEN BAY			
WDUZ	24	74.2	410.40
WGEE	12	64.6	306.00
WIXX	19	59.2	576.00
		198.0	
MADISON			
WIBA	10	33.7	168.80
WISM	24	47.8	539.00
WLVE	20	27.2	425.80
WTSO	13	59.7	317.60
WZEE	24	38.9	474.00
		207.3	

3204033219 9

RADIO SCHEDULE

March 25 - March 31

ADI RATED MARKETS:

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
APPLE/OSHKOSH			
WHBY	15	38.1	$ 185.00
WRAU a/f	23 ea.	30.7	139.71
WNAM	26	52.6	311.50
WROE	19	34.0	228.85
WYTL	18	30.7	202.80
		186.1	
DULUTH/SUPERIOR			
WARX	20	43.0	211.60
WDSM	20	29.2	313.80
WEBC	20	37.8	326.85
KDAL	20	91.0	350.50
		201.0	
GREEN BAY			
WDUZ	24	74.2	410.40
WGEE	12	64.6	306.00
WIXX	18	59.2	576.00
		198.0	
MADISON			
WIBA	10	33.7	168.80
WISM	24	47.8	530.00
WLVE	20	27.2	425.60
WTSO	13	59.7	317.60
WTDE	24	38.9	474.00
		207.3	

8 2 0 0 4 3 2 1 6 5 5 3

March 21, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For 25 radio dupes for Illinois @ $4.00 ea.	$100.00
For 18 dupes for N.Y. on first set of spots @ $4.00 ea.	72.00
For 18 dupes for N.Y. on second set of spots @ $4.00 ea.	72.00
8% N.Y.S Tax on N.Y. dubs only ($144.00)	11.52
TOTAL.	$255.52

March 21 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For production costs on two	
Anderson radio spots @ $100.00 ea.	$200.00
8% N.Y. State Tax.	16.00
TOTAL.	$216.00

10019 381 3025

March 21, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For talent used on 2 Anderson radio spots, copy of bill enclosed.	$900.00

0001 0 3 1 5 5 5 6

LANDCO LABS, IN[illegible] 7240 ESTRELLA DE MAR • CARLS[illegible] CALIFORNIA 92008 • (714, 436 2711

INVOICE NO.
DATE

Mr. Tony Schwartz
[illegible] Sounds, Inc.
[illegible] West 5[illegible]th St.
[illegible] York, New York [illegible]

CUSTOMER ORDER NO. VIA TERMS NET 10 DA[illegible]

	AMOUNT	CODE	TAX	TOTAL
[illegible] 1 & # 2 RE[illegible] BY [illegible] RADIO				
[illegible] 1 ... RA[illegible]				
[illegible] # 2 RA[illegible]				
RADIO COMMERCIALS [illegible]				
[illegible] You.....				

8 2 0 0 4 0 3 1 3 0 2 7 1 0 5 4 5 5 7 ION

March 10, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For production on 4 Anderson	
radio spots @ $100.00 ea.	$400.00
8% N.Y.S. Tax.	32.00
TOTAL.	$432.00

Western Union Mailgram

4-062F02SUA1002 03/21/80 ICS IPMMTZZ CSP NYBB
1 2124212155 MGM TDMT NEW YORK NY 03-21 1240P EST

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2124212155 MGM TDMT NEW YORK NY 56 03-21 1240P EST
ZIP
PUBLIC RECORDS DIVN
FEDERAL ELECTION COMMISSION
1325 K ST
WASHINGTON DC 20463
DEAR SIRS THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING $10,000 FOR RADIO ADVERTISEMENTS IN WISCONSIN TO ADVOCATE JOHN ANDERSON TO THE OFFICE OF PRESIDENT.
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

12:39 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL-FREE PHONE NUMBER

stewart rawlings mott
800 park avenue
new york 10021
(212) 421-2155

RECEIVED
FEDERAL ELECTION
COMMISSION
March 18, 1980

'80 MAR 21 AM 11:55

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

In accordance with the Federal Election Campaign Act Regulation 304(c)2. I am reporting my expenditure of $39,800 to advocate the candidacy of John Anderson for President of the United States. Attached please find the report of Independent Expenditures and a listing of radio spots and appropriate expenses involved.

Also enclosed is a copy of my March 11, 1980 mailgram to you regarding expenditures in New York and Connecticut. A similar mailgram was sent the day following regarding my expenditures in Illinois.

Stewart R. Mott
March 18, 1980

cc: N.Y. Secretary of State
Illiniois Secretary of State

8 2 0 4 0 3 3 0 2 5 1 0 5 7 7

FEC Form 6
March 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

(To be used by an individual or a person other than political committee)

1. (a) Name (in full)
STEWART RAWLINGS MOTT

(b) Address (number and street)
800 PARK AVE

(c) City, State and ZIP Code
NEW YORK, NY 10021

(d) Principal Place of Business
800 PARK AVE NY, NY 10021

2. Identification Number

3. This is an Independent Expenditure
☑ in support of Federal candidate
☐ in opposition to Federal candidate

80 MAR 21 AM 11:55

(e) Occupation
MAVERICK

4. Type of Report (check appropriate box and complete)
IN COMPLIANCE WITH SEC. 304(C)2

(a) ☐ Amendment for _____ (which report)
(b) ☐ April 10 Quarterly Report
(c) ☐ July 10 Quarterly Report
(d) ☐ October 10 Quarterly Report
(e) ☐ January 31 Year End Report

(f) ☐ Tenth day report preceding _____ (primary, general or convention) election on _____ (date) in the State of _____

(g) ☐ Thirtieth day report following _____ (primary, general or convention) election on _____ (date) in the State of _____

5. This report covers the period March 11, 1980 through March 17, 1980

Complete either Line 6 or Line 7 whichever is appropriate.

CONTRIBUTIONS

6. (see attached)

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate.

EXPENDITURES

7. (see attached)

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

8. TOTAL CONTRIBUTIONS . . . . . $ _____

9. TOTAL EXPENDITURES . . . . . $ 39,800.00

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

Stewart Mott 17 March 80
Signature Date

Subscribed and sworn to before me this 17th day of March, 80

My Commission expires 3/30/1980

NOTARY PUBLIC

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

For further information Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

PAYCHECK SERVICE CENTER

[illegible] 03/11/80 ICS IPMMTZZ CSP NYBA
[illegible] NEW YORK NY 03-11 [illegible] EST

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2124212155 TDMT NEW YORK NY 53 03-11 0417P EST
PMS THE PUBLIC RECORDS DIVISION FEDERAL ELECTION COMMITTEE RPT DLY
NGM, DLR
1325 K ST
WASHINGTON DC 20463
DEAR SIRS

THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING OVER A 7 DAY PERIOD FROM MARCH 11 TO THE 17TH $20,000 FOR RADIO ADVERTISEMENT TO ADVOCATE JOHN ANDERSON TO THE OFFICE OF PRESIDENT FOR THE UPCOMING PRIMARY ELECTION IN NEW YORK AND CONNECTICUT
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

1617 EST

NGMCOMM NGM

Pay 1093, unit price, page, etc
itemized on
not attached etc

Name
occup
Principal place

to whom $ spent

Dresner Mercurio, Inc.
315 Madison Avenue
New York, NY 10017

March 13, 1980

TO: Mr. Stewart Mott
800 Park Avenue
New York, New York

RE: John Anderson Radio Buy - Illinois

INVOICE

March 13 - March 17 Illinois Radio Buy (see attached)	$18,017.35
TOTAL DUE:	$18,017.35

PAID IN FULL

8 2 0 4 0 3 3 0 2 5 1 5 0 7 0

RADIO SCHEDULE

March 13 - March 17

ADI RATED STATIONS:

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
CHICAGO			
WAIT	16	6.4	$ 720.00
WCLR	18	12.0	1,073.60
WEFM	14	5.5	1,054.00
WFYR	22	13.6	1,950.00
WIND	27	23.1	1,578.00
WLAK	23	26.5	2,878.00
WLOO	9	17.4	1,500.00
WLS	2	1.4	230.00
		105.9	
PEORIA			
WIKL	22	42.8	982.00
WSWT	22	54.3	
WMBD	16	41.8	296.00
WXCL	18	34.5	451.00
		173.4	
ROCKFORD			
WKKN	16	9.2	191.50
WROK	31	137.8	614.00
WRWC	16	22.8	176.00
WZOK	32	61.0	395.20
		230.8	
ROCK ISLAND/MOLINE			
WHBF	15	47.0	328.00
WQUA	21	23.1	660.00
		70.1	

MOTT-ANDERSON/ILLINOIS, 1980 3/13/80

UNRATED STATIONS:

MARKET/STATION	# OF SPOTS	GROSS COST
CHICAGO		
WMRO	18	$ 359.99
WRMN	14	170.45
FREEPORT		
WACI	18	95.31
WFRL	20	132.30
SPRINGFIELD		
WCVS	24	399.00
WDBR/WTAX	28 ea.	1,059.00
WFMB	24	323.00
WMAY	24	401.00
TOTAL GROSS COST:		$18,017.35

3 2 0 4 0 3 3 2 5 1 5 7 2

RADIO SCHEDULE

March 11 - March 17

ARBITRON RATED STATIONS:

STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
WABC	19	16.0	$1,900.00
WINS	18	13.3	1,746.00
WLIR	10	1.1	517.50
WMCA	12	5.3	664.00
WNBC	8	6.4	1,800.00
WNCN	20	4.2	900.00
WNEW am	21	9.2	2,403.00
WOR	16	25.0	2,953.00
WPAT a/f	14 ea.	15.2	2,142.00
WQXR a/f	20 ea.	4.2	1,270.00
WRFM	11	10.3	1,520.00
WTFM	17	4.8	988.00

UNRATED STATIONS:

WGBB	12		183.00
WVIP a/f	12 ea.		195.00
WVOX	10		196.00
WWYD/WFAS	12		604.80

TOTAL GROSS RATING POINTS: 115.0

TOTAL GROSS COST: $19,982.30

8 2 0 4 0 7 0 3 3 2 5 1 5 7 3

March 10, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For talent used on 4 Anderson radio spots. Copy of bill enclosed.	$1,800.0

chaffeur

8 2 0 0 4 0 3 3 1 3 0 2 5 1 5 4 7 1

DCO LABS, INC. • 7340 BETHELLA DE R • CARLSBAD, CALIFORNIA 92008 • (714) 43

INVOICE NO.

DATE

Mr. Tony Schwartz
New Sounds, Inc.
455 West 56th. St.
New York, New York 10019

NO.	CUSTOMER ORDER NO.	VIA	TERMS	NE

SCRIPTION	AMOUNT	CODE	TAX	TOTAL
JOHN ANDERSON COMMERCIALS... RECORDED BY [illegible]				
1. LICENSING				
2. BIOGRAPHY				
HANDGUNS..	$[illegible]			
INFO ON JOHN ANDERSON..				
4 RADIO COMMERCIALS @ $450.00 each.				
THANK YOU.....				

.8 3 0 0 4 6 3 - 0 2 1 5 7 5

stewart rawlings mott
300 park avenue
new york 10021
(212) 421-2155

'80 MAR 24 PM 1:35

March 20, 1980

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

In accordance with the Federal Election Campaign Act Regulation 304(c)2. I am reporting my expenditure of $53,966.82 to advocate the candidacy of Edward Kennedy and John Anderson for President of the United States. Attached please find the report of Independent Expenditures and a listing of radio spots and other expenses involved.

Also enclosed are copies of my March 19, 1980 mailgrams to you regarding expenditures in Connecticut and New York.

Stewart R. Mott

Stewart R. Mott C90002775
March 20, 1980

cc: Connecticut Secretary of State
New York Secretary of State

8 2 6 4 0 4 3 3 2 5 1 3 9

FEC Form 5
March 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

(To be used by an individual or a person other than political committee)

RECEIVED

1. (a) Name (in full) STEWART RAWLINGS MOTT

(b) Address (number and street) 800 PARK AVE

(c) City, State and ZIP Code NEW YORK, NY 10021

(d) Principal Place of Business 800 PARK AVE. NYC 10021

2. Identification Number C 90002775

3. This is an independent expenditure for 1.35

☑ in support of Federal candidate

☐ in opposition to Federal candidate.

(e) Occupation MAVERICK

4. Type of Report (check appropriate box and complete) in compliance with Sec 304(c)2

(a) ☐ Amendment for _____ (which report)

(b) ☐ April 10 Quarterly Report

(c) ☐ July 10 Quarterly Report

(d) ☐ October 10 Quarterly Report

(e) ☐ January 31 Year End Report

(f) ☐ Tenth day report preceding _____ (primary, general or convention) election on _____ (date) in the State of _____

(g) ☐ Thirtieth day report following _____ (primary, general or convention) election on _____ (date) in the State of _____

5. This report covers the period 3/19/80 through 3/23/80

Complete either Line 6 or Line 7 whichever is appropriate

CONTRIBUTIONS

6.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate.

EXPENDITURES

7.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate
see attached				

8. TOTAL CONTRIBUTIONS . . . . . $ _____

9. TOTAL EXPENDITURES . . . . . $ 53,966.82

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

Stewart R Mott
Signature

Date

Subscribed and sworn to before me this 30 day of March, 19 80

My Commission expires

Johanna Mae Toscano
Notary Public, State of New York
Certificate in New York County
Declared in Queens County
No. 41-2606164
Commission Expires March 30, 1982

Johanna Mae Toscano
NOTARY PUBLIC

NOTE. Submission of false, erroneous or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. Section 437 or Section 441. (See reverse side of form).

For further information Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

32274032325170

MIDDLETOWN, VA. 22645

Western Union Mailgram

4-011351507900Z 03/19/80 ICS IPMMTZZ CSP NYGB
1 2124212155 MGM TDMT NEW YORK NY 03-19 1020A EST

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2124212155 MGM TDMT NEW YORK NY 65 03-19 1020A EST
ZIP
PUBLIC RECORDS DIVISION
FEDERAL ELECTION COMMISSION
1325 K ST
WASHINGTON DC 20463
DEAR SIRS, THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING $14,000. FOR RADIO ADVERTISEMENTS IN CONNECTICUT TO ADVOCATE JOHN ANDERSON TO THE OFFICE OF PRESIDENT AND I AM ALSO SPENDING $40,000. FOR AN AD IN THE NEW YORK TIMES FOR THE SAME PURPOSE FOR THE UPCOMING PRIMARIES IN NEW YORK AND CONNECTICUT
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

10:19 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL-FREE PHONE NUMBER

SHALLER RUBIN ASSOCIATES, INC.

Advertising

309 THIRD AVENUE • NEW YORK, N.Y. 10022 • (212)980-5300

Stewart Mott

INVOICE M 8268

date 3/20/80

terms: net cash/10 days

MEDIA		AMOUNT	DISCOUNT	NET
Media Newspaper March 1980				
New York Times 4800 Lines	3/23	40,000.00	none	40,000.00

8 2 0 4 0 3 3 2 5 1 1 9 2

Dresner Mercurio, Inc.
305 Madison Avenue
New York, NY 10017

Telephone (212) 867-4077
TWX DRESMER NYK
710 581 4077

March 19, 1980

TO: Mr. Stewart Mott
800 Park Avenue
New York, New York

RE: John Anderson Radio Buy - Connecticut

INVOICE

March 20 - March 24 Radio Buy (see attached)	$13,966.82
TOTAL DUE:	$13,966.82

PAID IN FULL

8 2 0 4 0 3 0 3 2 5 1 5 2 0 3

RADIO SCHEDULE

March 20 - March 24

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
ADI RATED MARKETS:			
BRIDGEPORT			
WEZN	18	53.3	$ 936.00
WICC	25	108.4	822.80
WNAB	24	50.7	396.00
		212.4	
HARTFORD			
WDRC	28	33.3	2,196.00
WDRC fm	28	11.1	
WKSS	14	21.5	591.00
WPOP	27	22.4	544.50
WRCH	16	32.4	659.00
WTIC	24	108.6	4,212.00
WTIC fm	24	12.8	
		242.1	
NEW HAVEN			
WELI	14	78.1	711.00
WKCI	20	33.9	990.00
		112.0	
NON-RATED MARKETS:			
GREENWICH			
WGCH	18		284.10
NEW LONDON			
WNLC	20		352.80
NORWALK			
WNLK	20		290.00

8 2 0 4 0 3 9 2 5 2 2 7 4

MOTT-ANDERSON/CONNECTICUT, 1980 3/19/80

MARKET/STATION	# OF SPOTS	GROSS COST
STAMFORD		
WSTC/WYRS	12 ea.	$ 261.62
WATERBURY		
WWYZ	12	720.00
TOTAL GROSS COST:		$13,966.82

9204063952225

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

western union Mailgram

80 APR 14 PM 2:31

4-0190938102 04/11/80 ICS IPMMTZZ CSP WSHB
2124212155 MGM TDMT NEW YORK NY 54 04-11 1056A EST

FEDERAL ELECTION COMMISSION
PUBLIC RECORDS DIVISION 1325 K ST
WASHINGTON DC 20463

FEC ID #C90002775

DEAR SIRS,
THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING $5000 FOR COLLECTION SIGNATURES TO SUPPORT JOHN ANDERSON FOR PRESIDENT.
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

10:56 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

SCHEDULE B-P
September 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Exempt Fundraising, Legal and Accounting, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)

Supporting Lines 24a, 25a, 26a, 26b, and 27a of FEC Form 3P

Page 13 of 156 for LINE NUMBER 24(c)

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

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

Name of Candidate or Committee in Full

Anderson for President Committee

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
A. MOTT ENTERPRISES 515 MADISON AVE. NEW YORK, NY 10022	TEST MAILING & FEE	3-5-80	18,750.00
B. UNITED PARCEL SERVICE BOX 2550 LANDOVER HILLS, MD 20784	SHIPPING FEES	3-5-80	300.00
C. LERNER NEWSPAPERS 7235 W. IRVING PARK RD. CHICAGO, IL 60634	NEWSPAPER ADS	3-5-80	301.84
D. TODD LAPLANTE 5846 KNOLLWOOD RD. ROCKFORD, IL 61107	SALARY	3-5-80	460.03
E. JOEL WEBBER 1 STATE ST PLAZA # 2700 NEW YORK, NY 10004	TRAVEL	3-6-80	150.00
F. U.S. POSTMASTER CHICAGO, IL 60602	POSTAGE	3-6-80	350.00
G. ADVANCED BUSINESS MACHINES 3225 11th ST. ROCKFORD, IL 61109	RENTAL	3-6-80	305.00
H. ILLINOIS PRINTING 1030 CUNNINGHAM ST. ROCKFORD, IL 61102	PRINTING	3-6-80	11,963.10

SUBTOTAL of Expenditures This Page (optional) ..... $ 32,577.97

TOTAL This Period (last page this line number only) ..... $

A 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

SCHEDULE B-P
September 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Exempt Fundraising, Legal and Accounting, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)

Supporting Lines 24a, 25a, 26a, 26b, and 27a of FEC Form 3P

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

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

Name of Candidate or Committee in Full: Anderson for President Committee

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
A. ANNE LEE 2119 WOODFORD RD. TIMONIUM, MD 21093	REGISTRATION MD	3-17-80	882.00
B. FRANK WOLF, 2314 CHESTNUT PHILADELPHIA, PA 19103	FURNITURE RENTAL	3-17-80	400.00
C. SOLO REALTY 1904 WALNUT ST. PHILADELPHIA, PA 19103	RENT 6 WEEKS.	3-17-80	1,100.00
D. U.S. RECORDING 1347 S. CAPTOL ST. WASHINGTON, DC 20003	P.A. EQUIPMENT	3-17-80	109.00
E. U.S. POSTMASTER ROCKFORD, IL 61125	POSTAGE	3-17-80	750.00
F. BUSS PETRIE CARPET SERVICE 1520 KINGLESY DR. ROCKFORD, IL 61111	CARPET SERVICE	3-17-80	600.00
G. MOTT ENTERPRISES 515 MADISON AVE. NEW YORK, NY 10022	MAILING SERVICES	3-18-80	112,750.00
H. U.S. POSTMASTER ROCKFORD, IL 61125	POSTAGE	3-17-80	1,500.00

TOTAL of Expenditures This Page (optional) ..... $ 118,091.00

TOTAL This Period (last page this line number only) ..... $

RAD 80L-130

REPORTS ANALYSIS PRE-MUR UPDATE

*ORIGIN: RAD(Presidential Section)

DATE July 11, 1980

ANALYST Michael Filler

TO: OFFICE OF GENERAL COUNSEL
ATTENTION: JONATHAN LEVIN

TEAM CHIEF Irene Allen

COMPLIANCE REVIEW

THROUGH: STAFF DIRECTOR

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

PRE-MUR No. 52

DATE OF ORIGINAL REFERRAL May 21, 1980

This update is to advise you that Steward Mott sent a mailgram to the Commission on April 17, 1980 amending the 24 hour notice sent on April 11 (Attachment A). The original notice, which was included in the pre-mur dated May 21, 1980, disclosed $5,000 in independent expenditures by Mott for the collection of signatures to support John Anderson for President. The amended notice states that the original message was sent in error and that no reportable expenditures for such purpose have been made by Mott.

On May 29, 1980, the Commission received an amended pre-primary independent expenditure report (FEC FORM 5) for the period covering March 19, 1980 through March 28, 1980 (Attachment B). The amendment provides clarification for the public record that a $40,000 independent expenditure to the New York Times by Mott on behalf of John Anderson and Edward Kennedy should be split equally (i.e., $20,000 attributed to Anderson; $20,000 attributed to Kennedy).

In light of these amendments, the total amount of independent expenditure activity disclosed by Mott to date on behalf of Anderson for President is $90,181.

8204033252 6

*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

STEWART R. MOTT
515 MADISON AVE
NEW YORK NY 10022

Western Union Mailgram

4-0144175106 04/17/80 ICS IPMMTZZ CSP WSHB
2124212155 MGM TDMT NEW YORK NY 57 04-17 1047A EST

ATTACHMENT A

FEDERAL ELECTION COMMISSION
PUBLIC RECORDS DIVISION
1325 K ST
WASHINGTON DC 20463

80 APR 21 PM 3:57
U.S. HOUSE OF REPRESENTATIVES

FEC ID #C90002775

DEAR SIRS,
I WISH TO WITHDRAW THE MAILGRAM DATED APRIL 11,1980 REPORTING AN EXPENDITURE OF $5,000.THIS MAILGRAM WAS SENT IN ERROR AND NO REPORTABLE EXPENDITURE FOR SUCH PURPOSE HAS BEEN MADE BY ME.
STEWART R.MOTT
515 MADISON AVE
NEW YORK NY 10022

10:48 EST

MGMCOMP MGM

8020413825270

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

stewart rawlings mott
suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

'80 MAY 29 AM 11:46

10P

ATTACHMENT B

May 27, 1980

3-11-5
7-11-80

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

Re: Stewart R. Mott
FEC #C90002775

Gentlemen:

I am enclosing for Mr. Mott a form 8 to amend the similar form filed on March 20, 1980. The effect of this is to reduce the amount shown in your records as an independent expenditure in support of John B. Anderson and show the $20,000 as an independent expenditure for support of Edward M. Kennedy.

Sincerely,

John P. Hodgkin

John P. Hodgkin

9 2 0 4 0 3 3 2 5 2 8

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

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

(To be used by an individual or a person other than political committee)

RECEIVED
1980 MAY 29 AM 11:43

1. (a) Name (in full): STEWART RAWLINGS HOTT

2. Identification Number: C90002775

(b) Address (number and street): 800 PARK AVE.

(c) City, State and ZIP Code: NEW YORK, NY 10021

3. This is an Independent Expenditure:
☑ in support of Federal candidate. Edward M. Kennedy
☐ in opposition to Federal candidate.

(d) Principal Place of Business: (same as above)

(e) Occupation: maverick

4. Type of Report (check appropriate box and complete) in compliance with sec. 304 c 2
(a) ☐ Amendment for _____ (which report)
(b) ☐ April 10 Quarterly Report
(c) ☐ July 10 Quarterly Report
(d) ☐ October 10 Quarterly Report
(e) ☐ January 31 Year End Report
(f) ☐ Tenth day report preceding _____ (primary, general or convention) election on _____ (date) in the State of _____
(g) ☐ Thirtieth day report following _____ (primary, general or convention) election on _____ (date) in the State of _____

5. This report covers the period _____ through _____ to amend the 3/20/80 rep

Complete either Line 6 or Line 7 whichever is appropriate.

CONTRIBUTIONS

6.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate.

EXPENDITURES

7.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate
	(1)	5-1-80		

8. TOTAL CONTRIBUTIONS ..... $ _____

9. TOTAL EXPENDITURES ..... $ 20,000

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

Subscribed and sworn to before me this 27 day of May, 1980

My Commission expires

Signature: [signature] Date: 16 May 80

Notary Public: [signature]

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

For further information Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

Pre MUR 5 ..
Lauren

A-809

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1980

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: WILLIAM LOUGHREY BL
ACTING STAFF DIRECTOR

FROM: BOB COSTA RJC

SUBJECT: DOCUMENTS OBTAINED DURING THE ANDERSON FOR PRESIDENT COMMITTEE POST-PRIMARY AUDIT WHICH MAY RELATE TO THE MAY 15, 1980 PRE-MUR ON STEWART MOTT

In accordance with a request from your office on August 5, 1980, we are forwarding the following documents obtained during the course of the Anderson For President Committee's ("the Committee") post-primary audit which we feel may relate to the subject Pre-MUR:

Attachment	Description
I	Memorandum dated January 30, 1980 to Daphne Dwyer, President of Mott Enterprises from Roger Craver of Craver, Matthews, Smith & Co. concerning an agreement for consulting and production services.
II	A letter dated July 25, 1979 to the Committee from Craver, Matthews, Smith & Co. concerning a direct mail test.
III	Two (2) invoices from Mott Enterprises, Inc. dated February 20, 1980 and March 4, 1980 to the Committee concerning mailing charges and fees.

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Attachment 2 - 8 pages

It should be noted that other than requests for documentation in support of expenditures to Mott Enterprises, Inc., no solicitation of documents relating to this matter or explanation for documents provided was requested of the Committee.

Should you have any questions, please contact either Ray Lisi or Ron West on extension 3-4155.

Attachments as stated

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CRAVER, MATHEWS, SMITH & COMPANY
1701 NORTH FT. MYER DRIVE
SUITE 602
ARLINGTON, VIRGINIA 22209
TELEPHONE (703) 522-0224

MEMORANDUM

TO: DAPHNE DWYER, PRESIDENT
MOTT ENTERPRISES

FROM: ROGER CRAVER
CRAVER, MATHEWS, SMITH AND COMPANY

DATE: JANUARY 30, 1980

SUBJECT: PROPOSAL AND AGREEMENT

This memorandum sets forth a proposal and agreement wherein Craver, Mathews, Smith and Company will provide consulting and production services to Mott Enterprises to assist you in your work on behalf of the Anderson for President Committee.

As you know, CMS has played an active and effective role in political fund raising for progressive candidates. From the Udall Presidential Campaign in 1976 through our efforts for the Democratic National Committee, to our work on the senatorial campaigns of Packwood, Bayh, Holtzman, Culver and McGovern and our work with the Kennedy for President Committee, we have gained significant insights into the best, most efficient ways to build and resolicit a donor base for candidates.

In addition to our creative and management experience with regard to political campaigns, we have developed an enviable track record of producing the mailings at costs beneficial to our clients. This is made possible by the volume of printing and mailing we do when "ganging" our weekly production requirements.

Because of our unique position and capacity to produce the sort of mailings you contemplate for the Anderson Committee, we propose to provide the following services:

1. Consult with you on the design and implementation of a direct mail test to determine the breadth and intensity of donor support for the Anderson candidacy.

2. We will work with you on creating the package, and selecting the mailing lists.

3. We will serve as your agent for the bidding, purchasing and supervision of production services for the test mailing.

9204033253 2

4. We will supervise the cashiering, statistical compilation and analysis of the mailing returns, giving you a prompt report on the results along with our recommendations for continuation should the test warrant such continuation.

5. In return for these services Craver, Mathews, Smith and Company will charge Mott Enterprises a fee of $18 per thousand pieces into the mail.

   In addition to our fee we will pass along to Mott Enterprises the invoices from the vendors who supply the mailing. As is our practice we will provide you with a fixed-cost estimate of each component part before production commences and we will not commit Mott Enterprises to any work until we have received your signed authorization. When the invoices are received from the vendors we will check them against their bids and pass them along to you for direct payment without the customary agency markup.

This agreement becomes effective upon the date of execution of both parties and may be cancelled by either party upon written notice.

We look forward to working with you on this important project.

ACCEPTED ON BEHALF OF CRAVER, MATHEWS, SMITH AND COMPANY BY:

_____

_____ _____
Title Date

ACCEPTED ON BEHALF OF MOTT ENTERPRISES BY:

[illegible]
_____

President 1/31/80
Title Date

(Please sign both copies of this agreement, retaining one for your files and returning one to Craver, Mathews, Smith and Company. Thank you.)

8204033253 3

CRAVER MATHEWS SMITH & COMPANY

July 25, 1979

RECEIVED
AUG 13 1979

fee
Pesal

Mr. Mike MacLoed
Anderson for President
Committee
719 8th Street, S.E.
Washington, D.C. 20003

Dear Mike:

I just wanted to put in writing our discussions regarding the direct mail test to be conducted by Craver, Mathews, Smith & Company on behalf of the Anderson for President Committee.

Craver, Mathews, Smith & Company will write and design a prospect direct mail package on the abortion issue to be mailed to a test segment of 5,000 NARAL names. I suggest that we split this mailing between first class and bulk rate.

Further, Craver, Mathews, Smith & Company will manage the production of this package from the artwork through to the delivery of the completed packages to the post office. In return for these services the Anderson for President Committee will pay Craver, Mathews, Smith & Company a copywriting fee of $2,000 and a production fee of $15 per 1,000 pieces of mail. In addition, there will be production costs such as artist fees, typography, printing, mailing house charges, etc. which we will pass through to the Committee at exact cost. Miscellaneous fees such as those for messenger services, long-distance telephone charges, etc. will also be passed through to the Committee at exact cost.

The critical dates for this effort, provided NARAL is able to make the list available according to the schedule, are as follows:

Week of August 6th - First draft of copy completed

August 13th - Final draft of copy completed

Week of August 27th - Art design completed

Week of September 3rd - Test segment mailed

Week of October 1st - Balance of NARAL list mailed.

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If the terms of this arrangement are satisfactory, please sign your agreement at the bottom of this letter, returning the original to Craver, Mathews, Smith & Company and retaining a copy for your files.

Best Regards,

Robert M. Smith

ACCEPTED ON BEHALF OF CRAVER, MATHEWS, SMITH & COMPANY BY:

Title

Date 9/25/79

ACCEPTED ON BEHALF OF THE ANDERSON FOR PRESIDENT COMMITTEE BY:

for Wm. Bradford

Campaign Director

Title

Date 7/31/79
8/10/79

32040332535

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2133

Hanny — this should be paid immediately! MFM

February 20, 1980

Mr. Richard MacLeod
Anderson For President Committee
[illegible] 3rd Street, S.E.
Washington, D.C. 20003

For services rendered:

Test Mailing:	(Qty: 50,000) Production	$7,900.00	
	List Rentals/Exchanges	1,350.00	
	Postage (First Class)	7,500.00	
			$16,750.00*
Mott Enterprises Fee			2,000.00
		TOTAL	$18,750.00

*Costs reflect quoted estimates. Accounting of all invoices will be forthcoming.

Please remit to:

Mott Enterprises, Inc.
515 Madison Avenue
New York, N. Y. 10022

3204033253 6

Pd. 3-5-80
3148

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

March 4, 1980

Mr. Michael Macleod
Anderson For President Committee
719 8th Street, S.E.
Washington, D.C. 20003

For services rendered:

Mailing fee for 500,000 pieces:

List Rentals/ Exchanges	$ 25,000.00
Postage	75,000.00
Management Fee ...	12,750.00
TOTAL	$112,750.00

Check # 5068
3/15/80
HC

Please remit to:

Nott Enterprises, Inc.
515 Madison Avenue
New York, N. Y. 10022

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stewart R. Mott
800 Park Avenue
New York, New York 10021

Re:

Dear Mr. Mott:

On , 1980, the Federal Election Commission determined that there is reason to believe that you violated §§ 441a(a)(1)(A) and 441a(a)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by making $95,181 in in-kind contributions in support of John B. Anderson's Presidential candidacy during 1980. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

We have numbered this matter MUR . Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), formerly § 437g(a)(3)(B), unless you notify the Commission in writing that you wish the investigation to be made public.

Attachment 3 - 9 pages

32040332538

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter, at 202/523-4039.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Interrogatories
Procedures

8 2 0 4 0 3 3 2 5 3 9

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE _____

MUR NO. _____
STAFF MEMBER(S) & TEL. NO.
Jonathan Levin
(202) 523-4039

RESPONDENT Stewart R. Mott

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel (OGC) by the Reports Analysis Division (RAD) to investigate the possibility that Respondent Stewart R. Mott made $95,181 in in-kind contributions to John Anderson's Presidential candidacy in violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

FACTUAL AND LEGAL ANALYSIS

According to reports filed by Stewart Mott and other correspondence sent to the Commission by Mr. Mott, Mr. Mott has spent $95,181 for what he considers to be independent expenditures in support of John B. Anderson's Presidential candidacy. These expenditures were made at various times during March and April, 1980, for the purposes of obtaining radio time and newspaper space, and for the "collection of signatures to support John Anderson for President." 1/

1/ An expenditure of $5,000 for the "collection of signatures to support John Anderson for President" was reported in a mailgram sent to the Commission by Mr. Mott on April 11, 1980. Six days later, Mr. Mott sent another mailgram stating that the April 11 mailgram was sent "in error" and that "no reportable expenditure for such purpose" had been made by him.

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The 1980 April Monthly Report of the Anderson for President Committee, Anderson's principal campaign committee for the Republican Presidential primaries, discloses an $18,750 expenditure to Mott Enterprises on March 5, 1980, for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980, for "mailing services." In addition, documents obtained during the course of a post-primary audit of the Anderson for President Committee indicate that Mott Enterprises was arranging to provide services to the Committee as early as January, 1980. A memorandum dated January 30, 1980 from Craver, Mathews, Smith and Company ("CMS") to Mott Enterprises sets forth an agreement whereby CMS would "provide consulting and production services to Mott Enterprises to assist [Mott Enterprises] in [its] work on behalf of the Anderson for President Committee." This agreement states that there would be consultation and cooperation between CMS and Mott Enterprises for "the design and implementation of a direct mail test to determine the breadth and intensity of donor support for the Anderson candidacy." Invoices sent by Mott Enterprises to the Committee on February 20, 1980, and March 4, 1980, indicate that the $18,750 and $112,750 expenditures reported by the Committee were for mailing services provided by Mott Enterprises, including "production" and "management fee " costs.

The address listed for Mott Enterprises in the Committee reports is 515 Madison Avenue, the same address as that given by Mr. Mott on mailgrams sent to the Commission to report his expenditures. Furthermore, the phone number on Mr. Mott's stationery, with the name "Stewart Rawlings Mott" and an address of 800 Park Avenue, is the same as that on the invoices sent by Mott Enterprises from 515 Madison Avenue.

Unlimited independent expenditures by an individual in connection with an election to federal office are permitted pursuant to the United States Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1, 39-51 (1976). 11 C.F.R. § 109.1(a) defines "independent expenditure" as

> an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

2 U.S.C. § 431(17) uses substantially the same wording. According to 11 C.F.R. § 109.1(b)(4)(i), "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" means "[a]ny arrangement, coordination, or

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direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication." According to 11 C.F.R. § 109.1(b)(4)(i)(B), an expenditure will be presumed to be made by such "arrangement, coordination, or direction" if "[m]ade by or through any person who is, or has been, authorized to raise or expend funds ... or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent."

From the face of the reports filed with the Commission and from the invoices obtained during the audit of the Committee, it appears that Mr. Mott spent money on advertisements (and signature collection) for John Anderson's candidacy at the time that Mott Enterprises was being or already had been compensated for services provided to the Committee. The similarity of names and phone numbers indicates a close connection between Mr. Mott and Mott Enterprises.

The receipt by Mott Enterprises of compensation while Mott was expending funds creates the presumption that Mott's expenditures were made by an arrangement, coordination, or direction by Anderson or his or her agent prior to the publication, distribution, display or broadcast of the advertisements. See 11 C.F.R. § 109.1(b)(4)(i)(B). The existence of such an arrangement, coordination, or direction would destroy the independence of Mr. Mott's expenditures.

Furthermore, it appears from the audit documents that there were arrangements made between the Committee and Mott Enterprises regarding the provision of and payment for the $131,500 in services reported by the Committee prior to the time of Mr. Mott's expenditures for media time and signature collection. Because of the contact between the Committee and Mott Enterprises as to the provision of an extensive amount of services, it is likely that the Committee gave information to Mott Enterprises, and hence to Mr. Mott, about its resources and needs prior to the time of Mr. Mott's expenditures.

Expenditures on behalf of a campaign that are not independent are in-kind contributions subject to the limits of 2 U.S.C. § 441a. 2 U.S.C. § 441a(a)(1)(A) prohibits any person from making contributions aggregating in excess of $1,000 to any candidate and his authorized political committees with respect to any election for federal office. 2 U.S.C. § 441a(a)(3) states that no individual shall make contributions aggregating more than $25,000 in any calendar year. It appears from the evidence available that Mr. Mott's expenditures may not have been independent. Therefore, the General Counsel recommends that the Commission find reason to believe that Stewart R. Mott violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

The General Counsel also recommends that the attached questions be addressed to Stewart R. Mott.

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Recommendations

1. Find reason to believe that Stewart R. Mott violated 2 U.S.C. § 441a(a)(1)(A).

2. Find reason to believe that Stewart R. Mott violated 2 U.S.C. § 441a(a)(3).

3. Approve the attached letter with questions.

9 2 0 4 0 3 3 2 5 4 3

FEDERAL ELECTION COMMISSION

TO: Mr. Stewart R. Mott

INTERROGATORIES

1. In its 1980 April Monthly Report, the Anderson for President Committee disclosed an $18,750 expenditure to Mott Enterprises on March 5, 1980 for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980 for "mailing services." To the extent you have knowledge of the "Mott Enterprises" to which the Anderson for President Committee's report refers, state the following:

(a) The nature and purpose of Mott Enterprises.

(b) The type of activities in which Mott Enterprises engages.

(c) Your relationship, if any, to Mott Enterprises.

2. To the extent you have knowledge of any of the services reported by the Anderson for President Committee as being provided by Mott Enterprises, state the following:

(a) The nature of any such services.

(b) The dates on which any such services were performed.

(c) The dates on which payment for any such services was made by the Anderson for President Committee.

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3. Have you, your agent, or your employee had any contacts with John Anderson, the Anderson for President Committee, or an agent or employee of or volunteer for the Committee or the candidate in regard to any of the services described in response to Interrogatory #2 above? If so, in regard to each such contact state the following:

(a) The dates on which each such contact occurred.

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

(c) The name of each person involved in each such contact.

(d) The relationship of each person listed in response to (c) above to Mott Enterprises or to the Anderson for President Committee.

(e) The purpose of each such contact.

4. Up to and including April 11, 1980, did you, your agent, or your employee have any contacts with John Anderson, the Anderson for President Committee, or any agent or employee of or volunteer for the candidate or the Committee? If so, in regard to each such contact, state the following:

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(a) The date on which each such contact occurred;

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

(c) The names of the persons involved in each of these contacts.

(d) The relationship of each person listed in response to (c) above to you or Mott Enterprises or to the Anderson for President Committee or John Anderson.

(e) The purpose of each contact.

5. In a mailgram sent to the Commission on April 11, 1980, you stated that you were spending $5,000 "for collection of signatures to support John Anderson for President." Describe in detail the nature of the activities to which this mailgram referred. Your response should include, but not be limited to, the following:

(a) The date(s) and location(s) of the collection(s).

(b) The purpose(s) for which the signatures were collected.

(c) The contact(s), if any, between you, your agent, or your employee and John Anderson, the Anderson for President Committee, or any agent or employee of or volunteer for the candidate or the Committee. (For each such contact, include the date, the method of contact, the names of the persons involved, the relationship of these persons to you, the Committee, or the candidate, and the purpose.).

8204033254 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Hugh D. Hammerslag, Treasurer
Anderson for President Committee
321 W. State Street
Rockford, Illinois 61101

Re: MUR

Dear Mr. Hammerslag:

On , 1980, the Federal Election Commission determined that there is reason to believe that the Anderson for President Committee ("the Committee") violated § 441a(f) of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the Committee's possible receipt of $95,181 in in-kind contributions from Stewart R. Mott during 1980. On that same date, the Commission also found reason to believe that the Committee violated 2 U.S.C. § 434(b) by failing to report the receipt of $95,181 from Mr. Mott. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

We have numbered this matter MUR . Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Additionally, please submit answers to the enclosed questions. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against the Committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

Attachment 4 - 9 pages

32040332547

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), formerly § 437g(a)(3)(B), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter, at 202/523-4039.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Interrogatories
Procedures

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE _____

MUR NO. _____

STAFF MEMBER(S) & TEL. NO.
Jonathan Levin
(202) 523-4039

RESPONDENT Anderson for President Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel (OGC) by the Reports Analysis Division (RAD) to investigate the possible receipt by the Anderson for President Committee ("the Committee") of $95,181 in in-kind contributions from Stewart R. Mott in violation of 2 U.S.C. §§ 441a(f).

FACTUAL AND LEGAL ANALYSIS

According to reports filed by Stewart Mott and other correspondence sent to the Commission by Mr. Mott, Mr. Mott has spent $95,181 for what he considers to be independent expenditures in support of John B. Anderson's Presidential candidacy. These expenditures were made at various times during March and April, 1980, for the purposes of obtaining radio time and newspaper space, and for the "collection of signatures to support John Anderson for President." 1/

1/ An expenditure of $5,000 for the "collection of signatures to support John Anderson for President" was reported in a mailgram sent to the Commission by Mr. Mott on April 11, 1980. Six days later, Mr. Mott sent another mailgram stating that the April 11 mailgram was sent "in error" and that "no reportable expenditure for such purpose" had been made by him.

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The 1980 April Monthly Report of the Anderson for President Committee, Anderson's principal campaign committee for the Republican Presidential primaries, discloses an $18,750 expenditure to Mott Enterprises on March 5, 1980, for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980, for "mailing services." In addition, documents obtained during the course of a post-primary audit of the Anderson for President Committee indicate that Mott Enterprises was arranging to provide services to the Committee as early as January, 1980. A memorandum dated January 30, 1980 from Craver, Mathews, Smith and Company ("CMS") to Mott Enterprises sets forth an agreement whereby CMS would "provide consulting and production services to Mott Enterprises to assist [Mott Enterprises] in [its] work on behalf of the Anderson for President Committee." This agreement states that there would be consultation and cooperation between CMS and Mott Enterprises for "the design and implementation of a direct mail test to determine the breadth and intensity of donor support for the Anderson candidacy." Invoices sent by Mott Enterprises to the Committee on February 20, 1980, and March 4, 1980, indicate that the $18,750 and $112,750 expenditures reported by the Committee were for mailing services provided by Mott Enterprises, including "production" and "management fee " costs.

The address listed for Mott Enterprises in the Committee reports is 515 Madison Avenue, the same address as that given by Mr. Mott on mailgrams sent to the Commission to report his expenditures. Furthermore, the phone number on Mr. Mott's stationery, with the name "Stewart Rawlings Mott" and an address of 800 Park Avenue, is the same as that on the invoices sent by Mott Enterprises from 515 Madison Avenue.

Unlimited independent expenditures by an individual in connection with an election to federal office are permitted pursuant to the United States Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1, 39-51 (1976). 11 C.F.R. § 109.1(a) defines "independent expenditure" as

> an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

2 U.S.C. § 431(17) uses substantially the same wording. According to 11 C.F.R. § 109.1(b)(4)(i), "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" means "[a]ny arrangement, coordination, or

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direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication." According to 11 C.F.R. § 109.1(b)(4)(i)(B), an expenditure will be presumed to be made by such "arrangement, coordination, or direction" if "[m]ade by or through any person who is, or has been, authorized to raise or expend funds ... or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent."

From the face of the reports filed with the Commission and from the invoices obtained during the audit of the Committee, it appears that Mr. Mott spent money on advertisements (and signature collection) for John Anderson's candidacy at the time that Mott Enterprises was being or already had been compensated for services provided to the Committee. The similarity of names and phone numbers indicates a close connection between Mr. Mott and Mott Enterprises.

The receipt by Mott Enterprises of compensation while Mott was expending funds creates the presumption that Mott's expenditures were made by an arrangement, coordination, or direction by Anderson or his or her agent prior to the publication, distribution, display or broadcast of the advertisements. See 11 C.F.R. § 109.1(b)(4)(i)(B). The existence of such an arrangement, coordination, or direction would destroy the independence of Mr. Mott's expenditures.

Furthermore, it appears from the audit documents that there were arrangements made between the Committee and Mott Enterprises regarding the provision of and payment for the $131,500 in services reported by the Committee prior to the time of Mr. Mott's expenditures for media time and signature collection. Because of the contact between the Committee and Mott Enterprises as to the provision of an extensive amount of services, it is likely that the Committee gave information to Mott Enterprises, and hence to Mr. Mott, about its resources and needs prior to the time of Mr. Mott's expenditures.

Expenditures on behalf of a campaign that are not independent are in-kind contributions subject to the limits of 2 U.S.C. § 441a. 2 U.S.C. § 441a(a)(1)(A) prohibits any person from making contributions aggregating in excess of $1,000 to any candidate and his authorized political committees with respect to any election for federal office. 2 U.S.C. § 441a(a)(3) states that no individual shall make contributions aggregating more than $25,000 in any calendar year. 2 U.S.C. § 441a(f) prohibits the acceptance of contributions in excess of the §§ 441a(a)(1)(A) or 441a(a)(3) limitations. 2 U.S.C. § 432(e)(2) states that any candidate who receives a contribution for use in connection with his or her campaign for election to federal office "shall be considered, for purposes of this Act, as having received the contribution...as an agent of [his or her] authorized committee." It appears from the evidence available that Mr. Mott's

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expenditures may not have been independent and that, therefore, John Anderson received $95,181 in in-kind contributions. Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f).

2 U.S.C. § 434(b) requires political committees to report receipts of contributions. The Anderson for President Committee did not report the receipt of $95,181 from Stewart R. Mott. Therefore, the General Counsel recommends that the Commission find reason to believe that the Committee violated 2 U.S.C. § 434(b).

The General Counsel also recommends that the attached questions be addressed to the Committee.

Recommendations

1. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f).

2. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 434(b).

3. Approve the attached letter with questions.

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FEDERAL ELECTION COMMISSION

TO: Hugh D. Hammerslag, Treasurer
Anderson for President Committee

INTERROGATORIES

1. In its 1980 April Monthly Report, the Anderson for President Committee disclosed an $18,750 expenditure to Mott Enterprises on March 5, 1980 for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980 for "mailing services." Describe the services to which the 1980 April Monthly Report refers. State the following:

(a) The nature of services provided for this compensation.

(b) The dates on which such services were performed.

(c) The dates on which payment for such services was made by the Committee.

2. Has the Anderson for President Committee, John Anderson, or any agent or employee of or volunteer for the Committee or the candidate had any contact with Stewart R. Mott, his agent, or his employee in regard to any of the services described in Interrogatory #1. If so, in regard to each such contact, state the following:

(a) The dates on which each such contact occurred.

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

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(c) The name of each person involved in each such contacts.

(d) The relationship of each person listed in response to (c) above to the Anderson for President Committee or to Mott Enterprises.

(e) the purpose of each such contact.

3. Up to and including April 11, 1980, did the Anderson for President Committee, John Anderson, or any agent or employee of or volunteer for the Committee or the candidate have any contact with Stewart R. Mott, his agent, or his employee? If so, in regard to each such contact, state the following:

(a) The date on which each such contact occurred.

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

(c) The name of each person involved in each such contacts.

(d) The relationship of each person listed in response to (c) above to the Anderson for President Committee or John Anderson, or to Stewart R. Mott or Mott Enterprises.

(e) The purpose of each such contact.

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4. In a mailgram sent to the Commission on April 11, 1980, Stewart R. Mott stated that he was spending $5,000 "for collection of signatures to support John Anderson for President." State your knowledge as to the activities of Mr. Mott or his employee(s) or participants in the Anderson campaign with respect to the collection of these signatures. Your response should include, but not be limited to, the following:

(a) The purpose(s) for which the signatures were collected.

(b) The contact(s), if any, between the Anderson for President Committee, John Anderson, or any agent or employee of or volunteer for the Committee or the candidate and Stewart R. Mott, his agent, or his employee. (For each such contact, include the dates, the method of contact, the names of the persons involved, the relationship of these persons to you, the Committee, or the candidate, and the purpose, e.g., arrangements for the logistics of collecting signatures, the giving of lists of the signatures to the Anderson for President Committee).

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A-862
NRN

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 4, 1980

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: B. ALLEN CLUTTER, III
STAFF DIRECTOR

FROM: BOB COSTA

SUBJECT: DOCUMENTS OBTAINED DURING THE ANDERSON FOR PRESIDENT COMMITTEE AUDIT FOLLOW-UP WHICH MAY RELATE TO PRE-MUR #52 - STEWART R. MOTT

In accordance with a request from your office on October 20, 1980, we are forwarding photocopies of certain documents reviewed during the course of the Anderson For President Committee's ("the Committee") audit follow-up (October 14-17, 1980) which we feel may relate to the subject pre-MUR.

The attached photocopies consist of a carbon copy of a check issued to Mott Enterprises, Inc., by the Committee and a letter received by the Committee stating the final balance due Mott Enterprises, Inc., supported by various billing statements.

These documents were among those presented to the Audit staff as the result of our request for all expenditure documentation accumulated since June 1, 1980 for the purpose of updating the Committee's NOCO position. Neither this expenditure nor the Committee's relationship with Steward Mott or Mott Enterprises was discussed during the audit fieldwork.

Should you have any questions, please contact either Ray Lisi or Ron West on extension 3-4155.

Attachments as stated

8 2 0 4 0 3 3 2 3 5 6

ANDERSON FOR PRESIDENT COMMITTEE
600 TALCOTT BLDG.
ROCKFORD, ILL. 61101

7117

70-45
719

9/7 19 80

PAY Nine Hundred Seventy-two and 54/100 DOLLARS $ 972.54

TO THE ORDER OF
HUTT HUMPHRIES, INC.
515 Madison Avenue
New York, NY 10022

American Bank
American National Bank & Trust Co.
601 SEVENTH STREET • ROCKFORD, ILLINOIS 61110

⑆071900456⑆ ⑈0 050 758⑈

NOT NEGOTIABLE

ANDERSON FOR
PRESIDENT COMMITTEE
ROCKFORD, ILL.

DELUXE - FORM WVO-4 V-2

DATE	DESCRIPTION		AMOUNT
9/7/80	Postage	$84,500.00	$972.54
	Printing	7,449.73	
	Mailing	1,163.25	
	Buses in the News	25,000.00	
	Consulting	14,359.56	
	TOTAL	132,472.54	
	PAID ON ACCT.	(131,500.00)	
	TOTAL DUE	$ 972.54	

0017

AUG 12 1980

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

Mr. Michael MacLeod
Anderson for President Committee
719 8th Street, S.E.
Washington, D.C. 20003

Dear Mike,

A final accounting of the direct mail expenses is attached. Copies of invoices for printing service and mailing service are also enclosed.

If you have any questions, please call me.

With warm regards,

Daphne W. Dwyer II
President
Mott Enterprises, Inc.

8/13
Harry —
per our conversation
m Em

See Page 2

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[illegible] Campaign

Post[illegible]	[illegible]
Print[illegible]	[illegible]
Mailing [illegible]	[illegible]
Names	25,000.00
Consul[illegible]	[illegible]
Total Exps.	$1[illegible]
Paid on Acct.	(131,500.00)
Total Due	$ [illegible]72.54

Please remit to:

Mott Enterprises, Inc.
515 Madison Avenue
New York, N. Y. 10022

8 2 0 4 0 3 3 2 5 5 9

tri-state envelope corporation of maryland

ENVELOPE MANUFACTURERS • 6900 FAIGLE ROAD, BELTSVILLE, MD. 20705 • (301) 792-7170
(202) 953-3570

INVOICE NUMBER 9793

INVOICE DATE	OUR ORDER NUMBER	YOUR ORDER NUMBER	VIA OUR TRUCK	UNLESS SHOWN IN THE CAPTION AREAS BELOW, TERMS: NET 10 DAYS	SHIPPED TO: SAME AS "SOLD TO"					
2-14-80	2-0306-80M	3750	X		Capital Mailing MD	1	1	1		

Anderson for President
c/o Craver, Mathews, Smith & Co
1701 N Ft Myer Dr Suite 602
Arlington VA 22209

1=PREPAID 2=COLLECT
1=COMPLETE 2=PARTIAL
1=F.O.B. DESTINATION 2=F.O.B. OUR PLANT
X=CUT CHARGES TO FOLLOW
X=FREIGHT CHARGES TO FOLLOW

QUANTITY	DESCRIPTION	PRICE	AMOUNT
7,500	#9 24 WW OS DS Regular	26.50M	198.75
	MD 5%		9.93
	Total		208.68
BL# 11851 Dave			

RECEIVED FEB 1983

Steven prospect test envelopes

B/L NO	SISM	CUT CHG.	FRT. CHG.	SUB-TOTAL	TAX	TOTAL

PLEASE PAY

PAID DATE 4/3/80
CHECK # 1442 AMT. 2,220.[illegible]
ACCT. # [illegible] SIGN. MK

8 2 0 4 0 3 3 2 5 6 0

tri-state envelope corporation of maryland

ENVELOPE MANUFACTURERS • 6900 FAIGLE ROAD, BELTSVILLE, MD. 20705 • (301) 792-7170
(202) 953-3570

INVOICE NUMBER 9677

INVOICE DATE	OUR ORDER NUMBER	YOUR ORDER NUMBER	VIA OUR TRUCK	TERMS NET 10 DATE	UNLESS SPECIFIED IN THE CAPTION AREAS BELOW, SHIPPED TO: SAME AS "SOLD TO"				
2-6-80	1-0199-80M	23686	X		Capital Mailing MD	1	1	1	

SOLD TO
Anderson for President Committee
c/o Craver, Mathews, Smith & Co
1701 N Ft Myer Dr Suite 602
Arlington VA 22209

1=PREPAID 2=COLLECT
1=COMPLETE 2=PARTIAL
1=F.O.B. DESTINATION 2=F.O.B. OUR PLANT
X=CUT CHARGES TO FOLLOW
X=FREIGHT CHARGES TO FOLLOW

QUANTITY	DESCRIPTION	PRICE	AMOUNT
50,000	#9 20 WW OS DS Regular	12.85M	642.50
	MD 5%		32.12
	Total		674.62
BL# 11674 Dave			

prepaid and carrier

B/L NO	SLSM	CUT CHG.	FRT. CHG.	SUB-TOTAL	TAX	TOTAL

PLEASE PAY

8 2 0 4 0 3 3 2 5 6 1

tri-state envelope corporation of maryland

ENVELOPE MANUFACTURERS • 6900 FAIGLE ROAD, BELTSVILLE, MD. 20705 • (301) 792-7170
(202) 953-3570

INVOICE NUMBER **9599**

INVOICE DATE	OUR ORDER NUMBER	YOUR ORDER NUMBER	VIA, OUR TRUCK	UNLESS SPECIFIED IN THE CAPTION AREAS BELOW, TERMS, NET 10 DAYS	SHIPPED TO, SAME AS "SOLD TO"				
1-30-80	1-0198-80	3686	X		Capital Mailing MD	1	1	1	

Anderson for President
c/o Craver, Mathews, Smith & Co
1701 N Ft Myer Dr Suite 602
Arlington VA 22209

1=PREPAID 2=COLLECT
1=COMPLETE 2=PARTIAL
1=F.O.B. DESTINATION 2=F.O.B. OUR PLANT
X=CUT CHARGES TO FOLLOW
X=FREIGHT CHARGES TO FOLLOW

QUANTITY	DESCRIPTION	PRICE	AMOUNT
55,000	6-3/4 24 WW Wallet Flaps	23.15M	1273.25
	MD 5%		63.66
	Total		1336.91
BL# 11668 Dave			

RECEIVED

prepaid tax
b.n.c.

B/L NO	B.S.M.	CUT CHG	FRT. CHG.	SUB-TOTAL	TAX	TOTAL

PLEASE PAY

8 2 0 4 0 3 3 2 5 6 2

COMPOSITION SYSTEMS INC.
1011 Arlington Boulevard
Arlington, VA 22209
Suite W141

CHS

703 [illegible]-7336

OUR JOB NUMBER D-8452 DATE 2/29/80 JOB NUMBER PO NUMBER

Anderson BRE

	$82.22
Tax	3.28
Total	$85.50

RECEIVED
MAR 7 1980

typeset for proofs only
LT

INVOICE: Please pay from this invoice. No statement will be rendered. Net 30 days

8 2 0 4 0 3 3 2 5 6 3

PAID DATE 4/3/80
CHECK # 1493 AMT. 135 94
ACCT. # 102 SIGN. mk
Ard

COMPOSITION SYSTEMS INC.
1011 Arlington Boulevard
Arlington, VA 22209
Suite W141

CSI
703 [illegible]

OUR JOB NUMBER D-7925 DATE 2/7/80 JOB NUMBER PO NUMBER

Anderson for President

	$48.50
Tax	1.94
Total	$50.44

PAID

present typeset
KT

INVOICE: Please pay from this invoice. No statement will be rendered. Net 30 days.

8204093325564

Techna Graphics, Inc.

5000 Second Street, N. E., Washington, D.C. 20011
(202) 529-0080

INVOICE

NO. 739

DATE 3/27/80

YOUR ORDER NO. 3585

DATE SHIPPED

SHIPPED VIA

SOLD TO

Anderson for President
C/O Craver, Mathews, Smith & company
1701 North Fort Meyer Drive #602
Arlington, Virginia

SHIPPED TO

Capitol Mailing

QUANTITY	DESCRIPTION	AMOUNT
6,000	Steinem Insert Prints: Reflex Blue & Black Size: 8 1/2 x 11 Stock: 50# Ivory Fold: #10	
	TOTAL DUE THIS INVOICE	$ 219.00

RECEIVED FEB 26 1980

prepaid wire I
dT

PAID DATE 4/3/80 AMT: 219.00
CHECK # 1444 SIGN. MK
FUND # 100 Red

Service charge of 1½% per month will be added to accounts overdue. Terms: Net 30 days

Please return one copy of invoice with payment

3 2 0 4 0 3 3 2 5 6 5

PRINCE Lithograph Co., Inc.

P.O. BOX 424 • MERRIFIELD, VIRGINIA 22116
Telephone: 560-2100

SOLD TO

Anderson for President Committee
C/O Craver, Mathews, Smith & Co.
1701 N. Fort Myer Drive
Arlington, Va. 22209

INVOICE DATE: February 15, 1980

SHIPPED TO: Capitol Mailing
Beltsville, Md.

OUR JOB NO.	YOUR ORDER NO.	SALESMAN	TERMS	SHIPPED VIA	PPD OR COLL.
3486	3731	N Wacker	Net	Prince	

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
50,000	Anderson Prospect letter B 7½ x 10½ 3 sheets - 6 pages - Black & Blue on 40lb Fold to 3 single sheet to fit #10		$3,190.00
	Additional 1,000		63.80
			$3,253.80

RECEIVED FEB 21 1980

Letter prospect wave I

PAID DATE
CHECK #
ACCT. #

AMT.
SIGN.

8204033255 65

PRINCE Lithograph Co., Inc.

P.O. BOX 424 • MERRIFIELD, VIRGINIA 22116
Telephone: 560-2100

SOLD TO

Anderson for President Committee
C/O Craver, Mathews, Smith & Co.
1701 N. Fort Myer Drive
Arlington, Va. 22209

INVOICE DATE: February 15, 1980

SHIPPED TO: Capitol Mailing
Beltsville, Md.

OUR JOB NO.	YOUR ORDER NO.	SALESMAN	TERMS	SHIPPED VIA	PPD OR COLL
3487	3732	N Wacker	Net	Prince	

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
50,000	Prospect brochure B - 7¼ x 8½ Black ink on 40lb - Fold to fit #10		$1,589.00
	Add'l 1,000		31.78
			$1,620.78

Please prospect name I

RECEIVED FEB 21 1980

9 2 0 4 0 3 3 2 5 6 7

15012 Old Baltimore Pike
Beltsville, Maryland 20705

Washington, D.C.
(202) 637-4370
Baltimore:
(301) 792-7943

Capitol Mailing Services

Anderson for President Committee
c/o Craver, Mathews, Smith & Company
1701 North Fort Myer Drive
Suite 602
Arlington, Virginia 22209

INVOICE NUMBER 1038

TERMS
DUE WHEN RENDERED

DATE OF INVOICE	DATE OF SERVICE	OUR S/O NUMBER	YOUR ORDER NUMBER	ORDERED BY	PHONE NO.	SALESMAN
2/8/80		5063		Jennie Thompson	522-9224	JK/jsk

QUANTITY	CODE	DESCRIPTION OF SERVICE	UNIT PRICE	AMOUNT	TOTAL
28,500		Affix labels onto #10 envelope, insert three (3) pieces into #10 envelopes, attach 1st class flag stamps to carrier, code BR wallet flap envelopes, seal, tie, bag and deliver to Post Office.	$20.00/M	$ 570.00	
		Codes-102-114-103-104-115-116-113-119-107-109-105-package A			
		Sender Fee Charge		$ 5.55	$ 575.5
		Postage used		$ 4,275.00	$ 4,275.0
					$ 4,850.5
		Less customer check			($ 4,275.0
		Balance Due			$ 575.5

prospect mail
OK
Anne I

INVOICE

PAID DATE 4/3/80
CHECK 1496 AMT. 1163.25
ACCT. 102 And SIGN. MK.

8204033257 68

12012 Old Baltimore Pike
Beltsville, Maryland 20705

Washington, DC
(202) 937-4370
Baltimore
(301) 792-7243

Capital Mailing Services

Anderson for President Committee Pkg A
Craver, Mathews, Smith & Company
1701 North Fort Myer Drive
Suite 602
Arlington, Virginia 22209

INVOICE NUMBER 1057

TERMS
DUE WHEN RENDERED

DATE OF INVOICE	DATE OF SERVICE	OUR O/O NUMBER	YOUR ORDER NUMBER	ORDERED BY	PHONE NO.	SALESMAN
2/13/80		5063		Jennie Thompson	522-9224	JK/jsk

QUANTITY	CODE	DESCRIPTION OF SERVICE	UNIT PRICE	AMOUNT	TOTAL
6,000		Affix labels onto #10 envelopes, insert three (3) pieces into #10 envelopes, attach 1st class flag stamps to carrier, code BR wallet flap envelopes, seal, tie, bag and deliver to Post Office. (Codes 101 and 100)	$20.00/M	$ 120.00	
		Sender Fee Charge		1.65	$ 121.65
		Postage used		$ 900.00	$ 900.00
					$ 1,021.65
		Less customer check received for postage			$ 900.00
		Balance Due			$ 121.65

Maintenance Labor Income I

INVOICE

8204033325569

12012 Old Baltimore Pike
Beltsville, Maryland 20705
Washington, D.C.
(202) 857-6370
Baltimore
(301) 792-7843

Capital Mailing Services

Anderson for President Committee Package A
c/o Craver, Mathews, Smith & Company
17011 North Fort Myer Drive
Suite 602
Arlington, Virginia 22209

INVOICE NUMBER 1071

TERMS
DUE WHEN RENDERED

DATE OF INVOICE	DATE OF SERVICE	OUR S/O NUMBER	YOUR ORDER NUMBER	ORDERED BY	PHONE NO.	SALESMAN
2/15/80		5063		Jennie Thompson	522-9224	JK/jsk

QUANTITY	CODE	DESCRIPTION OF SERVICE	UNIT PRICE	AMOUNT	TOTAL
34,500		Folding the BR wallet flap envelopes.	$4.00/M	$ 138.00	$ 138.00
		Balance Due			$ 138.00

prospect mail
OK jt

INVOICE

8204033257 0

12012 Old Baltimore Pike
Beltsville, Maryland 20705

Washington, DC:
(202) 637-4370
Baltimore:
(301) 792-7943

Capital Mailing Services

INVOICE NUMBER 1077

John B. Anderson for President Package B
c/o Craver, Mathews, Smith & Company
1701 North Fort Myer Drive
Suite 602
Arlington, Virginia 22209

TERMS
DUE WHEN RENDERED

DATE OF INVOICE	DATE OF SERVICE	OUR S/O NUMBER	YOUR ORDER NUMBER	ORDERED BY	PHONE NO.	SALESMAN
2/15/80		5062		Jennie Thompson	522-9224	JK/jsk

QUANTITY	CODE	DESCRIPTION OF SERVICE	UNIT PRICE	AMOUNT	TOTAL
4,500		Affix labels onto #10 envelopes, insert four (4) pieces into #10 envelope, attach 1st class flag stamps to #10 envelopes, code wallet flap BR envelopes, seal, tie, bag and deliver to Post Office. Codes-106,108,110	$20.00/M	$ 90.00	
4,500		Folding the BR wallet flap envelopes.	$ 4.00/M	$ 18.00	
		Sender Fee charge		$ 1.35	$ 109.
		Postage used		$ 675.00	$ 675.
					$ 784.
		Less customer check received for postage			($ 675.
		Balance Due			$ 109

RECEIVED
FEB 1980

Mailhouse
Postage
paid

INVOICE

3 2 0 4 0 3 3 2 5 7 1

12012 Old Baltimore Pike
Beltsville, Maryland 20705

Washington, D.C.
(202) 667-4370
Baltimore
(301) 792-7845

Capital Mailing Services

INVOICE NUMBER 1080

Anderson for President Committee Package A
c/o Craver, Mathews, Smith & Company
1701 North Fort Myer Drive
Suite 602
Arlington, Virginia 22209

TERMS
DUE WHEN RENDERED

DATE OF INVOICE	DATE OF SERVICE	OUR S/O NUMBER	YOUR ORDER NUMBER	ORDERED BY	PHONE NO.	SALESMAN
2/15/80		5063		Jennie Thompson	522-9224	JK/jsk

QUANTITY	CODE	DESCRIPTION OF SERVICE	UNIT PRICE	AMOUNT	TOTAL
7,500		Affix labels onto #10 envelopes, insert three inserts into #10 envelope, attach 1st class flag stamps to carrier, code BR wallet flap envelopes, seal, tie, bag and deliver to Post Office. Codes 111, 120, 118	$20.00/M	$ 150.00	
7,500		Folding the BR wallet flap envelopes.	$ 4.00/M	$ 30.00	
		Sender Fee charge		$ 1.80	$ 181.80
		Postage used		$ 1,125.00	$ 1,125.00
					$ 1,306.80
		Less check received for postage			($1,125.00)
		Balance Due			$ 181.80

RECEIVED
FEB 21 1980

mailhand
labor
Jane I

INVOICE

8 2 0 4 0 3 3 2 5 7 2

12012 Old Baltimore Pike
Beltsville, Maryland 20705

Washington, D.C.
(202) 637-4870
Baltimore
(301) 792-7843

Capital Mailing Services

John B. Anderson for President
c/o Craver, Mathews, Smith & Company
1701 North Fort Myer Drive
Suite 602
Arlington, Virginia 22209

INVOICE NUMBER 1089

TERMS
DUE WHEN RENDERED

DATE OF INVOICE	DATE OF SERVICE	OUR S/O NUMBER	YOUR ORDER NUMBER	ORDERED BY	PHONE NO.	SALESMAN
2/20/80		5062		Jennie Thompson	522-9224	JK/jsk

QUANTITY	CODE	DESCRIPTION OF SERVICE	UNIT PRICE	AMOUNT	TOTAL
1,500		Affix labels onto #10 envelopes, insert four (4) pieces into #10 envelope, attach 1st class flag stamps to envelopes, code wallet flap BR envelopes, seal, tie, bag, and deliver to Post Office. (code 112-pkg B)	$20.00/M	$ 30.00	
1,500		Folding the BR wallet flap envelopes.	$ 4.00/M	$ 6.00	
		Sender fee charge		$ .90	$ 36.90
		Postage used		$ 225.00	$ 225.00
					$ 261.90
		Less customer check received for postage			($ 225.00)
		Balance Due			$ 36.90

RECEIVED FEB 25 1980

Made check payable to Jennie I. Thompson

INVOICE

820403325 73

August 15, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: PreMUR 52

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

8204033251

August 15, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: PreMUR 52

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

8 2 0 2 4 0 0 4 3 0 3 3 2 5 3 2 5 7 5

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 AUG 15 AM: 14

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 8-15-80

MUR # Pre-MUR 52
STAFF MEMBER(S) Levin

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: Stewart R. Mott
Anderson for President Committee

RELEVANT STATUTE:
2 U.S.C. § 431(17)
2 U.S.C. § 432(e)(2)
2 U.S.C. § 434(b)
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(a)(3)
2 U.S.C. § 441a(f)
11 C.F.R. § 109.1(a)
11 C.F.R. § 109.1(b)(4)(i)(B)

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

8204032576

SUMMARY OF ALLEGATIONS

Respondent Stewart R. Mott may have made expenditures that were not independent pursuant to 2 U.S.C. § 431(17) totalling $95,181 in support of John B. Anderson's Presidential candidacy and, therefore, may have violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3). Respondent Anderson for President Committee (the Committee) may have violated 2 U.S.C. § 441a(f) for receipt of the $95,181 in expenditures which, if not independently expended, were in-kind contributions. The Committee may also have violated 2 U.S.C. § 434(b) in failing to report receipt of the possible in-kind contributions.

FACTUAL AND LEGAL ANALYSIS

According to reports filed by Stewart Mott and other correspondence sent to the Commission by Mr. Mott, Mr. Mott has spent $95,181 for what he considers to be independent expenditures in support of John B. Anderson's Presidential candidacy. These expenditures were made at various times during March and April, 1980, for the purposes of obtaining radio time and newspaper space, and for the "collection of signatures to support John Anderson for President." 1/

1/ The expenditure for the "collection of signatures to support John Anderson" was reported in a mailgram sent to the Commission by Mr. Mott on April 11, 1980. Six days later, Mr. Mott sent another mailgram stating that the April 11 mailgram was sent "in error" and that "no reportable expenditure for such purpose" had been made by him.

The 1980 April Monthly Report of the Anderson for President Committee, Anderson's principal campaign committee for the Republican Presidential primaries, discloses an $18,750 expenditure to Mott Enterprises on March 5, 1980, for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980, for "mailing services." The address listed for Mott Enterprises, 515 Madison Avenue, is the same address as that given by Mr. Mott on mailgrams sent to the Commission to report his expenditures. Furthermore, the phone number on Mr. Mott's stationery, with the name "Stewart Rawlings Mott," is the same as that for Stewart R. Mott & Associates located at 515 Madison Avenue.

Unlimited independent expenditures by an individual in connection with an election to federal office are permitted pursuant to the United States Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1, 39-51 (1976). 11 C.F.R. § 109.1(a) defines "independent expenditure" as

> an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

2 U.S.C. § 431(17) uses substantially the same wording. According to 11 C.F.R. § 109.1(b)(4)(i), "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" means "[a]ny arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication." According to 11 C.F.R. § 109.1(b)(4)(i)(B), an expenditure will be presumed to be made by such "arrangement, coordination, or direction" if "[m]ade by or through any person who is, or has been, authorized to raise or expend funds ... or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent."

From the face of the reports filed with the Commission, it appears that Mr. Mott spent money on advertisements (and signature collection) for John Anderson's candidacy at the time that Mott Enterprises was being or already had been compensated for services provided to the Committee. The exact relationship of Mott Enterprises to Stewart Mott is not known, but the similarity of the names and addresses suggests a close connection.

9 2 2 4 2 3 3 2 5 7 7

The receipt by Mott Enterprises of compensation while Mott was expending funds creates the presumption that Mott's expenditures were made by an arrangement, coordination, or direction by Anderson or his or her agent prior to the publication, distribution, display or broadcast of the advertisements. The existence of such an arrangement, coordination, or direction would destroy the independence of Mr. Mott's expenditures.

Furthermore, we may assume that there were arrangements made between the candidate or an agent of the Committee and Mr. Mott, an agent of Mr. Mott, or an agent of Mott Enterprises regarding the provision of and payment for the $131,500 in services. The apparent contact between the Committee and Mott Enterprises as to the provision of an extensive amount of services raises the strong possibility that Mr. Mott had access to information about the Anderson campaign's resources and needs prior to the time of Mr. Mott's expenditures. The giving or exchange of such information would raise serious doubts as to the independence of Mott's expenditures.

If the expenditures by Mr. Mott were not independent, they were in-kind contributions subject to the limits of 2 U.S.C. § 441a. 2 U.S.C. § 441a(a)(1)(A) limits contributions by an individual to any candidate and his authorized political committee with respect to any election for federal office which, in the aggregrate, exceed $1,000. 2 U.S.C. § 441a(a)(3) states that no individual shall make contributions aggregating more than $25,000 in any calendar year. The presumption exists that the expenditures were not independent and the transactions for the services provided by Mr. Mott leads to strong doubts as to the independence of the expenditures. Therefore, the General Counsel recommends that the Commission initiate a matter under review and find reason to believe that Steward R. Mott violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

Receipt of contributions in excess of the §§ 441a(a)(1)(A) or limitations is a violation of 2 U.S.C. § 441a(f). According to 2 U.S.C. § 432(e)(2), any candidate who receives a contribution for use in connection with his or her campaign for election to federal office "shall be considered, for purposes of this Act, as having received the contribution" as an agent of his or her authorized committee. It appears that John Anderson may have received $95,181 in in-kind contributions from Mr. Mott. Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f).

2 U.S.C. § 434(b) requires political committees to report receipts of contributions. The Anderson for President Committee did not report the receipt of $95,181 from Stewart R. Mott. Therefore, the General Counsel recommends that the Commission find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 434(b).

3 2 0 4 0 3 3 2 5 7 8

The General Counsel also recommends that attached questions be addressed to Stewart R. Mott and to the Committee.

RECOMMENDATIONS

1. Open a Matter Under Review.

2. Find reason to believe that Stewart R. Mott violated 2 U.S.C. § 441a(a)(1)(A).

3. Find reason to believe that Stewart R. Mott violated 2 U.S.C. § 441a(a)(3).

4. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 441a(f).

5. Find reason to believe that the Anderson for President Committee violated 2 U.S.C. § 434(b).

6. Approve the attached letters with questions.

Attachments

1. Memorandum and information from RAD

2. Letter RTB Notification, and Interrogatories to Stewart R. Mott.

3. Letter, RTB Notification, and Interrogatories to the Anderson for President Committee.

32040332579

ATTACHMENT #1

3 2 0 4 0 3 3 2 5 8 0

HAL

MUR 150
D-735

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 21, 1980

MEMORANDUM

TO : HAL PONDER-OFFICE OF GENERAL COUNSEL

THROUGH : ORLANDO B. POTTER-STAFF DIRECTOR

FROM : TOM HASELHORST-REPORTS ANALYSIS DIVISION

SUBJECT : PRE-MUR ON STEWART MOTT-INDEPENDENT EXPENDITOR IN SUPPORT OF CONGRESSMAN JOHN B. ANDERSON FOR PRESIDENT

Stewart Mott has reportedly made $95,181 1/ in independent expenditures in support of Congressman John B. Anderson's candidacy for president. The independent expenditures were made on several dates during the months of March and April of 1980 (Attachment A).

The 1980 April Monthly Report of the Anderson for President Committee (the Committee), the primary principal campaign committee of Mr. Anderson, discloses two expenditures to Mott Enterprises totalling $131,500 (Attachments B & C). One expenditure was made on March 5, 1980 for "test mailing and fee" in the amount of $18,750; another made on March 13, 1980 for "mailing services" in the amount of $112,750.

The validity of the independent expenditures is questionable, in that Mott Enterprises (the same address and same telephone as Stewart Mott) has been compensated by the Committee, which according to 11 CFR 109.1(b)(4)(i)(B) jeopardizes the independence of the expenditures by Mr. Mott. Furthermore, it may be presumed that there were arrangements made between the candidate and/or an agent of the Committee and the independent expenditor and/or an agent of Mott Enterprises regarding the services provided by the vendor, which also nullifies or destroys the independence of the expenditures. If the activity of Mr. Mott does not fall within the definition of an independent expenditure as defined in 2 U.S.C. 431(17) and 11 CFR 109.1, it would be an

1/ This figure has been adjusted for a $40,000 payment to the New York Times in support of Congressman Anderson and Senator Kennedy for the office of president. An amendment will be forthcoming to disclose a $20,000 independent expenditure for Anderson. In addition, the total figure also includes a $5,000 independent expenditure for collecting signatures to support John Anderson, which was disclosed on a 24 hour mailgram.

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in-kind contribution in excess of the limits, according to 2 U.S.C. 441a.

This matter is being referred to your office for appropriate action. If you have any questions, please contact Michael Filler at x34048.

32040332582

stewart rawlings mott
800 park avenue
new york 10028
(212) 421-2155

80 MAR 31

March 27, 1980

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

In accordance with the Federal Election Campaign Act Regulation 304(c)2. I am reporting my expenditure of ($16,414.54) to advocate the candidacy of John Anderson for President of the United States. Attached please find the report of Independent Expenditures and a listing of radio spots and other expenses involved.

Also enclosed is a copy of my March 21, 1980 mailgram to you regarding expenditures in Wisconsin.

Stewart R. Mott C90002775
March 27, 1980

cc: Wisconsin Secretary of State

39946373549

FEC Form 9
March 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

(To be used by an individual or a person other than political committee)

RECEIVED
80 APR 31 AM 9:34

1. (a) Name (in full) Stewart Rawlings Mott
(b) Address (number and street) 500 Park Ave.
(c) City, State and ZIP Code New York N.Y. 10021
(d) Principal Place of Business 500 Park Ave NYC 10021

2. Identification Number C00002775
3. This is an Independent Expenditure
✓ in support of Federal candidate
☐ in opposition to Federal candidate.
(e) Occupation mavenick

4. Type of Report (check appropriate box and complete) in compliance with Section 304(c)2
(a) ☐ Amendment for _____ (which report)
(b) ☐ April 10 Quarterly Report
(c) ☐ July 10 Quarterly Report
(d) ☐ October 10 Quarterly Report
(e) ☐ January 31 Year End Report
(f) ☐ Tenth day report preceding _____ election on _____ in the State of _____
(primary, general or convention) (date)
(g) ☐ Thirtieth day report following _____ election on _____ in the State of _____
(primary, general or convention) (date)

5. This report covers the period March 21 through April 1

Complete either Line 6 or Line 7 whichever is appropriate

CONTRIBUTIONS

6.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate

EXPENDITURES

7.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate
see attached				

8. TOTAL CONTRIBUTIONS . . . . . $ _____

9. TOTAL EXPENDITURES . . . . . $ 16,414.54

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

Stewart Mott — Signature
27 Mar 80 — Date

Subscribed and sworn to before me this 27th day of March, 1980

My Commission Expires
Notary Public State of New York
No. 41-2003200
Qualified in Queens County
Commission Expires March 30, 1980
Barbara J. Lind — NOTARY PUBLIC

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

For further information Contact

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

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Dresner
Mercurio,
Inc.
305 Madison Avenue
New York NY 10017

March 21, 1980

TO: Mr. Stewart Mott
800 Park Avenue
New York, New York

RE: John Anderson Radio Buy - Wisconsin

INVOICE

Wisconsin Radio Buy: March 25-March 31 (see attached schedule)	$14,611.02
TOTAL AMOUNT DUE:	$14,611.02

PAID IN FULL

0.0
14611.02+
255.52+
216.00+
900.00+
432.00+
16414.54*

82004613215841

RADIO SCHEDULE

March 25 - March 31

ADI RATED MARKETS:

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
APPLE/OSHKOSH			
WHBY	15	38.1	$ 185.00
WNAU a/f	23 ea.	30.7	139.71
WNAM	26	52.6	311.50
WROE	19	34.0	228.85
WYTL	18	30.7	202.80
		186.1	
DULUTH/SUPERIOR			
WARX	20	43.0	231.60
WDSM	20	29.2	313.80
WEBC	20	37.8	326.85
KDAL	20	91.0	350.50
		201.0	
GREEN BAY			
WDUZ	24	74.2	410.40
WGEE	12	64.6	306.00
WIXX	19	59.2	576.00
		198.0	
MADISON			
WIBA	10	33.7	168.80
WISM	24	47.8	539.00
WLVE	20	27.2	425.80
WTSO	13	39.7	317.60
WZEE	24	38.9	474.00
		207.3	

8204643215852

RADIO SCHEDULE

March 25 - March 31

ADI RATED MARKETS:

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
APPLE/OSHKOSH			
WHBY	15	38.1	$ 185.00
WRAU a/f	23 ea.	30.7	139.71
WNAM	26	52.6	311.50
WROE	19	34.0	228.85
WYTL	18	30.7	202.80
		186.1	
DULUTH/SUPERIOR			
WARX	20	43.0	211.60
WDSM	20	29.2	313.80
WEBC	20	37.8	326.85
KDAL	20	91.0	350.50
		201.0	
GREEN BAY			
WDUZ	24	74.2	410.40
WGEE	12	64.6	306.00
WIXX	18	59.2	576.00
		198.0	
MADISON			
WIBA	10	33.7	166.80
WISM	24	47.8	538.00
WLVE	20	27.2	425.60
WTSO	13	59.7	317.60
WTEE	24	38.9	474.00
		207.3	

8204643725593

10019 581-5025

March 21, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For 25 radio dupes for Illinois @ $4.00 ea.	$100.00
For 18 dupes for N.Y. on first set of spots @ $4.00 ea.	72.00
For 18 dupes for N.Y. on second set of spots @ $4.00 ea.	72.00
8% N.Y.S Tax on N.Y. dubs only ($144.00)	11.52
TOTAL.	$255.52

March 21 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For production costs on two	
Anderson radio spots @ $100.00 ea.	$200.00
8% N.Y. State Tax.	16.00
TOTAL.	$216.00

New York, N.Y. 10019 581-3025

March 21, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For talent used on 2 Anderson radio spots, copy of bill enclosed.	$900.00

00031072155 6

LANDCO LAB[illegible] INC. • 7240 ESTRELLA DE MAR • CAR[illegible]AD, CALIFORNIA 92008 • (714) 436 2711

INVOICE NO.
DATE

Mr. Tony Scivarta
[illegible] Sounds, Inc.
[illegible] West 56th St.
New York, New York [illegible]

CUSTOMER ORDER NO. VIA TERMS NET 10 DA

ION	AMOUNT	CODE	TAX	TOTAL
[illegible] RADIO				
[illegible] RADIO				
[illegible] RADIO				
[illegible] RADIO CORPORATION [illegible]				
[illegible]				

8 2 0 4 0 3 1 3 2 7 0 9 5 5 7

NY 10019 581-3025

March 10, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For production on 4 Anderson	
radio spots @ $100.00 ea.	$400.00
8% N.Y.S. Tax.	32.00
TOTAL.	$432.00

00043455 8

Western Union Mailgram

4002R02SUR1002 03/21/80 ICS IPMMTZZ CSP NYBB
1 2124212155 MGM TDMT NEW YORK NY 03-21 1240P EST

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2124212155 MGM TDMT NEW YORK NY 56 03-21 1240P EST
ZIP
PUBLIC RECORDS DIVN
FEDERAL ELECTION COMMISSION
1325 K ST
WASHINGTON DC 20463
DEAR SIRS THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING $10,600 FOR RADIO ADVERTISEMENTS IN WISCONSIN TO ADVOCATE JOHN ANDERSON TO THE OFFICE OF PRESIDENT.
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

12:59 EST

MGMCOMP MGM

REPLY BY MAILGRAM SEE REVERSE SIDE FOR WESTERN UNION

stewart rawlings mott
800 park avenue
new york 10021
(212) 421-2155

RECEIVED
FEDERAL ELECTION
COMMISSION

March 18, 1980

'80 MAR 21 AM 11:55

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

In accordance with the Federal Election Campaign Act Regulation 304(c)2. I am reporting my expenditure of $39,800 to advocate the candidacy of John Anderson for President of the United States. Attached please find the report of Independent Expenditures and a listing of radio spots and appropriate expenses involved.

Also enclosed is a copy of my March 11, 1980 mailgram to you regarding expenditures in New York and Connecticut. A similar mailgram was sent the day following regarding my expenditures in Illinois.

Stewart R. Mott
March 18, 1980

cc: N.Y. Secretary of State
Illiniois Secretary of State

82026332547

FEC Form 5
March 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

(To be used by an individual or a person other than political committee)

1. (a) Name (in full) STEWART RAWLINGS MOTT

2. Identification Number

(b) Address (number and street) 800 PARK AVE

3. This is an Independent Expenditure

80 MAR 21 AM 11:55

☑ in support of Federal candidate

☐ in opposition to Federal candidate

(c) City, State and ZIP Code NEW YORK, NY 10021

(d) Principal Place of Business 800 PARK AVE NY, NY 10021

(e) Occupation MAVERICK

4. Type of Report (check appropriate box and complete)
IN compliance WITH Sec. 304(c) 2

(a) ☐ Amendment for _____ (which report)

(b) ☐ [illegible] Quarterly Report

(c) ☐ July 10 Quarterly Report

(d) ☐ October 10 Quarterly Report

(e) ☐ January 31 Year End Report

(f) ☐ Tenth day report preceding _____ election on _____ in the State of _____
(primary, general or convention) (date)

(g) ☐ Thirtieth day report following _____ election on _____ in the State of _____
(primary, general or convention) (date)

5. This report covers the period March 11, 1980 through March 17, 1980

Complete either Line 6 or Line 7 whichever is appropriate

CONTRIBUTIONS

6. (see attached)

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate.

EXPENDITURES

7. (see attached)

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

8. TOTAL CONTRIBUTIONS ..... $

9. TOTAL EXPENDITURES ..... $ 39,800.00

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

Stewart Mott 17 March 80
Signature Date

Subscribed and sworn to before me this 17th day of March 80

My Commission expires: 3/30/1980

NOTARY PUBLIC
NOTARY PUBLIC, STATE OF NEW YORK
Qualified in New York County
Commission Expires March 30, 1980

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

For further information Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

3224213325459

MAILGRAM SERVICE CENTER

Mailgram

[illegible] 03/11/80 ICS IPMMTZZ CSP NYBA
2 2124212155 MGM TDMT NEW YORK NY 03-11 8:17P EST

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2124212155 TDMT NEW YORK NY 53 03-11 8:17P EST
PMS THE PUBLIC RECORDS DIVISION FEDERAL ELECTION COMMITTEE RPT DLY
MGM, DLR
1325 K ST
WASHINGTON DC 20463
DEAR SIRS

THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING OVER A 7 DAY PERIOD FROM MARCH 11 TO THE 17TH $20,000 FOR RADIO ADVERTISEMENT TO ADVOCATE JOHN ANDERSON TO THE OFFICE OF PRESIDENT FOR THE UPCOMING PRIMARY ELECTION IN NEW YORK AND CONNECTICUT
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

16:17 EST

MSHCOMP MGM

Reg 109.2 [illegible] not authorized [illegible]

Name [illegible] place [illegible]

To whom it [illegible]

Dresner Mercurio, Inc.
305 Madison Avenue
New York, NY 10017
Telephone (212 [illegible]
TWX DRESMERCNYC
[illegible]

March 13, 1980

TO: Mr. Stewart Mott
800 Park Avenue
New York, New York

RE: John Anderson Radio Buy - Illinois

INVOICE

March 13 - March 17 Illinois Radio Buy (see attached)	$18,017.35
TOTAL DUE:	$18,017.35

PAID IN FULL

9 2 6 4 6 3 3 2 5 9 7 0

RADIO SCHEDULE

March 13 - March 17

ADI RATED STATIONS:

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
CHICAGO			
WAIT	16	6.4	$ 720.00
WCLR	18	12.0	1,073.60
WEFM	14	5.5	1,054.00
WFYR	22	13.6	1,950.00
WIND	27	23.1	1,578.00
WLAK	23	26.5	2,878.00
WLOO	9	17.4	1,500.00
WLS	2	1.4	230.00
		105.9	
PEORIA			
WIKL	22	42.8	982.00
WSWT	22	54.3	
WMBD	16	41.8	296.00
WXCL	18	34.5	451.00
		173.4	
ROCKFORD			
WKKN	16	9.2	191.50
WROK	31	137.8	614.00
WRWC	16	22.8	176.00
WZOK	32	61.0	395.20
		230.8	
ROCK ISLAND/MOLINE			
WHBF	15	47.0	328.00
WQUA	21	23.1	660.00
		70.1	

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MOTT-ANDERSON/ILLINOIS, 1980 3/13/80

UNRATED STATIONS:

MARKET/STATION	# OF SPOTS	GROSS COST
CHICAGO		
WMRO	18	$ 359.99
WRMN	14	170.45
FREEPORT		
WACI	18	95.31
WFRL	20	132.30
SPRINGFIELD		
WCVS	24	399.00
WDBR/WTAX	28 ea.	1,059.00
WFMB	24	323.00
WMAY	24	401.00
TOTAL GROSS COST:		$18,017.35

8 2 0 4 0 3 3 9 2 2 5 9 9 7 2

RADIO SCHEDULE

March 11 - March 17

ARBITRON RATED STATIONS:

STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
WABC	19	16.0	$1,900.00
WINS	18	13.3	1,746.00
WLIR	10	1.1	517.50
WMCA	12	5.3	664.00
WNBC	8	6.4	1,800.00
WNCN	20	4.2	900.00
WNEW am	21	9.2	2,403.00
WOR	16	25.0	2,953.00
WPAT a/f	14 ea.	15.2	2,142.00
WQXR a/f	20 ea.	4.2	1,270.00
WRFM	11	10.3	1,520.00
WTFM	17	4.8	988.00

UNRATED STATIONS:

WGBB	12	183.00
WVIP a/f	12 ea.	195.00
WVOX	10	196.00
WWYD/WFAS	12	604.80

TOTAL GROSS RATING POINTS: 115.0

TOTAL GROSS COST: $19,992.30

2084933265073

March 10, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For talent used on 4 Anderson radio spots. Copy of bill enclosed.	$1,800.0

chasfour

3 3 3 4 3 3 3 2 3 5 7 1

DOCO LABS, INC. • 7240 ESTRELLA DE AR • CARLSBAD, CALIFORNIA 92008 • (714) 43

INVOICE NO.
DATE

Mr. Tony Schwartz
New Sounds, Inc.
455 West 56th. St.
New York, New York 10019

B NO.	CUSTOMER ORDER NO.	VIA	TERMS	NE

SCRIPTION	AMOUNT	CODE	TAX	TOTAL
JOHN ANDERSON COMMERCIALS... RECORDED BY [illegible]				
1. LICENSING				
2. BIOGRAPHY				
HANDGUNS..	[illegible]			
INFO ON JOHN ANDERSON..				
4 RADIO COMMERCIALS @ $450.00 each.				
THANK YOU.....				

8 2 0 2 4 0 3 3 2 6 6 0 7 5

stewart rawlings mott
800 park avenue
new york 10021
(212) 421-2155

'80 MAR 24 PM 1:35

March 20, 1980

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

In accordance with the Federal Election Campaign Act Regulation 304(c)2. I am reporting my expenditure of $53,966.82 to advocate the candidacy of Edward Kennedy and John Anderson for President of the United States. Attached please find the report of Independent Expenditures and a listing of radio spots and other expenses involved.

Also enclosed are copies of my March 19, 1980 mailgrams to you regarding expenditures in Connecticut and New York.

Stewart R. Mott

Stewart R. Mott C90002775
March 20, 1980

cc: Connecticut Secretary of State
New York Secretary of State

8 2 0 2 4 0 3 3 2 1 6 0 3 9

FEC Form 5
March 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

(To be used by an individual or a person other than political committee)

FILED

1. (a) Name (in full) STEWART RAWLINGS MOTT

2. Identification Number C 90002775

(b) Address (number and street) 800 PARK AVE

3. This is an independent expenditure in

☑ in support of Federal candidate

☐ in opposition to Federal candidate.

(c) City, State and ZIP Code NEW YORK, NY 10021

(d) Principal Place of Business 800 PARK AVE. NYC 10021

(e) Occupation MAVERICK

4. Type of Report (check appropriate box and complete) in compliance with SEC 304(c)2

(a) ☐ Amendment for _____ (which report)
(b) ☐ April 10 Quarterly Report
(c) ☐ July 10 Quarterly Report
(d) ☐ October 10 Quarterly Report
(e) ☐ January 31 Year End Report

(f) ☐ Tenth day report preceding _____ (primary, general or convention) election on _____ (date) in the State of _____

(g) ☐ Thirtieth day report following _____ (primary, general or convention) election on _____ (date) in the State of _____

5. This report covers the period 3/19/80 through 3/23/80

Complete either Line 6 or Line 7 whichever is appropriate.

CONTRIBUTIONS

6.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate.

EXPENDITURES

7

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate
see attached				

8. TOTAL CONTRIBUTIONS . . . . . $ _____

9. TOTAL EXPENDITURES . . . . . $ 53,966.82

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

Stewart R Mott
Signature

Date

Subscribed and sworn to before me this 24 day of March, 1980

My Commission expires

Johanna Mae Toscano
Notary Public, State of New York
Certified in New York County
Qualified in Queens County
No. 41-2036164
Commission Expires March 30, 1981

Johanna Mae Toscano
NOTARY PUBLIC

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

For further information Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

3 2 0 4 0 3 3 2 5 0 7 P

MIDDLETOWN, VA. 22645

Mailgram

B-011351S074002 03/19/80 ICS IPMMTZZ CSP NYBR
1 2124212155 MGM TDMT NEW YORK NY 03-19 1020A EST

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2124212155 MGM TDMT NEW YORK NY 85 03-19 1020A EST
ZIP
PUBLIC RECORDS DIVISION
FEDERAL ELECTION COMMISSION
1325 K ST
WASHINGTON DC 20463
DEAR SIRS, THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING $14,000. FOR RADIO ADVERTISEMENTS IN CONNECTICUT TO ADVOCATE JOHN ANDERSON TO THE OFFICE OF PRESIDENT AND I AM ALSO SPENDING $40,000. FOR AN AD IN THE NEW YORK TIMES FOR THE SAME PURPOSE FOR THE UPCOMING PRIMARIES IN NEW YORK AND CONNECTICUT
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

10:19 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM SEE REVERSE SIDE FOR WESTERN UNION'S 100% ERROR FREE PHONE NUMBER

SHALLER RUBIN ASSOCIATES, INC.

Advertising

909 THIRD AVENUE • NEW YORK, N.Y. 10022 • (212)980-5300

Stewart Mott

INVOICE M 8268

date 3/20/80

terms: net cash/10 days

MEDIA		AMOUNT	DISCOUNT	NET
Media Newspaper March 1980				
New York Times 4800 Lines	3/23	40,000.00	none	40,000.00

8 2 0 4 0 3 3 2 6 5 0 7 2

Dresner Mercurio, Inc.
305 Madison Avenue
New York NY 10017

Telephone (212) 867-4070
TWX DRESMER NYK
710 581 4075

March 19, 1980

TO: Mr. Stewart Mott
800 Park Avenue
New York, New York

RE: John Anderson Radio Buy - Connecticut

INVOICE

March 20 - March 24 Radio Buy (see attached)	$13,966.82
TOTAL DUE:	$13,966.82

PAID IN FULL

8204033260 7

MOTT-ANDERSON/CONNECTICUT, 1980 3/19/80

RADIO SCHEDULE

March 20 - March 24

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
ADI RATED MARKETS:			
BRIDGEPORT			
WEZN	18	53.3	$ 936.00
WICC	25	108.4	822.80
WNAB	24	50.7	396.00
		212.4	
HARTFORD			
WDRC	28	33.3	2,196.00
WDRC fm	28	11.1	
WKSS	14	21.5	591.00
WPOP	27	22.4	544.50
WRCH	16	32.4	659.00
WTIC	24	108.6	4,212.00
WTIC fm	24	12.8	
		242.1	
NEW HAVEN			
WELI	14	78.1	711.00
WKCI	20	33.9	990.00
		112.0	
NON-RATED MARKETS:			
GREENWICH			
WGCH	18		284.10
NEW LONDON			
WNLC	20		352.80
NORWALK			
WNLK	20		290.00

8 2 0 4 0 3 0 3 2 5 1 5 0 8 4

MOTT-ANDERSON/CONNECTICUT, 1980 3/19/80

MARKET/STATION	# OF SPOTS	GROSS COST
STAMFORD		
WSTC/WYRS	12 ea.	$ 261.62
WATERBURY		
WWYZ	12	720.00
TOTAL GROSS COST:		$13,966.82

3 2 0 4 0 3 3 2 1 5 6 9 5

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

western union mailgram

80 APR 14 PM 12:31

8-0190936102 04/11/80 ICS IPMMTZZ CSP WSHB
2124212155 MGM TDMT NEW YORK NY 54 04-11 1056A EST

FEDERAL ELECTION COMMISSION
PUBLIC RECORDS DIVISION 1325 K ST
WASHINGTON DC 20463

FEC ID #C90002775

DEAR SIRS,
THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING $5000 FOR COLLECTION SIGNATURES TO SUPPORT JOHN ANDERSON FOR PRESIDENT.
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

10:56 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

SCHEDULE B-P
September 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Exempt Fundraising, Legal and Accounting, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)

Supporting Lines 24a, 25a, 26a, 26b, and 27a of FEC Form 3P

Page 15 of 150 for
LINE NUMBER 27(c)

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

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

Name of Candidate or Committee in Full

Anderson for President Committee

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
A. MOTT ENTERPRISES 515 MADISON AVE. NEW YORK, NY 10022	TEST MAILING & FEE	3-5-80	18,750.00
B. UNITED PARCEL SERVICE BOX 2550 LANDOVER HILLS, MD 20784	SHIPPING FEES	3-5-80	300.00
C. LERNER NEWSPAPERS 7235 W. IRVING PARK RD. CHICAGO, IL 60634	NEWSPAPER ADS	3-5-80	301.84
D. TODD LAPLANTE 5846 KNOLLWOOD RD. ROCKFORD, IL 61107	SALARY	3-5-80	460.03
E. JOEL WEBER 1 STATE ST PLAZA # 2700 NEW YORK, NY 10004	TRAVEL	3-6-80	150.00
F. U.S. POSTMASTER CHICAGO, IL 60602	POSTAGE	3-6-80	350.00
G. ADVANCED BUSINESS MACHINES 3225 11TH ST. ROCKFORD, IL 61109	RENTAL	3-6-80	305.00
H. ILLINOIS PRINTING 1030 CUNNINGHAM ST. ROCKFORD, IL 61102	PRINTING	3-6-80	11,963.16

SUBTOTAL of Expenditures This Page (optional) ..... $ 32,577.97

TOTAL This Period (last page this line number only) ..... $

3 3 0 4 3 3 2 9 1 1 4

SCHEDULE B-P
September 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Exempt Fundraising, Legal and Accounting, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)

Supporting Lines 24a, 25a, 26a, 26b, and 27a of FEC Form 3P

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

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

Name of Candidate or Committee in Full: Anderson for President Committee

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
ANNE LEE 2119 WOODFORD RD. TIMONIUM, MD 21093	REGISTRATION MD	3-17-80	882.00
FRANK WOLF 2314 CHESTNUT PHILADELPHIA, PA 19103	FURNITURE RENTAL	3-17-80	400.00
SOLO REALTY 1704 WALNUT ST. PHILADELPHIA, PA 19103	RENT 6 WEEKS.	3-17-80	1,100.00
U.S. RECORDING 1347 S. CAPTOL ST. WASHINGTON, DC 20003	P.A. EQUIPMENT	3-17-80	109.00
U.S. POSTMASTER ROCKFORD, IL 61125	POSTAGE	3-17-80	750.00
BUSS PETRIE CARPET SERVICE 1520 KINGLESY DR. ROCKFORD, IL 61111	CARPET SERVICE	3-17-80	600.00
MOTT ENTERPRISES 515 MADISON AVE. NEW YORK, NY 10022	MAILING SERVICES	3-18-80	112,750.00
U.S. POSTMASTER ROCKFORD, IL 61125	POSTAGE	3-17-80	1,500.00

SUBTOTAL of Expenditures This Page (optional) ..... $ 118,091.00

TOTAL This Period (last page this line number only) ..... $

RAD 80L-130

REPORTS ANALYSIS PRE-MUR UPDATE

*ORIGIN: RAD(Presidential Section)

DATE July 11, 1980

ANALYST Michael Filler

TO: OFFICE OF ~~GENERAL COUNSEL~~
ATTENTION: JONATHAN LEVIN

TEAM CHIEF Irene Allen

COMPLIANCE REVIEW

THROUGH: STAFF DIRECTOR

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

PRE-MUR No. 52

DATE OF ORIGINAL REFERRAL May 21, 1980

This update is to advise you that Steward Mott sent a mailgram to the Commission on April 17, 1980 amending the 24 hour notice sent on April 11 (Attachment A). The original notice, which was included in the pre-mur dated May 21, 1980, disclosed $5,000 in independent expenditures by Mott for the collection of signatures to support John Anderson for President. The amended notice states that the original message was sent in error and that no reportable expenditures for such purpose have been made by Mott.

On May 29, 1980, the Commission received an amended pre-primary independent expenditure report (FEC FORM 5) for the period covering March 19, 1980 through March 28, 1980 (Attachment B). The amendment provides clarification for the public record that a $40,000 independent expenditure to the New York Times by Mott on behalf of John Anderson and Edward Kennedy should be split equally (i.e., $20,000 attributed to Anderson; $20,000 attributed to Kennedy).

In light of these amendments, the total amount of independent expenditure activity disclosed by Mott to date on behalf of Anderson for President is $90,181.

3204033265 13

*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OCC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

STEWART R. MOTT
515 MADISON AVE
NEW YORK NY 10022

Western Union Mailgram

4-014417S108 04/17/80 ICS IPMMTZZ CSP WSHB
2124212155 MGM TDMT NEW YORK NY 57 04-17 1047A EST

ATTACHMENT A

FEDERAL ELECTION COMMISSION
PUBLIC RECORDS DIVISION
1325 K ST
WASHINGTON DC 20463

FEC 10 =C90002775

DEAR SIRS,
I WISH TO WITHDRAW THE MAILGRAM DATED APRIL 11,1980 REPORTING AN EXPENDITURE OF $5,000.THIS MAILGRAM WAS SENT IN ERROR AND NO REPORTABLE EXPENDITURE FOR SUCH PURPOSE HAS BEEN MADE BY ME.
STEWART R.MOTT
515 MADISON AVE
NEW YORK NY 10022

10:48 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

stewart rawlings mott
suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

'80 MAY 29

10P

ATTACHMENT B

May 27, 1980

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

Re: Stewart R. Mott
FEC #C90002775

Gentlemen:

I am enclosing for Mr. Mott a form 8 to amend the similar form filed on March 20, 1980. The effect of this is to reduce the amount shown in your records as an independent expenditure in support of John B. Anderson and show the $20,000 as an independent expenditure for support of Edward M. Kennedy.

Sincerely,

John P. Hodgkin

John P. Hodgkin

8 2 0 4 0 0 3 3 2 6 1 5

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

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

(To be used by an individual or a person other than political committee)

RECEIVED
'80 MAY 29 AM 11:43

1. (a) Name (in full): STEWART RAWLINGS HOTT
2. Identification Number: C90002775
(b) Address (number and street): 600 PARK AVE.
(c) City, State and ZIP Code: NEW YORK, NY 10021
3. This is an Independent Expenditure:
☑ in support of Federal candidate. Edward M Kennedy
☐ in opposition to Federal candidate.
(d) Principal Place of Business: (same as above)
(e) Occupation: maverick

4. Type of Report (check appropriate box and complete) in compliance with sec. 304 c 2
(a) ☐ Amendment for _____ (which report)
(b) ☐ April 10 Quarterly Report
(c) ☐ July 10 Quarterly Report
(d) ☐ October 10 Quarterly Report
(e) ☐ January 31 Year End Report
(f) ☐ Tenth day report preceding _____ election on _____ in the State of _____ (primary, general or convention) (date)
(g) ☐ Thirtieth day report following _____ election on _____ in the State of _____ (primary, general or convention) (date)

5. This report covers the period _____ through _____ to amend the 3/20/80 rep

Complete either Line 6 or Line 7 whichever is appropriate. CONTRIBUTIONS

6.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 8 or Line 7 whichever is appropriate. EXPENDITURES

7.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

8. TOTAL CONTRIBUTIONS ..... $ _____
9. TOTAL EXPENDITURES ..... $ 20,000

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

Subscribed and sworn to before me this 27 day of May, 1980

My Commission expires:

Signature: [signature] Date: 16 May 80

Notary Public: [signature]
Notary Public, State of New York
Qualified in Queens County
No. 41-4[illegible]
Commission Expires March 30, 1981

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

For further information contact:
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

ATTACHMENT #2

3 2 0 4 0 3 3 2 6 1 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stewart R. Mott
800 Park Avenue
New York, New York 10021

Re:

Dear Mr. Mott:

On , 1980, the Federal Election Commission determined that there is reason to believe that you violated §§ 441a(a)(1)(A) and 441a(a)(3) of the Federal Election Campaign Act of 1971, as amended ("the Act") by making $95,181 in in-kind contributions in support of John B. Anderson's Presidential candidacy during 1980. A report on the Commission's finding is attached for your information.

We have numbered this matter MUR . Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the enclosed questions. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), formerly § 437g(a)(3)(B), unless you notify the Commission in writing that you wish the investigation to be made public.

8 2 0 4 0 3 3 2 5 1 8

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter, at 202/523-4060.

Sincerely,

Enclosures
Notification of Reason to Believe
Interrogatories/Request for Documents
Procedures

8 2 0 4 0 3 3 2 6 1 9

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. _____
STAFF MEMBER(S) & TEL. NO.
Jonathan Levin
(202)523-4060

RESPONDENT Stewart R. Mott

SOURCE OF MUR: INTERNALLY GENERATED

BACKGROUND

This matter was referred to the Office of General Counsel (OGC) by the Reports Analysis Division (RAD) to investigate the possibility that Respondent Stewart R. Mott made $95,181 in-kind contributions to John Anderson's Presidential candidacy in violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

FACTUAL AND LEGAL ANALYSIS

According to reports filed by Stewart Mott and other correspondence sent to the Commission by Mr. Mott, Mr. Mott has spent $95,181 for what he considers to be independent expenditures in support of John B. Anderson's Presidential candidacy. These expenditures were made at various times during March and April, 1980, for the purposes of obtaining radio time and newspaper space, and for the "collection of signatures to support John Anderson for President." 1/

1/ The expenditure for the "collection of signatures to support John Anderson" was reported in a mailgram sent to the Commission by Mr. Mott on April 11, 1980. Six days later, Mr. Mott sent another mailgram stating that the April 11 mailgram was sent "in error" and that "no reportable expenditure for such purpose" had been made by him.

8 2 0 4 0 3 3 2 5 2 0

The 1980 April Monthly Report of the Anderson for President Committee ("the Committee"), Anderson's principal campaign committee for the Republican Presidential primaries, discloses an $18,750 expenditure to Mott Enterprises on March 5, 1980, for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980, for "mailing services." The address listed for Mott Enterprises, 515 Madison Avenue, is the same address as that given by Mr. Mott on mailgrams sent to the Commission to report his expenditures. Furthermore, the phone number on Mr. Mott's stationery, with the name "Stewart Rawlings Mott," is the same as that for Stewart R. Mott & Associates located at 515 Madison Avenue.

Unlimited independent expenditures by an individual in connection with an election to federal office are permitted pursuant to the United States Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1, 39-51 (1976). 11 C.F.R. § 109.1(a) defines "independent expenditure" as

> an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

2 U.S.C. § 431(17) uses substantially the same wording. According to 11 C.F.R. § 109.1(b)(4)(i), "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" means "[a]ny arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication." According to 11 C.F.R. § 109.1(b)(4)(i)(B), an expenditure will be presumed to be made by such "arrangement, coordination, or direction" if "[m]ade by or through any person who is, or has been, authorized to raise or expend funds ... or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent."

From the face of the reports filed with the Commission, it appears that Mr. Mott spent money on advertisements (and signature collection) for John Anderson's candidacy at the time that Mott Enterprises was being or already had been compensated for services provided to the Committee. The exact relationship of Mott Enterprises to Stewart Mott is not known, but the similarity of the names and addresses suggests a close connection.

3 2 0 4 0 3 3 2 5 2 1

The receipt by Mott Enterprises of compensation while Mott was expending funds creates the presumption that Mott's expenditures were made by an arrangement, coordination, or direction by Anderson or his or her agent prior to the publication, distribution, display or broadcast of the advertisements. The existence of such an arrangement, coordination, or direction would destroy the independence of Mr. Mott's expenditures.

Furthermore, we may assume that there were arrangements made between the candidate or an agent of the Committee and Mr. Mott, an agent of Mr. Mott, or an agent of Mott Enterprises regarding the provision of and payment for the $131,500 in services. The apparent contact between the Committee and Mott Enterprises as to the provision of an extensive amount of services raises the strong possibility that Mr. Mott had access to information about the Anderson campaign's resources and needs prior to the time of Mr. Mott's expenditures. The giving or exchange of such information would raise serious doubts as to the independence of Mott's expenditures.

If the expenditures by Mr. Mott were not independent, they were in-kind contributions subject to the limits of 2 U.S.C. § 441a. 2 U.S.C. § 441a(a)(1)(A) limits contributions by an individual to any candidate and his authorized political committee with respect to any election for federal office which, in the aggregrate, exceed $1,000. 2 U.S.C. § 441a(a)(3) states that no individual shall make contributions aggregating more than $25,000 in any calendar year. The presumption exists that the expenditures were not independent and the transactions for the services provided by Mr. Mott leads to strong doubts as to the independence of the expenditures. Therefore, the General Counsel recommends that the Commission initiate a matter under review and find reason to believe that Steward R. Mott violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

Based on the foregoing analysis, the Federal Election Commission:

Found reason to believe that Stewart R. Mott has violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(3).

2 2 2 4 0 3 3 2 5 2 2

FEDERAL ELECTION COMMISSION

TO: Mr. Stewart R. Mott

INTERROGATORIES

1. In its 1980 April Monthly Report, the Anderson for President Committee disclosed an $18,750 expenditure to Mott Enterprises on March 5, 1980 for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980 for "mailing services." To the extent you have knowledge of the "Mott Enterprises" to which the Anderson for President Committee's report refers, state the following:

(a) The nature and purpose of Mott Enterprises.

(b) The type of activities in which Mott Enterprises engages.

(c) Your relationship, if any, to Mott Enterprises.

2. To the extent you have knowledge of any of the services reported by the Anderson for President Committee as being provided by Mott Enterprises, state the following:

(a) The nature of any such services.

(b) The dates on which any such services were performed.

(c) The dates on which payment for any such services was made by the Anderson for President Committee.

9204033262 3

3. Have you, your agent, or your employee had any contacts with John Anderson, the Anderson for President Committee, or an agent or employee of or volunteer for the Committee or the candidate in regard to any of the services described in response to Interrogatory #2 above? If so, in regard to each such contact state the following:

(a) The dates on which each such contact occurred.

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

(c) The name of each person involved in each such contact.

(d) The relationship of each person listed in response to (c) above to Mott Enterprises or to the Anderson for President Committee.

(e) The purpose of each such contact.

4. Up to and including April 11, 1980, did you, your agent, or your employee have any contacts with John Anderson, the Anderson for President Committee, or any agent or employee of or volunteer for the candidate or the Committee? If so, in regard to each such contact, state the following:

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(a) The date on which each such contact occurred;

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

(c) The names of the persons involved in each of these contacts.

(d) The relationship of each person listed in response to (c) above to you or Mott Enterprises or to the Anderson for President Committee or John Anderson.

(e) The purpose of each contact.

5. In a mailgram sent to the Commission on April 11, 1980, you stated that you were spending $5,000 "for collection of signatures to support John Anderson for President." Describe in detail the nature of the activities to which this mailgram referred. Your response should include, but not be limited to, the following:

(a) The date(s) and location(s) of the collection(s).

(b) The purpose(s) for which the signatures were collected.

(c) The contact(s), if any, between you, your agent, or your employee and John Anderson, the Anderson for President Committee, or any agent or employee of or volunteer for the candidate or the Committee. (For each such contact, include the date, the method of contact, the names of the persons involved, the relationship of these persons to you, the Committee, or the candidate, and the purpose.).

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ATTACHMENT #3

8 2 0 4 0 3 3 2 5 2 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Hugh D. Hammerslag, Treasurer
Anderson for President Committee
321 W. State Street
Rockford, Illinois 61101

Re: MUR

Dear Mr. Hammerslag:

On , 1980, the Federal Election Commission determined that there is reason to believe that the Anderson for President Committee ("the Committee") violated § 441a(f) of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the Committee's possible receipt of $95,181 in in-kind contributions from Stewart R. Mott during 1980. On that same date, the Commission also found reason to believe that the Committee violated 2 U.S.C. § 434(b) by failing to report the receipt of $95,181 from Mr. Mott. A report on the Commission's findings is attached for your information.

We have numbered this matter MUR . Please refer to this number in all future correspondence.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the enclosed questions. Your response should be submitted within ten days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against the Committee, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

32040332627

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), formerly § 437g(a)(3)(B), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter, at 202/523-4060.

Sincerely,

Enclosures
Notification of Reason to Believe
Interrogatories/Request for Documents
Procedures

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FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. _____
STAFF MEMBER(S) & TEL. NO.
Jonathan Levin
(202)523-4060

RESPONDENT Anderson for President Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

This matter was referred to the Office of General Counsel (OGC) by the Reports Analysis Division (RAD) to investigate the possible receipt by the Anderson for President Committee ("the Committee") of $95,181 in in-kind contributions from Stewart R. Mott in violation of 2 U.S.C. §§ 441a(f).

FACTUAL AND LEGAL ANALYSIS

According to reports filed by Stewart Mott and other correspondence sent to the Commission by Mr. Mott, Mr. Mott has spent $95,181 for what he considers to be independent expenditures in support of John B. Anderson's Presidential candidacy. These expenditures were made at various times during March and April, 1980, for the purposes of obtaining radio time and newspaper space, and for the "collection of signatures to support John Anderson for President." 1/

1/ The expenditure for the "collection of signatures to support John Anderson" was reported in a mailgram sent to the Commission by Mr. Mott on April 11, 1980. Six days later, Mr. Mott sent another mailgram stating that the April 11 mailgram was sent "in error" and that "no reportable expenditure for such purpose" had been made by him.

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The 1980 April Monthly Report of the Anderson for President Committee, Anderson's principal campaign committee for the Republican Presidential primaries, discloses an $18,750 expenditure to Mott Enterprises on March 5, 1980, for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980, for "mailing services." The address listed for Mott Enterprises, 515 Madison Avenue, is the same address as that given by Mr. Mott on mailgrams sent to the Commission to report his expenditures. Furthermore, the phone number on Mr. Mott's stationery, with the name "Stewart Rawlings Mott," is the same as that for Stewart R. Mott & Associates located at 515 Madison Avenue.

Unlimited independent expenditures by an individual in connection with an election to federal office are permitted pursuant to the United States Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1, 39-51 (1976). 11 C.F.R. § 109.1(a) defines "independent expenditure" as

> an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

2 U.S.C. § 431(17) uses substantially the same wording. According to 11 C.F.R. § 109.1(b)(4)(i), "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" means "[a]ny arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication." According to 11 C.F.R. § 109.1(b)(4)(i)(B), an expenditure will be presumed to be made by such "arrangement, coordination, or direction" if "[m]ade by or through any person who is, or has been, authorized to raise or expend funds ... or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent."

From the face of the reports filed with the Commission, it appears that Mr. Mott spent money on advertisements (and signature collection) for John Anderson's candidacy at the time that Mott Enterprises was being or already had been compensated for services provided to the Committee. The exact relationship of Mott Enterprises to Stewart Mott is not known, but the similarity of the names and addresses suggests a close connection.

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The receipt by Mott Enterprises of compensation while Mott was expending funds creates the presumption that Mott's expenditures were made by an arrangement, coordination, or direction by Anderson or his or her agent prior to the publication, distribution, display or broadcast of the advertisements. The existence of such an arrangement, coordination, or direction would destroy the independence of Mr. Mott's expenditures.

Furthermore, we may assume that there were arrangements made between the candidate or an agent of the Committee and Mr. Mott, an agent of Mr. Mott, or an agent of Mott Enterprises regarding the provision of and payment for the $131,500 in services. The apparent contact between the Committee and Mott Enterprises as to the provision of an extensive amount of services raises the strong possibility that Mr. Mott had access to information about the Anderson campaign's resources and needs prior to the time of Mr. Mott's expenditures. The giving or exchange of such information would raise serious doubts as to the independence of Mott's expenditures.

If the expenditures by Mr. Mott were not independent, they were in-kind contributions subject to the limits of 2 U.S.C. § 441a. 2 U.S.C. § 441a(a)(1)(A) limits contributions by an individual to any candidate and his authorized political committee with respect to any election for federal office which, in the aggregrate, exceed $1,000. 2 U.S.C. § 441a(a)(3) states that no individual shall make contributions aggregating more than $25,000 in any calendar year. 2 U.S.C. § 441a(f) prohibits receipt of contributions in excess of the §§ 441a(a)(1)(A) or 441a(a)(3) limitations. 2 U.S.C. § 432(e)(2) states that any candidate who receives a contribution for use in connection with his or her campaign for election to Federal office "shall be considered, for purposes of this Act, as having received the contribution" as an agent of his or her authorized committee. The presumption exists that the expenditures were not independent and the transactions for the services provided by Mr. Mott leads to strong doubts as to the independence of the expenditures. Accordingly there is reason to believe that the Anderson for President Committee has violated 2 U.S.C. § 441a(f).

2 U.S.C. § 434(b) requires political committees to report receipts of contributions. The Anderson for President Committee did not report the receipt of $95,181 from Stewart R. Mott. Accordingly, there is reason to believe that the Committee violated 2 U.S.C. § 434(b).

Based on the foregoing analysis, the Federal Election Commission:

Found reason to believe that the Anderson for President Committee has violated 2 U.S.C. §§ 434(b) and 441a(f).

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FEDERAL ELECTION COMMISSION

TO: Hugh D. Hammerslag, Treasurer
Anderson for President Committee

INTERROGATORIES

1. In its 1980 April Monthly Report, the Anderson for President Committee disclosed an $18,750 expenditure to Mott Enterprises on March 5, 1980 for "test mailing and fee" and a $112,750 expenditure to Mott Enterprises on March 18, 1980 for "mailing services." Describe the services to which the 1980 April Monthly Report refers. State the following:

(a) The nature of services provided for this compensation.

(b) The dates on which such services were performed.

(c) The dates on which payment for such services was made by the Committee.

2. Has the Anderson for President Committee, John Anderson, or any agent or employee of or volunteer for the Committee or the candidate had any contact with Stewart R. Mott, his agent, or his employee in regard to any of the services described in Interrogatory #1. If so, in regard to each such contact, state the following:

(a) The dates on which each such contact occurred.

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

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(c) The name of each person involved in each such contacts.

(d) The relationship of each person listed in response to (c) above to the Anderson for President Committee or to Mott Enterprises.

(e) the purpose of each such contact.

3. Up to and including April 11, 1980, did the Anderson for President Committee, John Anderson, or any agent or employee of or volunteer for the Committee or the candidate have any contact with Stewart R. Mott, his agent, or his employee? If so, in regard to each such contact, state the following:

(a) The date on which each such contact occurred.

(b) The method by which each such contact was made (e.g. telephone conversation, face-to-face conversation, written correspondence).

(c) The name of each person involved in each such contacts.

(d) The relationship of each person listed in response to (c) above to the Anderson for President Committee or John Anderson, or to Stewart R. Mott or Mott Enterprises.

(e) The purpose of each such contact.

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4. In a mailgram sent to the Commission on April 11, 1980, Stewart R. Mott stated that he was spending $5,000 "for collection of signatures to support John Anderson for President." State your knowledge as to the activities of Mr. Mott or his employee(s) or participants in the Anderson campaign with respect to the collection of these signatures. Your response should include, but not be limited to, the following:

(a) The purpose(s) for which the signatures were collected.

(b) The contact(s), if any, between the Anderson for President Committee, John Anderson, or any agent or employee of or volunteer for the Committee or the candidate and Stewart R. Mott, his agent, or his employee. (For each such contact, include the dates, the method of contact, the names of the persons involved, the relationship of these persons to you, the Committee, or the candidate, and the purpose, e.g., arrangements for the logistics of collecting signatures, the giving of lists of the signatures to the Anderson for President Committee).

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A-809

Premur 52 - Learn

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1980

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: WILLIAM LOUGHREY
ACTING STAFF DIRECTOR

FROM: BOB COSTA

SUBJECT: DOCUMENTS OBTAINED DURING THE ANDERSON FOR PRESIDENT COMMITTEE POST-PRIMARY AUDIT WHICH MAY RELATE TO THE MAY 15, 1980 PRE-MUR ON STEWART MOTT

In accordance with a request from your office on August 5, 1980, we are forwarding the following documents obtained during the course of the Anderson For President Committee's ("the Committee") post-primary audit which we feel may relate to the subject Pre-MUR:

Attachment	Description
I	Memorandum dated January 30, 1980 to Daphne Dwyer, President of Mott Enterprises from Roger Craver of Craver, Matthews, Smith & Co. concerning an agreement for consulting and production services.
II	A letter dated July 25, 1979 to the Committee from Craver, Matthews, Smith & Co. concerning a direct mail test.
III	Two (2) invoices from Mott Enterprises, Inc. dated February 20, 1980 and March 4, 1980 to the Committee concerning mailing charges and fees.

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It should be noted that other than requests for documentation in support of expenditures to Mott Enterprises, Inc., no solicitation of documents relating to this matter or explanation for documents provided was requested of the Committee.

Should you have any questions, please contact either Ray Lisi or Ron West on extension 3-4155.

Attachments as stated

32040332636

CRAVER, MATHEWS, SMITH & COMPANY
1701 NORTH FT. MYER DRIVE
SUITE 602
ARLINGTON, VIRGINIA 22209
TELEPHONE (703) 522-9224

MEMORANDUM

TO: DAPHNE DWYER, PRESIDENT
MOTT ENTERPRISES

FROM: ROGER CRAVER
CRAVER, MATHEWS, SMITH AND COMPANY

DATE: JANUARY 30, 1980

SUBJECT: PROPOSAL AND AGREEMENT

This memorandum sets forth a proposal and agreement wherein Craver, Mathews, Smith and Company will provide consulting and production services to Mott Enterprises to assist you in your work on behalf of the Anderson for President Committee.

As you know, CMS has played an active and effective role in political fund raising for progressive candidates. From the Udall Presidential Campaign in 1976 through our efforts for the Democratic National Committee, to our work on the senatorial campaigns of Packwood, Bayh, Holtzman, Culver and McGovern and our work with the Kennedy for President Committee, we have gained significant insights into the best, most efficient ways to build and resolicit a donor base for candidates.

In addition to our creative and management experience with regard to political campaigns, we have developed an enviable track record of producing the mailings at costs beneficial to our clients. This is made possible by the volume of printing and mailing we do when "ganging" our weekly production requirements.

Because of our unique position and capacity to produce the sort of mailings you contemplate for the Anderson Committee, we propose to provide the following services:

1. Consult with you on the design and implementation of a direct mail test to determine the breadth and intensity of donor support for the Anderson candidacy.

2. We will work with you on creating the package, and selecting the mailing lists.

3. We will serve as your agent for the bidding, purchasing and supervision of production services for the test mailing.

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4. We will supervise the cashiering, statistical compilation and analysis of the mailing returns, giving you a prompt report on the results along with our recommendations for continuation should the test warrant such continuation.

5. In return for these services Craver, Mathews, Smith and Company will charge Mott Enterprises a fee of $18 per thousand pieces into the mail.

   In addition to our fee we will pass along to Mott Enterprises the invoices from the vendors who supply the mailing. As is our practice we will provide you with a fixed-cost estimate of each component part before production commences and we will not commit Mott Enterprises to any work until we have received your signed authorization. When the invoices are received from the vendors we will check them against their bids and pass them along to you for direct payment without the customary agency markup.

This agreement becomes effective upon the date of execution of both parties and may be cancelled by either party upon written notice.

We look forward to working with you on this important project.

ACCEPTED ON BEHALF OF CRAVER, MATHEWS, SMITH AND COMPANY BY:

_____

_____ _____
Title Date

ACCEPTED ON BEHALF OF MOTT ENTERPRISES BY:

Joe Dunkel

President 1/31/80
Title Date

(Please sign both copies of this agreement, retaining one for your files and returning one to Craver, Mathews, Smith and Company. Thank you.)

8 2 0 4 0 9 3 3 2 6 3 8

CRAVER MATHEW SMITH & COMPANY

July 25, 1979

RECEIVED
AUG 13 1979

file
Resale

Mr. Mike MacLoed
Anderson for President
Committee
719 8th Street, S.E.
Washington, D.C. 20003

Dear Mike:

I just wanted to put in writing our discussions regarding the direct mail test to be conducted by Craver, Mathews, Smith & Company on behalf of the Anderson for President Committee.

Craver, Mathews, Smith & Company will write and design a prospect direct mail package on the abortion issue to be mailed to a test segment of 5,000 NARAL names. I suggest that we split this mailing between first class and bulk rate.

Further, Craver, Mathews, Smith & Company will manage the production of this package from the artwork through to the delivery of the completed packages to the post office. In return for these services the Anderson for President Committee will pay Craver, Mathews, Smith & Company a copywriting fee of $2,000 and a production fee of $15 per 1,000 pieces of mail. In addition, there will be production costs such as artist fees, typography, printing, mailing house charges, etc. which we will pass through to the Committee at exact cost. Miscellaneous fees such as those for messenger services, long-distance telephone charges, etc. will also be passed through to the Committee at exact cost.

The critical dates for this effort, provided NARAL is able to make the list available according to the schedule, are as follows:

Week of August 6th - First draft of copy completed

August 13th - Final draft of copy completed

Week of August 27th - Art design completed

Week of September 3rd - Test segment mailed

Week of October 1st - Balance of NARAL list mailed.

32040332639

If the terms of this arrangement are satisfactory, please sign your agreement at the bottom of this letter, returning the original to Craver, Mathews, Smith & Company and retaining a copy for your files.

Best Regards,

Robert M. Smith

ACCEPTED ON BEHALF OF CRAVER, MATHEWS, SMITH & COMPANY BY:

Title

Date 9/25/78

ACCEPTED ON BEHALF OF THE ANDERSON FOR PRESIDENT COMMITTEE BY:

Wm. Bradford

Campaign Director

Title

Date 7/31/79

8/10/79

8204033264 0

Harry — this should be paid immediately! MFM

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

February 20, 1980

Mr. Michael MacLeod
Anderson for President Committee
710 8th Street, S.E.
Washington, D.C. 20003

For services rendered:

Test Mailing:	(Qty: 50,000) Production	$7,900.00	
	List Rentals/Exchanges	1,350.00	
	Postage (First Class)	7,500.00	
			$16,750.00*
Mott Enterprises Fee			2,000.00
		TOTAL	$18,750.00

*Costs reflect quoted estimates. Accounting of all invoices will be forthcoming.

Please remit to:

Mott Enterprises, Inc.
515 Madison Avenue
New York, N. Y. 10022

Pd 3-5-80
3148

9204033254 1

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

March 4, 1980

Mr. Michael Macleod
Anderson For President Committee
719 8th Street, S.E.
Washington, D.C. 20003

For services rendered:

Mailing fee for 500,000 pieces:

List Rentals/ Exchanges	$ 25,000.00
Postage	75,000.00
Management Fee ...	12,750.00
TOTAL	$112,750.00

Check # 5068
3/5/80
EK

Please remit to:

Nott Enterprises, Inc.
515 Madison Avenue
New York, N. Y. 10022

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D 785
RAD 80L-130

REPORTS ANALYSIS PRE-MUR UPDATE

*ORIGIN: RAD(Presidential Section)

DATE July 11, 1980

ANALYST Michael Filler

TO: OFFICE OF GENERAL COUNSEL
ATTENTION: JONATHAN LEVIN

TEAM CHIEF Irene Allen

COMPLIANCE REVIEW

THROUGH: STAFF DIRECTOR AL

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

PRE-MUR No. 52

DATE OF ORIGINAL REFERRAL May 21, 1980

This update is to advise you that Steward Mott sent a mailgram to the Commission on April 17, 1980 amending the 24 hour notice sent on April 11 (Attachment A). The original notice, which was included in the pre-mur dated May 21, 1980, disclosed $5,000 in independent expenditures by Mott for the collection of signatures to support John Anderson for President. The amended notice states that the original message was sent in error and that no reportable expenditures for such purpose have been made by Mott.

On May 29, 1980, the Commission received an amended pre-primary independent expenditure report (FEC FORM 5) for the period covering March 19, 1980 through March 28, 1980 (Attachment B). The amendment provides clarification for the public record that a $40,000 independent expenditure to the New York Times by Mott on behalf of John Anderson and Edward Kennedy should be split equally (i.e., $20,000 attributed to Anderson; $20,000 attributed to Kennedy).

In light of these amendments, the total amount of independent expenditure activity disclosed by Mott to date on behalf of Anderson for President is $90,181.

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*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

STEWART R. MOTT
515 MADISON AVE
NEW YORK NY 10022

western union Mailgram

4-0144178108 04/17/80 ICS IPMMTZZ CSP WSHB
2124212155 MGM TDMT NEW YORK NY 57 04-17 1047A EST

ATTACHMENT A

FEDERAL ELECTION COMMISSION
PUBLIC RECORDS DIVISION
1325 K ST
WASHINGTON DC 20463

U.S. HOUSE OF REPRESENTATIVES
80 APR 21 PM 3:37

FEC ID #C90002775

DEAR SIRS,
I WISH TO WITHDRAW THE MAILGRAM DATED APRIL 11,1980 REPORTING AN EXPENDITURE OF $5,000.THIS MAILGRAM WAS SENT IN ERROR AND NO REPORTABLE EXPENDITURE FOR SUCH PURPOSE HAS BEEN MADE BY ME.
STEWART R.MOTT
515 MADISON AVE
NEW YORK NY 10022

1048A EST

MGMCOMP MGM

5241 (R1/78)

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

stewart rawlings mott
suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

RECEIVED
'80 MAY 29 AM 10 46

10P

ATTACHMENT B

May 27, 1980

3-11-80
5-17-80

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

Re: Stewart R. Mott
FEC #C90002775

Gentlemen:

I am enclosing for Mr. Mott a form 8 to amend the similar form filed on March 20, 1980. The effect of this is to reduce the amount shown in your records as an independent expenditure in support of John B. Anderson and show the $20,000 as an independent expenditure for support of Edward M. Kennedy.

Sincerely,

John P. Hodgkin

3 2 8 0 0 4 0 3 1 0 9 0 1 4 5 5 6 4 5

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

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

(To be used by an individual or a person other than political committee)

RECEIVED
'80 MAY 29 AM 11:46

1. (a) Name (in full) STEWART RAWLINGS HOTT

2. Identification Number C90002776

(b) Address (number and street) 800 PARK AVE.

3. This is an Independent Expenditure:
☒ in support of Federal candidate. Edward M. Kennedy
☐ in opposition to Federal candidate.

(c) City, State and ZIP Code NEW YORK, NY 10021

(d) Principal Place of Business (same as above)

(e) Occupation maverick

4. Type of Report (check appropriate box and complete) in compliance with sec. 304 c 2

(a) ☐ Amendment for _____ (which report)
(b) ☐ April 10 Quarterly Report
(c) ☐ July 10 Quarterly Report
(d) ☐ October 10 Quarterly Report
(e) ☐ January 31 Year End Report

(f) ☐ Tenth day report preceding _____ (primary, general or convention) election on _____ (date) in the State of _____

(g) ☐ Thirtieth day report following _____ (primary, general or convention) election on _____ (date) in the State of _____

5. This report covers the period _____ through _____ to amend the 3/20/80 report

Complete either Line 6 or Line 7 whichever is appropriate. **CONTRIBUTIONS**

6.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate. **EXPENDITURES**

7.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate
	(1)	5/1/80		

8. TOTAL CONTRIBUTIONS ..... $ _____

9. TOTAL EXPENDITURES ..... $ 20,000

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

S P Hott
Signature

16 May 80
Date

Subscribed and sworn to before me this 27 day of May, 1980

My Commission expires.

Johanne Mae Toscano
Notary Public, State of New York
Qualified in New York County
Registered in Queens County
No. 41-4606164
Commission Expires March 30, 1981

Johanne Mae Toscano
NOTARY PUBLIC

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

For further information Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

32989319946 16

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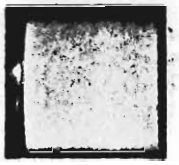
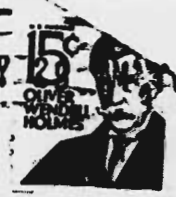


SUITE 4200
515 MADISON AVE.
NEW YORK, N. Y. 10022

3 0 0 3 1 0 9 0 1 1



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

D 735
RAD 80L-130

REPORTS ANALYSIS PRE-MUR UPDATE

*ORIGIN: RAD

DATE June 1[illegible] 1980

ANALYST Michael Filler

TO: OFFICE OF GENERAL COUNSEL
ATTENTION: Jonathan Levin

TEAM CHIEF Irene Allen

COMPLIANCE REVIEW EG/ PS

THROUGH: STAFF DIRECTOR B.L. for A.R.P.

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

PRE-MUR No. 52

DATE OF ORIGINAL REFERRAL May 21, 1980

On June 3, 1980, a letter was received from the National Unity Campaign for John Anderson, the principal campaign committee of Congressman Anderson for the 1980 presidential election (Attachment A). The letter, which was signed by someone for Congressman Anderson, states that the candidate has not authorized activity by Mr. Mott or a group called the Anderson Boosters Club (ABC) with regard to Anderson's campaign for the presidential election.

Mr. Mott, in turn, sent a response to the Anderson letter, which was received on June 11, 1980 (Attachment B). The letter from Mr. Mott states that, because ". . . the ABC neither has, nor intends to raise or expend any monies whatsoever for the advocacy of election or defeat of any federal candidate," it is not a political committee. However, the ABC group does get together on occasion ". . . to discuss the developments within (and without) the Anderson campaign," and "some Anderson staff might be attending these gatherings . . . ."

The matter referred to in the Pre-Mur concerns the independent activity of Mr. Mott on behalf of Anderson during the primary campaign and the relationship of Mott Enterprises and the Anderson for President Committee, the principal campaign committee of Congressman Anderson during the Republican presidential primaries. This additional information is being provided for your review and analysis.

9204033264 8

*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).
**INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

RECEIVED
RAD
'80 JUN 3 PM 12 25
ATTACHMENT A

NATIONAL UNITY CAMPAIGN
John Anderson

25 K Street, N.E. / Washington, D.C. 20002 / (202) 789-8700

May 30, 1980

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

Dear Mr. Friedersdorf:

It has come to my attention that Mr. Stewart R. Mott of New York City is undertaking, or plans to undertake, certain activities relating to the 1980 presidential election.

Included in this activity, I am told, is the formation of a group called the Anderson Booster's Club.

The purpose of this letter is to inform the Commission that the Anderson Booster's Club is not an authorized activity of the National Unity Campaign for John Anderson. No National Unity Campaign staff or funds are, or will be, used in this or any other project which Mr. Mott may be planning.

My staff and I, personally, have repeatedly asked Mr. Mott to cease his efforts on my behalf. However well-intentioned, Mr. Mott's activities have proved disruptive, and by copy of this letter I am once again asking Mr. Mott to cease and desist his unauthorized involvement in my campaign.

I would be pleased to provide further information on this matter at your request.

Sincerely,

John B. Anderson

John B. Anderson

JBA:jhf

(Dictated from New York, 5/30/80)

cc: Stewart R. Mott

Paid for and authorized by The National Unity Campaign for John Anderson Francis E. Sheehan Jr., Treasurer 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.

32040332649

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

NATIONAL UNITY CAMPAIGN
John Anderson

25 K Street, N.E. / Washington, D.C. 20002 / (202) 789-0700

RAD

stewart rawlings mott
800 park avenue
new york 10021
(212) 421-2155

RECEIVED
JUN 11

5 June 80

ATTACHMENT B

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

Dear Mr. Friedersdorf:

A copy of John Anderson's May 30th letter to you has been sent to me. In it, he refers to the formation of a group called the "Anderson Boosters Club" (ABC).

Because Mr. Anderson wrote to you re. ABC, I suppose that he imagines that ABC is--or might become--a "political committee" within the jurisdiction of the FEC.

Had Mr. Anderson or any of his staff gotten in touch with me re. ABC, which I have helped to form, he quickly would have learned that ABC neither has nor intends to raise or expend any monies whatsoever for the advocacy of election or defeat of any federal candidate.

ABC is merely a bull-session discussion group of like-minded individuals who have and will continue to come together informally from time to time to discuss the developments within (and without) the Anderson campaign. Some Anderson staff might be attending these gatherings on occasion, but no campaign funds will be used in this activity. Incidental costs such as notice of meetings and refreshments at meetings are being provided by me.

Since our numbers are limited to approx. 15-20 persons who are already pro-Anderson, since we do not presume to play any official role within the Anderson campaign, since we are not a political committee within the definitions of the FECA, and since our rights to assembly, speech, and privacy are protected by the Constitution, I cannot imagine how or why Mr. Anderson decided to write to you, implying that ABC might be within your jurisdiction.

I would be pleased to provide further information on this matter at your request.

Sincerely,

Stewart Mott

92040332651

NATIONAL UNITY CAMPAIGN
John Anderson
25 K Street, N.E. / Washington, D.C. 20002 / (202) 789-8700

May 30, 1980

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

Dear Mr. Friedersdorf:

It has come to my attention that Mr. Stewart R. Mott of New York City is undertaking, or plans to undertake, certain activities relating to the 1980 presidential election.

Included in this activity, I am told, is the formation of a group called the Anderson Booster's Club.

The purpose of this letter is to inform the Commission that the Anderson Booster's Club is not an authorized activity of the National Unity Campaign for John Anderson. No National Unity Campaign staff or funds are, or will be, used in this or any other project which Mr. Mott may be planning.

My staff and I, personally, have repeatedly asked Mr. Mott to cease his efforts on my behalf. However well-intentioned, Mr. Mott's activities have proved disruptive, and by copy of this letter I am once again asking Mr. Mott to cease and desist his unauthorized involvement in my campaign.

I would be pleased to provide further information on this matter at your request.

Sincerely,

John B. Anderson

John B. Anderson

JBA:jhf

(Dictated from New York, 5/30/80)

cc: Stewart R. Mott

9 2 0 4 0 3 3 2 5 5 2

8 2 0 4 0 3 3 2 6 5 3

STEWART RAWLINGS MOTT
800 PARK AVE.
NEW YORK CITY 10021

'80 JUN 11 AM 11 :

Mr. Max Friedersdorf
Federal Election Commission
1325 K St NW
Washington, DC 20463

cc: KAG w/question re: 920 let. 80L-130 D-735

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 21, 1980

MEMORANDUM

TO : HAL PONDER-OFFICE OF GENERAL COUNSEL

THROUGH : ORLANDO B. POTTER-STAFF DIRECTOR

FROM : TOM HASELHORST-REPORTS ANALYSIS DIVISION

SUBJECT : PRE-MUR ON STEWART MOTT-INDEPENDENT EXPENDITOR IN SUPPORT OF CONGRESSMAN JOHN B. ANDERSON FOR PRESIDENT

Stewart Mott has reportedly made $95,181 1/ in independent expenditures in support of Congressman John B. Anderson's candidacy for president. The independent expenditures were made on several dates during the months of March and April of 1980 (Attachment A).

The 1980 April Monthly Report of the Anderson for President Committee (the Committee), the primary principal campaign committee of Mr. Anderson, discloses two expenditures to Mott Enterprises totalling $131,500 (Attachments B & C). One expenditure was made on March 5, 1980 for "test mailing and fee" in the amount of $18,750; another made on March 18, 1980 for "mailing services" in the amount of $112,750.

The validity of the independent expenditures is questionable, in that Mott Enterprises (the same address and same telephone as Stewart Mott) has been compensated by the Committee, which according to 11 CFR 109.1(b)(4)(i)(B) jeopardizes the independence of the expenditures by Mr. Mott. Futhermore, it may be presumed that there were arrangements made between the candidate and/or an agent of the Committee and the independent expenditor and/or an agent of Mott Enterprises regarding the services provided by the vendor, which also nullifies or destroys the independence of the expenditures. If the activity of Mr. Mott does not fall within the definition of an independent expenditure as defined in 2 U.S.C. 431(17) and 11 CFR 109.1, it would be an

1/ This figure has been adjusted for a $40,000 payment to the New York Times in support of Congressman Anderson and Senator Kennedy for the office of president. An amendment will be forthcoming to disclose a $20,000 independent expenditure for Anderson. In addition, the total figure also includes a $5,000 independent expenditure for collecting signatures to support John Anderson, which was disclosed on a 24 hour mailgram.

9 2 0 4 0 3 3 2 5 5 4

in-kind contribution in excess of the limits, according to 2 U.S.C. 441a.

This matter is being referred to your office for appropriate action. If you have any questions, please contact Michael Filler at x34048.

8 2 0 4 0 3 3 2 6 5 5

stewart rawlings mott
800 park avenue
new yorkthe
(212) 421-2155

80 MAR 31 [illegible]

March 27, 1980

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

In accordance with the Federal Election Campaign Act Regulation 304(c)2. I am reporting my expenditure of ($16,414.54) to advocate the candidacy of John Anderson for President of the United States. Attached please find the report of Independent Expenditures and a listing of radio spots and other expenses involved.

Also enclosed is a copy of my March 21, 1980 mailgram to you regarding expenditures in Wisconsin.

Stewart R. Mott C90002775
March 27, 1980

cc: Wisconsin Secretary of State

8 02 00 04 30 13 03 72 16 55 46 9

FEC Form 5
March 1979
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

RECEIVED

(To be used by an individual or a person other than political committee)

80 MAR 31 AM 9:34

1. (a) Name (in full)
Stewart Rawlings Mott

2. Identification Number
C90002775

(b) Address (number and street)
500 Park Ave.

3. This is an Independent Expenditure
☑ in support of Federal candidate
☐ in opposition to Federal candidate.

(c) City, State and ZIP Code
New York N.Y. 10021

(d) Principal Place of Business
500 Park Ave NYC 10021

(e) Occupation
maverick

4. Type of Report (check appropriate box and complete)
in compliance with Section 304(c)2

(a) ☐ Amendment for _____ (which report)
(b) ☐ April 10 Quarterly Report
(c) ☐ July 10 Quarterly Report
(d) ☐ October 10 Quarterly Report
(e) ☐ January 31 Year End Report

(f) ☐ Tenth day report preceding _____ election on _____ in the State of _____
(primary, general or convention) (date)

(g) ☐ Thirtieth day report following _____ election on _____ in the State of _____
(primary, general or convention) (date)

5. This report covers the period March 21 through April 1

Complete either Line 6 or Line 7 whichever is appropriate. **CONTRIBUTIONS**

6.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate. **EXPENDITURES**

7

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate
see attached				

8. TOTAL CONTRIBUTIONS . . . . . $ _____

9. TOTAL EXPENDITURES . . . . . $ 16,414.54

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

Stewart Mott
Signature

27 Mar 80
Date

Subscribed and sworn to before me this 27th day of March, 1980

My Commission Expires
Notary Public, State of New York
No. 41-3223550
Qualified in Queens County
Commission Expires March 30, 1980

Barbara J. Reid
NOTARY PUBLIC

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

For further information Contact

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

80020041030372165570

Dresner
Mercurio,
Inc.
305 Madison Avenue
New York NY 10017

March 21, 1980

TO: Mr. Stewart Mott
800 Park Avenue
New York, New York

RE: John Anderson Radio Buy - Wisconsin

INVOICE

Wisconsin Radio Buy: March 25-March 31 (see attached schedule)	$14,611.02
TOTAL AMOUNT DUE:	$14,611.02

PAID IN FULL

0. C
14611.02+
255.52+
216.00+
900.00+
432.00+
16414.54*

8'2 0 0 4 0 1 3 0 3 7 2 1 6 5 5 5 8 1

RADIO SCHEDULE

March 25 - March 31

ADI RATED MARKETS:

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
APPLE/OSHKOSH			
WHBY	15	38.1	$ 185.00
WRAU a/f	23 ca.	30.7	139.71
WNAM	26	52.6	311.50
WROE	19	34.0	228.85
WYTL	18	30.7	202.80
		186.1	
DULUTH/SUPERIOR			
WARX	20	43.0	211.60
WDSM	20	29.2	313.80
WEBC	20	37.8	326.85
KDAL	20	91.0	350.50
		201.0	
GREEN BAY			
WDUZ	24	74.2	410.40
WGEE	12	64.6	306.00
WIXX	18	59.2	576.00
		198.0	
MADISON			
WIBA	10	33.7	166.80
WISM	24	47.8	539.00
WLVE	20	27.2	425.80
WTSO	13	59.7	317.60
WZEE	24	58.9	474.00
		207.3	

8020004101303721655592

RADIO SCHEDULE

March 25 - March 31

ADI RATED MARKETS:

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
APPLE/OSHKOSH			
WHBY	15	38.1	$ 185.00
WRAU a/f	23 ea.	30.7	139.71
WNAM	26	52.6	311.50
WROE	19	34.0	228.85
WYTL	18	30.7	202.80
		186.1	
DULUTH/SUPERIOR			
WARX	20	43.0	211.60
WDSM	20	29.2	313.80
WEBC	20	37.8	326.85
KDAL	20	91.0	350.50
		201.0	
GREEN BAY			
WDUZ	24	74.2	410.40
WGEE	12	64.6	306.00
WIXX	18	59.2	576.00
		198.0	
MADISON			
WIBA	10	33.7	168.80
WISM	24	47.8	539.00
WLVE	20	27.2	425.80
WTSO	13	59.7	317.60
WTEE	24	38.9	474.00
		207.3	

8020094301303721656503

8020043013037216565 14

mk please pay

March 21, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For 25 radio dupes for Illinois @ $4.00 ea.	$100.00
For 18 dupes for N.Y. on first set of spots @ $4.00 ea.	72.00
For 18 dupes for N.Y. on second set of spots @ $4.00 ea.	72.00
8% N.Y.S Tax on N.Y. dubs only ($144.00)	11.52
TOTAL.	$255.52

March 21 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For production costs on two	
Anderson radio spots @ $100.00 ea.	$200.00
8% N.Y. State Tax.	16.00
TOTAL.	$216.00

8020043013721656525

8020004301303721656536

March 21, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For talent used on 2 Anderson radio spots, copy of bill enclosed.	$900.00

LANDCO LABS, INC. • 7240 ESTRELLA DE MAR • CARLSBAD, CALIFORNIA 92008 • (714, 436 2711

INVOICE NO.
DATE

Mr. Tony Schwartz
[illegible] Sounds, Inc.
[illegible] West 56th St.
[illegible] York, New York 1[illegible]

CUSTOMER ORDER NO. | VIA | TERMS NET 10 DA

ION	AMOUNT	CODE	TAX	TOTAL
[illegible] # 1 & # 2 [illegible] RADIO				
[illegible] # 1 ... RA[illegible]				
[illegible] # 2 RA[illegible]				
RADIO CO[illegible]				
[illegible] YOU.....				

8 5 0 5 0 4 5 0 1 3 3 2 6 5 5 5 7

March 10, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For production on 4 Anderson	
radio spots @ $100.00 ea.	$400.00
8% N.Y.S. Tax.	32.00
TOTAL.	$432.00

MIDDLETOWN, VA. 22645

4-02RU2CSUR1002 03/21/80 ICS IPMMTZZ CSP NYBB
1 2124212155 MGM TDMT NEW YORK NY 03-21 1240P EST

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2124212155 MGM TDMT NEW YORK NY 56 03-21 1240P EST
ZIP
PUBLIC RECORDS DIVN
FEDERAL ELECTION COMMISSION
1325 K ST
WASHINGTON DC 20463
DEAR SIRS THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING $14,600 FOR RADIO ADVERTISEMENTS IN WISCONSIN TO ADVOCATE JOHN ANDERSON TO THE OFFICE OF PRESIDENT.
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

12:59 EST

MGMLDMP MGM

TO REPLY BY MAILGRAM SEE REVERSE SIDE FOR WESTERN UNION'S TOLL-FREE HOME NUMBER

stewart rawlings mott
800 park avenue
new york 10021
(212) 421-2155

RECEIVED
FEDERAL ELECTION
COMMISSION

March 18, 1980

'80 MAR 21 AM 11:55

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

In accordance with the Federal Election Campaign Act Regulation 304(c)2. I am reporting my expenditure of $39,800 to advocate the candidacy of John Anderson for President of the United States. Attached please find the report of Independent Expenditures and a listing of radio spots and appropriate expenses involved.

Also enclosed is a copy of my March 11, 1980 mailgram to you regarding expenditures in New York and Connecticut. A similar mailgram was sent the day following regarding my expenditures in Illinois.

Stewart R. Mott
March 18, 1980

cc: N.Y. Secretary of State
Illiniois Secretary of State

8820024030 3032 1656 77

FEC Form 9
March 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

(To be used by an individual or a person other than political committee)

1. (a) Name (in full)
STEWART RAWLINGS MOTT

(b) Address (number and street)
800 PARK AVE.

(c) City, State and ZIP Code
NEW YORK, NY 10021

(d) Principal Place of Business
800 PARK AVE. NY, NY 10021

2. Identification Number

3. This is an Independent Expenditure
☑ in support of Federal candidate
☐ in opposition to Federal candidate

80 MAR 21 AM 11:55

(e) Occupation
MAVERICK

4. Type of Report (check appropriate box and complete)
in compliance with Sec. 304(c)2
(a) ☐ Amendment for _____ (which report)
(b) ☐ Month 10 Quarterly Report
(c) ☐ July 10 Quarterly Report
(d) ☐ October 10 Quarterly Report
(e) ☐ January 31 Year End Report
(f) ☐ Tenth day report preceding _____ (primary, general or convention) election on _____ (date) in the State of _____
(g) ☐ Thirtieth day report following _____ (primary, general or convention) election on _____ (date) in the State of _____

5. This report covers the period March 11, 1980 through March 17, 1980

Complete either Line 6 or Line 7 whichever is appropriate.

CONTRIBUTIONS

6. (see attached)

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate.

EXPENDITURES

7. (see attached)

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

8. TOTAL CONTRIBUTIONS . . . . . $ _____

9. TOTAL EXPENDITURES . . . . . $ 39,800.00

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

Stewart Mott — Signature
17 March 80 — Date

Subscribed and sworn to before me this 17th day of March, 19 80

My Commission expires: 3/30/1980

NOTARY PUBLIC
NOTARY PUBLIC, STATE OF NEW YORK
Qualified in New York County
Term Filed with New York Co. Clerk
Commission Expires March 30, 1980

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

For further information Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

80270430 03521565689

MAILGRAM SERVICE CENTER

[illegible] 03/11/80 ICS IPMMTZZ CSP NYBR
[illegible] NEW YORK NY 03-11 [illegible] EST

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2128212155 TDMT NEW YORK NY 53 03-11 [illegible] EST
PMS THE PUBLIC RECORDS DIVISION FEDERAL ELECTION COMMITTEE RPT DLY
MGM, DLR
1325 K ST
WASHINGTON DC 20463
DEAR SIRS

THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING OVER A 7 DAY PERIOD FROM MARCH 11 TO THE 17TH $20,000 FOR RADIO ADVERTISEMENT TO ADVOCATE JOHN ANDERSON TO THE OFFICE OF PRESIDENT FOR THE UPCOMING PRIMARY ELECTION IN NEW YORK AND CONNECTICUT
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

16:17 EST

MGMCOMP MGM

Rec'd 1093 [illegible] not authorized [illegible]

Name occup [illegible]

to whom $ spent

Dresner Mercurio, Inc.
305 Madison Avenue
New York, NY 10017

Telephone (212 [illegible]
TWX DRESMERNYK
[illegible]

March 13, 1980

TO: Mr. Stewart Mott
800 Park Avenue
New York, New York

RE: John Anderson Radio Buy - Illinois

INVOICE

March 13 - March 17 Illinois Radio Buy (see attached)	$18,017.35
TOTAL DUE:	$18,017.35

PAID IN FULL

8 2 2 2 4 3 0 ' 3 0 3 2 1 5 7 7 0 0

RADIO SCHEDULE

March 13 - March 17

ADI RATED STATIONS:

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
CHICAGO			
WAIT	16	6.4	$ 720.00
WCLR	18	12.0	1,073.60
WEFM	14	5.5	1,054.00
WFYR	22	13.6	1,950.00
WIND	27	23.1	1,578.00
WLAK	23	26.5	2,878.00
WLOO	9	17.4	1,500.00
WLS	2	1.4	230.00
		105.9	
PEORIA			
WIKL	22	42.8	982.00
WSWT	22	54.3	
WMBD	16	41.8	296.00
WXCL	18	34.5	451.00
		173.4	
ROCKFORD			
WKKN	16	9.2	191.50
WROK	31	137.8	614.00
WRWC	16	22.8	176.00
WZOK	32	61.0	395.20
		230.8	
ROCK ISLAND/MOLINE			
WHBF	15	47.0	326.00
WQUA	21	23.1	660.00
		70.1	

8320074303216571

MOTT-ANDERSON/ILLINOIS, 1980 3/13/80

UNRATED STATIONS:

MARKET/STATION	# OF SPOTS	GROSS COST
CHICAGO		
WMRO	18	$ 359.99
WRMN	14	170.45
FREEPORT		
WACI	18	95.31
WFRL	20	132.30
SPRINGFIELD		
WCVS	24	399.00
WDBR/WTAX	28 ea.	1,059.00
WFMB	24	323.00
WMAY	24	401.00
TOTAL GROSS COST:		$18,017.35

8 3 2 0 2 4 0 3 0 3 2 6 7 7 2

RADIO SCHEDULE
March 11 - March 17

ARBITRON RATED STATIONS:

STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
WABC	19	16.0	$1,900.00
WINS	18	13.3	1,746.00
WLIR	10	1.1	517.50
WMCA	12	5.3	664.00
WNBC	8	6.4	1,800.00
WNCN	20	4.2	900.00
WNEW am	21	9.2	2,403.00
WOR	16	25.0	2,953.00
WPAT a/f	14 ea.	15.2	2,142.00
WQXR a/f	20 ea.	4.2	1,270.00
WRFM	11	10.3	1,520.00
WTFM	17	4.8	988.00

UNRATED STATIONS:

WGBB	12		183.00
WVIP a/f	12 ea.		195.00
WVOX	10		196.00
WWYD/WFAS	12		604.80

TOTAL GROSS RATING POINTS: 115.0

TOTAL GROSS COST: $19,982.30

8 2 0 4 0 3 3 2 6 7 3 3

March 10, 1980

Mr. Stewart Mott
800 Park Ave.
New York, N.Y.

For talent used on 4 Anderson radio spots. Copy of bill enclosed.	$1,800.0

chauffeur

DOCO LABS, INC. • 7340 ESTRELLA DE AR • CARLSBAD, CALIFORNIA 92008 • (714) 431

INVOICE NO.
DATE

Mr. Tony Schwartz
New Sounds, Inc.
455 West 56th. St.
New York, New York 10019

NO.	CUSTOMER ORDER NO.	VIA	TERMS: NE

SCRIPTION	AMOUNT	CODE	TAX	TOTAL
JOHN ANDERSON COMMERCIALS... RECORDED BY [illegible]				
1. LICENSING				
2. BIOGRAPHY				
HANDGUNS..	$12[illegible]			
INFO ON JOHN ANDERSON..				
4 RADIO COMMERCIALS @ $450.00 each.				
THANK YOU.....				

8 2 2 0 7 4 3 0 1 3 0 3 2 1 5 5 7 7 5 5

stewart rawlings mott
800 park avenue
new york 10021
|212| 421-2155

'80 MAR 24 PM 1:35

March 20, 1980

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

In accordance with the Federal Election Campaign Act Regulation 304(c)2. I am reporting my expenditure of $53,966.82 to advocate the candidacy of Edward Kennedy and John Anderson for President of the United States. Attached please find the report of Independent Expenditures and a listing of radio spots and other expenses involved.

Also enclosed are copies of my March 19, 1980 mailgrams to you regarding expenditures in Connecticut and New York.

Stewart R. Mott

Stewart R. Mott C90002775
March 20, 1980

cc: Connecticut Secretary of State
New York Secretary of State

80040030216579

FEC Form 5
March 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

REPORT OF INDEPENDENT EXPENDITURES OR CONTRIBUTIONS BY PERSONS

(To be used by an individual or a person other than political committee)

FILED
CORRESPONDENCE

1. (a) Name (in full): STEWART RAWLINGS MOTT
(b) Address (number and street): 800 PARK AVE
(c) City, State and ZIP Code: NEW YORK, NY 10021
(d) Principal Place of Business: 800 PARK AVE. NYC 10021

2. Identification Number: C 90002775

3. This is an independent expenditure for
☑ in support of Federal candidate
☐ in opposition to Federal candidate.

(e) Occupation: MAVERICK

4. Type of Report (check appropriate box and complete) in compliance with Sec 304(c)2
(a) ☐ Amendment for _____ (which report)
(b) ☐ April 10 Quarterly Report
(c) ☐ July 10 Quarterly Report
(d) ☐ October 10 Quarterly Report
(e) ☐ January 31 Year End Report
(f) ☐ Tenth day report preceding _____ (primary, general or convention) election on _____ (date) in the State of _____
(g) ☐ Thirtieth day report following _____ (primary, general or convention) election on _____ (date) in the State of _____

5. This report covers the period 3/19/80 through 3/23/80

Complete either Line 6 or Line 7 whichever is appropriate.

CONTRIBUTIONS

6.

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate

Complete either Line 6 or Line 7 whichever is appropriate.

EXPENDITURES

7

Full Name, Mailing Address and ZIP Code of Payee	Particular of Expenditure	Date (month, day, year)	Amount	Name and Office Sought of Federal Candidate
see attached				

8. TOTAL CONTRIBUTIONS . . . . . $ _____

9. TOTAL EXPENDITURES . . . . . $ 53,966.82

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

Stewart R Mott
Signature

Date

Subscribed and sworn to before me this 30 day of March, 19 80

My Commission expires

Johanna Toscano
NOTARY PUBLIC

Johanna Mae Toscano
Notary Public, State of New York
Qualified in New York County
Qualified in Queens County
No. 31-2406164
Commission Expires March 30, 1981

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

For further information Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
800-424-9530

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

8240945572

MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645

4-011351S079002 03/19/80 ICS IPMMTZZ CSP NYBA
1 2124212155 MGM TDMT NEW YORK NY 03-19 1020A EST

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2124212155 MGM TDMT NEW YORK NY 65 03-19 1020A EST
ZIP
PUBLIC RECORDS DIVISION
FEDERAL ELECTION COMMISSION
1325 K ST
WASHINGTON DC 20463
DEAR SIRS, THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING $14,000. FOR RADIO ADVERTISEMENTS IN CONNECTICUT TO ADVOCATE JOHN ANDERSON TO THE OFFICE OF PRESIDENT AND I AM ALSO SPENDING $40,000. FOR AN AD IN THE NEW YORK TIMES FOR THE SAME PURPOSE FOR THE UPCOMING PRIMARIES IN NEW YORK AND CONNECTICUT
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

10:19 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL FREE PHONE NUMBERS

SHALLER RUBIN ASSOCIATES, INC.

Advertising

300 THIRD AVENUE • NEW YORK, N.Y. 10022 • (212)980-5300

Stewart Mott

INVOICE M 8268

date 3/20/80

terms: net cash/10 days

MEDIA		AMOUNT	DISCOUNT	NET
Media Newspaper March 1980				
New York Times 4800 Lines	3/23	40,000.00	none	40,000.00

8 2 0 4 0 3 3 2 1 5 7 9 2

Dresner Mercurio, Inc.
305 Madison Avenue
New York NY 10017

Telephone (212) 867 4070
TWX DRESMER NYK
710581 4070

March 19, 1980

TO: Mr. Stewart Mott
800 Park Avenue
New York, New York

RE: John Anderson Radio Buy - Connecticut

INVOICE

March 20 - March 24 Radio Buy (see attached)	$13,966.82
TOTAL DUE:	$13,966.82

PAID IN FULL

8233109342583

RADIO SCHEDULE

March 20 - March 24

MARKET/STATION	# OF SPOTS	GROSS RATING POINTS	GROSS COST
ADI RATED MARKETS:			
BRIDGEPORT			
WEZN	18	53.3	$ 936.00
WICC	25	108.4	822.80
WNAB	24	50.7	396.00
		212.4	
HARTFORD			
WDRC	28	33.3	2,196.00
WDRC fm	28	11.1	
WKSS	14	21.5	591.00
WPOP	27	22.4	544.50
WRCH	16	32.4	659.00
WTIC	24	108.6	4,212.00
WTIC fm	24	12.8	
		242.1	
NEW HAVEN			
WELI	14	78.1	711.00
WKCI	20	33.9	990.00
		112.0	
NON-RATED MARKETS:			
GREENWICH			
WGCH	18		284.10
NEW LONDON			
WNLC	20		352.80
NORWALK			
WNLK	20		290.00

8 2 0 0 4 3 0 3 0 3 5 2 1 5 8 7 1 4

MOTT-ANDERSON/CONNECTICUT, 1980 3/19/80

MARKET/STATION	# OF SPOTS	GROSS COST
STAMFORD		
WSTC/WYRS	12 ea.	$ 261.62
WATERBURY		
WWYZ	12	720.00
	TOTAL GROSS COST:	$13,966.82

9'2'0'4'0' 3'0'3'6'2'1'6'5'8'7'2'5

STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

Mailgram

4-0190938102 04/11/80 ICS IPMMTZZ CSP WSHB
2124212155 MGM TDMT NEW YORK NY 54 04-11 1056A EST

FEDERAL ELECTION COMMISSION
PUBLIC RECORDS DIVISION 1325 K ST
WASHINGTON DC 20463

FEC ID #C90002775

DEAR SIRS,
THIS INFORMATION IS PROVIDED TO YOU TO COMPLY WITH THE REQUIREMENTS OF INDEPENDENT EXPENDITURES. I AM SPENDING $5000 FOR COLLECTION SIGNATURES TO SUPPORT JOHN ANDERSON FOR PRESIDENT.
STEWART R MOTT
515 MADISON AVE
NEW YORK NY 10022

10:56 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

SCHEDULE B-P
September 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Exempt Fundraising, Legal and Accounting, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)

Supporting Lines 24a, 25a, 26a, 26b, and 27a of FEC Form 3P

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

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

Name of Candidate or Committee in Full: Anderson for President Committee

A. Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
MOTT ENTERPRISES 515 MADISON AVE. NEW YORK, NY 10022	TEST MAILING & FEE	3-5-80	18,750.00
B. Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
UNITED PARCEL SERVICE BOX 2550 LANDOVER HILLS, MD 20784	SHIPPING FEES	3-5-80	300.00
C. Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
LERNER NEWSPAPERS 7235 W. IRVING PARK RD. CHICAGO, IL 60634	NEWSPAPER ADS	3-5-80	301.84
D. Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
TODD LAPLANTE 5846 KNOLLWOOD RD. ROCKFORD, IL 61107	SALARY	3-5-80	460.03
E. Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
JOEL WEBBER 1 STATE ST PLAZA # 2700 NEW YORK, NY 10004	TRAVEL	3-6-80	150.00
F. Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
U.S. POSTMASTER CHICAGO, IL 60602	POSTAGE	3-6-80	350.00
G. Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
ADVANCED BUSINESS MACHINES 3225 11th ST. ROCKFORD, IL 61109	RENTAL	3-6-80	305.00
H. Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
ILLINOIS PRINTING 1030 CUNNINGHAM ST. ROCKFORD, IL 61102	PRINTING	3-6-80	11,963.10

SUBTOTAL of Expenditures This Page (optional) ..... $ 32,577.97

TOTAL This Period (last page this line number only) ..... $

3 2 0 0 4 3 0 3 7 2 5 0 8 1 4

SCHEDULE B-P
September 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED EXPENDITURES

(Operating, Exempt Fundraising, Legal and Accounting, Transfers Out, Contributions In-Kind, Loans, Loan Repayments and Refunds Made)

Supporting Lines 24a, 25a, 26a, 26b, and 27a of FEC Form 3P

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

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

Name of Candidate or Committee in Full: Anderson for President Committee

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
A. ANNE LEE 2119 WOODFORD RD. TIMONIUM, MD 21093	REGISTRATION MD	3-17-80	882.00
B. FRANK WELF. 2314 CHESTNUT PHILADELPHIA, PA 19103	FURNITURE RENTAL	3-17-80	400.00
C. SOLO REALTY 1704 WALNUT ST. PHILADELPHIA, PA 19103	RENT 6 WEEKS.	3-17-80	1,100.00
D. U.S. RECORDING 1347 S. CAPTOL ST. WASHINGTON, DC 20003	P.A. EQUIPMENT	3-17-80	109.00
E. U.S. POSTMASTER ROCKFORD, IL. 61125	POSTAGE	3-17-80	750.00
F. BUSS PETRIE CARPET SERVICE 1520 KINGLESY DR. ROCKFORD, IL 61111	CARPET SERVICE	3-17-80	600.00
G. MOTT ENTERPRISES 515 MADISON AVE. NEW YORK, NY 10022	MAILING SERVICES	3-18-80	112,750.00
H. U.S. POSTMASTER ROCKFORD, IL 61125	POSTAGE	3-18-80	1,500.00

SUBTOTAL of Expenditures This Page (optional) ..... $ 118,091.00

TOTAL This Period (last page this line number only) ..... $

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1333

DEPOSITIONS

8204033268 6

GCC#5222

Milton Reporting, Inc.

General Stenotype Reporting
Suite 301
1601 Connecticut Ave., N.W.
Washington, D.C. 20009

R.H. Milton
President
F.R. Joyce
V.P. & General Mgr.
Y. Deutschman
Treasurer

Phone:
202-833-3598
202-833-3599

Notary Public
D.C.-Va.-Md.

August 6, 1981

Mr. Daphne Wilson Dwyer, II
MOTT ENTERPRISES
122 Maryland Avenue, N.E.
Washington, D.C. 20002

U.S. Federal Election Commission - MUR No. 1333
Re: Deposition of Daphne Wilson Dwyer, II

Dear Mr. Dwyer:

On behalf of counsel who took your deposition on July 21, 1981, you are hereby notified that the transcript of your deposition is now ready and available at the above address for reading and signing as requested by you.

Kindly let the undersigned know when you will be in.

If it is not convenient for you to come to our offices, we would suggest you read counsel's carbon copy, prepare an errata sheet, sign the errata sheet before a notary public, return it to our office and we will attach it to the court copy of the transcript and proceed to file it with the court.

If by September 7, 1981, we have not received any request for extension of time or otherwise heard from you, it will be assumed that reading and signing are no longer desired, and the deposition will be filed.

Very sincerely yours,

MILTON REPORTING, INC.

Fred R. Joyce
Reporter/Notary

cc:
file
Scott E. Thomas, Esq.
Paul D. Kamenar, Esq.

AUG 6 11:27
RECEIVED
32040302587

Milton Reporting, Inc.

General Stenotype Reporting
Suite 301
1601 Connecticut Ave., N.W.
Washington, D.C. 20009

R.H. Milton
President
F.R. Joyce
V.P. & General Mgr.
Y. Deutschman
Treasurer

Phone:
202-833-3500
202-833-3599

Notary Public
D.C.-Va.-Md.

August 6, 1981

Mr. Stewart Rawlings Mott
MOTT ENTERPRISES
122 Maryland Avenue, N.E.
Washington, D.C. 20002

81 AUG 6 AM 11:27

Re: U.S. Federal Election Commission - MUR NO. 1333
Deposition of Stewart Rawlings Mott

Dear Mr. Mott:

On behalf of counsel who took your deposition on July 31, 1981, you are hereby notified that the transcript of your deposition is now ready and available at the above address for reading and signing as requested by you.

Kindly let the undersigned know when you will be in.

If it is not convenient for you to come to our offices, we would suggest you read counsel's carbon copy, prepare an errata sheet, sign the errata sheet before a notary public, return it to our office and we will attach it to the court copy of the transcript and proceed to file it with the court.

If by September 7, 1981, we have not received any request for extension of time or otherwise heard from you, it will be assumed that reading and signing are no longer desired, and the deposition will be filed.

Very sincerely yours,

MILTON REPORTING, INC.

Fred R. Joyce

Reporter/Notary

cc:
file
Scott E. Thomas, Esq.
Paul D. Kamenar, Esq.

8204035258

6CC45848

Milton Reporting, Inc.

R.E. Milton
President
F.R. Joyce
V.P. & General Mgr.
M.M. Hope
Treasurer

General Stenotype Reporting
Suite 301
1601 Connecticut Ave., N.W.
Washington, D.C. 20009

Phone:
202-833-3598
202-833-3599

Notary Public
D.C.-Va.-Md.

NOV 23 P3:09

November 20, 1981

Scott E. Thomas, Esq.
Office of General Counsel
U.S. Federal Election Commission
1325 K Street, N.W. - 7th Floor
Washington, D.C. 20463

Re: STEWART R. MOTT - MUR No. 1333
Deposition of Stewart Rawlings Mott

Dear Mr. Thomas:

The deponent, Stewart R. Mott, has read, corrected and signed his deposition taken on July 21, 1981, in the above-captioned matter. A copy of the errata sheet prepared by Mr. Mott is attached to the original enclosed transcript. Also, a copy of the errata sheet was forwarded to Mr. Paul D. Kamenar.

Sincerely,

Fred R. Joyce
General Mgr.

cc:
file
Paul D. Kamenar, Esq.

8204032589

BEFORE THE UNITED STATES
FEDERAL ELECTION COMMISSION

IN RE: STEWART R. MOTT : MUR 13333

STEWART R. MOTT

ERRATA SHEET TO DEPOSITION OF JULY 21, 1981

Page 6, line 19: "where by" to "where my"

Page 10, line 2: "Nationla" to "National"

Page 12, line 1: "organization" to "organizations"

Page 14, line 16: "Rod" to "Rob"

Page 16, line 2: "conversatio" to "conversation"

Page 27, line 6: "Shelbie" to "Shelby"

line 9: same

line 14: same

line 16: same

line 19: same

Page 28, line 15: same

line 17: same

Page 30, line 3: "pubbling" to "putting"

Page 36, line 17: "in that clearly" to "in that amount clearly"

Page 38, line19: "Scharts" to "Schwartz"

Page 40, line 1 "Toney" to "Tony"

Page 48, line 21: "though" to "thought"

Page 61, line 9: "of" to "if"

Page 64, line 14: "corss" to "cross"

Page 65, line 13: "coordinatro" to "coordinator"

Page 65, line 18: "hafl" to "half"

Page 66, line 2: "amalgum" to "amalgam"

8204033269 0

Page 67, line 9: "disparit" to "disparate"

Page 67, line 18: "of" to "to"

Page 72, line 21: "McGovern" to "Rogovin"

Page 72, line 22: same

Page 73, line 18: "Roger Stolhman" to "Rhonda Stahlman"

8 2 0 4 0 3 3 2 6 9 1

ORIGINAL

NOV 23 P 3:21

BEFORE THE
UNITED STATES FEDERAL ELECTION COMMISSION
Washington, D. C.

IN THE MATTER OF:

STEWART R. MOTT

MUR 1333

Tuesday, July 21, 1981

Washington, D. C.

Deposition of:

STEWART RAWLINGS MOTT

called for examination by counsel for the Federal Election Commission, pursuant to notice, taken at the offices of the Federal Election Commission, 7th Floor, 1325 K Street, N.W., Washington, D. C. 20463, before Ray A. Boyum, Notary Public in and for the District of Columbia, commencing at 3:47 p.m., when were present on behalf of the respective parties:

A P P E A R A N C E S :

For the Deponent:

PAUL D. KAMENAR, ESQ.
1015 Fifteenth Street, N.W.
Washington, D. C. 20005
(202) 393-8535/857-0240

8204032692

Appearances (Cont'd):

For the Federal Election Commission:

SCOTT E. THOMAS, ESQ.
and
JONATHAN LEVIN, ESQ.
Office of General Counsel
U. S. Federal Election Commission
Seventh Floor
1325 K Street, N.W.
Washington, D. C. 20463

oOo

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I N D E X

WITNESS:	EXAMINATION BY:	PAGE:
Stewart R. Mott	By Mr. Thomas	4
	By Mr. Kamenar	73

EXHIBITS:	MARKED FOR IDENTIFICATION:
FEC Exhibit No. 1	17
FEC Exhibit No. 2	18
FEC Exhibit No. 3	21
FEC Exhibit No. 4	35
FEC Exhibit No. 5	35
FEC Exhibit No. 6	54

oOo

9204037 2594

P R O C E E D I N G S

(3:47 p.m.)

Whereupon,

STEWART RAWLINGS MOTT

was called as a witness, and, after being first duly sworn by the Notary Public, was examined and testified as follows:

DIRECT EXAMINATION
BY COUNSEL FOR THE FEC.

BY MR. THOMAS:

Q Would you state your name, please.

A Stewart Mott.

Q And whatis your present occupation?

A Self-employed.

Q Mr. Mott, are you an officer or director of Mott Enterprises?

A Yes.

Q What exactly is your position?

A Chairman.

Q Do you recall when Mott Enterprises was formed?

A About four years ago which would be the spring of '77, I think.

Q What was it formed for? What was its business?

A For working in direct mail, in assisting in creation

8204037 2695

of direct mail packages and financing clients who needed assistance.

Q When you say "financing clients," do you mean giving loans, for examples?

A Loans or credit.

Q Or credit, all right. What kinds of services specifically does Mott Enterprises provide?

A Well, we have had about 30 or 40 clients over the past few years and it varies very much with the individual client. Some clients need the financial relationship of a loan; others need the consultative services of creating a direct mail package; some need both.

Q What role do you have in the operation of Mott Enterprises?

A On a day to day basis, I don't have any role. I don't have a desk in an office that says "Mott Enterprises" on it. My role is about five or six times a year to take a look over the shoulder of the President, Daphne Dwyer, and see how she is doing. We discuss any important new contracts that are putting any substantial amount of money at-risk, and as a matter of routine she is supposed to consult me in advance of signing on new clients.

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Q As a matter of routine, you mean that is something that is expected of her?

A Yes, but it doesn't always happen. But it is meant to happen.

Q Do you have authority to direct Daphne Dwyer's activities in the day to day operations?

A Well, I guess I have the authority to do so but I don't exercise it. She operates very much as an independent person in developing new client relationships and working with the executive directors of agencies and talking through the concept of the direct mail piece, and the purchasing of the paper and the timing and the letters and all. I don't get involved myself in thatpart of it at all.

Q Are you familiar with an organization called Stewart Mott & Associates?

A Well, I am acquainted with the name, but not as an organization. It does not exist as a corporate or legal entity, it's just a name of convenience that is on the door of my office in New York where by investment office is located, where Mott Enterprises is located, and from time to time other activities are conducted. As a matter of convenience, we call it Stewart Mott & Associates.

3 2 0 4 0 3 0 2 5 9 7

Q Does Stewart Mott & Associates have any connection whatsoever with providing consulting services to political campaigns?

A Well, as I just said, Stewart Mott & Associates does not exist as an organization. So the people who work in that office on those premises at 4200, room 4200, 515 Madison Avenue, some may from time to time have a conversation here and there about political campaigns, specifically Daphne Dwyer and Mott Enterprises which has its offices in the same premises, and has provided services for a variety of political candidates or organizations.

Q But Stewart Mott & Associates in and of itself isn't an entity that has employees; is that what you are saying?

A No, no, that's right.

Q Now, how did Mott Enterprises come to provide services to the Anderson for President primary campaign?

A Just what happened first, second and third I don't recall with any exactness. Anderson made a very good showing in the Iowa debate among the Republican candidates in mid-January I think it was, and there was a feeling that his campaign was on the acendency and he had a good chance to confront Reagan and Bush, who seemed to be the front runners, on the issues.

9204037 2598

I don't know who called who, whether I or Daphne -- I don't think Daphne or I called Anderson. I think it was perhaps someone in the Anderson campaign who called us but in any case a proposal evolved that Anderson should get into the mail for fund raising purposes and capitalize on the excitement that followed the debate; so Daphne got into the act and evaluated the prospects for doing a profitable direct mail solicitation inasmuch as he had a good shot. As is usual in such matters where you have a client that has very little prior experience you do a test of a limited size and limited financial exposure first.

Mott Enterprises, Incorporated contracted with Craver, Mathews & Smith to do the work of writing the package and getting it through production into the post office.

Mott Enterprises extended the credit to the campaign and insisted that all first proceeds of the returns go to pay back the costs of mounting the campaign and I guess those were the first steps. Anyway that's what led Mott Enterprises into it.

Q Did you have any involvement in that initial arrangement?

A I believe that at some point Daphne said I would

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like to undertake this and that. I don't recall anything more than just verbal conversations at the time because there was really no track record to look at. Ordinarily if you have a client with a track record you can look at all the prior direct mail experience and see how they have done in prior lists testing and so forth, and here there was no such record so there was probably no paperwork to speak of though there had to be at some stage a list selection and the list selection was undoubtedly the conventional liberal/progressive donor lists and I may have seen that. I don't remember.

Q You don't recall specifically?

A No. I have forgotten. It was a small amount, $25,000 or something like that, as the first test. We figured there wasn't much to lose. There couldn't be any loss and probably would be a profitable situation.

Q You have indicated that Mott Enterprises was going to advance the credit for this project; is that correct?

A Yes.

Q Where did the funds come from to advance that credit?

A Invariably -- and I don't recall which way it went in this particular instance -- Mott Enterprises has a line

3 2 0 4 0 3 7 2 7 0 0

of credit at several different banks, such as the Womens Nationla, First Womens Bank in New York, and one or more Washington banks, and in some cases when a client needs to borrow money -- this was not a loan, this was a credit. It amounted to our simply endorsing or being the guarantor of a loan. In this instance I think Mott Enterprises simply paid the bills of the printer and the post office and so forth and then in turn billed the Anderson campaign for those expenses incurred, and we did it on our own credit standing. We deal with printers and of course for the post office it had to be cash up front. We have a certain working capital within Mott Enterprises. I guess that working capital was used to pay the postal charges but as for the rest of it, whatever the normal credit arrangement was with the printers, like 30 or 60 days, then in turn as soon as the funds started flowing in from the solicitation we were able to pay off the creditors.

Q Do you recall in any of the initial arrangements to have Mott Enterprises provide such services, any discussions where it was suggested that Mott Enterprises would be, or it would be good to do this because you, Stewart Mott, were associated with Mott Enterprises?

A I don't quite grasp your question.

8 2 0 4 0 3 7 2 7 0 1

1 MR. KAMENAR: Would you rephrase that question?

2 BY MR. THOMAS:

3 Q Was there any discussion in these initial meetings

4 or conversations whereby arrangements were made to have Mott

5 Enterprises provide these services?

6 MR. KAMENAR: Meetings with or between whom?

7 BY MR. THOMAS:

8 Q You have indicated that you may have had a conver-

9 sation with Daphne about this entire operation?

10 A Yes.

11 Q And you also indicated that you did not know who

12 but that somebody made a contact with the Anderson campaign?

13 A Yes.

14 Q To initially set up this arrangement?

15 A Yes.

16 Q I was just asking in connection with any of those

17 meetings or discussions you recall if there was any discussion

18 about how it would be beneficial to have Mott Enterprises

19 provide this service because of its relationship to you,

20 Stewart Mott?

21 A Well, I could answer that question maybe; I'll

22 try as best I can. It may be the other way around.

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I created Mott Enterprises to help organization that I had some kind of ideological affinity with in order for them to stay in business, and some that I don't have any ideological affinity with but which are acceptable, are good causes like the Brooklyn Academy of Music, and the 92nd Street Y in Manhattan. They are not on my donee list of charities but I am glad that Mott Enterprises can be of assistance to them.

More particularly, in connection with ACLU and Friends of Family Planning and the Fund For Peace, which are continuing clients, they exist in order to help the groups that need professional assistance in direct mail. It follows that where I believe in a particular political candidate that I would like to have Mott Enterprises be useful to that candidate if the candidate has a viable prospect in the direct mail.

It is not set up as a charity. It is not meant to be an extension of my philanthropic budget. We expect to -- we try to make it run as a business with a bottom line in the black.

Now, I don't recall that anybody ever suggested that it was good for the Anderson campaign to come to Mott Enterprises because it would be good to have me associated with the

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1 Anderson campaign which was the question you asked, I think?

2 I don't know how many options the Anderson campaign

3 had at the time as to where it could go for credit in getting

4 a direct mail campaign launched. However, whoever made the

5 decision in the Anderson campaign, Mike MacLeod or whether somebody

6 I don't know who, knew of Mott Enterprises, I am not sure. Mike

7 and I had scarcely known each other and I would not have

8 expected him to know but it may have been the Craver firm that

9 had suggested it.

10 In any case it was a natural fit and it wasn't

11 necessarily because I was associated with it.

12 MR. KAMENAR: Excuse me a second.

13 (Discussion off the record.)

14 BY MR. THOMAS:

15 Q Did you have any involvement with the arrangement

16 where Mott Enterprises subcontracted with Craver, Mathews?

17 A Did I have involvement with it?

18 Q Yes, were you involved in setting up that arrange-

19 ment?

20 A No, I think Daphne was entirely -- she made

21 those arrangements.

22 Q Do you recall having any contact with any of the

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1 officials of Craver, Mathews after the arrangement was entered
2 into about the services they were providing?
3 A I think at some point during the month of February,
4 March, maybe, I met with Roger Craver in the middle of
5 March. I had a talk with him about Mott Enterprises, the
6 Anderson campaign, a whole raft of things because we're in the
7 same business.
8 But it wasn't specifically about the direct mail
9 campaign that had already been engaged in because this was
10 after the fact.
11 I think the two waves of direct mail took place in
12 late January and mid-February.
13 Q Do you recall any discussions you had with anyone
14 other than Roger Craver in this one instance you just referred
15 to?
16 A Well, Rod Smith is one of the other partners of
17 that firm, and Rob serves two of the accounts that I am active
18 with at ACLU and Planned Parenthood Federation of America,
19 because I am on the Direct Mail Oversight Group Subcommittee
20 both at ACLU and at Planned Parenthood I may have had contacts
21 with Rob about those kinds of things with Craver, Mathews.
22 Q But nothing in connection with services provided to

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1 the Anderson for President Committee?

2 A No, no.

3 Q This conversation that you recall having with

4 Roger Craver in mid-March, do you recall more specifically what

5 kinds of issues you touched on in that conversation?

6 A No, I didn't keep a record, a diary of any sort.

7 MR. KAMENAR: If you don't recall the specifics,

8 just say you don't recall.

9 THE WITNESS: No, I don't.

10 BY MR. THOMAS:

11 Q Now, did Daphne Dwyer keep you generally informed

12 of what Mott Enterprises was doing for the Anderson for

13 President Committee?

14 A Well, not generally. I think at one point she

15 specifically gave me a report on the lists performance, of how

16 the first wave had done and I think that was probably in

17 connection with whether or not to do a second wave. As I recall

18 the data was favorable to going the second round and that may

19 be all that we had in terms of contact with each other about

20 the second round.

21 In other words, I was not generally in touch with

22 what was going on.

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1 Q She testified today that she recalled a discussion
2 with you where she relayed a conversatio she had had with a
3 Mr. MacLeod and she was saying that she recalled Mr. MacLeod
4 telling her that the Anderson for President Committee was not
5 going to enter into a second agreement with Mott Enterprises.
6 Do you recall that discussion?
7 A Well, I think your reference to it as a second
8 round -- somewhere there maybe a factual record on this that
9 could correct our memories, but I think that there were two
10 rounds that the Anderson campaign had with Mott Enterprises,
11 one on the order of a $25,000 line of credit; the second one
12 on the order of $100,000.
13 Then it was discontinued and the reference you
14 make I think would have had to be to a third round or any
15 future involvement.
16 I do recall Daphne having told me that she had that
17 conversation with MacLeod.
18 Q Do you remember what she said about that conversa-
19 tion?
20 A I think it was -- It had to do with the campaign's
21 uptightness about having any kind of business relationship
22 with Mott Enterprises if I was going to be conducting independent

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1 expenditures. So I have a hunch that that decision or that
2 telephone conversation must have been made towards middle March
3 or late March
4 Q You say "that telephone conversation." You had
5 a telephone conversation with Daphne Dwyer; is that what you're
6 saying?
7 A You were quoting her as having had a conversation
8 with Mr. MacLeod, and her conversations with MacLeod and with
9 me must have taken place after the second round of financing,
10 of Mott Enterprises' role in the Anderson campaign had taken
11 place, and that any further -- meaning third or future rounds
12 -- would not be renewed.
13 Q Maybe we should stop and try to clarify this in
14 terms of what rounds we are involved in.
15 MR. THOMAS: I would like to have the Reporter
16 mark this document as FEC Exhibit No. 1.
17 (Whereupon, the document
18 was marked for identification
19 as FEC Exhibit No. 1.)
20 MR. THOMAS: And I would have you mark this as
21 FEC Exhibit No. 2.
22 (Whereupon, the document

3 2 0 4 0 3 7 2 7 0 8

1 was marked for identification
2 as FEC Exhibit No. 2.)
3 BY MR. THOMAS:
4 Q I am now showing these Exhibits 1 and 2 to you
5 and your counsel.
6 A Okay.
7 Q First of all, have you ever seen either of these
8 documents before?
9 A I don't think so. I don't recall having seen them.
10 Q Directing your attention to Exhibit No. 1, it is
11 as you will note in the top, dated January 29, 1980.
12 A Yes.
13 Q And Exhibit 2 is dated February 21, 1980.
14 A yes.
15 Q The testimony earlier of Daphne Dwyer indicated
16 that the first document represented an arrangement, the initial
17 arrangement for Mott Enterprises to provide services to the
18 Anderson for President Committee and that Exhibit 2 represented
19 an agreement which was proposed to be entered into with regard
20 to the subsequent followup mailings relating to the initial
21 mailings. She also testified that the second document was never
22 executed. You see on page 2 there are no signatures.

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Now, referring back also to her testimony, it was to the effect that she came to you and related a conversation with Mr. MacLeod whereby he had stated that the Anderson Committee was not going to enter into a subsequent agreement.

MR. KAMENAR: Let me clarify to say subsequent written agreement.

BY MR. THOMAS:

Q --subsequent written agreement, all right, to provide followup mail services.

Now, with that background, does that refresh your recollection of what arrangements were entered into by Mott Enterprises?

A Well, you know, both may be true. That is, even though there is a signed document executed the 4th of February governing the first round, I thought -- I would have to check and I did not rehearse my testimony or go over all the records with Daphne in advance. My recollection is that there were two rounds, about $25,000; then the second for about $100,000 and the second one may have been done without the benefit of the signed letter of agreement.

That has happened more than once, not to my pleasure, but ithappens in our business where you have a going

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1 relationship with a client and you rely on basically the terms
2 of the first agreement and it is an oral agreement to do a
3 second round, especially when you are under pressure of time
4 like this was; and then also what you have just said in refer-
5 ring to the MacLeod conversation about no activity beyond that
6 may also be true but I think it was after the second round.
7 But this does not make it absolutely clear to me whether Mott
8 Enterprises was involved in 1 or 2 rounds.
9 Q Do you recall whether the conversation that Ms.
10 Dwyer referred to you about with Mr. MacLeod took place
11 around February 21st which is as you noted, the date of this
12 second letter of agreement?
13 A No, I have already answered that question by saying
14 that I think it must have occurred in the mid-part of March
15 because I think that was the point at which MacLeod or whoever
16 at the Anderson campaign was nervous to be doing any kind of
17 business with Mott Enterprises that might be in violation of
18 FEC rules.
19 Q So prior to mid-March you recall no discussions
20 about Mr. MacLeod being nervous about that relationship?
21 A No, there was no cause to be. I didn't engage
22 in independent expenditures until about the second or third

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week of March.

Q Is your recollection that the conversation with Ms. Dwyer where she related it about the conversation with Mr. MacLeod took place after you had made independent expenditures?

A I suspect that is the case because nobody at the Anderson campaign knew I was making independent expenditures so until the first radio ad played, which would have been I guess in connection with the Illinois primary campaign, although I don't know exactly the time, the sequence of those primaries, but that would have been the first effort that the Anderson campaign -- first knowledge that they had that I was making any kind of independent expenditures.

MR. THOMAS: I would like to have the Reporter mark this as FEC Exhibit No. 3.

(Whereupon, the document was marked for identification as FEC Exhibit No. 3.)

BY MR. THOMAS:

Q I am showing Exhibit 3 to the witness and to counsel. Can you identify that document?

A Well, I see what it is. I don't know that I have ever seen it.

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Q Well, you don't recall specifically ever seeing it?

A I told you earlier that I think I reviewed the list selection for the second wave and whether we did it orally or over the phone or with this document in front of me, I don't remember.

Q Do you recall receiving any other written memoranda from Craver, Mathews about the services it was providing to Mott Enterprises?

A Well, I think that the analysis of the first round and I do recall having seen the results tabulated according to the lists and number of respondents and average gift and so forth; that probably was prepared for Mott Enterprises by Craver, Mathews and I believe I have seen that document.

Q Did you have any contact with anyone working for the Anderson for President Committee about the services Mott Enterprises was providing to the Anderson for President Committee in the primary?

A I think well after the fact that I had a conversation at some time or another after April 1st or after Anderson was already into the general election campaign as an Independent,

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I believe I had conversation here and there with somebody from more reminiscence than current discussion about what to do next during the period of active---

Q Was that conversation about Mott Enterprises' services?

A I suppose it was, yes, but during the period of the active client relationship I don't believe that I had any conversation with any agent of the Anderson campaign.

Q With regard to the one conversation you recall, who was that person?

A No, I said I didn't have any specific---

Q I thought you said you recalled one after -- that you did have one after the fact.

A Oh, after April 1st, at various times between April 1st and November 4th I was in and out of the Anderson campaign and I had a lot of conversations with Mike MacLeod, David Garth, and Swillinger and a whole flock of people associated with the campaign and at some point or another we may have discussed Mott Enterprises or that ancient history of the direct mail back in January/February, but it had no relevance to any continuing client relationship.

Q Let me just go through some names just to see if

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1 maybe it would jog your memory as to any specific conversation
2 you might have had.
3 Do you recall any discussions during that period
4 when Mott Enterprises was providing services to the Anderson
5 primary campaign with a man named Frank Maggio? M-a-g-g-i-o.
6 A No.
7 Q With William Bradford?
8 A No.
9 Q With Bob Bedard?
10 A That name is the first one I recognize but he
11 wasn't associated with the Anderson campaign during that period
12 as far as I know.
13 Q Hugh Hammerslog? H-a-m-m-e-r-s-l-o-g.
14 A Never heard of it.
15 Q Harry Koplin, K-o-p-l-i-n?
16 A No.
17 Q David Garth?
18 A Well, not during that period of activity, active
19 client relationship, no.
20 Q We should be certain as to exactly what time period
21 you are referring to. When did it end?
22 A Let's suppose that it ended around March 20th, okay?

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1 That's my best guess. A mid-March cessation of the client
2 relationship.
3 With Garth, no.
4 Q Then John Anderson himself? Did you have any
5 contacts with him?
6 A No.
7 Q This is again about Mott Enterprises' services.
8 A I understand.
9 Q With a Mr. Stern?
10 A I know several Mr. Stern's.
11 Q Was with a Mr. Friedman.
12 A No.
13 Q Todd, T-o-d-d?
14 A Todd Sterns, and you are thinking of Richard
15 Friedman. There are two lawyers who got involved in the begin-
16 ning of the general election campaign but they were not around
17 in March and February.
18 Q And finally an individual named Mr. Sheehan, spelled
19 S-h-e-e-h-a-n?
20 A No.
21 Q Other than in connection with Mott Enterprises'
22 services, do you recall any conversations with any of those

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persons that I just listed during that period of January 1980 through the end of March of 1980?

A Different conversations with any of these or anybody else associated with the Anderson campaign?

Q Yes.

A No.

Q No?

A No.

Q Did you host a fundraiser for John Anderson on February 5, 1980?

A Yes.

Q Where was that held?

A At 1133 Fifth Avenue.

Q Who made the arrangements for that fundraiser?

A I did, and my office staff in New York and my wife and I don't recall who the contact person was. I think it was the local Anderson office in New York.

MR. KAMENAR: Would you restate the question?

BY MR. THOMAS:

Q You were specifying who had made the arrangements for the New York fundraiser.

A Yes.

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Q You have listed yourself, office staff from New York, and you were saying?

A My wife.

Q Your wife, and you had just stated something else?

A Perhaps there was the local Anderson campaign, a woman, Shelbie White, who was active in that.

Q Shelbie White?

A Yes.

Q What sort of contacts did you have with Shelbie White?

A I had been at her apartment in January for a fundraiser for Anderson in early January and that's when I made -- my wife and I both made an initial $1000 donation, and I met some of the campaign volunteers at that time. Shelbie was one among several. I don't remember all the other peoples' names. I guess it was Shelbie and a group of others who helped put on the one at 1133 Fifth Avenue subsequent.

Q Do you recall who initiated the idea of having a fundraiser? Was it Shelbie or was it yourself?

A No, nc, I don't remember.

Q Perhaps not a specific individual, but do you recall if the Anderson people came to you and said, "Would you do

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a fundraiser for us," or did you go to them and say, "Let me do a fundraiser for you."?

A I just don't remember.

Q At the earlier fundraiser you referred to at the apartment of Shelbie White, was John Anderson at that fundraiser?

A Yes.

Q What other campaign staff do you recall being at that fund raiser, if any?

A I don't remember anybody else being there. There surely were but I don't know who they were.

Q With regard to fundraisers held at your residence, who was in charge of paying for the food and refreshments?

A I think there was an Anderson for President Committee in New York who looked after those details; and I just don't know which staff person was in charge of handling it all. It may have been Shelbie White, it may have been somebody else.

MR. KAMENAR: What relevance does this have to whether expenditures were independent or not?

MR. THOMAS: Basically I am trying to find out what connection Mr. Mott had with the campaign and who was setting up these events, him or the campaign.

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1 MR. KAMENAR: I just wanted to interpose a general
2 objection that I mentioned at the last deposition, that
3 questions dealing with information or contacts other than
4 that directed towards information provided Mr. Mott from the
5 campaign with respect to his independent expenditures are
6 irrelevant, so that who paid for the food or beverages has no
7 relevance in our view in terms of whether his radio or newspaper
8 ads were independent expenditures.
9 I just want to keep that general objection on
10 the record, and I won't restate it.
11 MR. THOMAS: I understand.
12 BY MR. THOMAS:
13 Q Were any contributions collected at this event
14 in New York at your residence?
15 A Yes.
16 Q Who was in charge of collecting those contributions?
17 A Oh, I guess it was put together by a group of
18 people on my staff and the Anderson for President Committee,
19 because I think there had been about 10 or 12 days notice
20 and people sent in money in advance, others paid at the door,
21 and ultimately the donations were turned over to the Anderson
22 for President office.

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Q Who was it working for the Anderson campaign?

A Who? Wendy McKenzie, that's the name that comes to mind. She was, I think, the staff person who was pubbling these things together for the Executive Director of the New York Office.

Q Of the New York Anderson For President Committee office?

A Yes.

Q What persons who were working for the Anderson for President Committee in an official capacity or in a staff capacity attended this event at your home?

A Wendy McKenzie, and Mike MacLeod, and I don't recall who else was on staff.

Q Did you have any discussions with them at this fundraiser?

A Yes, "Hello." "Hi." "How are you?"

Q Was there any discussion about any financial needs of the Anderson campaign?

A Only in most general terms.

Q Did you mention to either of those persons at that time that you were contemplating making some independent expenditures?

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A No, because I wasn't. I wasn't contemplating making them and I wasn't making them.

Q Did either of them request or suggest that you make independent expenditures for the Anderson campaign?

A No.

Q Was John Anderson at this event?

A Yes.

Q Did you have a conversation with him at this event?

A Just "Hello." Said hello and congratulations for doing so well so far.

Q Did he request or suggest that you make independent expenditures on his behalf?

A No, he didn't.

Q Was there any discussion with him at all of the financial needs of his campaign at that point?

A Not with any particularity. Of course I got up and gave a pitch and asked the people -- the couple of hundred people there -- to give money to the campaign; reach down to the bottom of their pockets and be generous. And as for how that money would be spent, I don't recall that anybody said in particular what it was going to be spent for.

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1 MR. KAMENAR: I think the fact that it was a fund-
2 raising event speaks for itself of what the nature of it
3 was, financial needs of the campaign, namely that all committees
4 need financing.
5 MR. THOMAS: I was trying to focus in on the specific
6 conversation you had with Mr. Anderson, if there was any conver-
7 sation of somehow you assisting the campaign financially.
8 THE WITNESS: In early February -- I guess the
9 New Hampshire primary was the next big political event, and
10 every candidate wants to buy, or spend the maximum allowed for
11 television and et cetera in New Hampshire. I guess that was
12 on our minds at the time and I have forgotten when the New
13 Hampshire primary would have been. But that would have been
14 typically the pitch, if any financial needs were talked about.
15 BY MR. THOMAS:
16 Q Had John Anderson asked you to set up this fund-
17 raiser?
18 A As I said, I don't recall who. I am not shy taking
19 the initiative with a candidate I like, and that I want to
20 support. I might have called their office or they called
21 me, I don't remember which. It was not Anderson himself who
22 had asked for it.

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Q You indicated that Mike MacLeod was there and you may have had a general conversation with him; is that correct?

A As I recall, I had about three minutes of private conversation with Anderson and MacLeod together or separately off in a separate room before the mad-house began where 200 people were milling about trying to say hello and shake the hand of the candidate and I had no substantive conversation with either one of them.

Q They did not tell you any specific activities the Anderson campaign was planning, for example?

A No.

Q Did you hold any other fundraiser for the Anderson for President Committee?

A There was a subsequent fundraiser here in my Washington house, 122 Maryland, Northeast, in the third week of February and the co-hosts were Gloria Steinham, Stan Pottinger and myself. It was described as a "staff party."

Q Why was it called a staff party?

A I guess because Anderson himself was not going to be there and it was, I guess, featuring the key people in the Anderson campaign.

Q Which staff members did attend?

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A I don't know. I wasn't there myself.

Q Do you recall who approached whom about having that fundraiser?

A No.

Q Was that your idea?

A When I heard about it being proposed I said, "Fine." We use that house for entertaining a great deal.

Q You don't recall who came to you and told you about the idea for it?

A No, I don't.

Q Other than that event do you recall any other fundraisers that you were involved in?

A For Anderson?

Q For Anderson.

A No.

Q Did you ask anyone to attend the event on your behalf in Washington?

A Well, as a matter of routine when there is an event at 122 Maryland, one of my staff people is there to represent me and play host if I am not there to host. I would suppose it was Anne Zill but it might have been one of the other staff people. Anne is the chief of my staff in Washington. She probably was there.

Q You don't recall specifically though?

A No.

Q Did anyone on your staff report to you how the fundraiser had gone?

A Yes, in general terms, but just that they had a good time.

Q Again, do you recall who that was that reported to you?

A Probably Anne, but I am not sure.

MR. KAMENAR: Just for the record, the events we are talking about here are more than a year and a half ago.

MR. THOMAS: I would like to have the Reporter mark the following two documents as FEC Exhibits 4 and 5.

(Whereupon, the documents were marked for identification as FEC Exhibits 4 and 5.)

BY MR. THOMAS:

Q I am showing Exhibits 4 and 5 to the witness and to counsel.

These are documents that were provided by counsel in connection with the request from the Commission. First of all, can you identify either one of those exhibits?

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A By "identify" you mean--?

Q Have you ever seen them before?

A Yes, I saw them a week or two ago.

Q Is that the first time you have seen them?

A As far as I can recall, yes.

Q You reviewed them in connection with preparation for this matter?

A Yes.

Q Both of these documents refer to a $600 expense. Do you know what that reference is to? Do you know what that was about?

A Well, I had agreed in connection with -- I should say my wife and I had agreed in connection with the February event in New York -- yes, the February event in New York, and the February event in Washington to provide the entertainment expense up to $1000, up to the allowable maximum of $1000 and we sent a check in that clearly labelled on the bottom of it "Entertainment expense." But whoever received it and I guess we had a bill or some kind of receipt from the Anderson campaign saying that they wanted reimbursement of $600, although I should have thought it would have been considerably more than that. But at any rate I wasn't going to complain just

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because they didn't come after the full $1000 offered, but they obviously when they got the check didn't read it carefully and they thought it was a contribution and this April 24th letter from Mr. Koplin doesn't refer to the entertainment expense at all. He must have thought I was, or that I meant it as a contribution so he rightfully returned it, but was wrong in not reading the line at the bottom saying "Entertainment expense."

Q So in other words you had sent a payment to the Anderson Committee to pay for the bill for these expenses of that particular event?

A Yes.

MR. KAMENAR: It's not clear whether it was for the whole bill or what portion, if any, thereof, to pay for food, postage, et cetera. But in any event again I really don't see the relevance to this question.

I just want to state that for the record.

BY MR. THOMAS:

Q I note the date. Was there any connection at all with the primary campaign?

A Well, the Republican nomination campaign, yes, this was -- because the two events were in connection with

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1 the Republican primary election.

2 Q Can you explain why you decided to make some inde-

3 pendent expenditures on behalf of the Anderson campaign?

4 A I can try to.

5 I had done very little in the way of independent

6 expenditure in the past, though one might refer back to 1968

7 when I put a double page ad in the TIMES, NEW YORK TIMES for

8 Nelson Rockefeller as a kind of independent expenditure,

9 done without his prior knowledge or authorization or anything,

10 encouraging him to run for the Republican nomination.

11 And I knew the law very well, because of being

12 a plaintiff in the Buckley case, and in Mott vs. FEC filed in

13 November '79; and I realized the limits of what I could do

14 to help Anderson either win or make a good showing in the

15 Republican primaries and I was open to the idea of making

16 expenditures on his behalf but I felt inadequate in terms of

17 knowing how to do it effectively.

18 On March 1st, I had a conversation with Tony

19 Schwarts, and Joe Napolitan, this at Tony Schwartz' studio in

20 New York. And we kicked around the idea of doing some radio

21 ads for John Anderson, and discussions ensued over the several

22 days following and finally I decided that, yes, let's give it

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1 a try, let's see how it goes.

2 That's what led me to the decision to assist Ander-

3 son supplementally in that way.

4 Q The first time that you recall having discussion

5 with anyone else was on March 1st, is that correct?

6 A Yes.

7 Q Prior to that you had had no discussions with

8 Daphne Dwyer, for example, about your idea?

9 A No.

10 Q With anyone else about your idea?

11 A I didn't have an idea until March 1st, until

12 Schwartz and Napolitan and I got together and really---

13 Q Had you gone there with the idea yourself of

14 asking their advice on that? Or did they suggest the concept

15 to you?

16 A They initiated the call saying "Come on over and

17 let's shoot the bull and talk about the Anderson campaign."

18 Q Do you recall which one of them specifically

19 called you?

20 A Tony.

21 Q You also indicated that you had subsequent conver-

22 sations over the next few days?

A Yes.

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Q Other than Toney Schwartz and Joe Napolitan, was anyone else involved in those discussions?

A In formulating the idea of the ad and the possible text of the ad?

Q When you say the "ad", what is it?

A Well, there were several -- I'm sorry. There were several radio ads, this concerned the language of the ad, the announcer's voice, and so forth, the disclaimer and so forth.

I talked with the two of them and I talked with Paul Kamenar as counsel to make sure I was doing it right and then subsequently I talked to one of the associates of the Mercurio-Dresner firm which was doing the time buys in the four States where the ads appeared; and the decision was an incremental thing. As I said, I forgot which State went first but I think it was Illinois and then New York and Connecticut I think on the same day; and finally Wisconsin.

I didn't commit to anything more than one State at a time and I think we changed the text of a couple of ads in the middle of things and so when you ask me to say when I made the decision as to when to make the expenditure, I made it seriatum. And who I talked to, well, I think I have named

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all consultants I worked with in the course of it.

Q I asked you earlier if prior to March 1st you had any discussions with Daphne Dwyer about this idea. After March 1st and during these subsequent days that you referred to when you were making incremental decisions did you have any discussions with Daphne Dwyer during that period about these independent expenditures?

A Well, as I mentioned earlier, I recall the conversation in which she related that the Anderson campaign was discontinuing the client relationship with Mott Enterprises. Whether I had any other conversations with her about my independent expenditures, I don't recall. I certainly have not mentioned on my list of people my mother, my sister, my wife, and I may have talked to dozens of people about what I was doing, and yet I am trying to address my response to you to the relevant people, the ones who had any substantive input on the process.

Q Now, in any of these discussions that you recall having with Tony Schwartz or Mr. Napolitan, were any of the other persons you say you consulted with these expenditures, did any representative of the Anderson for President Committee ever participate in such a discussion?

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A No.

Q These subsequent discussions you refer to, were those conducted in person or were those over the phone?

A Most were over the phone and one or two were in person.

Q Those that were in person, do you recall where those took place?

A I think at Schwartz' studio where I could sit down and listen to the tapes.

Q You indicated that Tony Schwartz first contacted you. Do you know why he contacted you?

A Well, he and I have known each other over the years and we have a mutual interest in politics and I guess he thought that I was the sort of person who would find this appealing, having known me since the day when I took out the ads for Nelson Rockefeller, thinking of me as a bit of a maverick and willing to bankroll, put my money where my mouth is and bankroll things that I think are important.

Q Did Mr. Schwartz or Mr. Napolitan have any then existing business relationship with the Anderson for President Committee?

A No, not so far as I know. We talked that over and

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they said, "No", that they hadn't.

Q You specifically asked them that?

A Yes.

Q That question?

A Yes.

Q Why did you ask them that?

A Because I didn't want to run afoul of the FEC again.

Q Were Mr. Schwartz or Mr. Napolitan at any of the fundraisers that you can recall?

A No.

Q Helping set up?

A No, not the ones I sponsored, no.

Q Do you recall whether either of them at the time that you initiated this concept of independent expenditures were doing any volunteer work for Anderson for President Committee?

A I recall that one or the other -- I don't recall which -- had written a memo or sent something into the Anderson campaign suggesting something; got no reply; and I guess they were feeling frustrated, you know. There was no responsive cord being listened to at the Anderson end and they said,

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"To hell with them. They're not even answering our letters." And that's the extent of my knowledge of their having any kind of contact or other volunteer activity with the Anderson campaign. They were quite frustrated by it.

Q Do you recall more specifically what this proposal submitted to the Anderson campaign was about?

A No, I don't.

Q Do you recall if it was about an idea to create some radio ads similar to theones you ultimately used?

A I don't know.

MR. KAMENAR: Let's take about a five minute recess here.

MR. THOMAS: Sure.

(Brief recess.)

BY MR. THOMAS:

Q You indicated you had several discussions with Mr. Schwartz and Mr. Napolitan about the radio ads that you were planning. Was there any discussion in any of those -- on any of those occasions about whether some discreet effort should be made to find out if the Anderson campaign would be pleased or displeased by these ads?

A Well, we discussed whether they would help the

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1 Anderson campaign or not but we all three of us knew better
2 than to try to go knocking on the campaign's door to get any
3 kind of feedback or approval. I knew the law very well and I
4 knew that that was prohiibted so there was no way that I
5 would have them or myself or anybody of any staff, anyone,
6 get any kind of reading from the Anderson campaign.
7 Q I believe you also published a newspaper ad?
8 A Yes.
9 Q How was that expenditure planned and carried out?
10 A Well, it must have been about the second week of
11 March. It occurred to me that the Anderson campaign may
12 receive something of a boost by having a newspaper ad in on the
13 Sunday before the two State, New York and Connecticut, primaries
14 and the vehicle of choice would be the NEW YORK TIMES which
15 is the only a paper for marginal fundraising purposes that
16 will break even or turn a profit for a political candidate,
17 and I had the experience of writing newspaper ads before and
18 so I found an advertising agency, the Shaller-Rubin firm,
19 who was willing to rush it through their production department
20 on very late notice and my wife had already done a big blowup
21 sketch of Anderson; I had asked her to do a matching one of
22 Teddy Kennedy; the text of the ad was embarrasingly simple,

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1 it just said, "He is a good guy." Virtually the same text
2 on both sides. "The best candidate for the nomination of
3 their respective parties." And we made up a coupon and
4 patched it together and it met the NEW YORK TIMES deadline.
5 That's the way it happened.
6 Q So you composed the entire ad yourself?
7 A Largely, with some advice from the copy writers
8 and layout people of the advertising firm.
9 Q At any point did you discuss the planned newspaper
10 ad with anyone working for the Anderson for President Committee?
11 A No.
12 Q Did you discuss this planned expenditure with
13 Tony Schwartz or Joe Napolitan?
14 A It's likely that I did but I don't remember
15 specifically having done so. It was not exactly there domain.
16 Schwartz' specialty is radio.
17 Q Again, did you or did anyone acting in your behalf,
18 make any discreet effort to find out if the Anderson for
19 President Committee would approve of this ad or not?
20 A None whatsoever.
21 Q Do you know if Shaller-Rubin made any contact
22 with the Anderson for President Committee as far as you know?

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A As far as I know they didn't. They were under instruction from me not to.

Q You specifically told them that?

A People in advertising agencies are not that well versed in law and I felt that it was my duty to tell them what the groundrules were.

Q Now, on April 11th you sent a mailgram to the Commission indicating that you were going to spend $5000 for the collection of signatures supporting Anderson and then six days later you sent a mailgram indicating you were not going to make that expenditure.

A Yes.

Q Do you recall what the circumstances were as to why that didn't come off?

A Well, it was in connection with what was generally thought to be a new campaign but Anderson said he was no longer going to actively pursue the Republican presidential nomination, that he was going to sit under a eucalyptus tree and think things over.

It was during that intervening three or four weeks before he made an announcement of his candidacy as an Independent which I believe took place April 24th. But there were several

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1 citizen groups sitting around, and one referred to was in
2 Massachusetts which was functioning more or less independently
3 of the Anderson campaign who saw the ballot access deadline
4 looming near. The Massachusetts deadline was May 6th, I
5 believe, and this group needed some startup money to go out and
6 collect signatures and in the confusion, which was rampant
7 during that period, it wasn't clear whether they were acting
8 as a testing of the waters committee, as a completely independent
9 committee, or not. It was for sure that these people I dealt
10 with were not on any staff, on the payroll in any way of
11 John Anderson; and it took Garth at least until the third week
12 of April to pull various threads together and impose himself as
13 general manager of the campaign. And in that period the student
14 group in Massachusetts that received my $5000 hadn't spent
15 hardly anything, maybe a few hundred dollars, but in any case
16 they paid me back the full amount, and at some point they must
17 have reached the decision that they should be working for
18 the Anderson campaign per se where there was finally annointed
19 somebody who was supposed to be head of the Independent
20 campaign in Massachusetts. That's where they put their energies
21 and though it the better part of discretion to just return the
22 $5000 amount.

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Q So they did that without -- did that on their own initiative. You didn't ask them to return the money?

A I think we had a conversation about saying, "Look, if you guys are going to become enmeshed in the official Anderson effort then you got to return the check." Yes, that was the understanding. I think that was the understanding.

Q That planned project, as you understood it, was that to collect signatures and then turn them over to the Anderson Committee?

A Perhaps, but I am not sure because there were -- if you are acquainted with ballot access laws, they are different in every State and in some States you can file without the consent of the candidate and I don't recall which laws prevail in Massachusetts, whether a citizens group could have done it entirely on their own or if they had gone half way and then the Anderson campaign said, "Yes, we're an active candidate, please give us the ballot access petitions that you have collected so far."

Whether we would have been legal to put those 50,000 names or whatever into the hopper, I just don't recall.

Q You indicated you had a conversation with someone where it was agreed that your money would be returned. Do

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1 you recall who that was?

2 A His name is Peter Torkelson. I don't know how to

3 spell it. He is a student in one of the schools around

4 Amherst, either Amherst or U. of Boston.

5 Q Did you have any conversations with David Garth about

6 this planned activity?

7 A I talked to David Garth about this?

8 Q Yes.

9 A No, no.

10 Q Okay. You had a conversation with David Garth

11 at some point, did you not, about whether to continue making

12 independent expenditures; is that correct?

13 A No.

14 Q No?

15 A My conversation with David was in early April

16 and we just talked at some length about the Anderson campaign.

17 I asked him what he thought of him. He said he kind of liked

18 him. It was a very general talk about Anderson. I didn't

19 talk to David Garth again until April 14th, I think it was,

20 at which point he had learned that I was trying to help the

21 Massachusetts group and at the same time the group in New

22 Jersey and Utah, and Michigan, I believe. And he was furious

with me. He said, "Get lost." He thought I was tainted in

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some fashion.

In any case he didn't want me to be playing an active role in organizing the Independent effort. I don't think he knew enough about the law to know whether it was legal or illegal for me to be intervening in any fashion.

Q Was there any specific discussion about the independent expenditures that you had already made in that conversation you just referred to?

A No.

Q Was his problem that you had made independent expenditures and any possible contact or any possible functions you would perform for the committee might taint the independence, supposedly, of those expenditures?

A It's very hard to know what was motivating David Garth at the time. For one that was quite clear to me he did not know what the ballot access laws were in the early States and he did not have the timetable fixed in his head.

I made a quick study of these laws in the first 10 or 12 days of April and seeing time slipping by, and no Anderson activity in New Jersey, which was the earlier deadline of April 23rd, I said we have to get a citizens committee together in New Jersey, and there are only 700 signatures required.

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1 I just asked a friend that worked with me, and
2 they found some people in New Jersey, got together, "Let's
3 do it." And I guess Garth heard about these organizing efforts
4 and felt upstaged, maybe. Felt that somebody else was inter-
5 vening. I don't know if that was motivating him. I don't
6 think he knew about independent expenditure regulations. I
7 don't think he could speak from any authority or knowledge as
8 to whether I violated the law.
9 Q But I just want to make sure you have stated it
10 clearly. You don't recall him mentioning specifically there
11 was a problem with your previous independent expenditures?
12 A No.
13 Q If anything, he was concerned about these particular
14 ballot efforts?
15 A Yes.
16 Q Efforts that were ongoing at that time when he
17 spoke to you?
18 A Yes.
19 Q Did you have any other conversations with anyone
20 working for the Anderson for President Committee about these
21 particular expenditures in connection with the ballot activities?
22 A Well, it was hard at that time to know who was

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1 working for the Anderson for President Committee. David Garth
2 had been mentioned by Anderson on April 11th on the Today
3 Show as being a consultant to the camp or "Advising me", or
4 some rather general term.
5 Q Advising you?
6 A No, no, advising Anderson. He answered when Brokaw
7 asked him the appropriate question. But he wasn't thereupon
8 put in charge as general manager of the campaign. Then I
9 referred to the April 14th Monday conversation with Garth and
10 Anderson on the same day when he sent me a -- or I received
11 a mailgram from Anderson saying that "Until I have made up
12 my mind about running as an Independent, please do not engage
13 in any organizing activities."
14 I don't know if you have a copy of that.
15 Q We did not receive that. Have you seen that?
16 MR. KAMENAR: Which memorandum is this?
17 THE WITNESS: It was a mailgram that Anderson sent.
18 MR. KAMENAR: I might have it. This goes back to
19 my original objection. We are getting into a time period
20 subsequent to the independent expenditures in question and
21 for relevancy purposes I don't think it is proper, but in order
22 to again expedite things I will look for it.

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1 Is this a mailgram from John Anderson now?

2 THE WITNESS: Yes. And that same day Anderson

3 called me just to say, "Look, I appreciate your enthusiasm about

4 my campaign but I was advised by counsel that I should send

5 that to you, and furthermore, I wanted to get things straightened

6 around from a management point of view," or words to that

7 effect.

8 MR. KAMENAR: Hold on just a second. Let's take

9 a minute and go through these to find it.

10 THE WITNESS: It was on mailgram stationary.

11 MR. KAMENAR: But you had mailgrams going to the

12 Commission, too. There are a lot of mailgrams in here.

13 I don't seem to have that document here. I will

14 go back and check. If I have it, I will be glad to provide

15 it.

16 MR. THOMAS: We would appreicate that.

17 Let's go on. Let me have this marked.

18 I would like to have the Reporter mark this document

19 as Exhibit No. 6.

20 (Whereupon, the document was

21 marked for identification as

22 FEC Exhibit No. 6.)

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MR. THOMAS: Let me explain what that is. As you can tell by the notation in the lower left corner, it is part of a publication called "Campaign & Elections" and I also have some pages which immediately preceed that which is now marked and I will attach them and make it all part of Exhibit No. 6. I will just tack this on the front of it.

BY MR. THOMAS:

Q I show you Exhibit 6, both to the witness and to counsel. First of all, can you identify that document?

A It looks like a re-print, not a photocopy but reset in type of a memorandum which I gave to John Anderson on May 6, 1980.

Q Now, on through that document, Exhibit 6, over towards what is page 24 in the lower lefthand corner, there appears to be a reconstruction of another memorandum?

A Yes.

Q Can you identify that?

A That was the last page of the May 6th memorandum, the one additional page there.

Q So does Exhibit 6 represent reconstructions of memoranda which in fact you composed and sent to John Anderson?

A Which I hand delivered to him, yes.

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Q I wanted to particularly point out with regard to the latter part of the document, I direct your attention to wha is listed as point 7 there. It indicates that "JBA campaign discontinues contract with Mott Enterprises for direct-mail."

A Yes.

Q What were the circumstances which surrounded that occurrence?

A We have talked about them already. It was apparently a call from MacLeod to Dwyer and Dwyer relayed that call to me.

Q Those are the only discussions you have ever been made aware of regarding that discontinuance of the contract?

A It's that simple. Yes.

Q Directing your attention to what is listed as point 9 on that document. It indicates that you convened a group discussion to discuss the independent candidacy.

A Yes.

Q Is this the effort that you referred to earlier about trying to assist with gathering ballot signatures?

A Yes. There were half a dozen people, dozen people who came together just for a bull session just to discuss what was needed if Anderson were to go the Independent route and it was after his poor showing in Wisconsin that it looked

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1 like that was the only alternative left to him and so those
2 people of like-mind and enthusiasm got together and started
3 talking about it.
4 Q This was a particular meeting that you had?
5 A Yes.
6 Q Who attended that meeting?
7 A I don't recall the names. I think, Paul, you
8 were there, weren't you?
9 MR. KAMENAR: I don't remember. I might have been
10 though.
11 THE WITNESS: John Armour was there. He is an
12 attorney in Baltimore.
13 Todd Stern and Richard Friedman were there.
14 BY MR. THOMAS:
15 Q Anyone working for the Anderson for President
16 Committee primary campaign?
17 A No.
18 Q Do you know if Mr. Stern and Mr. Friedman had had
19 any involvement in voluntary activity in behalf of the
20 Anderson for President Committee at the time this meeting was
21 held?
22 A I don't know what their prior campaign activities

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were. They were not, as far as I knew, at the time engaged in the campaign in any active way. They were enthusiastic about it and assumed that they were going to be working independently or working with me or a group of people at the time. They were not on any campaign payrolls as far as I know.

Q Did you have any discussions at this particular meeting about the previous independent expenditures that you made? That is, the radio ads and the newspaper ad that you had taken out?

A It probably came up in passing but I had completed the expenditure that I had intended to make and I wasn't going to spend any more money. I had already put out $100,000 or so for, I guess, the combined Kennedy and Anderson activity. I felt I had reached my limit, but it must have come up just because it had happened.

Q Point 11 on this memorandum indicates that you recruited citizens to help Anderson get on the ballot. Is that a reference to what you were discussing earlier about your efforts in Massachusetts, for example?

A Yes.

Q And the other States you mentioned?

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A Yes.

Q Were any of those efforts undertaken on or at the request of the Anderson for President Committee?

A No. In fact as I told you, almost despite Garth's telling me to get lost, and the mailgram from Anderson himself.

Q After that mailgram you went ahead and carried out some of those activities?

A For the next three or four days, yes.

Q Again, point 12 on that memorandum indicates that you received a mailgram and a phone call from Anderson asking that you cease all independent activity.

A Yes.

Q After you received that, did you in fact cease all independent activity?

A No, no.

Q All right. You say you continued it for three or four days?

A Yes.

Q Then you ceased it?

A I think on Friday of that week I felt I had done all that I was -- all that I could under the circumstances.

Q No one specifically from the Anderson campaign

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1 finally convinved you that you should cease at that point?

2 A No. You asked me earlier to name the people from

3 the Anderson or the sort of Anderson staff. There was one

4 other contact that was from a fellow named Frank Sheehan who

5 called me that following Wednesday on the 16th and said, "I

6 hear you're getting some people together in Michigan. Look,

7 cut it out."

8 I had the distinct impression that he did not

9 know that the Michigan deadline was May 6th or whatever it was,

10 and that the Utah deadline was May 12th, and that he didn't

11 know what he was doing.

12 I tried to be polite with him, as polite as I

13 could. He said, "I am working for David Garth", with that

14 tone of authority in his voice, and I said, "So what?"

15 The next day I picked up the phone and called a

16 couple of friends in Salt Lake City and by the end of the day

17 I had an Anderson for President Committee arranged among the

18 citizens of Utah and the next deadline wasn't for another

19 several weeks and I felt that if Anderson were going to announce

20 that he would get his own act together eventually and that there

21 was no point of my doing anything further after the fourth

22 State in sequence of the chronology.

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1 Q When you say you essentially organized an
2 Anderson for President group in Utah, was it clearly then to
3 be an independent group, independent from any ---
4 A Well, it had to be until Anderson had made up his
5 mind. He went from eucalyptus trees to palm trees in Florida
6 for another few days in retreat and he didn't announce until
7 April 24th. So everybody had to assume they were functioning
8 independently because he was not a candidate.
9 Q Do you recall of that group in Utah you set up had
10 any connection with the ongoing Anderson for President primary
11 campaign committee?
12 A There wasn't any in Utah. There wasn't any presence
13 in the State of Utah at all of the Anderson for President
14 campaign in Salt Lake City. None at all.
15 Q With regard to the independent expenditures that
16 you undertook which consisted of the radio ads and the newspaper
17 ad did you ever receive any communication from the Anderson
18 for President Committee, any officials or representatives of
19 the Anderson for President Committee where they said, "Stop,
20 don't make those expenditures any more."?
21 A During the period of running the ads none at all.
22 This April 14th communication from Anderson himself was the first

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1 time that I had any sort of stop sign put in front of me.
2 Q That was the first time you received a stop sign.
3 A Yes.
4 Q Okay.
5 A Even my friend Roger Craver said "Stop." Item
6 14 there.
7 Q Do you recall specifically what communication you
8 had with him in that regard?
9 A No, just, you know, "We don't know what's going
10 to happen but Garth has to take charge sooner or later and run
11 this campaign."
12 Q You referred earlier to a meeting that you had at
13 which Mr. Friedman and Mr. Stern attended to talk about possibly
14 gearing up an independent campaign.
15 A Yes.
16 Q Now, I noted item 14 which refers to your receiving
17 requests from Stern and Friedman as well to hold off on any
18 sort of independent campaign activity.
19 A Yes.
20 Q Were they at that time working for the Anderson
21 campaign?
22 A Again it was quite unclear as to who they working

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for, whether they were working for David Garth or whether David Garth and Associates was officially engaged by the Anderson campaign. Whereas, Stern and Friedman had helped me research the law of ballot access in several States, and I believe that Stern went to a meeting in New Jersey with the New Jersey group and Friedman I think went up to Massachusetts to see the students up in Amherst, at some point later that week of April 14th they became involved more or less in official, if you can call it official, capacities with the Anderson campaign. And at some juncture they, too, said, "Look, don't continue doing this on your own."

Q At what point did you become officially involved with the Anderson campaign?

A Well, that's hard to say, too. I met with Anderson on May 6th and went over all this past junk. That's why I prepared the chronology so he would have it in front of his eyes and be aware that I -- contrary to whatever people might be telling him -- that I had not violated the law, and he said, "Fine, I want you to be involved." And then what followed, I just wasn't very active. I spent a lot of time just talking with different people but I wasn't organizing and specifically doing anything in the line function of the campaign.

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1 Q Did he ask you to serve as a fundraiser for him?
2 A Not -- no. No.
3 Q In the general campaign?
4 A Not on May 6th, and not in any particular other
5 occasion.
6 Q In this May 6th meeting you had with him, was
7 there any discussion of any problems arising with regard to your
8 previous independent expenditures as a result of perhaps taking
9 on some sort of official capacity in the Anderson campaign?
10 A I think he was concerned about it in a confused
11 sort of way. I don't believe he had read the text of the
12 pertinent regulations and he was so preoccupied with other
13 things that it was -- he didn't go into it chapter and verse.
14 Just asking, "Who did you speak to", and corss-questioning sort
15 of about whether I was eligible to work in the campaign. I
16 guess my chronology was sufficient to convince him that I was
17 okay.
18 Q Now, with regard to the earlier pages of what has
19 been marked as Exhibit 6, there are repeated references to
20 persons involved in the Anderson for President effort.
21 A Yes.
22 Q How did you acquire such a knowledge of the goings
on inside the Anderson campaign as of that date?

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MR. KAMENAR: As of which date?

MR. THOMAS: As of May 6th when that was written.

MR. KAMENAR: What specific knowledge?

THE WITNESS: There is an awful lot in here.

MR. KAMENAR: There is a lot in there. Which are you referring to. There is a lot in that memo. In order to be fair to the witness, you should identify which specific information was obtained at what time.

MR. THOMAS: Sure.

BY MR. THOMAS:

Q On page 20 of Exhibit 6, under the letter G. State Organizations. Establish state desks so that each state coordinatro gets a call daily. In prens you have Liz Hager didn't hear from John B. Anderson campaign for two months following March 1st, as an example. Do you recall how you came by that information?

A That in particular, no, but I was on the phone about hafl the month of April talking to friends in Michigan and New Jersey and Utah and that led me to talk to other people who had been Anderson State coordinators in other States, just to get a perception of the campaign because I felt there was an awful lot not going well in the campaign and I guess that I had talked to Liz Hager at one point.

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1 Somebody had given me her name and phone number
2 and said, "Check in with her.", as I was putting an amalgum
3 of what I saw the campaign's needs to be.
4 Q In these communications you say you were carrying
5 out during the month of April ---
6 MR. KAMENAR: The last half of April, I believe
7 he said.
8 THE WITNESS: Well, I spent about half of the
9 month of April, fifty percent of my time, on Anderson for
10 President stuff.
11 MR. KAMENAR: Okay.
12 BY MR. THOMAS:
13 Q --were you carrying those communication activities
14 out at the request of the Anderson for President Committee?
15 A No.
16 Q This was independent on your part?
17 A Altogether.
18 Q During the month of March did you carry out any sort
19 of extensive activities as you just described?
20 A No.
21 Q Such as you did in April?
22 A No, not at all.

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Q What was it that made you decide to undertake those kinds of communications activities beginning in April?

A Anderson's poor showing in the Wisconsin primary; the prospect that he had no chance whatsoever of winning the Republican presidential nomination; and the exciting possibility of his running as an Independent.

Q Directing your attention to what is page 22 of Exhibit 6, you will see paragraph C with a reference indicating that you have talked to such disparit persons as Brooke, Case, Jordan, Moynihan, Nader, Pell, Taft, Wiesner and want your approval to talk to many more.

Do you recall if in fact you obtained approval to contact other persons from John Anderson?

A I don't recall him saying, "Stewart, you have my blessing, go and talk to as many people as you can talk to."

His reaction was "My God, this is a gold mine of advice and suggestion. Thank you for taking the trouble to jot this down. We have a lot of study here."

He was kind of evasive in his response and I did not specifically get him to say, yes, do this, do that.

Q How about those persons who are listed there? Did you have any approval in advance from either John Anderson or

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anyone working with the Anderson campaign to contact them?

A Oh, no, no.

MR. THOMAS: Can we take a short break and we'll be right back.

(Brief recess.)

BY MR. THOMAS:

Q Mr. Mott, I want to redirect your attention to Exhibit No. 6, page 19. You will note that there are references in the lower part of that page.

A Yes.

Q Specifically I wanted to ask you about the name "Bennett." Do you know who that reference is to?

A I was wondering the same thing myself. I am trying to remember who that was. No, I don't know.

Q How about the name Coyle? Do you know who that is?

A That would be Ed Coyle, who was one of the managers of the campaign.

Q Of the Anderson campaign, Anderson for President Campaign?

A Yes.

Q Had you had any previous communications with him prior to May 6th, the date of the memo here?

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A No, I don't think so. It was just a name to me. I don't think I had ever met him or talked to him.

Q Why were you going to send a copy of this memo to him?

A Because he was one of the key functionaries in the campaign and one of the handful of people I thought should get this advice.

Q Now, I asked you earlier when you became officially involved with the Anderson for President Committee and you said that that was difficult to say, as I recall?

A Yes.

Q You described it that you didn't carry out any active fundraising events during that period of time, but I wanted to clarify a little bit better in terms of time when you would say you actually became officially involved as a representative or as a volunteer for the Anderson campaign.

MR. KAMENAR: Well, let me just interrupt for a second. We have established with respect to time that it was at least -- if it was at all -- after May 6th. So we have got that from the previous testimony to be the case.

MR. THOMAS: I am not sure if we do. That is what I was curious about.

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BY MR. THOMAS:

Q You indicated at one point in your testimony that you were making a bunch of calls during the month of April and I asked you if that was essentially independent of the official Anderson campaign effort.

Then you referred, also, to the April 24th date when he finally made the determination to create a general election campaign organization.

A Yes.

Q But I don't think we actually established if it was, say, late in April, or exactly when it was when you came into an official capacity for the Anderson campaign.

MR. KAMENAR: My second objection to that is, what do you mean by "official capacity?" Mr. Mott may have one view of what is meant by official capacity, you may have another, and your view may be such that he never became involved officially with the campaign.

MR. THOMAS: Let me try to clarify that.

BY MR. THOMAS:

Q I would mean where you started carrying out activities at their request on their behalf?

MR. KAMENAR: At their request?

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1 MR. THOMAS: Yes.

2 THE WITNESS: Boy. We have already established

3 that I was more or less officially involved in the campaign

4 in February during thatpoint at which I held the fundraiser here

5 and in New York. Okay?

6 BY MR. THOMAS:

7 Q Yes. All right.

8 A And that I had complete arms length, no-contact

9 with the campaign during March; and that during the confusion

10 of April I was doing things independently without collaboration

11 or contact with the campaign though I had some oneway conversa-

12 tions from the campaign to me saying "Stop."

13 On May 3rd I saw Anderson at a public function

14 here and shook hands and I said, "I would like to talk with

15 you", and he said, "Come into my office on Tuesday."

16 That was Tuesday, May 6th. We had this conversa-

17 tion. I had, in the month of May, one or two conversations

18 with MacLeod and I guess Coyle, and I wrote a second memorandum

19 of May 21st. I was critical of the way the campaign was being

20 managed and I think it was at the end of May that David Garth

21 made some asshole statement about telling me to get lost, and

22 I have forgotten now maybe Anderson wrote a letter or MacLeod

did. At any rate the staff was told not to have any contact

3 2 0 4 0 3 0 2 7 6 3

with me.

Q This is in May that you are talking about?

A Yes. I don't believe that had anything at all to do with the legality of my role though there was a letter written I think by MacLeod or Anderson to McGarry, remember?

MR. KAMENAR: I think there might have been, yes.

THE WITNESS: Which said that Stewart Mott has nothing to do with the campaign, and---

BY MR. THOMAS:

Q McGarry, meaning who?

MR. KAMENAR: Commissioner McGarry, in which case that would be in your files or in Commissioner McGarry's files.

THE WITNESS: Then there was that period with all the very bad press including something in the NEW YORK POST saying "Anderson Boots Billionaire Mott." And then I saw Anderson in late June, again at a more or less social function, a campaign speech really, in New York, and he said, "This public pissing match..." -- he said it much more diplomatically -- "This public pissing match between Garth and Mott is crazy. I'm going to try to patch things up."

So I met with him and Garth and McGovern two or three times and I think finally Mr. McGovern was convinved that

9 2 0 4 0 3 7 2 7 6 3

1 my record was clear and said, "Now, get to work with MacLeod
2 and the fundraisers," and then there was a national finance
3 meeting in Chicago and I think that's maybe the first time
4 that I was sort of officially a part of the campaign mechanism.
5 BY MR. THOMAS:
6 Q This was about when?
7 A I would guess August 1st. But I didn't really do
8 very much from August 1st onward. There was a New York
9 Finance Committee, and I attended meetings but I didn't
10 have a good feeling about the way the campaign was drifting.
11 MR. THOMAS: All right, I have no further questions.
12 Do you have any questions?
13 MR. KAMENAR: Just a couple quick questions.
14 CROSS EXAMINATION
15 BY COUNSEL FOR DEPONENT:
16 BY MR. KAMENAR:
17 Q Did you file the lawsuit in December '79 along
18 with NCPAC and Roger Stohlman concerning independent expendi-
19 tures?
20 A Yes.
21 Q At that time had you made up your mind to make
22 independent expenditures for John Anderson?
A No.

8204037276

Q Did you discuss with me from time to time the progress and status of that lawsuit?

A Yes.

Q Did John Anderson or Mike MacLeod suggest or request that you make any independent expenditure on behalf of the John Anderson campaign?

A No.

Q Did anyone in Craver, Mathews, Smith suggest or request that you make independent expenditures for John Anderson?

A No.

Q Did Daphne Dwyer ever suggest or request that you make independent expenditures for John Anderson?

A No.

Q Did anybody in the John Anderson campaign provide you with any copy of their materials for you to utilize in any of your radio or TV ads for John Anderson?

A No.

Q Thank you.

MR. KAMENAR: I have no further questions. We won't waive signature. That's it.

MR. THOMAS: Fine. Thank you very much for your time.

8 2 0 4 0 3 7 2 7 6 5

1 MR. KAMENAR: Thank you.

2 (Whereupon. at 6:03 p.m., the taking of

3 the instant deposition was concluded.)

4 DEPONENT'S CERTIFICATION:

5 I have read the foregoing pages

6 4 through 74 inclusive, which

7 contain a correct transcription

8 of the answers given by me to

9 the questions therein recorded,

10 except as noted on the attached

11 errata sheet.

12

13 STEWART R. MOTT

14

15

16 J-U-R-A-T

17 Subscribed and sworn to before me this 2nd day of

18 Oct, 1981.

19

20 NOTARY PUBLIC

21 My commission expires:

22 14 May 83

oOo

8204033766

UNITED STATES OF AMERICA)
(SS:
DISTRICT OF COLUMBIA)

CERTIFICATE OF NOTARY PUBLIC/COURT REPORTER

I, RAY A. BOYUM, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that said testimony was taken stenographically by me and thereafter reduced to typewriting by me or under my direction; that said deposition is a true and accurate record of the testimony given by said witness to the best of my knowledge and belief; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of this action.

Dated this 28th day of JULY, 1981.

Notary Public in and for the
District of Columbia

My commission expires:

February 14, 1985.

3 2 0 4 0 3 2 7 6 7

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2123

January 29, 1980

Mr. Michael MacLeod
Anderson for President Committee
719 6th Street S.E.
Washington, D.C. 20003

LETTER OF AGREEMENT

Dear Mike,

This letter serves to confirm our agreement that Mott Enterprises, Inc. ("MEI") will consult and advise the Anderson for President Committee ("Committee") with the creation and organization of a direct mail fund-raising campaign.

In connection with this, MEI will create and design a prospect mailing aimed at acquiring contributors for the Anderson for President Committee. The following will proceed:

1. A Prospect mailing, comprised of a fundraising appeal package, will be mailed to approximately [redacted] names.

2. The [redacted] names will include donors from organizations who solicit contributions through direct mail, who are similar in nature to the "Committee", and, in general, those lists which we feel will best respond to an Anderson for President appeal.

Mott Enterprises, Inc. will advise the Committee with every phase of the direct mail campaign and will contract for all copywriting, design/art work, list acquisition, printing and mailing services.

In addition, MEI will implement a tracking system to record all results of the mailing and will provide the Committee with an analysis of the mailing based upon the recorded results.

Mott Enterprises' fee for the above services is [redacted] plus direct costs of the mailing.

The Committee is responsible for timely payments of all costs incurred as a result of the mailing and including MEI's fee.

The Committee will be billed for services and all invoices are to be paid from the first receipts of the mailing. If the receipts from the mailing are not sufficient to pay for the services, the Committee agrees to pay the balance.

MOTT

FEC

Exhibit #1

JUL 21 1981

9204053 2769

Contents of the direct mail appeal and the design of the same are subject to the approval of the Committee prior to printing. All costs of the mailing shall be approved by the Committee prior to contracting for services, and all invoices for services shall be charged to the Committee at cost with no agency mark-up.

Mott Enterprises, Inc. shall have the right to keep and maintain a copy of all names and addresses of all respondents to the mailing; i.e. those names and addresses who contribute to the Anderson for President Committee through the direct mail solicitation. MEI shall have the right to include such names in a data bank for the purpose of building a revolving list bank. The use of such a bank will be available to the Committee as long as the Committee remains a client of Mott Enterprises, Inc. The use of the list is permitted if available when requested, at maintenance cost (approximately [illegible] per thousand).

If the above correctly sets forth our agreement, please sign below and return one copy to Mott Enterprises, Inc.

Sincerely,
Mott Enterprises, Inc.

[signature]
Stephen W. Dyer II
President

ACCEPTED AND AGREED TO
this 4th day of February 1980

[signature]
By: Michael MacLeod, Campaign Director
For: Anderson for President Committee

3 2 0 4 0 3 2 7 6 9

F.E.C. Exhibit #2

JUL 21 1981

81 JUL 15 AM: 39

February 21, 1980

Mr. Michael MacLeod

Anderson for President Committee

719 8th Street S.E.

Washington, D.C. 20003

LETTER OF AGREEMENT

Dear Mike,

This letter serves to confirm our agreement that Mott Enterprises, Inc. ("MEI") will consult and advise the Anderson for President Committee ("Committee") with their direct mail fund-raising campaign.

In connection with this, MEI will advise the Committee with every phrase of the direct mail campaign and will contract for all copy-writing, design/art work, list acquisition, printing and mailing services (i.e. "services").

In addition, MEI will record all results of the mailings and provide the Committee with an analysis of the mailings based upon the recorded results. For these services, MEI will charge a management fee of [redacted] per thousand pieces mailed.

Contents of the direct mail appeals and the design of the same are subject to the approval of the Committee prior to printing. All costs of the mailing should be approved by the Committee prior to contracting for services, and all invoices for services shall be charged to the Committee at cost with no agency mark-up.

The Committee is responsible for timely payments of all costs incurred as a result of the mailing and including MEI's fee.

The Committee will be billed for services and all invoices are to be paid from the first receipts of the mailings. If the receipts from the mailings are not sufficient to pay for the services, the Committee agrees to pay the balance from the matching funds.

8204032770

81 JUL 15 AM: 47

81 JUL 15 AM: 47

Mott Enterprises, Inc. shall have the right to keep and maintain a copy of all the names and addresses of all respondents to the mailing; i.e. those names and addresses who contribute to the Anderson for President Committee through the direct mail solicitation. MEI shall have the right to include such names in a data bank for the purpose of building a revolving list bank. The use of such a bank will be available to the Committee for as long as the Committee remains a client of Mott Enterprises, Inc. The use of the list is permitted if available when requested, at maintenance cost (approximately [redacted]er thousand). MEI shall have the right to retain the mailing list after the termination of this Agreement, and possession of the mailing list shall not diminish any claims which we may have at any time against any of your other assets available for the purpose of paying any amount owed by you to us under this Agreement or otherwise.

If the above correctly sets forth our agreement, please sign below and return one copy to Mott Enterprises, Inc.

Sincerely,
Mott Enterprises, Inc.

Daphne W. Dwyer II
President

ACCEPTED AND AGREED TO
this _____ day of February, 1980

_____

By: Michael MacLeod, Campaign Director
For: Anderson for President Committee

82040372771

CRAVER, MATHEWS, SMITH & COMPANY
[illegible]
SUITE 602
ARLINGTON, VIRGINIA 22209

TELEPHONE (703) 522-9224

MEMORANDUM

TO: DAPHNE DWYER
STEWART MOTT

FROM: BILL BRENT
CRAVER, MATHEWS, SMITH AND COMPANY

DATE: FEBRUARY 19, 1980

SUBJECT: LISTS ORDERED FOR THE SECOND WAVE OF ANDERSON FOR PRESIDENT MAILING

The following lists have been ordered for the second wave of the Anderson for President mailing. If you have any questions concerning these lists, please contact me.

List	Quantity

8204037277 2

F.E.C.
Exhibit #3

JUL 21 1981

ANDERSON for PRESIDENT

62

The Anderson for President Committee 321 W. State St., Room 100, Rockford, IL 61101 . 815/964-3258

April 24, 1980

Mr. Stewart R. Mott
122 Maryland Avenue, NE
Washington, D.C. 20002

Dear Mr. Stewart R. Mott:

Thank you very much for your recent contribution of $600.00 to the Anderson for President Committee. Unfortunately, we are returning your check as the Federal Election Commission regulations state that one person can not contribute over $1,000.00 to any one campaign.

Thank you again for your interest and support.

Sincerely,

Harry Koplin

Harry Koplin
Controller

HK/dg

enclosure: check

8204037027773

FEC
EA #4

JUL 21 1981

Paid for and authorized by the Anderson for President Committee. Frank P. Maggio, Chairman and Hugh D. Hammersag, Treasurer. 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.

stewart rawlings mott
122 maryland avenue, n.e.
washington, d.c. 20002
(202) 546-3732

April 30, 1980

Mr. Harry Koplin
Controller
Anderson for President Committee
321 W. State Street, Room 100
Rockford, Illinois 61101

Dear Harry Koplin:

Per our conversation of today, I am enclosing a copy of Stewart Mott's letter to Ed Morgan and the check in the amount of $600 which represents an entertainment expense for Stewart Mott on behalf of John Anderson for President.

Sincerely,

Diane S. Abelman

Diane S. Abelman

F.E.C.
Ex #5

JUL 21 1981

8 2 0 4 0 3 3 2 7 7

Editor's Viewpoint/Campaign Tips

An editor's desk sometimes (if not always) resembles nothing more than Grand Central Station, a point where people and ideas scurry back and forth and often meet. Here, from Editor Harden H. Wiedemann's desk are such gleanings as, exclusively, the celebrated Stewart Mott memo to John Anderson (reproduced in full), a "street drama" approach to campaigning, plus a look at state election law enforcement, how Hollywood gets involved, and much more.

A May 6th, 65-point memorandum from General Motors heir **Stewart R. Mott** to presidential aspirant **John B. Anderson** has started a public fracas between the National Unity Campaign and Mott. New York-based political consultant **David Garth**, who accepted Anderson as a client last March, has taken the role of spokesman for the campaign in the split with Mott, the well-known advocate of liberal causes and candidates.

Anderson began with a telegram April 14th, urging Mott to stop "helping" him. Since then, Mott has received repeated appeals from National Unity and Garth staffers to cease all "independent" activity on Anderson's behalf. To date, Mott has rejected their requests. The word is he feels Anderson's campaign is stalled, with no signs that Garth and his people can get it going again. Mott, as his confident memo shows, feels he has the answer.

Immediately following, made public in full for the first time, is the text of the controversial memo. This was followed by a second Mott memo on May 21st (largely a reiteration of his points in the May 6th memo shown here). As we went to press, Mott and Anderson had met in New York, to try to work out an amicable settlement all around, and Mott was considering writing a third memo.

© Diana M. Henry

Almost from the start, Stewart Mott has strongly supported John Anderson's presidential aspirations.

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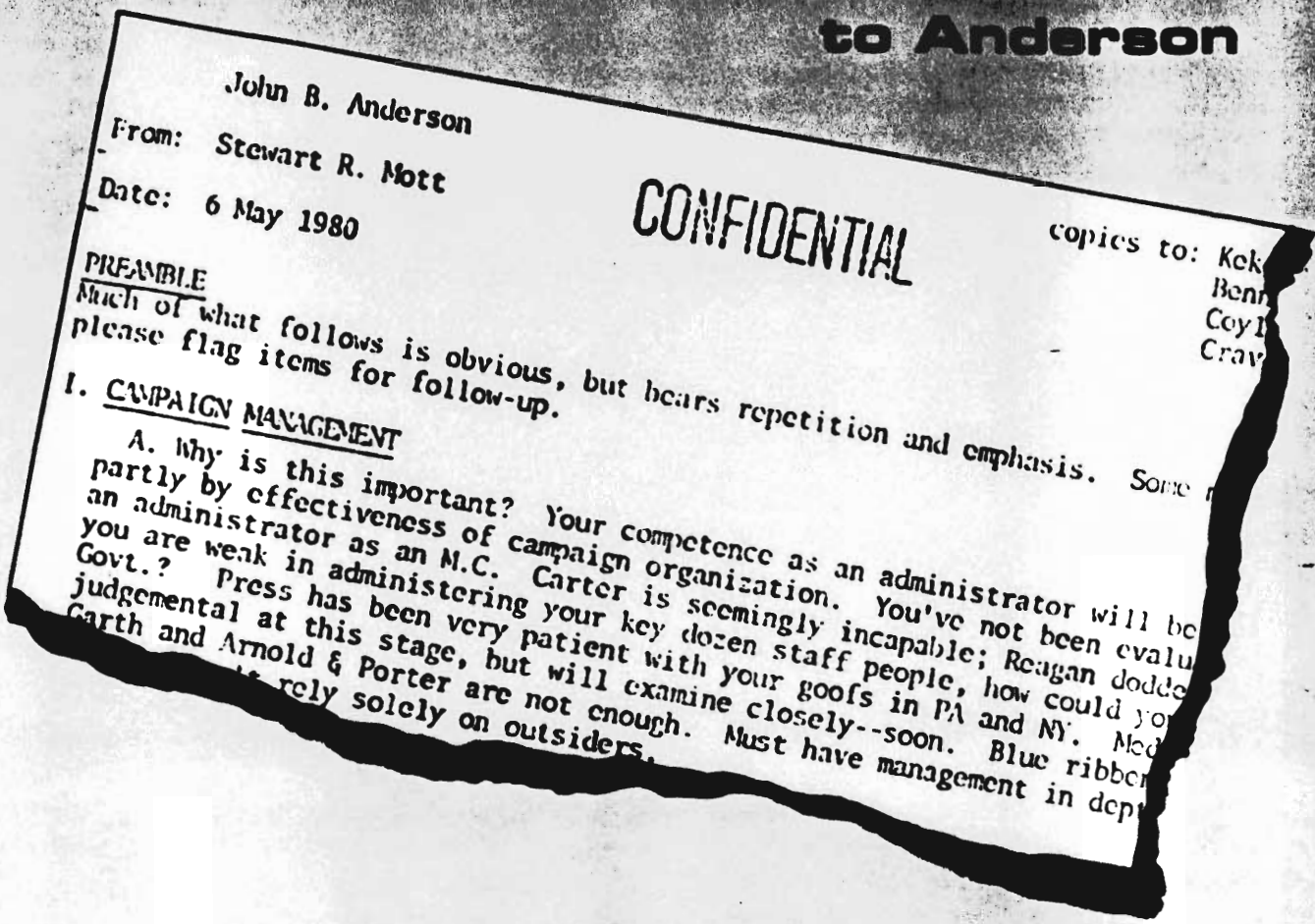
The Mott Memo to Anderson



John B. Anderson

From: Stewart R. Mott

Date: 6 May 1980

CONFIDENTIAL

copies to: Kek
Benn
Coy
Crav

PREAMBLE

Much of what follows is obvious, but bears repetition and emphasis. Some
please flag items for follow-up.

I. CAMPAIGN MANAGEMENT

A. Why is this important? Your competence as an administrator will be
partly by effectiveness of campaign organization. You've not been evalu
an administrator as an M.C. Carter is seemingly incapable; Reagan dodde
you are weak in administering your key dozen staff people, how could yo
Govt.? Press has been very patient with your goofs in PA and NY. Med
judgemental at this stage, but will examine closely--soon. Blue ribbo
Garth and Arnold & Porter are not enough. Must have management in dep
rely solely on outsiders.

Six pages of suggestions comprising the controversial document (above) are reproduced in full below.

To: John B. Anderson

From: Stewart R. Mott

Date: 6 May 1980

copies to: Keke A Bennett, Coyle, Craver, Garth MacLeod, Mathews

PREAMBLE

Much of what follows is obvious, but bears repetition and emphasis. Some may be new; please flag items for follow-up.

I. CAMPAIGN MANAGEMENT

A. Why is this important? Your competence as an administrator will be judged partly by effectiveness of campaign organization. You've not been evaluated as an administrator as an M.C. Carter is seemingly incapable; Reagan doddering. If you are weak in administering your key dozen staff people, how could you run the Govt.? Press has been very patient with your goofs in PA and NY. Media non-judgemental at this stage, but will examine closely--soon. Blue ribbon names like Garth and Arnold & Porter are not enough. Must have management in depth in central staff. Don't rely solely on outsiders.

B. Executive Director. Someone to make decisions. "Stop procrastination here!" An ombudsman, expediter. Last person out of office. Checks to see that everyone's task for the day is completed. Pain-in-the-neck. Direct access to JBA.

C. Political Technician. Wizard at dates and laws and numbers and details. No more mistakes like PA & NY. Michigan started very late. Topping had much of this know-how. Get him back to work with Coyle & Brown.

D. Ballot Access Guru. John Armor knows more about the state of the law in the fifty states than anyone; plus lots of savvy re: how to litigate successfully. You'll run up an enormous legal bill at Arnold & Porter if a campaign insider doesn't control and guide A & P activity. Put Armor on staff as special counsel reporting to Coyle.

E. Garth. He's great, BUT. He turns off good people; doesn't listen well; arrogant about his perceptions; has a blind spot (total blockade?) about anyone called "liberal"; prima donna; quits twice a week; knows state campaigns but new to national organizing; his prejudices a barrier to novel approaches; will probably clash with you and Keke constantly. Try to keep him aboard, but don't rely solely on D.G.

F. Alternatives. Bring in as a #2 consulting strategist either Deardourff or Martilla or Reese or ? Only as #2 consultant. Benefit: a second opinion. Also, with Deardourff, a solid outreach to Republican community. Also, REAL IMPORTANT, an insurance policy in case Garth quits.

G. State Organizations. HIGH PRIORITY. Establish state desks so that each state coordinator gets a call daily. (Liz Hager didn't hear from JBA campaign for two months following March 1st!) DAILY. Determine work orders for volunteers, both fund-raising and political. Not just ballot access stuff. Give eager workers assignments. NOW. Let people start canvassing. You've gotta build an infrastructure which the two major parties already have in place. Start now so that GOTV won't be hasty last-minute task. Daily staff phone call from HQ to states should convey info on JBA schedule, new issues, recent endorsements, in effect: a verbal newsletter. Plus--HQ should commence yesterday a bi-weekly with topical news (NJ, MI, MA, UT, Cronkite, cartoons, issues).

H. Staff Information. Even if everything is not in place, put out a listing on who's doing what; indicate assignments, phones (office & home). It's chaos not to know. Publish list of state-by-state JBA offices, addresses, phone numbers--NOW!

II. POLLS

A. Key to October. Your credibility is built on 20-21-18% Plus the 58% negatives. Hartford Courant is great! But you've gotta do your own. You can win the majority in the electoral college in 20 states. Start now to prove you can win. Your own polls. Show that CA & NY & CT & ? & ? are winnable. If you're on top (or nearly) in states with 50-100 electoral votes, that enhances you as credible. Build from there. To inform you politically as to local issues as well as to give you a baseline for October, start now. Commission private polls monthly in the 20 top JBA states. Cost? I'm guessing: 20 states x $5000/poll x 6 monthly polls = $600,000. Benefit? Enormous in getting and holding a plurality--and avoiding slippage in last-minute desertions. Release the data as appropriate. Further, you'll get to know those 20 states a lot better than holding your finger to the wind.

B. Staff pollster. One person to read all the publicly-available data; same person to suggest questions for your hired pollster; same person to stimulate Register-Tribune & Oregonian & Courant to ask the right questions in independent state polls.

C. Professionals. Bring in Jay Schmiedeskamp (Gallup) and Yankelovitch every two weeks to help interpret for you--direct access to JBA--national trends; ask them to provide--and publish--their "out-takes" of eligible but unregistered voters who might register and vote for JBA in a 3-way race. Could be startling!

D. Vice-President. Commission immediately: V-P alternatives. At same time get in-depth analysis of national demographics on JBA support, baseline data.

III. STOP FUDGING

A. 30 days? 45 days? What will you learn? I'll make you a bet. I'll put into a sealed envelope a prediction about where you'll be 45 days from now--on ballot access, money, and polls. I bet that I'll be plus or minus 20% correct. I'll bet $100,000 personally. You can keep the envelope unopened for 45 days. OR open it now. If you open it now, you'll probably be 20% ahead by June 15th. Quit fudging! If you want your troops to go all-out for victory, don't hang back! You'll get only 80% of your potential in $$$$ and volunteers if you're only 80% in the race. If you want people to be gung-ho for you, then set a good example!

B. Set dates. That 22-day period 4/2 to 4/24 was excruciating. Eucalyptus tree, palm tree, hemlock tree? You could have announced 4/2 that you'd make a statement on 4/24. You would've kept a hungry pack of reporters off your back--somewhat. The press-advisory on 4/24 came very late; the whole thing could have geen staged properly with decisive planning. Next dates? Say that you'll select your V-P running mate no later than August 28th. Declare that your proposed Cabinet appointments will be indicated by October 1st. Give this campaign some structure chronologically! It will put some damper on press rumors and give folks something to look forward to.

C. Be positive. You're more guilty than anyone of sowing the seeds of "CAN'T DO." Naturally the pundits are focussing on ballot access & Teddy Roosevelt & never-before. You've played into their hands by being speculative yourself instead of being the rabbi-teacher who explains that 1) ballot access problems can be overcome; 2) 1980 is altogether different from 1912--explain how; 3) you'll recruit the "best & brightest" and this will be a renaissance of American political spirit with your winning candidacy, leading us into the THIRD CENTURY of the greatest democracy with a renewed sense of our interdependence with the third world--blah, blah, blah or a variant thereof. Hey, come on, JBA! Unfurl your banner and lead. Don't hesitate.

IV. ISSUES

A. Staff coordination. If any issue-activist wants to know where you stand on XYZ, who do they contact? You need clearly defined staff issue people.

B. Task Forces. People like Admiral LaRocque, Ernest Fitzgerald, Jerry Wiesner could add plenty of intellectual input, issue research, and public luster to your campaign. Multiple task forces on a dozen issues should spring forth in the next two months. I volunteer to serve on 1) Family Planning & Population and 2) Philanthropy and the Volunteer Sector.

C. Best & Brightest. You should demonstrate that especially because you're independent, you can draw upon the best of all outside advisors, regardless of party label, that you're open to outside opinion (even conflicting opinion) and can hold forums that you sponsor--to hear alternate proposals to national problems. Could be a very shrewd and important media strategy.

D. Reach to Joe Citizen. Suppose the JBA campaign had a basic guide to energy conservation (just to take one example, the hottest) which gave the ABC's of how to cut fuel bills, energy loss, alternatives to expensive consumption. Suppose you plugged this pamphlet on every campaign stop, frequently in the media. Good for the common touch to Mary & Joe Householder. Overcomes the aloof image. Good for campaign organizing and maybe fund-raising when you get Mary & Joe's home address & phone #. Old-fashioned snake oil? Perhaps in appearance but not in substance. How about 3-4 such basic consumer-oriented pamphlets which would be really useful to blue collars? Susan Lewis of Common Cause could help you with the energy pamphlet.

V. ENDORSEMENTS

A. Broad spectrum. Please don't let Garth convince you that Mott & Lear are four-letter words. You can't do without us. We're part of the core support. We libs need not be super-visible in the next couple months, but we can help you quietly a lot. Of course you need prominent financiers, blacks, educators, women, academics, labor, blue-ribbon and blue-collar across-the-board.

B. Coordinator. Name one person on your staff to be the recipient of all data on endorsements. Could be full-time job. Should prod you to call George Ball et al. Keep track on index cards of every contact; sort out intelligence on each.

C. I want to help. I've already talked to such disparate persons as Brooke, Case, Jordan, Moynihan, Nader, Pell, Taft, Wiesner and want your approval to talk to many more. Most will have their own timelines for endorsement: post-Detroit, post-NYC etc, but the time to start talking to such people is now.

VI. FINANCE

A. Finance Committee. Good ego-massage for $1000 donors & fund-raisers. Could be a cast of hundreds. Need a mechanism for anointing the chosen designees. Suggest a cadre of Vice-Chairs each of whom can designate members of National Finance Comm. Chair or Co-Chairs should be top-drawer type, preferably one GOP and one Dem. I want to be a Vice-Chair with special responsibility for $1000-gift objectives. I'd like to set a personal goal for myself of finding 1000 donors of $1000 each.

B. F.E.C. Advisor. Campaign needs in-house counsel. Arnold & Porter group has no previous reservoir of experience. Better that you designate Swillinger or Paul Kamenar as special consultant to Sheehan for clarification of FEC problems and mounting the litigation challenge re: $20,000 party-gift eligibility, post-election retroactive funding, debate eligibility, and (remote chance) current matching money + postal subsidy.

C. Communication. Donors of $100+ haven't a clue about what's happening beyond what they read in the media. A newsletter vehicle is essential. Lots of us "money-types" have given $$$ or raised $$$$ but when we're asked "What's happening with JBA?" we've got to answer "No idea, just what I read in the newspapers." We must receive communication from JBA-HQ in order to continue our advocacy & raise $$$$.

D. Be original. Dare to include a questionnaire in thank-you letters. Or even in out-bound prospect mailings. Ask people what's on their minds. Enclose a reply vehicle (IBM card?) which invites their views on national/international issues. Ask them to reply even if they don't send money! Good chance they'll send money and maybe more money if they think their views are being registered. A tried-and-true Republican/Conservative technique. An excellent approach to finding out what the respondent really cares about. Also a way of differentiating the respondent list by category of issue concern--useful for follow-up mailings.

E. GOTV. Starting now, ask respondents to help you politically. Who will be a better advocate of JBA than someone who has sent in $15?. Make the fund-raising process synonymous with the vote-getting process.

F. Be unabashed. "I need your help!" Say it on the outer envelope along with the discreet "JBA, Wash DC" on the upper left-hand corner. Say: I NEED YOUR HELP! Right out front on the outside envelope. People will understand--and open it!

VII. CONSTITUENCIES

A. Staff. It's not clear to any of us one step removed from the cognoscenti just who's responsible for what in the JBA campaign. Please let out the word!

B. Women. Please, please, please appoint one or two highly visible top campaign staff aides who are women. Essential. And PLEASE develop your strength within the pro-ERA and pro-choice community. The cadre of support there is enthusiastic and ready to support you on those issues, but some coordination with the campaign is essential to tap it for full benefit. Could you inveigle Pat Derian to join DBA?

C. Financial community. You've got a good start with Ball & Rohatyn. Build on it with friends in Chicago and Los Angeles and you're off to a fine beginning.

D. Labor. Deputize someone like Vic Kamber (AFL-CIO) to scout for potential labor support; make the important phone calls now; develop a task force on labor issues; be patient until after the Dem convention.

E. Blacks. Vernon Jordan is friendly to you. Get someone like Mike Johnson (ex-Brooke) to survey top black leadership and lead you to best contacts.

F. Jews. You have an excellent start, but you need better organization to consolidate Jewish support, identifiable leadership.

G. = Greeks.

H. Students. You've had tremendous help from campuses thus far; to capitalize on it for November, give free rein to organizers who will be there in September.

VIII. PERSONAL CONDUCT

A. Three days off. Every week from now to Labor Day. Read. Study. Relax. Study the issues and meet with people privately.

B. Phone calls. Set aside heaps of time for people you must get in touch with to ask for their interest and support.

C. Issue Development. Prepare yourself for talking about "Third Century America" and find time to meet with your task forces on various issues.

D. Be relaxed. Avoid the frenetic appearance of campaign confrontation just now. With your next election contest six months away, be cool and reasoned on TV and elsewhere. Take the long view of foreign & domestic policy. Encourage Americans to think of what we could become, return to fundamental values, talk about sacrificing our immediate interests to long-term goals. Be friendly about it. Be relaxed.

E. Honest feedback. Who can you count on (in addition to Keke) who will give you a fair critique on your day-to-day performance? You need friendly critics! Who is your constant mentor giving you no-bullshit feedback?

F. Access. Are memos and good ideas getting through to you? Or are they piling up on someone's desk in the outer office? I'll bet you need a lot of help here.

IX. JULY to NOVEMBER

A. Media during conventions: let the TV audience know that they have a better choice than Carter or Reagan.

B. International trips. Plan your visits to England, France, Germany, Israel, Japan during the conventions--you'll still surely get coverage. You need to meet Thatcher, Giscard, et al. to establish your credentials in international relations, allay foreign press opinion that you're rooted in Rockford, best time is July & August, avoid Khomeini endorsement, show familiarity with world scene, perhaps visit areas where effective non-military US-AID makes a big difference.

C. Surrogates. GOP and Dems will have cast of thousands out plugging ticket. You need hundreds of Anderson Surrogates speaking on your behalf. Perhaps need a formalized process of designating selected individuals who will study your issues and be reliable spokespeople on your behalf. Not too soon to start now. Carter has all the Cabinet and Rosalyn and Amy. You need more than JBA to make speeches and appearances for you. Campaign must broaden in representation immediately. Show the breadth and depth of your strength. Get Anderson Advocates on the road.

D. Prepare for October. The potential swing of crucial votes in marginal states where voters might fear their JBA vote would be wasted because he "has no chance" will be determined by public polls indicating your standing. You must be ready with your own privately-funded polling data. You'll need top credentials among public pollsters to back up your findings. You may find yourself, state-by-state, in a public confrontation with political analysts who say you're marginal. You must be ready to demonstrate, thanks to your own campaign knowledge of the 20 crucial states, that your 270 electoral college votes are

winnable if all your adherents hold firm. A huge amount of advance organization must go into these states to assure that you'll compete effectively--and win--over entrenched party organizational capabilities.

POSTSCRIPT

This does not purport to be a comprehensive set of recommendations to you for the campaign. I have scant knowledge of media strategy or press relations and have not commented on many aspects of the campaign which are equally as important as those identified above. Please let me know which of the ideas above you find especially useful and also let me know how I may assist you in your campaign.

To: John B. Anderson

From: Stewart R. Mott

Date: 6 May 1980

Re: Chronology of SRM involvement in JBA Campaign

1. Summer '79. SRM meets JBA at Shelley Broderick birthday party; talk and generally disagree about Campaign Finance laws.

2. January '80. JBA fund-raiser at NYC event, SRM & wife give $1000 each.

3. February 5, 1980. JBA fund-raiser event at SRM's NYC home, SRM & wife provide $1000 toward expenses of event.

4. Mid-Feb. Mott Enterprises takes on JBA campaign as client, subcontracts with Craver-Mathews-Smith to execute prospect mailing.

5. Late-Feb. JBA fund-raiser at D.C. home, SRM & wife provide $1000 towards expenses of event.

6. Early March. SRM collaborates with Tony Schwartz & Joe Napolitan to undertake radio advertising campaign promoting JBA in NY, IL, CT & WI unbeknownst to JBA or staff; campaign costs $65,000 for total of 1800 60-sec and 30-sec spots in the four states.

7. Mid-March. JBA campaign discontinues contract with Mott Enterprises for direct-mail.

8. March 23, 1980. SRM sponsors two full page ads in N Y Times, one for JBA, one for Kennedy, totally without prior knowledge, etc. of JBA or EMK campaigns, cost: $20,000 ea.

9. April 3, 1980. SRM convenes group of concerned individuals to discuss JBA independent candidacy at D.C. home.

10. April 4-24, 1980. SRM engages attorneys John Armor, Paul Kamenar, and others to advise him on ballot access laws in various states and FEC matters.

11. April 7-14, 1980. SRM discovers and recruits various citizens of NJ & MA to work together among themselves in helping to put JBA on the ballot in their respective states.

12. April 14, 1980. SRM receives JBA mailgram and phone call asking him to cease all "independent" activity on JBA's behalf.

13. April 14-17, 1980. SRM chooses to ignore above request and proceeds to phone, identify and recruit citizens of Michigan and Utah to proceed with ballot access process for JBA.

14. April 14-17, 1980. SRM receives repeated requests from Garth, Stern, Friedman, Sheehan, Craver et al. to cease further organizational efforts for JBA in NJ, MA, MI, UT and state that SRM should have no further communication with JBA campaign.

15. April 1980. Various operatives of the JBA campaign believe that SRM has spent thousands of dollars in the advocacy of JBA for President in the General Election--without asking SRM re: the facts. Garth instructs associates not to communicate with SRM. FACT: SRM has spent ZERO DOLLARS in the advocacy of JBA for President in the General Election, contrary to the uninformed belief of MacLeod, Garth, Sheehy, et al. Entire SRM expense has been about $8000 in determining facts of law re: ballot access and in communicating with residents of NJ, MA, MI and UT about ballot access opportunities for an independent candidacy.

LeBoutillier takes innovative approach in New York Sixth

John LeBoutillier, 27, who wrote *Harvard Hates America* and *Primary* and holds an MBA from Harvard Business School, is running for Lester Wolff's congressional seat in the New York Sixth District. LeBoutillier has, to say the least, an imaginative campaign and can boast that a number of politicial heavies, including Gerald Ford, Jack Kemp, Lyn Nofziger and William Simon, are supporting him in concrete ways (e.g., writing fundraising letters, etc).

LeBoutillier first gained national prominence in 1974 when he raised over $250,000 for former P.O.W. Leo Thorsness in a South Dakota senate campaign against George McGovern. He kicked off his campaign in the Sixth (which straddles the Nassau-Queens line) by personally serving chicken soup—the kind they used to serve in Depression soup lines—to startled passers-by. The sign overhead read "20 percent inflation equals recession." This novel approach gained him far greater coverage of his announcement than most aspiring freshmen congressmen receive.

Several days later LeBoutillier gained still more attention by graphically demonstrating the "revolving door" of the courts and prison system. Installing a revolving door acquired at a local junkyard on the sidewalk in front of the district courthouse, a LeBoutillier campaign staffer dressed in a "jailbird" suit (convict's striped uniform) went in and out of "jail" while LeBoutillier announced the "jailbird's" convictions and prison terms and told how quickly he was paroled and back on the street to commit another crime.

Sixteen-year veteran Congressman Lester Wolff says: "I don't think this type of radical approach is the thinking of our district, or, for that matter, for most of the people throughout the country. People like a more moderate approach." That remains to be seen.

★ ★ ★ ★ ★

Think the FEC's weak? Watch out at the state level...

While the Federal Election Commission is frequently criticized for poor elections research, bookkeeping and lacking any credible enforcement mechanism to put some "teeth" into the Federal Elections Campaign Act, some state agencies carrying out elections regulation have excellent candidate "tracking" divisions and often come down hard on candidates and incumbents. An example is California's Fair Political Practices Commission (FPPC). According to the Commission, spend-

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Milton Reporting, Inc.
General Stenotype Reporting
Suite 301
1601 Connecticut Avenue, N.W.
Washington, D.C. 20009
Phone: (202) 833-3508

Official Transcript

Scott E. Thomas, Esq/
Federal ElectionCommission
1325 K Street, N.W.
7th Floor
Washington, D.C.

RECEIVED
Gcc #5578
81 OCT 7 P1:28

1333

MR. KAMENAR: Thank you.

(Whereupon. at 6:03 p.m., the taking of the instant deposition was concluded.)

DEPONENT'S CERTIFICATION:

I have read the foregoing pages 4 through 74 inclusive, which contain a correct transcription of the answers given by me to the questions therein recorded, except as noted on the attached errata sheet.

STEWART R. MOTT

J-U-R-A-T

Subscribed and sworn to before me this 2nd day of Oct, 1981.

NOTARY PUBLIC

My commission expires: 14 May 83

oOo

B20403.3278

BEFORE THE UNITED STATES
FEDERAL ELECTION COMMISSION

IN RE: STEWART R. MOTT : MUR 13333

STEWART R. MOTT
ERRATA SHEET TO DEPOSITION OF JULY 21, 1981

Page 6, line 19: "where by" to "where my"

Page 10, line 2: "Nationla" to "National"

Page 12, line 1: "organization" to "organizations"

Page 14, line 16: "Rod" to "Rob"

Page 16, line 2: "conversatio" to "conversation"

Page 27, line 6: "Shelbie" to "Shelby"

line 9: same

line 14: same

line 16: same

line 19: same

Page 28, line 15: same

line 17: same

Page 30, line 3: "pubbling" to "putting"

Page 36, line 17: "in that clearly" to "in that amount clearly"

Page 38, line19: "Scharts" to "Schwartz"

Page 40, line 1 "Toney" to "Tony"

Page 48, line 21: "though" to "thought"

Page 61, line 9: "of" to "if"

Page 64, line 14: "corss" to "cross"

Page 65, line 13: "coordinatro" to "coordinator"

Page 65, line 18: "hafl" to "half"

Page 66, line 2: "amalgum" to "amalgam"

32040332785

Page 67, line 9: "disparit" to "disparate"

Page 67, line 18: "of" to "to"

Page 72, line 21: "McGovern" to "Rogovin"

Page 72, line 22: same

Page 73, line 18: "Roger Stolhman" to "Rhonda Stahlman"

8 2 0 4 0 3-3 2 7 8 6

PD KAMENAR
1015 15th Street, N.W.
Suite 1100
Washington, D.C. 20005

8 2 0 4 0 3 3 2 0 8 7

Johnnie Levin
Federal Election Comm'n
1325 K Street, N.W.
Washington, D.C. 20463

Cc# 5557

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Phone:
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202-833-3599

Notary Public
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September 30, 1981

SEP 1 2 4 : 4 2

Scott E. Thomas, Esq.
Federal Election Commission
1325 K Street, N.W. - 7th Floor
Washington, D.C. 20463

Re: In the Matter of: STEWART R. MOTT
DEPOSITION OF DAPHNE WILSON DWYER, II
Case No. MUR 1333

Dear Mr. Thomas:

The deposition in the above-entitled matter has been read and signed by Mr. Dwyer and enclosed herewith for your files.

Also, the enclosed errata sheet with noted corrections supplied by Mr. Dwyer.

Sincerely,

Fred R. Joyce,
General Mgr.

cc:
file
Paul D. Kamenar, Esq.

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FEDERAL ELECTION COMMISSION

In re: MUR NO. 1333

CORRECTIONS OF DEPOSITION OF
DAPHNE DWYER ON JULY 21, 1981

1.	Page	5	Line	6 :	dutues to duties
2.		5		13	di to do
3.		14		11	polotical to political
4.		16		20	paul to Paul
5.		22		8	"...so ask them" to "...so I asked them..."
6.		23		13	"...committee/Mott Enterprises." to "...committee and Mott Enterprises."
7.		27		21	Jeanic to Jennie
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ORIGINAL

BEFORE THE
UNITED STATES FEDERAL ELECTION COMMISSION
Washington, D. C.

IN THE MATTER OF:

STEWART R. MOTT

MUR 1333

Tuesday, July 21, 1981

Washington, D. C.

Deposition of:

DAPHNE WILSON DWYER, II

called for examination by counsel for the Federal Election Commission, pursuant to notice, taken at the offices of the Federal Election Commission, 7th Floor, 1325 K Street, Northwest, Washington, D. C. 20463, before Ray A. Boyum, Notary Public in and for the District of Columbia, commencing at 1:10 p.m., when were present on behalf of the respective parties:

A P P E A R A N C E S :

For the Deponent:

PAUL D. KAMENAR, ESQ.
1015 Fifteenth Street, N.W.
Washington, D. C. 20005
393-8535/857-0240 (202)

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Appearances (cont'd):

For the Federal Election Commission:

SCOTT E. THOMAS, ESQ.
and
JONATHAN LEVIN, ESQ.
Office of General Counsel
U. S. Federal Election Commission
7th Floor 1325 K Street, Northwest
Washington, D. C. 20463

oOo

I N D E X

WITNESS:	EXAMINATION BY:	PAGE:
Daphne Wilson Dwyer, II	By Mr. Thomas	4
	By Mr. Kamenar	72
	By Mr. Thomas	--

oOo

8 2 0 4 0 3 0 2 7 9 1

Index (Cont'd):

EXHIBITS:	MARKED FOR IDENTIFICATION:
F.E.C. Exhibit No. 1	25
F.E.C. Exhibit No. 2	34
F.E.C. Exhibit No. 3	34
F.E.C. Exhibit No. 4	42
F.E.C. Exhibit No. 5	44
F.E.C. Exhibit No. 6	68

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1 P R O C E E D I N G S

2 - - - - - - - - - - -

3 (1:10 p.m.)

4 Whereupon,

5 DAPHNE WILSON DWYER, II

6 was called as a witness, and, after being first duly sworn

7 by the Notary Public, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. THOMAS:

10 Q Would you state your name.

11 A Daphne Wilson Dwyer, II.

12 Q Have you retained counsel to represent you today?

13 A Yes, I have.

14 MR. THOMAS: Would you like to make an appearance

15 for the record?

16 MR. KAMENAR: Yes. Paul Kamenar, counsel for the

17 witness.

18 BY MR. THOMAS:

19 Q Ms. Dwyer, what is your position?

20 A President of Mott Enterprises.

21 Q And how long have you been in that position?

22 A Approximately five and a half -- approximately

8 2 0 4 0 3 0 2 7 9 2

1 five years, a little over five years.

2 Q Is that a fulltime position for you?

3 A Yes, it is.

4 Q Do you hold any other paid positions?

5 A No.

6 Q What have your dutues and responsibilities for

7 Mott Enterprises encompassed?

8 A As President of Mott Enterprises I oversee the

9 day to day activities of the corporation, and partake in those

10 activities.

11 Q Do you have responsibility for doing hiring of

12 staff for Mott Enterprises?

13 A Yes, I di.

14 Q How many employees does Mott Enterprises have?

15 A Fulltime employees?

16 Q Fulltime employees, yes.

17 A Currently one.

18 Q And who is that?

19 A Myself.

20 Q Other than fulltime employees, how many employees

21 does Mott Enterprises have?

22 A There are three.

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Q Who are those individials?

A Maureen Kiernan---

Q How do you spell that?

A K-i-e-r-n-a-n.

Q Who are the other individuals?

A The receptionist in the office where Mott Enterprises is located, her name is Carol Nemerever, N-e-m-e-r-e-v-e-r. And I employ at several different times one or two individuals to come in on a parttime basis to help out. That would be usually one person at a time but I use several different people parttime; parttime help basically, temporary help.

Q Now, you mentioned Maureen Kiernan. What is her position at Mott Enterprises?

A She assists me in keeping the books.

Q Any other functions? Does she perform any other functions?

A No.

Q Do your responsibilities include deciding which contracts to enter into with clients?

A Yes.

Q What sorts of functions does Mott Enterprises perform?

A We act as, primarily as a direct mail counselling and consulting firm.

Q For what kinds of organizations do you do such work?

A Nonprofit organizations, a few commercial and political groups.

Q And in the 1980 election cycle, approximately how many political groups did you provide such services for?

MR. KAMENAR: Would you clarify by giving a more definite date? You say "election cycle." Why don't you put it from 1978 to 1980, whether State candidates, Federal candidates, whatever.

BY MR. THOMAS:

Q From the beginning of 1979 through the end of 1980 approximately how many political candidates did you provide consulting services for or direct mail services for?

A I believe John Anderson in his presidential campaign -- did you say through 1980?

Q Yes, through 1980.

A --is the only candidate.

Q Did you provide any such services for any political parties during that same time period?

3 2 0 4 0 3 0 2 7 9 4

A Yes.

Q Which particular party organizations did you provide such services for?

A We assisted in consulting with the Citizens Party, and that is all.

Q Now, does Mott Enterprises itself provide direct mailing services or does it contract out to have those services done by someone else?

A We have done both.

Q So then your staff, of yourself plus two or three other persons, has on occasion actually composed solicitation letters and provided for and taken care of the mailing of such letters?

A Yes.

Q Where are the offices of Mott Enterprises?

A At 515 Madison Avenue, New York City.

Q When was Mott Enterprises organized?

A Approximately May 1976.

Q Were you involved at all with the organization of Mott Enterprises?

A Would you rephrase that so that I understand it?

Q Were you involved in the decisionmaking to create

9 2 0 4 0 3 0 2 7 9 7

1 Mott Enterprises?

2 MR. KAMENAR: Was she one of the incorporators,

3 for example?

4 MR. THOMAS: I would assume that that might be

5 an answer to that question.

6 BY MR. THOMAS:

7 Q Were you an incorporator, for example?

8 A Yes.

9 Q Who was responsible for organizing Mott Enterprises?

10 A The idea of Mott Enterprises was started prior to

11 my going to work for Mott Enterprises. The formation of Mott

12 Enterprises took place after I became President of Mott

13 Enterprises.

14 Q Who in fact was responsible for getting the idea

15 going then?

16 A Stewart Mott.

17 Q Anyone else?

18 A I do not know who was involved prior to that time.

19 Q What was your first involvement?

20 A Would you rephrase that?

21 Q You said you came on after the idea was created

22 but the formation sort of took place after you came on. What

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was your first involvement with Mott Enterprises?

A I believe it would be correct to say that I was hired to form Mott Enterprises, I think, whose function was to open up a possible loan bank to nonprofit organizations to do direct mail fund raising.

Q Who are the present officers of Mott Enterprises?

A Stewart Mott, Chairman of the Board; myself as President; I believe Anne Zill is Vice President.

Q Anne?

A Anne Zill, Z-i-l-l; Anne is with an "e." John Hodgkin is Treasurer; and Stanley Weithorn, W-e-i-t-h-o-r-n, is Secretary.

Q Do any of those persons have any role in the day to day operations of Mott Enterprises?

A I would say John Hodgkin has the most frequent day to day participation with Mott Enterprises.

Q As Treasurer what are his responsibilities?

A He advises me in financial matters; advises me on my bookkeeping/tax requirements, et cetera.

Q I don't recall if you mentioned, are you also Chief Executive Officer of Mott Enterprises?

A My title has always been President of Mott Enterprises.

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1 Q Now, are there any board members other than
2 Stewart Mott of Mott Enterprises?
3 A The officers, I believe, are the board members.
4 Q Who owns the stock of Mott Enterprises?
5 A Stewart R. Mott.
6 Q Does he own all the stock?
7 A Yes, he does.
8 Q Earlier you indicated that one of your respon-
9 sibilities is to oversee the day to day activities of Mott
10 Enterprises; are you solely responsible for making the day
11 to day operational decisions at Mott Enterprises?
12 A Yes.
13 Q What role, if any, does Stewart Mott have in such
14 decisionmaking?
15 A Stewart has been involved with activities with
16 Mott Enterprises when considering financial transactions prim-
17 arily.
18 Q What kinds of financial transactions are you refer-
19 ring to?
20 A They vary. If Mott Enterprises is going to enter
21 into a contract and there might be a financial risk involved,
22 I will usually consult with Stewart to get his input and to

3 2 0 4 0 3 1 2 3 0 0

help me decide on whether or not to take a financial risk.

Q Does Stewart Mott have any role in decisions as to hiring of staff?

A He has not to date.

Q In those instances where you do consult with him, how do you do that? Do you do that through a written communication to him?

A No, not usually.

Q Is it usually done orally?

A I believe I am correct in saying that it is usually done orally, yes.

Q In this consulting context does Stewart Mott have the bottom-line decisionmaking authority, or do you?

A Would you rephrase that, please?

Q In these consulting situations you discussed where you say you do consult with him on some financial decisions, does Stewart Mott have the final bottom-line decisionmaking authority or do you?

A When I consult with him we usually discuss the pros and cons of the situation, determine the amount of risk, and I believe that our opinions have not differed to date.

3 2 0 4 0 3 2 8 0 1

1 MR. KAMENAR: I think the problem with the
2 question is that you presuppose that there is a bottom-line
3 decision being made as opposed to the possibility of a joint
4 decisionmaking where input is gathered from both parties.
5 BY MR. THOMAS:
6 Q Would you describe the decisionmaking authority
7 in those situations as some sort of consensus decisionmaking
8 as opposed to one person having the final decision to make,
9 has the final authority to make the decision?
10 A I believe in almost all cases in which we have
11 discussed such dealings they have been mutual decisions
12 except possibly in one.
13 Q Maybe by way of example we can clarify this. What
14 is this one instance you are recalling? Maybe you can ex-
15 plain why the distinction is being made?
16 A Let me rephrase that.
17 It was two such instances that I can remember right
18 now. One of them occurred approximately two years ago in
19 discussing a direct mail campaign that a magazine wanted to
20 partake. I had worked closely with the group and had
21 decided that they were very sincere in trying to get the maga-
22 zine off the ground and felt that they should have the

3 2 0 4 0 3 2 9 0

1 opportunity to do a subscription campaign. Their financial
2 situation was such that if a subscription campaign were a
3 break even situation or possibly a little bit better that
4 they might not have the finances to carry on and fulfill
5 those subscriptions. I would have liked to have helped them
6 simply because I knew how hard they worked to get as far as
7 they had come. Stewart, in that case, disagreed with me and
8 we did not go ahead with consulting with them on a direct mail
9 campaign or assisting them.
10 The other situation that comes to mind was
11 a campaign I believe in 1976 that involved a polotical candi-
12 date on a State level. I thought the risk of our total amount
13 of participation was too great and Stewart wanted to go along
14 with the proposal as it was presented. I voiced my opinion
15 and he voiced his and we went along with that.
16 Q With his?
17 A It was his. Those are the only two situations
18 that I can recall right now.
19 Q Of--?
20 A Of where the decision was not a mutually decided
21 decision.
22 Q Can you recall any instances where you have

9 2 0 4 0 3 1 2 9 0

prepared a written memorandum outlining a proposed decision for entering into a contract with a client that you submitted to Stewart Mott for approval?

A Once again it is not the usual procedure. I can not honestly say I remember a memorandum in which I outlined a proposal for consideration.

Q Is there an entity that you are aware of called Stewart Mott & Associates?

A Yes.

Q What is that entity?

A Would you define how you are using "entity?"

Q Well, I don't know if it's a corporation, or an unincorporated association, nor do I know exactly what it does. We have seen a reference to it in a document provided by counsel.

MR. KAMENAR: Do you want to introduce that document? Maybe that might help her.

BY MR. THOMAS:

Q Let me ask you, do you recall independently what Stewart Mott & Associates is? Have you heard of it? Let's start with that question.

A Yes, I have heard of it.

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Q Is that an organization that you have any role with?

A None whatsoever.

Q Do you know what Stewart Mott & Associates does, what kinds of activities it performs?

A I believe I understand what they do. I also believe it is very confusing and complicated.

Q Do they have any relationship with Mott Enterprises?

A None.

Q Do they provide any campaign consulting services?

A None.

Q Do they have any relation to your knowledge with political campaign financing?

A No.

Q Do you know who its officers are, if any?

A I do not.

Q Do you know what Stewart Mott's role is with regard to Stewart Mott & Associates, if any?

A Would you excuse me a moment? I would like to ask paul a question.

MR. THOMAS: Sure.

(Discussion off the record.)

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MR. KAMENAR: I was just going to suggest that the witness has already testified that it is not related to Mott Enterprises which was the purpose of her being called here; and that Stewart Mott will be here in an hour or so and it would probably be best to get the answer from the horse's mouth, so to speak.

BY MR. THOMAS:

Q I take it you have no personal knowledge of the operations of Stewart Mott & Associates then?

A I believe I understand that Stewart Mott & Associates comprises two individuals who invest Stewart's money for him. Therefore, in my opinion, I assume Stewart acts as one who listens to their advice in his financial investing.

Q I see. Thank you.

You indicated that the offices of Mott Enterprises are at 515 Madison Avenue, I believe?

A Yes.

Q Does Stewart Mott himself have an office at that location, 515 Madison Avenue?

A He has access to those offices. His offices are not there. Where he works -- primarily most of his time is not spent at 515 Madison Avenue.

8 2 0 4 0 3 3 2 3 0 4

Q Where is it that he works most of the time?

A He has recently moved residences and he still shares his time between the two residences, one address is 800 Park Avenue, New York City; and 1133 Fifth Avenue, New York City.

Q Now, what services did Mott Enterprises provide to the Anderson primary campaign?

A Mott Enterprises was instrumental in overseeing the entire operation of its direct mail campaign for a short period and during a test mailing of approximately 50,000 pieces.

Q What period of time did the services provided by Mott Enterprises span?

A I am not positive about the dates. I would guess that it was approximately mid to late January 1980, through mid-March of 1980.

Q Now, did Mott Enterprises itself carry out this test mailing function that you referred to?

A Would you rephrase that?

Q Did Mott Enterprises itself carry out this test mailing function you referred to?

MR. KAMENAR: Could you clarify what you mean by "carry out"?

3 2 0 4 0 3 2 9 0 7

MR. THOMAS: Sure.

MR. KAMENAR: The witness has testified that they provided services.

BY MR. THOMAS:

Q Did Mott Enterprises provide, its staff perform this function, or was this a function that was contracted out to someone else?

A The function was subcontracted to another firm.

Q And that firm was?

A Craver, Matthews, Smith & Company.

Q Other than those services contracted out, or subcontracted out to Craver, Matthews, did Mott Enterprises provide any services?

MR. KAMENAR: I think the witness already answered that earlier when she described how they coordinated the project, oversaw it. Is that the kind of "services" you want to talk about?

MR. THOMAS: I guess I am not very sure exactly what that encompassed because if Craver, Matthews carried out the mailing project, I want to get some clarification of what was left and what Mott Enterprises was doing.

MR. KAMENAR: All right.

1 THE WITNESS: Craver, Matthews, Smith & Company
2 has a rather large staff which is capable of handling the
3 production of the direct mail campaign. The work beyond pro-
4 duction involves overseeing the pricing of the work, the
5 timliness of the mailing, the coordination of the pieces, the
6 work which indeed in the end will get a mailing out into the
7 mail.
8 BY MR. THOMAS:
9 Q The composition of that work, is that what you are
10 describing?
11 A By "composition" what do you mean?
12 Q Composing the wording of the mailing, is that what
13 you are describing?
14 A No.
15 Mott Enterprises did not do that.
16 Q Who did that?
17 A Craver, Matthews, Smith & Company composed the
18 wording of the appeal.
19 Q So my understanding of what you are saying is that
20 Mott Enterprises then was responsible for deciding pricing of
21 the project as billed to the Anderson Campaign Committee; is
22 that correct?

8 2 0 4 0 3 2 8 0 9

A Let me try and clarify the duties a little bit further to make sure you understand what I am trying to say.

If I were to hire someone to do these functions and say to them, "Go out and find out the pricing for what printing these pieces will cost; go out and find a letter shop to make sure this gets out in a timely fashion, and report back to me and give me the information and let me coordinate it and make sure it agrees with what we are doing with this John Anderson for President Committee." Then my job is to oversee and make sure that the mailing gets the pieces written gets the copy approved, gets the pieces printed, gets the pieces mailed, and gets the pieces out.

Q And that latter function is what Mott Enterprises was doing for the Anderson campaign in this instance?

A The function of Mott Enterprises was to oversee the whole mailing.

Q Were you yourself primarily responsible for that overseeing function?

A Yes.

Q Was anyone else on the Mott Enterprises staff involved in that function?

A No.

9 2 0 4 0 3 7 2 8 1 0

1 Q Do you recall why Mott Enterprises subcontracted
2 with Craver, Matthews?
3 A Yes.
4 Q Why was that?
5 A Craver, Matthews, Smith & Company had had a very
6 successful background of political fund raising. I respect
7 their way of doing business and their judgment on political
8 fund raising and direct mail and so ask them to do work, the
9 actual leg work as we call it, for me.
10 Q Did you know any officials of Craver, Matthews
11 specifically?
12 A Yes.
13 Q Prior to that?
14 A Yes.
15 Q Are you the person that went to them and asked
16 them to provide this service?
17 A No.
18 Q Who did that?
19 A The services were not solicited by Mott Enterprises
20 to my knowledge, not with anyone associated with Mott Enter-
21 prises.
22 Q How were the services solicited?

9 2 0 4 0 3 2 8 1 1

A I believe Roger Craver called me and started discussing the John Anderson for President direct mail, and asked if Mott Enterprises would be interested in becoming involved with a direct mail campaign with the John Anderson for President Committee.

Q What was your response?

A I told him I would be interested in discussing it.

Q What happened thereafter? How did you reach agreement?

A I believe Roger and I had a number of conversations regarding a type of campaign that would be beneficial to the John Anderson for President Committee and the risks involved for the John Anderson for President Committee/Mott Enterprises.

At the point where I felt reasonably assured that it might make a good business transaction, I decided that it was something I would be interested in carrying out.

Q Did Mr. Carver tell you about activities that his company had already provided to the Anderson campaign?

A I believe I recall Roger Craver saying that he had done a very small mailing for the John Anderson for President Committee a number of months prior to our conversations.

Q In any of these discussions you had with Mr. Craver,

did Stewart Mott participate?

A No.

Q Do you recall anyone else who participated in those discussions?

A No.

Q Were those discussions by telephone?

A Prior to--?

Q Prior to the initial discussions to set up the agreement, to reach the agreement.

A I believe they were by telephone, yes.

Q Now, was there anyone with Craver, Matthews other than Mr. Craver that you discussed this arrangement with?

A I can't remember.

Q Do you recall any discussions with a man named Bill Brent?

A Prior to contracting with the John Anderson for President Committee?

Q In the process of coming to the agreement? Is that not clear? Is that the problem?

MR. KAMENAR: I think that might be.

THE WITNESS: The timing is the problem.

MR. KAMENAR: There is an agreement that was obviously made. You have those documents. Again, you may want to

1 use that as your reference point instead of the terminology
2 of coming to an agreement, et cetera. That is what was maybe
3 causing her confusion.
4 BY MR. THOMAS:
5 Q Do you recall when you reached an actual written
6 agreement, the first written agreement to have Craver, Matthews
7 provide these services?
8 A Excuse me, would you clarify which agreement you
9 are referring to?
10 MR. THOMAS: Let me have the Reporter mark this
11 as FEC Exhibit No. 1.
12 (Whereupon, the document
13 was marked for identification
14 as FEC Exhibit No. 1.)
15 BY MR. THOMAS:
16 Q I am showing you this document, Exhibit 1, both
17 to you and to your counsel.
18 First of all, can you identify that document,
19 FEC Exhibit No. 1?
20 A I'm sorry, would you repeat your question?
21 Q Can you identify that Exhibit No. 1?
22 A Yes.

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1 Q What is that?

2 A This is the agreement presented from Craver, Matthews,
3 Smith & Company to Mott Enterprises for the purpose of providing
4 consulting and production services to Mott Enterprises in
5 assisting me and the John Anderson for President Committee.

6 Q You will note that page 2 of that document has
7 signature lines and there are no signatures. Do you know if
8 a written agreement was actually signed and executed by Mott
9 Enterprises and Craver, Matthews?

10 A To the best of my recollection this was a signed
11 document, yes.

12 MR. KAMENAR: Do you mean this particular document
13 or an agreement that was similar in content to that document?

14 MR. THOMAS: That's what I was going to ask.

15 BY MR. THOMAS:

16 Q Do you recall if the agreement which you recall
17 having actually been signed was similar or identical to this
18 document you have before you?

19 A I do not recall if it was similar or identical
20 to, no.

21 Q You will note on Exhibit 1 there is a date in
22 the heading of the document of January 30, 1980. Does that re-
fresh your recollection at all as to when a written agreement was

3 2 0 4 0 3 0 2 9 1

1 actually entered into between Mott Enterprises and Craver,
2 Matthews?
3 A I would assume that it was on or shortly after
4 January 30, 1980 that we entered into a written agreement.
5 Q Now, after the written agreement was entered into
6 do you recall any discussions with anyone other than Roger
7 Craver about the arrangements whereby Craver, Matthews would
8 provide certain services to Mott Enterprises?
9 A Would you give me a time in there that you are re-
10 ferring to other than after January 30th?
11 Q Well, after January 30th and with regard to the
12 primary campaign, so we will have a cutoff of approximately
13 April 24th. We'll say April 24th.
14 A I believe that there would have been occasion for
15 me to talk to more than just Roger Craver at Craver, Matthews,
16 Smith & Company in that time period.
17 Q Do you recall any specific individual?
18 A When you mentioned Bill Brent, I could have spoken
19 with him; I do not know for sure if it was within that time
20 period.
21 Q Do you recall any conversations with Jeanie Thompson?
22 A Once again, I believe I have conferred with Jeanie

1 Thompson but I don't know if it was within the time period
2 that you specified.
3 Q Do you recall if it was about the services provided
4 on behalf of the Anderson campaign?
5 A It was about the services provided for the John
6 Anderson for President Campaign.
7 Q The primary campaign or the general election
8 campaign?
9 A I can not answer that.
10 Q Finally, an individual named Rob Smith. Did you
11 have any conversations or communications with him concerning
12 services to the primary campaign?
13 A I believe I would have had conversations with
14 Rob Smith concerning the primary campaign.
15 Q How exactly did this subcontracting arrangement work
16 specifically? I want to make clear that I understand who was
17 responsible for paying the vendors and how ultimately the
18 Anderson campaign was billed. How did that procedure work?
19 MR. KAMENAR: Do you want to maybe take it one
20 step at a time such as who is responsible for paying the vendors?
21 MR. THOMAS: I wanted to give her an overview
22 of what I am interested in, but, sure, if you want to start with

9 2 0 4 0 3 7 2 8 1 7

1 who was responsible for actually paying the vendors for the
2 mailing services, fine.
3 THE WITNESS: Mott Enterprises was responsible for
4 paying the vendors.
5 BY MR. THOMAS:
6 Q Now, how did that come about? Did you receive
7 a request from Crvaer, Matthews with regard to vendors that
8 they have used to cut a check payable to that particular vendor?
9 Is that how it worked?
10 A I believe you're correct, but let me go through
11 another way of saying what might be exactly what you just said.
12 Once the estimated cost was approved for the ser-
13 vices and the service performed, the bill would be sent to the
14 contracting agent -- in this case Craver, Matthews, Smith &
15 Company -- to be approved, that the cost charged was the cost
16 represented on the invoice for that service, printing service
17 or what-have-you.
18 I would then receive that approved invoice from
19 Craver, Matthews, Smith & Company for payment.
20 Q And then you in turn would actually have a check
21 drawn up and sent to that vendor?
22 A Correct. Or, to Craver, Matthews, Smith & Company
who would forward it on to the vendor.

8 2 0 4 9 3 0 2 8 1 0

Q Now, in turn did Mott Enterprises then bill the Anderson campaign for all of those costs that it had incurred by having to pay those checks you just referred to, as well as some sort of consulting fee? How did that work?

A Mott Enterprises would bill the John Anderson for President Committee for the contracted services and the contracted consulting fees.

Q Now, did Craver, Matthews bill Mott Enterprises for some consulting fees in connection with the services they provided to Mott Enterprises?

A No.

Q The only consulting services then that the Anderson campaign was ultimately billed for w-re those of Mott Enterprises; is that correct?

A For the services which Mott Enterprises performed.

Q Now, in any of the dealings that Mott Enterprises had with Craver, Matthews did Stewart Mott have any role in those activiites?

A Not to my knowledge.

Q How did Mott Enterprises enter into the arrangement to provide services to the Anderson campaign?

A At that point where Roger Craver and I had discussed

3 2 0 4 0 3 7 2 3 1 9

1 what we thought would be a good direct mail campaign for the
2 John Anderson for President Committee, Stewart Mott and I
3 discussed in my opinion what I thought we should enter into
4 with the John Anderson for President Committee.
5 Stewart questioned me about the activities of the
6 direct mail campaign and we agreed that we should enter into
7 a contract -- we being Mott Enterprises -- should enter into
8 a contract with the John Anderson for President Committee.
9 Q You said he questions you about the activities
10 of the campaign. What sort of questions was he asking you?
11 A I believe he was interested in determining my
12 opinion on the financial risk involved in entering into such
13 a contract.
14 Q Was there just this one discussion you recall having
15 with Stewart Mott?
16 A No.
17 Q What other discussions do you recall having?
18 MR. KAMENAR: Could you clarify that question?
19 I think you initially asked about discussions with Stewart
20 Mott about the entering into the contract.
21 MR. THOMAS: Yes. Same qualification.
22 THE WITNESS: Same qualification.

3 2 0 4 0 3 0 2 3 2 0

1 BY MR. THOMAS:

2 Q Did you have any other discussions with Stewart Mott
3 about the services Mott Enterprises was providing to or planning
4 to provide to the Anderson for President Committee?

5 A Regarding that same initial conversation?

6 Q No, no, not necessarily regarding that initial con-
7 versation. Did you have any other conversations with Mr. Mott
8 about providing services to the Anderson for President Committee?

9 MR. KAMENAR: Do you understand it?

10 THE WITNESS: I don't think I do.

11 MR. KAMENAR: You may want to clarify it in terms
12 of again discussions she had with Mr. Mott concerning services
13 that they would enter into in an agreement to provide the
14 Anderson campaign. You said already that you had the one
15 conversation.

16 THE WITNESS: Right.

17 MR. KAMENAR: And you discussed the risks involved,
18 et cetera.

19 I think what he is asking now -- correct me if
20 I am wrong -- is whether subsequent conversations, before
21 you entered into these agreements, were held?

22 THE WITNESS: Would you hold one moment, please, I
want to ask Paul a further question.

3 2 0 4 0 3 3 2 3 2 1

1 MR. THOMAS: Sure.

2 (Discussion off the record.)

3 THE WITNESS: Okay.

4 BY MR. THOMAS:

5 Q With that clarification on the question?

6 A Yes.

7 Q Okay.

8 A I would like to retract my previous answer which

9 was "yes" that there were further conversations to "no, I do

10 not remember any further conversations."

11 Q Now, who with the Anderson for President Committee

12 did you or someone working for Mott Enterprises contact to actual-

13 ly set up the arrangement?

14 A Mike MacLeod.

15 Q Do you recall when that was?

16 A No, I do not recall the date.

17 Q How was that contact made?

18 A I believe initial contact was made from a telephone

19 call from me to Mike MacLeod.

20 Q In this initial contact with Mr. MacLeod do you

21 recall what the nature of the conversation was?

22 A The nature of the conversation was a direct mail

1 campaign and John Anderson for President Committee entering
2 into a contract with Mott Enterprises.
3 Q Now, did you ultimately enter into a written
4 agreement for those services?
5 A Yes.
6 Q Do you recall when that was?
7 A I believe you are in possession of that contract and
8 if I recall correctly the date was the end of January.
9 MR. THOMAS: If I could have the Reporter mark
10 these documents as FEC Exhibits 2 and 3.
11 (Whereupon, the documents
12 referred to were marked for
13 identification as FEC Exhibits
14 2 and 3.)
15 BY MR. THOMAS:
16 Q I am showing the Exhibits 2 and 3 to the witness
17 and to counsel. I ask you to examine those, and if you can
18 would you identify those, please?
19 A Yes.
20 Q Can you identify Exhibits 2 and 3?
21 A Yes, I can.
22 Q What are those?

3 2 0 4 0 3 7 2 3 2 3

A Exhibit No. 2 is a signed contract, signed letter of agreement between Anderson for President Committee, and Mott Enterprises, Inc.

Exhibit No. 3 is an unsigned letter of agreement dated February 21, 1980 between Anderson for President Committee and Mott Enterprises, Inc.

Q Now, with those in front of you, can you explain first of all why there are two such documents called "Letter of Agreement?" Were there in fact two agreements?

A There were in fact two agreements. The first letter of agreement referred to a prospect mailing of a certain specific number of names to be mailed on behalf of the Anderson for President Committee, and raising money for the Anderson for President Committee.

The second agreement was to continue those services after the results of the services contracted for in the first letter of agreement.

Q Now, with regard to Exhibit 3, was there to your knowledge a written agreement which was actually signed?

A No.

Q Do you know what the reason for that is?

A The reason which was expressed to me by Mike

3 2 0 4 0 3 7 2 8 2

1 MacLeod was that the Anderson for President Committee was re-
2 luctant to enter into further letter of agreements with Mott
3 Enterprises, Inc., because Stewart Mott had indicated he was
4 going to make independent expenditures on behalf of John Ander-
5 son and Mike MacLeod felt that the FEC might construe that as
6 being collusion -- is that the word I am looking for?
7 MR. KAMENAR: Well, whatever he said.
8 THE WITNESS: That Mike MacLeod thought that it
9 might be construed by the FEC that the association between
10 Stewart Mott and Mott Enterprises was too close if he were to
11 made independent expenditures.
12 BY MR. THOMAS:
13 Q Now, you will note that the date on Exhibit 3 is
14 Febraury 21, 1980.
15 A Correct.
16 Q Do you recall using that as a reference point when
17 this discussion that you are referring to with Mr. MacLeod
18 took place?
19 A I do not recall the date.
20 Q Do you recall if it was before this letter of
21 agreement, Exhibit No. 3, was drafted?
22 A I do not recall positively but I would assume it
was after it was drafted.

9 2 0 4 0 3 2 3 2 5

Q Did you in fact send this letter of agreement to Mr. MacLeod?

A Yes, I did.

Q Did Mr. MacLeod indicate how he knew that Stewart Mott was planning to make independent expenditures?

A No, he did not.

Q Apart from what he indicated, do you know how he would have known that Mr. Mott was planning to make independent expenditures?

A No.

Q All right.

MR. KAMENAR: I believe the witness answered earlier that MacLeod said that Mott was making independent expenditures or planned to make?

THE WITNESS: I believe I stumbled at that point because I was not sure of the exact wording he used. Therefore, I do not know if he indicated he knew of it or knew of plans that it would be done.

MR. KAMENAR: Just only answer the questions that you are sure of. Don't speculate.

BY MR. THOMAS:

Q Our information, based on materials that again

2 2 0 4 0 3 7 2 3 2 5

1 counsel has provided us -- and based on publicly filed reports
2 by Mr. Mott with the Commission, indicate that he made some
3 independent expenditures which took place beginning around
4 March 15, 1980.
5 MR. KAMENAR: I might clarify the record.
6 I believe it goes back earlier to March 11th.
7 MR. THOMAS: I'm sorry, I sta-d corrected. Back
8 to March 11, 1980.
9 BY MR. THOMAS:
10 Q With that as a possible refresher of your recollec-
11 tion, do you recall if this conversation you had with Mr.
12 MacLeod took place prior to March 11, 1980, or subsequent?
13 A I do not remember.
14 Q You indicated that you had a conversation with Mr.
15 Mott when you were discussing possibly entering into an arrange-
16 ment with the Anderson for President Committee and then I
17 believe I asked you if you had any subsequent conversations
18 with him about entering into these kinds of arrangements with
19 the Anderson for President Committee. Is that what your
20 testimony is? And you answered at that point that you didn't
21 recall any such subsequent discussions.
22 MR. KAMENAR: I think the record will show that your

9 2 0 4 0 3 7 2 8 2 7

1 question was whether or not there were conversations subsequent
2 to the initial one, for the January 30th agreement, between
3 Craver, Matthews and Mott Enterprises. Now you are asking
4 whether there were subsequent conversations after that for other
5 work later on in the campaign or into the general campaign?
6 In other words, we have---
7 MR. THOMAS: In other words we have been talking
8 about the Craver, Matthews arrangements; I was not talking at that
9 point about contacting the Anderson for President Committee
10 and making those kinds of arrangements. I believe I asked
11 Ms. Dwyer if she had any conversations with Mr. Mott about the
12 prospect of entering into arrangements with the Anderson
13 for President Committee and I think she recalled one conversa-
14 tion but not others.
15 MR. KAMENAR: Right, but with respect to this Exhibit
16 No. 2, which is dated February 4, 1980, when it was signed,
17 you now mean for other conversations with respect to that?
18 MR. THOMAS: Not with respect to that. I am just
19 talking about, I now just want to ask a general question.
20 BY MR. THOMAS:
21 Q Did you have any conversations with Mr. Mott at
22 any point during the period when Mott Enterprises was providing

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1 services to the Anderson for President Committee about what
2 was going on in regard to those services?
3 A I believe a conversation between Stewart Mott and
4 myself took place after the signing of Exhibit 2 and prior to
5 my sending Exhibit 3 to the Anderson for President Committee.
6 Q What was that conversation about?
7 A The conversation concerned Mott Enterprises' contin-
8 uing services with the Anderson For President Committee on
9 further mailings.
10 Q Again, I am not clear on exactly what you mean by
11 that. Were you discussing this problem that you referred to
12 earlier about Mott Enterprises continuing to serve the Anderson
13 for President Committee because of a possible connection which
14 might be made between Mr. Mott and Mott Enterprises? Was that
15 the nature of your discussion with Mr. Mott?
16 A Not at all.
17 Q What was it about then?
18 A The results from the first test mailing which
19 occurred under the letter of agreement dated January 29th had
20 started to show that further direct mail campaigns would
21 prove successful, and in order for Mott Enterprises to continue
22 with the services to the John Anderson for President Committee

9 2 0 4 0 3 5 2 8 3 2 9

we had to sign an additional letter of agreement and the John Anderson for President Committee had to sign the same agreement. I discussed with Stewart Mott the entering into an agreement with the John Anderson for President Committee in order to conduct further direct mail campaigns. In essence, I said to him, "In my judgment it is not a great financial fisk and I believe the campaign should continue."

Q Was the result of this meeting a mutual decision that in fact Mott Enterprises should seek to enter into a subsequent arrangement?

A Yes.

Q Other than that conversation do you recall any conversations with Mr. Mott about the services that Mott Enterprises provided to the Anderson campaign in the primary?

A I can not remember any other conversations.

Q Did you report to Mr. Mott on the ongoing status of their services being provided to the Anderson Committee?

A Once again, may I ask you to specify what you mean?

Q Well, I am trying to get some sense of how often if at all you had communications with Mr. Mott about these services that Mott Enterprises was providing.

You have recalled two conversations but I wanted

3 2 0 4 0 3 0 2 3 3 0

to know if outside of those whether you recall having a practice of generally keeping him informed of what Mott Enterprises was doing for the Anderson campaign?

A No.

Q Do you recall in any instance preparing a memorandum where you summarized the substance of the activities and sent that to Mr. Mott?

A We are talking about the primary campaign still?

Q Again, the primary campaign.

A Documents which would convey results of the direct mail campaigns?

Q Yes.

A I can not remember sending him such documents.

Q All right.

MR. THOMAS: I would like to have the Reporter mark this document as FEC EXhibit No. 4.

(Whereupon, the document referred to was marked for identification as FEC Exhibit No. 4.)

BY MR. THOMAS:

Q I am showing the Exhibit 4 to the witness and to

8 2 0 4 0 3 7 2 8 3 1

counsel. Can you identify Exhibit 4?

A Yes, I can.

Q What is that?

A It is a memorandum addressed to Daphne Dwyer and Stewart Mott from Bill Brent; Craver, Mathews, Smith & Company listing those lists which were ordered for the second wave of the Anderson for President mailing.

Q Do you recall actually having seen this document before this?

A Yes, I do.

Q You will note that it is addressed to Stewart Mott as well as yourself.

A That's correct.

Q Do you know why this document was addressed to Stewart Mott?

A I do not.

Q Do you know if in fact he received this document?

A I do not know, no.

Q Do you recall sending that document to nim?

A I do not.

Q Do you recall any instances when you passed on documentation you received such as this from Craver, Mathews and

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passed that on to Stewart Mott?

A May I ask counsel a question?

MR. THOMAS: Sure.

(Discussion off the record.)

THE WITNESS: I think I recall sending Stewart Mott a listing of results from a mailing. I do not recall the mailing. I do not recall when I sent that.

BY MR. THOMAS:

Q Was it a mailing in connection with the services provided to the Anderson For President primary campaign?

A I can not answer that.

MR. THOMAS: I would like to have the Reporter marked this document as FEC Exhibit No. 5.

(Whereupon, the document referred to was marked for identification as FEC Exhibit No. 5.)

BY MR. THOMAS:

Q I am showing the document to the witness and counsel. Can you---

MR. KAMENAR: This is Exhibit what?

MR. THOMAS: Exhibit 5.

3 2 0 4 0 3 7 2 9 3 3

BY MR. THOMAS:

Q Can you identify Exhibit 5?

A Yes, I can.

Q What is that?

A It is a memorandum to Stewart Mott Associates from Jennie Thompson at Craver, Mathews, Smith & Company dated February 19, 1980 regarding the authorization to order materials for Anderson for President Committee.

Q You will note that this is addressed to Stewart Mott Associates. Do you have any idea why that is addressed to Stewart Mott Associates?

A I do not but I believe it to be an error.

Q Do you recall having received this document?

A I do.

Q Going back to what you testified earlier about the procedure whereby vendors were paid. Does this letter accurately reflect the procedure whereby Craver, Mathews would request checks to be made payable to certain vendors?

A They are requesting the authorization to order that which I regarded as my approval for the work that they were doing and if my approval was forthcoming then the services would be paid for by Mott Enterprises.

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Q Directing your attention to the bottom of the document, the final paragraph indicates that, "In addition, please issue checks . .".

A Yes.

Q Does that reflect the procedure you were describing earlier whereby they would ask you to issue checks payable to particular vendors?

A That is correct.

Q Is that what that is about?

A Yes.

Q Okay.

You indicated you had an initial contact with Mr. MacLeod to arrange or to discuss arranging that Mott Enterprises woudl provide services to the Anderson for President primary committee. Do you recall any discussions with any other persons working for the Anderson for President Committee about the services that Mott Enterprises either had or was planning to provide?

A Are you talking about the initial contact between Mott Enterprises and the John Anderson for President Committee?

Q I am now trying to cover the entire time span when Mott Enterprises was providing services to the Anderson for

3 2 0 4 0 3 7 2 8 3 5

President primary committee, that period which I take it from your testimony, spanned from early February through mid-March when the services were ceased; is that correct?

A Let me specify back to you.

The contact -- I'm sorry. The actual contract between Mott Enterprises and the John Anderson for President Committee were signed February 4th.

Q Okay. So then are you saying your initial contact would have taken place earlier than that?

A Exactly.

Q Do you recall how far in advance of that the initial contact took place?

A When you asked me that question previously I could not recall the exact date.

Q So let's then talk about the time period being the time you had your first contact with Mr. MacLeod, from that period to the time when Mott Enterprises ceased providing services to the Anderson for President Committee, do you recall having had any discussions with any other persons working for the Anderson for President Committee?

A I believe that if there were conversations with anyone other than Mike MacLeod at the John Anderson for President

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Committee it would have been either his secretary or someone in a clerical position relaying a message back and forth. I do not recall any specific conversations that I can give as an example.

Q Let me go through some names that we have seen in documents.

A Yes.

Q Relating to this matter, various names, and let me ask you if you recall any discussions with those individuals about any of the services provided by Mott Enterprises to the Anderson for President Committee.

Mr. Frank Maggio, M a g g i o.

A You are asking me if I had conversations with these people? Do you know Mr. Maggio's position?

Q I believe he was at one point campaign manager, his designation was campaign manager.

A I do not recall any such conversations.

Q Do you recall such conversations with a Mr. William Bradford?

A Do you have his occupation or title with the campaign? It would help me. If I don't remember the name, and if I could associate it with a position, I might be better able

3 2 0 4 0 3 7 2 8 3 7

1 to answer the question.

2 Q Yes, according to a document that counsel provided

3 to the Commission, on Anderson for President stationary, Mr.

4 Bradford is listed as campaign manager.

5 A I don't remember any conversations with him.

6 Q Do you know who Mr. Bradford is?

7 A No.

8 Q Do you know who Mr. Maggio is in the campaign?

9 A No.

10 Q Did you have any conversations about the services

11 with a Mr. Bob Bedard?

12 A No. The name is not familiar to me.

13 Q With Mr. Hugh Hammerslog?

14 A No.

15 Q Do you know who he is?

16 A No, sir, I don't.

17 Q With Mr. Harry Koplin?

18 A Harry Koplin?

19 Q Yes, K-o-p-l-i-n. Do you know who he is?

20 A No, I do not.

21 Q With a man named David Garth, G-a-r-t-h?

22 A I met David Garth once. There was no conversation

3 2 0 4 0 3 7 2 8 3 8

other than, "How do you do?", and cordialities exchanged.

Q How about with John Anderson himself? Did you have any such conversations with him?

A Regarding the direct mail campaign?

Q Yes.

A No.

Q Now, other than in connection with Mott Enterprises do you recall having any discussions with any of those individuals I just named about the Anderson primary effort?

A No.

Q I would like to refer to an affidavit presented to the Commission by Mr. Mott in connection with this matter. Mr. Mott in paragraph 20 of his affidavit stated, "Daphne Dwyer, in the regular course of business, necessarily had several contacts with the campaign with Michael MacLeod and his assistants. The purpose of those contacts concerned the direct mail fund raising program and Mott Enterprises' services."

Now, he used the phrase "had several contacts." Is that an accurate statement of the number of contacts you had with the Anderson campaign?

A Several is very loose. I don't know if---

MR. KAMENAR: The witness has testified she has had

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several contacts with Mike MacLeod in the course of negotiating the contract and carrying it out, and has also testified that she may have spoken once or twice with one of his assistants, i.e., a clerk in a position to relay messages.

So it seems to me that there is substantial agreement on that matter.

BY MR. THOMAS:

Q Other than those contacts that you specifically referred to, do you recall any others with persons working for the Anderson for President Committee?

A No, I can not remember any others.

Q Did you yourself ever carry out any volunteer activities in behalf of the Anderson for President primary campaign?

A No.

Q Did you attend and fund raisers for the Anderson for President primary campaign?

A No.

Q Did anyone working for the Anderson for President primary campaign ever discuss with you the possibility that Stewart Mott might make some independent expenditures on behalf of the Anderson for President primary campaign?

3 2 0 4 0 3 7 2 8 4 0

MR. KAMENAR: I think the witness has answered that already.

MR. THOMAS: I don't believe---

MR. KAMENAR: She said Mike MacLeod. You mean other than Mike MacLeod? Okay.

THE WITNESS: Would you repeat your question?

BY MR. THOMAS:

Q Did anyone working for the Anderson primary campaign ever discuss with you the possibility that Stewart Mott might make some independent expenditures on behalf of the Anderson primary campaign?

A May I ask Paul a question, please?

MR. THOMAS: Sure.

(Discussion off the record.)

THE WITNESS: No.

BY MR. THOMAS:

Q Do you recall anyone working for the Anderson campaign ever requesting or suggesting that you should ask Mr. Mott to make such independent expenditures?

A No.

Q Did you ever inform anyone working for the Anderson campaign that Mr. Mott was planning to make some independent

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1 expenditures in behalf of the Anderson campaign?

2 A No.

3 Q Were you ever requested by anyone working for the

4 Anderson campaign to ask Mr. Mott not to make any independent

5 expenditures on behalf of the Anderson campaign?

6 A No.

7 Q In that conversation you recall with Mr. MacLeod

8 do you recall if he asked you in the course of that conversation

9 to speak with Mr. Mott and to tell him not to make any inde-

10 pendent expenditures?

11 A To my best recollection he did not ask.

12 Q To your knowledge did anyone else working for Mott

13 Enterprises ever contact anyone working for the Anderson for

14 President Committee about the services Mott Enterprises was

15 providing to the Committee?

16 A I could not say for sure.

17 Q Do you know if Stewart Mott ever had any contacts

18 with the Anderson for President Committee about any of the

19 services Mott Enterprises was providing?

20 A To the best of my knowledge I do not know of any

21 conversations Stewart Mott had with anyone at the John Anderson

22 for President Committee concerning Mott Enterprises' services

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with the John Anderson for President Committee.

Q Do you know of any instances when Stewart Mott either met with or had a phone conversation with anyone working for the Anderson for President Committee in connection with the Anderson primary campaign in general?

A No.

Q You don't know of any such instances?

A No.

Q Did Stewart Mott ever tell you that he made any contacts with anyone working for the Anderson for President Committee?

A Concerning what?

Q Any contacts with anyone working for the Anderson for President Committee?

A Excuse me, I would like to ask Paul a question, please.

(Discussion off the record.)

THE WITNESS: I remember seeing a memo, a copy of a memo to John Anderson from Stewart Mott but I do not know if it was in the time period that you are asking me to recall. I do not know the date of that memo.

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BY MR. THOMAS:

Q Other than that memo, do you recall any instances where Stewart Mott indicated that he contacted the Anderson campaign?

A I can not recall.

Q Did Stewart Mott ever tell you about any conversations he had with John Anderson himself?

A May I ask Paul a question, please, again?

(Discussion off the record.)

MR. KAMENAR: You might rephrase the question, or repeat the question.

BY MR. THOMAS:

Q Did Stewart Mott ever tell you that he had had any contacts with John Anderson himself?

A Yes, he did.

Q What did he tell you?

A Let me refer back to a previous question you asked me because the question you have just now asked me reminded me of another answer to the previous question.

You asked me if I had attended any fund raisers for John Anderson. I do remember attending one fund raiser for John Anderson at the River House. It was a breakfast. I do

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not recall---

Q The River House? Where is that?

A The River House in New York City. I do not know the address.

Q Do you recall when?

A I do not recall when. Counsel has advised me that he believes the date was May or June of 1980. I do not recall the date. It was at that fund raiser that Stewart had talked with John Anderson. I was not present. We were outside the River House after the fund raiser and I asked Stewart what he said to John Anderson. I can not recall his exact words. He said the conversation was very cordial. He commented on its cordiality because at the time the press was giving a lot of press to the fact that John Anderson and Stewart Mott were fighting which makes me believe it was after the time period that you are indicating.

Q And so other than that instance where Mr. Mott told you of communicating with Mr. Anderson, prior to that time period you don't recall any such times when he told you he spoke with Mr. Anderson? I know that was a horribly complicated question.

A Thank you.

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Q Prior to that conversation that you just related, do you recall any instances when he told you he spoke with Mr. Anderson?

A I can not recall.

Q Now, with regard to this conversation you had with Mr. MacLeod, you recalled a conversation, I believe, where you were discussing the possibility of entering into a subsequent arrangement whereby Mott Enterprises would provide some more services to the Anderson for President primary committee campaign and I believe you indicated that he was reluctant to do so because of possible perception that there would be a connection between Mr. Mott and Mott Enterprises and it related to expenditures which Mr. Mott either had or was planning to make.

Is that a summation of what you told me earlier?

A Counsel put on the record at the time that I had assumed that's what he meant and it was an assumption on my part. I can not recall the conversation with Mike MacLeod concerning further activitites between John Anderson for President campaign and Mott Enterprises in regard to direct mail services clearly enough to relate to you his feelings why he was not willing to go into further contractual agreement

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with Mott Enterprises.

Q I believe you also indicated you discussed with Mr. Mott the feasibility of entering into a subsequent agreement with the Anderson for President Committee for subsequent services relating to the, I believe, second written agreement you have identified; is that correct?

A That's correct.

Q Did you in that conversation with Mr. Mott have any discussion at all about this issue of problems perhaps with Mr. Mott's connection with Mott Enterprises and any effect that would have on the expenditures he had made or was planning to make?

A Prior to sending out the second agreement?

Q No, just do you recall any discussion with Mr. Mott in that discussion you referred to earlier?

A That's prior to the sending of the second agreement?

Q Okay, thin in that discussion do you recall any reference to this issue of a problem with the connection between Mr. Mott and Mott Enterprises?

A We did not have any discussions about that.

Q At any time did you have any discussions about that?

A I had a conversation with Stewart Mott to inform

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him that Mott Enterprises would not enter into a second contractual agreement with John Anderson for President Committee because of a conversation I had had with Mike MacLeod in which Mike MacLeod stated he would not want to enter into further contractual agreements with Mott Enterprises.

Q In that conversation did you tell Mr. Mott why?

A I told him why, yes.

Q Let' try to be specific. Do you recall precisely what you told him?

A I would have to ask Paul a question.

(Discussion off the record.)

THE WITNESS: I do not remember the exact wording of our conversation. I remember relating to Stewart Mott that Mike MacLeod did not wish to enter into further contractual agreements with Mott Enterprises because of independent expenditures Stewart Mott was making or was in the process of making or had made -- I am not sure how that was phrased.

BY MR. THOMAS:

Q Do you recall what Mr. Mott's reply was, if any?

A Yes, I do. I could paraphrase it.

Q Would you?

A He -- he drew an analogy between -- he drew the

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1 analogy that if the President of an airline was going to support
2 a presidential candidate and that presidential candidate
3 charged flights on that airline that the -- I'm fumbling to draw
4 the same conclusion that Stewart Mott drew on this, but I am
5 not exactly sure -- that the airline president -- forgive me
6 for stumbling on this.
7 MR. KAMENAR: Take your time.
8 THE WITNESS: Could the airline President then
9 be accused of making a campaign contribution to the presidential
10 campaign because he had allowed the presidential candidate to
11 fly on his airline, I believe, is the basis of it.
12 MR. KAMENAR: Sounds as if he was having a few
13 choice words to say about the extent of the FEC law here.
14 BY MR. THOMAS:
15 Q Other than that statement by Mr. Mott, do you
16 recall if he indicated that he had had any contact at all with
17 the Anderson campaign officials or anyone representing the
18 Anderson campaign in connection with any independent expendi-
19 tures he had made?
20 A Would you please rephrase that question?
21 Q Other than the analogy you say that he stated,
22 did he state whether he had had any contacts with anyone working

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for the Anderson campaign about independent expenditures he had made?

A In that same conversation?

Q In that same conversation, yes.

A Yes.

Q In any subsequent conversation you had with Mr. Mott do you recall him stating that he had had any contact whatsoever with anyone working for the Anderson for President Committee about independent expenditures he had made?

A To the best of my recollection, no.

Q Now, you referred a little while ago to the socalled dispute that developed or the reported dispute that developed between Mr. Mott and the Anderson campaign. Do you recall any discussions you had with Mr. Mott about the nature of that dispute and what it was about?

A May I ask counsel a question?

MR. THOMAS: Sure.

(Discussion off the record.)

MR. KAMENAR: The witness has indicated that --first of all the witness has answered earlier that this dispute was referenced in the press. In that respect, if there are press articles, that's public information, plus that dispute

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1 came after the period of what you are talking about which is
2 after mid-April. So I don't know if you want to pursue the
3 line of inquiry as being relevant.
4 MR. THOMAS: I was only trying to find out if there
5 were any conversations about that because to the extent that
6 it may have related to any expenditures that Mr. Mott had already
7 made, if there was any reference in such conversations to those
8 expenditures he had made, and if he had in fact made independent
9 expenditures as opposed to having contacted the Anderson
10 campaign -- that's the general line of where I am headed.
11 BY MR. THOMAS:
12 Q The question is, therefore, do you recall any
13 discussions with Mr. Mott about the reported conflict between
14 Mr. Mott and the Anderson campaign?
15 A Besides the one I referred to earlier I can not
16 recall any definite conversations, specific conversations which
17 I might have had with Stewart Mott concerning the press.
18 Q Did you ever have any contacts with an individual
19 named Tony Schwartz during the period of January of 1980 through
20 the end of April?
21 A No.
22 Q Did you have any contacts with a Joe Napolitan during
that period? N-a-p-o-l-i-t-a-n.

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A No.

Q With a business called Shaller-Rubin?

A No.

Q Do you know who those persons are?

A I know of Tony Schwartz by reputation in his profession only. I do not know the other person or the company you mentioned.

Q Did Mr. Mott ever discuss with you any expenditures that he was planning to make using the services of Tony Schwartz or Joe Napolitan or Shaller-Rubin?

A No.

Q Did Mr. Mott ever ask you to assist him in any way with planning or carrying out any so-called independent expenditures on behalf of the Anderson campaign?

A No.

Q Did Mr. Mott ever indicate to you that he had been requested to make some independent expenditures on behalf of the Anderson campaign?

A No.

Q Did he ever tell you that he had discussed any plans to make independent expenditures on behalf of the Anderson campaign with anyone else?

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A No.

Q Did he ever tell you for example that he had had a conversation with Tony Schwartz or Joe Napolitan or someone representing Shaller-Rubin about plans to make independent expenditures?

A No.

Q Did you ever receive any notification or information from Mr. Mott after any such expenditures were made that he had in fact made such independent expenditures?

A No.

Q I would want to zero in on that conversation which you recall with Mr. MacLeod. Do you recall if in that conversation he was giving you any information about any independent expenditures Mr. Mott had already made?

A He being Mike MacLeod?

Q Yes, Mr. MacLeod.

A Would you rephrase that question, please?

Q Directing your attention specifically to the conversation you recall with Mr. MacLeod. Did he provide you with any information to the effect that Mr. Mott had already made some independent expenditures on behalf of the Anderson campaign?

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A No.

Q I want to be very clear. Are you saying that -- I believe your earlier testimony was that you were not quite sure whether he made a reference to independent expenditures that Mr. Mott had made or was planning to make; is that correct?

A That's correct. I could not remember his exact words.

Q So then is your answer to my most recent question that in fact Mr. MacLeod did not tell you that Mr. Mott had in fact already made independent expenditures? Are you saying that he did not tell you that, or that you just don't recall whether he did or not?

A I can not recall Mike MacLeod's phrasing clearly enough to restate what he actually said.

Q And you can't recall then whether he said the expenditures had been made at that time?

MR. KAMENAR: Counsel, I am going to have to start to object. You have asked her questions several times and she said she can't recall. I don't think any other questions asking the same question are necessary at this point. If she can't recall, she can't recall.

MR. THOMAS: All right. Let's go on.

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1 MR. KAMENAR: If you rephrase the question
2 different from your previous question, fine, but---
3 MR. THOMAS: I wanted to be sure she was being
4 very careful because a moment ago when I asked her if---
5 MR. KAMENAR: If you want to ask her a question,
6 go ahead, but I think the witness' answer may have been that
7 the question you rephrased was a variation that was not incon-
8 sistent with her original answer.
9 MR. THOMAS: I think the gist of one of her re-
10 sponses was that, no, Michael MacLeod did not tell her of
11 expenditures that Mr. Mott already had made, and I was just
12 trying to clarify if in fact her testimony is that she does not
13 recall whether Mr. MacLeod siad he made expenditures or he
14 was planning to make independent expenditures, because the
15 specific reference was you recalled there was some reference
16 to a problem resulting from independnet expenditures that Mr.
17 Mott either had made or was planning to make.
18 I wanted to make sure we are clear on that point.
19 THE WITNESS: When you asked me whether or not
20 Mike MacLeod had told me of any independent expenditures
21 Stewart Mott had made, I said, "No.", because indeed he had
22 not said to me "Stewart Mott made independent expenditures", or

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made expenditures which were made in such a way that he made those expenditures. So I could answer you no on that question, but as to the exact wording that Mike MacLeod gave as the reason why he would not enter into a contractual agreement with Mott Enterprises, I can not recall that, no.

MR. THOMAS: All right, can I take about a two minute recess and talk to counsel here, and that should be about all there is.

MR. KAMENAR: Okay, sure.

(Brief recess.)

MR. THOMAS: I wanted to try and clarify something that I don't think I covered.

BY MR. THOMAS:

Q I recall you indicated that your first contact about having Mott Enterprises perform services for the Anderson for President Committee was with Mr. MacLeod but I don't think I asked you who contacted whom?

A I believe I contacted Mike MacLeod.

MR. KAMENAR: I belive the witness may have said that in her testimony. If you didn't ask, I think that was volunteered.

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BY MR. THOMAS:

Q In a document provided to us by counsel there is a reference to contacts between yourself and Mr. MacLeod. I wanted to have the Reporter mark it as Exhibit No. 6.

(Whereupon, the document referred to was marked for identification as FEC Exhibit No. 6.)

BY MR. THOMAS:

Q I am showing Exhibit 6 to the witness and counsel. First, have you ever seen that document before?

A Yes, I have.

Q Now, in that document there is a reference to a meeting that you apparently had with Mr. MacLeod; do you recall that specific meeting?

A I do recall the meeting, yes.

Q Other than what you have already testified about as to the nature of your communications with Mr. MacLeod, do you recall anything specific that was said at that meeting?

A Let me backtrack a moment, please. I do not remember from this letter whether or not that was a conversation at a meeting or by a telephone conversation.

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Q When you say "that conversation", which are you referring to?

A The one in the letter that states, "The enclosed has been revised according to our conversation yesterday." I believe ---

Q But I was asking about the meeting. There is a reference to a meeting. "I enjoyed our meeting . . .".

A Oh, yes, all right.

Q Second paragraph.

A That must have been a meeting, exactly.

Would you please rephrase your question?

Q Do you recall anything specific that was said at that meeting?

A No, I believe that was probably to discuss the contracts only between Mott Enterprises and John Anderson for President Committee.

Q Now, you say you approached Mr. MacLeod to your recollection about providing such services to the Anderson for President Committee. Was that your own decision to do that?

A As I stated earlier, the decision to enter into a contractual agreement with the John Anderson for President Committee came about as a result of primarily two meetings, or

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1 two conversations, one with Roger Craver, and a subsequent
2 conversation with Stewart Mott in which the result of that
3 conversation with Stewart Mott was the basis on which to proceed
4 with the contractual agreement with the John Anderson for
5 President Committee.
6 Q The first of those meetings took place with Mr.
7 Craver; is that correct?
8 A Conversation?
9 Q Conversation. The first conversation took place
10 with Mr. Craver?
11 A That's correct.
12 Q Was there ever any discussion as to why it would
13 be particularly appropriate perhpas to have Mott Enterprises
14 provide services to the Anderson for President Committee?
15 A To the best of my knowledge, no.
16 Q More specifically do you recall any discussion that
17 it would be advantageous to have Mott Enterprises involved with
18 providing services to the Anderson for President Committee so
19 as to have access to information about the Anderson campaign?
20 A No.
21 Q And do you recall any discussion at any point to the
22 effect that Mott Enterprises would be able to secure information

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1 in connection with providing services to the Anderson campaign
2 which information could then be used to assist Mr. Mott to
3 make independent expenditures?
4 A No.
5 Q No such conversation took place?
6 A I do not remember any such conversation.
7 MR. KAMENAR: Is that it?
8 MR. THOMAS: I don't have any further questions.
9 Do you have any questions?
10 MR. KAMENAR: Well, I may have one or two. I do
11 want to state for the record that we are here voluntarily and we
12 are here to cooperate with the investigation. We believe
13 that the questions that for the most part which were asked
14 are relevant from what you stated earlier in terms of whether
15 or not contributions were independent or not, and that
16 the only relevant inquiry is whether, as you stated in your last
17 two questions, information was provided from the Anderson cam-
18 paign to Mott Enterprises and funneled up to Mr. Mott or the
19 other way around.
20 In that vein you asked several questions of the
21 witness concerning whether Mr. Mott consulted with her regarding
22 independent expenditures. The only question you did not ask

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that may be relevant, is the one I would like to ask.

CROSS EXAMINATION
BY COUNSEL FOR THE DEPONENT:

BY MR. KAMENAR:

Q Did you request or suggest to Stewart Mott that he make any independent expenditures on behalf of John Anderson?

A No.

MR. KAMENAR: No more questions.

MR. THOMAS: Thank you very much for your time.

MR. KAMENAR: We will want to take a look at the transcript.

MR. THOMAS: Okay.

(Whereupon, at 3:20 p.m., the taking of the instant deposition was concluded.)

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DEPONENT'S CERTIFICATION:

I have read the foregoing pages 4 through 72, which contain a correct transcription of the answers given by me to the questions therein recorded, except as noted on the attached errata sheet.

DAPHNE WILSON DWYER, II

J U R A T

Subscribed and sworn to before me this 25th day of September, 1981.

NOTARY PUBLIC

JOHN P. HODGKIN
Notary Public, State of New York
No. 31-4[illegible]
Qualified in New York County
Commission Expires March 30, 1982

My commission expires:

March 30, 1982

oOo

UNITED STATES OF AMERICA)
(SS:
DISTRICT OF COLUMBIA)

I, RAY A. BOYUM, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that said testimony was taken stenographically by me and thereafter reduced to typewriting by me or under my direction; that said deposition is a true and accurate record of the testimony given by said witness to the best of my ability and that I am neither consel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of this action.

Dated at Washington, D. C., this 28th day of July, 1981.

Notary Public in and for the
District of Columbia

My commission expires:
February 14, 1985

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CRAVER, MATHEWS, SMITH AND COMPANY

MEMORANDUM

TO: DAPHNE DWYER, PRESIDENT
MOTT ENTERPRISES

FROM: ROGER CRAVER
CRAVER, MATHEWS, SMITH AND COMPANY

DATE: JANUARY 30, 1980

SUBJECT: PROPOSAL AND AGREEMENT

This memorandum sets forth a proposal and agreement wherein Craver, Mathews, Smith and Company will provide consulting and production services to Mott Enterprises to assist you in your work on behalf of the Anderson for President Committee.

As you know, CMS has played an active and effective role in political fund raising for progressive candidates. From the Udall Presidential Campaign in 1976 through our efforts for the Democratic National Committee, to our work on the senatorial campaigns of Packwood, Bayh, Holtzman, Culver and McGovern and our work with the Kennedy for President Committee, we have gained significant insights into the best, most efficient ways to build and resolicit a donor base for candidates.

In addition to our creative and management experience with regard to political campaigns, we have developed an enviable track record of producing the mailings at costs beneficial to our clients. This is made possible by the volume of printing and mailing we do when "ganging" our weekly production requirements.

Because of our unique position and capacity to produce the sort of mailings you contemplate for the Anderson Committee, we propose to provide the following services:

1. Consult with you on the design and implementation of a direct mail test to determine the breadth and intensity of donor support for the Anderson candidacy.

2. We will work with you on creating the package, and selecting the mailing lists.

3. We will serve as your agent for the bidding, purchasing and supervision of production services for the test mailing.

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4. We will supervise the cashiering, statistical compilation and analysis of the mailing returns, giving you a prompt report on the results along with our recommendations for continuation should the test warrant such continuation.

5. In return for these services Craver, Mathews, Smith and Company will charge Mott Enterprises a fee of [redacted] per thousand pieces into the mail.

   In addition to our fee we will pass along to Mott Enterprises the invoices from the vendors who supply the mailing. As is our practice we will provide you with a fixed-cost estimate of each component part before production commences and we will not commit Mott Enterprises to any work until we have received your signed authorization. When the invoices are received from the vendors we will check them against their bids and pass them along to you for direct payment without the customary agency markup.

This agreement becomes effective upon the date of execution of both parties and may be cancelled by either party upon written notice.

We look forward to working with you on this important project.

ACCEPTED ON BEHALF OF CRAVER, MATHEWS, SMITH AND COMPANY BY:

_____

_____ _____

Title Date

ACCEPTED ON BEHALF OF MOTT ENTERPRISES BY:

_____

_____ _____

Title Date

(Please sign both copies of this agreement, retaining one for your files and returning one to Craver, Mathews, Smith and Company. Thank you.)

3 2 0 4 0 3 3 2 8 6 3

January 29, 1980

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

Mr. Michael MacLeod
Anderson for President Committee
719 6th Street S.E.
Washington, D.C. 20003

LETTER OF AGREEMENT

Dear Mike,

This letter serves to confirm our agreement that Mott Enterprises, Inc. ("MEI") will consult and advise the Anderson for President Committee ("Committee") with the creation and organization of a direct mail fund-raising campaign.

In connection with this, MEI will create and design a prospect mailing aimed at acquiring contributors for the Anderson for President Committee. The following will proceed:

1. A Prospect mailing, comprised of a fundraising appeal package, will be mailed to approximately [redacted] names.

2. The [redacted] names will include donors from organizations who solicit contributions through direct mail, who are similar in nature to the "Committee", and, in general, those lists which we feel will best respond to an Anderson for President appeal.

Mott Enterprises, Inc. will advise the Committee with every phase of the direct mail campaign and will contract for all copywriting, design/art work, list acquisition, printing and mailing services.

In addition, MEI will implement a tracking system to record all results of the mailing and will provide the Committee with an analysis of the mailing based upon the recorded results.

Mott Enterprises' fee for the above services is [redacted] plus direct costs of the mailing.

The Committee is responsible for timely payments of all costs incurred as a result of the mailing and including MEI's fee.

The Committee will be billed for services and all invoices are to be paid from the first receipts of the mailing. If the receipts from the mailing are not sufficient to pay for the services, the Committee agrees to pay the balance.

DWYER
F.E.C.
EXHIBIT
#2

JUL 21 1981

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Contents of the direct mail appeal and the design of the same are subject to the approval of the Committee prior to printing. All costs of the mailing shall be approved by the Committee prior to contracting for services, and all invoices for services shall be charged to the Committee at cost with no agency mark-up.

Mott Enterprises, Inc. shall have the right to keep and maintain a copy of all names and addresses of all respondents to the mailing; i.e. those names and addresses who contribute to the Anderson for President Committee through the direct mail solicitation. MEI shall have the right to include such names in a data bank for the purpose of building a revolving list bank. The use of such a bank will be available to the Committee as long as the Committee remains a client of Mott Enterprises, Inc. The use of the list is permitted if available when requested, at maintenance cost (approximately [illegible] per thousand).

If the above correctly sets forth our agreement, please sign below and return one copy to Mott Enterprises, Inc.

Sincerely,
Mott Enterprises, Inc.

By: [illegible]
Clayland W. Dwyer II
President

ACCEPTED AND AGREED TO
this 4th day of February 1980

By: Michael MacLeod, Campaign Director
For: Anderson for President Committee

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F.E.C. DOYER EXHIBIT #3

JUL 21 1981

31 JUL 15 AM: 39

February 21, 1980

Mr. Michael MacLeod

Anderson for President Committee

719 8th Street S.E.

Washington, D.C. 20003

LETTER OF AGREEMENT

Dear Mike,

This letter serves to confirm our agreement that Mott Enterprises, Inc. ("MEI") will consult and advise the Anderson for President Committee ("Committee") with their direct mail fund-raising campaign.

In connection with this, MEI will advise the Committee with every phrase of the direct mail campaign and will contract for all copy-writing, design/art work, list acquisition, printing and mailing services (i.e. "services").

In addition, MEI will record all results of the mailings and provide the Committee with an analysis of the mailings based upon the recorded results. For these services, MEI will charge a management fee of [redacted] per thousand pieces mailed.

Contents of the direct mail appeals and the design of the same are subject to the approval of the Committee prior to printing. All costs of the mailing should be approved by the Committee prior to contracting for services, and all invoices for services shall be charged to the Committee at cost with no agency mark-up.

The Committee is responsible for timely payments of all costs incurred as a result of the mailing and including MEI's fee.

The Committee will be billed for services and all invoices are to be paid from the first receipts of the mailings. If the receipts from the mailings are not sufficient to pay for the services, the Committee agrees to pay the balance from the matching funds.

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1 JUL 15 AM: 47

1 JUL 15 AM: 47

Mott Enterprises, Inc. shall have the right to keep and maintain a copy of all the names and addresses of all respondents to the mailing; i.e. those names and addresses who contribute to the Anderson for President Committee through the direct mail solicitation. MEI shall have the right to include such names in a data bank for the purpose of building a revolving list bank. The use of such a bank will be available to the Committee for as long as the Committee remains a client of Mott Enterprises, Inc. The use of the list is permitted if available when requested, at maintenance cost (approximately [redacted]er thousand). MEI shall have the right to retain the mailing list after the termination of this Agreement, and possession of the mailing list shall not diminish any claims which we may have at any time against any of your other assets available for the purpose of paying any amount owed by you to us under this Agreement or otherwise.

If the above correctly sets forth our agreement, please sign below and return one copy to Mott Enterprises, Inc.

Sincerely,
Mott Enterprises, Inc.

Daphne W. Dwyer II
President

ACCEPTED AND AGREED TO
this _____ day of February, 1980

_____

By: Michael MacLeod, Campaign Director
For: Anderson for President Committee

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CRAVER, MATHEWS, SMITH & COMPANY
1701 NORTH FT. MYER DRIVE
SUITE 602
ARLINGTON, VIRGINIA 22209

TELEPHONE (703) 522-9224

MEMORANDUM

TO: DAPHNE DWYER
STEWART MOTT

FROM: BILL BRENT
CRAVER, MATHEWS, SMITH AND COMPANY

DATE: FEBRUARY 19, 1980

SUBJECT: LISTS ORDERED FOR THE SECOND WAVE OF ANDERSON FOR PRESIDENT MAILING

The following lists have been ordered for the second wave of the Anderson for President mailing. If you have any questions concerning these lists, please contact me.

List	Quantity

DWYER
F.E.C.
EXHIBIT
#4
JUL 21 1981

32040372870

CRAVER, MATHEWS, SMITH & COMPANY
1701 NORTH FT. MYER DRIVE
SUITE 602
ARLINGTON, VIRGINIA 22209

TELEPHONE (703) 522-9224

MEMORANDUM

TO: STEWART MOTT ASSOCIATES

FROM: JENNIE THOMPSON

DATE: FEBRUARY 19, 1980

RE: AUTHORIZATION TO ORDER MATERIALS FOR ANDERSON FOR PRESIDENT COMMITTEE

We are requesting authorization to order the following components on behalf of the Anderson for President Committee.

The following are the best prices which we have been able to obtain for the mailing schedule which has been developed.

The quantity for each component is [redacted]

Letter (6-page): $[redacted]
Flyer:
#9 regular:
6 3/4 wallet flap:

Total for printing (union): [redacted]
Postage:
Mailhouse:

[redacted]

* 100M wallet flaps x [redacted] (fast delivery - 5 day)
400M wallet flaps x [redacted] (8-day delivery)

IN ADDITION, PLEASE ISSUE CHECKS FOR THE FOLLOWING ITEMS. THESE SHOULD BE RECEIVED IN OUR OFFICE BEFORE FRIDAY, FEBRUARY 22:

[redacted]

Payable to [redacted] for 1st class postage
Payable to [redacted] lists
Payable to [redacted] for fixed product
Payable to [redacted] for business reply deposit

3 2 0 4 0 3 2 8 7 1

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

January 31, 1980

Mr. Michael MacLeod
Anderson for President Committee
719 8th Street, S.E.
Washington, D.C. 20003

Dear Mike,

The enclosed has been revised according to our conversation yesterday. I believe the contract is in order and only requires your signature.

I enjoyed our meeting and look forward to working with the Anderson for President Committee.

It is my understanding there will be a fine gathering for the Anderson fundraiser next Tuesday night. Should you decide to attend, I will see you there.

Sincerely,

Daphne W. Dwyer II

DWD/kme

encl.

32040372

DWYER
F.E.C.
Exhibit #6
JUL 21 1981

RECEIVED
101762 GCC# 5537
81 SEP30 P12:42

DEPONENT'S CERTIFICATION:

I have read the foregoing pages 4 through 72, which contain a correct transcription of the answers given by me to the questions therein recorded, except as noted on the attached errata sheet.

DAPHNE WILSON DWYER, II

J U R A T

Subscribed and sworn to before me this 25th day of September, 1981.

NOTARY PUBLIC

JOHN P. HODGKIN
Notary Public, State of New York
No. 31-4713509
Qualified in New York County
Commission Expires March 30, 1982

My commission expires:

March 30, 1982

oOo

SEP30 P1:54

8220403-3373

RECEIVED

81 SEP30 P12: 42

FEDERAL ELECTION COMMISSION

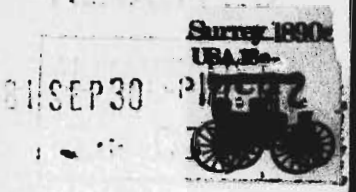
In re: MUR NO. 1333

CORRECTIONS OF DEPOSITION OF
DAPHNE DWYER ON JULY 21, 1981

1.	Page 5	Line 6	:	dutues to duties
2.	5	13		di to do
3.	14	11		polotical to political
4.	16	20		paul to Paul
5.	22	8		"...so ask them" to "...so I asked them..."
6.	23	13		"...committee/Mott Enterprises." to "...committee and Mott Enterprises."
7.	27	21		Jeanie to Jennie
8.	27	22		Jeanie to Jennie
9.	29	7		Crvaer to Craver
10.	30	13		w-re to were
11.	31	9		questions to questioned
12.	36	11		made to make
13.	38	7		sta-d to stand
14.	41	7		fisk to risk
15.	46	14		woudl to would
16.	51	16		and to any
17.	58	17		thin to than
18.	61	5		"Yes" to "No."
19.	66	13		siad to said
20.	66	16		independnet to independent
21.	70	13		perhpas to perhaps

3 2 0 4 0 5 3 3 7 4

PD KAMENAR
1015 15th St.NW
Washington, DC 20005



Scott Thomas, Esq.

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

9 2 0 4 0 3 3 9 7

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1333

Date Filmed 1/7/82 Camera No. --- 2

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