



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 1471

Date Filmed 1/28/83 Camera No. --- 2

Cameraman CAB

FEDERAL ELECTION COMMISSION

Routing Slips

Comment Sheet - 12 day Report

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

Delia A. Curry

date

12-8-82

83040373609



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 1, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John D. Helm
HELM & KYLE, LTD.
3910 South Rural Road
Suite L
Tempe, Arizona 85282

Re: MUR 1471

Dear Mr. Helm:

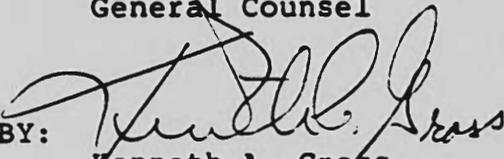
On September 28, 1982, the Commission notified you of a complaint alleging that your client, Pete Dunn for U.S. Senate Committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on November 30, 1982, determined that on the basis of the information in the complaint and information provided by the respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY:


Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 1, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Curtis Herge
SEDAM & HERGE
8300 Greensboro Drive
Suite 1100
McLean, Virginia 22102

Re: MUR 1471

Dear Mr. Herge:

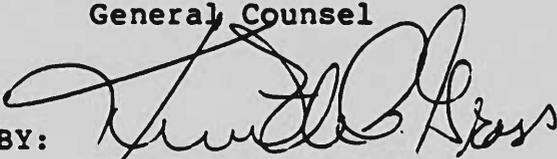
On September 21, 1982, the Commission notified you of a complaint alleging that your client, National Conservative Political Action Committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on November 30, 1982, determined that on the basis of the information in the complaint and information provided by the respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY:


Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 1, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Anthony Mason
c/o Dennis DeConcini, U.S. Senator
P.O. Box 25460
Phoenix, Arizona 85002

Re: MUR 1471

Dear Mr. Mason:

The Federal Election Commission has reviewed the allegations of your complaint dated September 15, 1982 and determined that on the basis of the information provided in your complaint and information provided by the Respondents there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 1471
National Conservative Political)	
Action Committee)	
Pete Dunn for U.S. Senate)	
Committee)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 30, 1982, the Commission decided by a vote of 5-0 to take the following actions in MUR 1471:

1. Find no reason to believe that the National Conservative Political Action Committee violated 2 U.S.C. § 441a(a)(2) of the Federal Election Campaign Act of 1971, as amended.
2. Find no reason to believe that the Pete Dunn for U.S. Senate Committee violated 2 U.S.C. § 441a(f).
3. Approve and send the letters as attached to the First General Counsel's Report dated November 24, 1982.
4. Close the file.

Commissioners Aikens, Elliott, Harris, McGarry and Reiche voted affirmatively in this matter; Commissioner McDonald did not cast a vote.

Attest:

11-30-82
Date

Marjorie W. Emmons

 Marjorie W. Emmons
 Secretary of the Commission

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

11-24-82, 5:14
11-26-82, 12:00

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November 24, 1982

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1471

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

Thank you.

Attachment

cc: Curry

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FEDERAL FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

82 NOV 24 P 5: 14
RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

DATE AND TIME OF TRANSMITTAL MUR 1471
BY OGC TO THE COMMISSION: 11-24-82 DATE COMPLAINT RECEIVED BY
OGC: 09/21/82
DATE OF NOTIFICATION TO
RESPONDENT: 09/21/82
STAFF MEMBER: Deborah Curry

COMPLAINANT'S NAME: DeConcini Re-Election Campaign Committee

RESPONDENTS' NAME: National Conservative Political Action
Committee; Pete Dunn for U.S.
Senate Committee

RELEVANT STATUTE: 2 U.S.C. §§ 431(17); 441a(a)(2)(A); 441a(f);
441a(a)(7)(B)(i); 11 C.F.R. § 109.1(b)(4);
A.O. 1979-80

INTERNAL REPORTS CHECKED: MUR 1424

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On September 21, 1982 the DeConcini Re-Election Campaign Committee (hereinafter "complainant") filed a signed and sworn complaint (see Attachment 1 pages 1-21 of attachments) against the National Conservative Political Action Committee (hereinafter "NCPAC") and the Pete Dunn for U.S. Senate Committee (hereinafter "Dunn Committee"), as respondents alleging violations of the Federal Election Campaign Act of 1971, as amended (hereinafter the "Act"). Specifically complainant alleges: 1) that "NCPAC's expenditures failed to meet FEC's definition of independent

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expenditures" and therefore are contributions in-kind to Pete Dunn's campaign, and 2) that since NCPAC expenditures are contributions in-kind, they have exceeded the \$5,000 contribution limit for multi-candidate committees under 2 U.S.C.

§ 441a(a)(2). Complainant submits evidence to show that the independence of the NCPAC expenditures have been compromised and that NCPAC has exceeded the contribution limit by approximately \$20,000.

On October 6, 1982, the Office of General Counsel received a supplement to the complaint from complainant. (See Attachment 2, pages 22-32 of attachments). In general, this supplement added no new facts but reiterated allegations in the prior complaint.

On September 24, 1982 we received an initial response from Pete Dunn (See Attachment 3, pages 33-40 of attachments). On October 4, 1982, we received another response from Pete Dunn for U.S. Senate Committee (respondent) by its designated counsel (See Attachment 4, pages 41-44 of attachments). On October 12, 1982 the Office of General Counsel received an answer from NCPAC by its designated counsel. This response contained the affidavit of Mason B. Zerbe, Western Political Coordinator of NCPAC. (See Attachment 5, pages 45-56.)

FACTUAL AND LEGAL ANALYSIS

NCPAC is a multi-candidate political committee registered with the Federal Election Commission. As part of its program NCPAC makes independent expenditures in opposition to the

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nomination for election or election of certain clearly identified candidates. The Pete Dunn for U.S. Senate Committee is the principal campaign committee for Peter G. Dunn, the Republican candidate for Senate in Arizona.

Complainant states that in November of 1980 NCPAC announced that it would target Senator DeConcini for defeat in the 1982 election. Complainant submits a June 1982 NCPAC newsletter which states that Mr. Gary Giordano would head NCPAC's efforts to defeat DeConcini. (See Attachment 1 page 3 of attachments). Complainant also submits a FEC filing which shows a payment of \$500 on March 19, 1982 from Pete Dunn to Mr. Giordano for certain research (See Attachment 1 page 4 of attachments). Complainant alleges, therefore, that Mr. Giordano has been employed by Mr. Pete Dunn's campaign committee. Complainant alleges that due to this employment relationship, "NCPAC's expenditures fail to meet the FEC's definition of an independent expenditure." Since they are not independent expenditures, complainant concludes that they are in-kind contributions from NCPAC to Dunn. Complainant reasons therefore that NCPAC has violated 2 U.S.C. § 441a(a)(2) in that it has exceeded the \$5,000 contribution limit for multi-candidate committees per election. As a basis for this violation complainant submits reports filed by NCPAC which show expenditures of \$26,417,89 in Arizona through July 1982. (See Attachment 1 page 5-17 of attachments). Additionally, complainant submits an August 16, 1982 fundraising

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letter which states that NCPAC intends to spend \$116,000 for radio and T.V. time in Arizona to defeat DeConcini.

Basically, the supplement to the complaint presents no new information but reiterates prior allegations providing additional newspaper articles. Complainant states "the communication between the political action committee and the benefited candidacy has been admitted by the candidate and has obviously taken place at the highest levels between NCPAC's Arizona Coordinator (Mr. Giordano) and Mr. Dunn himself." (See Attachment 2 pages 23-24 of attachments). Complainant also infers that Peter Dunn shared NCPAC Poll results. (See Attachment 2 pages 24 and 25 of attachments).

Pete Dunn for U.S. Senate Committee submitted two responses to the complainant's allegations. The first response was a general denial of the charges set forth in the complaint. (See Attachment 3 pages 33-40 of attachments). The second response by the Pete Dunn for U.S. Senate Committee contains the substance of the rebuttal. (See Attachment 4, pages 41-44 of attachments).

The Dunn Committee does not deny that it paid Mr. Giordano \$500 for some legal research on March 19, 1982. However, the Dunn Committee argues that at the time the research was sold to the committee Mr. Giordano was not NCPAC's representative. The Dunn committee asserts that Mr. Giordano has never been an employee, a volunteer or an agent of the Committee. Additionally, the Dunn Committee states that no discussions were ever held with Mr. Giordano in an attempt to coordinate efforts

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of the committee with those of NCPAC. (See Attachment 4 page 41 of attachments). Furthermore, the Dunn Committee adds that the research "consisted of information on DeConcini's voting record on legislation involving the Panama Canal, aid to Nicaragua, Cuba and pornography legislation." (See Attachment 4 page 42 of attachments.) The Dunn Committee states that this same research had already been sold to Dean Sellers, an opponent of Dunn in the primary.

NCPAC addressed many factual issues in its response and affidavit to the complaint. Specifically, NCPAC describes fully its independent expenditure program in Arizona against DeConcini. (See Attachment 5 pages 45-47 of attachments). NCPAC commenced this independent expenditure program against DeConcini in April, 1981 and terminated the program on August 16, 1982. (See Attachment 5 page 46 of attachments.) 1/ In addition NCPAC raised the legal defense that its expenditures are independent because Pete Dunn was not an opponent of Senator DeConcini at the time the expenditures were made. We base our recommendations in this matter on the factual defense, however, which demonstrates that there was insufficient contact to destroy the independence of the expenditures in question. Thus, we are unpersuaded by the argument that Dunn was not an opponent of Senator DeConcini at the time the expenditures were made and that as a matter of law NCPAC's expenditures were independent.

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1/ See also the affidavit of Mason Zerbe, Western Political Coordinator of NCPAC (Attachment 5 page 53 of attachments).

NCPAC asserts that expenditures in the form of communications 2/ were "conceived, written and designed and published by and through personnel" at NCPAC in Virginia. (See Attachment 5, page 54 of attachments).

NCPAC and Mr. Zerbe, the Western Political Coordinator for NCPAC, whose affidavit is attached to the NCPAC response, assert that "[w]hile the June, 1982 edition of the "NCPAC Conservative Action Report" reported that Mr. Gary Giordano was 'directing NCPAC's independent expenditures effort in Arizona,' it was in fact, Mr. Goyette who filled that role." 3/ (See Attachment 5 page 47-48 and 55 of attachments). NCPAC and the Zerbe affidavit state that Mr. Giordano was interviewed for the position of heading NCPAC activities in Arizona in May 1982, but that this role was "never carried to fruition" and instead Mr. Goyette played this role in Arizona. (See Attachment 5 pages 47-48 and 55). Therefore NCPAC concludes that "no communication by NCPAC in opposition to the nomination of Senator DeConcini was made through Mr. Giordano." Furthermore, NCPAC argues that they did not know of the Dunn payment until the complaint. In fact, NCPAC

2/ These communications were for direct mail fundraising solicitation letters between April, 1981 and August 16, 1982; and for a portion of the June 1982 edition of the "NCPAC Conservative Action Report." (See Attachment 5, page 46-47 and 54 of attachments).

3/ This role consisted of administrative and support services for NCPAC in Arizona (See Attachment 5 page 48 and 55 of attachments).

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and Zerbe assert that Giordano stated at the interview that he had no contact with Mr. Dunn or his campaign since Mr. Dunn had announced his candidacy. (See Attachment 5 pages 48 and 54 of attachments). Additionally, NCPAC and Zerbe state that "at no time did Mr. Giordano provide [NCPAC] with information about the plans, projects or needs of Mr. Dunn, or of the Pete Dunn for U.S. Senate Committee or request or suggest that the expenditures made by [NCPAC] be made." (See Attachment 5 page 55 of attachments).

The threshold question in resolving the allegations presented in this matter is the issue of the independence of the independent expenditures. 2 U.S.C. § 431(17) defines independent expenditure as follows:

The term "independent expenditure" 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 authorized 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.

Commission regulations, at 11 C.F.R. § 109.1(b)(4)(i) elaborate on the meaning of cooperation and consultation stating that an expenditure is presumed not to be independent 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; or

(B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer

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of an authorized committee, or who is, or has been receiving any form of compensation or reimbursement from the candidate, the candidate committee or agent.

Here, Mr. Giordano's relationship with both Dunn and NCPAC is alleged to have compromised NCPAC's independent expenditures making them instead in-kind contributions to the Pete Dunn for U.S. Senate Committee. However, the facts indicate that part of the premise is incorrect and therefore the conclusion must be incorrect as well.

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The weight of the evidence indicates that Mr. Giordano's relationship with Pete Dunn was a very limited one. It consisted of a one time purchase of research material by Dunn. No other contact or relationship existed beyond the March 19, 1982 date upon which this service was rendered. It also appears that though Mr. Giordano may have had an intended role as head of NCPAC efforts in Arizona, this role was never in fact carried out. Instead this role was carried out by Mr. Goyettee. 4/ Additionally, as attested by Mr. Zerbe, no plans, projects or needs of Mr. Dunn, was ever discussed with Mr. Giordano nor did Mr. Giordano ever request or suggest that NCPAC make expenditures opposing Senator DeConcini's campaign. 5/

4/ A review of NCPAC files show payments to Mr. Charles Goyette during June and July for work in opposition to the DiConcini nomination.

5/ The allegation that NCPAC shared poll results with Dunn seems unfounded since Dunn states that the poll was distributed by the State Party to all party candidates.

Therefore, the fact that Mr. Giordano received compensation from Mr. Dunn does not compromise the independent character of the NCPAC expenditures. Consequently, NCPAC can not be in violation of 2 U.S.C. § 441a(a)(2) for exceeding the \$5,000 multi-candidate contribution limits of the Act. Therefore, there are no resulting in-kind contributions to the Pete Dunn for U.S. Senate Committee.

RECOMMENDATIONS

1. Find no reason to believe that the National Conservative Political Action Committee violated 2 U.S.C. § 441a(a)(2) of the Federal Election Campaign Act of 1971, as amended.
2. Find no reason to believe that the Pete Dunn for U.S. Senate Committee violated 2 U.S.C. § 441a(f).
3. Approve and send the attached letters.
4. Close the file.

November 24, 1982
Date

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments

1. Complaint (pages 1-21)
2. Supplement to the Complaint (pages 22-32)
3. First Response of Pete Dunn for U.S. Senate Committee (pages 33-40)
4. Second Response of Pete Dunn for U.S. Senate Committee (pages 41-44)
5. Response of the National Conservative Political Action Committee (pages 45-56)
6. Letters to Complainant and Respondents (pages 57-59)

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DENNIS
DE CONCINI
U.S. SENATOR

82 SEP 20 P 4: 26

RECEIVED AT THE EC

P.O. Box 25460, Phoenix, Arizona 85002
(602) 266-8494

September 15, 1982

Attachment 1

SEP 20 AID: 5

①

General Counsel
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

re: offenses by NCPAC and
Dunn for Senate Campaign

Dear Sir:

This letter constitutes a complaint against the National Conservative Political Action Committee (NCPAC) by the DeConcini Re-Election Campaign Committee pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4. I am signing this letter in my capacity as a member of the Steering Committee of the DeConcini Re-Election Campaign.

Senator Dennis DeConcini is the Democratic Senator from Arizona and a candidate for re-election in the November 1982 election. NCPAC is an allegedly independent committee supporting certain candidates for election to federal and state office. Pete Dunn is the Republican candidate for the Senate seat now held by Senator DeConcini.

NCPAC first announced in November of 1980 that they would target Senator DeConcini for defeat at his next election. In June of 1982 NCPAC released a newsletter, stating that Mr. Gary Giordano would head NCPAC's efforts in Arizona to defeat Senator DeConcini, copy of which is attached. Mr. Giordano has been employed by Mr. Pete Dunn's campaign committee, whose FEC filings show a payment of \$500 on March 19, 1982 from Mr. Dunn's committee to Mr. Giordano for certain research. Because of this employment relationship, NCPAC's expenditures fail to meet the FEC's definition of an independent expenditure. They are, instead, in-kind contributions from NCPAC to Mr. Dunn's campaign committee.

Because NCPAC's expenditures to defeat Senator DeConcini constitute in-kind contributions to Mr. Dunn, they are limited in amount to \$5,000 for the primary election and \$5,000 for the general election under 2 U.S.C. § 441a(2). The evidence strongly indicates that these limits have already been exceeded, as follows:

1. - According to NCPAC's filing with the F.E.C., they have spent at least \$26,417.89 in Arizona through July of 1982. A summary sheet detailing NCPAC's expenditures is attached.
2. - In an August 16, 1982 fundraising letter, copy of which is attached, NCPAC stated that it intended to spend \$116,000 for radio and T.V. time in Arizona to defeat Senator DeConcini.

Paid for by the Senator Dennis DeConcini Re-election Committee

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

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General Counsel
September 15, 1982
Page 2

We would be more than happy to provide any further information you might need.

Sincerely,

Anthony Mason

ANTHONY MASON
100 W. Washington, 18th floor
Phoenix, AZ 85003

Encls.

Subscribed and sworn before me
this 15th day of September, 1982.

Sandy M. Mason
Notary Public

My Commission Expires:

My Commission Expires April 6, 1985

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TARGET '82 TARGET '82 TARGET '82

Panama Canal Zones DeConcini into Tight Race

"Twenty nine of the 67 senators who voted for the Panama Canal Treaty four years ago are now gone." That's how one newspaper sums up Democrat Dennis DeDoncini's Achilles' heel.

Posing as a moderating voice, DeConcini was responsible for Jimmy Carter's victory on the highly controversial treaty. In the Senator's home state of Arizona, the canal zone issue continues to simmer at near-boiling levels with most voters.

In the minds of many, when DeConcini backpeddled U.S. strength in Panama, he help-

ed kick off the series of disasters which followed in Nicaragua, El Salvador and now Guatemala. The hotter events become in Central America, the higher old flames burn in the hearts of Arizonans. They know a major upset inside their fragile neighbor Mexico will surely affect Arizona.

A second, equally important concern for DeConcini is the massive electoral shift which has occurred in Arizona since he won his six-year term in 1976. Democrats are no longer the majority party.

It's a political "first" for any Sunbelt state, and the huge

Republican gain translates into serious troubles even for fence-straddling liberals like DeConcini.

Directing NCPAC's independent expenditures effort in Arizona is Gary Giordano. Giordano strongly favors dumping the incumbent. So strongly, in fact, he's willing to carry out NCPAC duties while running his own campaign for a seat in the State House of Representatives. Giordano is seeking the lower-house seat formerly held by Supreme Court Justice Sandra O'Connor.

A third reason for replacing DeConcini is the high caliber

of available conservative talent. Cattle rancher and businessman Dean Sellers promises to spend whatever necessary to oust the Senator. He has the endorsed support of such leading national conservative organization as the National Alliance of Senior Citizens.

Also reaching for the GOP nod is State Rep. Pete Dunn. Dunn chairs the prestigious Judiciary Committee in the House and is popular with state party leaders. Dunn's campaign has engaged Richard Wirthlin to handle poll-taking activities.

Wanted: Senator

Continued from Page 1

... carried back from Washington and shown to the people of West Virginia."

Fundraising is a problem for any candidate or group which opposes Byrd. A Minority Leader's status translates into almost unlimited money from both labor and business PACs. Following the old "cooperate" theory often used by lobbyists, their PACs support powerful legislators - even liberals like Byrd, but usually slip something to his conservative opponent. Not so with the Minority Leader. These PACs fear Byrd's perceived power.

Asked why so little is forthcoming in Benedict's case, one lobbyist explained, "Better safe than sorry is the attitude industry groups have about the Byrd-Benedict race... Everyone in Washington agrees that Byrd seldom forgets any slight... even a token handout to his opponent. And he's got a minus-seven sense of humor."

Benedict may have a limited bankroll, but he possesses the reputation of a popular and influential Congressman, and a 100 percent ACU rating. Moreover, he is willing to spend his own money to de-

feat Byrd.

NCPAC recognizes the ingredients of a looming upset, the proverbial David taking on Goliath. And we are not alone. Citizens for the Republic, the group initiated by President Reagan to advance his 1980 candidacy, has entered the fray.

Human Events describes West Virginia's race this way: "The upset of the year... If brave men step forth!"

NCPAC Formula

Since the last issue of *Conservative Action Report*, NCPAC television ads have emerged as the toughest thorn in Byrd's side.

First, surveys were commissioned to determine the level of public awareness on Byrd's voting patterns. Statistically, these professional polls registered a near-zero awareness of Byrd's stands on the issues. Whatever his shortcomings, Byrd's taxpayer-funded public relations shop has proved masterful at covering his tracks in West Virginia.

NCPAC next ran a series of radio and television ads revealing his voting record and his residence. One ad points out Byrd not only fails to represent West Virginians, he refuses to live anywhere

near them. His sole residence is in McLean, Virginia, a Washington, D.C. suburb.

The ad raised eyebrows among Byrd critics, and spawned some new jokes. One pundit pointed out the Commonwealth of Virginia had two Senator Byrds... the official one, of course, was conservative Independent Harry Byrd, whose record is nearly the opposite of liberal Democrat Robert Byrd's.

The ad campaign was underway when the counter offensive struck. Robert Byrd's reaction to the NCPAC campaign almost perfectly followed the Democratic Congressional Campaign Committee's "Seven Commandments" for incumbent liberals to use when harassed by PAC activities.

Silencing Squad

Two of the cardinal rules on the list are: (1) Stop paid TV ads by PACs before they begin; and (2) Do not allow the Senator to become personally involved in the silencing dirty work.

Thus was born the "Friends of Byrd Committee". However, they immediately showed their true purpose and lack of independence.

Mistake One: Overly anxious to get Byrd's thinly veiled threats mailed to radio and TV stations, the letter looked

almost exactly like one NCPAC target Senator Daniel Patrick Moynihan used to intimidate broadcasters in New York state.

Moynihan's letter, it turns out, bears remarkable resemblance to an anonymous form memo drafted in the bowels of the Democratic Committee. The Friends of Byrd Committee has yet to explain this "miraculous overlapping". Their denials of copying led one commentator to speculate the two Senators might have experienced joint "divine inspiration".

Mistake Two: According to the DCCC's second-most important Commandment, an incumbent should keep his hands clean. Let someone else bully the broadcasters.

The bottom line, Byrd soon admitted to the *Charlestown Daily Mail* that he was working to keep NCPAC ads off the airwaves.

Byrd Backfires

Faced with a growing number of refusals from broadcasters, NCPAC took its case to the print media. Whatever their political biases, West Virginia newsmen are highly sensitive to censorship - even when the penknife is wielded.

Continued on Page 6

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Form 278e

U.S. SENATE

FEC Report

Item Data for U.S. Senate

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date Month, day, year	Amount of Cash Disbursed This Period
Salvatore DiCiccio 351 E. Loyola Dr. Tempe, Az. 85282	salary Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	2/15/82	500.00
Salvatore DiCiccio 351 E. Loyola Dr. Tempe, Az. 85282	salary Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/30/82	847.91
Ezabo of Arizona P.O. Box 0 Lake Havasu, Az. 86403	airplane rental Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3.11.82	450.00
Ford's World Travel 3003 N. Central Ave. Phx., Az.	travel Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	2/10/82	430.00
Gary Giardino 2539 W. Laxy G Ranch Phx., Az.	research Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/19/82	500.00
Dave Goodloe 5008 E. Thomas Rd. #602 Phx., Az.	salary Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/11/82	300.00
David Goodloe 5008 E. Thomas Rd. #602 Phx., Az.	salary Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/11/82	500.00
Grasso Productions 2618 "J" St. Sacramento, Ca. 95816	media Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/11/82	8250.00
Gwen Hanna 337 E. Geneva Tempe, Az. 85282	expense reimbursement Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	2/25/82	52.44
TOTAL of Disbursements This Page (continued)			11,830.35
TOTAL, This Period (last page this form number only)			

020061000

NCPAC EXPENDITURES

Senator	Jan-Dec 81	Jan-Mar 82	APRIL 82	MAY 82	June 82	Jan 81-June 82
Kennedy	476,457.49	48,688.50	0	389.35	66.98	525,602.32
Sarbanes	268,290.28	133,859.34	53,772.44	16,388.44	13,680.14	485,990.64
Byrd	33,925.58	54,849.21	28,737.77	62,769.74	16,059.39	196,341.69
Melcher	40,998.55	59,126.96	1,568.29	17,917.81	22,061.61	141,673.22
Moynihan	51,529.31	8,939.34	16,500.00	0	0	76,968.65
Dontson	3,311.45	590.26	0	28,000.00	18,770.00	50,671.71
Cannon	3,311.42	0	3,259.35	10,113.31	6,757.08	23,441.16
Bardick	3,311.44	0	3,294.61	10,446.26	3,194.53	20,246.84
De Concini	3,312.07	0	0	424.51	2,961.90	6,698.48
Hetztenbaum	4,281.03	500.00	743.43	757.46	0	6,281.92
Hitchell	3,312.08	0	0	0	0	3,312.08
Natsunaga	3,312.05	0	0	0	0	3,312.05
Chiles	3,312.05	0	0	0	0	3,312.05
Pronmire	3,311.53	0	0	0	0	3,311.53
Basser	3,311.48	0	0	0	0	3,311.48
Risley	3,311.48	0	0	0	0	3,311.48
Williams	3,291.99	0	0	0	0	3,291.99
Jackson	692.88	0	0	0	0	692.88
Total	914,584.16	306,553.61	103,875.89	147,296.88	83,551.63	1,557,772.17

REPUBLICANS

Milcker	33,255.75	52,893.50	19,714.78	20,888.49	12,664.81	139,417.25
Stafford	3,311.48	0	0	0	0	3,311.48
Chafee	3,311.45	0	0	0	0	3,311.45
Total	39,878.68	52,893.50	19,714.78	20,888.49	12,664.81	146,040.18
D and R Total	954,462.84	359,447.11	125,590.59	168,095.37	96,216.44	1,703,812.35

(9)

ITEMIZED INDEPENDENT EXPENDITURES

6

See Reverse Side for Instructions

Name of Committee (in Full)			I.D. No.	
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.			C0002487	
Full Name, Mailing Address & ZIP Code of Each Party	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate Subscribed or Received by the Expenditure & Office Sought
C&P Telephone Co.	phone bill	7/2/82	1141.26	Melcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
C&P Telephone Co.	phone bill	7/2/82	1141.26	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Kronos 175 Stockade Road Glastonburg, CT 06703	rent, printing, postage, and mileage	7/1/82	2000.00	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Bonnie Horning 2604 West Oakley Blvd. Las Vegas, NV 89102	printing, postage, and mileage	7/1/82	500.00	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
MRS. Postmaster	postage	7/2/82	183.35	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
U.S. Postmaster	postage	7/2/82	183.33	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
GRAND TOTAL of Itemized Independent Expenditures			\$5749.20	
GRAND TOTAL of Unitemized Independent Expenditures			\$	
GRAND TOTAL Independent Expenditures			\$	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or reproduction in whole or in part of any campaign material prepared by the candidate, the candidate's committee, or their agent.

Subscribed and sworn to before me this _____ day of _____, 19____

My Commission expires _____

Signature Date

NOTARY PUBLIC

ITEMIZED INDEPENDENT EXPENDITURES

7

Use Reverse Side for Informational

Name of Committee (in Full)

LD. No.

NATIONAL CONSERVATIVE POLITICAL ACTION COME...

C0002487

Full Name, Mailing Address & ZIP Code of Each Payer	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
1st American Bank of VA	federal payroll tax	7/2/82	85.05	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of VA.	federal payroll tax	7/2/82	362.30	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of VA	federal payroll tax	7/2/82	78.64	Burdick U.S. Senate ND <input type="checkbox"/> Support <input type="checkbox"/> Oppose
1st American Bank of VA	federal payroll tax	7/2/82	197.57	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of VA	federal payroll tax	7/2/82	233.34	Jones OK -1 <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll tax	7/2/82	30.21	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
SubTOTAL of Itemized Independent Expenditures			\$ 987.11	
SubTOTAL of Unitemized Independent Expenditures			\$ _____	
SubTOTAL Independent Expenditures			\$ _____	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or reproduction 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 _____ day of _____, 1982.

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEM 3 INDEPENDENT EXPENDITURES

8

(See Reverse Side for Instructions)

Name of Candidate (in Full)		I.D. No.		
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.		C0002487		
Full Name, Mailing Address & ZIP Code of Each Recipient	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Department of Taxation	state payroll taxes	7/2/82	10.99	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	10.99	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	7.99	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	7.99	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	9.93	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	9.93	Jones OK - 1 <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$ 57.82	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$ _____	
(c) TOTAL Independent Expenditures			\$ _____	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not include the financing of dissemination, distribution, or reproduction 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 _____ day of _____, 1982

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

9

See Reverse Side for Instructions

Name of Committee (in Full)		I.D. No.		
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.		C0002487		
Full Name, Mailing Address & ZIP Code of Each Party	Purpose of Expenditure	Date Incurred, day, month, year	Amount	Name of Federal Candidate supported or opposed by the expenditure & other receipt
Prudential	insurance	7/8/82	100.71	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Prudential	insurance	7/8/82	100.71	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Prudential	insurance	7/8/82	100.71	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Prudential	insurance	7/8/82	100.71	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Prudential	insurance	7/8/82	100.71	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Prudential	insurance	7/8/82	100.71	Melcher U.S. Senate MT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$ 604.26	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$ _____	
(c) TOTAL Independent Expenditures			\$ _____	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or reproduction 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 _____ day of _____, 1982.

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

11

Name of Candidate (in Full) **NATIONAL CONSERVATIVE POLITICAL ACTION COMM.** I.D. No **C0002487**

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Jim Hammond	payroll	7/13/82	190.83	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Bonnie Horning	payroll	7/13/82	500.00	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Kroner	payroll	7/13/82	369.59	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Zerba	payroll	7/13/82	211.50	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Zerba	payroll	7/13/82	211.50	DeConcini U.S. Senate-AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Rachel Waugh 9603 Burgess Lane Silver Spring, MD 20901	payroll	7/13/82	397.30	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures \$ 1880.72
 (b) SUBTOTAL of Unitemized Independent Expenditures \$ _____
 (c) TOTAL Independent Expenditures \$ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or reproduction 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 _____ day of _____, 19____
 My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

Use Reverse Side for Instructions

12

Name of Contributor on Form

I.D. No.

NATIONAL CONSERVATIVE POLITICAL ACTION COME.

C0002487

Full Name, Mailing Address & ZIP Code of Each Party	Purpose of Expenditure	Date Incurred, day, month, year	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Arthur J. Finkelstein & Assoc. 117 Smith Ave. Mt. Kisco, NY 10549	survey	7/13/82	17850.00	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Edmonds Associates 611 Cameron Street Alexandria, VA 22314	production costs	7/13/82	1468.43	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Edmonds Associates	production costs	7/13/82	470.60	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Thomas Brooks	payroll	7/13/82	379.32	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Deborah Sagnella 1008 Fairfield Beach Rd. Fairfield, CT 06430	payroll	7/15/82	115.85	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Dawn Ovellet 285 Olive Street Bridgeport, CT 06604	payroll	7/15/82	111.69	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures

20395.89

(b) SUBTOTAL of Unitemized Independent Expenditures

(c) TOTAL Independent Expenditures

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these independent expenditures did not include the financing of dissemination, distribution, or reproduction 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 _____ day of _____ 1982

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

13

Name of Committee (in Full)		ID. No.		
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.		C0002487		
Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
VA Dept. of Taxation	state payroll taxes	7/19/82	9.93	Helcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	9.93	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	9.27	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	27.25	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	10.99	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	10.99	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$ 78.36	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$ _____	
(c) TOTAL Independent Expenditures			\$ _____	

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

Submitted and sworn to before me this _____ day of _____ 1982

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

14

Name of Committee or Fund NATIONAL CONSERVATIVE POLITICAL ACTION COMM.		I.D. No. C0002487		
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Full Name, Mailing Address & ZIP Code of Each Payer	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate Supported or Opposed by the Expenditure & Office Sought
1st American Bank of Virginia	federal payroll tax	7/19/82	323.76	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of Virginia	federal payroll tax	7/19/82	745.14	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of Virginia	federal payroll tax	7/19/82	143.23	Melcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of Virginia	federal payroll tax	7/19/82	73.84	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of Virginia	federal payroll tax	7/19/82	69.39	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of Virginia	federal payroll tax	7/19/82	187.94	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose

SubTOTAL of Itemized Independent Expenditures	\$1543.30
SubTOTAL of Unitemized Independent Expenditures	\$
SubTOTAL of ALL Independent Expenditures	\$

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with, consideration of, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not include the making of contributions, distributions, or expenditures in whole or in part of any campaign materials prepared by the candidate and campaign committee of that office.

Subscribed and sworn to before me this _____ day of _____ 1982.

My Commission expires _____

NOTARY PUBLIC

Signature _____ Date _____

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side For Instructions)

15

Name of Committee on Form		ID No.		
NATIONAL CONSERVATIVE POLITICAL ACTION COM. .		C0002487		
Name, Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Kevin Gagne	payroll	7/27/82	188.24	Melcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Scott Gregory	payroll	7/27/82	198.36	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Scott Gregory	payroll	7/27/82	198.36	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Donnie Horning	payroll	7/27/82	500.00	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Krone	payroll	7/27/82	369.59	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Zerbe	payroll	7/27/82	211.50	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
NET TOTAL of Itemized Independent Expenditures			\$1666.05	
NET TOTAL of Unitemized Independent Expenditures			\$	
NET TOTAL Independent Expenditures			\$	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with, or for the purpose of influencing the election of, any candidate for any office, or any election of such candidate or authorized committee. Furthermore, these expenditures did not include the financing of dissemination, distribution, or circulation in whole or in part of any campaign material prepared by the candidate, the campaign committee, or the agent.

Submitted and sworn to before me this _____ day of _____ 19____
My Commission expires _____

Signature Date

NOTARY PUBLIC

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

16

Name of Committee (or Filer) NATIONAL CONSERVATIVE POLITICAL ACTION COMM.	LD No. C0002487
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Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date Made (m, d, year)	Amount	Name of Federal Candidate Supported or Opposed by the Expenditure & Office Sought
MediAmerica, Inc.	postage	7/28/82	278.75	Helcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
MediAmerica, Inc.	postage	7/28/82	278.75	Burdick U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
9 MediAmerica, Inc.	postage	7/28/82	278.75	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
6 MediAmerica, Inc.	postage	7/28/82	278.75	Cannon U.S. Senate KY <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
5 MediAmerica, Inc.	postage	7/28/82	278.75	Cannon U.S. Senate KY <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
0 MediAmerica, Inc.	postage	7/28/82	278.75	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
3 MediAmerica, Inc.	postage	7/28/82	278.75	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	\$ 1672.50
(b) SUBTOTAL of Unitemized Independent Expenditures	\$ _____
(c) TOTAL Independent Expenditures	\$ _____

Under penalty of perjury I certify that the expenditures reported hereon were not made in connection, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the buying of dissemination materials, or reproduction 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 _____ day of _____, 1982.

My Commission expires _____

Signature

Date

NOTARY PUBLIC

JULY 1982

NCPAL EXPENDITURES

17.

Medi America, Inc.	postage	7/28/82	278.75
U.S. Postmaster	postage	7/2/82	183.35 ✓
First American Bank of Va.	Fed payroll tax	7/2/82	197.57 ✓
Dept. of Taxation	State & payroll tax	7/2/82	10.99 ✓
Prudential Insurance	insurance	7/8/82	100.71 ✓
Charles Goyette	payroll	7/13/82	384.82 ✓
Brad Zerbe	payroll	7/13/82	211.50 ✓
Arthur J. Finkelstein & Associates	survey	7/13/82	17850.00 ✓
Va. Dept. of Taxation	state payroll taxes	7/19/82	10.99 ✓
First American Bank of Va.	payroll taxes	7/19/82	187.94 ✓
Brad Zerbe	payroll	7/27/82	211.50 ✓
First American Bank of Va.	Fed payroll tax	7/29/82	80.30 ✓
Va. Dept. of Taxation	state payroll taxes	7/29/82	10.99

~~19,119.41~~
 \$19,119.41

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NATIONAL CONSERVATIVE POLITICAL ACTION COMMITTEE

18

SEPTEMBER						
S	M	T	W	T	F	S
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

1500 WILSON BLVD., SUITE 513 August 16, 1982
ARLINGTON VA. 22209

[REDACTED]
[REDACTED]
[REDACTED] Arizona [REDACTED]

Dear [REDACTED]

I just received some highly confidential reports from my field staff.

The nature of the reports is so explosive I can't share all of them with you (I don't dare mail a copy out of our office). But because you are a trusted past supporter of NCPAC I felt you had a right to know some of the critical points they contained.

The reports were both encouraging and disturbing.

Above all else they made it clear the next three months could well make or break the Reagan revolution.

You and I were a part of that revolution. Through your kind-hearted and generous support for groups like NCPAC we won great victories in 1980 and 1981.

But we are now in danger in the next three months of losing much of what we gained in 1980.

That's why I've enclosed a special three part Conservative Victory Pledge.

I hope you'll sign it and mail it back to me today.

As you know NCPAC launched a series of independent campaigns against a number of key liberal Senators like Ted Kennedy, Robert Byrd, and Paul Sarbanes.

But I'm concerned unless past conservative and Republican supporters of NCPAC like yourself are willing to help over the next three months, we could actually lose conservative control of the Senate.

There is a bright spot though.

Our field reports show that if we can raise a budget of \$1,177,000 NCPAC can help win Senate races in 8 states.

That would mean we not only keep control but actually could gain seats in the Senate. That could insure conservative control

(Over, please...)

8 3 0 4 0 3 7 3 6 4 1 1

into the 1990's.

Could you imagine - a Senate without liberals like Paul Sarbanes or Robert Byrd? Or dare we hope - without Ted Kennedy! The reports I've received show its possible but here's what it takes:

Step 1 - We have just completed surveys in five key states, Maryland, West Virginia, Texas, North Dakota and Arizona. Results are coming now from Massachusetts, but we still need to survey Montana and Nevada. Added budget to complete step one: \$31,000.

Step 2 - Based on encouraging survey results we now need to run our radio and TV ads to finish the job. Here's a state by state breakdown of the costs:

Arizona	\$116,000	for TV and radio time
Massachusetts	125,000	for TV and radio time
Maryland	200,000	for TV and radio time
Montana	75,000	for TV and radio time
North Dakota	60,000	for TV and radio time
Nevada	135,000	for TV and radio time
Texas	300,000	for TV and radio time
West Virginia	135,000	for TV and radio time

Added cost to complete step two: \$1,146,000.

Total cost to complete steps one and two is \$1,177,000.

A total budget of \$1,177,000 to complete our plan to keep control of the Senate is a lot of money.

But you've seen how effective your past support for NCPAC has been in helping win Senate races.

In 1980 we played a part in taking control of the U.S. Senate for conservatives.

But with these victories came the burden of maintaining the control of the Senate.

They say imitation is the sincerest form of flattery. Well, since 1980 no fewer than 5 liberal political action groups -- (Americans for Common Sense, Democrats for the 80's, Independent Action, PROPAC) have sprung up to counter NCPAC.

So in 1982 the battlelines are clearly drawn.

The number of new liberal political groups doesn't bother me if I can continue to count on the support of people like you.

Frankly we are farther ahead in campaign technology than the

(Next page, please...)

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20

Page three

liberals so our money is spent more wisely.

Can I count on you to help again?

What I'm asking all past supporters to do is to pledge what they can for the next three critical months.

That will insure we make our budget and carry through the November elections.

So will you fill out the enclosed three month Conservative Victory Pledge?

Then mail it back to us in the enclosed postage paid envelope.

I wasn't sure how much you would be willing to pledge so I filled in an amount on the card but left a blank in case you could send more.

Of course if you want to send one check now for the full amount that would be great.

We need to raise \$393,000 of our total budget by September 3rd. So please mail your pledge back to me today.

We have figured out this pledge program very carefully. The only way we can meet our budget is if you and other NCPAC supporters will help.

If I can count on enough past supporters like you to help in this pledge program I won't have to ask for any more money for the November elections.

Won't you send one last contribution to help elect conservatives in the November election?

I'm counting on hearing back from you in the next few days.

Sincerely,

John T. (Terry) Dolan

P.S. So many supporters were on vacation in July and August we've really fallen behind in raising the money for our vital campaign projects. Simply put, if we don't raise the money we will have to cut back the radio and TV ads we plan to run. So try to pledge what you can. Please fill out the enclosed Conservative Victory Pledge and mail it back to me today.

I really worry I may not raise what we need by September 3rd. So please pledge now.

83040573613

Vic Gresham
NCPAC Political Director

Memorandum for: John T. Dolan

Subject: Finances for September, October and November

NCPAC contributors have been generous. But as you know we are in the midst of some vital projects which desperately need money.

You may remember we discussed needing \$1,435,000. But I've been able to reduce that amount to \$1,146,000 by cutting corners. We must receive that amount, however, within the next few weeks (or at least have pledges for that amount) or cancel these campaign projects and take our losses.

You know we can't wait. All the projects depend on raising \$1,146,000.

As you requested, John, this is a bare-bones budget for projects still unfunded. It does not cover the other programs we have discussed elsewhere.

Step 1 We have just completed surveys in five key states, Maryland, West Virginia, Texas, North Dakota, and Arizona. Results are coming now from Massachusetts, but we still need to survey Montana and Nevada.

Added budget needed to complete step one: \$31,000.

Step 2 Based on encouraging survey results we now need to run our radio and TV ads to finish the job. Here's a state by state breakdown of the costs:

Arizona	\$116,000	for TV & radio time
Massachusetts	\$125,000	for TV & radio time
Maryland	\$200,000	for TV & radio time
Montana	\$ 75,000	for TV & radio time
North Dakota	\$ 60,000	for TV & radio time
Nevada	\$135,000	for TV & radio time
Texas	\$300,000	for TV & radio time
West Virginia	\$135,000	for TV & radio time

Added cost to complete step two: \$1,146,000.

Budget Deadlines	\$393,000	needed by September 3rd
	\$392,000	needed by October 2nd
	<u>\$392,000</u>	needed by November 1st

\$1,177,000 TOTAL needed for the next three months before the November election.

83040673644

DENNIS
DECONCINI
U.S. SENATOR

Doc # 8609

(22)

P.O. Box 25460, Phoenix, Arizona 85002/(602) 266-8494

September 29, 1982

Attachment 2

0016 P2:45

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

Dear Sir:

This letter is intended to supplement my earlier letter of complaint against the National Conservative Political Action Committee (NCPAC) and the Pete Dunn Campaign Committee.

Pete Dunn held a news conference on September 16, 1982 for the apparent purpose of denying his relationship with the National Conservative Political Action Committee. Instead, Mr. Dunn admitted a violation of the Federal Election Laws as follows:

1. He said that he and Giordano, NCPAC's Arizona Coordinator discussed the Dunn for Senate Campaign in August. (Transcript enclosed and marked "A".)
2. By then, Dunn knew exactly who Giordano was, because:
 - A. NCPAC had publicly announced Mr. Giordano's position as their Coordinator in Arizona a full two months earlier. (June 1982 Newsletter enclosed and marked "B".)

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- B. One month earlier in July, there had been a public controversy concerning the propriety of NCPAC's involvement in the Arizona senate campaign, which found the Dunn campaign specifically acknowledging the controversy and issuing a statement addressed to it. (John Kolbe Phoenix Gazette article enclosed and marked "C".)
- C. Mr. Dunn was interviewed on or about August 1, 1982 about his relationship with Mr. Gary Giordano and Mr. Giordano's relationship with NCPAC. (Mesa, Yuma, Bisbee and Tempe newspaper articles enclosed and marked "D", "E", "F" and "G", respectively.)

8 3 0 4 0 3 7 3 6 4 6

Because there is such a huge difference between the impact of a political action committee which may spend without limitation and the impact of a political action committee that is limited to an expenditure of \$5,000.00, good sense and public policy require that the sky-is-the-limit political action committee be manifestly independent of any particular candidacy. Any communication between the would-be independent political action committee and the campaign of a particular candidate about his candidacy is sufficient to dissolve the independent status of the political action committee engaging in such communications and to require them to limit their contribution to \$5,000.00.

In this case, the communication between the political action committee and the benefited candidacy has been admitted by the candidate and has obviously taken place at the highest levels between NCPAC's Arizona Coordinator and Mr. Dunn himself.

At the same news conference, Mr. Dunn made statements that strongly point toward a second violation of the Federal Election Laws in his having shared in and reviewed the results of a poll which he claimed to know nothing about but which your investigation will almost unquestionably show to have been the poll for which NCPAC spent \$17,850.00 in order to defeat Senator DeConcini.

It is unbelievable that Mr. Dunn would not have known this, because:

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1. The pendency of a NCPAC poll was publicly discussed in July (John Kolbe Phoenix Gazette article enclosed and marked "C"); and
2. None of us has yet seen an electoral politician receive poll results without asking who conducted the poll, how recently, how extensive the sample was and, in most cases, the pollster's track record for accuracy. For Mr. Dunn to contend that he saw poll results relating to his race and that he asked none of these questions is plainly unbelievable. In real life, no one tries that hard to stay ignorant of matters that materially affect his future.

In summary, the following appears to be the present state of the evidence:

1. Dunn has admitted one violation of the Federal Election Laws (discussing his campaign with the head of an "independent" political action committee); and

25

- 2. There is clear and convincing evidence of a second violation (sharing NCPAC's poll results).

I hope this supplemental information will serve to more clearly demonstrate the violations discussed in my letter of September 15, 1982.

Sincerely,

Anthony H. Mason
 Anthony H. Mason

AHM:smm

Subscribed and sworn to before
 me this 29th day of September,
 1982:

Larry M. Munn
 Notary Public

My Commission Expires:

My Commission Expires April 6, 1985

83740373618

PETE DUNN PRESS CONFERENCE

September 16, 1982

"A"

26

I.

Q: Is Mr. Giordano still connected with your campaign in any way?

A: No, Mr. Giordano, as you may know, is a candidate for the Arizona House of Representatives from District 24. The last time that I talked to Mr. Giordano was at a candidates' forum in Cave Creek about a month ago, and we didn't discuss - he was not then, I believe, active with NCPAC, at least we didn't discuss NCPAC - we discussed our respective campaigns, and he is not on the staff, on the payroll of the Dunn Campaign.

II.

Q. - Senator Dennis DeConcini says that NCPAC's poll cost about \$20,000, and the results were given to you. Did you receive the results of this poll?

A. I received results from no poll identified as a NCPAC poll. I received a summary sheet of a poll from the state party and it was not identified to me as being a NCPAC poll. That was several weeks ago.

Q. Did you ever question whether it might be a NCPAC poll?

A. I didn't ask where it came from. The state party gave myself and all the primary candidates for statewide office, at least that's my understanding, copies of the poll. But I have heard this morning that there is a big, thick NCPAC poll and I never received a copy of anything like that.

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"B"

JUNE, 1982

(27)

TARGET '82 TARGET '82 TARGET '82

Panama Canal Zones DeConcini into Tight Race

"Twenty nine of the 67 senators who voted for the Panama Canal Treaty four years ago are now gone." That's how one newspaper sums up Democrat Dennis DeConcini's Achilles' heel.

Posing as a moderating voice, DeConcini was responsible for Jimmy Carter's victory on the highly controversial treaty. In the Senator's home state of Arizona, the canal issue continues to simmer at near-boiling levels with most voters.

In the minds of many, when DeConcini backpeddled U.S. strength in Panama, he help-

ed kick off the series of disasters which followed in Nicaragua, El Salvador and now Guatemala. The hotter events become in Central America, the higher old flames burn in the hearts of Arizonans. They know a major upset inside their fragile neighbor Mexico will surely affect Arizona.

A second, equally important concern for DeConcini is the massive electoral shift which has occurred in Arizona since he won his six-year term in 1976. Democrats are no longer the majority party.

It's a political "first" for any Sunbelt state, and the huge

Republican gain translates into serious troubles even for fence-straddling liberals like DeConcini.

Directing NCPAC's independent expenditures effort in Arizona is Gary Giordano. Giordano strongly favors dumping the incumbent. So strongly, in fact, he's willing to carry out NCPAC duties while running his own campaign for a seat in the State House of Representatives. Giordano is seeking the lower-house seat formerly held by Supreme Court Justice Sandra O'Connor.

A third reason for replacing DeConcini is the high caliber

of available conservative talent. Cattle rancher and businessman Dean Sellers promises to spend whatever necessary to oust the Senator. He has the endorsed support of such leading national conservative organization as the National Alliance of Senior Citizens.

Also reaching for the Governor's nod is State Rep. Pete Dunn. Dunn chairs the prestigious Judiciary Committee in the House and is popular with state party leaders. Dunn's campaign has engaged Richard Wirthlin to handle public taking activities.

145
1/16/78

R4

"C"

file - 20 20

28

DeConcini likely target of committee

By John Kelle
The Phoenix Gazette

A right-wing political action group, which played a key role in the defeat of several Democratic senators in 1980, probably will target Sen. Dennis DeConcini in this fall's campaign.

It would likely mean a high-profile television advertising campaign highlighting the Arizona Democrat's record as a "big-spending liberal."

An official of the National Conservative Political Action Committee (NCPAC, or "Nekpac" in political parlance) said his organization would not be deterred by pressure from a local blue-ribbon citizens' group urging it to steer clear of Arizona.

"It's still up in the air," Joe Steffan, NCPAC press secretary, said, "but it looks like we'll be coming in."

SteTen said a poll was being conducted to evaluate the prospects for unseating the first-term Democrat and a decision would be made within two weeks on whether "it's viable to come in there."

DeConcini yawned at the news, but evinced some irritation.

"We've expected NCPAC to come to Arizona for quite some time," he said. "I am confident Arizonans will see right through any such Washington extremist group that tries to tell them how to vote."

Earl Katz, DeConcini's fund-raiser, said NCPAC "has no place in Arizona. Its agenda isn't consistent with the independent thinking of Arizonans."

As an independent group without formal ties to either party or to individual candidates, NCPAC is not subject to federal campaign spending or contribution limits. But that independence also means it can campaign only against incumbents or other candidates not to its liking, resulting in negative advertising that has aroused accusations of unfairness.

"These people just aren't careful, and apparently they don't care about it," Michael Hawkins, a former U.S. attorney and counsel for Fair-Minded Arizonans for Integrity and Representation (FAIR), said. "And their negativism detracts from a discussion of the issues that inform voters."

FAIR was organized late last year in the wake of a NCPAC assertion that DeConcini "supports abortion," a charge National Right to Life Committee Vice President Carolyn Gerster has called "totally false."

The high-powered FAIR group, headed by the Rev. DeWane Zimmerman, pastor of the First United Methodist Church, includes among its members five bank presidents, two members of the Board of Regents, two clerics, several prominent attorneys and six top corporate executives.

"We feel the voters of Arizona can make up their own minds without the injection of politics by innuendo into campaigns," Zimmerman wrote.

In a letter to NCPAC Director John T. Dolan last year, Zimmerman demanded the group submit to DeConcini or any other affected candidate "any factual charges you intend to make about them" before airing the accusations.

Although Hawkins said FAIR received no response, Steffan said Thursday the national group had no objection to the proposal.

Some of those mistakes have kept NCPAC in hot water.

In one recent "fact sheet," the committee said Montana Sen. John Melcher voted to "give away" the Panama Canal. He opposed both treaties. Dolan explained the mistake as a "typesetting error."

Missouri Sen. Thomas Eagleton was accused in 1980 of favoring aid to Nicaraguan rebels, although he voted against such aid proposals three times.

Such incidents, and the controversy they generate, have led some Republican candidates to ask NCPAC to stay out of a campaign. DeConcini made it clear he will hold his two GOP foes responsible for the group's action.

"Groups like NCPAC pretend to be independent, but in fact they are the direct responsibility of Mr. (Peter) Dunn and Mr. (Dean) Sellers, whose political efforts they're trying to support," the senator said. "For all practical purposes, NCPAC would simply be an extension" of their campaign.

The two Republicans disagreed on the prospect of a NCPAC campaign here.

"I do not welcome them to Arizona," Sellers, a Gilbert real estate investor, said. "I'll win this campaign on my own." But staff aides said he planned no active effort to persuade NCPAC to stay out of Arizona.

Cindy Lee Turpin, Dunn's press aide, said Dunn believed "everyone has a right to fight for what they believe in. Who are we to say nay?"

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1/16/79
AT
"C"

DeConcini likely target of committee

By John Foster
The Phoenix Gazette

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It would likely mean a high-profile television advertising campaign highlighting the Arizona Democrat's record as a "big-spending liberal."

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83040373652

ASA TRIBUNE
ASA, A RIZ.

AUG 2 1982

DeConcini faces ouster bid

PHOENIX (AP) — The National Conservative Political Action Committee says it will decide this week whether to target Democratic Sen. Dennis DeConcini for defeat this fall.

"The decision on whether to go after DeConcini will be based on whether committee leaders believe they have a chance to defeat him," said NCPAC spokesman Joe Steffen. "We'll compare it with other races; check into fundraising capabilities of the candidates and see if there is any vulnerability."

"If there is no great discontent among the voters, we wouldn't go into a race no matter how much we disagree with a candidate, but DeConcini has always been an unofficial target. He's always been on our prospect list," Steffen added.

NCPAC, a national conservative organization that campaigns against liberal candidates, is credited with ousting four senators in 1980 — George McGovern of South Dakota, Birch Bayh of Indiana, Frank Church of Idaho and John Culver of Iowa.

However, Steffen said DeConcini does not fit the label of superliberal given to the four deposed senators.

"We've never said that Dennis DeConcini was the most liberal senator around. He's not in the same class with Ted Ken-

nedy (D-Mass.)," Steffen said.

If NCPAC does decide to go after DeConcini, Steffen said it would pour about \$200,000 into that effort.

NCPAC denies that it is now active in Arizona, but others disagree.

A newsletter was printed last month by a group calling itself NCPAC's Arizona committee. The newsletter identified Gary Giordano as leader of the organization's efforts in Arizona.

Giordano last week attacked a group formed to fend off NCPAC activities. Known as Fair-Minded Arizonans for Integrity and Representation, or FAIR, the group is heavily populated with DeConcini enthusiasts and Giordano called it an extension of the senator's re-election effort.

But Giordano himself has worked for the two Republicans seeking DeConcini's seat — state Rep. Pete Dunn, R-Phoenix, and businessman Dean Sellers. Both acknowledge that Giordano has worked for them on a consulting basis, prompting charges from DeConcini's staff that Giordano is an extension of the GOP camp.

Neither of the Republican candidates has welcomed NCPAC's efforts with open arms.

"We don't need NCPAC here. We can



Sen. Dennis DeConcini

defeat DeConcini by ourselves," Sellers said.

Dunn said he would not encourage or discourage the committee to become active in Arizona campaigns.

"If they do come in, that's fine. If not, that's fine, too. If they come in, I want them to be accurate," Dunn said.

YUMA DAILY SUN
YUMA, ARIZ.

AUG 2 1982

National PAC may not target DeConcini

PHOENIX (AP) — The National Conservative Political Action Committee says it will spend at least \$200,000 to oust Democratic Sen. Dennis DeConcini → if it decides to go after DeConcini at all.

But NCPAC is having a tough time making up its mind.

"The decision on whether to go after DeConcini will be based on whether committee leaders believe they have a chance to defeat him," said NCPAC spokesman Joe Steffen. "We'll compare it with other races, check into fund-raising capabilities of the candidates and see if there is any vulnerability.

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One of the most recurring charges leveled against NCPAC members is that they distort or deliberately falsify information about their opponents' records.

BISBEE REVIEW

AUG 2 1982
MAR JON

NCPAC would spend \$200,000 to oust DeConcini ^{DC} if it spends any

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"G"

Political action
group accused
of dirty tricks

First of two parts
By Michael G. Murphy
Staff writer

To its critics, the multimillion-dollar National Conservative Political Action Committee is a dirty-tricks group that intentionally lies about candidates it has targeted for defeat.

NCPAC officials say the group's only purpose is to expose liberal politicians and to help elect conservatives.

Arizonans probably will get a chance to judge for themselves, because NCPAC — pronounced nickpack — has announced plans to campaign against Sen. Dennis DeConcini, D-Ariz.

The group, founded in 1975 and based in Falls Church, Va., raises money through benefits and direct-mail solicitations from conservative groups and individuals.

NCPAC's knack for political hardball has produced an impressive record. The conservative group helped unseat four of its six targeted candidates in 1980 — including Sen. George McGovern, D-S.D., and Sen. Frank Church, D-Idaho.

DeConcini press aide Bob Maynes,

however, said NCPAC has an equally impressive record of inaccuracy.

After the 1980 elections, NCPAC targeted about 20 candidates for defeat in 1982, including a man who already had lost.

"The targeting effort of theirs was a perfect example of either one of two things: their disregard for the truth or their sloppiness," Maynes said. "One of the people they targeted was a Democratic senator who had just been beaten. In that same group they targeted Sen. John Melcher, D-Mont., because they said he voted for the Panama Canal treaties when he did not."

NCPAC press secretary Joe Steffen said there have been errors in advertisements.

"We've been involved since March 1975 when NCPAC was founded. In at least 100 to 125 campaigns. I'd say in that seven-year period, we've made less mistakes than most major newspapers do in a month. And no one jumps all over the newspapers."

"It's a matter of semantics."

Conservative Sen. Barry Goldwater, R-Ariz., disagreed with Steffen.

Please turn to Money, A7

Money

Continued from page A1

"One thing that's quite obvious is they don't care much whether the facts are accurate or not. They don't give a damn."

"I don't think I would like to see them come into Arizona," Goldwater added. "For many, many years I've been deploring that type of campaign, the kind the labor unions used to use against me. I don't mind opposition as long as it's accurate and truthful."

Maynes said DeConcini's name made the NCPAC target list because the group said he was weak on defense and favored abortion.

"Anyone who's followed Dennis at all knows that he is adamantly opposed to abortion," Maynes said.

Carolyn Gerster, executive director of the National Right-to-Life Committee, was so angered at the pro-abortion charges she wrote a letter to NCPAC saying the group owed DeConcini an apology.

"They have made so many factual errors that they are trying more and more to be 'technically' accurate," Maynes said.

During the Carter administration, DeConcini consistently voted with John Stennis, D-Miss., who's considered a hawk on defense, in support of the B-1 bomber.

After defeat of the B-1 program, another bill was introduced to build at least two of the planes.

Both Stennis and DeConcini decided it would be a waste of money, and the bomber would never get built.

They voted against it.

That one DeConcini vote prompted NCPAC to publish reports the senator voted against the B-1, Maynes said, adding the statement is technically correct.

Although NCPAC officials have announced campaign plans against DeConcini, Steffen said the group still is evaluating a recent survey and has not committed itself.

An announcement is expected this week.

"I'm not sure of the exact issue they would like to mobilize using against DeConcini," Steffen said. "But from the poll results, we'll find out how vulnerable he is."

Although most NCPAC-supported candidates belong to the GOP, the national Republican Party disavows association with the conservative group.

"The party chairman (Richard Richards) has expressed concern in the past over groups such as NCPAC because of their independent status," said GOP national committee press secretary Jennifer Nichols.

One of DeConcini's opponents, Republican Dean Sellers of Gilbert, has gone on record against NCPAC running anti-DeConcini ads in Arizona.

Seller's GOP primary opponent, state Rep. Pat Dunn, R-Pleasanton, said NCPAC shouldn't be prohibited from running ads in Arizona — provided they're truthful.

"America is a free country and any group is allowed to participate in the political process," Dunn said. "I just want them to be accurate. There's plenty in DeConcini's record; there's no need to exaggerate and no need to be inaccurate."

Regardless how the GOP candidates for NCPAC could be condemned for inaccurate advertisement, and still damage targeted candidates because people tend to remember a negative message and forget who said it, Maynes said.

Monday: NCPAC's reputation for inaccuracy has prompted influential businessmen and community leaders of both parties to form an organization to fight the group's misrepresentations.

32

Political action group accused of dirty tricks

"G"

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however, said NCPAC has an equally impressive record of inaccuracy.

After the 1980 elections, NCPAC targeted about 20 candidates for defeat in 1982, including a man who already had lost.

"The targeting effort of theirs was a perfect example of either one of two things: their disregard for the truth or their sloppiness," Maynes said. "One of the people they targeted was a Democratic senator who had just been beaten. In that same group they targeted Sen. John Melcher, D-Mont., because they said he voted for the Panama Canal treaties when he did not."

NCPAC press secretary Joe Steffen said there have been errors in advertisements.

"We've been involved since March 1975 when NCPAC was founded. In at least 100 to 125 campaigns. I'd say in that seven-year period, we've made less mistakes than most major newspapers do in a month. And no one jumps all over the newspapers.

"It's a matter of semantics." Conservative Sen. Barry Goldwater, R-Ariz., disagreed with Steffen.

Please turn to Money, A7

Money

Continued from page A1

"One thing that's quite obvious is they don't care much whether they're accurate or not. They don't give a damn.

"I don't think I would like to see them come into Arizona," Goldwater added. "For many, many years I've been deploring that type of campaign, the kind the labor unions used to use against me. I don't mind opposition as long as it's accurate and truthful."

Maynes said DeConcini's name made the NCPAC target list because the group said he was weak on defense and favored abortion.

"Anyone who's followed Dennis at all knows that he is adamantly opposed to abortion," Maynes said.

Carolyn Gerster, executive director of the National Right-to-Life Committee, was so angered at the pro-abortion charges she wrote a letter to NCPAC saying the group owed DeConcini an apology.

"They have made so many factual errors that they are trying more and more to be 'technically' accurate," Maynes said.

During the Carter administration, DeConcini consistently voted with John Stennis, D-Miss., who's considered a hawk on defense, in support of the B-1 bomber.

After defeat of the B-1 program, another bill was introduced to build at least two of the planes.

Both Stennis and DeConcini decided it would be a waste of money, and the bomber would never get built.

They voted against it.

That one DeConcini vote prompted NCPAC to publish reports the senator voted against the B-1, Maynes said, adding the statement is technically correct.

Although NCPAC officials have announced campaign plans against DeConcini, Steffen said his group still is evaluating a recent survey and has not committed itself.

An announcement is expected this week. "I'm not sure of the exact issue they would use as a template using against DeConcini," Steffen said. "But from the poll results, we'll find out how vulnerable he is."

Although most NCPAC-supported candidates belong to the GOP, the national Republican Party disavows association with the conservative group.

"The party chairman (Richard Richards) has expressed concern in the past over groups such as NCPAC because of their independent status," said GOP national committee press secretary Jennifer Hillings.

One of DeConcini's opponents, Republican Dean Sellers of Gilbert, has gone on record against NCPAC running anti-DeConcini ads in Arizona.

Seller's GOP primary opponent, state Rep. Pete Dunn, R-Phoenix, said NCPAC shouldn't be prohibited from running ads in Arizona — provided they're truthful.

"America is a free country and any group is allowed to participate in the political process," Dunn said. "I just want them to be accurate. There's plenty in DeConcini's record; there's no need to exaggerate and no need to be inaccurate."

Regardless how the GOP candidates feel, NCPAC could be condemned for inaccurate advertisements and still damage targeted candidates because people tend to remember a negative message and forget who said it, Maynes said.

(Monday: NCPAC's reputation for inaccuracy has prompted influential businessmen and community leaders of both parties to form an organization to fight the group's misrepresentations.)

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ARIZONA REPUBLIC

Group helping Dunn illegally, foes maintain

DeConcini aides file complaint about conservative organization

By Don Harris
Republic Staff

A member of Sen. Dennis DeConcini's re-election committee has filed a formal complaint with federal officials, charging that a controversial conservative group is working for the senator's Republican opponent, Pete Dunn, in violation of election laws.

About an hour after DeConcini supporters held a press conference Thursday morning to air the charges, Dunn met with reporters to deny any wrongdoing.

Dunn said it was cowardly for DeConcini, the Democratic incumbent, to "send a henchman" to make such charges. "He should have the courage to make those charges himself," Dunn said. DeConcini was in Washington, D.C., on Thursday.

Tony Mason, a member of the steering committee of the DeConcini re-election campaign, filed the complaint against the National Conservative Political Action Committee and the Dunn for Senate Committee with the Federal Election Commission in Washington on Wednesday.

Mason said Thursday he thought it was "cowardly and dishonest" for Dunn to have the conservative group, which has headquarters in Virginia, come in from out of state to do his campaign mudslinging.

NCPAC, which claims credit for defeating at least four liberal senators in 1980, has been accused by critics of relying on half-truths, distortions, misinformation and lies.

Basically, Mason charged that the conservative group lost its independence and came under federal campaign-spending limits when Dunn hired a researcher identified as the group's man in Arizona.

Mason produced documents showing that the group reported spending \$26,417.89 against DeConcini through the end of July. Of that total, \$17,850 was spent on a poll.

Because Dunn paid Gary Giordano \$500 in March for information he had researched, and because Giordano was identified in the conservative group's July newsletter as directing its efforts in Arizona, Mason concluded that money spent by NCPAC on the Arizona race amounts to in-kind contributions to Dunn. In that case, the group would be limited to spending \$5,000 on the primary and \$5,000 on the general elections, which roughly is \$10,400 less than it reported spending.

Giordano, an unsuccessful Republican candidate in the Sept. 7 primary in Legislative District 24, denied that he worked for NCPAC. He said the report in the newsletter was "premature."

Joe Steffen, a spokesman for the group, called the DeConcini charge "ridiculous."

He added, "Dennis DeConcini is grabbing at straws. He's afraid of something that hasn't come about — us coming into the state. We haven't written a single script for any type of advertisement against Dennis DeConcini. From what I hear, he's doing a heckuva job advertising against himself."

Steffen said Giordano was considered for a state coordinator if the group decided to enter the Arizona race.

"Since we haven't come into the state, anything Gary Giordano has done for Pete Dunn is between Pete Dunn and Gary Giordano," Steffen said.

Steffen said a NCPAC decision on whether to campaign actively in Arizona has not been made, but conceded that it is getting late.

At Dunn's press conference in his campaign

Dunn

Continued from B1

headquarters, 1430 E. Indian School, Dunn said, "I am planning to ask NCPAC to stay out of Arizona. We can beat DeConcini without them."

Steffen's reaction to that was, "If we decide to come into Arizona, Pete Dunn's statement will have no bearing on that. That should prove beyond a shadow of a doubt that we're independent."

Mason, who conducted his press conference in DeConcini campaign headquarters at 4442 N. Seventh Ave., said the penalty for a conviction of violating campaign-spending laws is one year in prison.

Steffen says NCPAC is independent, "Mason said. He's foolish to think he can buy NCPAC's

man (Giordano) and not buy NCPAC's research." Mason described Giordano as the nexus between the group and Dunn.

DeConcini television ads linking Dunn and the conservative group began airing this week. They cite budget cutbacks proposed by the group and suggest that Dunn supports them.

Dunn called the issue an attempt by DeConcini to "create a smoke screen to divert attention from his voting record."

He added, "It's a phony issue. It is consistent with other Democratic candidates who are attempting to run against NCPAC. It's not going to work in Arizona. He's got to run against Pete Dunn."

DeConcini files FEC complaint

By JACK NOCK

UPI Statehouse Reporter
PHOENIX (UPI) — Sen. Dennis DeConcini, D-Ariz., has filed a complaint with the Federal Election Commission, accusing Republican opponent Pete Dunn of violating campaign laws.

Phoenix attorney Tom Mason, a member of DeConcini's campaign committee, said Thursday Dunn had failed to disclose a link between himself and the National Conservative Political Action Committee (NCPAC).

Mason said at a news conference that it appeared Dunn violated the Federal Election Law by failing to report spending on his behalf by NCPAC. Such reporting is required whenever a link, regardless of how small it might be, is established between a candidate and a political action committee, he said.

Dunn, later holding his own news conference, denied ties to NCPAC and said any work it has done in Arizona on his behalf was independent of his campaign.

"It takes a 20-cent stamp to file a complaint with the Federal Election Commission," Dunn said. "The FEC will reject any complaint against the Dunn campaign."

Dunn also said he would ask NCPAC to stay out of Arizona during the campaign because "I don't want them to become the issue. We can defeat Sen. DeConcini all by ourselves."

"It's kind of cowardly and dishonest to have someone come in from out of state and do your campaigning for you and then claim they are not here," Mason said.

In a letter to the FEC, Mason said Dunn had hired Gary Giordano, whom NCPAC identified as its expenditures director for Arizona. According to NCPAC's filings with the FEC, it has spent \$26,417 in Arizona against DeConcini.

The Federal Election Law limits donations by political action committees to \$10,000 per candidate, \$5,000 each for the primary and general elections.

Mason said Dunn not only failed to report the tie between his campaign and NCPAC but NCPAC violated the law by exceeding the amount of allowable expenditures.

Dunn said he hired

DeConcini complaint is 'smokescreen,' says Dunn

35

Continued from Page 3

"He has hired their man and is running a NCPAC-type campaign."

He said in Montana, New York, Maine, Alabama and

Idaho, NCPAC campaigned against incumbents by claiming they acted as conservatives in their home states but acted like liberals in Washington.

"You'll find that line throughout Mr. Dunn's campaign," Mason said.

In those other five states, NCPAC also claimed the incumbents voted for aid to Communists because they voted for the foreign aid bill which included money for Nicaragua.

Mason said Dunn has also used that line in his campaign but has failed to note the bill was supported by President Reagan.

"It's that kind of distortion that plays very well as long as no one calls them on it," he said.

Dunn said he had no indication that the research information provided by Giordano came from NCPAC and said, "I believe that information was from Mr.

Giordano's files."

Dunn said one of the things Giordano's research turned up was a 1976 letter by DeConcini to a Phoenix constituent in which he said he had "spoken out publicly in opposition to Mr. (Henry) Kissinger's give-away of the (Panama) Canal and intended to continue to do so."

DeConcini eventually voted for the Panama Canal treaty.

"This is the kind of thing Sen. DeConcini doesn't want the voter to know about, doesn't want the voters to hear about," Dunn said.

He called the FEC complaint "a desperate attempt to create a smokescreen and divert the voters' attention from the real issue in this campaign and that issue is Mr. DeConcini's voting record."

"It's a phony issue. It's not going to work in Arizona and we're going to talk about the issues."

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Mason said Dunn not only failed to report the tie between his campaign and NCPAC but NCPAC violated the law by exceeding the amount of allowable expenditures.

Dunn said he hired Giordano March 19 to conduct research and paid him \$500.

"We had no knowledge at that time that he was associated with NCPAC," Dunn said.

Mason said it was "foolish" to believe that Dunn hired Giordano independently of the work Giordano had done for NCPAC.

"He (Dunn) knows very well he has bought their (NCPAC's) research and their polls," Mason said.

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DeConcini turns tables in assault on opponent

By Don Harris
Republic Staff

Sen. Dennis DeConcini, D-Ariz., unleashed a stinging assault Monday on his Republican opponent, Pete Dunn, telling Tucson Democrats that Dunn has "flip-flopped" on a series of issues.

The senator, speaking at a luncheon of Democrats of Greater Tucson, accused Dunn of the very thing that Dunn, a state representative from Phoenix, has been saying about DeConcini for months.

He charged that Dunn has adopted "the philosophy of political expediency" and is not the same political person he was before he announced his candidacy.

"Pete Dunn can blow any way the wind blows, as long as it blows to his political advantage," said DeConcini, who has been accused repeatedly by Dunn of flip-flopping on the issues.

"I believe the voters of Arizona have a right to ask: 'Will the real Pete Dunn please stand up?'" he said.

DeConcini also renewed his attack on the National Conservative Political Action Committee, which, he said, is working for Dunn.

Dunn has denied any link between his campaign and the committee and publicly has stated that he doesn't want the committee involved in his race.

Last week, a DeConcini campaign aide filed a complaint with the Federal Election Commission, charging that the political-action group violated election laws by making direct contributions to Dunn's campaign.

Citing what he considers inconsistencies, DeConcini charged that Dunn:

- Portrays himself as an enemy of organized labor but sought and won labor's endorsement when he ran for the Legislature in 1976.

- Extols the importance of solar energy but opposed solar tax credits in 1979.

- Calls himself a fiscal conservative but voted for 96.4 percent of all state House spending bills between 1977 and 1980.

- Takes credit for the state's tough, new drunken-driving law, but two years ago voted to prohibit courts from fining a juvenile or his parents more than \$50 for the illegal possession and consumption of alcohol.

- Voted for every state budget since he entered the Legislature in 1977, until after he announced his Senate candidacy.

Dunn, who was in Washington, D.C., on Monday could not be reached

—DeConcini, B2

DeConcini

Continued from B1

for a reaction to DeConcini's charges.

DeConcini said, "I am sure there are good and sound reasons why Pete Dunn has flip-flopped on these issues ... (and) why Pete Dunn wants to hide (the National Conservative Political Action Committee's) support.

"But, I do think it is time for Pete Dunn to start running a campaign based on what he has done and what he intends to do. Up to now, it has been a campaign based upon half-truths and lies."

DeConcini called on Dunn to tell Arizonans how and why they are better off since Republicans took control of the U.S. Senate two years ago. He suggested that Dunn tell Arizona voters:

"How they have gained from the death of the mining industry. How they have benefited from massive unemployment. Why the virtual standstill of the housing industry makes good economic sense. Why a flood of small-business failures wiping out the hopes and dreams of thousands is good medicine."

DeConcini attacked the National Conservative Political Action Committee, a far-right group based in Virginia, charging that it resorts to "lies, innuendo and half-truths."

The committee, he said, has spent \$26,000 in Arizona and plans to spend \$116,000 more on the Dunn-DeConcini race.

He said the committee "is funded by and run by political extremists who operate within the loopholes of the federal election laws. Their message is never positive, and they could care less about Arizona and its people. They have no commitment to the values that are central to the mainstream in American politics. They are radicals, pure and simple."

DeConcini insisted he has helped pass more constructive legislation during his first four years in office than any freshman senator on record.

The senator urged Democrats not to become complacent because they believe that he, Gov. Bruce Babbitt, and Rep. Morris Udall, D-Ariz., easily will defeat their Republican opponents in the Nov. 2 general election.

"If we take the election for granted," DeConcini said, "we will stay on the outside looking in. We will be forced to endure continued Republican control of the Senate."

DeConcini noted that the lead registered Democrats enjoy over Republicans in Arizona has dwindled from 110,000 when he first ran in 1976 to 23,000 today. A big Democratic turnout is important, he said, to help "dozens of (Democratic) candidates for state office who face uphill fights."

He pledged to run a campaign that will be "the best and hardest fought in our party's history." He said his 1976 senatorial campaign was the best organized, best run, and that "in 1982, we are better organized and better financed."

DeConcini expects to spend about \$2 million on his re-election bid.

Political-action group stirs up Senate race

By Don Harris
Republic Staff

Cowardly seemed to be the key word in Arizona's U.S. Senate race when each camp raised the specter of outside influences and hired guns.

At the center of the first major dispute between Sen. Dennis DeConcini, D-Ariz., and his Republican challenger, Pete Dunn, is the National Conservative Political Action Committee, or NCPAC.

Known as "Nikpak," the committee leaves a trail of controversy and defeated liberal senators in its wake. At least four big-name Democrats went down to defeat in 1980, due in no small measure to the efforts of NCPAC.

Critics say the committee resorts to half-truths at best, inaccuracies and falsehoods.

This is the same NCPAC, whose feisty leader, John T. "Terry" Dolan, has been quoted in various interviews with major publications as saying:

"We could elect Mickey Mouse to the House or Senate."

"I'm not after respectability. The only thing I care about is if we're effective."

"The Republican Party is a fraud. It's a social club where rich people go to pick their noses."



"I know I'm screwed up, but at least I admit it."

DeConcini, hardly a flaming liberal by committee standards, is on its hit list this year. His race is one of eight around the nation that NCPAC officials are studying. The others are in Massachusetts, Maryland, Montana, North Dakota, Nevada, Texas and West Virginia.

To play a major role in each contest with a blitz of radio and television commercials, the committee figures it needs \$1.1 million, with \$116,000 earmarked for Arizona. The deadline for raising one-third of the money was Sept. 3.

Joe Steffen, a spokesman for the Virginia-based organization, said last week that the committee still is looking at the DeConcini-Dunn race.

"We're still tabulating the money," Steffen said, referring to an appeal from Dolan. "We did get a heavy response. Since we still are looking at that race, that means we probably got enough money, or we'd be out of it."

— Race, A2

Continued from A1

The first thing we have to decide is if we have enough money for a viable commercial blitz. We should know within a couple of weeks."

NCPAC usually doesn't enter a campaign this late — six weeks before the election — but Steffen said the information his group gets is: "DeConcini is beatable."

Most political observers doubt that NCPAC will become any more active in the Arizona race than it has been. State Republican Chairman Tom Pappas said he was told by someone at NCPAC that the committee definitely would not invade Arizona because of a lack of funds.

"If that's their decision, that's fine with me," Pappas said.

DeConcini went after NCPAC last week on two fronts — at the Federal Election Commission and in television commercials. The senator charged, through a campaign aide, Tony Mason, that NCPAC actively is supporting Dunn's campaign.



John T. "Terry" Dolan

In a letter to the commission, Mason said the committee so far has spent more than \$26,000 in Arizona, with nearly \$18,000 for a poll. Because a man identified by NCPAC officials as their man in Arizona did \$500 worth of research for Dunn, Mason reasoned that NCPAC is working for Dunn.

If the committee were directly supporting Dunn it would be limited to contributing \$5,000 in the primary and \$5,000 in the general election. Anything more than that would violate federal election laws.

Those spending limitations apply to direct contributions to candidates. But when acting independently, a political-action committee can spend unlimited funds to promote their favorite candidates.

Mason called Dunn "cowardly and dishonest" for bringing NCPAC in to do his dirty work. Dunn, at a separate press conference, said DeConcini was "cowardly" for sending a henchman (Mason) to file the complaint with the election commission. Dunn also denied any link with NCPAC, saying the researcher, Gary Giordano, was hired in March, long before a July newsletter tied him to the committee.

The NCPAC brouhaha was touched off by DeConcini's NCPAC commercials, which began airing last week. In machine-gun fashion, an off-camera voice recites some of the budget cuts NCPAC favors, including less money for water projects and Social Security and dismantling the Veterans Administration hospital system. Then Dunn's campaign-headquarters telephone number appears as the voice urges people, "Call Pete Dunn and tell him we don't need NCPAC here. Tell him that's not the way we do things in Arizona."

Dunn, who said he doesn't want or need NCPAC's help, said the DeConcini commercials are working but not the way the senator intended.

"Most of the people who called want to work on our campaign," he said, obviously pleased.

Dunn called the NCPAC issue "phony" and said it is typical of tactics tried by other Democrats around the country.

"They're attempting to run against NCPAC, but it's not going to work in Arizona," he said.

From the other camp, Mason, a member of DeConcini's campaign steering committee, accused Dunn of "running a NCPAC-type campaign."

Candidates who follow the committee line insist that their opponent talks like a conservative at home and votes like a liberal in Washington.

Mason charged that NCPAC goes into a state, slings some mud and gets out of town quickly.

He added, "They hope it's (their campaign tactics) all forgotten after the election. That's what's wrong with politics today."

The Federal Election Commission is required to notify Dunn and NCPAC of the complaint within five days of its filing last Wednesday. Dunn and NCPAC must respond within 15 days.

The penalty for violating federal campaign spending laws is one year in jail, Mason said. He conceded that he doesn't know of anyone who has been fined for such a violation.

38

Dunn ally overspent, FEC told

By John DeWitt
The Arizona Daily Star

39

Sen. Dennis DeConcini's campaign staff filed a complaint with the Federal Election Commission yesterday alleging that the National Conservative Political Action Committee has spent more money than permissible to help DeConcini's opponent, Republican Pete Dunn.

The charge drew an immediate denial from Dunn, who accused DeConcini of using the committee as a "smoke screen to obscure the real issue in this campaign, which is the senator's voting record."

Dunn and a spokesman for the controversial political action committee denied there is any connection between them.

Tony Mason, a member of DeConcini's campaign committee, said at press conferences in Phoenix and Tucson that NCPAC has spent more than \$28,000 to help Dunn and that the Dunn campaign has employed the coordinator of the group's anti-DeConcini effort in Arizona.

Mason said Gary Giordano was paid \$500 in March by the Dunn campaign for "research." A June NCPAC publication said Giordano would head the organization's anti-DeConcini campaign.

"Because of this employment relationship, NCPAC's expenditures fail to meet the FEC's definition of an independent expenditure," Mason wrote.

Mason said federal election law limits contributions to campaigns to \$5,000 each for the primary and general election, sums he said have already been exceeded by the committee in Arizona.

As an independent political action group unconnected with Dunn's campaign, the committee would have no legal limits on its spending.

Dunn flatly denied any connection between his campaign and the political action committee, but said he will ask it to stay out of Arizona anyway.

At the group's Arlington, Va., headquarters, press secretary Joe Steffen also denied any connection between the organization and Dunn.

Steffen said Giordano was never hired as a coordinator because the committee "did not come into Arizona" with an anti-DeConcini campaign.

Giordano agreed with Steffen that he had never been hired by the committee. He said he had sold research to the Dunn campaign, and that he also had sold research to Dunn's primary opponent, Dean Sellers.

The committee is a controversial political organization that solicits money from conservatives nationwide, and then spends it on media campaigns aimed at unseating liberal officeholders. In 1990, it was credited with contributing to losses by Sens. George McGovern of South Dakota and Frank Church of Idaho.

The organization has been accused of using unethical tactics.

Steffen said the committee still hasn't made a decision to fight DeConcini. He said the decision will depend on how much money is available.

Dunn called news conferences in Phoenix and Tucson yesterday.

40

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Dunn called news conferences in Phoenix and Tucson yesterday to counter the first step in what is apparently a DeConcini tactic to battle possible NCPAC television ads.

For the past week, DeConcini's campaign has been running ads linking Dunn and the committee, and asking viewers to call Dunn and tell him to tell the organization to stay out of Arizona.

82 SEP 24 P12:21

33



Attachment 3

2 SEP 24 P 3: 52

September 21, 1982

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

RE: Complaint by Dennis DeConcini Reelection Committee
vs. Pete Dunn for U. S. Senate Committee

Gentlemen:

-By letter, dated September 15, 1982, Anthony Mason, in his capacity as a member of the DeConcini Reelection Committee, filed with your office a complaint against my campaign committee alleging that there has been a violation of federal election law, in that all expenditures by the National Conservative Political Action Committee in Arizona are in kind contributions to the Pete Dunn Campaign. The Pete Dunn for U. S. Senate Committee and myself deny this baseless charge. Under normal circumstances, I and my Committee would stand ready to refute them through the regular channels of your investigation. My opponent, Senator DeConcini has, however, attempted to make these allegations a major issue in the campaign. (See enclosed news articles). In fact, Senator DeConcini's Campaign Committee has gone so far as to have a television commercial run which, by innuendo, connects me to NCPAC. Specifically, the visual portion of the commercial contains in large type throughout it the words "NCPAC/DUNN" and suggests to the listeners that if they do not want NCPAC in Arizona, they should call me giving the phone numbers of the Pete Dunn for U. S. Senate Committee in Phoenix and Tucson.

As a result of the foregoing, I am writing you to request that you expedite your investigation so that I and my Campaign Committee may put to rest these spurious allegations in sufficient time so they will not have an affect on the outcome of the election. We, of course, will do everything in our power to cooperate in your investigation in order to bring it to a speedy conclusion.

Thanking you for your attention to these matters, I remain,

Sincerely,

Pete Dunn

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SEP 7

T. ZONA E. E. E.

Group helping Dunn illegally, foes maintain

DeConcini aides file complaint about conservative organization

By Don Harris
Republic Staff

A member of Sen. Dennis DeConcini's re-election committee has filed a formal complaint with federal officials charging that a controversial conservative group is working for the senator's Republican opponent, Pete Dunn, in violation of election laws.

About an hour after DeConcini supporters held a press conference Thursday morning to air the charges, Dunn met with reporters to deny any wrongdoing.

Dunn said it was cowardly for DeConcini, the Democratic incumbent, to "send a henchman" to make such charges. "He should have the courage to make those charges himself," Dunn said. DeConcini was in Washington, D.C., on Thursday.

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Mason produced documents showing that the group reported spending \$26,417.89 against DeConcini through the end of July. Of that total, \$17,850 was spent on a poll.

Because Dunn paid Gary Giordano \$500 in March for information he had researched, and because Giordano was identified in the conservative group's July newsletter as directing its efforts in Arizona, Mason concluded that money spent by NCPAC on the Arizona race amounts to in-kind contributions to Dunn. In that case, the group would be limited to spending \$5,000 on the primary and \$5,000 on the general elections, which roughly is \$10,400 less than it reported spending.

Giordano, an unsuccessful Republican candidate in the Sept. 7 primary in Legislative District 24, denied that he worked for NCPAC. He said the report in the newsletter was "premature."

Joe Steffen, a spokesman for the group, called the DeConcini charge "ridiculous."

He added, "Dennis DeConcini is grabbing at straws. He's afraid of something that hasn't come about — us coming into the state. We haven't written a single script for any type of advertisement against Dennis DeConcini. From what I hear, he's doing a heckuva job advertising against himself."

Steffen said Giordano was considered for a state coordinator if the group decided to enter the Arizona race.

"Since we haven't come into the state, anything Gary Giordano has done for Pete Dunn is between Pete Dunn and Gary Giordano," Steffen said.

Steffen said a NCPAC decision on whether to campaign actively in Arizona has not been made, but conceded that it is getting late.

At Dunn's press conference in his campaign

Dunn

Continued from B1

headquarters, 1430 E. Indian School, Dunn said, "I am attempting to ask NCPAC to stay out of Arizona. We don't want DeConcini without them."

Steffen's reaction to that was, "If we decide to compete Arizona, Pete Dunn's statement will have no bearing on that. That should prove beyond a shadow of a doubt that we're independent."

Steffen, who conducted the press conference in DeConcini campaign headquarters at 4442 N. 16th Ave., said the penalty for a conviction of violating campaign-spending laws is one year in prison.

Steffen says NCPAC is independent. "Mason said it's foolish to think he can buy NCPAC's

man (Giordano) and not buy NCPAC's research." Mason described Giordano as the nexus between the group and Dunn.

DeConcini television ads linking Dunn and the conservative group began airing this week. They cite budget cutbacks proposed by the group and suggest that Dunn supports them.

Dunn called the issue an attempt by DeConcini to "create a smoke screen to divert attention from his voting record."

He added, "It's a phony issue. It is consistent with other Democratic candidates who are attempting to run against NCPAC. It's not going to work in Arizona. He's got to run against Pete Dunn."

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DeConcini files FEC complaint

By JACK NOCK
UPI Statehouse Reporter
PHOENIX (UPI) — Sen. Dennis DeConcini, D-Ariz., has filed a complaint with the Federal Election Commission, accusing Republican opponent Pete Dunn of violating campaign laws.

Phoenix attorney Tom Mason, a member of DeConcini's campaign committee, said Thursday Dunn had failed to disclose a link between himself and the National Conservative Political Action Committee (NCPAC).

Mason said at a news conference that it appeared Dunn violated the Federal Election Law by failing to report spending on his behalf by NCPAC. Such reporting is required whenever a link, regardless of how small it might be, is established between a candidate and a political action committee, he said.

Dunn, later holding his own news conference, denied ties to NCPAC and said any work it has done in Arizona on his behalf was independent of his campaign.

"It takes a 20-cent stamp to file a complaint with the Federal Election Commission," Dunn said. "The FEC will reject any complaint against the Dunn campaign."

Dunn also said he would ask NCPAC to stay out of Arizona during the campaign because "I don't want them to become the issue. We can defeat Sen. DeConcini all by ourselves."

"It's kind of cowardly and dishonest to have someone come in from out of state and do your campaigning for you and then claim they are not here," Mason said.

In a letter to the FEC, Mason said Dunn had hired Gary Giordano, whom NCPAC identified as its expenditures director for Arizona. According to NCPAC's filings with the FEC, it has spent \$26,417 in Arizona against DeConcini.

The Federal Election Law limits donations by political action committees to \$10,000 per candidate, \$5,000 each for the primary and general elections.

Mason said Dunn not only failed to report the tie between his campaign and NCPAC but NCPAC violated the law by exceeding the amount of allowable expenditures.

Dunn said he hired

DeConcini complaint is 'smokescreen,' says Dunn

Continued from Page 3
"He has hired their man and is running a NCPAC-type campaign."

He said in Montana, New York, Maine, Alabama and

Idaho, NCPAC campaigned against incumbents by claiming they acted as conservatives in their home states but acted like liberals in Washington. "You'll find that line throughout Mr. Dunn's campaign," Mason said.

In those other five states, NCPAC also claimed the incumbents voted for aid to Communists because they voted for the foreign aid bill which included money for Nicaragua.

Mason said Dunn has also used that line in his campaign but has failed to note the bill was supported by President Reagan.

"It's that kind of distortion that plays very well as long as no one calls them on it," he said.

Dunn said he had no indication that the research information provided by Giordano came from NCPAC and said, "I believe that information was from Mr.

Giordano's files."

Dunn said one of the things Giordano's research turned up was a 1976 letter by DeConcini to a Phoenix constituent in which he said he had "spoken out publicly in opposition to Mr. (Henry) Kissinger's give-away of the (Panama) Canal and intended to continue to do so."

DeConcini eventually voted for the Panama Canal treaty.

"This is the kind of thing Sen. DeConcini doesn't want the voter to know about, doesn't want the voters to hear about,"

Dunn said.

He called the FEC complaint "a desperate attempt to create a smokescreen and divert the voters' attention from the real issue in this campaign and that issue is Mr. DeConcini's voting record."

"It's a phony issue. It's not going to work in Arizona and we're going to talk about the issues."

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ceeding the amount of
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Dunn said he hired
Giordano March 19 to
conduct research and paid
him \$500.

"We had no knowledge at
that time that he was
associated with NCPAC,"
Dunn said.

Mason said it was
"foolish" to believe that
Dunn hired Giordano in-
dependently of the work
Giordano had done for
NCPAC.

"He (Dunn) knows very
well he has bought their
(NCPAC's) research and
their polls," Mason said.

Continued on page 20

DeConcini turns tables in assault on opponent

By Don Harris
Republic Staff

Sen. Dennis DeConcini, D-Ariz., unleashed a stinging assault Monday on his Republican opponent, Pete Dunn, telling Tucson Democrats that Dunn has "flip-flopped" on a series of issues.

The senator, speaking at a luncheon of Democrats of Greater Tucson, accused Dunn of the very thing that Dunn, a state representative from Phoenix, has been saying about DeConcini for months.

He charged that Dunn has adopted "the philosophy of political expediency" and is not the same political person he was before he announced his candidacy.

"Pete Dunn can blow any way the wind blows, as long as it blows to his political advantage," said DeConcini, who has been accused repeatedly by Dunn of flip-flopping on the issues. "I believe the voters of Arizona have a right to ask: 'Will the real Pete Dunn please stand up?'" he said.

DeConcini also renewed his attack on the National Conservative Political Action Committee, which, he said, is working for Dunn.

Dunn has denied any link between his campaign and the committee and publicly has stated that he doesn't want the committee involved in his race.

Last week, a DeConcini campaign aide filed a complaint with the Federal Election Commission, charging that the political-action group violated election laws by making direct contributions to Dunn's campaign.

Citing what he considers inconsistencies, DeConcini charged that Dunn:

- Portrays himself as an enemy of organized labor but sought and won labor's endorsement when he ran for the Legislature in 1976.

- Extols the importance of solar energy but opposed solar tax credits in 1979.

- Calls himself a fiscal conservative but voted for 96.4 percent of all state House spending bills between 1977 and 1980.

- Takes credit for the state's tough, new drunken-driving law, but two years ago voted to prohibit courts from fining a juvenile or his parents more than \$50 for the illegal possession and consumption of alcohol.

- Voted for every state budget since he entered the Legislature in 1977, until after he announced his Senate candidacy.

Dunn, who was in Washington, D.C., on Monday could not be reached.

—DeConcini, B2

DeConcini

Continued from B1

for a reaction to DeConcini's charges.

DeConcini said, "I am sure there are good and sound reasons why Pete Dunn has flip-flopped on these issues ... (and) why Pete Dunn wants to hide (the National Conservative Political Action Committee's) support.

"But, I do think it is time for Pete Dunn to start running a campaign based on what he has done and what he intends to do. Up to now, it has been a campaign based upon half-truths and lies."

DeConcini called on Dunn to tell Arizonans how and why they are better off since Republicans took control of the U.S. Senate two years ago. He suggested that Dunn tell Arizona voters:

"How they have gained from the death of the mining industry. How they have benefited from massive unemployment. Why the virtual standstill of the housing industry makes good economic sense. Why a flood of small-business failures wiping out the hopes and dreams of thousands is good medicine."

DeConcini attacked the National Conservative Political Action Committee, a far-right group based in Virginia, charging that it resorts to "lies, innuendo and half-truths."

The committee, he said, has spent \$26,000 in Arizona and plans to spend \$116,000 more on the Dunn-DeConcini race.

He said the committee "is funded by and run by political extremists who operate within the loopholes of the federal election laws. Their message is never positive, and they could care less about Arizona and its people. They have no commitment to the values that are central to the mainstream in American politics. They are radicals, pure and simple."

DeConcini insisted he has helped pass more constructive legislation during his first four years in office than any freshman senator on record.

The senator urged Democrats not to become complacent because they believe that he, Gov. Bruce Babbitt, and Rep. Morris Udall, D-Ariz., easily will defeat their Republican opponents in the Nov. 2 general election.

"If we take the election for granted," DeConcini said, "we will stay on the outside looking in. We will be forced to endure continued Republican control of the Senate."

DeConcini noted that the lead registered Democrats enjoy over Republicans in Arizona has dwindled from 110,000 when he first ran in 1976 to 23,000 today. A big Democratic turnout is important, he said, to help "dozens of (Democratic) candidates for state office who face uphill fights."

He pledged to run a campaign that will be "the best and hardest fought in our party's history." He said his 1976 senatorial campaign was the best organized, best run, and that "in 1982, we are better organized and better financed."

DeConcini expects to spend about \$2 million on his re-election bid.

Political-action group stirs up Senate race

By Don Harris
Republic Staff

Cowardly seemed to be the key word in Arizona's U.S. Senate race when each camp raised the specter of outside influences and hired guns.

At the center of the first major dispute between Sen. Dennis DeConcini, D-Ariz., and his Republican challenger, Pete Dunn, is the National Conservative Political Action Committee, or NCPAC.

Known as "Nikpak," the committee leaves a trail of controversy and defeated liberal senators in its wake. At least four big-name Democrats went down to defeat in 1980, due in no small measure to the efforts of NCPAC.

Critics say the committee resorts to half-truths at best, inaccuracies and falsehoods.

This is the same NCPAC, whose feisty leader, John T. "Terry" Dolan, has been quoted in various interviews with major publications as saying:

"We could elect Mickey Mouse to the House or Senate."

"I'm not after respectability. The only thing I care about is if we're effective."

"The Republican Party is a fraud. It's a social club where rich people go to pick their noses."



"I know I'm screwed up, but at least I admit it."

DeConcini, hardly a flaming liberal by committee standards, is on its hit list this year. His race is one of eight around the nation that NCPAC officials are studying. The others are in Massachusetts, Maryland, Montana, North Dakota, Nevada, Texas and West Virginia.

To play a major role in each contest with a blitz of radio and television commercials, the committee figures it needs \$1.1 million, with \$116,000 earmarked for Arizona. The deadline for raising one-third of the money was Sept. 3.

Joe Steffen, a spokesman for the Virginia-based organization, said last week that the committee still is looking at the DeConcini-Dunn race.

"We're still tabulating the money," Steffen said, referring to an appeal from Dolan. "We did get a heavy response. Since we still are looking at that race, that means we probably got enough money, or we'd be out of it."

— Race, A2

Continued from A1

The first thing we have to decide is if we have enough money for a viable commercial blitz. We should know within a couple of weeks."

NCPAC usually doesn't enter a campaign this late — six weeks before the election — but Steffen said the information his group gets is: "DeConcini is beatable."

Most political observers doubt that NCPAC will become any more active in the Arizona race than it has been. State Republican Chairman Tom Pappa said he was told by someone at NCPAC that the committee definitely would not invade Arizona because of a lack of funds.

"If that's their decision, that's fine with me," Pappa said.

DeConcini went after NCPAC last week on two fronts — at the Federal Election Commission and in television commercials. The senator charged through a campaign aide, Tony Mason, that NCPAC actively is supporting Dunn's campaign.



In a letter to the commission, Mason said the committee so far has spent more than \$26,000 in Arizona, with nearly \$18,000 for a poll. Because a man identified by NCPAC officials as the man in Arizona did \$50 worth of research for Dunn, Mason reasons that NCPAC is working for Dunn.

If the committee were directly supporting Dunn it would be limited to contributing \$5,000 in the primary and \$5,000 in the general election. Anything more than that would violate federal election laws.

Those spending limitations apply to direct contributions to candidates. But when acting independently, a political-action committee can spend unlimited funds to promote their favorite candidates.

Mason called Dunn "cowardly and dishonest" for bringing NCPAC in to do his dirty work. Dunn, at a separate press conference, said DeConcini was "cowardly" for sending a henchman (Mason) to file the complaint with the election commission. Dunn also denied any link with NCPAC, saying the researcher, Gary Giordano, was hired in March, long before a July newsletter tied him to the committee.

The NCPAC brouhaha was touched off by DeConcini's NCPAC commercials, which began airing last week. In machine-gun fashion, an off-camera voice recites some of the budget cuts NCPAC favors, including less money for water projects and Social Security and dismantling the Veterans Administration hospital system. The Dunn's campaign headquarters telephone number appears as the voice urges people, "Call Pete Dunn and tell him we don't need NCPAC here. Tell him that's not the way we do things in Arizona."

Dunn, who said he doesn't want or need NCPAC's help, said the DeConcini commercials are working but not the way the senator intended.

"Most of the people who called want to work our campaign," he said, obviously pleased.

Dunn called the NCPAC issue "phony" and said it is typical of tactics tried by other Democrats around the country.

"They're attempting to run against NCPAC, but it's not going to work in Arizona," he said.

From the other camp, Mason, a member of DeConcini's campaign steering committee, accused Dunn of "running a NCPAC-type campaign."

Candidates who follow the committee line insist that their opponent talks like a conservative home and votes like a liberal in Washington.

Mason charged that NCPAC goes into a state, slings some mud and gets out of town quickly.

He added, "They hope it's (their campaign tactics) all forgotten after the election. That's what's wrong with politics today."

The Federal Election Commission is required to notify Dunn and NCPAC of the complaint within five days of its filing last Wednesday. Dunn and NCPAC must respond within 15 days.

The penalty for violating federal campaign spending laws is one year in jail, Mason said. He conceded that he doesn't know of anyone who has been fined for such a violation.

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Dunn ally overspent, FEC told

By John DeWitt
The Arizona Daily Star

Sen. Dennis DeConcini's campaign staff filed a complaint with the Federal Election Commission yesterday alleging that the National Conservative Political Action Committee has spent more money than permissible to help DeConcini's opponent, Republican Pete Dunn.

The charge drew an immediate denial from Dunn, who accused DeConcini of using the committee as a "smoke screen to obscure the real issue in this campaign, which is the senator's voting record."

Dunn and a spokesman for the controversial political action committee denied there is any connection between them.

Tony Mason, a member of DeConcini's campaign committee, said at press conferences in Phoenix and Tucson that NCPAC has spent more than \$2,000 to help Dunn and that the Dunn campaign has employed the coordinator of the group's anti-DeConcini effort in Arizona.

Mason said Gary Giordano was paid \$300 in March by the Dunn campaign for "research." A June NCPAC publication said Giordano would head the organization's anti-DeConcini campaign.

"Because of this employment relationship, NCPAC's expenditures fall to meet the FEC's definition of an independent expenditure," Mason wrote.

Mason said federal election law limits contributions to campaigns to \$5,000 each for the primary and general election, sums he said have already been exceeded by the committee in Arizona.

As an independent political action group unconnected with Dunn's campaign, the committee would have no legal limits on its spending.

Dunn flatly denied any connection between his campaign and the political action committee, but said he will ask it to stay out of Arizona anyway.

At the group's Arlington, Va., headquarters, press secretary Joe Steffen also denied any connection between the organization and Dunn.

Steffen said Giordano was never hired as a coordinator because the committee "did not come into Arizona" with an anti-DeConcini campaign.

Giordano agreed with Steffen that he had never been hired by the committee. He said he had sold research to the Dunn campaign, and that he also had sold research to Dunn's primary opponent, Dean Sellers.

The committee is a controversial political organization that solicits money from conservatives nationwide, and then spends it on media campaigns aimed at unseating liberal officeholders. In 1980, it was credited with contributing to losses by Sens. George McGovern of South Dakota and Frank Church of Idaho.

The organization has been accused of using unethical tactics.

Steffen said the committee still hasn't made a decision to fight DeConcini. He said the decision will depend on how much money is available.

Dunn called news conferences in Phoenix and Tucson yesterday to counter the first charge in what is

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paign staff filed a complaint with the Federal Election Commission yesterday alleging that the National Conservative Political Action Committee has spent more money than permissible to help DeConcini's opponent, Republican Pete Dunn.

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Steffen said the committee still hasn't made a decision to fight DeConcini. He said the decision will depend on how much money is available.

Dunn called news conferences in Phoenix and Tucson yesterday to counter the first step in what is apparently a DeConcini tactic to battle possible NCPAC television ads.

For the past week, DeConcini's campaign has been running ads linking Dunn and the committee, and asking viewers to call Dunn and tell him to tell the organization to stay out of Arizona.

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Halm & Kyle, Ltd.

ATTORNEYS AT LAW

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*John D. Halm
Theodore L. Kyle
Margaret R. Tinsley*

Attachment H

2910 South Rural Road
Suite L
Tempe, Arizona 85282
(602) 967-7541

3:40

October 4, 1982

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

Re: MUR 1471

Gentlemen:

I represent the Pete Dunn for U.S. Senate Committee. We are in receipt of your letter dated September 28, 1982 transmitting the complaint filed by the DeConcini Re-Election Committee against my clients. This letter is written to you in response thereto.

The thrust of the DeConcini complaint seems to be that all expenditures by the National Conservative Political Action Committee (hereafter referred to as NCPAC) must be considered in-kind contributions to my client and not independent expenditures because a \$500.00 payment on March 19, 1982 was made to one Gary Giordano who was subsequently announced as NCPAC's chairman in Arizona and, that since NCPAC's expenditures in Arizona exceed contribution limitations, there is a violation.

While the complaint presents an interesting legal theory which might be fun to debate in light of current federal election law, it is not necessary to reach this question as the actual facts do not support the claimed violation.

My client purchased some legal research which Mr. Giordano had done for \$500.00 on March 19, 1982. On or about May 5, 1982, Mr. Giordano agreed to act as NCPAC's representative in Arizona. At the time Mr. Giordano sold the reseach to my client, he was not NCPAC's representative. Further, Mr. Giordano is not now nor has he ever been an employee of my client nor has he in the past or present served in a volunteer capacity in any form for the Committee. Further, my client is not aware of any agent of the Committee who has ever held any discussions or in any manner attempted to cooperate on coordinating the efforts of the Committee with those of NCPAC. My client has not received any cash contributions from NCPAC and no one at the Committee is

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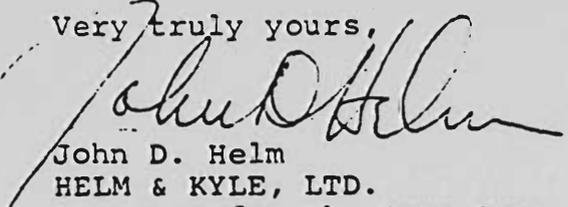
aware of any goods or services that NCPAC has provided the Committee. There is thus no factual basis for the DeConcini conclusion that NCPAC's expenditures are anything but independent under federal election law.

The DeConcini allegations of a connection between the two committees have as its sole factual basis the claim that my client paid Mr. Giordano \$500.00 for research. The payment was made, however, some six weeks prior to Mr. Giordano's becoming associated with NCPAC. There was no association between NCPAC and Mr. Giordano at the time of the payment and thus there could be none between my client and NCPAC (See enclosed copy of Mr. Gary Giordano's affidavit).

Further, to the best of my clients knowledge, the research received from Mr. Giordano is the only item they have ever received from anyone who could in any fashion to date be connected with NCPAC as an agent of theirs. As such, even if the research was ascribed to NCPAC, it would be its value that would constitute a contribution to the Committee and not all expenditures by NCPAC in Arizona and, then only to the extent its value exceeded the \$500.00 paid for it. The research in question consisted of information on DeConcini's voting record on legislation involving the Panama Canal, aid to Nicaragua, Cuba and pornography legislation. Further, it was the same research which had already been sold to our opponent in the primary, Dean Sellers. It was thus not unique and had already been used once. As such, we believe that the \$500.00 payment was adequate consideration and fairly approximated the value of the research.

As a result of the foregoing, it is my clients position that it has not violated federal election law and that there is no connection between it and NCPAC. I would therefor request that you dismiss the complaint against my client. I would further request that this be done in as expediteously a manner as possible as Senator DeConcini has made this an issue in the campaign and the allegations should be laid to rest in a timely fashion so as not to effect the outcome of the campaign. If I may be of further service or additional information is required, please do not hesitate to contact me at any time. Thanking you for your attention to these matters, I remain,

Very truly yours,


John D. Helm
HELM & KYLE, LTD.
Attorney for the Pete Dunn
for U.S. Senate Committee

JDH/tms

8304037367

STATEMENT OF DESIGNATION OF COUNSEL

43

NAME OF COUNSEL: John D. Helm
HELM & KYLE, LTD.
ADDRESS: 3910 South Rural Road
Suite L
TELEPHONE: Tempe, Arizona 85282
(602) 967-7541

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and
other communications from the Commission and to act on my
behalf before the Commission.

10-4-22
Date

Pete Dunn
Signature

NAME: The Pete Dunn for U.S. Senate Committee
ADDRESS: 1414 East Indian School Road
Phoenix, Arizona 85014
(602) 263-7774
HOME PHONE:
BUSINESS PHONE:

83040373675

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STATE OF ARIZONA)
) ss.
County of Maricopa)

COMES NOW, GARY GIORDANO, and after first being duly sworn says:

1. That he did perform research services for the Pete Dunn for U.S. Senate Committee, Inc. and was paid in full for these services on or about March 19, 1982;

2. That since March 19, 1982, he has not performed any further services for the Pete Dunn for U.S. Senate Committee, Inc. and, is not now nor has he ever been an employee of such committee;

3. That on or about May 5, 1982 he verbally agreed to be the National Conservative Political Action Committee's representative in Arizona;

4. That said agreement was announced in a newsletter to NCPAC's members in Arizona;

5. That to the best of his knowledge, there were no agreements, working relationships or other connections between NCPAC and the Pete Dunn for U.S. Senate Committee, Inc. nor have there ever been.

Further affiant saith not.

Gary Giordano
GARY GIORDANO

SUBSCRIBED AND SWORN to before me this 20th day of SEPTEMBER, 1982, by GARY GIORDANO.

My Commission Expires:

June 24, 1984

Diana D. Edholm
NOTARY PUBLIC

83040673676

SEDAM & HERGE

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1100

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

(703) 821-1000

600# 8654

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Curry

GLENN J. SEDAM, JR.
J. CURTIS HERGE
ROBERT R. SPARKS, JR.
A. MARK CHRISTOPHER

JANIS A. CHERRY
KAREN LUSSEN BLAIR
JOHN ROBERT CLARK III
B. ERIC SIVERTSEN

Attachment 5

October 11, 1982

SUITE 270
1700 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(703) 821-1000
TELEX: 710-731-0888
CABLE: SEDAMHERGE

P 4: 46

83040373677

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Attention: Deborah Curry
Office of General Counsel

Re: MUR 1471

Dear Mr. Gross:

This letter constitutes a response on behalf of our client, National Conservative Political Action Committee, to your letter, dated September 21, 1982, with which was enclosed a complaint filed by the Senator Dennis DeConcini Reelection Committee, which has been numbered MUR 1471. Enclosed herewith, for your records, is a Statement of Designation of Counsel, signed by the Treasurer of National Conservative Political Action Committee, designating this firm as its counsel in connection with this matter.

In its complaint, the Senator Dennis DeConcini Reelection Committee (hereinafter "the Complainant") alleged that expenditures made by National Conservative Political Action Committee (hereinafter "NCPAC") in opposition to the nomination of Senator DeConcini for election to the United States Senate from the State of Arizona were not independent expenditures as defined in 2 U.S.C. 431(17), but were in-kind contributions to the Pete Dunn for U.S. Senate Committee as defined in 11 CFR 109.1(c). In support of that allegation, the Complainant notes that the reported director of NCPAC's independent expenditure program in Arizona, Mr. Gary Giordano, was paid the sum of

Kenneth A. Gross, Esq.
Page Two
October 11, 1982

\$500.00 by the Pete Dunn for U.S. Senate Committee on March 19, 1982.*/ The Pete Dunn for U.S. Senate Committee is the principal campaign committee of Mr. Peter G. Dunn, a candidate for election to the United States Senate from the State of Arizona.

In response to the allegation of the Complainant, NCPAC asserts that, while it was not aware of the payment to Mr. Giordano by the Pete Dunn for U.S. Senate Committee until it received the subject complaint, the existence of the payment does not affect the independent character of NCPAC's expenditures because Mr. Dunn was not an opponent of Senator DeConcini at the time the expenditures were made. As a result, Complainant's allegation fails to support a finding that NCPAC has violated the Federal Election Campaign Act of 1971, as amended. Thus, we welcome this opportunity to demonstrate, pursuant to 11 CFR 111.6(a), that no action should be taken on the basis of the complaint.

NCPAC is a multicandidate political committee subject to the provisions of the Federal Election Campaign Act of 1971, as amended. It is a matter of record that, as a part of its programs, NCPAC makes independent expenditures in opposition to the nomination for election or election of certain clearly identified candidates. In April 1981, NCPAC commenced a program of making independent expenditures advocating the defeat of Senator DeConcini, a candidate for the Democratic nomination for election to the United States Senate from the State of Arizona. That program terminated on or about August 16, 1982, approximately 22 days before the date of the Arizona primary (September 7, 1982) at which Senator DeConcini and Mr. Dunn won the nominations of their respective parties. (See, Zerbe Affidavit, attached.)

The expenditures made by NCPAC for communications in opposition to the nomination of Senator DeConcini were for (1) direct mail fund-raising solicitations, which addressed NCPAC's

*/The gravamen of the complaint appears to be that, because Mr. Giordano was paid by the Pete Dunn for U.S. Senate Committee, the expenditures made by NCPAC were not independent by reason of the provisions of 11 CFR 109.1(b)(4)(i)(B).

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Kenneth A. Gross, Esq.
Page Three
October 11, 1982

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opposition to the reelection of a number of identified Members of the United States Senate, of which Senator DeConcini was one*/; (2) the June, 1982 edition of the "NCPAC Conservative Action Report," a portion of which was attached to the complaint; and, (3) a direct mail fund-raising solicitation, dated July 1, 1982, solely in opposition to Senator DeConcini. Those expenditures were reported by NCPAC as independent expenditures, the expenditures being allocated and attributed to those candidates who were clearly identified in the various communications. (We are advised by NCPAC that, although its last communication in opposition to Senator DeConcini was made in August, 1982, all the applicable invoices may not yet have been submitted to NCPAC for payment. As a result, its future reports may reflect payments which are reportable as independent expenditures and which are attributable to Senator DeConcini, but those payments will relate to pre-September 1982 communications.) NCPAC also reported as independent expenditures certain costs that were not for communications made in opposition to the election of Senator DeConcini, but which are attributable administrative expenses. These included the cost of a poll and the allocated salary costs of employees of NCPAC who worked on this project.**/ One of those employees was Mr. Charles Goyette, of Phoenix, Arizona, who was paid during the period from June 1, 1982 through July 12, 1982.

Mr. Goyette was engaged by NCPAC to provide administrative, support services in Arizona in connection with the independent expenditure program in opposition to Senator DeConcini. While the June, 1982 edition of the "NCPAC Conservative Action Report" reported that Mr. Gary Giordano was "directing NCPAC's independent expenditures effort in Arizona," it was, in fact, Mr. Goyette who filled that role. When Mr. Giordano was first approached by NCPAC, in May, 1982, it was with

*/The first such solicitation was published and distributed in April, 1981 and the last such solicitation (which referred to the United States Senate campaign in Arizona) was mailed on August 16, 1982. A copy of the August 16, 1982 communication is attached to the complaint in this matter.

**/See the June, July and August, 1982 Monthly Reports of NCPAC.

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248

Kenneth A. Gross, Esq.
Page Four
October 11, 1982

the view that he would be a spokesman for NCPAC at its activities in Arizona. In fact, no such activities took place. Thus, no communication by NCPAC in opposition to the nomination of Senator DeConcini was made through Mr. Giordano. All the direct-mail and program related activities were formulated and conducted in NCPAC's offices in Virginia. It was Mr. Goyette, not Mr. Giordano, who supported those activities by locating mailing lists, forwarding newspaper articles and discussing strategy. In summary, therefore, while Mr. Giordano had an intended role to play in connection with NCPAC's independent expenditure program in opposition to the nomination of Senator DeConcini, that role was never carried to fruition. (See, Zerbe Affidavit, attached.)

NCPAC had no knowledge of the fact that Mr. Giordano had received a payment from the Pete Dunn for U.S. Senate Committee until it was revealed in the subject complaint. (We are now advised that the payment to Mr. Giordano was for a copy of a research paper Mr. Giordano had previously prepared on Mr. DeConcini.) In fact, the employee of NCPAC who first made contact with Mr. Giordano, in May, 1982, was advised by Mr. Giordano that he had had no contact with Mr. Dunn or with the Dunn campaign since Mr. Dunn announced his candidacy.*/ It is submitted, nonetheless, that the receipt of the payment by Mr. Giordano from the Pete Dunn for U.S. Senate Committee did not compromise the independent nature of NCPAC's expenditures in opposition to Senator DeConcini.

An independent expenditure is defined at 2 U.S.C. 431(17), as follows:

The term "independent expenditure" 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 authorized committee or agent of such candidate, and which is

*/See, Zerbe Affidavit, attached. Mr. Dunn's Statement of Candidacy, FEC Form 2, is dated November 2, 1981.

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Kenneth A. Gross, Esq.
Page Five
October 11, 1982

not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

Commission regulations, at 11 CFR 109.1(b)(4)(i), provide that an expenditure will not be deemed independent if there has been "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 is presumed not to be independent 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; or

(B) Made 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.

Thus, as the regulations indicate, an expenditure is presumed not to be independent if it is based upon information about the candidate's plans, projects or needs provided to the expending person by the candidate, or candidate's agents, with a view toward having an expenditure made; or is made by or through persons falling into specified categories. 11 CFR 109.1(b)(4)(i)(A) and (B). The Federal Election Commission has previously determined, however, that the provisions of 11 CFR 109.1(b)(4) are not applicable to the matter at hand.

In Advisory Opinion 1979-80, dated March 13, 1980, the Federal Election Commission responded to a number of specific questions concerning NCPAC's ability to use certain vendors or agents while making independent expenditures. Certain of those responses are dispositive of this matter. For example, NCPAC asked if it could engage an advertising firm for the purpose of

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Kenneth A. Gross, Esq.
Page Six
October 11, 1982

designing the layout and text of print advertisements advocating the defeat of a candidate for the Democratic nomination for President if that same firm had been engaged by the campaign committee of a candidate for the Republican nomination for President. The Commission responded, in Answer 1, that NCPAC's ability to make independent expenditures would not be compromised by engaging the advertising firm, because "these are two distinct races, the Democratic candidate and the Republican candidate are not opponents" until the Republican candidate for nomination becomes the nominee. This and other responses in the Advisory Opinion indicate that, in a primary campaign, the candidate seeking the nomination of the Republican Party is in a separate and distinct race from, and is not an opponent of, the candidate seeking the nomination of the Democratic Party for election to the same office. Furthermore, NCPAC may make independent expenditures advocating the defeat of the candidate for the Democratic nomination for the Senate through a person who is an agent of the candidate for the Republican nomination for the Senate, until the Republican candidate for nomination becomes the nominee.*/ Mr. Dunn and Mr. DeConcini were, during the period at issue, in two distinct races. Thus, the provisions of 11 CFR 109.1(b)(4)(i)(B) are not applicable to this matter.

Under 11 CFR 109.1(b)(4)(i)(A), an expenditure is presumed not to be independent when it is based upon 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. The Complainant has not alleged facts that would make 11 CFR 109.1(b)(4)(i)(A) applicable to this matter. Nevertheless, NCPAC denies that any of its expenditures in opposition to Mr. DeConcini were based upon information about Mr. Dunn's plans, projects or needs provided to it by Mr. Giordano. See, Zerbe Affidavit, attached. Furthermore, this separate issue was also addressed in Advisory Opinion 1979-80. In response to the question whether NCPAC may engage in any communication with a particular candidate for the Republican nomination when it is making independent expenditures in opposition to a candidate for the Democratic

*/See, also, AO 1982-20.

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Kenneth A. Gross, Esq.
Page Seven
October 11, 1982

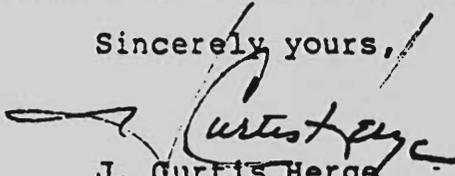
nomination for election to the same office, the Commission stated, in Answer 8:

"During the primary election period NCPAC may communicate with the Republican candidate. . . .However, if the Republican candidate should become the nominee, that communication could preclude NCPAC from making independent expenditures regarding the candidates in the general election....

Thus, the provisions of 11 CFR 109.1(b)(4)(i)(A) are not applicable to this matter.

In conclusion, it is submitted that the expenditures made in opposition to the nomination of Senator DeConcini for election to the United States Senate from the State of Arizona were made prior to the date that Senator DeConcini and Mr. Dunn became the nominees of their respective parties. Thus, the fact that Mr. Giordano, who had only an intended role in making those expenditures, turned out to have received compensation from one of the candidates for the Republican nomination for election to the same office does not change the independent character of those expenditures. As result, the complaint in this matter should be dismissed and no further action should be taken.

Sincerely yours,



J. Gurtis Herge
Counsel to National Conservative
Political Action Committee

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52

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: *Sedam & Heege*

ADDRESS: *8300 Greensboro Dr Suite 1100 McLean, VA 22102*

TELEPHONE: *(703) 821-1000*

RE: MUR 1471

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and
other communications from the Commission and to act on my
behalf before the Commission.

NATIONAL CONSERVATIVE
POLITICAL ACTION COMMITTEE

9/24/82
Date

BY: *[Signature]* - TREASURER
Signature

NAME: *National Conservative PAC*

ADDRESS: *1500 Wilson Blvd Suite 513 Arlington, VA 22209*

HOME PHONE: *(703) 671-6430*

BUSINESS PHONE: *(703) 522-2800*

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(3) That the expenditures made by National Conservative Political Action Committee for communications in opposition to the nomination of Senator DeConcini were for direct mail fund-raising solicitation letters issued between April, 1981 and August 16, 1982; and, for a portion of the June, 1982 edition of the "NCPAC Conservative Action Report."

(4) That all the communications referred to in paragraph (3), above, were conceived, written, designed and published by and through personnel at National Conservative Political Action Committee in Arlington, Virginia.

(5) That, in May, 1982, he was responsible for the recruitment of individuals resident in Arizona to assist and represent National Conservative Political Action Committee with its program in opposition to Senator DeConcini.

(6) That he interviewed Mr. Gary Giordano for the referenced position, it being intended that Mr. Giordano would be the spokesman for and represent National Conservative Political Action Committee in Arizona.

(7) That he specifically inquired of Mr. Giordano whether or not Mr. Giordano had had any communication or contacts with any of the candidates for election to the United States Senate from Arizona and was advised by Mr. Giordano that Mr. Giordano had performed research on Senator DeConcini prior to the time that Mr. Dunn had become a candidate and that Mr. Giordano

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had had no communication or contact with Mr. Dunn, or Mr. Dunn's campaign, since Mr. Dunn became a candidate.

(8) That neither he nor, to his knowledge, anyone at National Conservative Political Action Committee knew Mr. Giordano had received a payment from the Pete Dunn for U.S. Senate Committee until it was revealed in the complaint filed by the Senator Dennis DeConcini Reelection Committee.

(9) That, at no time, did Mr. Giordano provide your deponent with information about the plans, projects or needs of Mr. Dunn, or of the Pete Dunn for U.S. Senate Committee, or request or suggest that the expenditures made by National Conservative Political Action Committee be made.

(10) That the role intended for Mr. Giordano by National Conservative Political Action Committee, as its spokesman in Arizona, was not carried to fruition; and, that, to the best of his knowledge, Mr. Giordano made no communication on behalf of National Conservative Political Action Committee in opposition to the nomination of Senator DeConcini.

(11) That Mr. Charles Goyette, of Phoenix, Arizona, was employed by National Conservative Political Action Committee during the period from June 1, 1982 through July 12, 1982 to provide administrative, support services in Arizona in connection with the independent expenditure program in opposition to Senator DeConcini.

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IN WITNESS WHEREOF, this Affidavit was executed
this 11th day of October, 1982.

Mason B. Zerbe [L.S.]
MASON B. ZERBE

Sworn to before me this
day of October, 1982.

Judith A. Gurny
Notary Public

My commission expires:

My Term of Office Expires on the 17th Day of August 1984.
I was Commissioned a Notary Public as
JUDITH A. GURNY

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

57

Attachment 6

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Anthony Mason
c/o Dennis DeConcini, U.S. Senator
P.O. Box 25460
Phoenix, Arizona 85002

Re: MUR 1471

Dear Mr. Mason:

The Federal Election Commission has reviewed the allegations of your complaint dated September 15, 1982 and determined that on the basis of the information provided in your complaint and information provided by the Respondents there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

58

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Curtis Herge
SEDAM & HERGE
8300 Greensboro Drive
Suite 1100
McLean, Virginia 22102

Re: MUR 1471

Dear Mr. Herge:

On September 21, 1982, the Commission notified you of a complaint alleging that your client, National Conservative Political Action Committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on November , 1982, determined that on the basis of the information in the complaint and information provided by the respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

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59



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John D. Helm
HELM & KYLE, LTD.
3910 South Rural Road
Suite L
Tempe, Arizona 85282

Re: MUR 1471

Dear Mr. Helm:

On September 28, 1982, the Commission notified you of a complaint alleging that your client, Pete Dunn for U.S. Senate Committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on November , 1982, determined that on the basis of the information in the complaint and information provided by the respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

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DENNIS
DECONCINI
U.S. SENATOR

RECEIVED AT THE ECP

82 SEP 20 P 4: 25

2 SEP 20 A 10: 55

P.O. Box 25460, Phoenix, Arizona 85002

(602) 266-8494

September 15, 1982

General Counsel
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

re: offenses by NCPAC and
Dunn for Senate Campaign

Dear Sir:

This letter constitutes a complaint against the National Conservative Political Action Committee (NCPAC) by the DeConcini Re-Election Campaign Committee pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4. I am signing this letter in my capacity as a member of the Steering Committee of the DeConcini Re-Election Campaign.

Senator Dennis DeConcini is the Democratic Senator from Arizona and a candidate for re-election in the November 1982 election. NCPAC is an allegedly independent committee supporting certain candidates for election to federal and state office. Pete Dunn is the Republican candidate for the Senate seat now held by Senator DeConcini.

NCPAC first announced in November of 1980 that they would target Senator DeConcini for defeat at his next election. In June of 1982 NCPAC released a newsletter, stating that Mr. Gary Giordano would head NCPAC's efforts in Arizona to defeat Senator DeConcini, copy of which is attached. Mr. Giordano has been employed by Mr. Pete Dunn's campaign committee, whose FEC filings show a payment of \$500 on March 19, 1982 from Mr. Dunn's committee to Mr. Giordano for certain research. Because of this employment relationship, NCPAC's expenditures fail to meet the FEC's definition of an independent expenditure. They are, instead, in-kind contributions from NCPAC to Mr. Dunn's campaign committee.

Because NCPAC's expenditures to defeat Senator DeConcini constitute in-kind contributions to Mr. Dunn, they are limited in amount to \$5,000 for the primary election and \$5,000 for the general election under 2 U.S.C. § 441a(2). The evidence strongly indicates that these limits have already been exceeded, as follows:

1. - According to NCPAC's filing with the F.E.C., they have spent at least \$26,417.89 in Arizona through July of 1982. A summary sheet detailing NCPAC's expenditures is attached.
2. - In an August 16, 1982 fundraising letter, copy of which is attached, NCPAC stated that it intended to spend \$116,000 for radio and T.V. time in Arizona to defeat Senator DeConcini.

Paid for by the Senator Dennis DeConcini Re-election Committee

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

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General Counsel
September 15, 1982
Page 2

We would be more than happy to provide any further information you might need.

Sincerely,

Anthony Mason
ANTHONY MASON
100 W. Washington, 18th floor
Phoenix, AZ 85003

Encls.

Subscribed and sworn before me
this 15th day of September, 1982.

83040373690

Sandy M. Manras
Notary Public

My Commission Expires:

My Commission Expires April 6, 1985

JUNE, 1982

TARGET '82 TARGET '82 TARGET '82

Panama Canal Zones DeConcini into Tight Race

"Twenty nine of the 67 senators who voted for the Panama Canal Treaty four years ago are now gone." That's how one newspaper sums up Democrat Dennis DeConcini's Achilles' heel.

Posing as a moderating voice, DeConcini was responsible for Jimmy Carter's victory on the highly controversial treaty. In the Senator's home state of Arizona, the canal zone issue continues to simmer at near-boiling levels with most voters.

In the minds of many, when DeConcini backpeddled U.S. strength in Panama, he help-

ed kick off the series of disasters which followed in Nicaragua, El Salvador and now Guatemala. The hotter events become in Central America, the higher old flames burn in the hearts of Arizonans. They know a major upset inside their fragile neighbor Mexico will surely affect Arizona.

A second, equally important concern for DeConcini is the massive electoral shift which has occurred in Arizona since he won his six-year term in 1976. Democrats are no longer the majority party.

It's a political "first" for any Sunbelt state, and the huge

Republican gain translates into serious troubles even for fence-straddling liberals like DeConcini.

Directing NCPAC's independent expenditures effort in Arizona is Gary Giordano. Giordano strongly favors dumping the incumbent. So strongly, in fact, he's willing to carry out NCPAC duties while running his own campaign for a seat in the State House of Representatives. Giordano is seeking the lower-house seat formerly held by Supreme Court Justice Sandra O'Connor.

A third reason for replacing DeConcini is the high caliber

of available conservative talent. Cattle rancher and businessman Dean Sellers promises to spend whatever necessary to oust the Senator. He has the endorsed support of such leading national conservative organization as the National Alliance of Senior Citizens.

Also reaching for the GOP nod is State Rep. Pete Dunn. Dunn chairs the prestigious Judiciary Committee in the House and is popular with state party leaders. Dunn's campaign has engaged Richard Wirthlin to handle poll-taking activities.

Wanted: Senator

Continued from Page 1

... carried back from Washington and shown to the people of West Virginia."

Fundraising is a problem for any candidate or group which opposes Byrd. A Minority Leader's status translates into almost unlimited money from both labor and business PACs. Following the old "cooperate" theory often used by lobbyists, their PACs support powerful legislators - even liberals like Byrd, but usually slip something to his conservative opponent. Not so with the Minority Leader. These PACs fear Byrd's perceived power.

Asked why so little is forthcoming in Benedict's case, one lobbyist explained, "Better safe than sorry is the attitude industry groups have about the Byrd-Benedict race. Everyone in Washington agrees that Byrd seldom forgets any slight... even a token handout to his opponent. And he's got a minus-seven sense of humor."

Benedict may have a limited bankroll, but he possesses the reputation of a popular and influential Congressman, and a 100 percent ACU rating. Moreover, he is willing to spend his own money to de-

feat Byrd.

NCPAC recognizes the ingredients of a looming upset, the proverbial David taking on Goliath. And we are not alone. Citizens for the Republic, the group initiated by President Reagan to advance his 1980 candidacy, has entered the fray.

Human Events describes West Virginia's race this way: "The upset of the year... If brave men step forth!"

NCPAC Formula

Since the last issue of *Conservative Action Report*, NCPAC television ads have emerged as the toughest thorn in Byrd's side.

First, surveys were commissioned to determine the level of public awareness on Byrd's voting patterns. Statistically, these professional polls registered a near-zero awareness of Byrd's stands on the issues. Whatever his shortcomings, Byrd's taxpayer-funded public relations shop has proved masterful at covering his tracks in West Virginia.

NCPAC next ran a series of radio and television ads revealing his voting record and his residence. One ad points out Byrd not only fails to represent West Virginians, he refuses to live anywhere

near them. His sole residence is in McLean, Virginia, a Washington, D.C. suburb.

The ad raised eyebrows among Byrd critics, and spawned some new jokes. One pundit pointed out the Commonwealth of Virginia had two Senator Byrds... the official one, of course, was conservative Independent Harry Byrd, whose record is nearly the opposite of liberal Democrat Robert Byrd's.

The ad campaign was underway when the counter offensive struck. Robert Byrd's reaction to the NCPAC campaign almost perfectly followed the Democratic Congressional Campaign Committee's "Seven Commandments" for incumbent liberals to use when harassed by PAC activities.

Silencing Squad

Two of the cardinal rules on the list are: (1) Stop paid TV ads by PACs before they begin; and (2) Do not allow the Senator to become personally involved in the silencing dirty work.

Thus was born the "Friends of Byrd Committee". However, they immediately showed their true purpose and lack of independence.

Mistake One: Overly anxious to get Byrd's thinly veiled threats mailed to radio and TV stations, the letter looked

almost exactly like one NCPAC target Senator Daniel Patrick Moynihan used to intimidate broadcasters in New York state.

Moynihan's letter, it turns out, bears remarkable resemblance to an anonymous form memo drafted in the bowels of the Democratic Committee. The Friends of Byrd Committee has yet to explain this "miraculous overlapping". Their denials of copying led one commentator to speculate the two Senators might have experienced joint "divine inspiration".

Mistake Two: According to the DCCC's second-most important Commandment, an incumbent should keep his hands clean. Let someone else bully the broadcasters.

The bottom line, Byrd soon admitted to the *Charlestown Daily Mail* that he was working to keep NCPAC ads off the airwaves.

Byrd Backfires

Faced with a growing number of refusals from broadcasters, NCPAC took its case to the print media. Whatever their political biases, West Virginia newsmen are highly sensitive to censorship - even when the penknife is wielded

Continued on Page 6

NCPAC EXPENDITURES

Senator	Jan-Dec 81	Jan-Mar 82	April 82	May 82	June 82	Jan 81-June 82
Kennedy	476,457.49	48,688.50	0	389.35	66.98	525,602.32
Sarbanes	268,290.28	133,859.34	93,772.44	16,388.44	13,680.14	485,990.64
Byrd	35,925.48	54,849.21	28,737.77	62,769.74	16,059.39	196,341.69
Helcher	40,998.55	59,126.96	1,568.29	17,917.81	22,061.61	141,673.22
Moynihan	51,529.31	8,939.34	16,500.00	0	0	76,968.65
Dentson	3,311.45	590.26	0	28,000.00	0	50,671.71
Cannon	3,311.42	0	3,259.35	10,113.31	18,770.00	23,441.16
Bardick	3,311.44	0	3,294.61	10,446.26	6,757.08	20,246.84
De Concini	3,312.07	0	0	424.51	3,194.53	6,698.48
Metzenbaum	4,281.03	500.00	743.43	757.46	2,961.90	6,281.92
Mitchell	3,312.08	0	0	0	0	3,312.08
Hatsunaga	3,312.03	0	0	0	0	3,312.03
Chiles	3,312.05	0	0	0	0	3,312.05
Proxmire	3,311.53	0	0	0	0	3,311.53
Sasser	3,311.48	0	0	0	0	3,311.48
Riegle	3,311.48	0	0	0	0	3,311.48
Williams	3,291.99	0	0	0	0	3,291.99
Jackson	692.88	0	0	0	0	692.88
Total	914,584.16	306,553.61	105,875.89	147,256.88	83,551.63	1,557,772.17

REPUBLICANS

Helcher	33,255.75	52,893.50	19,714.70	20,888.49	12,664.81	139,417.25
Stafford	3,311.48	0	0	0	0	3,311.48
Chafee	3,311.45	0	0	0	0	3,311.45
Total	39,878.68	52,893.50	19,714.70	20,888.49	12,664.81	146,040.18
D and R Total	954,462.84	359,447.11	125,590.59	168,095.37	96,216.44	1,703,812.35

ITEMIZED INDEPENDENT EXPENDITURES

Page 7 of 32 pages

See Reverse Side for Instructions

Name of Committee (in Full)

NATIONAL CONSERVATIVE POLITICAL ACTION COMM.

I.D. No.

C0002487

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate sponsored or endorsed by the expenditure & office sought
C&P Telephone Co.	phone bill	7/2/82	1141.26	Melcher U.S. Senate MI <input type="checkbox"/> Sponsor <input checked="" type="checkbox"/> Oppose
C&P Telephone Co.	phone bill	7/2/82	1141.26	Cannon U.S. Senate NV <input type="checkbox"/> Sponsor <input checked="" type="checkbox"/> Oppose
Brad Krones 175 Stockade Road Glastonburg, CT 06703	rent, printing, postage, and mileage	7/1/82	2000.00	Weicker U.S. Senate CT <input type="checkbox"/> Sponsor <input checked="" type="checkbox"/> Oppose
Bonnie Horning 2604 West Oakley Blvd. Las Vegas, NV 89102	printing, postage, and mileage	7/1/82	500.00	Cannon U.S. Senate NV <input type="checkbox"/> Sponsor <input checked="" type="checkbox"/> Oppose
U.S. Postmaster	postage	7/2/82	183.35	DeConcini U.S. Senate AZ <input type="checkbox"/> Sponsor <input checked="" type="checkbox"/> Oppose
U.S. Postmaster	postage	7/2/82	183.33	Cannon U.S. Senate NV <input type="checkbox"/> Sponsor <input checked="" type="checkbox"/> Oppose

SUBTOTAL of Itemized Independent Expenditures \$ 5149.20
 SUBTOTAL of Unitemized Independent Expenditures \$ _____
 TOTAL Independent Expenditures \$ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with, or for the purpose of influencing the election 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 reproduction in whole or in part of any campaign material prepared by the candidate, his campaign committee, or their agent.

Subscribed and sworn to before me this _____ day of _____, 19____.
 My Commission expires _____

 NOTARY PUBLIC

 Signature Date

ITEMIZED INDEPENDENT EXPENDITURES

Use Reverse Side for Instructions

Name of Committee (in Full)

LD. No.

NATIONAL CONSERVATIVE POLITICAL ACTION COM.

C0002487

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
1st American Bank of VA	federal payroll tax	7/2/82	85.05	Carmon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of VA.	federal payroll tax	7/2/82	362.30	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of VA	federal payroll tax	7/2/82	78.64	Eurdick U.S. Senate ND <input type="checkbox"/> Support <input type="checkbox"/> Oppose
1st American Bank of VA	federal payroll tax	7/2/82	197.57	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of VA	federal payroll tax	7/2/82	233.34	Jones OK -1 <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll tax	7/2/82	30.21	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$ 987.11	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$ _____	
(c) TOTAL Independent Expenditures			\$ _____	

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

Subscribed and sworn to before me this _____ day of _____, 1982.

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEM 3 INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full)				I.D. No.
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.				C0002487
Full Name, Mailing Address & ZIP Code of Each Party	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Department of Taxation	state payroll taxes	7/2/82	10.99	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	10.99	DeConcini U.S. Senate AZ. <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	7.99	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	7.99	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	9.93	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	9.93	Jones OK - 1 <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
b) SUBTOTAL of In-kind Independent Expenditures			\$ 57.82	
c) SUBTOTAL of Unin-kind Independent Expenditures			\$ _____	
d) TOTAL Independent Expenditures			\$ _____	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection, contemplation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not include the buying of transmission, distribution, or reproduction 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 _____ day of _____, 1982.

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

See Reverse Side for Instructions

Name of Committee (or Pool)		I.D. No.		
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.		C0002487		
Full Name, Mailing Address & ZIP Code of Each Payer	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Prudential	insurance	7/8/82	100.71	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Prudential	insurance	7/8/82	100.71	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Prudential	insurance	7/8/82	100.71	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Prudential	insurance	7/8/82	100.71	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Prudential	insurance	7/8/82	100.71	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Prudential	insurance	7/8/82	100.71	Melcher U.S. Senate MT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$ 604.26	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$ _____	
(c) TOTAL Independent Expenditures			\$ _____	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or reproduction 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 _____ day of _____, 1982.

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full)

NATIONAL CONSERVATIVE POLITICAL ACTION COMM.

I.D. No.

C0002487

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or elected by the expenditure & office sought
Greg Foster	payroll	7/13/82	482.02	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Kevin Gagne	payroll	7/13/82	188.24	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Kevin Gagne	payroll	7/13/82	188.24	Malcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Scott Gregory	payroll	7/13/82	198.36	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Scott Gregory	payroll	7/13/82	198.36	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Charles Goyette 3602 E. Perison Phoenix, AZ 85018	payroll	7/13/82	384.82	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures

\$ 1640.04

(b) SUBTOTAL of Unitemized Independent Expenditures

\$ _____

(c) TOTAL Independent Expenditures

\$ _____

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

Expenditures were made on the _____ day of _____, 19____.

My Commission expires _____.

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

15 of 22 pages

See Reverse Side for Instructions

Name of Candidate (in Full)

NATIONAL CONSERVATIVE POLITICAL ACTION COMM...

I.D. No.

C0002487

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date Made, day, month, year	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Jim Hammond	payroll	7/13/82	190.83	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Bonnie Horning	payroll	7/13/82	500.00	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Kroner	payroll	7/13/82	369.59	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Zerba	payroll	7/13/82	211.50	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Zerba	payroll	7/13/82	211.50	DeConcini U.S. Senate-AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Rachel Waugh 9603 Burgess Lane Silver Spring, MD 20901	payroll	7/13/82	397.30	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures

\$ 1880.72

(b) SUBTOTAL of Unitemized Independent Expenditures

\$ _____

(c) TOTAL Independent Expenditures

\$ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or reproduction 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 _____ day of _____, 1982.

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

See Reverse Side for Instructions

Name of Committee for Filing

NATIONAL CONSERVATIVE POLITICAL ACTION COME.

I.D. No.

C0002487

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date Made, (M, Y, YR)	Amount	Name of Federal Candidate Supported or Opposed by the Expenditure & Office sought
Arthur J. Finkelstein & Assoc. 117 Smith Ave. Mt. Kisco, NY 10549	survey	7/13/82	17850.00	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Edmonds Associates 611 Cameron Street Alexandria, VA 22314	production costs	7/13/82	1468.43	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Edmonds Associates	production costs	7/13/82	470.60	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Thomas Brooks	payroll	7/13/82	379.32	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Deborah Sagnella 1008 Fairfield Beach Rd. Fairfield, CT 06430	payroll	7/15/82	115.85	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Dawn Ovellet 285 Olive Street Bridgeport, CT 06604	payroll	7/15/82	111.69	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures

20395.89

(b) SUBTOTAL of Unitemized Independent Expenditures

\$ _____

(c) TOTAL Independent Expenditures

\$ _____

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

Subscribed and sworn to before me this _____ day of _____ 19____

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Candidate (in Full)		ID No.		
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.		C0002487		
Full Name, Mailing Address & ZIP Code of Each Payor	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
VA Dept. of Taxation	state payroll taxes	7/19/82	9.93	Melcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	9.93	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	9.27	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	27.25	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	10.99	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	10.99	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$ 78.36	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$ _____	
(c) TOTAL Independent Expenditures			\$ _____	

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

Submitted and sworn to before me this _____ day of _____ 19____

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee in Full				I.D. No.	
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.				C0002487	
Full Name, Mailing Address & ZIP Code of Each Payer	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought	
1st American Bank of Virginia	federal payroll tax	7/19/82	323.76	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
1st American Bank of Virginia	federal payroll tax	7/19/82	745.14	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
1st American Bank of Virginia	federal payroll tax	7/19/82	143.23	Melcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
1st American Bank of Virginia	federal payroll tax	7/19/82	73.84	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
1st American Bank of Virginia	federal payroll tax	7/19/82	69.39	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
1st American Bank of Virginia	federal payroll tax	7/19/82	187.94	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
GRAND TOTAL of itemized independent expenditures			\$1543.30		
GRAND TOTAL of Unitemized independent expenditures			\$		
GRAND TOTAL independent expenditures			\$		

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with, consideration of, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures do not include the financing of dissemination, distribution, or reproduction in whole or in part of any campaign materials prepared by the candidate and campaign committee or their agent.

Subscribed and sworn to before me this _____ day of _____ 1982

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee on Form

NATIONAL CONSERVATIVE POLITICAL ACTION COM. .

ID No.

C0002487

Full Name, Including Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Kevin Gagne	payroll	7/27/82	188.24	Melcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Scott Gregory	payroll	7/27/82	198.36	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Scott Gregory	payroll	7/27/82	198.36	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Bonnie Horning	payroll	7/27/82	500.00	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Krone	payroll	7/27/82	369.59	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Zerbe	payroll	7/27/82	211.50	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$1666.05	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$	
(c) TOTAL Independent Expenditures			\$	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in violation, contribution, contract with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the buying of dissemination distribution, or reproduction in whole or in part of any campaign material prepared by the candidate or campaign committee or the agent.

Executed and sworn to before me this _____ day of _____ 19____

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in full)

NATIONAL CONSERVATIVE POLITICAL ACTION COMM.

ID No.

C0002487

Full Name, Mailing Address & ZIP Code of Each Payer	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate Endorsed or Opposed by the Expenditure & Office Sought
MediAmerica, Inc.	postage	7/28/82	278.75	Helcher U.S. Senate MT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
MediAmerica, Inc.	postage	7/28/82	278.75	Burdick U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
7 MediAmerica, Inc.	postage	7/28/82	278.75	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
7 MediAmerica, Inc.	postage	7/28/82	278.75	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
0 MediAmerica, Inc.	postage	7/28/82	278.75	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
8 MediAmerica, Inc.	postage	7/28/82	278.75	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose

(a) SUBTOTAL of Itemized Independent Expenditures

\$ 1672.50

(b) SUBTOTAL of Unitemized Independent Expenditures

\$ _____

(c) TOTAL Independent Expenditures

\$ _____

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

Subscribed and sworn to before me this _____ day of _____, 19____

My Commission expires _____

NOTARY PUBLIC

Signature

Date

JULY 1982

NC PHL EXPENDITURES

Medi America, Inc.	postage	7/28/82	278.75
U.S. Postmaster	postage	7/2/82	183.35 ✓
First American Bank of Va.	Fed payroll tax	7/2/82	197.57 ✓
Dept. of Taxation	State & payroll tax	7/2/82	10.99 ✓
Prudential Insurance	insurance	7/8/82	100.71 ✓
Charles Goyette	payroll	7/13/82	384.82 ✓
Brad Zerbe	payroll	7/13/82	211.50 ✓
Arthur J. Finkelstein & Associates	survey	7/13/82	17850.00 ✓
Va. Dept. of Taxation	state payroll taxes	7/19/82	10.99 ✓
First American Bank of Va.	payroll taxes	7/19/82	187.94 ✓
Brad Zerbe	payroll	7/27/82	211.50 ✓
First American Bank of Va.	Fed payroll tax	7/29/82	80.30 ✓
Va. Dept. of Taxation	state payroll taxes	7/29/82	10.99

19828

~~19828~~
\$19,119.41

830403738

NATIONAL CONSERVATIVE POLITICAL ACTION COMMITTEE



1500 WILSON BLVD., SUITE 513 August 16, 1982
ARLINGTON VA. 22209

[REDACTED]
[REDACTED]
[REDACTED] Arizona [REDACTED]

Dear [REDACTED]

I just received some highly confidential reports from my field staff.

The nature of the reports is so explosive I can't share all of them with you (I don't dare mail a copy out of our office). But because you are a trusted past supporter of NCPAC I felt you had a right to know some of the critical points they contained.

The reports were both encouraging and disturbing.

Above all else they made it clear the next three months could well make or break the Reagan revolution.

You and I were a part of that revolution. Through your kind-hearted and generous support for groups like NCPAC we won great victories in 1980 and 1981.

But we are now in danger in the next three months of losing much of what we gained in 1980.

That's why I've enclosed a special three part Conservative Victory Pledge.

I hope you'll sign it and mail it back to me today.

As you know NCPAC launched a series of independent campaigns against a number of key liberal Senators like Ted Kennedy, Robert Byrd, and Paul Sarbanes.

But I'm concerned unless past conservative and Republican supporters of NCPAC like yourself are willing to help over the next three months, we could actually lose conservative control of the Senate.

There is a bright spot though.

Our field reports show that if we can raise a budget of \$1,177,000 NCPAC can help win Senate races in 8 states.

That would mean we not only keep control but actually could gain seats in the Senate. That could insure conservative control

(Over, please...)

83040673709

into the 1990's.

Could you imagine - a Senate without liberals like Paul Sarbanes or Robert Byrd? Or dare we hope - without Ted Kennedy! The reports I've received show it's possible but here's what it takes:

Step 1 - We have just completed surveys in five key states, Maryland, West Virginia, Texas, North Dakota and Arizona. Results are coming now from Massachusetts, but we still need to survey Montana and Nevada. Added budget to complete step one: \$31,000.

Step 2 - Based on encouraging survey results we now need to run our radio and TV ads to finish the job. Here's a state by state breakdown of the costs:

Arizona	\$116,000	for TV and radio time
Massachusetts	125,000	for TV and radio time
Maryland	200,000	for TV and radio time
Montana	75,000	for TV and radio time
North Dakota	60,000	for TV and radio time
Nevada	135,000	for TV and radio time
Texas	300,000	for TV and radio time
West Virginia	135,000	for TV and radio time

Added cost to complete step two: \$1,146,000.

Total cost to complete steps one and two is \$1,177,000.

A total budget of \$1,177,000 to complete our plan to keep control of the Senate is a lot of money.

But you've seen how effective your past support for NCPAC has been in helping win Senate races.

In 1980 we played a part in taking control of the U.S. Senate for conservatives.

But with these victories came the burden of maintaining the control of the Senate.

They say imitation is the sincerest form of flattery. Well, since 1980 no fewer than 5 liberal political action groups -- (Americans for Common Sense, Democrats for the 80's, Independent Action, PROPAC) have sprung up to counter NCPAC.

So in 1982 the battlelines are clearly drawn.

The number of new liberal political groups doesn't bother me if I can continue to count on the support of people like you.

Frankly we are farther ahead in campaign technology than the

(Next page, please...)

B 3 0 4 0 3 7 3 7 1 0

Page three

liberals so our money is spent more wisely.

Can I count on you to help again?

What I'm asking all past supporters to do is to pledge what they can for the next three critical months.

That will insure we make our budget and carry through the November elections.

So will you fill out the enclosed three month Conservative Victory Pledge?

Then mail it back to us in the enclosed postage paid envelope.

I wasn't sure how much you would be willing to pledge so I filled in an amount on the card but left a blank in case you could send more.

Of course if you want to send one check now for the full amount that would be great.

We need to raise \$393,000 of our total budget by September 3rd. So please mail your pledge back to me today.

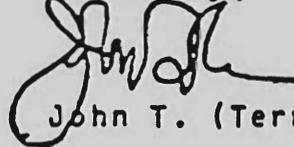
We have figured out this pledge program very carefully. The only way we can meet our budget is if you and other NCPAC supporters will help.

If I can count on enough past supporters like you to help in this pledge program I won't have to ask for any more money for the November elections.

Won't you send one last contribution to help elect conservatives in the November election?

I'm counting on hearing back from you in the next few days.

Sincerely,



John T. (Terry) Dolan

P.S. So many supporters were on vacation in July and August we've really fallen behind in raising the money for our vital campaign projects. Simply put, if we don't raise the money we will have to cut back the radio and TV ads we plan to run. So try to pledge what you can. Please fill out the enclosed Conservative Victory Pledge and mail it back to me today.

I really worry I may not raise what we need by September 3rd. So please pledge now.

B 3 0 4 0 6 7 3 7 1 1

FROM THE DESK OF

Vic Gresham

NCPAC Political Director

Memorandum for: John T. Dolan

Subject: Finances for September, October and November

NCPAC contributors have been generous. But as you know we are in the midst of some vital projects which desperately need money.

You may remember we discussed needing \$1,435,000. But I've been able to reduce that amount to \$1,146,000 by cutting corners. We must receive that amount, however, within the next few weeks (or at least have pledges for that amount) or cancel these campaign projects and take our losses.

You know we can't wait. All the projects depend on raising \$1,146,000.

As you requested, John, this is a bare-bones budget for projects still unfunded. It does not cover the other programs we have discussed elsewhere.

Step 1 We have just completed surveys in five key states, Maryland, West Virginia, Texas, North Dakota, and Arizona. Results are coming now from Massachusetts, but we still need to survey Montana and Nevada.

Added budget needed to complete step one: \$31,000.

Step 2 Based on encouraging survey results we now need to run our radio and TV ads to finish the job. Here's a state by state breakdown of the costs:

Arizona	\$116,000	for TV & radio time
Massachusetts	\$125,000	for TV & radio time
Maryland	\$200,000	for TV & radio time
Montana	\$ 75,000	for TV & radio time
North Dakota	\$ 60,000	for TV & radio time
Nevada	\$135,000	for TV & radio time
Texas	\$300,000	for TV & radio time
West Virginia	\$135,000	for TV & radio time

Added cost to complete step two: \$1,146,000.

Budget Deadlines	\$393,000	needed by September 3rd
	\$392,000	needed by October 2nd
	<u>\$392,000</u>	needed by November 1st

\$1,177,000 TOTAL needed for the next three months before the November election.

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A F F I D A V I T

STATE OF ARIZONA)
) ss.
County of Maricopa)

COMES NOW, GARY GIORDANO, and after first being duly sworn says:

1. That he did perform research services for the Pete Dunn for U.S. Senate Committee, Inc. and was paid in full for these services on or about March 19, 1982;
2. That since March 19, 1982, he has not performed any further services for the Pete Dunn for U.S. Senate Committee, Inc. and, is not now nor has he ever been an employee of such committee;
3. That on or about May 5, 1982 he verbally agreed to be the National Conservative Political Action Committee's representative in Arizona;
4. That said agreement was announced in a newsletter to NCPAC's members in Arizona;
5. That to the best of his knowledge, there were no agreements, working relationships or other connections between NCPAC and the Pete Dunn for U.S. Senate Committee, Inc. nor have there ever been.

Further affiant saith not.

Gary Giordano
GARY GIORDANO

SUBSCRIBED AND SWORN to before me this 20th day of SEPTEMBER, 1982, by GARY GIORDANO.

My Commission Expires:
June 24, 1984

Diana D. Edholm
NOTARY PUBLIC

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Helm & Kyle, Ltd.
ATTORNEYS AT LAW
3910 South Rural Road
Suite L
Tempe, Arizona 85282



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

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SEDAM & HERGE

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1100

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

(703) 821-1000

GLENN J. SEDAM, JR.
J. CURTIS HERGE
ROBERT R. SPARKS, JR.
A. MARK CHRISTOPHER

JANIS A. CHERRY
KAREN LUSSEN BLAIR
JOHN ROBERT CLARK III
B. ERIC SIVERTSEN

SUITE 270
1700 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(703) 821-1000
TELEX: 710-751-0886
CABLE: SEDAMHERGE

October 11, 1982

9p:46

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Attention: Deborah Curry
Office of General Counsel

Re: MUR 1471

Dear Mr. Gross:

This letter constitutes a response on behalf of our client, National Conservative Political Action Committee, to your letter, dated September 21, 1982, with which was enclosed a complaint filed by the Senator Dennis DeConcini Reelection Committee, which has been numbered MUR 1471. Enclosed herewith, for your records, is a Statement of Designation of Counsel, signed by the Treasurer of National Conservative Political Action Committee, designating this firm as its counsel in connection with this matter.

In its complaint, the Senator Dennis DeConcini Reelection Committee (hereinafter "the Complainant") alleged that expenditures made by National Conservative Political Action Committee (hereinafter "NCPAC") in opposition to the nomination of Senator DeConcini for election to the United States Senate from the State of Arizona were not independent expenditures as defined in 2 U.S.C. 431(17), but were in-kind contributions to the Pete Dunn for U.S. Senate Committee as defined in 11 CFR 109.1(c). In support of that allegation, the Complainant notes that the reported director of NCPAC's independent expenditure program in Arizona, Mr. Gary Giordano, was paid the sum of

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Kenneth A. Gross, Esq.
Page Two
October 11, 1982

\$500.00 by the Pete Dunn for U.S. Senate Committee on March 19, 1982.*/ The Pete Dunn for U.S. Senate Committee is the principal campaign committee of Mr. Peter G. Dunn, a candidate for election to the United States Senate from the State of Arizona.

In response to the allegation of the Complainant, NCPAC asserts that, while it was not aware of the payment to Mr. Giordano by the Pete Dunn for U.S. Senate Committee until it received the subject complaint, the existence of the payment does not affect the independent character of NCPAC's expenditures because Mr. Dunn was not an opponent of Senator DeConcini at the time the expenditures were made. As a result, Complainant's allegation fails to support a finding that NCPAC has violated the Federal Election Campaign Act of 1971, as amended. Thus, we welcome this opportunity to demonstrate, pursuant to 11 CFR 111.6(a), that no action should be taken on the basis of the complaint.

NCPAC is a multicandidate political committee subject to the provisions of the Federal Election Campaign Act of 1971, as amended. It is a matter of record that, as a part of its programs, NCPAC makes independent expenditures in opposition to the nomination for election or election of certain clearly identified candidates. In April 1981, NCPAC commenced a program of making independent expenditures advocating the defeat of Senator DeConcini, a candidate for the Democratic nomination for election to the United States Senate from the State of Arizona. That program terminated on or about August 16, 1982, approximately 22 days before the date of the Arizona primary (September 7, 1982) at which Senator DeConcini and Mr. Dunn won the nominations of their respective parties. (See, Zerbe Affidavit, attached.)

The expenditures made by NCPAC for communications in opposition to the nomination of Senator DeConcini were for (1) direct mail fund-raising solicitations, which addressed NCPAC's

*/The gravamen of the complaint appears to be that, because Mr. Giordano was paid by the Pete Dunn for U.S. Senate Committee, the expenditures made by NCPAC were not independent by reason of the provisions of 11 CFR 109.1(b)(4)(i)(B).

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Kenneth A. Gross, Esq.
Page Three
October 11, 1982

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opposition to the reelection of a number of identified Members of the United States Senate, of which Senator DeConcini was one^{*}; (2) the June, 1982 edition of the "NCPAC Conservative Action Report," a portion of which was attached to the complaint; and, (3) a direct mail fund-raising solicitation, dated July 1, 1982, solely in opposition to Senator DeConcini. Those expenditures were reported by NCPAC as independent expenditures, the expenditures being allocated and attributed to those candidates who were clearly identified in the various communications. (We are advised by NCPAC that, although its last communication in opposition to Senator DeConcini was made in August, 1982, all the applicable invoices may not yet have been submitted to NCPAC for payment. As a result, its future reports may reflect payments which are reportable as independent expenditures and which are attributable to Senator DeConcini, but those payments will relate to pre-September 1982 communications.) NCPAC also reported as independent expenditures certain costs that were not for communications made in opposition to the election of Senator DeConcini, but which are attributable administrative expenses. These included the cost of a poll and the allocated salary costs of employees of NCPAC who worked on this project.^{**} One of those employees was Mr. Charles Goyette, of Phoenix, Arizona, who was paid during the period from June 1, 1982 through July 12, 1982.

Mr. Goyette was engaged by NCPAC to provide administrative, support services in Arizona in connection with the independent expenditure program in opposition to Senator DeConcini. While the June, 1982 edition of the "NCPAC Conservative Action Report" reported that Mr. Gary Giordano was "directing NCPAC's independent expenditures effort in Arizona," it was, in fact, Mr. Goyette who filled that role. When Mr. Giordano was first approached by NCPAC, in May, 1982, it was with

^{*}/The first such solicitation was published and distributed in April, 1981 and the last such solicitation (which referred to the United States Senate campaign in Arizona) was mailed on August 16, 1982. A copy of the August 16, 1982 communication is attached to the complaint in this matter.

^{**}/See the June, July and August, 1982 Monthly Reports of NCPAC.

Kenneth A. Gross, Esq.
Page Four
October 11, 1982

the view that he would be a spokesman for NCPAC at its activities in Arizona. In fact, no such activities took place. Thus, no communication by NCPAC in opposition to the nomination of Senator DeConcini was made through Mr. Giordano. All the direct-mail and program related activities were formulated and conducted in NCPAC's offices in Virginia. It was Mr. Goyette, not Mr. Giordano, who supported those activities by locating mailing lists, forwarding newspaper articles and discussing strategy. In summary, therefore, while Mr. Giordano had an intended role to play in connection with NCPAC's independent expenditure program in opposition to the nomination of Senator DeConcini, that role was never carried to fruition. (See, Zerbe Affidavit, attached.)

NCPAC had no knowledge of the fact that Mr. Giordano had received a payment from the Pete Dunn for U.S. Senate Committee until it was revealed in the subject complaint. (We are now advised that the payment to Mr. Giordano was for a copy of a research paper Mr. Giordano had previously prepared on Mr. DeConcini.) In fact, the employee of NCPAC who first made contact with Mr. Giordano, in May, 1982, was advised by Mr. Giordano that he had had no contact with Mr. Dunn or with the Dunn campaign since Mr. Dunn announced his candidacy.*/ It is submitted, nonetheless, that the receipt of the payment by Mr. Giordano from the Pete Dunn for U.S. Senate Committee did not compromise the independent nature of NCPAC's expenditures in opposition to Senator DeConcini.

An independent expenditure is defined at 2 U.S.C. 431(17), as follows:

The term "independent expenditure" 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 authorized committee or agent of such candidate, and which is

*/See, Zerbe Affidavit, attached. Mr. Dunn's Statement of Candidacy, FEC Form 2, is dated November 2, 1981.

Kenneth A. Gross, Esq.
Page Five
October 11, 1982

not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

Commission regulations, at 11 CFR 109.1(b)(4)(i), provide that an expenditure will not be deemed independent if there has been "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 is presumed not to be independent 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; or

(B) Made 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.

Thus, as the regulations indicate, an expenditure is presumed not to be independent if it is based upon information about the candidate's plans, projects or needs provided to the expending person by the candidate, or candidate's agents, with a view toward having an expenditure made; or is made by or through persons falling into specified categories. 11 CFR 109.1(b)(4)(i)(A) and (B). The Federal Election Commission has previously determined, however, that the provisions of 11 CFR 109.1(b)(4) are not applicable to the matter at hand.

In Advisory Opinion 1979-80, dated March 13, 1980, the Federal Election Commission responded to a number of specific questions concerning NCPAC's ability to use certain vendors or agents while making independent expenditures. Certain of those responses are dispositive of this matter. For example, NCPAC asked if it could engage an advertising firm for the purpose of

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Kenneth A. Gross, Esq.
Page Six
October 11, 1982

designing the layout and text of print advertisements advocating the defeat of a candidate for the Democratic nomination for President if that same firm had been engaged by the campaign committee of a candidate for the Republican nomination for President. The Commission responded, in Answer 1, that NCPAC's ability to make independent expenditures would not be compromised by engaging the advertising firm, because "these are two distinct races, the Democratic candidate and the Republican candidate are not opponents" until the Republican candidate for nomination becomes the nominee. This and other responses in the Advisory Opinion indicate that, in a primary campaign, the candidate seeking the nomination of the Republican Party is in a separate and distinct race from, and is not an opponent of, the candidate seeking the nomination of the Democratic Party for election to the same office. Furthermore, NCPAC may make independent expenditures advocating the defeat of the candidate for the Democratic nomination for the Senate through a person who is an agent of the candidate for the Republican nomination for the Senate, until the Republican candidate for nomination becomes the nominee.*/ Mr. Dunn and Mr. DeConcini were, during the period at issue, in two distinct races. Thus, the provisions of 11 CFR 109.1(b)(4)(i)(B) are not applicable to this matter.

Under 11 CFR 109.1(b)(4)(i)(A), an expenditure is presumed not to be independent when it is based upon 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. The Complainant has not alleged facts that would make 11 CFR 109.1(b)(4)(i)(A) applicable to this matter. Nevertheless, NCPAC denies that any of its expenditures in opposition to Mr. DeConcini were based upon information about Mr. Dunn's plans, projects or needs provided to it by Mr. Giordano. See, Zerbe Affidavit, attached. Furthermore, this separate issue was also addressed in Advisory Opinion 1979-80. In response to the question whether NCPAC may engage in any communication with a particular candidate for the Republican nomination when it is making independent expenditures in opposition to a candidate for the Democratic

*/See, also, AO 1982-20.

Kenneth A. Gross, Esq.
Page Seven
October 11, 1982

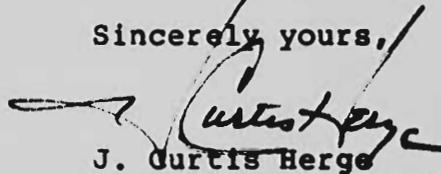
nomination for election to the same office, the Commission stated, in Answer 8:

"During the primary election period NCPAC may communicate with the Republican candidate. . . .However, if the Republican candidate should become the nominee, that communication could preclude NCPAC from making independent expenditures regarding the candidates in the general election....

Thus, the provisions of 11 CFR 109.1(b)(4)(i)(A) are not applicable to this matter.

In conclusion, it is submitted that the expenditures made in opposition to the nomination of Senator DeConcini for election to the United States Senate from the State of Arizona were made prior to the date that Senator DeConcini and Mr. Dunn became the nominees of their respective parties. Thus, the fact that Mr. Giordano, who had only an intended role in making those expenditures, turned out to have received compensation from one of the candidates for the Republican nomination for election to the same office does not change the independent character of those expenditures. As result, the complaint in this matter should be dismissed and no further action should be taken.

Sincerely yours,



J. Curtis Herge
Counsel to National Conservative
Political Action Committee

33040373711

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: *Sedam & Hergel*

ADDRESS: *8300 Greensboro Dr Suite 1100 McLean, VA 22102*

TELEPHONE: *(703) 921-1000*

RE: MUR 1471

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

NATIONAL CONSERVATIVE
POLITICAL ACTION COMMITTEE

Date

9/24/82

BY:

Signature

[Signature] - Treasurer

NAME: *National Conservative PAC*

ADDRESS: *1500 Wilson Blvd Suite 513 Arlington, VA 22209*

HOME PHONE: *(703) 671-6430*

BUSINESS PHONE: *(703) 522-2800*

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	:	
	:	
NATIONAL CONSERVATIVE POLITICAL	:	MUR 1471
ACTION COMMITTEE	:	Affidavit of
	:	<u>Mason B. Zerbe</u>
Respondent.	:	
	:	

83040573722

COMMONWEALTH OF VIRGINIA)
COUNTY OF ARLINGTON) SS.:

MASON B. ZERBE, being duly sworn, deposes and says:

(1) That he is employed by National Conservative Political Action Committee, having the title of Western Political Coordinator and being familiar of his own personal knowledge with the expenditures made by National Conservative Political Action Committee in opposition to the nomination of Senator Dennis DeConcini for election to the United States Senate from the State of Arizona.

(2) That National Conservative Political Action Committee commenced a program of making independent expenditures in opposition to the nomination of Senator DeConcini in April, 1981, and terminated that program on August 16, 1982. National Conservative Political Action Committee intends not to make any additional independent expenditures in opposition to the election of Senator DeConcini in 1982.

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(3) That the expenditures made by National Conservative Political Action Committee for communications in opposition to the nomination of Senator DeConcini were for direct mail fund-raising solicitation letters issued between April, 1981 and August 16, 1982; and, for a portion of the June, 1982 edition of the "NCPAC Conservative Action Report."

(4) That all the communications referred to in paragraph (3), above, were conceived, written, designed and published by and through personnel at National Conservative Political Action Committee in Arlington, Virginia.

(5) That, in May, 1982, he was responsible for the recruitment of individuals resident in Arizona to assist and represent National Conservative Political Action Committee with its program in opposition to Senator DeConcini.

(6) That he interviewed Mr. Gary Giordano for the referenced position, it being intended that Mr. Giordano would be the spokesman for and represent National Conservative Political Action Committee in Arizona.

(7) That he specifically inquired of Mr. Giordano whether or not Mr. Giordano had had any communication or contacts with any of the candidates for election to the United States Senate from Arizona and was advised by Mr. Giordano that Mr. Giordano had performed research on Senator DeConcini prior to the time that Mr. Dunn had become a candidate and that Mr. Giordano

had had no communication or contact with Mr. Dunn, or Mr. Dunn's campaign, since Mr. Dunn became a candidate.

(8) That neither he nor, to his knowledge, anyone at National Conservative Political Action Committee knew Mr. Giordano had received a payment from the Pete Dunn for U.S. Senate Committee until it was revealed in the complaint filed by the Senator Dennis DeConcini Reelection Committee.

(9) That, at no time, did Mr. Giordano provide your deponent with information about the plans, projects or needs of Mr. Dunn, or of the Pete Dunn for U.S. Senate Committee, or request or suggest that the expenditures made by National Conservative Political Action Committee be made.

(10) That the role intended for Mr. Giordano by National Conservative Political Action Committee, as its spokesman in Arizona, was not carried to fruition; and, that, to the best of his knowledge, Mr. Giordano made no communication on behalf of National Conservative Political Action Committee in opposition to the nomination of Senator DeConcini.

(11) That Mr. Charles Goyette, of Phoenix, Arizona, was employed by National Conservative Political Action Committee during the period from June 1, 1982 through July 12, 1982 to provide administrative, support services in Arizona in connection with the independent expenditure program in opposition to Senator DeConcini.

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IN WITNESS WHEREOF, this Affidavit was executed
this 11th day of October, 1982.

Mason B. Zerbe [L.S.]
MASON B. ZERBE

Sworn to before me this
day of October, 1982.

Judith A. Gorny
Notary Public

My commission expires:

My Term of Office Expires on the 17th Day of August 1984.
I was Commissioned a Notary Public as
JUDITH A. GORNY

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THE FEC
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SEDAM & HERGE

ATTORNEYS AT LAW
SUITE 1100
8300 GREENSBORO DRIVE
MCLEAN, VIRGINIA 22102

To

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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Halm & Kyle, Ltd.

ATTORNEYS AT LAW

*John D. Halm
Theodore L. Kyle
Margaret R. Tinsley*

2
3910 South Rural Road
Suite L
Tempe, Arizona 85282
(602) 967-7501

3:40

October 4, 1982

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

Re: MUR 1471

Gentlemen:

I represent the Pete Dunn for U.S. Senate Committee. We are in receipt of your letter dated September 28, 1982 transmitting the complaint filed by the DeConcini Re-Election Committee against my clients. This letter is written to you in response thereto.

The thrust of the DeConcini complaint seems to be that all expenditures by the National Conservative Political Action Committee (hereafter referred to as NCPAC) must be considered in-kind contributions to my client and not independent expenditures because a \$500.00 payment on March 19, 1982 was made to one Gary Giordano who was subsequently announced as NCPAC's chairman in Arizona and, that since NCPAC's expenditures in Arizona exceed contribution limitations, there is a violation.

While the complaint presents an interesting legal theory which might be fun to debate in light of current federal election law, it is not necessary to reach this question as the actual facts do not support the claimed violation.

My client purchased some legal research which Mr. Giordano had done for \$500.00 on March 19, 1982. On or about May 5, 1982, Mr. Giordano agreed to act as NCPAC's representative in Arizona. At the time Mr. Giordano sold the reseach to my client, he was not NCPAC's representative. Further, Mr. Giordano is not now nor has he ever been an employee of my client nor has he in the past or present served in a volunteer capacity in any form for the Committee. Further, my client is not aware of any agent of the Committee who has ever held any discussions or in any manner attempted to cooperate on coordinating the efforts of the Committee with those of NCPAC. My client has not received any cash contributions from NCPAC and no one at the Committee is

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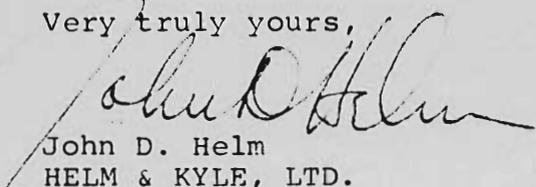
aware of any goods or services that NCPAC has provided the Committee. There is thus no factual basis for the DeConcini conclusion that NCPAC's expenditures are anything but independent under federal election law.

The DeConcini allegations of a connection between the two committees have as its sole factual basis the claim that my client paid Mr. Giordano \$500.00 for research. The payment was made, however, some six weeks prior to Mr. Giordano's becoming associated with NCPAC. There was no association between NCPAC and Mr. Giordano at the time of the payment and thus there could be none between my client and NCPAC (See enclosed copy of Mr. Gary Giordano's affidavit).

Further, to the best of my clients knowledge, the research received from Mr. Giordano is the only item they have ever received from anyone who could in any fashion to date be connected with NCPAC as an agent of theirs. As such, even if the research was ascribed to NCPAC, it would be its value that would constitute a contribution to the Committee and not all expenditures by NCPAC in Arizona and, then only to the extent its value exceeded the \$500.00 paid for it. The research in question consisted of information on DeConcini's voting record on legislation involving the Panama Canal, aid to Nicaragua, Cuba and pornography legislation. Further, it was the same research which had already been sold to our opponent in the primary, Dean Sellers. It was thus not unique and had already been used once. As such, we believe that the \$500.00 payment was adequate consideration and fairly approximated the value of the research.

As a result of the foregoing, it is my clients position that it has not violated federal election law and that there is no connection between it and NCPAC. I would therefor request that you dismiss the complaint against my client. I would further request that this be done in as expediteously a manner as possible as Senator DeConcini has made this an issue in the campaign and the allegations should be laid to rest in a timely fashion so as not to effect the outcome of the campaign. If I may be of further service or additional information is required, please do not hesitate to contact me at any time. Thanking you for your attention to these matters, I remain,

Very truly yours,


John D. Helm
HELM & KYLE, LTD.
Attorney for the Pete Dunn
for U.S. Senate Committee

JDH/tms

83040673719

STATEMENT OF DESIGNATION OF COUNSEL

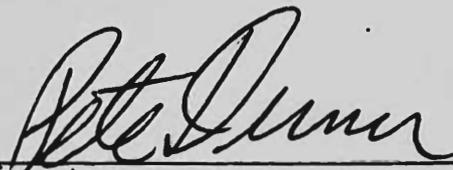
NAME OF COUNSEL: John D. Helm
HELM & KYLE, LTD.
ADDRESS: 3910 South Rural Road
Suite L
TELEPHONE: Tempe, Arizona 85282
(602) 967-7541

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and
other communications from the Commission and to act on my
behalf before the Commission.

83040675730
Date

10-4-82

Signature



NAME: The Pete Dunn for U.S. Senate Committee
ADDRESS: 1414 East Indian School Road
Phoenix, Arizona 85014
(602) 263-7774
HOME PHONE:
BUSINESS PHONE:

202846

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6cc# 8530

82 SEP 24 P12: 21



82 SEP 24 P 3: 52

September 21, 1982

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

RE: Complaint by Dennis DeConcini Reelection Committee
 vs. Pete Dunn for U. S. Senate Committee

Gentlemen:

By letter, dated September 15, 1982, Anthony Mason, in his capacity as a member of the DeConcini Reelection Committee, filed with your office a complaint against my campaign committee alleging that there has been a violation of federal election law, in that all expenditures by the National Conservative Political Action Committee in Arizona are in kind contributions to the Pete Dunn Campaign. The Pete Dunn for U. S. Senate Committee and myself deny this baseless charge. Under normal circumstances, I and my Committee would stand ready to refute them through the regular channels of your investigation. My opponent, Senator DeConcini has, however, attempted to make these allegations a major issue in the campaign. (See enclosed news articles). In fact, Senator DeConcini's Campaign Committee has gone so far as to have a television commercial run which, by innuendo, connects me to NCPAC. Specifically, the visual portion of the commercial contains in large type throughout it the words "NCPAC/DUNN" and suggests to the listeners that if they do not want NCPAC in Arizona, they should call me giving the phone numbers of the Pete Dunn for U. S. Senate Committee in Phoenix and Tucson.

As a result of the foregoing, I am writing you to request that you expedite your investigation so that I and my Campaign Committee may put to rest these spurious allegations in sufficient time so they will not have an affect on the outcome of the election. We, of course, will do everything in our power to cooperate in your investigation in order to bring it to a speedy conclusion.

Thanking you for your attention to these matters, I remain,

Sincerely,

Pete Dunn

Republican • 1430 East Indian School Road, Suite #220, Phoenix, Arizona 85014 • (602) 263-7774

830406731

Halm & Kyle, Ltd.

ATTORNEYS AT LAW

3910 South Rural Road

Suite L

Tampa, Arizona 85282



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

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Group helping Dunn illegally, foes maintain

DeConcini aides file complaint about conservative organization

By Don Harris
Republic Staff

A member of Sen. Dennis DeConcini's re-election committee has filed a formal complaint with federal officials, charging that a controversial conservative group is working for the senator's Republican opponent, Pete Dunn, in violation of election laws.

About an hour after DeConcini supporters held a press conference Thursday morning to air the charges, Dunn met with reporters to deny any wrongdoing.

Dunn said it was cowardly for DeConcini, the Democratic incumbent, to "send a henchman" to make such charges. "He should have the courage to make those charges himself," Dunn said. DeConcini was in Washington, D.C., on Thursday.

Tony Mason, a member of the steering committee of the DeConcini re-election campaign, filed the complaint against the National Conservative Political Action Committee and the Dunn for Senate Committee with the Federal Election Commission in Washington on Wednesday.

Mason said Thursday he thought it was "cowardly and dishonest" for Dunn to have the conservative group, which has headquarters in Virginia, come in from out of state to do his campaign mudslinging.

NCPAC, which claims credit for defeating at least four liberal senators in 1980, has been accused by critics of relying on half-truths, distortions, misinformation and lies.

Basically, Mason charged that the conservative group lost its independence and came under federal campaign-spending limits when Dunn hired a researcher identified as the group's man in Arizona.

Mason produced documents showing that the group reported spending \$26,417.89 against DeConcini through the end of July. Of that total, \$17,850 was spent on a poll.

Because Dunn paid Gary Giordano \$500 in March for information he had researched, and because Giordano was identified in the conservative group's July newsletter as directing its efforts in Arizona, Mason concluded that money spent by NCPAC on the Arizona race amounts to in-kind contributions to Dunn. In that case, the group would be limited to spending \$5,000 on the primary and \$5,000 on the general elections, which roughly is \$10,400 less than it reported spending.

Giordano, an unsuccessful Republican candidate in the Sept. 7 primary in Legislative District 24, denied that he worked for NCPAC. He said the report in the newsletter was "premature."

Joe Steffen, a spokesman for the group, called the DeConcini charge "ridiculous."

He added, "Dennis DeConcini is grabbing at straws, that's all, of something that hasn't come up yet in our working into the state. We haven't written a single script for any type of advertisement against Dennis DeConcini. From what I hear, he's doing a heckuva job advertising against himself."

Steffen said Giordano was considered for a state coordinator if the group decided to enter the Arizona race.

"Since we haven't come into the state, anything Gary Giordano has done for Pete Dunn is between Pete Dunn and Gary Giordano," Steffen said.

Steffen said a NCPAC decision on whether to campaign actively in Arizona has not been made, but admitted that it is getting late.

Dunn's press conference in his campaign

- Dunn, D

DUNN

Continued from B1

headquarters, 1450 E. Indian School, Dunn said. "I am planning to ask NCPAC to stay out of Arizona. We can beat DeConcini without them."

Dunn's reaction to that was, "If we decide to come into Arizona, Pete Dunn's statement will have no bearing on that. That should prove beyond a shadow of a doubt that we're independent."

Dunn, who conducted his press conference in DeConcini campaign headquarters at 4442 N. Seventh Ave., said the penalty for a conviction of violating campaign-spending laws is one year in prison.

Dunn says NCPAC is independent. Mason said he's foolish to think he can buy NCPAC's

man (Giordano) and not buy NCPAC's research." Mason described Giordano as the nexus between the group and Dunn.

DeConcini television ads linking Dunn and the conservative group began airing this week. They cite budget cutbacks proposed by the group and suggest that Dunn supports them.

Dunn called the issue an attempt by DeConcini to "create a smoke screen to divert attention from his voting record."

He added, "It's a phony issue. It is consistent with other Democratic candidates who are attempting to run against NCPAC. It's not going to work in Arizona. He's got to run against Pete Dunn."

DeConcini files FEC complaint

By JACK NOCK

UPI Statehouse Reporter
PHOENIX (UPI) — Sen.
Dennis DeConcini, D-Ariz.,
has filed a complaint with
the Federal Election
Commission, accusing
Republican opponent Pete
Dunn of violating cam-
paign laws.

Phoenix attorney Tom
Mason, a member of
DeConcini's campaign
committee, said Thursday
Dunn had failed to disclose
a link between himself and
the National Conservative
Political Action Committee
(NCPAC).

Mason said at a news
conference that it appeared
Dunn violated the Federal
Election Law by failing to
report spending on his
behalf by NCPAC. Such
reporting is required
whenever a link, regard-
less of how small it might
be, is established between
a candidate and a political
action committee, he said.

Dunn, later holding his
own news conference,
denied ties to NCPAC and
said any work it has done in
Arizona on his behalf was
independent of his cam-
paign.

"It takes a 20-cent stamp
to file a complaint with the
Federal Election Com-
mission," Dunn said. "The
FEC will reject any
complaint against the
Dunn campaign."

Dunn also said he would
ask NCPAC to stay out of
Arizona during the cam-
paign because "I don't
want them to become the
issue. We can defeat Sen.
DeConcini all by our-
selves."

"It's kind of cowardly
and dishonest to have
someone come in from out
of state and do your
campaigning for you and
then claim they are not
here," Mason said.

In a letter to the FEC,
Mason said Dunn had hired
Gary Giordano, whom
NCPAC identified as its
expenditures director for
Arizona. According to
NCPAC's filings with the
FEC, it has spent \$26,417 in
Arizona against DeConcini.

The Federal Election
Law limits donations by
political action committees
to \$10,000 per candidate,
\$5,000 each for the primary
and general elections.

Mason said Dunn not
only failed to report the tie
between his campaign and
NCPAC but NCPAC
violated the law by ex-
ceeding the amount of
allowable expenditures.

Dunn said he hired
Giordano March 19 to

DeConcini complaint is 'smokescreen,' says Dunn

Continued from Page 3

"He has hired their man
and is running a NCPAC-
type campaign."

He said in Montana, New
York, Maine, Alabama and

Idaho, NCPAC cam-
paigned against in-
cumbents by claiming they
acted as conservatives in
their home states but acted
like liberals in Washington.
"You'll find that line
throughout Mr. Dunn's
campaign," Mason said.

In those other five states,
NCPAC also claimed the
incumbents voted for aid to
Communists because they
voted for the foreign aid
bill which included money
for Nicaragua.

Mason said Dunn has
also used that line in his
campaign but has failed to
note the bill was supported
by President Reagan.

"It's that kind of
distortion that plays very
well as long as no one calls
them on it," he said.

Dunn said he had no
indication that the
research information
provided by Giordano
came from NCPAC and
said, "I believe that in-
formation was from Mr.

Giordano's files."

Dunn said one of the
things Giordano's research
turned up was a 1976 letter
by DeConcini to a Phoenix
constituent in which he said
he had "spoken out
publicly in opposition to
Mr. (Henry) Kissinger's
give-away of the (Panama)
Canal and intended to
continue to do so."

DeConcini eventually
voted for the Panama
Canal treaty.

"This is the kind of thing
Sen. DeConcini doesn't
want the voter to know
about, doesn't want the
voters to hear about,"
Dunn said.

He called the FEC
complaint "a desperate
attempt to create a
smokescreen and divert
the voters' attention from
the real issue in this
campaign and that issue is
Mr. DeConcini's voting
record."

"It's a phony issue. It's
not going to work in
Arizona and we're going to
talk about the issues."

DeConcini's campaign committee, said Thursday. Dunn had failed to disclose a link between himself and the National Conservative Political Action Committee (NCPAC).

Mason said at a news conference that it appeared Dunn violated the Federal Election Law by failing to report spending on his behalf by NCPAC. Such reporting is required whenever a link, regardless of how small it might be, is established between a candidate and a political action committee, he said.

Dunn, later holding his own news conference, denied ties to NCPAC and said any work it has done in Arizona on his behalf was independent of his campaign.

"It takes a 20-cent stamp to file a complaint with the Federal Election Commission," Dunn said. "The FEC will reject any complaint against the Dunn campaign."

Dunn also said he would ask NCPAC to stay out of Arizona during the campaign because "I don't want them to become the issue. We can defeat Sen. DeConcini all by ourselves."

"It's kind of cowardly and dishonest to have someone come in from out of state and do your campaigning for you and then claim they are not here," Mason said.

In a letter to the FEC, Mason said Dunn had hired Gary Giordano, whom NCPAC identified as its expenditures director for Arizona. According to NCPAC's filings with the FEC, it has spent \$26,417 in Arizona against DeConcini.

The Federal Election Law limits donations by political action committees to \$10,000 per candidate, \$5,000 each for the primary and general elections.

Mason said Dunn not only failed to report the tie between his campaign and NCPAC but NCPAC violated the law by exceeding the amount of allowable expenditures.

Dunn said he hired Giordano March 19 to conduct research and paid him \$500.

"We had no knowledge at that time that he was associated with NCPAC," Dunn said.

Mason said it was "foolish" to believe that Dunn hired Giordano independently of the work Giordano had done for NCPAC.

"He (Dunn) knows very well he has bought their (NCPAC's) research and their polls," Mason said.

DeConcini turns tables In assault on opponent

By Don Harris
Republic Staff

Sen. Dennis DeConcini, D-Ariz., unleashed a stinging assault Monday in his Republican opponent, Pete Dunn, telling Tucson Democrats that Dunn has "flip-flopped" on a series of issues.

The senator, speaking at a luncheon of Democrats of Greater Tucson, accused Dunn of the very thing that Dunn, a state representative from Phoenix, has been saying about DeConcini for months.

He charged that Dunn has adopted "the philosophy of political expediency" and is not the same political person he was before he announced his candidacy.

"Pete Dunn can blow any way the wind blows, as long as it blows to his political advantage," said DeConcini, who has been accused repeatedly by Dunn of flip-flopping on the issues.

"I believe the voters of Arizona have a right to ask: 'Will the real Pete Dunn please stand up?'" he said.

DeConcini also renewed his attack on the National Conservative Political Action Committee, which, he said, is working for Dunn.

Dunn has denied any link between his campaign and the committee and publicly has stated that he doesn't want the committee involved in his race.

Last week, a DeConcini campaign aide filed a complaint with the Federal Election Commission, charging that the political-action group violated election laws by making direct contributions to Dunn's campaign.

Citing what he said were inconsistencies, DeConcini charged that Dunn:

- Portrays himself as an ally of organized labor but sought and won labor's endorsement when he ran for the Legislature in 1976.

- Extols the importance of solar energy but opposed solar tax credits in 1979.

- Calls himself a fiscal conservative but voted for 96.4 percent of all state House spending bills between 1977 and 1980.

- Takes credit for the state's tough new drunken-driving law, but two years ago voted to prohibit courts from fining a juvenile or his parents more than \$50 for the illegal possession and consumption of alcohol.

- Voted for every state budget since he entered the Legislature in 1977, until after he announced his Senate candidacy.

Dunn, who was in Washington, D.C., on Monday could not be reached.

—DeConcini, ES

DeConcini

Continued from B1

for a reaction to DeConcini's charges.

DeConcini said, "I am sure there are good and sound reasons why Pete Dunn has flip-flopped on these issues ... (and) why Pete Dunn wants to hide (the National Conservative Political Action Committee's) support.

"But, I do think it is time for Pete Dunn to start running a campaign based on what he has done and what he intends to do. Up to now, it has been a campaign based upon half-truths and lies."

DeConcini called on Dunn to tell Arizonans how and why they are better off since Republicans took control of the U.S. Senate two years ago. He suggested that Dunn tell Arizona voters:

"How they have gained from the death of the mining industry. How they have benefited from massive unemployment. Why the virtual standstill of the housing industry makes good economic sense. Why a flood of small-business failures wiping out the hopes and dreams of thousands is good medicine."

DeConcini attacked the National Conservative Political Action Committee, a far-right group based in Virginia, charging that it resorts to "lies, innuendo and half-truths."

The committee, he said, has spent \$26,000 in Arizona and plans to spend \$116,000 more on the Dunn-DeConcini race.

He said the committee "is funded by and run by political extremists who operate within the loopholes of the federal election laws. Their message is never positive, and they could care less about Arizona and its people. They have no commitment to the values that are central to the mainstream in American politics. They are radicals, pure and simple."

DeConcini insisted he has helped pass more constructive legislation during his first four years in office than any freshman senator on record.

The senator urged Democrats not to become complacent because they believe that he, Gov. Bruce Babbitt, and Rep. Morris Udall, D-Ariz., easily will defeat their Republican opponents in the Nov. 2 general election.

"If we take the election for granted," DeConcini said, "we will stay on the outside looking in. We will be forced to endure continued Republican control of the Senate."

DeConcini noted that the lead registered Democrats enjoy over Republicans in Arizona has dwindled from 110,000 when he first ran in 1976 to 23,000 today. A big Democratic turnout is important, he said, to help "dozens of (Democratic) candidates for state office who face uphill fights."

He pledged to run a campaign that will be "the best and hardest fought in our party's history." He said his 1976 senatorial campaign was the best organized, best run, and that "in 1982, we are better organized and better financed."

DeConcini expects to spend about \$2 million on his re-election bid.

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Political-action group stirs up Senate race

By Don Harris
Republic Staff

Cowardly seemed to be the key word in Arizona's U.S. Senate race when each camp raised the specter of outside influences and hired guns.

At the center of the first major dispute between Sen. Dennis DeConcini, D-Ariz., and his Republican challenger, Pete Dunn, is the National Conservative Political Action Committee, or NCPAC.

Known as "Nikpak," the committee leaves a trail of controversy and defeated liberal senators in its wake. At least four big-name Democrats went down to defeat in 1980, due in no small measure to the efforts of NCPAC.

Critics say the committee resorts to half truths at best, inaccuracies and falsehoods.

This is the same NCPAC, whose feisty leader, John T. "Terry" Dolan, has been quoted in various interviews with major publications as saying:

"We could elect Mickey Mouse to the House or Senate."

"I'm not after respectability. The only thing I care about is if we're effective."

"The Republican Party is a fraud. It's a social club where rich people go to pick their noses."

Election '82

"I know I'm screwed up, but at least I admit it."

DeConcini, hardly a flaming liberal by committee standards, is on its hit list this year. His race is one of eight around the nation that NCPAC officials are studying. The others are in Massachusetts, Maryland, Montana, North Dakota, Nevada, Texas and West Virginia.

To play a major role in each contest with a blitz of radio and television commercials, the committee figures it needs \$1.1 million, with \$116,000 earmarked for Arizona. The deadline for raising one-third of the money was Sept. 3.

Joe Steffen, a spokesman for the Virginia-based organization, said last week that the committee still is looking at the DeConcini-Dunn race.

"We're still tabulating the money," Steffen said, referring to an appeal from Dolan. "We did get a heavy response. Since we still are looking at that race, that means we probably got enough money, or we'd be out of it."

— Race, A2

Continued from A1

The first thing we have to decide is if we have enough money for a viable commercial blitz. We should know within a couple of weeks."

NCPAC usually doesn't enter a campaign this late — six weeks before the election — but Steffen said the information his group gets is: "DeConcini is beatable."

Most political observers doubt that NCPAC will become any more active in the Arizona race than it has been. State Republican Chairman Tom Pappas said he was told by someone at NCPAC that the committee definitely would not invade Arizona because of a lack of funds.

"If that's their decision, that's fine with me," Pappas said.

DeConcini went after NCPAC last week on two fronts — at the Federal Election Commission and in television commercials. The senator charged, through a campaign aide, Tony Mason, that NCPAC actively is supporting Dunn's campaign.



In a letter to the commission, Mason said the committee so far has spent more than \$26,000 in Arizona, with nearly \$18,000 for a poll. Because a man identified by NCPAC officials as their man in Arizona did \$500 worth of research for Dunn, Mason reasoned that NCPAC is working for Dunn.

If the committee were directly supporting Dunn,

it would be limited to contributing \$5,000 in the primary and \$5,000 in the general election. Anything more than that would violate federal election laws.

Those spending limitations apply to direct contributions to candidates. But when acting independently, a political-action committee can spend unlimited funds to promote their favorite candidates.

Mason called Dunn "cowardly and dishonest" for bringing NCPAC in to do his dirty work. Dunn, at a separate press conference, said DeConcini was "cowardly" for sending a henchman (Mason) to file the complaint with the election commission. Dunn also denied any link with NCPAC, saying the researcher, Gary Giordano, was hired in March, long before a July newsletter tied him to the committee.

The NCPAC brouhaha was touched off by DeConcini's NCPAC commercials, which began airing last week. In machine-gun fashion, an off-camera voice recites some of the budget cuts NCPAC favors, including less money for water projects and Social Security and dismantling the Veterans Administration hospital system. Then, Dunn's campaign-headquarters telephone numbers appear as the voice urges people, "Call Pete Dunn and tell him we don't need NCPAC here. Tell him that's not the way we do things in Arizona."

Dunn, who said he doesn't want or need NCPAC's help, said the DeConcini commercials are working but not the way the senator intended.

"Most of the people who called want to work on our campaign," he said, obviously pleased.

Dunn called the NCPAC issue "phony" and said it is typical of tactics tried by other Democrats around the country.

"They're attempting to run against NCPAC, but it's not going to work in Arizona," he said.

From the other camp, Mason, a member of DeConcini's campaign steering committee, accused Dunn of "running a NCPAC-type campaign."

Candidates who follow the committee line insist that their opponent talks like a conservative at home and votes like a liberal in Washington.

Mason charged that NCPAC goes into a state, slings some mud and gets out of town quickly.

He added, "They hope it's (their campaign tactics) all forgotten after the election. That's what's wrong with politics today."

The Federal Election Commission is required to notify Dunn and NCPAC of the complaint within five days of its filing last Wednesday. Dunn and NCPAC must respond with 15 days.

The penalty for violating federal campaign spending laws is one year in jail, Mason said. He conceded that he doesn't know of anyone who has served time for such a violation.

Dunn 'ally' overspent, FEC told

By John DeWitt
The Arizona Daily Star

Sen. Dennis DeConcini's campaign staff filed a complaint with the Federal Election Commission yesterday alleging that the National Conservative Political Action Committee has spent more money than permissible to help DeConcini's opponent, Republican Pete Dunn.

The charge drew an immediate denial from Dunn, who accused DeConcini of using the committee as a "smoke screen to obscure the real issue in this campaign, which is the senator's voting record."

Dunn and a spokesman for the controversial political action committee denied there is any connection between them.

Gary Mason, a member of DeConcini's campaign committee, said at press conferences in Phoenix and Tucson that NCPAC has spent more than \$200,000 to help Dunn and that the Dunn campaign has employed the coordinator of the group's anti-DeConcini effort in Arizona.

Mason said Gary Giordano was paid \$500 in March by the Dunn campaign for "research." A June NCPAC publication said Giordano would head the organization's anti-DeConcini campaign.

"Because of this employment relationship, NCPAC's expenditures fail to meet the FEC's definition of an independent expenditure," Mason wrote.

Mason said federal election law limits contributions to campaigns to \$5,000 each for the primary and general election, sums he said have already been exceeded by the committee in Arizona.

As an independent political action group unconnected with Dunn's campaign, the committee would have no legal limits on its spending.

Dunn flatly denied any connection between his campaign and the political action committee, but said he will ask it to stay out of Arizona anyway.

At the group's Arlington, Va., headquarters, press secretary Joe Steffen also denied any connection between the organization and Dunn.

Steffen said Giordano was never hired as a coordinator because the committee "did not come into Arizona" with an anti-DeConcini campaign.

Giordano agreed with Steffen that he had never been hired by the committee. He said he had sold research to the Dunn campaign, and that he also had sold research to Dunn's primary opponent, Dean Sellers.

The committee is a controversial political organization that solicits money from conservatives nationwide, and then spends it on media campaigns aimed at unseating liberal officeholders. In 1980, it was credited with contributing to losses by Sens. George McGovern of South Dakota and Frank Church of Idaho.

The organization has been accused of using unethical tactics.

Steffen said the committee still hasn't made a decision to fight DeConcini. He said the decision will depend on how much money is available.

Dunn called news conferences in Phoenix and Tucson yesterday to announce the first step in what is ap

more

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Dunn called news conferences in Phoenix and Tucson yesterday to counter the first step in what is apparently a DeConcini tactic to battle possible NCPAC television ads.

For the past week, DeConcini's campaign has been running ads linking Dunn and the committee, and asking viewers to call Dunn and tell him to tell the organization to stay out of Arizona.

PETE DUNN FOR U. S. SENATE
1430 E. Indian School Road
Phoenix, AZ 85014



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GENERAL COUNSEL
FEDERAL ELECTIONS COMMISSION
1325 "K" Street, N. W.
Washington, D. C. 20463

MUR #

1471

DATE

9/21/82

PLEASE PROVIDE THE NAMES AND ADDRESSES OF ALL RESPONDENTS WHICH ARE TO BE SENT A COPY OF THE COMPLAINT. IF A PRINCIPAL CAMPAIGN COMMITTEE IS A RESPONDENT, A CARBON COPY IS TO BE SENT TO THE CANDIDATE. PLEASE PROVIDE THE NAME AND ADDRESS OF THE CANDIDATE AND PUT A "CC" BESIDE THE CANDIDATE'S NAME. IF A CANDIDATE IS A RESPONDENT, A CARBON COPY IS TO BE SENT TO THE CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE. PLEASE PROVIDE THE NAME AND ADDRESS OF THE PRINCIPAL CAMPAIGN COMMITTEE AND PUT A "CC" BESIDE THE COMMITTEE'S NAME. PLEASE PROVIDE THIS INFORMATION, ON THIS SHEET, WITHIN 24 HOURS OF RECEIPT OF THIS NOTICE. THANK YOU.

National Conservative Political
Action Committee
1500 Wilson Blvd.,
Suite 513
Arlington, VA 22209

83040673711

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CC# 8609

DENNIS DeGONCINI U.S. SENATOR

P.O. Box 25460, Phoenix, Arizona 85002/(602) 266-8494

September 29, 1982

0016 P2:45

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

Dear Sir:

This letter is intended to supplement my earlier letter of complaint against the National Conservative Political Action Committee (NCPAC) and the Pete Dunn Campaign Committee.

Pete Dunn held a news conference on September 16, 1982 for the apparent purpose of denying his relationship with the National Conservative Political Action Committee. Instead, Mr. Dunn admitted a violation of the Federal Election Laws as follows:

1. He said that he and Giordano, NCPAC's Arizona Coordinator discussed the Dunn for Senate Campaign in August. (Transcript enclosed and marked "A".)
2. By then, Dunn knew exactly who Giordano was, because:
 - A. NCPAC had publicly announced Mr. Giordano's position as their Coordinator in Arizona a full two months earlier. (June 1982 Newsletter enclosed and marked "B".)

Paid for by the Senator Dennis DeGoncini Reelection Committee

A copy of our report is filed with the Federal Election Commission and is available for purchase from the United States Government Printing Office, Washington, D C

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- B. One month earlier in July, there had been a public controversy concerning the propriety of NCPAC's involvement in the Arizona senate campaign, which found the Dunn campaign specifically acknowledging the controversy and issuing a statement addressed to it. (John Kolbe Phoenix Gazette article enclosed and marked "C".)
- C. Mr. Dunn was interviewed on or about August 1, 1982 about his relationship with Mr. Gary Giordano and Mr. Giordano's relationship with NCPAC. (Mesa, Yuma, Bisbee and Tempe newspaper articles enclosed and marked "D", "E", "F" and "G", respectively.)

830403713
Because there is such a huge difference between the impact of a political action committee which may spend without limitation and the impact of a political action committee that is limited to an expenditure of \$5,000.00, good sense and public policy require that the sky-is-the-limit political action committee be manifestly independent of any particular candidacy. Any communication between the would-be independent political action committee and the campaign of a particular candidate about his candidacy is sufficient to dissolve the independent status of the political action committee engaging in such communications and to require them to limit their contribution to \$5,000.00.

In this case, the communication between the political action committee and the benefited candidacy has been admitted by the candidate and has obviously taken place at the highest levels between NCPAC's Arizona Coordinator and Mr. Dunn himself.

At the same news conference, Mr. Dunn made statements that strongly point toward a second violation of the Federal Election Laws in his having shared in and reviewed the results of a poll which he claimed to know nothing about but which your investigation will almost unquestionably show to have been the poll for which NCPAC spent \$17,850.00 in order to defeat Senator DeConcini.

It is unbelievable that Mr. Dunn would not have known this, because:

1. The pendency of a NCPAC poll was publicly discussed in July (John Kolbe Phoenix Gazette article enclosed and marked "C"); and
2. None of us has yet seen an electoral politician receive poll results without asking who conducted the poll, how recently, how extensive the sample was and, in most cases, the pollster's track record for accuracy. For Mr. Dunn to contend that he saw poll results relating to his race and that he asked none of these questions is plainly unbelievable. In real life, no one tries that hard to stay ignorant of matters that materially affect his future.

In summary, the following appears to be the present state of the evidence:

1. Dunn has admitted one violation of the Federal Election Laws (discussing his campaign with the head of an "independent" political action committee); and

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2. There is clear and convincing evidence of a second violation (sharing NCPAC's poll results).

I hope this supplemental information will serve to more clearly demonstrate the violations discussed in my letter of September 15, 1982.

Sincerely,

Anthony H. Mason
Anthony H. Mason

AHM:smm

Subscribed and sworn to before
me this 29th day of September,
1982:

Sandra M. Manross
Notary Public

My Commission Expires:

My Commission Expires April 6, 1985

83040373715

PETE DUNN PRESS CONFERENCE

September 16, 1982

"A"

I.

Q: Is Mr. Giordano still connected with your campaign in any way?

A: No, Mr. Giordano, as you may know, is a candidate for the Arizona House of Representatives from District 24. The last time that I talked to Mr. Giordano was at a candidates' forum in Cave Creek about a month ago, and we didn't discuss - he was not then, I believe, active with NCPAC, at least we didn't discuss NCPAC - we discussed our respective campaigns, and he is not on the staff, on the payroll of the Dunn Campaign.

II.

Q. Senator Dennis DeConcini says that NCPAC's poll cost about \$20,000, and the results were given to you. Did you receive the results of this poll?

A. I received results from no poll identified as a NCPAC poll. I received a summary sheet of a poll from the state party and it was not identified to me as being a NCPAC poll. That was several weeks ago.

Q. Did you ever question whether it might be a NCPAC poll?

A. I didn't ask where it came from. The state party gave myself and all the primary candidates for statewide office, at least that's my understanding, copies of the poll. But I have heard this morning that there is a big, thick NCPAC poll and I never received a copy of anything like that.

B 3 0 4 0 5 7 6 7 1 8

"B"

JUNE, 1982

TARGET '82 TARGET '82 TARGET '82

Panama Canal Zones DeConcini into Tight Race

"Twenty nine of the 67 senators who voted for the Panama Canal Treaty four years ago are now gone." That's how one newspaper sums up Democrat Dennis DeConcini's Achilles' heel.

Posing as a moderating voice, DeConcini was responsible for Jimmy Carter's victory on the highly controversial treaty. In the Senator's home state of Arizona, the canal zone issue continues to simmer at near-boiling levels with most voters.

In the minds of many, when DeConcini backpeddled U.S. strength in Panama, he help-

ed kick off the series of disasters which followed in Nicaragua, El Salvador and now Guatemala. The hotter events become in Central America, the higher old flames burn in the hearts of Arizonans. They know a major upset inside their fragile neighbor Mexico will surely affect Arizona.

A second, equally important concern for DeConcini is the massive electoral shift which has occurred in Arizona since he won his six-year term in 1976. Democrats are no longer the majority party.

It's a political "first" for any Sunbelt state, and the huge

Republican gain translates into serious troubles even for fence-straddling liberals like DeConcini.

Directed NCPAC's independent expenditures effort in Arizona is Gary Giordano. Giordano strongly favors dumping the incumbent. So strongly, in fact, he's willing to carry out NCPAC duties while running his own campaign for a seat in the State House of Representatives. Giordano is seeking the lower-house seat formerly held by Supreme Court Justice Sandra O'Connor.

A third reason for replacing DeConcini is the high caliber

of available conservative talent. Cattle rancher and businessman Dean Sellers promises to spend whatever necessary to oust the Senator. He has the endorsed support of such leading national conservative organization as the National Alliance of Senior Citizens.

Also reaching for the GOP nod is State Rep. Pete Dunn. Dunn chairs the prestigious Judiciary Committee in the House and is popular with state party leaders. Dunn's campaign has engaged Richard Wirthlin to handle poll-taking activities.

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AUG 2 1982
MAR JON

NCPAC would spend \$200,000 to oust DeConcini if it spends any

PHOENIX (AP) — The National Conservative Political Action Committee says it will spend at least \$200,000 to oust Democratic Sen. Dennis DeConcini — if it decides to go after DeConcini at all.

But NCPAC is having a tough time making up its mind.

"The decision on whether to go after DeConcini will be based on whether committee leaders believe they have a chance to defeat him," said NCPAC spokesman Joe Steffen. "We'll compare it with other races, check into fund-raising capabilities of the candidates and see if there is any vulnerability."

"If there is no great discontent among the voters, we wouldn't go into a race no matter how much we disagree with a candidate, but DeConcini has always been an unofficial target. He's always been on our prospect list," Steffen added.

NCPAC, a national conservative organization that campaigns against liberal candidates, is credited with ousting four senators in 1980 — George McGovern of South Dakota, Birch Bayh of Indiana, Frank Church of Idaho and John Culver of Iowa.

However, Steffen said DeConcini does not fit the label of super-liberal given to the four deposed senators.

"We've never said that Dennis DeConcini was the most liberal senator around. He's not in the same class with Ted Kennedy (D-Mass.)," Steffen said.

If NCPAC does decide to go after DeConcini, Steffen said it would pour a total of \$200,000 into that effort.

NCPAC denies that it is now active in Arizona, but

others disagree.

A newsletter was printed last month by a group calling itself NCPAC's Arizona committee. The newsletter identified Gary Giordano as leader of the organization's efforts in Arizona.

Giordano last week attacked a group formed to fend off NCPAC activities. Known as Fair-Minded Arizonans for Integrity and Representation, or FAIR, the group is heavily populated with DeConcini enthusiasts and Giordano called it an extension of the senator's re-election effort.

But Giordano himself has worked for the two Republicans seeking DeConcini's seat — state Rep. Pete Dunn, R-Phoenix, and businessman Paul Sellers. Both acknowledge that Giordano has worked for them on a consulting basis, prompting reports from DeConcini's staff that Giordano is an agent of the GOP camp.

Neither of the Republican candidates has welcomed NCPAC's efforts with open arms.

"We don't need NCPAC here. We can defeat DeConcini by ourselves," Sellers said.

Dunn said he would not encourage or discourage the committee to become active in Arizona campaigns.

"If they do come in, that's fine. If not, that's fine, too. If they come in, I want them to be accurate," Dunn said.

One of the most recurring charges leveled against NCPAC members is that they distort or deliberately falsify information about their opponents' records.

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AUG 2 1982

DeConcini faces ouster bid

PHOENIX (AP) — The National Conservative Political Action Committee says it will decide this week whether to target Democratic Sen. Dennis DeConcini for defeat this fall.

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YUMA, ARIZ.

AUG 2 1982

National PAC may not target DeConcini

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Money

Continued from page A1

"One thing that's quite obvious is they don't care much whether they're accurate or not. They don't give a damn.

"I don't think I would like to see them come into Arizona," Goldwater added. "For many, many years I've been deploring that type of campaign, the kind the labor unions used to use against me. I don't mind opposition as long as it's accurate and truthful."

Maynes said DeConcini's name made the NCPAC target list because the group said he was weak on defense and favored abortion.

"Anyone who's followed Dennis at all knows that he is adamantly opposed to abortion," Maynes said.

Carolyn Gerster, executive director of the National Right-to-Life Committee, was so angered at the pro-abortion charges she wrote a letter to NCPAC saying the group owed DeConcini an apology.

"They have made so many factual errors that they are trying more and more to be 'technically' accurate," Maynes said.

During the Carter administration, DeConcini consistently voted with John Stennis, D-Miss., who's considered a hawk on defense, in support of the B-1 bomber.

After defeat of the B-1 program, another bill was introduced to build at least two of the planes.

Both Stennis and DeConcini decided it would be a waste of money, and the bomber would never get built.

They voted against it.

That one DeConcini vote prompted NCPAC to publish reports the senator voted against the B-1. Maynes said, adding the statement is technically correct.

Although NCPAC officials have announced campaign plans against DeConcini, Steffen said his group still is evaluating a recent survey and has not committed itself.

An announcement is expected this week.

"I'm not sure of the exact issue they would contemplate using against DeConcini," Steffen said. "But from the poll results, we'll find out how vulnerable he is."

Although most NCPAC-supported candidates belong to the GOP, the national Republican Party disavows association with the conservative group.

"The party chairman (Richard Richards) has expressed concern in the past over groups such as NCPAC because of their independent status," said GOP national committee press secretary Jennifer Hillings.

One of DeConcini's opponents, Republican Dean Sellers of Gilbert, has gone on record against NCPAC running anti-DeConcini ads in Arizona.

Seller's GOP primary opponent, state Rep. Pete Dunn, R-Phoenix, said NCPAC shouldn't be prohibited from running ads in Arizona — provided they're truthful.

"America is a free country and any group is allowed to participate in the political process," Dunn said. "I just want them to be accurate. There's plenty in DeConcini's record; there's no need to exaggerate and no need to be inaccurate."

Regardless how the GOP candidates feel, NCPAC could be condemned for inaccurate advertisements and still damage targeted candidates because people tend to remember a negative message and forget who said it, Maynes said.

(Monday: NCPAC's reputation for inaccuracy has prompted influential businessmen and community leaders of both parties to form an organization to fight the group's misrepresentations.)

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Political action group accused of dirty tricks

"G"

First of two parts
By Michael G. Murphy
Staff writer

To its critics, the multimillion-dollar National Conservative Political Action Committee is a dirty-tricks group that intentionally lies about candidates it has targeted for defeat.

NCPAC officials say the group's only purpose is to expose liberal politicians and to help elect conservatives.

Arizonans probably will get a chance to judge for themselves, because NCPAC — pronounced nickpac — has announced plans to campaign against Sen. Dennis DeConcini, D-Ariz.

The group, founded in 1975 and based in Falls Church, Va., raises money through benefits and direct-mail solicitations from conservative groups and individuals.

NCPAC's knack for political hard ball has produced an impressive record. The conservative group helped unseat four of its six targeted candidates in 1980 — including Sen. George McGovern, D-S.D., and Sen. Frank Church, D-Idaho.

DeConcini press aide Bob Maynes

however, said NCPAC has an equally impressive record of inaccuracy.

After the 1980 elections, NCPAC targeted about 20 candidates for defeat in 1982, including a man who already had lost.

"The targeting effort of theirs was a perfect example of either one of two things: their disregard for the truth or their sloppiness," Maynes said. "One of the people they targeted was a Democratic senator who had just been beaten. In that same group they targeted Sen. John Melcher, D-Mont., because they said he voted for the Panama Canal treaties when he did not."

NCPAC press secretary Joe Steffen said there have been errors in advertisements.

"We've been involved since March 1975 when NCPAC was founded, in at least 100 to 125 campaigns. I'd say in that seven-year period, we've made less mistakes than most major newspapers do in a month. And no one jumps all over the newspapers.

"It's a matter of semantics."

Conservative Sen. Barry Goldwater, R-Ariz., disagreed with Steffen.

Please turn to Money, A7

July 16, 1980
A4
"C"

DeConcini likely target of committee

By John Kolbe
The Phoenix Gazette

A right-wing political action group, which played a key role in the defeat of several Democratic senators in 1980, probably will target Sen. Dennis DeConcini in this fall's campaign.

It would likely mean a high-profile television advertising campaign highlighting the Arizona Democrat's record as a "big-spending liberal."

An official of the National Conservative Political Action Committee (NCPAC, or "Nickpac" in political parlance) said his organization would not be deterred by pressure from a local blue-ribbon citizens' group urging it to steer clear of Arizona.

"It's still up in the air," Joe Steffan, NCPAC press secretary, said, "but it looks like we'll be coming in."

Steffan said a poll was being conducted to evaluate the prospects for unseating the first-term Democrat and a decision would be made within two weeks on whether "it's viable to come in there."

DeConcini yawned at the news, but evinced some irritation.

"We've expected NCPAC to come to Arizona for quite some time," he said. "I am confident Arizonans will see right through any such Washington extremist group that tries to tell them how to vote."

Earl Katz, DeConcini's fund-raiser, said NCPAC "has no place in Arizona. Its agenda isn't consistent with the independent thinking of Arizonans."

As an independent group without formal ties to either party or to individual candidates, NCPAC is not subject to federal campaign spending or contribution limits. But that independence also means it can campaign only against incumbents or other candidates not to its liking, resulting in negative advertising that has aroused accusations of unfairness.

"These people just aren't careful, and apparently they don't care about it," Michael Hawkins, a former U.S. attorney and counsel for Fair-Minded Arizonans for Integrity and Representation (FAIR), said. "And their negativism detracts from a discussion of the issues that inform voters."

FAIR was organized late last year in the wake of a NCPAC assertion that DeConcini "supports abortion," a charge National Right to Life Committee Vice President Carolyn Gerster has called "totally false."

The high-powered FAIR group, headed by the Rev. DeWane Zimmerman, pastor of the First United Methodist Church, includes among its members five bank presidents, two members of the Board of Regents, two clerics, several prominent attorneys and six top corporate executives.

"We feel the voters of Arizona can make up their own minds without the injection of politics by innuendo into campaigns," Zimmerman wrote.

In a letter to NCPAC Director John T. Dolan last year, Zimmerman demanded the group submit to DeConcini or any other affected candidate "any factual charges you intend to make about them" before airing the accusations.

Although Hawkins said FAIR received no response, Steffan said Thursday the national group had no objection to the proposal.

Some of those mistakes have kept NCPAC in hot water.

In one recent "fact sheet," the committee said Montana Sen. John Melcher voted to "give away" the Panama Canal. He opposed both treaties. Dolan explained the mistake as a "typesetting error."

Missouri Sen. Thomas Eagleton was accused in 1980 of favoring aid to Nicaraguan rebels, although he voted against such aid proposals three times.

Such incidents, and the controversy they generate, have led some Republican candidates to ask NCPAC to stay out of a campaign. DeConcini made it clear he will hold his two GOP foes responsible for the group's action.

"Groups like NCPAC pretend to be independent, but in fact they are the direct responsibility of Mr. (Peter) Dunn and Mr. (Dean) Sellers, whose political efforts they're trying to support," the senator said. "For all practical purposes, NCPAC would simply be an extension" of their campaigns.

The two Republicans disagreed on the prospect of a NCPAC campaign here.

"I do not welcome them to Arizona," Sellers, a Gilbert real estate investor, said. "I'll win this campaign on my own." But staff aides said he planned no active effort to persuade NCPAC to stay out of Arizona.

Cindy Lee Turpin, Dunn's press aide, said Dunn believed "everyone has a right to fight for what they believe in. Who are we to say nay?"

DENNIS
DE CONCINI
U.S. SENATOR

P.O. Box 28460, Phoenix, Arizona 85002

CERTIFIED
P20 0134614
MAIL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paid for by the Senator Dennis DeConcini Reelection Committee

PHOENIX ARIZ. 85002
SEP 20 1982
P210084
METER

General Counsel
Federal Election Commission
1325 K Street
Washington, DC 20463



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 28, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Pete Dunn for U.S. Senate Committee
1430 East Indian School Road
Suite #220
Phoenix, AZ 85014

Re: MUR 1471

Dear Sir/Madam:

This letter is to notify you that on September 20, 1982, the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1471. Please refer to this number in all future correspondence.

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

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

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

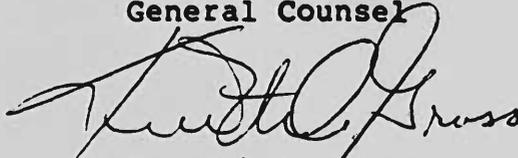
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

83040675736

If you have any questions, please contact Deborah Curry, the staff member assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

83040373753

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 1982

Mr. Anthony H. Mason
c/o Dennis DeConcini U.S. Senator
P.O. Box 25460
Phoenix, AZ 85002

Dear Mr. Mason:

This letter is to acknowledge receipt of your complaint of September 15, 1982, against the National Conservative Political Action Committee which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Steven Barndollar at (202) 523-4073.

Sincerely,

Charles N. Steele
General Counsel

A handwritten signature in cursive script, appearing to read "Kenneth A. Gross".

By Kenneth A. Gross
Associate General Counsel

Enclosure

830403736



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 1982

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Arlington, VA 22209

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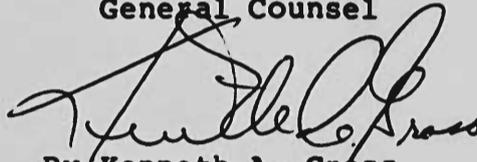
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83040737

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General Counsel



By Kenneth A. Gross
Associate General Counsel

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1. Complaint
2. Procedures
3. Designation of Counsel Statement

202 797 802

GC# 8502
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DENNIS
U.S. SENATOR

82 SEP 20 P 4: 28

82 SEP 20 A 10: 5

P.O. Box 25460, Phoenix, Arizona 85002
(602) 266-8494

September 15, 1982

General Counsel
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

re: offenses by NCPAC and
Dunn for Senate Campaign

Dear Sir:

This letter constitutes a complaint against the National Conservative Political Action Committee (NCPAC) by the DeConcini Re-Election Campaign Committee pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4. I am signing this letter in my capacity as a member of the Steering Committee of the DeConcini Re-Election Campaign.

Senator Dennis DeConcini is the Democratic Senator from Arizona and a candidate for re-election in the November 1982 election. NCPAC is an allegedly independent committee supporting certain candidates for election to federal and state office. Pete Dunn is the Republican candidate for the Senate seat now held by Senator DeConcini.

NCPAC first announced in November of 1980 that they would target Senator DeConcini for defeat at his next election. In June of 1982 NCPAC released a newsletter, stating that Mr. Gary Giordano would head NCPAC's efforts in Arizona to defeat Senator DeConcini, copy of which is attached. Mr. Giordano has been employed by Mr. Pete Dunn's campaign committee, whose FEC filings show a payment of \$500 on March 19, 1982 from Mr. Dunn's committee to Mr. Giordano for certain research. Because of this employment relationship, NCPAC's expenditures fail to meet the FEC's definition of an independent expenditure. They are, instead, in-kind contributions from NCPAC to Mr. Dunn's campaign committee.

Because NCPAC's expenditures to defeat Senator DeConcini constitute in-kind contributions to Mr. Dunn, they are limited in amount to \$5,000 for the primary election and \$5,000 for the general election under 2 U.S.C. § 441a(2). The evidence strongly indicates that these limits have already been exceeded, as follows:

1. - According to NCPAC's filing with the F.E.C., they have spent at least \$26,417.89 in Arizona through July of 1982. A summary sheet detailing NCPAC's expenditures is attached.
2. - In an August 16, 1982 fundraising letter, copy of which is attached, NCPAC stated that it intended to spend \$116,000 for radio and T.V. time in Arizona to defeat Senator DeConcini.

Paid for by the Senator Dennis DeConcini Re-election Committee

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



93040739

General Counsel
September 15, 1982
Page 2

We would be more than happy to provide any further information you might need.

Sincerely,

Anthony Mason

ANTHONY MASON
100 W. Washington, 18th floor
Phoenix, AZ 85003

Encls.

Subscribed and sworn before me
this 15th day of September, 1982.

Sandy M. Mason
Notary Public

My Commission Expires:

My Commission Expires April 6, 1985

830403760

JUNE, 1982

TARGET '82 TARGET '82 TARGET '82

Panama Canal Zones DeConcini into Tight Race

"Twenty nine of the 67 senators who voted for the Panama Canal Treaty four years ago are now gone." That's how one newspaper sums up Democrat Dennis DeConcini's Achilles' heel.

Posing as a moderating voice, DeConcini was responsible for Jimmy Carter's victory on the highly controversial treaty. In the Senator's home state of Arizona, the canal zone issue continues to simmer at near-boiling levels with most voters.

In the minds of many, when DeConcini backpeddled U.S. strength in Panama, he help-

ed kick off the series of disasters which followed in Nicaragua, El Salvador and now Guatemala. The hotter events become in Central America, the higher old flames burn in the hearts of Arizonans. They know a major upset inside their fragile neighbor Mexico will surely affect Arizona.

A second, equally important concern for DeConcini is the massive electoral shift which has occurred in Arizona since he won his six-year term in 1976. Democrats are no longer the majority party.

It's a political "first" for any Sunbelt state, and the huge

Republican gain translates into serious troubles even for fence-straddling liberals like DeConcini.

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A third reason for replacing DeConcini is the high caliber

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Also reaching for the GOP nod is State Rep. Pete Dunn. Dunn chairs the prestigious Judiciary Committee in the House and is popular with state party leaders. Dunn's campaign has engaged Richard Wirthlin to handle poll-taking activities.

Wanted: Senator

Continued from Page 1

...carried back from Washington and shown to the people of West Virginia."

Fundraising is a problem for any candidate or group which opposes Byrd. A Minority Leader's status translates into almost unlimited money from both labor and business PACs. Following the old "cooperate" theory often used by lobbyists, their PACs support powerful legislators - even liberals like Byrd, but usually slip something to his conservative opponent. Not so with the Minority Leader. These PACs fear Byrd's perceived power.

Asked why so little is forthcoming in Benedict's case, one lobbyist explained, "Better safe than sorry is the attitude industry groups have about the Byrd-Benedict race... Everyone in Washington agrees that Byrd seldom forgets any slight... even a token handout to his opponent. And he's got a minus-seven sense of humor."

Benedict may have a limited bankroll, but he possesses the reputation of a popular and influential Congressman, and a 100 percent ACU rating. Moreover, he is willing to spend his own money to de-

feat Byrd.

NCPAC recognizes the ingredients of a looming upset, the proverbial David taking on Goliath. And we are not alone. Citizens for the Republic, the group initiated by President Reagan to advance his 1980 candidacy, has entered the fray.

Human Events describes West Virginia's race this way: "The upset of the year... If brave men step forth!"

NCPAC Formula

Since the last issue of *Conservative Action Report*, NCPAC television ads have emerged as the toughest thorn in Byrd's side.

First, surveys were commissioned to determine the level of public awareness on Byrd's voting patterns. Statistically, these professional polls registered a near-zero awareness of Byrd's stands on the issues. Whatever his shortcomings, Byrd's taxpayer-funded public relations shop has proved masterful at covering his tracks in West Virginia.

NCPAC next ran a series of radio and television ads revealing his voting record and his residence. One ad points out Byrd not only fails to represent West Virginians, he refuses to live anywhere

near them. His sole residence is in McLean, Virginia, a Washington, D.C. suburb.

The ad raised eyebrows among Byrd critics, and spawned some new jokes. One pundit pointed out the Commonwealth of Virginia had two Senator Byrds... the official one, of course, was conservative Independent Harry Byrd, whose record is nearly the opposite of liberal Democrat Robert Byrd's.

The ad campaign was underway when the counter offensive struck. Robert Byrd's reaction to the NCPAC campaign almost perfectly followed the Democratic Congressional Campaign Committee's "Seven Commandments" for incumbent liberals to use when harassed by PAC activities.

Silencing Squad

Two of the cardinal rules on the list are: (1) Stop paid TV ads by PACs before they begin; and (2) Do not allow the Senator to become personally involved in the silencing dirty work.

Thus was born the "Friends of Byrd Committee". However, they immediately showed their true purpose and lack of independence.

Mistake One: Overly anxious to get Byrd's thinly veiled threats mailed to radio and TV stations, the letter looked

almost exactly like one NCPAC target Senator Daniel Patrick Moynihan used to intimidate broadcasters in New York state.

Moynihan's letter, it turns out, bears remarkable resemblance to an anonymous form memo drafted in the bowels of the Democratic Committee. The Friends of Byrd Committee has yet to explain this "miraculous overlapping". Their denials of copying led one commentator to speculate the two Senators might have experienced joint "divine inspiration".

Mistake Two: According to the DCCC's second-most important Commandment, an incumbent should keep his hands clean. Let someone else bully the broadcasters.

The bottom line, Byrd soon admitted to the *Charlestown Daily Mail* that he was working to keep NCPAC ads off the airwaves.

Byrd Backfires

Faced with a growing number of refusals from broadcasters, NCPAC took its case to the print media. Whatever their political biases, West Virginia newsmen are highly sensitive to censorship - even when the penknife is wielded

Continued on Page 6

FEC Report

Vote Data for U.S. Senate

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date Month, Day, Year	Amount of Each Disbursement This Period
Salvatore DiCiccio 351 E. Loyola Dr. Tempe, Az. 85282	salary Disbursement for: Primary General Other (specify):	2/15/82	500.00
Salvatore DiCiccio 351 E. Loyola Dr. Tempe, Az. 85282	salary Disbursement for: Primary General Other (specify):	3/30/82	847.92
Rabo of Arizona P.O. Box U Lake Havasu, Az. 86403	airplane rental Disbursement for: Primary General Other (specify):	3.11.82	450.00
Ford's World Travel 3003 N. Central Ave. Phx., Az.	travel Disbursement for: Primary General Other (specify):	2/10/82	430.00
Gary Giardino 2539 W. Lazy C Ranch Phx., Az.	research Disbursement for: Primary General Other (specify):	3/19/82	500.00
Dave Goodloe 5008 E. Thomas Rd. #602 Phx., Az.	salary Disbursement for: Primary General Other (specify):	3/11/82	300.00
David Goodloe 5008 E. Thomas Rd. #602 Phx., Az.	salary Disbursement for: Primary General Other (specify):	3/11/82	500.00
Grasso Productions 2618 "J" St. Sacramento, Ca. 95816	media Disbursement for: Primary General Other (specify):	3/12/82	8250.00
Owen Hanna 337 E. Geneva Tempe, Az. 85282	expense reimbursement Disbursement for: Primary General Other (specify):	2/25/82	52.44
TOTAL of Disbursements This Page (continued)			12,830.35
TOTAL This Period from page 516 (line number only)			

02020061880

HCPAC EXPENDITURES

Senator	Jan-Dec 81	Jan-Mar 82	April 82	May 82	June 82	Jan 81-June 82
Kennedy	476,457.49	48,688.50	0	389.35	66.98	525,602.32
Sarbanes	268,290.28	133,839.34	53,772.44	16,388.44	13,680.14	485,990.64
Byrd	35,925.58	54,849.21	26,737.77	62,769.74	16,059.39	196,341.69
Melcher	40,998.55	59,126.96	1,568.29	17,917.81	22,061.61	141,673.22
Moynihan	51,529.31	8,939.34	16,500.00	0	0	76,968.65
Dentsen	3,311.45	590.26	0	28,000.00	18,770.00	50,671.71
Cannon	3,311.42	0	3,259.35	10,113.31	6,757.08	23,441.16
Bardick	3,311.44	0	3,294.61	10,446.26	3,194.53	20,246.84
De Concini	3,312.07	0	0	424.51	2,961.90	6,698.48
Hetzenbaum	4,281.03	500.00	743.43	757.46	0	6,281.92
Mitchell	3,312.08	0	0	0	0	3,312.08
Matsunaga	3,312.05	0	0	0	0	3,312.05
Chiles	3,312.03	0	0	0	0	3,312.03
Frommire	3,311.53	0	0	0	0	3,311.53
Sasser	3,311.48	0	0	0	0	3,311.48
Riegle	3,311.48	0	0	0	0	3,311.48
Williams	3,291.99	0	0	0	0	3,291.99
Jackson	692.88	0	0	0	0	692.88
Total	914,584.16	306,553.61	105,875.89	147,256.88	83,551.63	1,557,772.17

<u>REPUBLICANS</u>						
Melcher	33,255.75	52,893.50	19,714.70	20,888.49	12,664.81	139,417.25
Stallord	3,311.48	0	0	0	0	3,311.48
Chafee	3,311.45	0	0	0	0	3,311.45
Total	39,878.68	52,893.50	19,714.70	20,888.49	12,664.81	146,040.18
D and R Total	954,462.84	359,447.11	125,590.59	168,095.37	96,216.44	1,703,812.35

DUPLICATE

ITEMIZED INDEPENDENT EXPENDITURES

159

See Reverse Side for Instructions

Name of Committee (in Full)			I.D. No.	
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.			C0002487	
Full Name, Mailing Address & ZIP Code of Each Party	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
C&P Telephone Co.	phone bill	7/2/82	1141.26	Melcher U.S. Senate MT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
C&P Telephone Co.	phone bill	7/2/82	1141.26	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Krones 175 Stockade Road Glastonburg, CT 06703	rent, printing, postage, and mileage	7/1/82	2000.00	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Bonnie Horning 2604 West Oakley Blvd. Las Vegas, NV 89102	printing, postage, and mileage	7/1/82	500.00	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
U.S. Postmaster	postage	7/2/82	183.35	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
U.S. Postmaster	postage	7/2/82	183.33	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
NET SUBTOTAL of Reported Independent Expenditures			\$5149.20	
NET SUBTOTAL of Unreported Independent Expenditures			\$	
NET TOTAL Independent Expenditures			\$	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with, or for the purpose or support 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 reproduction in whole or in part of any campaign material ordered by the candidate, the campaign committee, or their agent.

Subscribed and sworn to before me this _____ day of _____, 19____
by the Commission reporter

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

See Receipt Book for Instructions

Name of Committee (in Full)				LB. No.
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.				C0002487
Full Name, Mailing Address & ZIP Code of Each Payer	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & other sought
1st American Bank of VA	federal payroll tax	7/2/82	85.05	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of VA.	federal payroll tax	7/2/82	362.30	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of VA	federal payroll tax	7/2/82	78.64	Eurdick U.S. Senate ND <input type="checkbox"/> Support <input type="checkbox"/> Oppose
1st American Bank of VA	federal payroll tax	7/2/82	197.57	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
1st American Bank of VA	federal payroll tax	7/2/82	233.34	Jones OK -1 <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll tax	7/2/82	30.21	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
SubTOTAL of Itemized Independent Expenditures			\$ 987.11	
SubTOTAL of Unitemized Independent Expenditures			\$ _____	
Total Independent Expenditures			\$ _____	

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

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Contributor (in Full)				I.D. No.
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.				C0002487
Full Name, Mailing Address & ZIP Code of Each Payer	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Department of Taxation	state payroll taxes	7/2/82	10.99	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	10.99	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	7.99	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	7.99	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	9.93	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Department of Taxation	state payroll taxes	7/2/82	9.93	Jones OK - 1 <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$ <u>57.82</u>	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$ _____	
(c) TOTAL Independent Expenditures			\$ _____	

Under penalty of perjury I certify that the independent expenditures referred herein were not made in connection with, consultation, confers with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these independent expenditures did not make the financing of dissemination, distribution, or circulation in whole or in part of any campaign material prepared by the candidate, the campaign committee or their agent.

Subscribed and sworn to before me this _____ day of _____, 19____
 My Commission expires _____

Signature _____ Date _____

NOTARY PUBLIC

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee in Full		I.D. No.		
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.		C0002487		
Full Name, Mailing Address & ZIP Code of Each Party	Purpose of Expenditure	Date Made, (day, year)	Amount	Name of Federal Candidate Succeeded or Assisted by the Expenditure & Office Sought
Prudential	insurance	7/8/82	100.71	Burdick U.S. Senate ND <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Other
Prudential	insurance	7/8/82	100.71	DeConcini U.S. Senate AZ <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Other
Prudential	insurance	7/8/82	100.71	Byrd U.S. Senate WV <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Other
Prudential	insurance	7/8/82	100.71	Sarbanes U.S. Senate MD <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Other
Prudential	insurance	7/8/82	100.71	Cannon U.S. Senate NV <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Other
Prudential	insurance	7/8/82	100.71	Melcher U.S. Senate MT <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Other
(a) SUBTOTAL of Itemized Independent Expenditures (b) SUBTOTAL of Unitemized Independent Expenditures (c) TOTAL Independent Expenditures			\$ 604.26	\$ _____

8
2
0
3
1
4
3
7
5
1
3
7
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1

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with, or for the purpose of supporting or opposing any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not violate the financing of dissemination, distribution, or circulation in whole or in part of any campaign material prepared by the candidate, its campaign committee, or their agent.

Subscribed and sworn to before me this _____ day of _____ 19____
 My Commission expires _____

 Signature Date

NOTARY PUBLIC

ITEM D INDEPENDENT EXPENDITURES

See Reverse Side for Instructions

Name of Committee (in Full)		I.D. No.		
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.		C0002487		
Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Greg Foster	payroll	7/13/82	482.02	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Kevin Gagne	payroll	7/13/82	188.24	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Kevin Gagne	payroll	7/13/82	188.24	Malcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Scott Gregory	payroll	7/13/82	198.36	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Scott Gregory	payroll	7/13/82	198.36	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Charles Goyette 3602 E. Perison Phoenix, AZ 85018	payroll	7/13/82	384.82	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
a) SUBTOTAL of Informed Independent Expenditures			\$ 1640.04	
b) SUBTOTAL of Uninformed Independent Expenditures			\$ _____	
c) TOTAL Independent Expenditures			\$ _____	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the buying of advertising, distribution, or reproduction in whole or in part of any campaign material prepared by the candidate, the campaign committee, or their agent.

Subscribed and sworn to before me this _____ day of _____, 1982.

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

See Reverse Side for Instructions

Name of Committee in Full				I.D. No.	
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.				C0002487	
Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date Made, day, month, year	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought	
Jin Hammond	payroll	7/13/82	190.83	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Bonnie Horning	payroll	7/13/82	500.00	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Brad Kroner	payroll	7/13/82	369.59	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Brad Zerbe	payroll	7/13/82	211.50	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Brad Zerbe	payroll	7/13/82	211.50	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Rachel Waugh 9603 Burgess Lane Silver Spring, MD 20901	payroll	7/13/82	397.30	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
(a) SUBTOTAL of itemized independent expenditures			\$ 1880.72		
(b) SUBTOTAL of Unitemized independent expenditures			\$ _____		
(c) TOTAL independent expenditures			\$ _____		

Under penalty of perjury I certify that the expenditures reported herein were not made in connection, contemplation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or proposed committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or circulation 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 _____ day of _____, 19____

My Commission expires _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

See Reverse Side for Instructions

Name of Contributor (to Full)				I.D. No.	
NATIONAL CONSERVATIVE POLITICAL ACTION COME.				C0002487	
Full Name, Mailing Address & ZIP Code of Each Party	Purpose of Expenditure	Date Made, day, year	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought	
Arthur J. Finkelstein & Assoc. 117 Smith Ave. Mt. Kisco, NY 10549	survey	7/13/82	17850.00	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Edmonds Associates 611 Cameron Street Alexandria, VA 22314	production costs	7/13/82	1468.43	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Edmonds Associates	production costs	7/13/82	470.60	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Thomas Brooks	payroll	7/13/82	379.32	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Deborah Sagnella 1808 Fairfield Beach Rd. Fairfield, CT 06430	payroll	7/15/82	115.85	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
Dawn Ovellet 285 Olive Street Bridgeport, CT 06604	payroll	7/15/82	111.69	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
a) SUBTOTAL of Itemized Independent Expenditures			20395.89		
b) SUBTOTAL of Unitemized Independent Expenditures			\$ _____		
c) TOTAL Independent Expenditures			\$ _____		

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

Submitted and sworn to before me this _____ day of _____ 1982
My Commission expires _____

Signature Date

NOTARY PUBLIC

ITEM D INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Organization (in Full)			I.D. No.	
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.			C0002487	
Full Name, Mailing Address & ZIP Code of Each Party	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or assisted by the expenditure & office sought
VA Dept. of Taxation	state payroll taxes	7/19/82	9.93	Melcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	9.93	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	9.27	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	27.25	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	10.99	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
VA Dept. of Taxation	state payroll taxes	7/19/82	10.99	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Reported Independent Expenditures			\$ 78.36	
(b) SUBTOTAL of Unreported Independent Expenditures			\$ _____	
(c) TOTAL Independent Expenditures			\$ _____	

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

Executed and sworn to before me this _____ day of _____ 1982.

My Commission Expires _____

NOTARY PUBLIC

Signature

Date

ITEM D INDEPENDENT EXPENDITURES

Use Reverse Side for Instructions

Name of Committee to File				I.D. No.	
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.				C0002487	
Full Name, Mailing Address & ZIP Code of Each Payer	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & other receipt	
1st American Bank of Virginia	federal payroll tax	7/19/82	323.76	Sarbanes U.S. Senate MD <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
1st American Bank of Virginia	federal payroll tax	7/19/82	745.14	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
1st American Bank of Virginia	federal payroll tax	7/19/82	143.23	Melcher U.S. Senate MI <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
1st American Bank of Virginia	federal payroll tax	7/19/82	73.84	Burdick U.S. Senate ND <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
1st American Bank of Virginia	federal payroll tax	7/19/82	69.39	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
1st American Bank of Virginia	federal payroll tax	7/19/82	187.94	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
SubTOTAL of Reported Independent Expenditures			\$1543.30		
SubTOTAL of Unreported Independent Expenditures			\$		
SubTOTAL Independent Expenditures			\$		

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not include the buying of transportation, distribution, or reproduction in whole or in part of any campaign materials ordered by the candidate, the campaign committee, or their agent.

Subscribed and sworn to before me this _____ day of _____ 1982

My Commission Expires _____

NOTARY PUBLIC

Signature Date

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee on Form		ID No.		
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.		C0002487		
Full Name, Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Kevin Gagne	payroll	7/27/82	188.24	Helcher U.S. Senate MT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Scott Gregory	payroll	7/27/82	198.36	Bentsen U.S. Senate TX <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Scott Gregory	payroll	7/27/82	198.36	Byrd U.S. Senate WV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Bonnie Horning	payroll	7/27/82	500.00	Cannon U.S. Senate NV <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Kromes	payroll	7/27/82	369.59	Weicker U.S. Senate CT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Brad Zerbe	payroll	7/27/82	211.50	DeConcini U.S. Senate AZ <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of itemized independent expenditures			\$1666.05	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$	
(c) TOTAL Independent Expenditures			\$	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with, or for the purpose of, or at the request or suggestion of any candidate for any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the receipt of governmental contribution, or contribution in whole or in part of any campaign material prepared by the candidate, the campaign committee or the agent.

Expenditures were made on the _____ day of _____, 19____

By _____

NOTARY PUBLIC

Signature

Date

ITEMIZED INDEPENDENT EXPENDITURES

(Use Reverse Side for Instructions)

July 1982

109

Name of Committee (in Full)				ID No.
NATIONAL CONSERVATIVE POLITICAL ACTION COMM.				C0002487
Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate Numbered or named by the expenditure & office sought
MediAmerica, Inc.	postage	7/28/82	278.75	Helcher U.S. Senate MT <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Governor
MediAmerica, Inc.	postage	7/28/82	278.75	Burdick U.S. Senate WY <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Governor
MediAmerica, Inc.	postage	7/28/82	278.75	Byrd U.S. Senate WV <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Governor
MediAmerica, Inc.	postage	7/28/82	278.75	Cannon U.S. Senate NV <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Governor
MediAmerica, Inc.	postage	7/28/82	278.75	DeConcini U.S. Senate AZ <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Governor
MediAmerica, Inc.	postage	7/28/82	278.75	Sarbanes U.S. Senate MD <input type="checkbox"/> Senator <input checked="" type="checkbox"/> Governor
(a) SUBTOTAL of Itemized Independent Expenditures			\$ 1672.50	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$ _____	
(c) TOTAL Independent Expenditures			\$ _____	

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

Submitted and sworn to before me this _____ day of _____, 1982.

My Commission expires _____

NOTARY PUBLIC

Signature

Date

JULY 1982

NC PAC EXPENDITURES

Medi America, Inc.	postage	7/28/82	278.75
U.S. Postmaster	postage	7/2/82	183.35
First American Bank of Va.	Fed payroll tax	7/2/82	197.57
Dept. of Taxation	State & payroll tax	7/2/82	10.99
Prudential Insurance	insurance	7/8/82	100.71
Charles Goyette	payroll	7/13/82	384.82
Brad Zerbe	payroll	7/13/82	211.50
Arthur J. Finkelstein & Associates	survey	7/13/82	17850.00
Va. Dept. of Taxation	state payroll taxes	7/19/82	10.99
First American Bank of Va.	payroll taxes	7/19/82	187.94
Brad Zerbe	payroll	7/27/82	211.50
First American Bank of Va.	Fed payroll tax	7/29/82	80.30
Va. Dept. of Taxation	state payroll taxes	7/29/82	10.99

~~XXXX~~
\$19,19.41

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NATIONAL CONSERVATIVE POLITICAL ACTION COMMITTEE



1500 WILSON BLVD., SUITE 513 August 16, 1982
ARLINGTON VA. 22209

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████████████████████
████████████████████ Arizona █████████████████████

Dear ████████████████████

I just received some highly confidential reports from my field staff.

The nature of the reports is so explosive I can't share all of them with you (I don't dare mail a copy out of our office). But because you are a trusted past supporter of NCPAC I felt you had a right to know some of the critical points they contained.

The reports were both encouraging and disturbing.

Above all else they made it clear the next three months could well make or break the Reagan revolution.

You and I were a part of that revolution. Through your kind-hearted and generous support for groups like NCPAC we won great victories in 1980 and 1981.

But we are now in danger in the next three months of losing much of what we gained in 1980.

That's why I've enclosed a special three part Conservative Victory Pledge.

I hope you'll sign it and mail it back to me today.

As you know NCPAC launched a series of independent campaigns against a number of key liberal Senators like Ted Kennedy, Robert Byrd, and Paul Sarbanes.

But I'm concerned unless past conservative and Republican supporters of NCPAC like yourself are willing to help over the next three months, we could actually lose conservative control of the Senate.

There is a bright spot though.

Our field reports show that if we can raise a budget of \$1,177,000 NCPAC can help win Senate races in 8 states.

That would mean we not only keep control but actually could gain seats in the Senate. That could insure conservative control

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Page two

into the 1990's.

Could you imagine - a Senate without liberals like Paul Sarbanes or Robert Byrd? Or dare we hope - without Ted Kennedy! The reports I've received show it's possible but here's what it takes:

Step 1 - We have just completed surveys in five key states, Maryland, West Virginia, Texas, North Dakota and Arizona. Results are coming now from Massachusetts, but we still need to survey Montana and Nevada. Added budget to complete step one: \$31,000.

Step 2 - Based on encouraging survey results we now need to run our radio and TV ads to finish the job. Here's a state by state breakdown of the costs:

Arizona	\$116,000 for TV and radio time
Massachusetts	125,000 for TV and radio time
Maryland	200,000 for TV and radio time
Montana	75,000 for TV and radio time
North Dakota	60,000 for TV and radio time
Nevada	135,000 for TV and radio time
Texas	300,000 for TV and radio time
West Virginia	135,000 for TV and radio time

Added cost to complete step two: \$1,146,000.

Total cost to complete steps one and two is \$1,177,000.

A total budget of \$1,177,000 to complete our plan to keep control of the Senate is a lot of money.

But you've seen how effective your past support for NCPAC has been in helping win Senate races.

In 1980 we played a part in taking control of the U.S. Senate for conservatives.

But with these victories came the burden of maintaining the control of the Senate.

They say imitation is the sincerest form of flattery. Well, since 1980 no fewer than 5 liberal political action groups -- (Americans for Common Sense, Democrats for the 80's, Independent Action, PROPAC) have sprung up to counter NCPAC.

So in 1982 the battlelines are clearly drawn.

The number of new liberal political groups doesn't bother me if I can continue to count on the support of people like you.

Frankly we are farther ahead in campaign technology than the

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Page three

liberals so our money is spent more wisely.

Can I count on you to help again?

What I'm asking all past supporters to do is to pledge what they can for the next three critical months.

That will insure we make our budget and carry through the November elections.

So will you fill out the enclosed three month Conservative Victory Pledge?

Then mail it back to us in the enclosed postage paid envelope.

I wasn't sure how much you would be willing to pledge so I filled in an amount on the card but left a blank in case you could send more.

Of course if you want to send one check now for the full amount that would be great.

We need to raise \$393,000 of our total budget by September 3rd. So please mail your pledge back to me today.

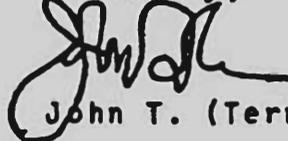
We have figured out this pledge program very carefully. The only way we can meet our budget is if you and other NCPAC supporters will help.

If I can count on enough past supporters like you to help in this pledge program I won't have to ask for any more money for the November elections.

Won't you send one last contribution to help elect conservatives in the November election?

I'm counting on hearing back from you in the next few days.

Sincerely,



John T. (Terry) Dolan

P.S. So many supporters were on vacation in July and August we've really fallen behind in raising the money for our vital campaign projects. Simply put, if we don't raise the money we will have to cut back the radio and TV ads we plan to run. So try to pledge what you can. Please fill out the enclosed Conservative Victory Pledge and mail it back to me today.

I really worry I may not raise what we need by September 3rd. So please pledge now.

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FROM THE DESK OF

Vic Gresham
NCPAC Political Director

Memorandum for: John T. Dolan

Subject: Finances for September, October and November

NCPAC contributors have been generous. But as you know we are in the midst of some vital projects which desperately need money.

You may remember we discussed needing \$1,435,000. But I've been able to reduce that amount to \$1,146,000 by cutting corners. We must receive that amount, however, within the next few weeks (or at least have pledges for that amount) or cancel these campaign projects and take our losses.

You know we can't wait. All the projects depend on raising \$1,146,000.

As you requested, John, this is a bare-bones budget for projects still unfunded. It does not cover the other programs we have discussed elsewhere.

Step 1 We have just completed surveys in five key states, Maryland, West Virginia, Texas, North Dakota, and Arizona. Results are coming now from Massachusetts, but we still need to survey Montana and Nevada.

Added budget needed to complete step one: \$31,000.

Step 2 Based on encouraging survey results we now need to run our radio and TV ads to finish the job. Here's a state by state breakdown of the costs:

Arizona	\$116,000	for TV & radio time
Massachusetts	\$125,000	for TV & radio time
Maryland	\$200,000	for TV & radio time
Montana	\$ 75,000	for TV & radio time
North Dakota	\$ 60,000	for TV & radio time
Nevada	\$135,000	for TV & radio time
Texas	\$300,000	for TV & radio time
West Virginia	\$135,000	for TV & radio time

Added cost to complete step two: \$1,146,000.

Budget Deadlines	\$393,000	needed by September 3rd
	\$392,000	needed by October 2nd
	<u>\$392,000</u>	needed by November 1st

\$1,177,000 TOTAL needed for the next three months before the November election.

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03737
A.E. Mason
c/o Dennis DeLoach U.S. Senator
Box 2542
Phoenix, Arizona 85002

Certified Mail
Return Receipt Requested

General Counsel
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

RECEIVED AT THE

PHOENIX
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FEDERAL ELECTION COMMISSION

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

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Date Filmed 1/28/83 Camera No. --- 2

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