FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1486

Date Filmed 12/5/83 Camera No. --- 3

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LAW OFFICES
WALD, HARKRADER & ROSS

1300 NINETEENTH STREET, N.W.
WASHINGTON, D. C. 20036 1697

(202) 828-1200
CABLE ADDRESS: WALRUS
TELEX (RCA): 248591 (WHR)

1101 SAN JACINTO TOWER
DALLAS, TEXAS 75201
(214) 754-0100
TELEX 730981 (WHRDALLAS)

545 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 826-9300
TELEX 427667 (WHR)

24 UPPER BROOK STREET
LONDON, W1Y 1PD
TEL. 629-1076
TELEX (851) 886433 (WHRLON)

CHARLES C. ABELES
TONI K. ALLEN
JAMES E. ANDERSON, JR.*
JERRY D. ANKER
GEORGE A. AVERY
MARKHAM BALL
WILLIAM H. BARRINGER
JOAN ZELDES BERNSTEIN
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MARK S. WARD
ANN ADAMS WEBSTER
HELEN KEMP ZAX
JACQUELINE E. ZINS

*DALLAS OFFICE **NEW YORK OFFICE ***LONDON OFFICE +NOT ADMITTED IN D.C.

SELMA M. LEVINE (1924-1975)
THOMAS C. MATTHEWS (1931-1979)

ADMINISTRATOR
DONALD C. THOMPSON

SENIOR COUNSEL
CARLETON A. HARKRADER

OF COUNSEL
PHILIP ELMAN
DOUGLAS M. COSTLE
CHARLES H. GUSTAFSON
PETER G. KELLY
TED D. TAUBENECK***
DON WALLACE, JR.

November 22, 1983

Stephen Mims, Esq.
Office of General Counsel
Federal Election Commission
7th Floor
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1486 Council for a Livable World

Dear Mr. Mims:

Pursuant to Paragraph VI of the Conciliation Agreement accepted by the Commission on November 3, 1983 in the above-captioned matter, I am enclosing a check for $250 from the Council for a Livable World payable to the Treasurer of the United States. This payment should close this matter, and I would appreciate a letter from you confirming your receipt of the civil penalty and the termination of this matter. Please call me if you have any questions.

With best wishes, I am

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz

Enclosure

cc: Jerome Grossman
A. Richard Metzger, Esq.

COUNCIL FOR A LIVABLE WORLD
11 BEACON STREET PH. 617-742-9395
BOSTON, MA 02108

2578

November 16 1983

PAY TO THE ORDER OF --Treasurer of the United States-- $ 250.00

Two hundred fifty and no/100 DOLLARS

United States Trust Company
Boston, Mass.

FOR FEC complaint MUR 1486 civil penalty

Jerome Grossman

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

29608

Ck # 1169

29 Nov 1983
Date

The Federal Election Commission has received $ 250.00 in cash/check for the purchase of copies of documents on file at the Federal Election Commission, or for other materials made available by the Commission.

Mary Gene Hodges
Federal Election Commission

Purchaser understands any information copied from reports and statements shall not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. 2 U.S.C. Section 438

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036

RECEIVED BY THE FEC
83 NOV 23 P12:53
PLEASE MOUNT
CHRISTMAS

Stephen Mims, Esq.
Office of General Counsel
Federal Election Commission
7th Floor
1325 K Street, N.W.
Washington, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1486
Council for a Livable World	)	
Peace PAC	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 3, 1983, the Commission decided by a vote of 6-0 to take the following actions in MUR 1486:

1. Approve and sign the conciliation agreement submitted by the Council for a Livable World, as attached to the General Counsel's Report signed October 31, 1983.

2. Close the file as to the Council for a Livable World and approve and send the letter as submitted with the General Counsel's Report signed October 31, 1983.

3. Take no further action and close the file as to Peace PAC.

4. Approve and send the letter to Peace PAC as attached to the General Counsel's Report.

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

Attest:

11-3-83
Date

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

Received in Office of Commission Secretary: 10-31-83, 3:16
Circulated on 48 hour tally basis: 11- 1-83, 11:00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Council for a Livable World	)	MUR 1486
	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn and notarized complaint by the Washington Legal Foundation. An investigation has been conducted by the Federal Election Commission ("the Commission"), and reason to believe has been found that the Council for a Livable World violated: 2 U.S.C. § 433(b)(2) by failing to identify Peace PAC as an affiliated committee on its Statement of Organization; 2 U.S.C. § 434 (A)(4)(A)(ii) by failing to file pre-primary election reports; and 2 U.S.C. § 441d by failing to provide the required disclaimer in its solicitations. The Commission did not find reason to believe that the Council for a Livable World violated any other provisions of the Federal Election Campaign Act of 1971, as amended, as had been alleged in the complaint by the Washington Legal Foundation.

NOW THEREFORE, the Commission and the Council for a Livable World ("Respondent"), having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding and this agreement has the effect of an agreement entered into pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent is a political committee affiliated with Peace PAC (a political committee). The committees have been affiliated since May 4, 1982.

2. Respondent failed to amend its Statement of Organization to identify Peace PAC as an affiliated committee until May 6, 1983. Peace PAC, however, did identify Respondent as an affiliated committee on Peace PAC's Statement of Organization filed on May 4, 1982.

3. Respondent has conducted solicitations without providing the proper disclaimer notice that the solicitations were paid for by Respondent as required by 2 U.S.C. § 441d.

4. Respondent has failed to file the pre-primary election reports required by 2 U.S.C. § 434(a)(4)(A)(ii).

V. Respondent violated:

1. 2 U.S.C. § 433(b)(2) by failing to timely amend its Statement of Organization to show Peace PAC as an affiliated committee.

2. 2 U.S.C. § 434(a)(4)(A)(ii) by not filing pre-primary election reports; and

3. 2 U.S.C. § 441d by not providing the proper disclaimer notice on its solicitations.

VI. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of two hundred and fifty dollars ($250) pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(A)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

November 7, 1983
Date

FOR THE RESPONDENT:

Marc E. Lackritz
Marc E. Lackritz, Attorney
for Council for a Livable World

October 19, 1983
Date

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, DC 20036

RE: MUR 1486
Council for a Livable World

Dear Mr. Lackritz:

On , 1983, the Commission accepted the conciliation agreement signed by you on behalf of the Council for a Livable World and a civil penalty in settlement of a violation of 2 U.S.C. §§ 433(b)(2), 434(a)(4)(A)(ii) and 441d, provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation agreement

SJM
11/4/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, DC 20036

RE: MUR 1486
Peace PAC

Dear Mr. Lackritz:

On April 19, 1983, the Commission found reason to believe that Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(ii). The Commission subsequently instituted an investigation of this matter.

After having considered the circumstances of this matter and information submitted by you, the Commission, on , 1983, voted to take no further action and close its file as it pertains to Peace PAC. The file will become a part of the public record within thirty days. Should you wish to submit any additional materials to appear on the public record, please do so within ten days.

If you have any questions, please direct them to Stephen Mims, the staff member assigned to this matter at (202)523-4039.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Pym
11/4/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Paul D. Kamenar, Esquire
Washington Legal Foundation
1612 K Street, N.W.
Suite 502
Washington, D.C. 20006

RE: MUR 1486
Council for a
Livable World
Peace PAC

Dear Mr. Kamenar:

This is in reference to the complaint you filed with the Commission on October 15, 1982 concerning the Council for a Livable World (CLW) and Peace PAC.

After conducting an investigation in this matter, the Commission determined there was reason to believe CLW violated 2 U.S.C. §§ 433(b)(2), 434(a)(4)(A)(ii) and 441d and 2 U.S.C. § 434(a)(4)(i), provisions of the Federal Election Campaign Act of 1971, as amended. On November 3, 1983, the Commission voted to take no further action as to Peace PAC. The Commission also accepted a conciliation agreement signed by CLW, thereby concluding the matter. A copy of this agreement is enclosed for your information.

The file number in this matter is MUR 1486. If you have any questions, please contact Stephen Mims, the staff member assigned to this matter, at 523-4039.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1983

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, DC 20036

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Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 3 0 4 0 4 0 4 5 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1983

Paul D. Kamenar, Esquire
Washington Legal Foundation
1612 K Street, N.W.
Suite 502
Washington, D.C. 20006

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Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1983

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, DC 20036

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Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Council for a Livable World	)	MUR 1486
	)	

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

November 7, 1983
Date

FOR THE RESPONDENT:

Marc E. Lackritz
Marc E. Lackritz, Attorney
for Council for a Livable World

October 19, 1983
Date

3 3 0 4 0 1 4 0 4 6 6

BEFORE THE
FEDERAL ELECTION COMMISSION

In the Matter of Peace Political Action Committee	)	MUR 1486

AFFIDAVIT

I, Catherine Clark, do hereby depose and say:

1. I am employed by Council for a Livable World as the Assistant Executive Director. In that capacity, I am responsible for the preparation and filing of financial reports for Peace Political Action Committee ("Peace PAC") that are required by the regulations of the Federal Election Commission.

2. I personally prepared Peace PAC's July 1982 report of receipts and expenditures. On July 15, 1982, I personally delivered that report to the U.S. Post Office in Boston, Massachusetts for mailing by certified mail, postage prepaid, to the Clerk of the U.S. House of Representatives. Attached as Exhibit A to this affidavit is a copy of the receipt for that mailing.

3. I am certain that the receipt reflected by Exhibit A is the receipt for the mailing containing Peace PAC's July 1982 report of receipts and expenditures because our invariable practice is to send such financial reports,

attachment 2 page 4

and only such reports, by certified mail. That July 15, 1982 mailing was the only one made by certified mail to the Clerk of the House of Representatives during July 1982.

4. Because Peace PAC contributed to the campaign of Congressman Barney Frank of Massachusetts during the period covered by the July 1982 report, I mailed by certified mail a copy of the report to the Massachusetts Office of the Secretary of State. A copy of the receipt for that mailing is attached as Exhibit B to this Affidavit. Also attached as Exhibit C is a copy of the cover letter that accompanied the state filing.

Catherine Clark

Catherine Clark

State of Massachusetts)
County of Suffolk)

Subscribed and sworn to before me on this NINTH day of August, 1983.

Notary Public

My Commission expires 10/12/84.

Attachment 2 page 5

P 301 256 625

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO Clerk of House

STREET AND NO.

P.O., STATE AND ZIP CODE Washington DC

POSTAGE		$
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	¢
OPTIONAL SERVICES	SPECIAL DELIVERY	¢
	RESTRICTED DELIVERY	¢
RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢
	SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		$ 1.12
POSTMARK OR DATE		

JUL 15 1982

PS Form 3800, Apr. 1976

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (See front)

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED**.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse "Restricted Delivery".
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt.
6. Save this receipt and present it if you inquire regarding article.

PS Form 3800, Apr. 1976 1980 331-003

EXHIBIT A

Attachment 1 page 6

P 301 298 808

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO Sec. of State

STREET AND NO.

P.O. STATE AND ZIP CODE Boston Ma 02108

POSTAGE		$ 37 75 ¢
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	¢
OPTIONAL SERVICES	SPECIAL DELIVERY	¢
	RESTRICTED DELIVERY	¢
RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	¢
	SHOW TO WHOM AND DATE DELIVERY RESTRICTED TO ADDRESSEE	¢
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		$ 1.12

POSTMARK OR DATE

JUL 15 1982

PS Form 3800, Apr. 1976

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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

After these steps have been completed, this receipt will be presented to the person delivering the article. For an additional fee, a delivery record may be obtained upon request. Consult postmaster for fee.

Save this receipt and present it if you make inquiry.

PO 1980 341 003

EXHIBIT B

attachment 2 page 7

PEACE PAC
peace political action committee
FOR THE PREVENTION OF NUCLEAR WAR

PAUL C. WARNKE
Chairman

JEROME GROSSMAN
Treasurer

JOHN ISAACS
Secretary

BOARD OF DIRECTORS

BANNI COOPER
Executive Director
Women's Campaign Fund

WILLIAM DODDS
Former Political Director
United Auto Workers

ROBERT F. DRINAN
Former U.S. Representative

JOHN KENNETH GALBRAITH
Professor of Economics
Harvard University

JEROME GROSSMAN
President
Council for a Livable World

WILLIAM HOLAYTER
Political Director
International Association
of Machinists

JOHN ISAACS
Legislative Director
Council for a Livable World

GEORGE KISTIAKOWSKY
Professor of Chemistry
Harvard University

ADMIRAL JOHN M. LEE
U.S. Navy (Retired)

STEPHEN M. THOMAS
Political Consultant

HERBERT SCOVILLE, JR.
President
Arms Control Association

PAUL C. WARNKE
Chief U.S. Negotiator
SALT II Treaty

EDITH WILKIE
Executive Director
Members of Congress
for Peace Through Law

July 15, 1982

Division of Public Records
Office of the Sec. of State
1701-1703 McCormack Bldg.
One Ashburton Place
Boston MA 02108

Dear Sir:

Enclosed is a copy of our report for the period ending 30 June 1982 filed with the Federal Election Commission as it may pertain to the campaign of Barney Frank for House of Representatives.

Sincerely,

Jerome Grossman
Treasurer

EXHIBIT C

Attachment 2 page 8

100 Maryland Avenue, N.E., Washington, D.C. 20002 Phone: (202) 543-4100

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, DC 20036

RE: MUR 1486
Council for a Livable World

Dear Mr. Lackritz:

On , 1983, the Commission accepted the conciliation agreement signed by you on behalf of the Council for a Livable World and a civil penalty in settlement of a violation of 2 U.S.C. §§ 433(b)(2), 434(a)(4)(A)(ii) and 441d, provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation agreement

Att 3 pl

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, DC 20036

RE: MUR 1486
Peace PAC

Dear Mr. Lackritz:

On April 19, 1983, the Commission found reason to believe that Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(ii). The Commission subsequently instituted an investigation of this matter.

After having considered the circumstances of this matter and information submitted by you, the Commission, on , 1983, voted to take no further action and close its file as it pertains to Peace PAC. The file will become a part of the public record within thirty days. Should you wish to submit any additional materials to appear on the public record, please do so within ten days.

If you have any questions, please direct them to Stephen Mims, the staff member assigned to this matter at (202)523-4039.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

att 3 p2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1983

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 19th Street, N.E.
Washington, DC 20036

Re: MUR 1486
Council for A Livable World
Peace PAC

Dear Mr. Lackritz:

On October 12, 1982, you were notified that the Federal Election Commission had received a complaint from the Washington Legal Foundation alleging that your clients, the Council for A Livable World and Peace PAC, had violated certain sections of the Federal Election Campaign Act of 1971, as amended. You were also given a copy of the complaint and informed that your response should be submitted within fifteen days of your receipt of the notification.

On June 3, 1983, the Commission received a letter from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this letter for your information.

If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202) 523-4039.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: THE COMMISSION

FROM: CHARLES N. STEELE
GENERAL COUNSEL

BY: KENNETH A. GROSS
ASSOCIATE GENERAL COUNSEL

SUBJECT: SUPPLEMENT TO THE COMPLAINT - MUR 1486

On June 3, 1983, the Office of General Counsel received, as a supplement to the complaint, a letter from the Washington Legal Foundation citing a newspaper account of an investigation of the Council for A Livable World and Peace PAC by the United States Postal Service.

This material is circulated to you for your information. The respondents in this matter have been provided a copy of this material.

Attachment
Letter from the Washington Legal Foundation

WASHINGTON LEGAL FOUNDATION
1612 K STREET, N.W.
SUITE 502
WASHINGTON, D.C. 20006
202-857-0240

June 2, 1983

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

RE: MUR 1486

Dear Gentlemen:

The Washington Legal Foundation hereby supplements its complaint against the Council for a Livable World by enclosing further information concerning the legal status of CLW as opposed to CLW Education Fund, Inc. The enclosed article from the June 2, 1983 Washington Times indicates that CLW's reduced mailing permit was revoked by the Post Office. This evidences the possible further undervaluation of the in-kind contributions if CLW's solicitations did not carry the full postage required. In addition, the CLW's application for the postage permit and other information connected with that matter may be highly relevant to the FEC's investigation of our complaint.

Very truly yours,

Paul D. Kamenar
Director of Litigation

PDK:kjb
Enclosure

Attach 1, p. 1 of 3

UNITED STATES POSTAL SERVICE
MAIL CLASSIFICATION CENTER
P.O. BOX 1901
WASHINGTON, D.C. 20013

REPLY TO ATTN OF: F:MC:RIJ:mh-9507

DATE: April 22, 1983

SUBJECT: Peace Pac Mailing - Case #55189

TO:

Mr. B. Eric Sivertsen
Sedam & Herge
Attorneys At Law
Suite 1100
8300 Greensboro Drive
McLean, VA 22102

This is in reference to your letter dated April 19, 1983, subject as above.

The mailing made by Peace PAC under the nonprofit authorization of Council for a Livable World has been investigated.

After a careful review of the material submitted by the Council for a Livable World, the organization was notified that they no longer qualify for the special rate privileges.

R. I. Johnson
Acting Manager
Mail Classification

Att 1, p. 2 of 3

The Washington Times ★ THURSDAY, JUNE 2, 1983 / PAGE 3

Nuclear freeze PAC loses lower mail rate

BY A WASHINGTON TIMES STAFF WRITER

The Postal Service has revoked the special bulk-rate mailing privileges of the Council for a Livable World (CLW), a political action committee devoted to electing senators favoring a nuclear freeze.

Postal authorities acted after lawyers for the National Conservative Political Action Committee and others complained that an affiliate of CLW, Peace PAC, was using CLW's nonprofit mailing permit to mail fund-raising letters in violation of postal regulations.

Peace PAC and CLW share a common phone number and address in Washington. According to the fundraising material, Peace PAC has "one purpose and one purpose only — to elect a Congress committed to the prevention of nuclear war."

It supported the House campaigns of such nuclear freeze proponents as Reps. Michael D. Barnes, D-Md., and Barney Frank, D-Mass., in the 1982 election campaigns.

McLean, Va., lawyer Eric Sivertsen, who filed the complaint on behalf of NCPAC last year, said that although postal authorities notified him that CLW's special mailing privileges have been revoked, they did not explain the specific grounds on which the revocation was based.

A spokesman for the Postal Service said that because CLW has appealed the ruling to Postal Service headquarters, the Service could not comment on the case.

John Isaacs, Washington director of CLW, said "there is not much to say" about the Postal Service action.

"We feel that we fit under the definitions that have been established for organizations to use the bulk permit. They (the Postal Service) disagreed; and we have appealed."

Isaacs said that he did not have the Postal Service letter before him and did not remember "the specific grounds" on which the revocation was based.

However, Sivertsen said that the mailings by Peace PAC using CLW's permit appeared to violate postal regulations on two grounds — that CLW itself does not qualify for its claimed status as an "educational non-profit" organization because its primary purpose is not educational, and that CLW should not have allowed Peace PAC to use its permit.

"To get a special bulk rate, you have to fall into one of the niches described in postal regulations, and neither of these organizations appears to fit into one of the niches," Sivertsen said.

"CLW apparently received its bulk mailing permit as a 'qualified non profit organization,' but it is also registered with the Federal Election Commission as a political action committee," Sivertsen said.

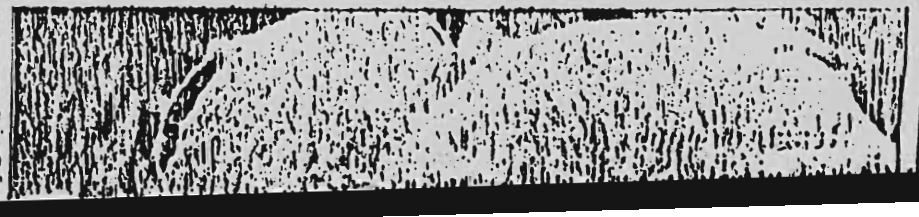
According to Sivertsen, PACs do not qualify for the special nonprofit rate, although a few "political committees," such as the Democratic and Republican national committees, do.

But Isaacs disagreed.

"We feel we qualify as an educational institution," he said. "We are educating people on nuclear war issues."

— Tom Diaz

Indian tribe leaders call for curbs on



6CC9943

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036-1697
(202) 828-1200

29 AM 11:02

1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
TELEPHONE (214) 741-9241

24 UPPER BROOK STREET
LONDON, W1Y 1PD, ENGLAND
TELEPHONE 629-1076

MARC E. LACKRITZ

DIRECT DIAL
(202) 828-1300

April 29, 1983

BY HAND

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
7th Floor
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

This letter responds to the letter of the Federal Election Commission dated April 21, 1983 concerning the above-referenced matter. Council for a Livable World and Peace Political Action Committee would like to enter into pre-probable cause conciliation with Commission staff to resolve the remaining issues in this proceeding. I will be out of the country until May 12 and would like, if at all possible, to postpone initiation of the conciliation process until after my return. In the interim, if you have any questions, please contact my associate, Richard Metzger.

The Commission's April 21 letter indicated that you have been unable to locate the Report of Receipts and Disbursements for the period ending June 30, 1982, which, as we noted in our November 18, 1982 response in this proceeding, was filed by Peace Political Action Committee (Peace PAC) with the Clerk of the House of Representatives on July 15, 1982. To clear up this confusion, we have forwarded to the Clerk an additional copy of that report and the cover letter that accompanied it, copies of which are enclosed.

The Commission's letter also noted that the Council for a Livable World had not yet filed an amended Statement

WALD, HARKRADER & ROSS

of Organization indicating that Peace PAC is an affiliate of the Council. I understand from my client that that document is being prepared and will be filed with the Commission within the next week. A copy will be forwarded to your office upon receipt.

Sincerely yours,

Marc E. Lackritz (MEL)

Marc E. Lackritz
Attorney for Council for
a Livable World and Peace
Political Action Committee

MEL:lc
Enclosure
cc: Jerome Grossman, President

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036-1697
(202) 828-1200

1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
TELEPHONE (214) 741-9241

24 UPPER BROOK STREET
LONDON, W1Y 1PD, ENGLAND
TELEPHONE 629-1076

A. RICHARD METZGER, JR.

DIRECT DIAL
(202) 828-1878

April 28, 1983

BY HAND

Benjamin Guthrie, Clerk
U.S. House of Representatives
1036 Longworth House Office Bldg.
Independence & South Capitol St., S.E.
Washington, D.C. 20515

Dear Mr. Guthrie:

There appears to be some question as to whether or not the Peace Political Action Committee (FEC No. C00155119) filed a Report of Receipts and Disbursements for the period ending June 30, 1982. Enclosed is an additional copy of that report as well as the cover letter which accompanied our submission last July.

If you have any questions, please contact the undersigned.

Sincerely yours,

A. Richard Metzger, Jr.

A. Richard Metzger, Jr.
Attorney for Peace Political
Action Committee

ARM:lc
Enclosures
cc: Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
Legislative Director

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Writer

HERBERT SCOVILLE, JR
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

July 15, 1982

Clerk of the House
1036 Longworth House Office Bldg.
Washington, D.C. 20515

Dear Sir:

The following campaign committee is being supported by the Peace Political Action Committee, C00155119:

Barney Frank for Congress Committee
1619 Beacon Street
Brookline MA 02146

Sincerely,

Catherine Clark
Asst. Executive Director

CC:mb

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

1. Name of Committee (in Full)
Peace Political Action Committee

Address (Number and Street)
100 Maryland Avenue, N.E.

City, State and ZIP Code
Washington, D.C. 20002

☐ Check if address is different than previously reported.

2. FEC Identification Number
C00155119

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (date)

4. TYPE OF REPORT (check appropriate boxes)

(a)
- ☐ April 15 Quarterly Report
- ☒ July 15 Quarterly Report
- ☐ October 15 Quarterly Report
- ☐ January 31 Year End Report
- ☐ July 31 Mid Year Report (Non-election Year Only)
- ☐ Monthly Report for _____
- ☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- ☐ Thirtieth day report following the General Election on _____ in the State of _____
- ☐ Termination Report

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY	Column A This Period	Column B Calendar Year-to-Date
5. Covering Period April 1 Through June 30, 1982		
6. (a) Cash on Hand January 1, 1982		$ -0-
(b) Cash on Hand at Beginning of Reporting Period	$ -0-	
(c) Total Receipts (from Line 18)	$ 3,000.00	$ 3,000.00
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	$ 3,000.00	$ 3,000.00
7. Total Disbursements (from Line 28)	$ -0-	$ -0-
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	$ 3,000.00	$ 3,000.00
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	$ -0-	

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

For further information, contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

Jerome Grossman
Type or Print Name of Treasurer

Jerome Grossman
SIGNATURE OF TREASURER

July 12, 1982
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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

FEC FORM 3X (3/80)

DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (in Full): Peace Political Action Committee

Report Covering the Period: From Apr. 1 To: June 30, 1982

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
I. RECEIPTS		
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	$3,000.00	$3,000.00
(Memo Entry Unitemized $ -0-)		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b and 11c)	$3,000.00	$3,000.00
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13. ALL LOANS RECEIVED		
14. LOAN REPAYMENTS RECEIVED		
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17. OTHER RECEIPTS (Dividends, Interest, etc.)		
18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17)	$3,000.00	$3,000.00
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES	-0-	-0-
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
22. INDEPENDENT EXPENDITURES (Use Schedule E)		
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441a(d)) (Use Schedule F)		
24. LOAN REPAYMENTS MADE		
25. LOANS MADE		
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c)		
27. OTHER DISBURSEMENTS		
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)	-0-	-0-
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d	$3,000.00	$3,000.00
30. TOTAL CONTRIBUTION REFUNDS from Line 26d	-0-	-0-
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)	$3,000.00	$3,000.00
32. TOTAL OPERATING EXPENDITURES from Line 19	-0-	-0-
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	-0-	-0-
34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32)	-0-	-0-

SCHEDULE A

ITEMIZED RECEIPTS

Page 1 of 1 for
LINE NUMBER IIa
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)
Peace Political Action Committee

Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. John Harris IV 2801 Barker St. Silver Spring MD 20910	--------	5/28/82	$3,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$ 3,000.00		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			$3,000.00
TOTAL This Period (last page this line number only)			$3,000.00

PEACEPAC

FOR THE PREVENTION OF NUCLEAR WAR

Contributions received by the Peace PAC as conduit, intended for receipt by Barney Frank for Congress Committee

The contributor's occupation and principal place of business is included for contributions exceeding $200. All contributions were passed on in the form of the contributor's check unless otherwise noted.

Name & Address of Contributor	Date received by Council	Date passed on to intended recipient	Amount of Contribution	Occupation & Principal place of business
Eugene Eisenberg 75 Kneeland St. Boston, MA 02111	7/14/82	7/14/82	$125	
George Axelrod 17 Searsdale Rd. Newtonville, MA 02160	6/28/82	6/29/82	25	
Milton B. Popkin 36 Longwood Ave. Brookline, MA 02146	6/28/82	6/29/82	100	
Alan M. Schwartz 232 Old Farm Rd. Newton, MA	6/28/82	6/29/82	200	self-employed
Jason E. Starr 66 Winchester St. Newton Highlands, MA 02161	6/28/82	6/29/82	200	Executive Boston Showcas
Philip Frieze 280 Boylston St. Chestnut Hill, MA 02167	6/28/82	6/29/82	25	
Harry L Marks 110 Lyman Rd. Chestnut Hill, MA 02167	6/28/82	6/29/82	125	
Edward E. Chyten 107 Clark St. Newton Centre, MA 02159	6/28/82	6/29/82	25	
Jacob Sherman 52 Mosman St. Newton, MA	6/28/82	6/29/82	125	
Leonard Bernheimer 14 Pauline Drive Natick, MA 01760	6/28/82	6/29/82	100	
Miriam G. Dane 165 Ivy St. Brookline, MA 02146	6/28/82	6/29/82	50	

PEACEPAC

FOR THE PREVENTION OF NUCLEAR WAR

[illegible] Massachusetts Avenue, NE • Washington, DC [illegible]

Contributions received by the Peace PAC as conduit, intended for receipt by Barney Frank for Congress Committee

The contributor's occupation and principal place of business is included for contributions exceeding $200. All contributions were passed on in the form of the contributor's check unless otherwise noted.

Name & Address of Contributor	Date received by Council	Date passed on to intended recipient	Amount of Contribution	Occupation & Principal place of business
Robert L. Riemer 25 Pickwick Rd. West Newton, MA 02165	6/28/82	6/29/82	$ 100	
Samuel Sepinuck 301 Goddard Ave. Brookline, MA 02146	6/28/82	6/29/82	100	
Lee Scheinbart 122 Buckskin Drive Weston, MA 02193	6/28/82	6/29/82	150	
Selma Roberts 280 Boylston St. Chestnut Hill, MA 02167	6/28/82	6/29/82	50	
Milton Lewinger 130 Forest Ave. West Newton, MA 02165	6/28/82	6/29/82	250	Self-employed
Edna S. Kalman 228 Dean Rd. Brookline, MA 02146	6/28/82	6/29/82	50	
Robert G. Shamroth 45 Wimore Rd. Topsfield, MA 01983	6/28/82	6/29/82	100	
Hyman G. Saxe 139 Beaconsfield Rd. Brookline, MA 02146	6/28/82	6/29/82	50	
Alfred F. Simon 79 Ledgeways Wellesley, MA 02181	6/28/82	6/29/82	25	
Jay E. Orlin 63 Greylock Rd. Newtonville, MA	6/28/82	6/29/82	100	
Jay F. Theise 16 Merrill Rd. Newton Centre, MA 02169	6/28/82	6/29/82	25	
Donald L. Saunders 229 Newbury St. Boston, MA 02116	6/28/82	6/29/82	125	

130 Maryland Avenue N.E. • Washington, D.C. 20002

Contributions received by the Peace PAC as conduit, intended for receipt by

Barney Frank for Congress Committee

The contributor's occupation and principal place of business is included for contributions exceeding $200. All contributions were passed on in the form of the contributor's check unless otherwise noted.

Name & Address of Contributor	Date received by Council	Date passed on to intended recipient	Amount of Contribution	Occupation & Principal place of business
Arnold Bronstein 56 Exeter St. West Newton, MA 02165	6/28/82	6/29/82	$ 50	
Mary Ellen Grossman Goldberg 53 Ferncroft Rd. Waban, MA 02168	6/28/82	6/29/82	150	
Jacqueline Richmond 155 Christina St. Newton, MA 02161	6/28/82	6/29/82	100	
Carol O Kur 108 Willard Rd. Brookline, MA 02146	6/28/82	6/29/82	100	
Michael M Davis 46 Chatham Rd. Newton, MA 02161	6/28/82	6/29/82	25	
Alvin B Allen 11 Lyman Rd. Chestnut Hill, MA 02167	6/28/82	6/29/82	250	Executive Alan Construc
Richard L Grossman 33 Leicester St. Brookline, MA 02146	6/28/82	6/29/82	250	Executive Fabrications,
Isadore Rosenberg 60 Burdean Rd. Newton, MA 02149	6/28/82	6/29/82	250	Self-employed
Bruce M. Arons 27 Stony Brae Rd. Newton Highlands, MA 02161	6/28/82	6/29/82	250	Lawyer Self-employed
Roger T Servison 45 Hallwood Rd. Chestnut Hill, MA 02167	6/28/82	6/29/82	250	Self-employed
Barbara F. Lee Old Farm Rd. Lincoln, MA 01773	6/28/82	6/29/82	250	At home
Harold Bernstein 18 Tremont St. Boston, MA 02117	6/28/82	6/29/82	250	Retired

PEACEPAC

FOR THE PREVENTION OF NUCLEAR WAR

100 Maryland Avenue, N.E. • Washington, D.C. 20002

Contributions received by the Peace PAC as conduit, intended for receipt by Barney Frank for Congress Committee

The contributor's occupation and principal place of business is included for contributions exceeding $200. All contributions were passed on in the form of the contributor's check unless otherwise noted.

Name & Address of Contributor	Date received by Council	Date passed on to intended recipient	Amount of Contribution	Occupation & Principal place of business
Robert Naigles 91 Somerset Rd. Brookline, MA 02146	6/28/82	6/29/82	$ 250	Executive Naigels & Co.
Stanley J Bernstein 22 Autumn Rd. Weston, MA 02193	6/28/82	6/29/82	250	Self-employed
Melvin L. Levin 133 Forest Ave. West Newton, MA 02165	6/28/82	6/29/82	250	Executive Business Equip Corp.
Mayer Rabinovitz 188 Allen Ave. Newton, MA 02168	6/28/82	6/29/82	250	Self-employed
Judith Slater Levy 55 Exeter St. West Newton, MA 02165	6/28/82	6/29/82	250	At home
Richard Saivetz 33 Redwood Rd. Newton Center, MA 02159	6/28/82	6/29/82	250	Self-employed
Thomas H Segal 43 Highgate Wellesley Hills, MA 02181	6/28/82	6/29/82	250	Executive Segal Art Gal- lery
NET FED-PAC 185 Franklin St. #101 Boston, MA 02107	6/28/82	6/29/82	500	---------
Roger E. Gordon 131 State St. Boston, MA 02109	6/28/82	6/29/82	75	
Robert Kargman 170 Lake Ave. Newton, MA 02159	6/28/82	6/29/82	500	Executive Realty
William and Marilyn Tarlow 11 Hawes St. Brookline, MA 02146	6/28/82	6/29/82	250	Executive Footjoy Inc
Arnold & Sally Daniels 55 Huntington Rd. Newton, MA 02158	6/28/82	6/29/82	250	Executive Arnold S. Dani Co.

Contributions received by the Peace PAC as conduit, intended for receipt by
Barney Frank for Congress Committee

The contributor's occupation and principal place of business is included for contributions exceeding $200. All contributions were passed on in the form of the contributor's check unless otherwise noted.

Name & Address of Contributor	Date received by Council	Date passed on to intended recipient	Amount of Contribution	Occupation & Principal place of business
W Seymour & Anne Archibald PO Box 87 Concord, MA 01742	6/28/82	6/29/82	$ 400	Retired
Arthur & Janet Bloom 31 Linden Square Wellesley, MA 02181	6/28/82	6/29/82	25	
Sarah Doering 24 Coolidge Hill Rd. Cambridge, MA 02138	6/28/82	6/29/82	125	
Jay & Ruth Gordon 38 Moulton Park Rd. Framingham, MA 01701	6/28/82	6/29/82	100	
Henry & Bess Gesmer 111 Danehill Rd. Newton Highlands, MA 02161	6/28/82	6/29/82	150	
Mr & Mrs Gardener Cox 88 Garden St. Cambridge, MA 02138	6/28/82	6/29/82	250	Self-employed portrait painter
Edward & Marilyn Schwarz 36 Lee Rd. Chestnut Hill, MA 02167	6/28/82	6/29/82	250	Executive Mass. Welfare Bd.
Dr & Mrs Lester Grinspoon 35 Skyline Drive Wellesley, MA 02181	6/28/82	6/29/82	250	Physician Mass. Mental Healt
Arnold & Madelyn Schreider 2122 Commonwealth Ave. Newton, MA 02166	6/28/82	6/29/82	50	
Eliot & Charlotte Michaelson 4 Fox Hollow Wayland, MA 01778	6/28/82	6/29/82	50	
Dr & Mrs John Mack 111 Beverly Rd. Chestnut Hill, MA 02167	6/28/82	6/29/82	50	

PEACEPAC

FOR THE PREVENTION OF NUCLEAR WAR

Contributions received by the Peace PAC as conduit, intended for receipt by
Barney Frank for Congress Committee

The contributor's occupation and principal place of business is included for contributions exceeding $200. All contributions were passed on in the form of the contributor's check unless otherwise noted

Name & Address of Contributor	Date received by Council	Date passed on to intended recipient	Amount of Contribution	Occupation & Principal place of business
Arno & Beverly Lamm 35 Mignon Road West Newton, MA 02165	6/28/82	6/29/82	$ 50	
Alan Kay 67 Byron Rd. Weston, MA 02193	6/28/82	6/29/82	125	
George & Dorothea Kaplan 115 Messina Drive Braintree, Ma 02184	6/28/82	6/29/82	100	

FIRST·CLASS

8 3 0 4 4 0 4 6 2

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-1697

FIRST CLASS M

FROM

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
7th Floor
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Riegle for Senate in '82 Committee
Sherwood Colburn, Treasurer
27200 Lasher Road
Southfield, Michigan 48075

Re: MUR 1486

Dear Mr. Colburn:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Riegle for Senate in '82 Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

MUR 1486 SM

PS Form 3811 Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ___¢
   - ☒ Show to whom, date, and address of delivery.. ___¢
2. ☐ RESTRICTED DELIVERY ___¢
   (*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $___

3. ARTICLE ADDRESSED TO:
Reagle for Senate in '82 Cmte.
27200 Parker Road
Southfield, MI 48075

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943115

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
4-25-83

POSTMARK
APR 25 1983 MI

6. ADDRESSEE'S ADDRESS (*Only if requested*)
27200 Parker

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

APR 25 1983 MI

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Levinson for Senate, Inc.
George F. Shreppler, Jr., Treasurer
P.O. Box 349
Middletown, Delaware 19709

Re: MUR 1486

Dear Mr. Shreppler:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by Levinson for Senate, Inc. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

MUR 1486 SM

PS Form 3811, Dec 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered .....
   - ☒ Show to whom, date, and address of delivery ..
2. ☐ **RESTRICTED DELIVERY**
   (*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $

3. **ARTICLE ADDRESSED TO:**
Levinson f/ Senate, INC
P.O. Box 349
Middletown, DE 19709

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943122

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. **DATE OF DELIVERY**
4.26.87

6. **ADDRESSEE'S ADDRESS** (*Only if requested*)

MIDDLETOWN, DE
APR 26 1983
USPO

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re-elect Senator Chafee Committee
John S. Renza, Jr., Treasurer
320 South Main Street
Providence, Rhode Island 02903

Re: MUR 1486

Dear Mr. Renza:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Re-elect Senator Chafee Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

MUR1486 SM

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... —¢
   - ☒ Show to whom, date, and address of delivery.. —¢
2. ☐ RESTRICTED DELIVERY —¢
   (*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $

3. ARTICLE ADDRESSED TO:
Re-elect Rep. Chaffee Cte.
320 So. Main St,
Providence, R.I. 02903

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943 123

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
4/26/83

6. ADDRESSEE'S ADDRESS (*Only if requested*)

POSTMARK
APR 26 1983
PROVIDENCE, R.I.
ANNEX STA

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citizens for Sarbanes
Charles M. Kerr, Treasurer
P.O. Box 10644
Baltimore, Md. 21204

Re: MUR 1486

Dear Mr. Kerr:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Citizens for Sarbanes Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

MUR1486 SM

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ___¢
   - ☒ Show to whom, date, and address of delivery.. ___¢
2. ☐ RESTRICTED DELIVERY ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $___

3. ARTICLE ADDRESSED TO:
Citizens f/ Sarbanes
P.O. Box 10644
Baltimore, Md. 21204

4. TYPE OF SERVICE:
- ☐ REGISTERED ☐ INSURED
- ☒ CERTIFIED ☐ COD
- ☐ EXPRESS MAIL

ARTICLE NUMBER
943124

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

S. Scales

5. DATE OF DELIVERY

POSTMARK
APR 25 1983

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael A. Nemeroff, Esquire
Sidley and Austin
1722 Eye Street, N.W.
Washington, D.C. 20006

Re: MUR 1486
Friends of Jim Sasser Committee

Dear Mr. Nemeroff:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Friends of Jim Sasser Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

MUR1486 SM

PS Form 3811, Dec. 1986

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ___¢
   - ☐ Show to whom, date, and address of delivery.. ___¢
2. ☐ RESTRICTED DELIVERY ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $___

3. ARTICLE ADDRESSED TO:
Michael Nemeroff
1722 I St, N.W.
D.C. 20006

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943116

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

M. McLaughlin

5. DATE OF DELIVERY
4/22/83

POSTMARK

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jan Baran, Esquire
Baker and Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

Re: MUR 1486
Fenwick for Senate Committee

Dear Mr. Baran:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint and information provided by respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Fenwick for Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

MUP1486 SM

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... —¢
   - ☒ Show to whom, date, and address of delivery.. —¢
2. ☐ RESTRICTED DELIVERY —¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Jan Baran
818 Conn. Ave., N.W.
D.C. 20006

4. TYPE OF SERVICE:
- ☐ REGISTERED ☐ INSURED
- ☒ CERTIFIED ☐ COD
- ☐ EXPRESS MAIL

ARTICLE NUMBER
943114

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Paula Lee

5. DATE OF DELIVERY
APR 22 1983

POSTMARK

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles J. Micoleau, Esquire
Kermit V. Lipez, Esquire
Thaxter, Lipez, Stevens, Broder
and Micoleau
1825 K Street, N.W.
Suite 503
Washington, D.C. 20006

Re: MUR 1486
Mitchell for Senate Committee

Dear Messrs. Micoleau and Lipez:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Mitchell for Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

MUR 1486 SM

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... —¢
   - ☐ Show to whom, date, and address of delivery .. —¢
2. ☐ RESTRICTED DELIVERY —¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $____

3. ARTICLE ADDRESSED TO:
Chas. J. Micklau
Permit V. Lipez
1825 K St, N.W., D.C.

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER 70106
943121

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY
APR 25 1983

POSTMARK

6. ADDRESSEE'S ADDRESS (*Only if requested*)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Randy L. Dryer, Esquire
Parson, Behle & Latimer
185 South State Street
Salt Lake City, Utah 84147

Re: MUR 1486
Wilson for Utah Committee

Dear Mr. Dryer:

On October 22, 1982, the Commission notified your client of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Wilson for Utah Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

MUR 1486 SM

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ___¢
   - ☒ Show to whom, date, and address of delivery.. ___¢
2. ☐ RESTRICTED DELIVERY ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $___

3. ARTICLE ADDRESSED TO:
Randy Dwyer
185 South State St
Salt Lake City, Utah 84147

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943120

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

Steve Slade

5. DATE OF DELIVERY
4-25-83

POSTMARK
APR 25 1983

6. ADDRESSEE'S ADDRESS (Only if requested)
125 So. State
SLC UT 84115

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Donald Spector, Treasurer
Nuclear Freeze Political Action Committee
1780 Broadway, Suite 1200
New York, New York 10019

Re: MUR 1486

Dear Mr. Spector:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint and information provided by your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Nuclear Freeze Political Action Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green
1140 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1486
Committee to Re-elect Senator Kennedy, Metzenbaum for Senate Committee, Toby Moffett for U.S. Senate Committee

Dear Mr. Oldaker:

On October 22, 1982, the Commission notified your clients of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Committee to Re-elect Senator Kennedy, the Metzenbaum for Senate Committee or the Toby Moffett for U.S. Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your clients. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

MUP 1486 SM

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ..... —¢
- ☒ Show to whom, date, and address of delivery.. —¢
- 2. ☐ RESTRICTED DELIVERY —¢
  (*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $ ____

3. ARTICLE ADDRESSED TO:
Wm. Oldaker
1140-19th St, N.W.
D.C. 20036

4. TYPE OF SERVICE:
- ☐ REGISTERED ☐ INSURED
- ☒ CERTIFIED ☐ COD
- ☐ EXPRESS MAIL

ARTICLE NUMBER
943118

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
APR 22 1983

6. ADDRESSEE'S ADDRESS (*Only if requested*)
Same

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE INITIALS

APR 22 1983 WASHINGTON, DC

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

McDaniel Senate Campaign
Leo J. Salazar
P.O. Box 1707
Cheyenne, Wyoming 82001

Re: MUR 1486

Dear Mr. Salazar:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 19, 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the McDaniel Senate Campaign. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

Kenneth A. Gross

By: Kenneth A. Gross
Associate General Counsel

MUR1486 S M

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... —
   - ☒ Show to whom, date, and address of delivery.. —
2. ☐ RESTRICTED DELIVERY —
   (*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $ ____

3. ARTICLE ADDRESSED TO:
Mr Daniel Renato Camp.
P.O. Box 1707
Cheyenne, Wyoming 82001

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☒ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
943117

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

W L Hoffsell

5. DATE OF DELIVERY

POSTMARK

CHEYENNE WYO APR 26 1982

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1983

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1486
Council for a Livable World,
Peace PAC, William E. Tarlow,
Paul Warnke, and Jerome Grossman

Dear Mr. Lackritz:

The Federal Election Commission notified you on October 22, 1982, of a complaint which alleges that your clients, Council For A Livable World, Peace PAC, William E. Tarlow, Paul Warnke, and Jerome Grossman, violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded at that time.

Upon further review of the allegations contained in the complaint (and information supplied by you), the Commission, on April 19, 1983, determined that there is no reason to believe your client, the Council For A Livable World, has violated 2 U.S.C. §§ 441a(a)(2)(A), or 434(b). The Commission did determine, however, that the Council for a Livable World violated 2 U.S.C. §§ 441d, 434(a)(4)(A)(ii) and 433(b)(2). In addition, the Commission has determined that there is reason to believe Peace PAC violated 2 U.S.C. §§ 441d, and 434(a)(4)(A)(i). Consideration of this matter has also led the Commission to conclude there is no reason to believe the Council For A Livable World violated 2 U.S.C. §§ 441a(a)(2)(C) or 441e and that there is no reason to believe Peace PAC violated 2 U.S.C. §§ 434(b) 441a(a)(2)(A), or 441a(f). The analysis of the Office of General Counsel is summarized for your convenience:

A. 1. <u>Whether CLW violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether CLW violated 2 U.S.C. § 434(b) by failing to report those costs</u>

a. Solicitations on behalf of candidates

It is the view of the General Counsel that the Council for a Livable World has properly allocated those costs directly attributed to each candidate on whose behalf the solicitations were conducted. The Commission's regulations recognize that the general overhead costs paid by a political committee need only be allocated as in-kind contributions to the extent that the "expenditure can be directly attributed to [the] candidate." 11 C.F.R. § 106.1(c). Therefore, the Office of General Counsel recommended that the Commission determine there was no reason to believe the Council for a Livable World violated 2 U.S.C. § 441a(a)(2)(A) by not including in its allocation formula other costs not directly associated with the candidate mailings. Accordingly, the Office of General Counsel recommended that the Commission determine there was no reason to believe the Council for a Livable World violated 2 U.S.C. § 434(b) for not reporting other non-allocable costs as in-kind contributions.

b. Prospect mailings

The General Counsel is of the view that the costs associated with the Council for a Livable World's "prospect mailings" did not constitute in-kind contributions. The mere fact that the prospect mailing resulted in a "proven donor list" is insufficient to result in treatment of the costs as contributions when the list is later used to solicit contributions on behalf of candidates. This view is based upon the committee's statement that there was no intent to use the list for that subsequent specific purpose at the time the prospect mailing was conducted. The General Counsel is of the view that material supplied by the respondents adequately rebuts any such allegation to the contrary. Accordingly, the General Counsel recommended that the Commission determine there was no reason to believe the Council for a Livable World violated 2 U.S.C. § 441a(a)(2)(A) by not including as in-kind contributions the costs associated with its prospect mailings. The General Counsel also recommended that the Commission determine there was no reason to believe, based upon the foregoing, that the Council for a Livabe World violated 2 U.S.C. § 434(b) by not reporting the costs of the prospect mailings as in-kind contributions.

2. Whether CLW violated 2 U.S.C. § 441d

CLW's solicitation materials appear not to meet the statutory requirement of stating who paid for the mailing. See 2 U.S.C. § 441d(a)(2). Moreover, CLW does not refute that its mailing of April 1982 on its own behalf (see Exhibits 13 and 13A of the complaint) contained no disclaimer whatsoever. Because it is not a separate segregated fund with a limited class of

solicitees, CLW does not fall outside the scope of § 441d. Cf. Advisory Opinion 1980-71. Thus, the General Counsel recommended that the Commission determine there is reason to believe CLW violated 2 U.S.C. § 441d by its failure to provide in its solicitations the required disclaimer.

3. Whether CLW violated 2 U.S.C. § 441e by accepting contributions from foreign nationals

CLW has reported that its "established practice and policy is not to solicit or to accept contributions from foreign nationals." CLW has included as Tab I to its response copies of contributor cards from the two individuals cited in the complaint, indicating they are indeed U.S. citizens.

The Office of General Counsel accordingly recommended that the Commission find no reason to believe CLW violated 2 U.S.C. § 441e.

4. Whether CLW violated 2 U.S.C. § 434(a)(4)(A) by failing to file the necessary pre-primary election reports

CLW has reported, during 1982, in-kind contributions made on behalf of candidates in primary election campaigns. CLW has designated these contributions for the primary elections on its reports. (Some of the candidates to whom CLW made primary election in-kind contributions are Senators Metzenbaum, Sarbanes, Kennedy and Sasser). Both the Act (2 U.S.C. § 434(a)(4)(A)(ii)) and Commission Regulations (11 C.F.R. § 104.5(c)(1)(ii)(A)) clearly require any committee to file a pre-election report for each primary election in which it makes contributions or expenditures.

Because CLW has failed to file the required pre-primary election reports, the General Counsel recommended that the Commission find reason to believe CLW violated 2 U.S.C. § 434(a)(4)(A)(ii).

5. Whether CLW violated 2 U.S.C. § 441a by making contributions to Peace PAC in excess of $5,000.

Because of CLW's on-the-record admission of affiliation with Peace PAC and, reciprocally, Peace PAC's admission in its Statement of Organization, the General Counsel recommended that the Commission determine there is no reason to believe CLW violated 2 U.S.C. § 441a(a)(2)(C) through its in-kind support of Peace PAC. The General Counsel recommended, however, that

because CLW has not amended its Statement of Organization to list affiliation with Peace PAC, the Commission determine there is reason to believe CLW violated 2 U.S.C. § 433(b)(2).

B. Peace PAC

1. Whether Peace PAC violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether Peace PAC violated 2 U.S.C. § 434(b) by failing to report these costs

General solicitations by Peace PAC are exemplified by TAB B to the response. See response at 3. That solicitation is titled "How to elect a U.S. Congress in 1982 committed to freezing and reducing nuclear arms." The four page solicitation focuses upon the drive for funds to be used by Peace PAC for political contributions. The solicitation lists 16 House candidates together with a sentence or two describing the candidate's position. Peace PAC then asks supporters to send contributions to Peace PAC so that it may support those candidates in "races where our support can make a difference...." The General Counsel believes that the costs associated with this kind of solicitation need not be allocated as in-kind contributions on behalf of those candidates.

Accordingly the Office of General Counsel recommended the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. §§ 434(b) or 441a by having not allocated certain of its costs as in-kind contributions.

2. Whether Peace PAC violated 2 U.S.C. § 441d

A brochure which appears to have been included with Peace PAC's solicitation materials (see Exhibit 12 of the complaint) includes the statement "Paid for by Peace PAC" but does not include an additional statement to the effect that the communication either was or was not authorized by any candidate. Present Commission regulations, at 11 C.F.R. § 110.11(a)(1)(iv), indicate that a political committee's express advocacy communications or solicitations, if not authorized by any candidate or candidate's committee, need only state who paid for them.

Accordingly, the Office of General Counsel recommended that the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. § 441d.

3. Whether Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i)

Peace PAC submitted its Statement of Organization to the Commission on May 4, 1982. In its first report of receipts and expenditures (filed on October 15, 1982 - covering the period from July 1, 1982 through September 30, 1982) Peace PAC reported a beginning cash balance of $3,000. It appears, therefore, that Peace PAC should have filed a report by July 15, 1982, for the period from registration through June 30, 1982.

The Office of General Counsel recommended therefore that the Commission determine there is reason to believe Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the July 1982, quarterly report of receipts and expenditures.

Any factual or legal materials which you believe are relevant to the Commission's analysis of this matter should be filed within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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 have any questions, please contact Stephen Mims, the staff member assigned to this matter at 523-4039.

Sincerely,

Danny L. McDonald

DANNY L. McDONALD
Chairman

Enclosures
Procedures

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

McDaniel Senate Campaign
Leo J. Salazar
P.O. Box 1707
Cheyenne, Wyoming 82001

Re: MUR 1486

Dear Mr. Salazar:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the McDaniel Senate Campaign. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

2/10/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green
1140 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1486
Committee to Re-elect Senator Kennedy, Metzenbaum for Senate Committee, Toby Moffett for U.S. Senate Committee

Dear Mr. Oldaker:

On October 22, 1982, the Commission notified your clients of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Committee to Re-elect Senator Kennedy, the Metzenbaum for Senate Committee or the Toby Moffett for U.S. Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your clients. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

SM
4/20/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Donald Spector, Treasurer
Nuclear Freeze Political Action Committee
1780 Broadway, Suite 1200
New York, New York 10019

Re: MUR 1486

Dear Mr. Spector:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Nuclear Freeze Political Action Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

RM 4/20/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Randy L. Dryer, Esquire
Parson, Behle & Latimer
185 South State Street
Salt Lake City, Utah 84147

Re: MUR 1486
Wilson for Utah Committee

Dear Mr. Dryer:

On October 22, 1982, the Commission notified your client of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Wilson for Utah Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

1/20/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles J. Micoleau, Esquire
Kermit V. Lipez, Esquire
Thaxter, Lipez, Stevens, Broder
and Micoleau
1825 K Street, N.W.
Suite 503
Washington, D.C. 20006

Re: MUR 1486
Mitchell for Senate Committee

Dear Messrs. Micoleau and Lipez:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Mitchell for Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

5/20/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jan Baran, Esquire
Baker and Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

Re: MUR 1486
Fenwick for Senate Committee

Dear Mr. Baran:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Fenwick for Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael A. Nemeroff, Esquire
Sidley and Austin
1722 Eye Street, N.W.
Washington, D.C. 20006

Re: MUR 1486
Friends of Jim Sasser Committee

Dear Mr. Nemeroff:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Friends of Jim Sasser Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

JM
1/28/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citizens for Sarbanes
Charles M. Kerr, Treasurer
P.O. Box 10644
Baltimore, Md. 21204

Re: MUR 1486

Dear Mr. Kerr:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Citizens for Sarbanes Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re-elect Senator Chafee Committee
John S. Renza, Jr., Treasurer
320 South Main Street
Providence, Rhode Island 02903

Re: MUR 1486

Dear Mr. Renza:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Re-elect Senator Chafee Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

5/26/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Levinson for Senate, Inc.
George F. Shreppler, Jr., Treasurer
P.O. Box 349
Middletown, Delaware 19709

Re: MUR 1486

Dear Mr. Shreppler:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by Levinson for Senate, Inc. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Riegle for Senate in '82 Committee
Sherwood Colburn, Treasurer
27200 Lasher Road
Southfield, Michigan 48075

Re: MUR 1486

Dear Mr. Colburn:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Riegle for Senate in '82 Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1486
Council for a Livable World,
Peace PAC, William E. Tarlow,
Paul Warnke, and Jerome Grossman

Dear Mr. Lackritz:

The Federal Election Commission notified you on October 22, 1982, of a complaint which alleges that your clients, Council For A Livable World, Peace PAC, William E. Tarlow, Paul Warnke, and Jerome Grossman, violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded at that time.

Upon further review of the allegations contained in the complaint (and information supplied by you), the Commission, on April 19, 1983, determined that there is no reason to believe your client, the Council For A Livable World, has violated 2 U.S.C. §§ 441a(a)(2)(A), or 434(b). The Commission did determine, however, that the Council for a Livable World violated 2 U.S.C. §§ 441d, 434(a)(4)(A)(ii) and 433(b)(2). In addition, the Commission has determined that there is reason to believe Peace PAC violated 2 U.S.C. §§ 441d, and 434(a)(4)(A)(i). Consideration of this matter has also led the Commission to conclude there is no reason to believe the Council For A Livable World violated 2 U.S.C. §§ 441a(a)(2)(C) or 441e and that there is no reason to believe Peace PAC violated 2 U.S.C. §§ 434(b) 441a(a)(2)(A), or 441a(f). The analysis of the Office of General Counsel is summarized for your convenience:

A. 1. <u>Whether CLW violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether CLW violated 2 U.S.C. § 434(b) by failing to report those costs</u>

a. Solicitations on behalf of candidates

It is the view of the General Counsel that the Council for a Livable World has properly allocated those costs directly attributed to each candidate on whose behalf the solicitations were conducted. The Commission's regulations recognize that the general overhead costs paid by a political committee need only be allocated as in-kind contributions to the extent that the "expenditure can be directly attributed to [the] candidate." 11 C.F.R. § 106.1(c). Therefore, the Office of General Counsel recommended that the Commission determine there was no reason to believe the Council for a Livable World violated 2 U.S.C. § 441a(a)(2)(A) by not including in its allocation formula other costs not directly associated with the candidate mailings. Accordingly, the Office of General Counsel recommended that the Commission determine there was no reason to believe the Council for a Livable World violated 2 U.S.C. § 434(b) for not reporting other non-allocable costs as in-kind contributions.

b. Prospect mailings

The General Counsel is of the view that the costs associated with the Council for a Livable World's "prospect mailings" did not constitute in-kind contributions. The mere fact that the prospect mailing resulted in a "proven donor list" is insufficient to result in treatment of the costs as contributions when the list is later used to solicit contributions on behalf of candidates. This view is based upon the committee's statement that there was no intent to use the list for that subsequent specific purpose at the time the prospect mailing was conducted. The General Counsel is of the view that material supplied by the respondents adequately rebuts any such allegation to the contrary. Accordingly, the General Counsel recommended that the Commission determine there was no reason to believe the Council for a Livable World violated 2 U.S.C. § 441a(a)(2)(A) by not including as in-kind contributions the costs associated with its prospect mailings. The General Counsel also recommended that the Commission determine there was no reason to believe, based upon the foregoing, that the Council for a Livabe World violated 2 U.S.C. § 434(b) by not reporting the costs of the prospect mailings as in-kind contributions.

2. Whether CLW violated 2 U.S.C. § 441d

CLW's solicitation materials appear not to meet the statutory requirement of stating who paid for the mailing. See 2 U.S.C. § 441d(a)(2). Moreover, CLW does not refute that its mailing of April 1982 on its own behalf (see Exhibits 13 and 13A of the complaint) contained no disclaimer whatsoever. Because it is not a separate segregated fund with a limited class of

solicitees, CLW does not fall outside the scope of § 441d. Cf. Advisory Opinion 1980-71. Thus, the General Counsel recommended that the Commission determine there is reason to believe CLW violated 2 U.S.C. § 441d by its failure to provide in its solicitations the required disclaimer.

3. Whether CLW violated 2 U.S.C. § 441e by accepting contributions from foreign nationals

CLW has reported that its "established practice and policy is not to solicit or to accept contributions from foreign nationals." CLW has included as Tab I to its response copies of contributor cards from the two individuals cited in the complaint, indicating they are indeed U.S. citizens.

The Office of General Counsel accordingly recommended that the Commission find no reason to believe CLW violated 2 U.S.C. § 441e.

4. Whether CLW violated 2 U.S.C. § 434(a)(4)(A) by failing to file the necessary pre-primary election reports

CLW has reported, during 1982, in-kind contributions made on behalf of candidates in primary election campaigns. CLW has designated these contributions for the primary elections on its reports. (Some of the candidates to whom CLW made primary election in-kind contributions are Senators Metzenbaum, Sarbanes, Kennedy and Sasser). Both the Act (2 U.S.C. § 434(a)(4)(A)(ii)) and Commission Regulations (11 C.F.R. § 104.5(c)(1)(ii)(A)) clearly require any committee to file a pre-election report for each primary election in which it makes contributions or expenditures.

Because CLW has failed to file the required pre-primary election reports, the General Counsel recommended that the Commission find reason to believe CLW violated 2 U.S.C. § 434(a)(4)(A)(ii).

5. Whether CLW violated 2 U.S.C. § 441a by making contributions to Peace PAC in excess of $5,000.

Because of CLW's on-the-record admission of affiliation with Peace PAC and, reciprocally, Peace PAC's admission in its Statement of Organization, the General Counsel recommended that the Commission determine there is no reason to believe CLW violated 2 U.S.C. § 441a(a)(2)(C) through its in-kind support of Peace PAC. The General Counsel recommended, however, that

because CLW has not amended its Statement of Organization to list affiliation with Peace PAC, the Commission determine there is reason to believe CLW violated 2 U.S.C. § 433(b)(2).

B. Peace PAC

1. Whether Peace PAC violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether Peace PAC violated 2 U.S.C. § 434(b) by failing to report these costs

General solicitations by Peace PAC are exemplified by TAB B to the response. See response at 3. That solicitation is titled "How to elect a U.S. Congress in 1982 committed to freezing and reducing nuclear arms." The four page solicitation focuses upon the drive for funds to be used by Peace PAC for political contributions. The solicitation lists 16 House candidates together with a sentence or two describing the candidate's position. Peace PAC then asks supporters to send contributions to Peace PAC so that it may support those candidates in "races where our support can make a difference...." The General Counsel believes that the costs associated with this kind of solicitation need not be allocated as in-kind contributions on behalf of those candidates.

Accordingly the Office of General Counsel recommended the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. §§ 434(b) or 441a by having not allocated certain of its costs as in-kind contributions.

2. Whether Peace PAC violated 2 U.S.C. § 441d

A brochure which appears to have been included with Peace PAC's solicitation materials (see Exhibit 12 of the complaint) includes the statement "Paid for by Peace PAC" but does not include an additional statement to the effect that the communication either was or was not authorized by any candidate. Present Commission regulations, at 11 C.F.R. § 110.11(a)(1)(iv), indicate that a political committee's express advocacy communications or solicitations, if not authorized by any candidate or candidate's committee, need only state who paid for them.

Accordingly, the Office of General Counsel recommended that the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. § 441d.

3. Whether Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i)

Peace PAC submitted its Statement of Organization to the Commission on May 4, 1982. In its first report of receipts and expenditures (filed on October 15, 1982 - covering the period from July 1, 1982 through September 30, 1982) Peace PAC reported a beginning cash balance of $3,000. It appears, therefore, that Peace PAC should have filed a report by July 15, 1982, for the period from registration through June 30, 1982.

The Office of General Counsel recommended therefore that the Commission determine there is reason to believe Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the July 1982, quarterly report of receipts and expenditures.

Any factual or legal materials which you believe are relevant to the Commission's analysis of this matter should be filed within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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 have any questions, please contact Stephen Mims, the staff member assigned to this matter at 523-4039.

Sincerely,

Enclosures
Procedures

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Council for a Livable World;	)	
Peace PAC; Nuclear Freeze	)	
Political Action Committee;	)	MUR 1486
William E. Tarlow; Paul Warnke;	)	
Jerome Grossman; Toby Moffett for	)	
U.S. Senate; Riegle for Senate in	)	
'82 Committee; Re-elect Senator	)	
Chafee Committee; Mitchell for	)	
Senate; Metzenbaum for Senate Committee;	)	
McDaniel for Senate Campaign;	)	
Levinson for Senate, Inc.; Friends of	)	
Jim Sasser; Fenwick for Senate;	)	
Committee to Re-elect Senator Kennedy;	)	
Wilson for Utah Committee; Citizens	)	
for Sarbanes	)	

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on April 19, 1983, do hereby certify that the Commission took the following actions in MUR 1486:

Decided by a vote of 6-0 to -

1. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. §441a(a)(2)(A) by not including additional costs in the direct costs of solicitations on behalf of federal candidates or 2 U.S.C. §434(b) by not identifying those costs as in-kind contributions.

2. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. §441a(a)(2)(A) by not including costs associated with prospect mailings in the costs of solicitations on behalf of federal candidates or 2 U.S.C. 434(b) by not reporting those costs as in-kind contributions.

(Continued)

3. Find reason to believe that the Council for a Livable World violated 2 U.S.C. §441d by its failure to provide in its solicitations the required disclaimer.

4. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. §441e by accepting contributions from foreign nationals.

5. Find reason to believe that the Council for a Livable World violated 2 U.S.C. §433(b)(2) by not reporting Pease PAC as an affiliated committee.

6. Find reason to believe that the Council for a Livable World violated 2 U.S.C. §434(a)(4)(A)(ii) by failing to file pre-primary election reports.

7. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. §441a(a)(2)(C) by making contributions to Peace PAC in excess of $5,000.

8. Find no reason to believe that Peace PAC violated 2 U.S.C. §441a(a)(2)(A) by having not allocated certain of its costs as in-kind contributions, or 2 U.S.C. §434(b) by not identifying those costs as in-kind contributions.

9. Find no reason to believe that Peace PAC violated 2 U.S.C. §441d by failing to specify that its solicitations were or were not authorized by a candidate.

10. Find reason to believe that Peace PAC violated 2 U.S.C. §434(a)(4)(A)(i) by its failure to file the July, 1982, quarterly report of receipts and expenditures.

11. Find no reason to believe that the Nuclear Freeze Political Action Committee violated 2 U.S.C. §434(a)(4)(A)(i), by not submitting a July, 1982, quarterly report of receipts and disbursements.

12. Close the file as it pertains to the Nuclear Freeze Political Action Committee.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the above decisions.

(Continued)

Decided in the vote of 6-0 to find no reason to believe that the following committees violated 2 U.S.C. §441a(f) and close the file as it relates to these committees:

a. Toby Moffett for U.S. Senate
b. Riegle for Senate in '82
c. Re-elect Senator Chafee Committee
d. Mitchell for Senate Committee
e. Metzenbaum for Senate Committee
f. McDaniel for Senate Committee
g. Levinson for Senate, Inc.
h. Friends of Jim Sasser
i. Committee to Re-elect Senator Kennedy
j. Wilson for Utah Committee
k. Citizens for Sarbanes

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Decided by a vote of 5-0 to find no reason to believe that the Fenwick for Senate Committee violated 2 U.S.C. §441a(f), and close the file as it relates to this committee.

Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively for the decision. Commissioner Reiche did not cast a vote with respect to this finding.

Decided in the vote of 6-0 to send the letters attached to the General Counsel's report signed April 5, 1983.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for this decision.

Attest:

4-20-83
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM

DATE: APRIL 11, 1983

SUBJECT: OBJECTION - MUR 1486 General Counsel's Report signed April 5, 1983

The above-named document was circulated to the Commission on April 7, 1983 at 11:00.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	
Commissioner Elliott	
Commissioner Harris	X
Commissioner McDonald	
Commissioner McGarry	
Commissioner Reiche	X

This matter will be placed on the Executive Session agenda for Tuesday, April 19, 1983.

3 3 0 4 0 1 1 0 5 3 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Council for a Livable World;	)	
Peace PAC; Nuclear Freeze	)	
Political Action Committee;	)	MUR 1486
William E. Tarlow; Paul Warnke;	)	
Jerome Grossman; Toby Moffett for	)	
U.S. Senate; Riegle for Senate in	)	
'82 Committee; Re-elect Senator	)	
Chafee Committee; Mitchell for	)	
Senate; Metzenbaum for Senate Committee;	)	
McDaniel for Senate Campaign;	)	
Levinson for Senate, Inc.; Friends of	)	
Jim Sasser; Fenwick for Senate;	)	
Committee to Re-elect Senator Kennedy;	)	
Wilson for Utah Committee; Citizens	)	
for Sarbanes	)	

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on April 19, 1983, do hereby certify that the Commission took the following actions in MUR 1486:

Decided by a vote of 6-0 to -

1. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. §441a(a)(2)(A) by not including additional costs in the direct costs of solicitations on behalf of federal candidates or 2 U.S.C. §434(b) by not identifying those costs as in-kind contributions.

2. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. §441a(a)(2)(A) by not including costs associated with prospect mailings in the costs of solicitations on behalf of federal candidates or 2 U.S.C. 434(b) by not reporting those costs as in-kind contributions.

(Continued)

3. Find reason to believe that the Council for a Livable World violated 2 U.S.C. §441d by its failure to provide in its solicitations the required disclaimer.

4. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. §441e by accepting contributions from foreign nationals.

5. Find reason to believe that the Council for a Livable World violated 2 U.S.C. §433(b)(2) by not reporting Pease PAC as an affiliated committee.

6. Find reason to believe that the Council for a Livable World violated 2 U.S.C. §434(a)(4)(A)(ii) by failing to file pre-primary election reports.

7. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. §441a(a)(2)(C) by making contributions to Peace PAC in excess of $5,000.

8. Find no reason to believe that Peace PAC violated 2 U.S.C. §441a(a)(2)(A) by having not allocated certain of its costs as in-kind contributions, or 2 U.S.C. §434(b) by not identifying those costs as in-kind contributions.

9. Find no reason to believe that Peace PAC violated 2 U.S.C. §441d by failing to specify that its solicitations were or were not authorized by a candidate.

10. Find reason to believe that Peace PAC violated 2 U.S.C. §434(a)(4)(A)(i) by its failure to file the July, 1982, quarterly report of receipts and expenditures.

11. Find no reason to believe that the Nuclear Freeze Political Action Committee violated 2 U.S.C. §434(a)(4)(A)(i), by not submitting a July, 1982, quarterly report of receipts and disbursements.

12. Close the file as it pertains to the Nuclear Freeze Political Action Committee.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the above decisions.

(Continued)

Decided in the vote of 6-0 to find no reason to believe that the following committees violated 2 U.S.C. §441a(f) and close the file as it relates to these committees:

a. Toby Moffett for U.S. Senate
b. Riegle for Senate in '82
c. Re-elect Senator Chafee Committee
d. Mitchell for Senate Committee
e. Metzenbaum for Senate Committee
f. McDaniel for Senate Committee
g. Levinson for Senate, Inc.
h. Friends of Jim Sasser
i. Committee to Re-elect Senator Kennedy
j. Wilson for Utah Committee
k. Citizens for Sarbanes

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Decided by a vote of 5-0 to find no reason to believe that the Fenwick for Senate Committee violated 2 U.S.C. §441a(f), and close the file as it relates to this committee.

Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively for the decision. Commissioner Reiche did not cast a vote with respect to this finding.

Decided in the vote of 6-0 to send the letters attached to the General Counsel's report signed April 5, 1983.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for this decision.

Attest:

4-20-83
Date

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

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
THE
COMMISSION SECRETARY

83 APR 6 A11: 24

In the Matter of	)	MUR 1486
	)	
Council for a Livable World; Peace PAC; Nuclear Freeze Political Action Committee; William E. Tarlow; Paul Warnke; Jerome Grossman; Toby Moffett for U.S. Senate; Riegle for Senate in '82 Committee; Re-elect Senator Chafee Committee; Mitchell for Senate; Metzenbaum for Senate Committee; McDaniel for Senate Campaign; Levinson for Senate, Inc.; Friends of Jim Sasser; Fenwick for Senate; Committee to Re-elect Senator Kennedy; Wilson for Utah Committee; Citizens for Sarbanes	)	SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

A. Allegations Against the Council for a Livable World (CLW)

The Washington Legal Foundation (the Foundation) filed its complaint with the Commission on October 15, 1982. The Foundation asserts that the Council for a Livable World's (CLW) mechanism for raising funds on behalf of the respondent campaign committees violated the Act in that the costs associated with the efforts were not properly allocated and reported. Specifically, the complaint contends (1) that "[t]here is no allocation whatsoever of the costs of CLW's staff and officers for obtaining, writing, compiling, and producing the candidate profile brochures;" (2) that the cost of solicitations specifically encouraging persons to contribute to one particular

candidate should be attributed at least in part to other candidates named as well; 1/ and (3) that CLW does not include as part of its in-kind contributions the expenses incurred for its initial "prospect" mailings used to compile a proven donor list. 2/ Complainant asserts that "CLW is, for all intents and purposes, a functional equivalent of a professional fundraiser, but without the campaigns paying one cent for such valuable in-kind services, and only accounting for a fraction of the true costs and benefits bestowed by CLW upon the candidates."

Complainant also contends that CLW has received contributions from foreign nationals 3/ and that CLW violated 2 U.S.C. § 434(a)(4)(A)(iii) by failing to file certain pre-primary election reports. 4/ In addition, complainant insists

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1/ CLW's solitications suggest that CLW's members make a contribution to one of several candidates recommended by CLW, depending upon the alphabetical sequence of the last name of the solicitee; the mailing does, however, make it clear that the member may, if he or she chooses, contribute to any of the recommended candidates. CLW attributes the cost of a mailing emphasizing a particular candidate only to that candidate.

2/ Complainant suggests that had CLW included the cost of the "prospects" mailings, "the 'in-kind' costs would be astronomical, and, of course, clearly in excess of the $5,000 'in-kind' contribution limit to the candidates."

3/ The basis for this contention appears to be grounded in CLW's reports which provide foreign mailing addresses for some contributors. Complainant concludes that "[t]he FEC investigation should determine how many other such unlawful foreign contributions have been solicited and received by CLW."

4/ CLW, it is argued, made in-kind contributions "to a dozen or so Senatorial candidates for the 1982 primaries." CLW is not a monthly filer. See 2 U.S.C. § 434(a)(4)(B).

that CLW violated 2 U.S.C. § 441a by contributing more than the allowable $5,000 to Peace PAC in the form of in-kind contributions and that CLW violated 2 U.S.C. § 441d by not including the proper disclaimer on its solicitation materials.

On January 27, 1983, the complainants submitted a supplement to the original complaint. This document consists of two pages of a civil action filed in the United States District Court for the District of Columbia (Friends of the Earth v. Weinberger, No. 83-0053) in which one of the complainants, Council for a Livable World, has identified itself as an incorporated membership organization. Complainant suggests that CLW's corporate status "is pertinent to the solicitation violations alleged ... in the complaint."

B. **Allegations Against Peace PAC**

If CLW violated 2 U.S.C. § 441a by making in-kind contributions in excess of $5,000 to Peace PAC, then Peace PAC, by accepting them, violated 2 U.S.C. § 441a(f). Complainant moves on to allege that Peace PAC employs a fundraising mechanism similar to that used by CLW while supporting House rather than Senate candidates. 5/ Thus, potential reporting and limitation violations are raised as a result of purported undervaluation of in-kind contributions. As with CLW, Peace PAC's solicitations

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5/ Complainant lists 16 House candidates that Peace PAC planned to support. See Complaint, p. 16.

allegedly violated 2 U.S.C. § 441d by failing to provide the required disclaimers. 6/ According to the complainant, Peace PAC also violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file the July 1982 quarterly report due on July 15, 1982.

C. **Allegations Against Respondents Tarlow, Grossman and Warnke**

The complaint alleges that William E. Tarlow (Treasurer of CLW), Jerome Grossman (Treasurer of Peace PAC), and Paul C. Warnke (Director of CLW and Chairman of Peace PAC) each violated the Act in their capacities as officials of these organizations by participating in the allegedly unlawful activities enumerated above.

D. **Allegations Against Nucler Freeze Political Action Committee ("Freeze PAC")**

The sole allegation against "Freeze PAC" is that it has violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file the quarterly report due on July 15, 1982. 7/

II. **FACTUAL AND LEGAL ANALYSIS**

A. 1. Whether CLW violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether CLW violated 2 U.S.C. § 434(b) by failing to report those costs

a. Solicitations on behalf of candidates

The complaint alleges CLW's failure to include in its

6/ Exhibits included with the complaint fail to show, in some cases, any § 441d(a)(3) disclaimer. In other cases, the solicitation notice "Paid for by Peace PAC" is assertedly untrue "inasmuch as CLW has stated that they are paying Peace PAC's expenses."

7/ Covering the period from date of registration (April 9, 1982) through June 30, 1982.

allocations other costs of the mailing including staff time expended for "obtaining, writing, compiling and producing the candidate profile brochures," or "other office expenses." In its first response to the complaint (Attachment 1), CLW emphasizes the primary purpose of CLW - "lobbying, educating and publishing on the issues of arms control... regardless of whether or not there is an election"-and asserts that "[s]uch costs as the salaries of CLW's staff and officers, rent, telephone and office supplies would be expended by CLW whether or not [emphasis in original] CLW engaged in any election activity whatsoever." CLW's reports therefore reflect only allocations for direct production costs of each mailing (e.g. printing, postage, mailing). On January 13, 1983, CLW submitted a supplement to its earlier response (see Attachment 2) which tends to support its assertion that all appropriate staff costs for the creation of its materials have been properly allocated. Indeed, this position appears to be consistent with Commission's Regulations at § 106.1(c) which exempts general overhead expenditures of a committee from the allocation requirements "unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate." Thus, while CLW concedes that the purpose of the solicitation letters is to raise funds for a particular candidate, it argues that all costs which were directed

solely to the fundraising letter were properly allocated. Thus, other costs, such as staff time used in preparing the candidate profiles, were not allocated as they were only incidental to the production of the mailing and were generally the result of other CLW functions associated with their lobbying and educational activities. (See Attachment 1, page 109) 8/

Accordingly, the Office of General Counsel recommends that the Commission determine there is no reason to believe CLW violated 2 U.S.C. § 441a(a)(2)(A), by not including in its costs of soliciting contributions on behalf of federal candidates, other costs not substantially related to the solicitation efforts.

b. Prospect Mailings

The complainants assert that costs associated with CLW's practice of generating public support for its activities through the use of "prospect mailings" should be allocated as in-kind contributions on behalf of candidates which CLW later supports with solicitations on their behalf. Complainants' theory is based upon the result of the prospect mailing. That is to say that CLW has expended funds for the prospect mailing which ultimately resulted in a proven donor list subsequently

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8/ "[A]lmost all of the information that CLW uses in identifying candidates for endorsement and preparing the candidate profiles is gathered in connection with CLW's lobbying and educational activities rather than its election activities."

used in solicitations on behalf of candidates. Accordingly, complainants argue that the value of the list has increased due to earlier expenses incurred by CLW in identifying contributors to CLW.

In a letter to the Commission, dated March 11, 1983, (Attachment 1, page 113) CLW reiterated its earlier position that the prospects mailings are primarily focused upon CLW's efforts "to broaden its base of supporters and to obtain the funds necessary to carry on the organization's various educational, lobbying, and political activities, all of which are directed toward CLW's paramount objective; establishment of a sensible national policy on nuclear arms control." Included as attachments to that letter are two samples of prospect mailing letters (See Attachment 1, page 118). These samples are devoted entirely to generating support for CLW's lobbying and educational efforts for limiting the arms race. Solicitations are requested to fund CLW's efforts in this area. Candidates are mentioned in the letters. At one point two Senators endorse CLW and in another part of the letter CLW identifies several Senators as examples of candidates who received support of CLW through political contributions in the past. The sample letters do not expressly advocate the election of these Senators. Indeed, as CLW points out, the solicitations are done in election as well as non-election years during which times the individual Senators

may have not become "candidates" under the Act. (See Attachment 1, page 12). Such reference to individual candidates which do not expressly advocate the election or defeat of those persons has been held not to constitute an expenditures under the Act. Advisory Opinion 1980-9. The mere fact that CLW may subsequently use a list of proven CLW donors in its subsequent solicitations on behalf of candidates does not require allocation of the costs associated with the prospect mailing absent a showing that the prospect mailing was done specifically to further the success of future candidate solicitations. There is no evidence in the complaint which contradicts CLW's stated purpose of its prospect mailings.

The Office of General Counsel recommends, therefore, that the Commission determine there is no reason to believe CLW violated 2 U.S.C. § 441a(a)(2)(A) by its failure to allocate the costs of the prospect mailing as an in-kind contribution on behalf of the candidates on whose behalf subsequent solicitations are made.

2. <u>Whether CLW violated 2 U.S.C. § 441d</u>

The complaint's assertion that CLW has failed to make proper disclosures "as to the identity of those entities who authorized and paid for the communication" is addressed by CLW as follows: "It is CLW's policy and practice to state on the solicitation cards contained in each candidate mailing that 'This solicitation

is authorized by the [particular candidate's] Committee.'" 9/ CLW points to the Commission's application of § 441d where the solicitation consists of several pieces. See AO 1980-145. In that Opinion the Commission stated:

> Commission regulations, specifically 11 C.F.R. § 110.11(a)(1) which elaborates on § 441d, require that the sponsorship statement appear in a clear and conspicious manner to give the reader adequate notice of the identity of persons who paid for or authorized the communication. Such a statement is not, however, required to be placed on the front page or face of the material soliciting contributions. Since in this case the entire package, that is the letter, contribution card and return envelope, comprises the solicitation mailing, and since the sponsorship statement clearly appears on the contributor card, the requirements of § 441d and the regulations are satisfied.

The complaint offers a broad statement that the statement did not appear anywhere within several mailings (including the solicitation card). CLW's response (see pp. 19,29,38,44,49,56 of Attachment 1) demonstrates that most of CLW's mailings contain a contributor card with the disclaimer, "This solicitation is authorized by [candidate committee X] and [candidate committee

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9/ CLW has supplied, as part of its response, sample contributor cards which do, indeed, contain this notice.

Y]." However, this does not meet the statutory requirement of stating, as well, who paid for the mailing 10/. Moreover, CLW does not refute that its mailing of April 1982 on its own behalf (see Exhibits 13 and 13A of the complaint) contained no disclaimer whatsoever. Because it is not a separate segregated fund with a limited class of solicitees, CLW does not fall outside the scope of § 441d. Cf. Advisory Opinion 1980-71. Thus, the General Counsel recommends that the Commission determine there is reason to believe CLW violated 2 U.S.C. § 441d by its failure to provide in its solicitations the required disclaimer.

3. Whether CLW violated 2 U.S.C. § 441e by accepting contributions from foreign nationals

The complaint asserts that CLW solicits and accepts contributions from foreign nationals. Two individual contributors have been identified in Exhibit 7 of the complaint as residing outside the United States. In its response, CLW insists that its "established practice and policy is not to solicit or to accept contributions from foreign nationals." CLW has included as Tab I to its response copies of contributor cards from these two individuals indicating they are indeed U.S. citizens.

10/ "Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through ... any direct mailing, ... such communication ... if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is paid for by such other persons and authorized by such authorized political committee". 2 U.S.C.§ 441d(a)(2)

The Office of General Counsel accordingly recommends that the Commission find no reason to believe CLW may have violated 2 U.S.C. § 441e.

4. Whether CLW violated 2 U.S.C. § 434(a)(4)(A) by failing to file the necessary pre-primary election reports

The complaint's next allegation is that CLW has made contributions to several candidates during their primary election campaigns but has failed to file the required pre-primary reports. (CLW has not requested or been approved by the Commission to file monthly reports in lieu of the pre-primary reports. See 2 U.S.C. § 434(a)(4)(B)). CLW responds merely by referencing the fact that its 1981 Mid-Year Report was filed late due to "an abrupt staff turnover;" the response fails to make mention of any failure to file a pre-election report. See pp. 14-15 of CLW's response of November 18, 1982.

CLW has reported, during 1982, in-kind contribution made on behalf of candidates in primary election campaigns. CLW has designated these contributions for the primary elections on its reports. (Some of the candidates to whom CLW made primary election in-kind contributions are Senators Metzenbaum, Sarbanes, Kennedy and Sasser). Both the Act 11/ and Commission Regulations 12/ clearly require any committee to file a pre-election report for each primary election in which it makes contributions or expenditures.

11/ 2 U.S.C. § 434(a)(4)(A)(ii).

12/ 11 C.F.R. § 104.5(c)(1)(ii)(A).

Because CLW has failed to file the required pre-primary election reports, the General Counsel recommends that the Commission find reason to believe CLW violated 2 U.S.C. § 434(a)(4)(A)(ii).

5. Whether CLW violated 2 U.S.C. § 441a by making contributions to Peace PAC in excess of $5,000.

The complaint cites CLW's financial support of Peace PAC (which exceeded $5,000) as being in violation of the limitations of 2 U.S.C. § 441a(a)(2)(C). However, Peace PAC, on its Statement of Organization dated May 4, 1982, stated its affiliation with CLW, and CLW in its response openly admits Peace PAC is affiliated. As the authorities cited by CLW in its response (Attachment 1, pp. 12 and 13) demonstrate, transfers, and hence in-kind contributions, from one affiliated committee to another are not limited by § 441a(a).

Apparently as an alternative argument, complainant suggests that if CLW were to argue that it is an unincorporated membership organization, rather than a political committee, it nonetheless would be subject to the $5,000 limit of 2 U.S.C. § 441a(a)(1)(C) in supporting Peace PAC. While, under the holding of California Medical Association v. Federal Election Commission, 453 U.S. 182 (1981), this would be true, CLW does not suggest that it is not a political committee. Hence, there is no reason for using complainant's alternative line of analysis.

Because of CLW's on-the-record admission of affiliation with Peace PAC and, reciprocally, Peace PAC's admission in its Statement of Organization, the General Counsel recommends that the Commission determine there is no reason to believe CLW violated 2 U.S.C. § 441a(a)(2)(C) through its in-kind support of Peace PAC. The General Counsel does recommend, however, that because CLW has not amended its Statement of Organization to list affiliation with Peace PAC, the Commission determine there is reason to believe CLW violated 2 U.S.C. § 433(b)(2).

B. Peace PAC

1. Whether Peace PAC violated 2 U.S.C. § 441a(a)(2)(A) by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether Peace PAC violated 2 U.S.C. § 434(b) by failing to report these costs

For the same reasons set forth above against CLW, complainant contends Peace PAC violated 2 U.S.C. §§ 441a(a)(2)(A) and 434(b) by improperly allocating the costs associated with its fund raising efforts on behalf of federal candidates. In its response to the complaint (see Attachment 3), Peace PAC stated: "While Peace PAC certainly could have adopted CLW's fundraising procedures for Peace PAC's endorsed candidates, so far Peace PAC has chosen to operate like most other PAC's, soliciting contributions directly to Peace PAC, which then makes the contributions to the Peace PAC endorsed candidates." In a

footnote, Peace PAC acknowledged that it "has acted on occasion as a conduit in transmitting some individual contributions to a few congressional candidates, but Peace PAC does not send out direct mailings on behalf of its endorsed candidates." See Attachment 1, page 3. Peace PAC's reports do indeed report that Peace PAC did occasionally act as a conduit. Contributions through Peace PAC are reported as "Contributions received by the Council for a Livable World as conduit, intended for receipt by [name of the Congressional campaign]." The data is set forth on Peace PAC letterhead and is reported by Peace PAC to the Commission as Peace PAC having acted as the conduit. What is not made clear is why Peace PAC reports as the conduit if CLW actually received the contributions. It does not appear, however, that Peace PAC actually undertook efforts to solicit contributions on behalf of certain candidates.

General solicitations by Peace PAC are exemplified by TAB B to the response. See Attachment 1, page 61. That solicitation is titled "How to elect a U.S. Congress in 1982 committed to freezing and reducing nuclear arms." The four page solicitation focuses upon the drive for funds to be used by Peace PAC for political contributions. The solicitation lists 16 House candidates together with a sentence or two describing the candidate's position. Peace PAC then asks supporters to send contributions to Peace PAC so that it may support those candidates in "races where our support can make a difference...."

The General Counsel recommends that, in view of the fact that Peace PAC's solicitations are directed towards generating contributions on its own behalf and that references to federal candidates are made only to identify those persons who have been endorsed by Peace PAC, the costs associated with this kind of solicitation need not be allocated as in-kind contributions on behalf of those candidates.

Accordingly the Office of General Counsel recommends the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. §§ 434(b) or 441a(a)(2)(A) by having not allocated certain of its costs as in-kind contributions.

2. Whether Peace PAC violated 2 U.S.C. § 441d

Complainant alleges that Peace PAC, like CLW, violated 2 U.S.C. § 441d through its failure to disclose "the identity of those entities who authorized and paid for the communication."

A brochure apparently included with Peace PAC's solicitation materials (see Exhibit 12 of the complaint) includes the statement "Paid for by Peace PAC" but does not include an additional statement to the effect that the communication either was or was not authorized by any candidate. Present Commission regulations, at 11 C.F.R. § 110.11(a)(1)(iv), indicate that a political committee's express advocacy communications or solicitations, if not authorized by any candidate or candidate's committee, need only state who paid for them. Although the

complaint separates the brochure referred to from other Peace PAC materials (see Exhibit 14 of the complaint), Peace PAC's response indicates that the brochure is included as part of each mailing (See Attachment 1, p. 19).

Accordingly, the Office of General Counsel recommends that the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. § 441d.

3. Whether Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i)

Under 2 U.S.C. § 434(a)(4)(A)(i), "All political committees other than authorized committees of a candidate shall file ... quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter...."

Peace PAC submitted its Statement of Organization to the Commission on May 4, 1982. In its first report of receipts and expenditures (filed on October 15, 1982 - covering the period from July 1, 1982 through September 30, 1982) Peace PAC reported a beginning cash balance of $3,000. It appears, therefore, that Peace PAC should have filed a report by July 15, 1982, for the period from registration through June 30, 1982.

The Office of General Counsel recommends therefore that the Commission determine there is reason to believe Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the July 1982, quarterly report of receipts and expenditures.

C. Whether William Tarlow, Jerome Grossman and Paul Warnke violated the Act

Each of these three respondents are alleged to have violated the Act in their official capacities as committee officials. While Tarlow and Grossman are treasurers of CLW and Peace PAC respectively, Warnke serves as Director of CLW and as Chairman of Peace PAC.

The Office of General Counsel makes no recommendation to the Commission at this time regarding the allegations that respondents Tarlow, Grossman and Warnke personally violated the Act.

D. Whether the Nuclear Freeze Political Action Committee (aka "Freeze PAC") violated 2 U.S.C. § 434(a)(4)(A)(i)

As previously noted, each political committee other than authorized committees of a candidate, is subject to the filing requirements of 2 U.S.C. § 434(a)(4). The term "political committee" is defined as "any committee ... which receives contributors ... or makes expenditures [either of which aggregate]... in excess of $1,000 during a calendar year." 2 U.S.C. § 431(4)(A). There is no indication that Freeze PAC is a separate segregated fund. See 2 U.S.C. § 431(4)(B).

The complaint alleges Freeze PAC failed to file the 1982 July Quarterly report of receipts and disbursements. Freeze PAC filed its Statement of Organization with the Commission on April 9, 1982. On November 12, 1982, it submitted a report of receipts and disbursements for the period from registration

through October 15, 1982. That report reflects a loan of $211 received by the PAC from its treasurer, Donald Spector and disbursements of $211 for stationery, envelopes and postage.

Regardless of the fact that Freeze PAC submitted a Statement of Organization, it does not appear that it meets the definition of a "political committee" under 2 U.S.C. § 431(4), as shown by its only report on record. The mere fact that an organization registers as a political committee does not alter its status. The Office of General Counsel recommends, therefore, that the Commission determine there is no reason to believe Freeze PAC violated 2 U.S.C. § 434(a)(4)(A)(i) by not submitting a July, 1982, quarterly report of receipts and disbursements.

E. Whether the Authorized Committee Respondents violated the Act

Although the complainant does not specifically so assert, it is implied that the captioned authorized political committees violated 2 U.S.C. § 441a(f) by knowingly accepting contributions from CLW which contravened the limits of § 441a. Several of the candidate committees have responded to the complaint stating, in short, that they were unaware of any impropriety in accepting contributions from CLW or Peace PAC and, in light of a long-standing practice of accepting contributions through CLW's fundraising mechanism, believed those contributions to have been lawfully accepted.

To satisfy the "knowing acceptance" standard of § 441a(f), it need only be established that the recipient knew that it accepted the contribution involved. It need not be demonstrated that the recipient knew that the contribution was in violation of the law. Federal Election Commission v. California Medical Association, 502 F.Supp. 196, 203 (N.D.Cal. 1980).

In the present situation, we do not have evidence indicating that the various candidates who received in-kind support from CLW through its solicitation efforts knew or had a reason to know that CLW was not advising them of the full amount that should be allocable as a contribution in-kind. Indeed, as several of the respondent candidate committees have responded, CLW's notice to them as to what amount should be reported as an in-kind contribution was relied on because only CLW could know that. Thus, at the present time there does not appear to be a basis for establishing "knowing acceptance" on the part of the candidate committee. The General Counsel recommends, therefore, that the Commission determine that there is no reason to believe the authorized candidate committees violated 2 U.S.C. § 441a(f).

Recommendations

1. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. § 441a(a)(2)(A) by not including additional costs in the direct costs of solicitations on behalf of federal candidates or 2 U.S.C. § 434(b) by not identifying those costs as in-kind contributions.

2. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. § 441a(a)(2)(A) by not including costs associated with prospect mailings in the costs of solicitations on behalf of federal candidates or 2 U.S.C. § 434(b) by not reporting those costs as in-kind contributions.

3. Find reason to believe that the Council for a Livable World violated 2 U.S.C. § 441d by its failure to provide in its solicitations the required disclaimer.

4. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. § 441e by accepting contributions from foreign nationals.

5. Find reason to believe that the Council for a Livable World violated 2 U.S.C. § 433(b)(2) by not reporting Peace PAC as an affiliated committee.

6. Find reason to believe that the Council for a Livable World violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file pre-primary election reports.

7. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. § 441a(a)(2)(C) by making contributions to Peace PAC in excess of $5,000.

8. Find no reason to believe that Peace PAC violated 2 U.S.C. § 441a(a)(2)(A) by having not allocated certain of its costs as in-kind contributions, or 2 U.S.C. § 434(b) by not identifying those costs as in-kind contributions.

9. Find no reason to believe that Peace PAC violated 2 U.S.C. § 441d by failing to specify that its solicitations were or were not authorized by a candidate.

10. Find reason to believe that Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i) by its failure to file the July, 1982, quarterly report of receipts and expenditures.

11. Find no reason to believe that the Nuclear Freeze Political Action Committee violated 2 U.S.C. § 434(a)(4)(A)(i), by not submitting a July, 1982, quarterly report of receipts and disbursements.

12. Close the file as it pertains to the Nuclear Freeze Political Action Committee.

13. Find no reason to believe that the following committees violated 2 U.S.C. § 441a(f):

a. Toby Moffett for U.S. Senate
b. Riegle for Senate in '82
c. Re-elect Senator Chafee Committee
d. Mitchell for Senate
e. Metzenbaum for Senate Committee
f. McDaniel for Senate Campaign
g. Levinson for Senate, Inc.
h. Friends of Jim Sasser
i. Fenick for Senate
j. Committee to Re-elect Senator Kennedy
k. Wilson for Utah Committee
l. Citizens for Sarbanes

14. Close the file as it pertains to the respondents listed in recommendation Number 13.

15. Approve and send the attached letters.

April 5, 1983
Date

Charles N. Steele
General Counsel

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

Attachments

1. Response submitted on behalf of CLW, Peace PAC, Tarlow, Warnke and Grossman by Marc Lackritz, counsel.

2. Response from the Nuclear Freeze Political Action Committee.

3. Response submitted on behalf of the Wilson for Utah Committee by Randy Dryer, counsel.

4. Response from the McDaniel Senate Campaign.

5. Response submitted on behalf of Senators Metzenbaum and Kennedy and Congressman Moffett by William Oldaker, counsel.

6. Response submitted on behalf of the Mitchell for Senate Committee by Charles Micoleau and Kermit Lipez, co-counsel.

7. Response submitted on behalf of the Friends of Jim Sasser Committee by Michael Nemeroff, counsel.

8. Response submitted by the Fenwick for Senate Committee.

9. Response submitted by the Citizens for Sarbanes Committee.

10. Proposed letter to Marc Lackritz.

11. Proposed letter to Nuclear Freeze Political Action Committee.

12. Proposed letter to Randy Dryer, counsel, Wilson for Utah Committee.

13. Proposed letter to the McDaniel Senate Campaign.

14. Proposed letter to William Oldaker, counsel to the Committee to Re-elect Senator Kennedy, the Metzenbaum for Senate Committee and the Toby Moffett for U.S. Senate Committee.

15. Proposed letter to Charles Micoleau and Kermit Lipez, counsel to the Mitchell for Senate Committee.

16. Proposed letter to Michael Nemeroff, counsel to the Friends of Jim Sasser Committee.

17. Proposed letter to Jan Baran, counsel to the Fenwick for Senate Committee.

18. Proposed letter to the Citizens for Sarbanes committee.

19. Proposed letter to the Riegle for Senate in '82 Committee.

20. Proposed letter to the Re-elect Senator Chafee Committee.

21. Proposed letter to Levinson for Senate, Inc.

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January 13, 1983

BY HAND

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Fl.
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

This letter supplements the November 18, 1982 response of the Council for a Livable World ("CLW") filed in the above-referenced matter. The complaint in this proceeding alleges that CLW and its affiliate, Peace Political Action Committee ("Peace PAC"), have violated federal law by failing to allocate "the cost of CLW's staff and officers for obtaining, writing, compiling and producing the candidate profile brochures." (Complaint, at 8). This letter provides a more detailed description of the process by which CLW collects information about candidates, prepares the profiles and related solicitation material, and reports the associated costs as in-kind contributions.

Almost all of the information in the profiles about candidates and their views on nuclear arms control is developed as a result of CLW's lobbying and educational activities. As we stressed in our November 18 response

Attachment 1
page 1

at pages 7-8, CLW's overriding objective is not the election of candidates for federal office, but rather the establishment of a rational and consistent national policy on arms control. To that end, CLW engages in a wide variety of lobbying and educational activities that are unrelated to political campaigns and are carried out in both non-election and election years. In the course of these activities, key CLW staff members, particularly its president, Jerome Grossman, and its legislative director, John Issacs, gather relevant information about specific Senators and their positions and voting records on nuclear arms control. Moreover, CLW regularly receives newsletters from the Democratic and Republican national party organizations and materials from candidates' campaign committees as well. This information is supplemented by independent research conducted by CLW to guide its lobbying activities on Capitol Hill.

In an election year, the information compiled about various Senate candidates during the preceding months forms the basis for endorsement proposals that are submitted to the CLW Board of Directors. The members of that Board, who are unpaid, meet regularly to discuss and decide major policy and strategic questions, including the endorsement of particular candidates recommended by the staff. A candidate must be interviewed by at least three Board members before an endorsement decision is made.

Once the Board endorses a candidate, the staff collects additional pertinent information about the candidate and his or her views on nuclear arms policy. This information is obtained from public sources (e.g., Congressional Record) as well as the candidate's campaign committee and involves minimal (less than a few hours) staff time. See 11 C.F.R. § 100.7(a)(3)(i).

The candidate profiles are prepared by Messrs. Grossman and Isaacs, who share the responsibility equally. Each spends approximately four hours reviewing the assembled information, including a candidate's statements, voting record, and biographical data, and drafting the one or two page candidate profile. In an election year, CLW typically makes one solicitation per month and each solicitation seeks support for two or sometimes three different candidates. Thus, in the course of a month Messrs. Grossman and Issacs spend collectively no more than 12 hours and frequently

Attachment 1
page 2

as little as eight hours drafting candidate profiles. Moreover, Mr. Grossman drafts all of the profiles assigned to him at home during non-business hours. Mr. Issacs also frequently writes his profiles at home, but sometimes will spend one or two hours doing them during his regular business day. Each solicitation is also accompanied by a cover letter, drafted by Mr. Grossman, which takes perhaps one hour to complete.

~~The drafts are typed during regular business hours,~~ by a CLW secretary and then proofed and sent to a typesetter. The typesetter does the layout for the solicitation, which is proofed by CLW and forwarded in final form to a printer. The printed letters and profiles are then forwarded to a mailing house which places them in envelopes, addresses them to individuals on CLW's mailing list and mails them out. The costs of the typesetting, printing, and mailing are allocated among the endorsed candidates in accordance with the procedures described in our earlier response in this proceeding (pp. 8-9) and reported as in-kind contributions to those candidates. If the solicitation also asks for contributions to CLW itself, CLW is treated as if it were an endorsed candidate and is allocated its appropriate portion of the printing and mailing costs.

In sum, almost all of the information that CLW uses in identifying candidates for endorsement and preparing the candidate profiles is gathered in connection with CLW's lobbying and educational activities rather than its election activities. The profiles themselves require very little time to prepare and are drafted by Messrs. Grossman and Issacs, usually at their homes in the evenings, outside of regular business hours, and, therefore, should not be regarded as "contributions" under the FEC regulations. See 11 C.F.R. § 100.7(a)(3)(i);(b)(3). In contrast, the costs of typesetting, printing and mailing the profiles are allocated among the endorsed candidates and reported as in-kind contributions to those candidates.

I hope this additional information answers any questions you may have about CLW's "in-kind contributions." If you have any further questions, please contact me.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Attorney for Council
For A Livable World

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MEL:lc

Attachment 1, pg 3

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November 18, 1982

NOV 18 P 3:54

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
7th Floor
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

Enclosed is the Response to the Complaint, and Counterclaim, of the Council for a Livable World, PeacePAC, and Messrs. Warnke, Tarlow, and Grossman in the above-captioned matter. I would be pleased to meet with you to discuss anything contained in the enclosed pleading or to answer any questions that you might have.

I would very much appreciate it if you would keep me informed of any scheduled action or future developments in this matter.

With best wishes, I am

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Counsel to CLW, PeacePAC and
Messrs. Warnke, Tarlow
and Grossman

MEL:st
Enclosure

4

attach 1, page 4

BEFORE THE
FEDERAL ELECTION COMMISSION

In The Matter of: COUNCIL FOR LIVABLE WORLD PEACE POLITICAL ACTION COMMITTEE PAUL C. WARNKE WILLIAM E. TARLOW JEROME GROSSMAN NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	MUR 1486

RESPONSE TO THE COMPLAINT, AND COUNTERCLAIM, BY RESPONDENTS COUNCIL FOR A LIVABLE WORLD, PEACE PAC, PAUL C. WARNKE, WILLIAM E. TARLOW, AND JEROME GROSSMAN

Respondents Council for a Livable World ("CLW") and Peace Political Action Committee ("PeacePAC"), and their named officers, hereby respond to the Complaint filed herein and urge the Commission to find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act and to close the file herein. In sum, this Complaint, filed a mere two and a half weeks before the recent elections, attacks a fund-raising procedure that has been used by CLW for the past twenty years and that has been thoroughly investigated and subsequently approved by the Secretary of the Senate in 1974 and the FEC itself in 1978 and 1980; the Complaint is replete with factual errors and devoid of any legal merit, and was filed solely to harass, embarrass and intimidate CLW and PeacePAC, and the candidates they endorsed. Moreover, the public relations

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5

Attach 1, p95

effort surrounding and subsequent to the filing of the Complaint, orchestrated by the Washington Legal Foundation ("Foundation") and its officers, constitutes numerous clear, knowing, and willful violations of 2 U.S.C. § 437g(a)(12)(A).

A. Background

CLW, a non-profit and non-partisan voluntary association, was founded in 1962 by a group of scientists, headed by nuclear physicist Leo Szilard, who were concerned about the proliferation of nuclear weapons and wanted to encourage public discussions concerning control of such weapons. Ever since its founding, CLW's primary objective has been to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations.

In attempting to focus attention on these arms control issues, CLW, unlike most other political action committees, has not concentrated exclusively on electing or defeating particular political candidates. CLW has engaged in lobbying, conducted seminars for Congressional members and staff, and compiled and distributed publications on arms control issues. In addition, CLW educates and informs its supporters, on a non-partisan basis, about candidates for the United States Senate and about current legislative initiatives and issues in the area of arms control.

In election years, CLW endorses a number of candidates for the United States Senate. Descriptions of these candidates and their opponents, prepared by the CLW staff, are directly mailed to CLW supporters. In the letter enclosing this material,

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it is suggested that CLW supporters consider making contributions to the endorsed candidates' campaign committees or to CLW according to an alphabetical division of supporters by last name.*/ The solicitation card enclosed in such mailings states clearly that the solicitation is authorized by the endorsed candidates' campaign committees. All contributions are mailed back to CLW, which merely forwards them on to the intended recipients. Some typical mailings by CLW for the 1982 elections are enclosed herein at Tab A.

PeacePac was established by CLW in 1982 as an affiliated political committee with identical purposes and similar activities to those of CLW except that PeacePAC was to support political candidates for the House of Representatives -- rather than the Senate -- who favor nuclear arms control. While PeacePAC certainly could have adopted CLW's fundraising procedures for PeacePAC's endorsed candidates, so far PeacePAC has chosen to operate like most other PAC's, soliciting contributions directly to PeacePAC, which then makes the contributions to the PeacePAC-endorsed candidates.**/ An example of a PeacePAC solicitation mailing is enclosed herein at Tab B. Thus, the

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*/ The solicitation card enclosed with each mailing suggests that: "Unless you have a preference to the contrary please make your contribution according to this alphabetical arrangement by your last name: [followed by alphabetical breakdowns]."

**/ PeacePAC has acted on occasion as a conduit in transmitting some individual contributions to a few Congressional candidates, but PeacePAC does not send out direct mailings on behalf of its endorsed candidates like CLW does.

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allegation in the Complaint at ¶ 6, pp. 3, 16-17, that "PeacePAC is operating in a manner similar to that of CLW" is absolutely incorrect as is the Complaint's conclusion that "PeacePAC is violating the law." (Id.)

1. Prior Investigations of CLW

Similarly, there is no basis whatsoever for the general or specific allegations that CLW's fundraising procedures violate the law. CLW has been investigated by both the Secretary of the Senate, in 1974, and the FEC, in 1978, concerning CLW's reporting of "in-kind contributions" to its endorsed candidates; the FEC again investigated CLW in 1980 (MUR 1028) concerning CLW's role as a conduit in transmitting contributions to its endorsed candidates. In each of these investigations, CLW fully explained its fundraising procedures, which have existed unchanged over the past twenty years, and these procedures were implicitly or explicitly approved, as no violations of law by CLW have ever been found.

In 1974, in the wake of passage of the first electoral reform laws, there was some confusion over how the costs of CLW's mailings, endorsing particular Senate candidates and suggesting that contributions be made to them, should be reported. As a result, CLW was thoroughly audited by the Secretary of the Senate, who concluded:

> The cost of these mailings should be reported as contributions in kind which should be apportioned on a reasonable basis among the candidates whose election is advocated therein by the Council.
>
> Letter to Mr. Stephen Thomas from Orlando B. Potter, October 25, 1974.

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As a result, CLW reported these mailing costs as in-kind contributions, and apportioned them among the various endorsed candidates in proportion to the number of CLW supporters being asked to consider making direct contributions to such candidates.

This procedure was reviewed again by the Federal Election Commission in the fall of 1978, when the Commission staff initially seemed to suggest that CLW's mailing costs might more properly be reported as "independent expenditures" instead of "in-kind contributions." See letter from Orlando B. Potter to Stephen M. Thomas, September 29, 1978, attached hereto at Tab C. Following CLW's response of November 15, 1978, attached hereto at Tab D, the Commission did not advise CLW to change the reporting of its mailing costs, and CLW has continued to report them as "in-kind contributions."

Finally, on February 14, 1980, the FEC informed CLW that it was being investigated in MUR 1028 to determine whether CLW had violated the contribution limitations by its fundraising procedures. After CLW's response of March 12, 1980, attached hereto at Tab E, the Commission determined on July 23, 1980 that there was no probable cause to believe that CLW had violated the law. See letter from Charles N. Steele, FEC General Counsel, to Marc E. Lackritz, July 25, 1980, attached hereto at Tab F; see also AO 1980-46, and CLW's Comments on AOR 1980-46, attached hereto at Tab G.

2. Allegations of the Complaint

The Complaint here before the Commission again dredges up some of the allegations that have already been so thoroughly

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investigated and approved by the Commission. While there are some "new" allegations in the Complaint, the Foundation still primarily re-raises the very old charges against CLW that, by acting as a conduit, CLW has violated "the election law's limit of $5,000 from a PAC to a candidate." Foundation Press Release, October 15, 1982. Since these old charges have been investigated and dismissed before in MUR 1028, this Response focuses only on the "new" allegations. The "new" allegations are that CLW and/or PeacePAC have: 1) violated the contribution limits and reporting requirements by "undervaluating the in-kind contributions" made to endorsed candidates (Complaint at ¶ 1, pp. 1-2, 5-13); 2) further violated the Act's contribution limitations by CLW's contributing more than $5,000 to PeacePAC through in-kind contributions (id. at ¶ 5, pp. 3, 15-16); and 3) committed numerous technical violations of the election laws by: a) failing to file required reports (id. at ¶¶ 2, 3; pp. 2, 14), b) soliciting and receiving political contributions from foreign nationals (id. at ¶ 4, pp. 2, 15), and c) failing to disclose on solicitation materials whether such expenditures were authorized by any candidate, his/her authorized committee, or its agents (id. at ¶ 7, pp. 3-4, 17-18). As is shown below, these "new" allegations have no basis in fact or law and therefore should be dismissed by the Commission.

B. CLW AND PEACEPAC HAVE NOT VIOLATED THE ELECTION LAWS

1. CLW Has Not Undervalued Its In-Kind Contributions to Its Endorsed Candidates.

The only real new gravamen of the Complaint is that CLW undervalues its "in-kind contributions" to its endorsed

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candidates by: 1) not allocating "the cost of CLW's staff and officers for writing, compiling, and producing the candidate profile brochures," or "other office expenses . . . such as rent, telephone, and office supplies" (id. at 8, 9); 2) allocating such costs "on the basis of 'the percentage of Council supporters in the section of the alphabet that is to consider contributing to a particular candidate,'" (id. at 9); and 3) not allocating the "expenses for prospect mailings" to the various endorsed candidates (id. at 10-13).

None of these allegations is correct as a matter of law or policy, and accordingly, they should be dismissed by the Commission. First, it should be re-emphasized that the primary purpose of the CLW is to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations. CLW thus engages in a variety of activities -- lobbying, educational, publishing and political -- only one of which is directed specifically to supporting candidates for election. Thus, CLW, unlike most other PAC's -- including some of the Washington Legal Foundation's ideological bedfellows such as NCPAC, the Congressional Club, etc. -- does not focus its energies exclusively on electing or defeating particular political candidates. CLW's ongoing functions of lobbying, educating and publishing on the issues of arms control go on year-round, regardless of whether or not there is an election. Such costs as the salaries of CLW's staff and officers, rent, telephone and office supplies would be expended

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by CLW whether or not CLW engaged in any election activity whatsoever. The CLW has reported as "in-kind contributions" the additional marginal cost of its political mailings endorsing particular candidates -- the direct mail costs of the mailings -- and apportioned them among the endorsed candidates on a reasonable basis as CLW was directed by the Secretary of the Senate on October 25, 1974. Moreover, 11 C.F.R. § 106.1(c) of the FEC regulations states that:

> Expenditures for rent, personnel, overhead, general administrative, fund-raising, and other day-to-day costs of political committees need not be attributed to individual candidates, unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate. 11 C.F.R. § 106.1(c) (1982).

CLW's direct mail costs on behalf of candidates have been apportioned among the endorsed candidates on the basis of the percentage of CLW supporters in the section of the alphabet who are directly asked to consider contributing to that particular candidate. This method of allocation, suggested by the Secretary of the Senate in 1974, is explicitly permitted by 11 C.R.F. § 106.1(a) which states that such costs " shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived." (emphasis added). Moreover, CLW's allocation method is far more practical than waiting for the results of the mailings to allocate the costs on the basis of the number of contributions actually mailed in for particular candidates and/or CLW. CLW's method of allocation is far more administratively efficient, and

it would be physically impossible to make an accurate report to the FEC at any time based upon the actual proportion of contributions received because contributions keep coming in after a mailing right up through the election. The Foundation's suggestion that each endorsed candidate included in the direct mailing should be assessed the full cost of the direct mailing (id. at 9-10) would result in double- and triple-reporting of the actual cost of the mailings.

prospect mailings

Similarly, the "prospect mailing" costs of CLW should not be considered as "in-kind contributions" to particular candidates because they are a necessary cost incurred by CLW to obtain new supporters of CLW and its regular activities. See 11 C.F.R. § 106.1(c) (1982). Of course, if the only purpose of such "prospect mailings" were to identify supporters of a particular candidate, then such direct mailing costs might appropriately be reported as "in-kind contributions" to that candidate; however, where, as here, the "prospect mailings" are designed to raise funds for the CLW, it would be neither fair nor appropriate to charge such expenses as "in-kind contributions" to candidates, especially when such mailings are done far in advance of, and are wholly unrelated to, CLW's endorsement decisions. For example, some of the candidates CLW will support in 1984 will not even decide to run - much less win primaries - until 1984, after CLW will have completed its 1983 schedule of "prospect mailings."

The Foundation's argument that a telephone bank is comparable to "prospect mailing" (Complaint at page 11)

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is wholly inapposite. A telephone bank that is designed to solicit support for a particular candidate has been established solely to support that candidate. Prospect mailings, such as those done by the CLW, obviously serve purposes that have nothing to do with generating political support for any candidates. There is just no relationship between the use of a telephone bank in a political campaign and general direct prospect mailings.

In a different vein, if direct mail firms, which spend thousands of dollars to build their direct mail lists that are subsequently used in fundraising for various candidates, had to apportion their direct "prospect" mail costs subsequently to candidates on whose behalf they eventually work, candidates would not be able to afford any of their services, and direct mail would be eliminated from political campaigns.

Finally, the Foundation argues that "if the FEC sanctions CLW's practice, then CLW is able to exert more influence on candidates than other PAC's." (Id. at 13). This argument is wholly specious since all other PAC's are free to engage in the same lawful methods of fundraising as CLW. In fact, CLW in the past has vigorously advocated the free speech rights even of groups with which it disagrees (unlike the Foundation, whose purported support of free speech seems to extend only to its ideological bedfellows), such as in 1980, when CLW supported a requested advisory opinion by NCPAC (AOR 1980-46) to engage in a similar method of fundraising to that used by CLW. (See Tab G.)

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2. CLW Has Not Violated the Contribution Limitations By Contributing More Than $5,000 to PeacePAC Through In-Kind Contributions.

The Foundation also alleges that CLW has violated section 315 of the Act, 2 U.S.C. §441a, by contributing more than $5,000 to PeacePAC over the past six months. (Complaint at ¶ 5.)*/ Such contributions, the Foundation claims, are transfers to another political committee and, therefore, subject to an annual limit of $5,000. The Foundation further argues that the Supreme Court's decision in the California Medical Association ("CMA") case establishes that CLW's contributions to PeacePAC are illegal. See California Medical Ass'n v. FEC, 101 S. Ct. 2712 (1981).

This claim borders on the obviously frivolous and should be dismissed. As the Foundation itself admits, CLW and PeacePAC are affiliated political committees and have registered as such with the FEC. The Commission's regulations explicitly provide that affiliated committees may make unlimited transfers to one another. Moreover, the Commission has stated repeatedly in advisory opinions that transfers between affiliated committees are regarded as intra-committee transactions and, thus, are not subject to any limitations. Finally, the Foundation's reliance on the CMA decision is misplaced because that case did not involve transfers between affiliated committees.

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*/ The Foundation also alleges that Peace PAC violated 2 U.S.C. § 441a(f), by accepting the contributions from CLW. (Complaint, ¶ 5).

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FEC regulations define affiliated committees to include "[a]ll committees . . . established, financed, maintained, or controlled by the same . . . person or group of persons . . . ." 11 C.F.R. § 100.5(g)(2)(1982). CLW and PeacePAC clearly meet this definition, since PeacePAC was organized by CLW's Board of Directors and the two committees share several of the same officers and directors. PeacePAC's Statement of Organization, filed with the FEC in May, 1982, identified CLW as an "affiliated committee."*/ The Foundation, moreover, concedes that the two committees are affiliated. (Complaint at ¶ 5, p. 3).

The Commission's regulations as well as numerous advisory opinions explicitly state that affiliated committees may make unlimited transfers to one another. Section 102.6(a) of the Commission's rules, adopted in 1980, provides that "[t]ransfer of funds may be made without limit between affiliated committees...." 11 C.F.R. § 102.6(a) (1982); see AO 1980-40 Fed. Election Camp. Fin. Guide [CCH] ¶ 5501 (June 9, 1980). Prior to the rule's enactment, the Commission repeatedly held in advisory opinions that transfers between affiliated committees were not subject to any limitation. See AO 1977-21 Fed. Election Camp. Fin. Guide [CCH] ¶ 5250 (May 27, 1977); AO 1976-104 Fed. Election Camp. Fin. Guide [CCH] ¶ 5255 (June 20, 1977); see also Fed. Election Camp. Fin. Guide [CCH] ¶ 6023 (Sept. 2, 1976) (information letter).

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*/ PeacePAC's Amended Statement of Organization, filed in June, 1982, also listed CLW as an affiliated committee.

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Transfers between affiliated political committees are treated as intra-committee transactions because such committees are regarded as a single political committee for other contribution purposes. Contributions by or to one affiliated committee are treated as contributions by or to both committees. Thus, PeacePAC and CLW collectively may not accept more than $5,000 from an individual contributor in a calendar year See AO 1980-40, Fed. Election Camp. Fin. Guide [CCH] ¶ 5501 (June 9, 1980). Similarly, the two committees may not contribute a total of more than $5,000 to a particular candidate in an election. See 2 U.S.C. § 441a(a)(5). As the Commission has previously suggested, it would be inconsistent and unfair to treat affiliated political committees as a single committee for purposes of contribution limits while regarding them as two separate committees for purposes of transfers:

> [A]ffiliated committees not only share the same limitations in the contributions they receive and make, but also have the benefits of affiliation in that those committees may make unlimited transfers with each other. 11 C.F.R. 102.6(a).

AO 1980-40 Fed. Elec. Camp. Fin. Guide ¶ 5501 (June 9, 1980).

The Foundation attempts to bring CLW's support of PeacePAC within the ambit of section 441a by arguing that the Complaint here presents the same issue that the Supreme Court decided in California Medical Ass'n v. FEC, 101 S. Ct. 2712 (1981). But that case involved an entirely different question. There the Supreme Court held that section 441a prohibits an unincorporated membership organization, CMA, from contributing

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more than $5,000 per calendar year to a multi-candidate political committee, CALPAC, which the CMA had organized. In contrast to the instant proceeding, CMA and CALPAC were not affiliated political committees. CMA was a "connected organization" which the regulations define as "any organization which is not a political committee but which directly establishes, administers, or financially supports a political committee." 11 C.F.R. § 100.6(a) (1982) (emphasis added). Because CMA's transfers to CALPAC could not be regarded as transactions between affiliated committees, that issue was not even addressed by the Court. The Complaint here, though, obviously involves affiliated political committees and, as discussed above, transfers between affiliates are not subject to any limitation.

3. Neither CLW Nor PeacePAC Have Committed Any Technical Violations of the Election Law.

A) CLW and PeacePAC Have Filed all of their Required Reports.

The Foundation alleges that PeacePAC did not file its quarterly disclosure report, due by July 15, 1982, and states that a "search of FEC files and a FEC computer printout...show that no such report has been filed to date." (Complaint at page 14). This allegation is just plain wrong, demonstrating either a lack of thoroughness by counsel for the Foundation in his alleged "search," or the ulterior motive in the filing of this Complaint. PeacePAC in fact filed its July 15 Quarterly Report,

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a copy of which is attached hereto as Tab H, and has filed all other required reports. Similarly, CLW has filed all of its required reports.*/

B) CLW Has Neither Solicited Nor Received Political Contributions from Foreign Nationals.

The Foundation also alleges that CLW has violated the law "by unlawfully soliciting and receiving political contributions from foreign nationals." (Id. at ¶ 4, pp. 2,15.) The Complaint states that a "cursory check of one of CLW's FEC reports show contributions from residents in foreign contributions [sic], such as England and Canada, who are not, on information and belief, U.S. citizens." (Id. at 15.)

Again, this allegation is factually erroneous. CLW's established practice and policy is not to solicit or to accept contributions from foreign nationals because of the proscription of 2 U.S.C. § 441(e). To the best of CLW's knowledge and belief, the two contributions identified in Exhibit 7 to the Complaint as coming from foreign addresses are, in fact, from American citizens living abroad, whose statements to that effect are attached hereto at Tab I.

C) Neither CLW Nor PeacePAC Has Failed To Disclose on Its Solicitation Materials Whether Such Expenditures Were Authorized By Any Candidate, His/Her Authorized Committee, or Its Agents.

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*/ CLW's July 31 Mid-Year Report for 1981 was not filed until mid-January 1982, due to an abrupt staff turnover at the CLW offices. If any other reports were inadvertently not filed or filed late by CLW, it was a result of the abrupt staff turnover situation which has subsequently been corrected.

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The Foundation alleges that both CLW and PeacePAC have failed to make proper disclosures "as to the identity of those entities who authorized and paid for the communication." (Id. at ¶ 7, pp. 3-4, 17-18) A review of the sample CLW and PeacePAC mailings, attached hereto, however, belies these allegations. It is CLW's policy and practice to state on the solicitation cards contained in each candidate mailing that, "This solicitation is authorized by the [particular candidate's] Committee". See Tab A. This disclosure clearly satisfies 2 U.S.C. § 441d and 11 C.F.R. § 110.11(a)(1), as interpreted by AO 1980-145, Fed. Election Camp. Fin. Guide [CCH] ¶ 5599 (March 19, 1981), which stated that since:

> the letter, contributor card and return envelope...comprise the solicitation mailing, and since the sponsorship statement clearly appears on the contributor card, the requirements of § 441d and the regulations are satisfied.

Similarly in the PeacePAC mailed brochure, there is a clear identification that the mailing was paid for by PeacePAC. Moreover, the PeacePAC mailings did not solicit contributions for specific candidates or suggest using PeacePAC as a conduit for contributions. See Tab B. These disclosures are in full compliance with the relevant law and regulations, and again, these allegations should be dismissed.

For all of the foregoing reasons, CLW, PeacePAC, and their officers named in the Complaint hereby urge the Commission to find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act, and to close the file on the Complaint herein. However, because of the Foundation's intention to harass, embarrass, and intimidate

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CLW, PeacePAC and the candidates they have endorsed, as evidenced by the massive public relations effort surrounding and subsequent to the filing of this Complaint, CLW and PeacePAC urge the Commission to determine that these efforts by the Foundation constitute numerous clear, knowing, and willful violations of 2 U.S.C. § 437g(a)(12)(A).

C. COUNTERCLAIM OF COUNCIL FOR A LIVABLE WORLD

1. Introduction

It is clear from the timing of and the public relations effort surrounding the filing of the Complaint herein that the principal motive in filing this Complaint was not to enforce the election laws, but to harass, embarrass, and intimidate CLW, PeacePAC, and the candidates for the Senate and House whom they have endorsed. All of these public relations efforts surrounding the filing of the Complaint, and subsequent efforts to gain publicity for the Complaint, are in direct violation of 2 U.S.C. § 437g(a)(12)(A). Moreover, such violations of this non-disclosure provision by the Foundation and two of its officers, Messrs. Popeo and Kamenar, were clear, knowing, and willful.

2. Purpose of 2 U.S.C. § 437g(a)(12)(A).

2 U.S C. § 437g(a)(12)(A) provides in pertinent part that:

> Any notification or investigation made under this section shall not be made public by the commission or by any person without written consent of the person receiving such notification or the person with respect to whom such investigation is made.

2 U.S.C. § 437g(a)(12)(A) (emphasis added).

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The self-evident purpose of this non-disclosure provision is to ensure that unscrupulous, partisan individuals and groups do not exploit the pendency of an FEC investigation to malign and embarrass an opposing candidate for federal office. Absent such non-disclosure provisions, partisan groups could file groundless complaints with the FEC, alleging wholly frivolous election law violations by candidates they oppose, and then smear those candidates by publicizing that they were under investigation by the Commission for illegal campaign activities. These types of "smears" are not unknown in American political history.

Moreover, these smears, once set loose in the public domain, are virtually impossible to counteract effectively. As often happens with news stories, denials are usually given far less coverage than, and lag behind, the original allegations, thereby providing the wrongful accusations with a life of their own in a political campaign.

Thus, in the closing days of a campaign, a "smear attack" is especially hard to counteract effectively, given the limitations of time and the realities of election coverage. Because the Act's non-disclosure provision is the sole defense that candidates have against the use of the FEC complaint procedure as a smear tactic, the Commission should vigorously enforce the non-disclosure provision to preserve the integrity of the Commission's complaint procedures and to protect the federal election process against abusive tactics.

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Such an eleventh-hour political smear by the Foundation, and its officers, against CLW, PeacePAC and their endorsed candidates, is exactly what occurred here, and the fact that the smear failed is not a reason to leave the violations of law unenforced.

3. Foundation Actions That Violated 2 U.S.C. § 437g(a)(12)(A).

a. On October 15, 1982, a mere two and a half weeks prior to the elections, the Complaint herein was filed by the Foundation, and signed by two of its principal officers, Daniel J. Popeo and Paul D. Kamenar. The Complaint, however, was not merely filed with the FEC, but was also heralded by a press release that was widely distributed to the national media. Press Release attached hereto at Tab J. This "story" was picked up by the wire services and, in fact, it was through inquiries from the wire services that CLW was first informed that the Complaint had been filed against it.

b. Because of this public relations effort, a number of newspapers across the country including, but not limited to the St. Louis Post Dispatch, the Washington Times, the Bangor Daily News, and many other newspapers not presently known to CLW, carried the story announcing the filing, summarizing the charges in the Complaint, and listing the candidates endorsed by the CLW. A sample of the articles that appeared soon after the filing of the Complaint, as a result of the press release issued by the Foundation, are attached hereto at Tab K.

c. Not content with the coverage obtained by its own press release, the Foundation and its officers, Messrs. Popeo

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and Kamenar, then, upon information and belief, distributed copies of their press release and Complaint to the campaigns of the opponents of the CLW-endorsed candidates. In at least three instances known to CLW, this Complaint became a public campaign issue as a direct result of the efforts of the Foundation and its officers.

d. In Maryland, Senate candidate Lawrence J. Hogan accused Senator Paul Sarbanes of accepting more than the legal maximum contribution from the CLW. A newspaper article referring to Hogan's charges against Sarbanes is attached hereto at Tab L.

e. Similarly, in Wyoming, a campaign spokesman for Senator Malcolm Wallop told members of the press that Wallop's opponent, Rodger McDaniel, had received illegal campaign contributions from CLW. A newspaper article partially reporting these charges is attached hereto at Tab M.

f. In addition, on October 22, 1982, a reporter from Tennessee contacted CLW concerning both this Complaint and the amount of the CLW contributions to Senator Sasser. The reporter had obviously been briefed at a press conference by Congressman Robin Beard, Senator Sasser's opponent, about the Complaint and its allegations. There were, no doubt, other instances, of which CLW is presently unaware, of opponents of CLW-endorsed or PeacePAC-endorsed candidates injecting the Complaint into their campaigns.

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4. Effects of Public Disclosure of the Complaint

a. The effects of the Foundation's disclosure and massive public relations efforts concerning its Complaint were quite serious, especially during the last few weeks of bitterly contested election campaigns. In these last few weeks of the compaign, critical resources of CLW, PeacePAC, and the campaign staffs of their endorsed candidates were diverted to informing the CLW- and PeacePAC-endorsed candidates of this possible issue arising, fending off reporters' questions, and focusing campaigns' attention on this Complaint and away from the real policy issues involved in the campaigns.

b. The actions of the Foundation and its officers here are quite similar to those comprising the tort of "abuse of process" in the civil litigation context. Abuse of process lies when "there has been a perversion of court processes to accomplish some end which the process was not intended by law to accomplish," Goodall v. Frank R. Jelleff, Inc. 130 A.2d 781, 782 (D.C. Mun. App. 1957). For abuse of process, a party must prove: (1) an ulterior motive in instituting the suit; and (2) an act in the use of process other than one which would be proper in the regular prosecution of the charge. Morowitz v. Marvel 423 A.2d 196, 198 (D.C. App. 1980). Both of the elements necessary for an abuse of process claim have been satisfied by the Foundation's actions.

c. The improper motive here -- to influence the outcome of elections, rather than to enforce the election laws -- was accompanied by an improper act -- publicly disclosing the

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FEC Complaint in direct violation of 2 U.S.C. § 437g(a)(12)(A). The FEC here should initiate an investigation into these violations both to punish and to deter such reprehensible conduct. Advocacy groups of whatever political persuasion masquerading in the guise of the "public interest" should not be allowed to flout the FEC's laws or regulations with impunity. These groups, like all other PAC's, should have to play by the rules.

d. Moreover, the Complaint itself continues the "smear" against CLW; the obvious political and McCarthy-like motivation underlying this Complaint is clearly evidenced by the politically inflammatory and legally irrelevant material included in the footnotes at pages 5 and 6 of the Complaint. Neither Leo Szilard's views, whatever they may have been, nor Senator Weicker's views of Paul Warnke are relevant at all to the rights of CLW, PeacePAC, or anyone else before the Federal Election Commission. Such irrelevant rhetoric and innuendo, intended solely to inflame rather than enlighten, have no place before this Commission in a proceeding involving basic Constitutional rights.

e. The previous activities of the Foundation and the prior experience of its officers*/ are such that they certainly had knowledge that public disclosure of an FEC Complaint was a direct violation of the election laws. Therefore, the Commission should conduct a full investigation of the Foundation's actions relating to the filing of this Com-

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*/ Paul Kamenar worked for the Federal Election Commission in 1975-76.

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plaint, and should find that the Foundation and Messrs. Popeo and Kamenar have clearly, knowingly and willfully violated 2 U.S.C. § 437g(a)(12)(A).

For all of the foregoing reasons, the Commission should find no reason to believe that the Complaint sets forth a possible violation of law and close the file therein, and should investigate the Foundation's and its officers' actions surrounding the filing of the Complaint.

Respectfully submitted,

Marc E. Lackritz

Marc E. Lackritz
A. Richard Metzger, Jr.

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Counsel for CLW, PeacePAC, and Messrs. Warnke, Tarlow and Grossman

November 18, 1982

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CERTIFICATE

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) ss.
District of Columbia)

I hereby swear that all of the information and charges contained herein are true and correct to the best of my knowledge and belief.

Marc E. Lackritz

Marc E. Lackritz

Subscribed and sworn to before me this 18th day of November, 1982.

Loanna L. Johnson

Notary Public

My Commission expires: 12-14-83

LAW OFFICES
WALD, HARKRADER
& ROSS
1300 19TH ST., N. W.
WASHINGTON, D.C. 20036

202 828-1200

To combat the menace of nuclear war

Council for a Livable World

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Dear Supporter of Nuclear Arms Control:

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

The Council is one of the largest political action committees in the country. Its success in the last 20 years in helping elect 59 U.S. Senators, including 21 Senators now in Washington, both Democrats and Republicans, is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does not get involved in every race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. It recommends close races where funds from Council supporters can be crucial to the outcome. The Council assesses each endorsed candidate's true financial need. Because that need varies widely, Council supporters have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

Unlike other candidate assistance groups, Council supporters make contributions directly to candidates of their choice, but through the Council. This collective giving guarantees that the candidates will recognize that the donations are issue-oriented, for arms control.

We are beginning our Candidate Assistance Program for the 1982 Senate elections early for two reasons. (1) The candidates we endorse are already under attack from the moneyed organizations of the Extreme Right. (2) Our supporters may wish to make contributions to candidates in 1981 and 1982 in order to take advantage of the tax-deductibility in both years (up to $200 for a married couple, $100 per single in each year).

With this letter we endorse two stalwarts in the struggle for nuclear arms control Senator Paul Sarbanes, Democrat of Maryland, and Senator John Chafee, Republican of Rhode Island. Unlike other senators they have not wavered under the pressure of the Reagan tide. We will endorse a number of other candidates for the U.S. Senate in the coming months.

Please read the political profiles enclosed and send your checks in accordance with the suggestions on the contribution card. Please remember: early money is ten times more valuable than late money.

Jerome Grossman
Jerome Grossman
President

October, 1981

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Unless you have a preference to the contrary please make your contribution according to this alphabetical arrangement by your last name:

A-G, check payable to CITIZENS FOR SARBANES
H-O, check payable to COUNCIL FOR A LIVABLE WORLD
P-Z, check payable to REELECT SENATOR CHAFEE COMMITTEE

Please make checks payable only to the intended recipient. If you make more than one contribution, please write separate checks for each.

This solicitation is authorized by CITIZENS FOR SARBANES and REELECT SENATOR CHAFEE COMMITTEE

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

Please fold card and return in enclosed envelope.

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Act Identification Number C000

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attachment 1, 1989

Without a [SALT II] treaty, we may in fact have an arms race which will make clear to everyone once and for all, why the treaty before us is a limitations treaty. Without the treaty, we would embark upon an escalation of arms that would then enable everyone looking back to see why the provisions of the treaty before us did indeed constitute a limitation upon strategic arms. But at that point it will be too late to achieve the objective. We would have missed the opportunity which this treaty offers.

Sen. Paul Sarbanes
November 19, 1979

The above quote is quintessential Paul Sarbanes: instead of resorting to empty rhetoric in advocating the SALT II treaty, he went to the heart of the argument on the treaty's behalf. After studying the treaty for many months from his vantage point as a member of the Senate Foreign Relations Committee, he took the long view in endorsing the treaty. Unfortunately, despite Sarbanes' best efforts, the SALT II treaty went into legal limbo where it now rests.

Now, the Reagan Administration has embarked upon an unparalleled arms expansion which may well result in both the United States and the Soviet Union exceeding those modest treaty ceilings. In recent months, the new Administration has approved production of neutron weapons, has decided to build a new long-range strategic bomber, has expanded funds for anti-ballistic missile system research, has prepared the way for resumption of chemical weapons production, has authorized two new army divisions, is vastly expanding the size of the navy, and is still trying to decide how to base a new MX missile.

Paul Sarbanes is a strong influence in the Senate against the policies of substituting mindless arms buildup for responsible arms control negotiations. His intelligence, persistence, careful work, thorough questioning and leadership are absolutely necessary in the Senate and on the all-important Foreign Relations Committee. In 1982, he will be running for his second term.

Senator Sarbanes' quiet effectiveness is generally recognized, not least by the ultra-right National Conservative Political Action Committee (NCPAC), which selected him as their first target for 1982. Those same leadership qualities and his excellent arms control record have led the

On other issues of importance to the Council, Sarbanes supported the nomination of Paul Warnke as chief arms control negotiator and head of the Arms Control and Disarmament Agency, opposed neutron bomb production, voted to terminate B-1 bomber production and opposed efforts to resume production of chemical weapons. He strongly supports the continuation in force of the 1972 ABM treaty and voted against Alexander Haig's confirmation as Secretary of State.

His courage and ability may have come through most clearly during Gen. Haig's confirmation hearings earlier this year. Repeatedly during the hearings, Sarbanes refused to be deterred from the point of his sharp questioning by Haig's evasive answers. At one point, the Haig-Sarbanes exchange became a bit testy, as Sarbanes asked again and again how Haig felt about such Watergate practices as bugging National Security Council staffers:

Senator SARBANES. General, let's proceed on the premise that you were not there and had absolutely nothing to do with it. My question is : What do you think about it? What is your value judgment about that practice?

General HAIG. I think in today's environment, largely as a result of all the controversy associated with that incident, it no longer would make good sense unless you had some very firm evidence that a member of the staff was engaged either intentionally or accidentally in putting the vital interests of this Nation at risk, in which case you would then follow the procedures established, which I believe include going to a court of law to obtain from a judge a warrant to execute the tap.

Senator SARBANES. Well now, does that mean you think it was right to do these wiretaps then?

General HAIG. In a practical sense it was a very damaging thing to do.

Senator SARBANES. I understand the practicalities. I am trying to find out whether you think it was right or wrong, and under what circumstances you think it is right or wrong.

General HAIG. I think under unusual circumstances it

attachment 1, pg 30

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Senator Sarbanes' quiet effectiveness is generally recognized, not least by the ultra-right National Conservative Political Action Committee (NCPAC), which selected him as their first target for 1982. Those same leadership qualities and his excellent arms control record have led the Council to enthusiastically include Paul Sarbanes in our first pair of endorsements.

The 47-year-old Sarbanes, though a first-termer in the Senate, has already played a key role in a variety of foreign policy debates. Although only in his second year in the Senate, his skills as a parliamentarian and his legal acumen caused the Senate leadership to choose him as floor manager of the historic Panama Canal treaties in 1978. Had not the pseudo-crisis over the Soviet brigade in Cuba followed by the Soviet invasion of Afghanistan forced the tabling of the treaty, Sarbanes would have been one of the floor leaders for the SALT II treaty. He has been a key Senator in the efforts to restrict the sale of F-15s and AWACS to Saudi Arabia.

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General HAIG. I think under unusual circumstances it is a course of action that must be considered.

Senator SARBANES. In this instance, since we know those circumstances, was it right or wrong?

General HAIG. It is hard for me to answer that question since I did not make the decision. I do know this: that the very issue that Senator Biden talked about this morning, the hemorrhaging of vital national security information, clearly by people—and there were only a select few—who had access to that information, would be a contributor to that kind of decision made by the President, the Attorney General, and the Director of the Federal Bureau of Investigation.

Now, I did not contribute to that decision. I had no role in it other than to know that it was in conformance with procedures which

I was assured had been followed up to that time by every American administration and every American President since World War II.

Senator SARBANES. What I am still trying to get at is whether you think it was right or wrong. Let us concede that you had nothing—

General HAIG. It is really a question that I can't answer for you, Senator, because I just wasn't in the vortex of the pressures under which a constituted political authority had to make the decision. I think you know what I feel on the practicalities of it.

While Sarbanes is careful about getting involved in a new issue, he prepares himself thoroughly and shows a strong sense of right and wrong in asking tough questions. His deliberative nature is taken by some as a sign of thoroughness so that he is invariably well-informed on an issue and by others as reflecting too narrow a focus. Sarbanes' own words in a January 1981 *Baltimore Sun* profile indicate how he resolves this dual view:

"I believe in grabbing hold of things. You have to have a little bit of the bulldog in you and keep chewing at things and chewing at them and chewing at them. I don't think you can hop, skip and jump on issues—you know, give them a once over lightly, maybe even get a lot of publicity about them and then forget about them. . . You can make a lot of noise but the objective in the end is to work through to some solution of things, to get some resolution, get some results."

Sarbanes' public career demonstrates that he has combined political daring with his innate prudence. To be elected to the House of Representatives in 1970, he challenged long-time Democratic incumbent George Fallon, then chairman of the House Public Works Committee. In the primary he upset Fallon by a narrow margin. To win re-election in 1972, he had to overcome a Maryland redistricting plan designed to deprive him of his seat by placing him in a district with another senior Democrat, a 12 term Democrat who decided unexpectedly to retire rather than face Sarbanes in a primary. In the House, he was deeply involved in a number of major issues, including the impeachment of Richard Nixon, reform of House rules and the Turkish arms embargo.

In the 1976 senatorial election, Sarbanes had to run against formidable opponents: former Senator Joseph Tydings (1965-1971) in a Democratic primary and the Republican incumbent Senator J. Glenn Beall, Jr. Sarbanes' daring and hard work were rewarded by smashing victories in both races.

In this early stage of the 1982 contest, Sarbanes would normally be considered in good political shape. He is undefeated in Maryland elections and is running in a state that usually votes Democratic. Maryland voted for Jimmy Carter in 1980 against the Reagan landslide. Polling shows that while his name recognition in the state is not as high as it might be, there are few Marylanders who dislike Sarbanes. Things are [illegible]

and has since begun a second round of media attacks. The Committee has announced its intention to spend up to $450,000 against Sarbanes in the type of negative campaign which has marked its attacks elsewhere.

The Republican Senate Campaign Committee has also committed $235,000 for the Maryland race. The most likely beneficiary of this massive infusion of Republican and New Right money is Rep. Marjorie Holt, a five term ultra-conservative Republican from Anne Arundel County who has made her mark as a hardline member of the House Armed Services Committee. An early—although disputed—NCPAC poll showed Sarbanes only narrowly ahead of Holt by a margin of 43.7% to 37.5%; 18.8% were undecided.

As a member of the Armed Services Committee, Holt has voted with the Pentagon on virtually every one of their pet projects, from neutron weapons to the B-1 bomber, preparations for renewed production of chemical weapons, resurrection of the old World War II battleships and the MX. She was a virulent opponent of the SALT II treaty. In 1980, Holt was the prime sponsor of the House Republican amendment to the federal budget to raise military spending by $5.8 billion by cutting human needs programs. Her record since her first election to the House in 1972 has earned her low voting marks from labor, consumer and environmental groups.

Holt's consistent perference for engaging in a new arms race rather than responsibly negotiating controls on strategic arms came through most clearly in a report she and three other members of the Armed Services Committee prepared on the SALT II treaty in December 1978:

"While there is a *desire* for arms control and disarmament, there is a *requirement* for U.S. strategic systems. Thus, the dominant role of arms control decision making over those decisions affecting U.S. strategy must be reversed."

It is not totally certain that Holt will give up her safe House seat for the Senate race; she has postponed any announcement until January. Other potential Republican candidates are Prince Georges County Executive Lawrence Hogan, a former Congressman who unsuccessfully ran in one statewide race for Governor, and Anne Arundel County Executive Robert Pascal. Both could be formidable candidates. While Maryland has a Democratic history, it has elected a number of Republican statewide candidates, including both Beall and his father to Senate seats, Spiro Agnew as Governor, and the present Republican incumbent Senator Charles Mathias (Mathias was endorsed by the Council in 1980).

One positive benefit of the early NCPAC media effort has been to stimulate Sarbanes into early campaigning. He has launched vigorous organizing drives and fundraising far earlier than planned. His preliminary campaign budget calls for spending between $1 million and $1.5 million. Recent political history indicates that no [illegible]

Attachment 1, pg 32

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However, 14 months before the election, it is clear that few Democratic incumbents are safe. The same forces that defeated incumbents John Culver, George McGovern, Frank Church, Birch Bayh and others in 1980 will focus on this Senate contest. In fact, in April 1981 NCPAC launched its first 1982 election effort with a massive anti-Sarbanes television, radio and newspaper blitz

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One positive benefit of the early NCPAC media effort has been to stimulate Sarbanes into early campaigning. He has launched vigorous organizing drives and fundraising far earlier than planned. His preliminary campaign budget calls for spending between $1 million and $1.5 million. Recent political history indicates that no incumbent with a progressive record like Paul Sarbanes' can afford to relax in the face of a certain challenge from strong and well-financed interests.

If you wish to contribute to the re-election effort of one of the Senate's most effective arms control champions, please make your check payable to CITIZENS FOR SARBANES and mail to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, Mass. 02108

JOHN CHAFEE

Republican—Rhode Island
Endorsed by the Council for a Livable World

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has declared that a decision on a new missile system should not "be done in a fashion that stimulates the arms race, destroys a whole region's environment and overburdens our economy." Chafee joined action to rhetoric earlier this year when he co-sponsored with Sen. Carl Levin (D-Mich.) an amendment to require Congressional approval of whatever MX mode the Reagan Administration eventually selects. The May 13 vote on this Levin MX amendment drew a new high of 39 Senators expressing their doubts about the MX.

As befits a former Secretary of the Navy (1969-1972), Chafee has taken a particular interest in the "new navy." Sometimes that new navy seems more like an ancient navy, particularly with their attempt to resurrect the old World War II battleship New Jersey. Last year and again this year, Chafee went to the Senate floor along with Sen. Dale Bumpers (D-Ark.) to challenge the battleship, carefully marshalling facts and figures and a little humor to keep the New Jersey where it belongs—in mothballs.

After Sen. John Warner (R-Va.) read a letter from a former Secretary of the Navy praising the New Jersey's brief role in the Vietnam war when the ship was first brought out of mothballs, Chafee rose and quietly asked who signed that letter.

Warner replied: "I wish to say it was signed by John W. Warner, Acting Secretary of the Navy in the absence of the Secretary, Mr. Chafee, who was out of town [laughter]."

Replied Chafee: "If I ever heard of a self-serving document, that is it. He signed it when I was out of town because I would never have signed it [laughter]."

On other issues of importance to the Council, Chafee voted against funding for renewed production of binary chemical weapons in both 1980 and 1981, voted against production of the B-1 bomber in 1977 and 1978, supported Paul Warnke's nomination as chief SALT negotiator and head of the Arms Control and Disarmament Agency in 1977, voted against neutron bomb production in 1977, opposed the Clinch River breeder reactor and supported the Panama Canal treaties.

Chafee has a moderately progressive record on domestic issues. He is an active member of the Environmental Study Conference and has joined

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efforts to protect clean air standards and to stop the huge Tennessee-Tombigbee water project. He has voted against amendments to cut off funds for abortion and last year participated in a bi-partisan effort to salvage the fair housing bill. While he supported President Reagan's tax and budget package, he offered an amendment to add about a billion dollars to the budget for several hard-pressed social programs.

John Chafee was born in Providence, Rhode Island in 1922. He graduated from Yale University and Harvard Law School. After six years in the Rhode Island House of Representatives, he ran for governor in 1962 and triumphed by a mere 398 votes. However, he was easily re-elected in 1964 and 1966. After his stint as Secretary of the Navy in the Nixon Administration, he left in 1972 to make his first try for the Senate, only to lose to incumbent Democratic Senator Claiborne Pell. Four years later, Chafee launched a successful comeback to become the first Republican United States Senator from Rhode Island in 46 years.

John Chafee's stands on issues have made him one of three moderate Republicans already targeted by right wing and anti-abortion groups for 1982. In actual point of fact, Chafee is in a good political position at this time. He is a popular and respected figure in Rhode Island. He has been one of the few Republicans able to win in one of the strongest Democratic states in the country.

At this early date, there are three potential roadblocks to Chafee's re-election in 1982:

1. Popular Democratic Governor Joseph Garrahy is contemplating a Senate challenge, which would set up a close contest between two state political heavyweights. Right now Garrahy is leaning against this race, but has made no final decision.

2. The National Conservative Political Action Committee and the National Pro-Life Political Action Committee are actively searching for an anti-abortion Republican primary opponent for Chafee. Moderate Republicans Jacob Javits (N.Y.) in 1980 and Clifford Case (N.J.) in 1978 were defeated in primary upsets, and former Republican Sen. Edward Brooke (Mass.) narrowly avoided a similar fate in 1978. A Rhode Island Republican primary could prove unpredictable with a small voter turnout of perhaps 15,000-18,000 in a state where only 6% of the people identify themselves as Republicans. If nothing else, the primary could prove very expensive; the right wing groups have talked of throwing $400,000 into an anti-Chafee campaign.

3. Despite Chafee's past victories as Governor and Senator, the state is strongly Democratic and was one of the few carried by Jimmy Carter in 1980.

If Gov. Garrahy chooses not to run, former state attorney general Julius Michaelson is the most likely opponent. Other possible Democratic candidates include current state attorney general Dennis Roberts and Mayor Joseph Walsh of Warwick. Chafee has already collected close to $400,000 of a planned $1.2 million budget and is using respected Republican Bob Teeter to do his polling.

John Chafee can play an important role with the Reagan Republican Party to organize pressure for the resumption of nuclear arms control negotiations. His voice and his vote are needed for a second term. If you wish to contribute to the Chafee campaign, please make your check payable to REELECT SENATOR CHAFEE COMMITTEE and mail to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, Mass. 02108

Combat the menace of nuclear war

Council for a Livable World

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Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

36

February 1982

Dear Supporter of Nuclear Arms Control:

Not enough mail and messages are being sent to U.S. senators and representatives by those who are dedicated to ending the nuclear arms race. One of the reasons for this condition is that legislative information arrives too late for effective grass roots action.

To remedy this situation the Council for a Livable World has set up a special

NUCLEAR ARMS CONTROL HOTLINE
(202) 543-0006

A two minute message, recorded by our Legislative Director, John Isaacs, will alert you to upcoming votes, issues, committee hearings, etc. in Congress and describe the pressure points for timely grass roots lobbying. Please use this service and tell your friends about it. When we can afford it we will make the hotline an (800) no charge number. No other arms control organization has such a hotline.

We enclose profiles of Millicent Fenwick, Republican of New Jersey, and Senator George Mitchell, Democrat of Maine. The Council for a Livable World has endorsed them because of their proven reliability on nuclear arms control. The endorsement of Representative Fenwick is for the Republican primary because our March letter will endorse former Representative Andrew Maguire for the Democratic primary. We hope they both win. Please note that the New Jersey primaries are in June so you should take immediate action if you wish to affect the outcomes.

We hope that you will make out your checks in accordance with the suggestions on the contribution card. When you give to candidates for the United States Senate through the Council for a Livable World, your check is transmitted to the candidates with literally thousands of others. It is the best possible demonstration of a strong constituency for nuclear arms control.

Sincerely,

Jerome Grossman

Jerome Grossman
President

P.S. Please turn to the reverse side of this letter for a detailed description of the unique and effective methods of the Council for a Livable World.

Founded in 1962 by Leo Szilard

attachment 1.09 36

THE COUNCIL FOR A LIVA E WORLD

a Livable World was founded in 1962 by the eminent
t Dr. Leo Szilard to combat the menace of nuclear
en national security through rational arms control.

tinues to pursue its objectives by blending the re-
knowledgeable scientists with the skills of practical
y concentrating its efforts on the U.S. Senate which
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nt decisions about nuclear arms control and strategic

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rom the initial hearing to final markup, produces expert
crucial hearings and keeps accurate head-counts before
control votes are taken.

1980, the Council for a Livable World Education Fund was
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cil has brought all these years to the U.S. Congress.

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check payable to MITCHELL FOR SEN-
E COMMITTEE

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licitation is authorized and paid for by FENWICK FOR
COMMITTEE and authorized by MITCHELL FOR SEN-
MMITTEE.

of our report is filed with the Federal Election Commission
vailable for purchase from the Federal Election Commis-
shington, D.C.

Please fold card and return in enclosed envelope.

I enclose my contribution of $25___, $50___, $100___, $250___, Other___

PLEASE CORRECT YOUR MAILING ADDRESS, IF NECESSARY.

Name _____

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City _____ State _____

Occupation _____ Place of Business _____

(07) 817

Federal Election Campaign
Act Identification Number C00029165

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

38

GEORGE MITCHELL

Democrat's Maine Endorsed by Council for a Livable World

On key 1981 Senate votes on military budget/arms control issues, Senator George Mitchell of Maine had a perfect record:

Right on single battleship reactivation, April 7, 1981
Right on two battleships reactivation, May 20, 1981
Right on budget priorities, May 12, 1981
Right on MX, May 13, 1981
Right on MX, December 3, 1981
Right on Chemical Weapons, May 21, 1981
Right on India and Pakistan Nuclear Explosion, October 21, 1981
Right on Clinch River breeder reactor, November 5, 1981
Right on nuclear weapons spending, November 5, 1981
Right on SALT limits, December 3, 1981
Right on B-1 bomber, December 3, 1981

Only six other U.S. Senators voted in accordance with the Council arms control position on all eleven issues.

Senator Mitchell has done more than vote correctly. He has repeatedly spoken on the floor of the Senate and elsewhere urging nuclear arms control:

> ... In my judgment the most important problem we confront as a nation [is] the need to prevent nuclear war. ... [We must reach] fair, balanced, verifiable agreements with the Soviet Union to first restrain the increase in the quality and quantity of nuclear weapons and then, hopefully, to bring about a realistic reduction of such weapons. ... Nuclear war is and must remain unthinkable ... the full deployment by both sides of a first-strike capability represents movement away from deterrence and toward the goal of nuclear victory. Not only is that goal illusory, each step toward it is fraught with incalculable danger for our world. It represents a quantum leap in the nature of the nuclear arms arsenal, not merely an upgrading of existing weapons. It intensifies the conflict between ourselves and the Soviets, and it returns us to the hairtrigger world of the cold war period at its worst. It gives other nations on the brink of nuclear weapons capability no reason for self-control. ... (U.S. Senate, July 31, 1981)

Senator Mitchell's campaign literature reflects his intense concern about nuclear matters. In his most recent newsletter to the people of Maine, the lead article is about the nuclear weapons crisis and the second concerns nuclear waste.

Mitchell is a strong supporter of the SALT process and has urged the Administration to adhere to the provisions of the SALT II agreement.

He has been a staunch advocate of human rights and opposed the sale to Saudi Arabia not only of the AWACS but also of equipment for F-15 fighter aircraft and the Sidewinder missile.

Senator Mitchell's domestic priorities include protection of the environment with specific reference to acid rain and the Clean Air Act, and the maintenance of a sound Social Security system.

George Mitchell is a native of Maine. Born in 1933 into a blue collar family, he attended Waterville schools, was graduated from Bowdoin College and received his law degree from Georgetown. He served as a trial attorney in the Department of Justice, Executive Assistant to Senator Edmund S. Muskie, private practice lawyer, and U.S. Attorney for Maine. From 1979-1980 he was U.S. District Judge of Maine. Mitchell's previous experience was a run for Governor, a contest which he lost to an independent in a major upset. Mitchell is married and the father of a daughter.

For most of its history, Maine was one of the most Republican states. The 38th largest state, its population is a sparse 1,124,660. Dominated by small towns and rural areas, it has only two Representatives in Congress, both Republican, a Republican U.S. Senator and a Democratic Governor. The Democratic Governor appointed George Mitchell to the Senate in May 1980, to fill the vacancy caused by the resignation of Edmund Muskie to become Jimmy Carter's Secretary of State. In the Presidential election of 1980, the percentages in Maine were Reagan 46, Carter 42, Anderson 10; in 1976, Ford 49, Carter 48.

Mitchell has been closely associated with Muskie for many years. In fact, Mitchell's record in the Senate is in line with Muskie's. They share a strong commitment to nuclear arms control and the SALT process. That is why Senator Mitchell has been targeted by the radical right National Conservative Political Action Committee (NCPAC). Primary contests for the U.S. Senate nominations are not expected in either the Democratic or Republican parties.

Because Mitchell was appointed to his seat and has not run statewide since 1974, he began his campaign

Founded in 1962 by Leo Szilard

Attachment 1.29 39

far behind the dec[illegible]ed Republican opponent. In March, 1981 polls sho[illegible]d Mitchell 36 points behind. In May this was cut to 21, in September to 8. Current polls show a gap of 6 with a possible error rate of plus or minus 4%. The contest is a horserace and is sure to be close.

Mitchell closed the gap by very hard campaigning every weekend and by spending $250,000 to raise his recognition in the state. Despite early talk of primary opposition, Mitchell will come down the homestretch with a united party behind him.

The Mitchell campaign has budgeted $625,000 and will find that amount difficult to raise in the state. The Republican opponent, David Emery, will probably spend over a million dollars. Emery comes armed with the full arsenal of the Republican White House, Reagan-controlled federal government and the prospect of megabucks from conservative groups around the country.

David Emery is one of Maine's two U.S. Representatives, from the southern first district. He is only 34 years old and has been in Congress since he was 26. Although he is not a far out right winger, he has voted for the B-1 bomber, for the neutron bomb and against amendments for budget priorities, all of which are [illegible]nter to the CLW position. While he opposed [illegible]rter MX deployment plan, he strongly supports Reagan Administration's revised interim basing p[illegible]posal. Emery opposes ratification of the SALT II tr[illegible] but urges the Reagan Administration to comply wi[illegible] provisions. He favors linking strategic arms talks [illegible] the Soviet Union to Soviet behavior. He suppo[illegible] nation-wide civil defense program and the produ[illegible] of chemical weapons. Emery has urged the Pent[illegible] to consider building a new version of the anti-bal[illegible] missile system (ABM).

The Mitchell seat is one which those who sup[illegible] nuclear arms control cannot afford to lose. Ge[illegible] Mitchell is a reliable voice for nuclear sanity i[illegible] United States Senate. His campaign is an auth[illegible] case of financial need: it is up to those who agre[illegible] him to return him to the U.S. Senate.

If you wish to contribute to the Mitchell camp[illegible] please make your check payable to MITCHELL [illegible] SENATE COMMITTEE and mail to:

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

Attachment 1, pg 40

MILLICENT FENWICK

Republican—New Jersey
Endorsed by the Council for a Livable World

In New Jersey this year, supporters of nuclear arms control will discover a very unusual political situation as well as an extraordinary Republican Senate candidate poised to make a dramatic mark on the national political scene.

The New Jersey political situation is complicated by an incumbent Senator who has been destroyed politically after having been convicted of Abscam bribery charges. There are likely to be two multi-candidate primaries and more than one candidate of interest to the Council for a Livable World.

In Millicent Fenwick, we have a candidate who combines a vibrant personality with a capacity for national leadership on the nuclear arms control issue. From a base in the U.S. Senate, she could do much to restore this country to a sane defense posture.

The 72-year old Fenwick, a former Harper's Bazaar model and for 14 years an editor at Vogue, began her political career at the age of 59 when most other politicians begin to contemplate retirement. She served for three years in the New Jersey General Assembly and a year as New Jersey Director of Consumer Affairs before being elected to the U.S. House of Representatives in 1974—after first winning a close Republican primary by 83 votes.

The new Congresswoman instantly made her mark on the House with diligent work, a sharp sense of humor, an independent spirit and an elegant appearance. She quickly picked up labels such as the "conscience of Congress" and the "pipesmoking grandmother," and began receiving national attention for her strong stands on issues. She has been immortalized in the widely published Doonesbury comic strip as the character Lacey Davenport.

During her four House terms, she has strongly supported a sensible national security policy. She has been a leading spokeswoman against unnecessary new weapons programs, excessive arms sales to volatile regions of the world and the proliferation of nuclear weapons to non-nuclear states. At the same time, she has supported increases in military readiness, operations and maintenance and pay for servicemen.

Rep. Fenwick has a record of steadfast opposition to the Pentagon's most notorious, expensive and unneeded projects: the B-1 bomber, the MX mobile missile and the nuclear aircraft carrier. Last year, for example, she voted for amendments to delete almost $2 billion for the deployment of the MX missile and to eliminate $1.8 billion for the B-1 bomber. She also supported reductions in the Pentagon's procurement and research and development accounts—the two areas of military spending that have skyrocketed most dramatically in the last few years. While supporting necessary defense appropriations, she told her House colleagues: "The Department of Defense cannot escape the serious examination to which the budgets of the other Federal agencies have been subjected."

Fenwick has repeatedly spoken out against Pentagon plans to construct facilities to produce poison nerve gas. During a June 1981 House debate on chemical weapons, she said:

> "It is indeed not worthy of our Nation that we should even contemplate spending such huge sums of money to endanger people's lives in this particular way. ... I think the strongest thing we could do would be to say to the world here today, this House is not prepared for this kind of frightfulness in warfare."

She has been an outspoken advocate of continuing negotiations with the Soviet Union to reduce the tremendous nuclear arsenals of both countries ("I believe negotiations are in *our* interest and should not be interrupted"). She has worked to prod the Reagan Administration to move in that direction. She was a strong supporter of the SALT II Treaty, favors a verifiable and negotiated end to all nuclear weapons tests and opposes any attempt to abrogate the 1972 anti-ballistic missile treaty.

Rep. Fenwick has also been a vigorous advocate of strengthened international safeguards and sanctions to prevent the spread of nuclear weapons. She has sponsored and co-sponsored several such resolutions, including one in July 1981 to encourage the Reagan Administration to develop and implement a strong U.S. nuclear non-proliferation strategy. She has also been a strong advocate of human rights around the world and opposed the sale of AWACS to Saudi Arabia. She is a fiscal conservative and a moderate on social issues.

Millicent Fenwick has the capacity and the personality to become one of the nation's foremost advocates of nuclear arms control if she is elected to the Senate. First, however, she faces a difficult June 8 Republican primary and then the November general election.

At this point in the race, she is rated a slight favorite

over all other candidates. She has the image and the moderate positions that can do well in a swing state like New Jersey. Political consultant John Deardourff, who is working for Fenwick, has called her "the most electable candidate with whom we have worked in 15 years." He went on to say: "She's a unique human being, and there's very little anyone has to do to make that obvious. There is some quality about her."

She would be a strong candidate in the November general election because of her proven ability to attract Democratic and Independent support. One recent private poll showed Fenwick could attract a 25% Democratic crossover vote, compared to 8% for her nearest Republican competitor.

However, she may have more difficulty in the Republican primary. Rep. Fenwick faces two probable opponents in the June 8 primary. Both are extremely conservative and both will be heavily financed.

One opponent, 39-year old new Right candidate Jeffrey Bell, has already announced his candidacy. Bell, who wrote speeches for Reagan in 1976, ran for the Senate in 1978. He defeated popular, moderate Republican Sen. Clifford Case in a major upset, only to lose in the general election to Democrat Bill Bradley. Bell claims to have raised close to $1 million already for this contest, mostly through right-wing direct mail specialists like Richard Viguerie.

Bell has already attacked Mrs. Fenwick's record as "anti-defense," and has sharply criticized her votes against the B-1 bomber. He advocates large budget increases for the Pentagon and a return to the gold standard. Bell is also a spokesperson against abortion.

The second major Republican challenger is likely to be U.S. Representative James Courter, a member of the House Armed Services Committee. He is a down-the-line supporter of Pentagon projects such as the B-1 bomber, the MX missile and chemical weapons. Courter, like Bell, is likely to hit Fenwick on her defense record and her abortion stand.

Among the Democrats, the situation remains in flux. Former Rep. Andrew Maguire, who had a superb arms control record during his six years in the House, is now the leading Democratic candidate after the recent withdrawal of Essex County Executive Peter Shapiro. The major unknown at this point is the potential candidacy of U.S. Rep. James Florio, who three months ago lost the narrowest contest for Governor in New Jersey's history to Thomas Kean. With high name recognition and an organization in place, he could be a formidable candidate.

The major wild card is the position of incumbent Sen. Harrison Williams, a staunch advocate of nuclear arms control and a Senator with a distinguished record. His career has apparently been destroyed by Abscam. The Senate has set a March date for a possible expulsion vote on Williams, after an earlier unanimous Senate Ethics Committee recommendation for expulsion. If the Senate so votes, Gov. Kean may appoint one of the Republican Senate candidates to finish the term. This would give an early boost to some Republican.

If Millicent Fenwick wins the primary and general election, arms control will have a new leader on the national scene and the Senate will be graced by a dynamic and eloquent leader. If you wish to add this remarkable woman to the Senate, please make your check payable to FENWICK FOR SENATE and mail to:

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

Dear Supporter of Nuclear Arms Control:

With this new letter, the Council for a Livable World endorses Rodger McDaniel, Democrat of Wyoming, for the U.S. Senate. As you will note in the enclosed profile, he has a good chance to defeat a confirmed hawk, Senator Malcolm Wallop.

For the second time we are recommending financial support for Millicent Fenwick, Republican of New Jersey. She is engaged in a difficult Republican primary for U.S. Senate against hawk Jeffrey Bell. The New Jersey primary is fast approaching on June 8 and money is needed for the final push.

We hope you will take immediate action in accordance with the suggestions on the enclosed contribution card. Please note: we are asking you NOT to send checks to the Council for a Livable World because of the importance of these two contests.

In addition to our unique political activities in support of nuclear arms control advocates who are candidates for U.S. Senate, the Council has played a major role in the upsurge of activity for arms control:

-- One of the first to promote the nuclear weapons freeze

-- An important catalyst in the filing of the Kennedy-Hatfield Resolution

-- Co-organizer of the November 11 Campus Convocations with Union of Concerned Scientists

-- Co-organizer with Physicians for Social Responsibility of Symposia on the Medical Consequences of Nuclear Weapons and Nuclear War

-- Leader of the coalition against the production of nerve gas

-- Organizer of the post card drive which has delivered to senators over 55,000 messages opposing the MX and the B1

-- Inaugurator of the Nuclear Arms Control Hotline (202) 543-0006 now being used by the entire movement

-- Supplier of hundreds of speakers and tons of literature to nuclear arms control meetings

-- Organizer of seminars for senators on Capitol Hill. George Kennan led the most recent discussion.

And lots more.

Sincerely,

Jerome Grossman

Jerome Grossman
President

Founded in 1962 by Leo Szilard

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Attachment 1.0042

THE COUNCIL FOR A LIVABLE WORLD

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

The Council is one of the largest political action committees in the country. Its success in the last 20 years in helping elect 59 U.S. Senators, including 21 Senators now in Washington, both Democrats and Republicans, is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does <u>not</u> get involved in <u>every</u> race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. It recommends close races where funds from Council supporters can be crucial to the outcome. The Council assesses each endorsed candidate's true financial need. Because that need varies widely, Council supporters have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

Unlike other candidate assistance groups, Council supporters make contributions directly to candidates of their choice, but through the Council. <u>This collective giving guarantees that the candidates will recognize that the donations are issue-oriented, for nuclear arms control</u>.

In addition, the Council's Washington Program provides Senators with sophisticated technical and scientific information that allows them to make intelligent decisions about nuclear arms control and strategic weapons.

The Council also helps initiate legislation, monitors appropriate committees--from the initial hearing to final markup, produces expert witnesses for crucial hearings and keeps accurate head-counts before crucial arms control votes are taken.

In January of 1980, the Council for a Livable World Education Fund was founded to bring to the American public the same message and expertise that the Council has brought all these years to the U.S. Congress.

Contributions to Council for a Livable World Education Fund are tax-deductible under section 501 (C)(3) of the Internal Revenue Code.

...is alphabetical arrangement by your last name:

A-K, check payable to McDANIEL SENATE CAMPAIGN
L-Z, check payable to FENWICK FOR SENATE

Please make checks payable only to the intended recipient. If you make more than one contribution, please write separate checks for each.

This solicitation is authorized and paid for by FENWICK FOR SENATE COMMITTEE and authorized by McDANIEL SENATE COMMITTEE.

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

Please fold card and return in enclosed envelope

PLEASE CORRECT YOUR MAILING ADDRESS, IF NECESSARY

Name _____

Address _____

City _____ State _____

Occupation _____ Place of Business _____

(07) 820

Federal Election C
Act Identification Number C

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

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Attachment 1, pg 44

RODGER McDANIEL

Democrat - Wyoming
Endorsed by Council for a Livable World

c in 1976, incumbent Sena-
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He contributed the only light
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ue but quickly changed his

n in his support for the MX
nd orbital laser weapons. In
ministration, Senator Wallop
the buildup of military arms
n his own words, he will "ask
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hout it"
"El Salvador is a mean and
America needs to be there."
Tribune, April 8, 1982).
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ber, April 7, 1982).

Here is Rodger McDaniel's philosophy on nuclear arms control and limitation in his own words:

I am appalled by the Administration's cavalier approach to the nuclear problem. To suggest that nuclear war is winnable or even survivable or that we can or should set nuclear superiority as a national goal dangerously ignores the realities of nuclear politics. It is simply not logical to expect the Soviet Union to sit idly by while we launch the arms build-up proposed by this Administration. If we are serious about entering into meaningful arms limitations negotiations we should do so now.

I support the concept of a freeze in the testing, production and deployment of nuclear weapons as an important first step to reducing the dangers and the prospects of nuclear war. I am convinced the super powers have reached a crucial crossroads in their relationship vis-a-vis nuclear weapons. If the United States proceeds, as the Reagan Administration proposes, with a $1.6 trillion defense build-up adding in excess of 10,000 new warheads to our nuclear arsenal, this generation may well have missed any meaningful opportunity for negotiations to limit nuclear arms.

I believe a negotiated, verifiable freeze is not an end in itself, but only the first step toward reaching solutions to the other complex problems posed by nuclear armaments. With a freeze in place, we can move down the road toward understandings and agreements to prevent both nuclear war and any further proliferation of nuclear capabilities.

This issue is too important to sidestep in this campaign. Mankind is passing by what may be its last "window of opportunity" to assure the world that the doomsday clock will not toll midnight.

From the outset, McDaniel opposed the sale of AWACS surveillance planes to Saudi Arabia. In a speech before a statewide convention of the AFL-CIO in September, 1981, McDaniel called for defeat of the sale, concluding that "We in this country can no longer continue to arm to the teeth these countries in the Middle East and then sit back and pray for peace." (*Casper Star Tribune*, September 13, 1981).

Rodger McDaniel is a soft-spoken westerner in his

middle thirties who meets people easily and inspires confidence. He has lived in Wyoming for thirty years. McDaniel served 10 years in the State Legislature, six years as Laramie County Representative and four years as State Senator. He was the second youngest person ever elected to the Wyoming Legislature. In the 1975 legislative session, McDaniel served as House Assistant Minority Leader. The national Assembly of Governmental Employees named him one of ten outstanding legislators in the United States in 1976. The former state Senator served as Wyoming administrative assistant to Congressman Teno Roncalio, 1970-1978. He graduated from the University of Wyoming School of Law in 1978 and is a practicing attorney. McDaniel is married with two children.

Wyoming is a state where as few as 90,000 votes can win a seat in the U.S. Senate. In fact, Malcolm Wallop won his seat in the 1976 general election with only 84,810 votes, defeating incumbent Democrat Gale McGee in an upset. In 1976, challenger Wallop charged incumbent McGee with losing touch with the people of Wyoming, ridiculed his senatorial seniority and repeatedly challenged McGee to debate.

Ironically, many of the charges Wallop leveled so effectively at McGee can now be used against him. He has grown distant and unresponsive, even refusing upon occasion to meet with constituent groups. So far he has refused invitations to debate McDaniel or even speak on the same platform. And he is campaigning on his seniority.

Despite the fact that both U.S. Senators from Wyoming are Republican, Democrats can and do win in the state. The popular Governor Ed Herschler is a Democrat and has been in office since 1974. McDaniel has no opposition in the Democratic primary and a united party will support him.

Over the first, critical months of the campaign, McDaniel has received substantial support from a number of important constituencies in the state. In September, 1981, the State AFL-CIO endorsed McDaniel at its annual convention. This was the earliest endorsement that the 24,000 member confederation of labor unions has made in its history. This spring, McDaniel was endorsed by PACE (Political Action Committee for Education) of the 5700-member Wyoming Education Association and by the Executive boards of the National Organization for Women and the Business and Professional Women. Other endorsements are anticipated.

While Wallop is a clear favorite at this time, private polls indicate that he is vulnerable. Wallop's support is soft and shallow and will erode in the process of a vigorous campaign. Like almost every challenger, McDaniel's problem is name recognition, a problem easily overcome in a small electorate. It is the opinion of the Council for a Livable World that McDaniel can win, if he can raise the necessary funds.

Senator Wallop has said that he expects to spend in excess of $750,000 on his campaign. He has already raised $400,000, mostly from financial and energy interests. He can also expect to receive many thousands of dollars from the Republican National Committee.

Though McDaniel cannot match Senator Wallop dollar for dollar, he is waging an aggressive grassroots campaign, emphasizing personal contact with the voters and small contributions. At this point, he has raised more money than any challenger in Wyoming history. More than 750 Wyoming families have contributed in excess of $75,000—a record in a state where, as of August 24, 1981, there were only 71,212 registered Democrats. While McDaniel cannot hope to equal Wallop's fund raising, he must raise $400,000 to $500,000 more to run a viable campaign.

In every way, the election in Wyoming is a classic situation for Council supporters: major differences on nuclear arms control between the candidates; a small state; a relatively small campaign budget; a winnable contest.

If you wish to help to retire Malcolm Wallop from the U.S. Senate please make your check payable to McDANIEL SENATE CAMPAIGN and mail to:

Council for a Livable World
11 Beacon Street
Boston, Massachusetts 02108

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attachment 1, p 46

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Acting Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
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STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

Dear Supporter of Nuclear Arms Control:

You now have a rare opportunity to defeat two leading members of the New Right, Senator Orrin Hatch of Utah and Senator William Roth of Delaware.

The challengers, supported by the Council for a Livable World, are Ted Wilson and David Levinson. They are committed to nuclear arms control.

And they can win. The enclosed profiles will tell you why and how.

Earlier Council letters endorsed Millicent Fenwick (R) of New Jersey, John Chafee (R) of Rhode Island, Jim Sasser (D) of Tennessee, Rodger McDaniel (D) of Wyoming, George Mitchell (D) of Maine, Tony Moffet (D) of Connecticut, Paul Sarbanes (D) of Maryland, Donald Riegle (D) of Michigan, Howard Metzenbaum (D) of Ohio, and Andy Maguire (D) of New Jersey. The Council is non-partisan in its activities for the prevention of nuclear war.

We hope that you will make out your checks in accordance with the suggestions on the contribution card. When you give to candidates for the United States Senate through the Council for a Livable World, your check is transmitted to the candidates with literally thousands of others. It is the best profile demonstration of a strong constituency for nuclear arms control.

The Council for a Livable World concentrates its political efforts on the U.S. Senate because that body has unique advice and consent powers in foreign affairs.

The enclosed questionnaire should be given to every candidate for the U.S. Senate and House of Representatives. Please use it to obtain commitments on arms control issues. We must insist that all candidates take a stand on the most important issue of our time--the prevention of nuclear war. Extra copies of this questionnaire are available at no charge.

Reminder: The NUCLEAR ARMS CONTROL HOTLINE is (202) 543-0006. Call it day or night to obtain the latest information on upcoming votes, issues, committee hearings, etc., in Congress and what you can do about it. The hotline was installed by the Council for a Livable World as a service to the entire nuclear arms control community.

Sincerely,

Jerome Grossman

Jerome Grossman
President

P.S. Please turn to the reverse side of this letter for a detailed description of the unique and effective methods of the Council for a Livable World.

Founded in 1962 by Leo Szilard

Attachment 1, p47

THE COUNCIL FOR A LIVABLE WORLD

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

The Council is one of the largest political action committees in the country. Its success in the last 20 years in helping elect 59 U.S. Senators, including 21 Senators now in Washington, both Democrats and Republicans, is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does <u>not</u> get involved in <u>every</u> race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. It recommends those races where funds from Council supporters can be crucial to the outcome. The Council assesses each endorsed candidate's true financial need. Because that need varies widely, Council supporters have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

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The Council also helps initiate legislation, monitors appropriate committees--from the initial hearing to final markup, produces expert witnesses for crucial hearings and keeps accurate head-counts before crucial arms control votes are taken.

In January of 1980, the Council for a Livable World Education Fund was founded to bring to the American public the same message and expertise that the Council has brought all these years to the U.S. Congress.

Contributions to Council for a Livable World Education Fund are tax-deductible under section 501 (C)(3) of the Internal Revenue Code.

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attachment 1, p948

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Attachment 1, p49

DAVID LEVINSON

Democrat = Delaware
Endorsed by the Council for a Livable World

In Delaware this year there is a classic confrontation between David Levinson, the Democratic challenger, and William Roth, the Republican two-term incumbent. While there are sharp differences between the two candidates on key arms control issues, the contest will more likely be viewed as the nation's clearest test of the Reagan Administration's economic policies.

If Sen. William Roth of Kemp-Roth "vodoo economics" fame is defeated, it will be a sharp and highly visible setback to the Reagan Administration economic policies at the mid-point of its term in office.

Delaware is also a good opportunity for the Council for a Livable World. There is a contrast between the two candidates on nuclear arms control issues. It is a small state and campaign budgets are relatively small. A high profile incumbent with strong support from conservatives is being challenged by a lesser known candidate who has a united Democratic Party behind him and a good chance for an upset victory.

William Roth's record on important arms control issues has been spotty at best. He has voted against some egregious military programs that are a total waste of money—primarily as an outgrowth of his ultra-conservative economic policy. But when it comes to key nuclear arms control issues, his vote cannot be counted upon.

Just last month, for example, when the Senate debated President Reagan's inflated military budget proposals, Republican Senator Nancy Kassebaum (Kansas) offered a proposal to cut the huge military increase from last year's level by a modest $1.3 billion. Roth voted against even that small reduction, joining the majority in the fairly close 53-44 defeat for the Kassebaum amendment.

In 1981, Roth's record was typically uneven. For example, there were two key votes on the MX missile program that year, one in May and the other in December. Roth voted on different sides of the issue on the two votes.

Last year there were several votes to eliminate funds for the antiquated World War II battleships that the Reagan Administration is trying to resurrect. Again, Sen. Roth voted both for the battleships and against.

On chemical weapons, too, Senator Roth has been on both sides of the issue. In 1982 and 1981, he voted against chemical weapons on key votes, but in the vital 1980 votes he supported the new weapons.

Finally, where in 1977 Roth voted against the B-1 bomber, in 1981 he voted for it.

Roth's erratic "all-things-to-all-people" positions on arms control issues can be seen on other important issues in the Senate. In the battle for crucial SALT II ratification votes before the Treaty was withdrawn from Senate consideration, Treaty proponents hoped that Sen. Roth would be a key conservative convert to the ratification effort. In the end, however, he would not commit himself to the Treaty. In 1977, Roth joined with Sen. Henry Jackson (D-Wash.) to vote against Paul Warnke's nomination as chief SALT negotiator while voting for Warnke as head of the Arms Control and Disarmament Agency.

In short, while Sen. William Roth cannot be labeled an unreconstructed hawk, he clearly is not a consistent supporter of nuclear arms control. He has supported most nuclear weapons projects even while voting to starve conventional forces. Typical of his approach to issues is Roth's refusal to support the nuclear freeze proposal; rather he has sought refuge from freeze supporters by co-sponsoring the Jackson-Warner resolution which in effect calls for a nuclear buildup that the Reagan Administration backs.

Confronting Roth is David Levinson, a political novice who is making up for lack of direct campaign experience with a carefully planned strategy and much hard work. While Levinson formally declared his candidacy in May 1982, he has been campaigning since 1980 and has no opposition for the Democratic nomination.

His early, aggressive effort has brought a united Democratic Party behind him, including Sen. Joseph Biden (D-Del.) who was in a similar situation in 1972 as an unknown challenger who came from nowhere to upset an incumbent in a campaign in which the Council was involved early and heavily. The Executive Committee of the Democratic Party backed Levinson in June 1981, remarkably early for a challenger; the state AFL-CIO came through with an endorsement in September 1981; other organizations such as the United Auto Workers have also climbed on board.

Levinson was born and raised in Delaware. He graduated with high honors from Harvard College and Harvard Law School. From Harvard, Levinson went into real estate as a developer and builder. He has been very active in a number of civic groups, most notably the Anti-Defamation League of the B'nai B'rith, of which he is an Associate National Commissioner. He is involved in the Delawareans for Energy Conservation and President Carter appointed him to the President's Council for Energy Efficiency.

While Levinson's strong campaign theme will be Reaganomics and Roth's role in producing policies that have led to the highest unemployment rate since the great depression, the challenger is also running as a strong supporter of nuclear arms control. In speech after speech around the state of Delaware, Levinson is saying each time: "The greatest challenge we face for the balance of this century is how to find the wisdom and technique to step back from the edge of the nuclear precipice."

In contrast to Roth, Levinson is a strong supporter of the nuclear freeze now position and joins with his Democratic colleague Joseph Biden in favor of SALT II ratification.

As opposed to Roth, Levinson is a firm opponent of the MX missile program and the B-1 bomber, prefering to concentrate resources on conventional weapons.

Levinson is also a strong supporter of a comprehensive nuclear test ban and opposes production of chemical weapons.

Levinson has a clear appreciation of the perils of the nuclear age. He states:

> Controlling the deadly nuclear arms race is the single most critical responsibility facing the world today. The unchecked contest to produce more and more nuclear weapons has left us on the brink of a nuclear holocaust. Both the Soviet Union and the United States have already produced enough nuclear weapons to destroy the planet. Nuclear weapons are now coming into the hands of small, radical countries. And soon if the madness of nuclear proliferation is not halted, even terrorist groups will possess nuclear weapons.
>
> The only way to stop the nuclear arms race is to stop it, and stop it *now*, through a negotiated, mutual, verifiable freeze on the production, testing and deployment of new nuclear weapons, leading finally to the reduction and eventual elimination of all nuclear weapons. It is time for the governments of the world to show true statesmanship in this regard. It is the primary responsibility of every one of us to bequeath a habitable world to future generations.

Levinson's race will not be easy. Roth is clea enjoying the advantages of incumbency in terms name recognition and fundraising. He has $376,000 the bank, a large portion of that from special inter groups delighted with the Kemp-Roth tax cuts. Lev son has raised less than a third of that amount. Po from last year showed Roth well ahead of Levinson but not nearly as far ahead as was J. Caleb Bog before his upset defeat at the hands of Sen. Biden 1972.

William Roth is clearly vulnerable, particularly as economy continues on its sour course. He maintai his strong support for a continuation of the Reag Administration economics, notwithstanding their ne ative impact on the economy or on social progran Levinson is in an excellent position to take advanta of Roth's hand-in-glove stance with the Reag Administration economic fiasco.

If you wish to contribute to the Levinson campaig please make your check payable to THE COMMITT TO ELECT LEVINSON and mail to:

Council for a Livable World
11 Beacon Street
Boston, MA 02108

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Attachment 1, p95-1

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Department of [illegible]

Published by the Foundation [illegible]

One of the founding members of the New Right, Senator Orrin Hatch of Utah, is extremely vulnerable this year to a challenge by the Democratic Mayor of Salt Lake City, Ted Wilson. This is a race that will be watched across the country to see if conservative Utah is prepared to send a message to the rest of the country that the radical right has passed its high water mark. Five months before election day, the polls show Hatch with only a slender lead.

Senator Hatch had one of the most rapid rises in American politics. A long-time supporter of Ronald Reagan, he never held political office until he defeated the incumbent Senator Frank Moss in 1976 in a stunning upset. During his first years in the Senate, Hatch appeared almost feverish in his advocacy of New Right causes, and many of his colleagues seemed to regard him as a fanatic.

Hatch's intensity is particularly evident in his record on arms control issues. In 1981, out of eleven bellwether votes selected by the Council for a Livable World [illegible] against for the eleventh. Some of those votes were: for the MX missile; for the B-1 bomber; for the Clinch River Breeder Reactor; for chemical weapons.

In 1982, Hatch voted again for the production of chemical weapons, for the Reagan proposal to build two new aircraft carriers, and against the amendment offered by fellow Republican Senator Nancy Landon Kassebaum to reduce the military budget by 1.3 billion dollars for fiscal year 1983.

Senator Hatch was a vociferous opponent of the SALT II Treaty and led the opposition to the confirmation of Paul Warnke as President Carter's chief arms control negotiator. He opposes a Comprehensive Test Ban and favors construction and deployment of neutron bombs. He is also a declared opponent of the Nuclear Weapons Freeze.

Hatch's political strength has been steadily eroding, partly because of his style and personality. He has been described as pompous and arrogant, an ideologue and a polarizer who has made many enemies. This contrasts sharply with his fellow Republican Senator Jake Garn, who has a similar voting record but is not perceived negatively by the voters of Utah.

Ted Wilson is an entirely different kind of person. He has an easy and winning personality and is respected by both friend and foe. Wilson has been one of the most productive and popular mayors in the history of Salt Lake City. He has worked closely with local officials throughout the state on a number of issues, and consequently has very high and favorable recognition among the voters. Wilson is receiving significant political support from Governor Scott Matheson and former Governor Calvin Rampton, both popular Democrats.

Ted Wilson was born, bred and educated in Utah. Married and the father of five children, he holds degrees in Political Science, Economics and Education. He is currently serving his second term as Mayor of Salt Lake City. Before that he was Social Services Director for Salt Lake County, and Administrative Assistant to Congressman Wayne Owens (D-Utah) in Washington, D.C.

On the national level, Ted Wilson has gained recognition usually reserved for the mayors of much larger cities. He serves on the Board of Directors of the National League of Cities, on the Board of Trustees of the U.S. Conference of Mayors, as Chairman of the Energy and Environment Committee of the U.S. Conference of Mayors, and he has been on the National Water Policy Task Force. He is a strong environmentalist and opponent of Secretary Watt's misnamed Wilderness Protection Act.

The Mormon Church is a dominant institution in Utah. The Mormon hierarchy takes stands on secular matters, economic and political. For example, it came out against the MX missile system that the Carter Administration proposed placing in Utah and Nevada, and has demonstrated great concern about the nuclear arms race. Wilson reflects this position; Hatch does not. Both candidates are Mormons, and the Church is expected to be neutral in the contest.

Wilson supports the Nuclear Freeze: "I'm a very strong proponent. We need to get a mutual and verifiable freeze of nuclear weapons and then get to the negotiating table."

Wilson was an early and strong opponent of deploying the MX missile in Utah.

Wilson says, "I am personally concerned about the shift in our strategic planning regarding the Soviet Union. I cannot and will not accept the idea that the United States of America would initiate a nuclear confrontation. Nuclear war is not winnable."

Wilson supports ratification of the SALT II Treaty.

Wilson opposes abrogation of the 1972 AMB Treaty.

Wilson favors a Comprehensive Test Ban.

Wilson opposes the neutron bomb.

Wilson opposes the production of chemical

At the same time Wilson supports a strong national defense policy, but he insists that the money be spent wisely. "The real need is to focus on what kind of defense we need, and what kind of defense is being bought—not how much we should spend—I would support increased defense spending as well as insisting that the money be spent wisely. The goal before us must be to control nuclear arms. No amount of spending can buy us security. The military must be strengthened but strengthening doesn't necessarily mean writing a blank check for the Pentagon. Waste and inefficiency must be eliminated in Defense as well as every other segment of the federal government.

Wilson stresses the need for control of nuclear arms. "It is time to deal not only with limiting the number of these weapons, but the prevention of nuclear war itself. The prevention of a nuclear is a solemn obligation to ourselves and our future generations."

The polls of public opinion show that Wilson has a very good chance of defeating Hatch in November. That is why Hatch is considered "very vulnerable" by most political experts. In September, 1981, even before Mayor Ted Wilson had announced his candidacy f[illegible] United States Senate, he ran only 18 percentage poin[illegible] behind incumbent Senator Orrin Hatch. The next po[illegible] taken in January, 1982, revealed Hatch with 49% an[illegible] Wilson with 42%. The most recent poll, conducted o[illegible] April 28, 1982, shows Wilson only 3 points behind Hatch 45%, Wilson 42%, undecided 13%. This is [illegible] remarkable showing by a challenger at this early stag[illegible] of the campaign and indicates a strong trend towar[illegible] Wilson.

Wilson predicts that it will cost $750,000 to win Hatch is expected to spend at least double tha[illegible] amount. The Council for a Livable World urges you t[illegible] support Mayor Ted Wilson because of his commitmen[illegible] to serious nuclear arms control and because Senato[illegible] Orrin Hatch deserves to be defeated.

If you would like to make a financial contribution, please make your check payable to WILSON FOR UTAH COMMITTEE and mail to

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

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Attachment 1, p. 53

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass 02108
Phone (617) 742-6935

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Chairman

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Affiliations For Identification Only

September 1982

Dear Supporter of Nuclear Arms Control:

It required the most intense lobbying by The White House and The Pentagon to win the vote on the Nuclear Freeze Resolution in the House of Representatives on August 5. President Reagan was forced to put the full prestige of his office on the line. Yet his margin of victory was only two votes out of 406, hardly an overwhelming mandate.

Only two weeks earlier, the MX missile barely survived by a vote of 212-209. MX is the pet first-strike nuclear weapon of The Pentagon.

The grass roots movement for a Nuclear Weapons Freeze, spontaneous and decentralized, is sweeping across America like a prairie fire. In less than a year it has developed sufficient political clout to offer a serious challenge to the outmoded way our government handles the problem of nuclear weapons. The extraordinarily rapid growth of the Freeze becomes apparent when compared to that of similar American movements such as the abolition of slavery and the ending of the Vietnam War, both of which took many years to accomplish their objectives. It is clear that the struggle for security against nuclear weapons has only just begun.

We do need leaders in the U.S. Senate who will make nuclear arms control their prime focus. That is why we are urging support for Toby Moffett for the second time. In the House Moffett has proved [illegible] effective. He will do even better in the Senate.

The Council for a Livable World also endorses Mayor Ted Wilson of Salt Lake City, who is challenging a leading member of the New Right, Senator Orrin Hatch of Utah. Wilson was the key to the recent endorsement of the Freeze by the U.S. Conference of Mayors.

Both of these able candidates can win but the contests are sure to be close. The enclosed profiles will tell you why and how.

We hope that you will make out your checks in accordance with the suggestions on the contribution card. When you give to candidates for the United States Senate through the Council for a Livable World, your check is transmitted to the candidates with literally thousands of others. It is the best possible demonstration of a strong constituency for nuclear arms control. The Council is non-partisan in its activities for the prevention of nuclear war.

Sincerely,

Jerome Grossman

Jerome Grossman
President

P.S. Please turn to the reverse side of this letter for a detailed description of the unique and effective methods of the Council for a Livable World.

Founded in 1962 by Leo Szilard

54

Attachment 1, p.54

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85 MELROSE AVENUE
ALBANY NY 70114

Toby Moffett [illegible]

Political Courage [illegible]
[illegible] for Control [illegible] Nuclear World

Representative Toby Moffett was one of the earliest supporters of the Nuclear Weapons Freeze. He played a major role in the August 5, 1982 debate on the Freeze which lost in the House by the smallest of margins, 204-202. Two weeks earlier he was a leader in the effort to kill the first-strike MX missile. This effort also barely lost, 212-209, but only after President Reagan was forced to use the full power of his office. The Council for a Livable World is certain that Toby Moffett will be an effective leader for nuclear arms control when he is elected to the U.S. Senate. We need him in the Senate because that body is lagging behind the House in the struggle to freeze and control nuclear weapons.

On November 18, 1981, the House of Representatives passed the largest military appropriation in this nation's history. Representative Toby Moffett voted against this $196 billion bill, and strongly supported efforts to delete funding for expensive, unnecessary weapons systems such as the B-1 bomber and the MX missile. He also offered an amendment to cut the [illegible] by the president. He continues to work hard in opposition to the Administration's arms build-up, and in support of arms control.

The following statements were made by Moffett on the House floor in the debate and are typical of his consistent and courageous actions against the arms race:

> . . . Where are we going to be 20 years from now, in terms of all of those warheads and all of those missiles? We will be in much worse shape if we do not have arms negotiations in a very, very serious manner.
>
> So I think that sooner or later this body is going to have to confront that, rather than just feeling boxed in and voting out the largest defense increases and the largest defense bills in history.
>
> Mr. Chairman, the fact is, we are not doing the job the American people expect of us. We are merely reacting to the momentum of the arms race. This body is just climbing on the bandwagon, throwing huge sums of money at something called defense. But in reality we are making a major contribution to world instability. Let's get to the negotiating table. This bloated bill is not the way to do it.
>
> (November 18, 1981)

Moffett was equally forthright in the Congressional debate on the Addabbo Amendment to delete $1.8 billion for procurement of the B-1 bomber:

> . . . If we would only give the same level of scrutiny to the B-1 bomber that we gave to the WIC program, the women, infants, and children's program, it would fail the test. It would absolutely flunk the test. On the issue of cost, if we put the B-1 in here on the table, with the same kind of enthusiasm for budget cutting and cutting out waste as we had during the school lunch debate, it could not possibly survive. . . .

And here is what Moffett had to say in supporting an amendment to delete $1.9 billion for development of the MX missile:

> . . . It makes no sense. It makes absolutely no sense. This weapon represents a provocative step. This very confident, self-assured President does not need MX when he goes to the negotiating table. He has a very powerful defense system now. It might need changes in certain areas, it might need improvements here or there, but the top priority ought to be to get to that table as fast as possible, not to load up with more and more new weapons before we get there.

Until Toby Moffett was elected to the House of Representatives in 1974, not a single congressman from Connecticut had ever voted against appropriations for the Department of Defense. While Connecticut ranks 25th among the states in population, 1.37% of the U.S. total, in 1979 it received over $4 billion from Defense, the highest military spending per capita in the country. Major industries like Pratt & Whitney and General Dynamics' Electric Boat Shipyard depend upon military contracts.

Moffett has voted consistently right on issues important to Council for a Livable World throughout his terms in Congress:

1982-Right on military spending
1982-Right on MX
1982-Right on chemical weapons
1982-Right on nuclear freeze
1981-Right on MX
1981-Right on chemical weapons
1980-Right and led fight on chemical weapons
1980-Right on MX
1980-Right on budget priorities
1979-Right on draft registration
1979-Right on MX
1978-Right on neutron bomb
1978-Right on 4th nuclear aircraft carrier

1977 - Right on B-1 bomber
1977 - Right on neutron bomb
1977 - Right on Clinch River breeder reactor
1976 - Right on B-1 bomber
1975 - Right on MARVs
1975 - Right on military spending
1975 - Right on nerve gas

Toby Moffett was born in 1944 and was raised in Connecticut. He holds a B.A. from Syracuse University and earned a Masters Degree in Political Science and Urban Affairs from Boston College in 1968. In 1969, Moffett was named first director of the federal government's Office of Students and Youth (HEW). In 1971 he joined the Ralph Nader group to become the first head of the Connecticut Citizen Action Group, a statewide organization that was to become a national model for full-time citizen advocacy. He worked with this group until 1974 when he launched his successful bid for the Sixth Congressional District in northwestern Connecticut.

As would be expected from a former Naderite, Moffett has been a star advocate of consumer rights and for a more equitable energy policy. Married and the father of a daughter, Moffett is the kind of politician who is always bubbling over with ideas and how they can be put into practice. Moffett has a dynamic and attractive appearance; he is incredibly energetic and fearless. He says what he thinks. In 1979, TIME magazine chose Moffett as one of the "Fifty Faces of the Future." His colleagues in the House recognized his talents when they elected him over three representatives with greater seniority to chair an important subcommittee, Government Operation's Environment, Energy and Natural Resources. The author of two books, Moffett has been the recipient of a number of awards.

Though an outspoken liberal, Moffett is hardly the brash loner some of his ideological colleagues have been. "I have an excellent relationship with some of the older, more conservative members," he says. "That's very important to me. Even in the confrontation days with Nader, I never felt comfortable with personal antagonism."

About his own party, Moffett said in the early days of the Reagan Administration, "Democrats always want to win. But when they do they often take home empty victories because they have no overriding philosophy. Nobody knows where they stand. Democrats have to come up with an ideology and take the risk of losing."

Representative Moffett was one of the leading opponents of the sale of AWACS planes to Saudi Arabia, repeatedly addressing the Congress and the media.

The incumbent senator is Lowell Weicker, a Republican who was first elected in 1970. Weicker is a political maverick who has voted with the arms controllers a number of times, but also against them in a most perplexing manner. For example, in the key debate on the nomination of Paul Warnke to be Chief U.S. SALT Negotiator and Head of the U.S. Arms Control and Disarmament Agency, Weicker said on the Senate floor:

"I mention that story, Mr. President, as an illustration of one of the two traits of an arms negotiator—caution. The other one is steadfastness. I shall oppose the nomination of Paul Warnke to the posts of Director of the Arms Control and Disarmament Agency and SALT negotiator, because his considerable testimony before two Senate committees has left me with serious doubts about his possession of those two necessary qualities." . . .

"He has been a gadfly for a radically lower defense budget, for severe limitations on defense spending, and against virtually every major weapons system of the past decade. Mr. President, the gadfly has its place. But it is not in Geneva staring down bears." . . . "Mr. President, in the past several weeks, Mr. Warnke has attempted to fog and muddle a record which up to this time has been as clear as it has been consistent."

In 1979, Senator Weicker never could make up his mind whether or not to support the SALT II Treaty and in 1981 he voted for the B-1 bomber. Weicker has no constituency in the Senate because he is inconsistent and operates as a loner. Moffett is respected by friend and foe and knows how to make alliances to get things done.

Having alienated his Republican constituency and having operated in a political no-man's land, it was expected that Weicker would be defeated for the nomination by Prescott Bush, Jr., brother of the Vice President and favorite of the conservative Republicans of the state. However, Weicker won the pre-primary convention handily, and Bush made a surprise withdrawal from the Republican primary, leaving Weicker unopposed. Weicker may be hurt in November by the presence on the ballot of a Conservative running as an Independent. However, the conservative Bush has restored a semblance of party unity by urging his supporters to back the entire Republican ticket, including Weicker.

Although Democrats outnumber Republicans by more than three to one in Connecticut, the Republican incumbent will be hard to beat because of the advantages of incumbency and money. A recent University of Connecticut poll, conducted in late July, showed Moffett with 39% and Lowell Weicker with 35%. The race is close and is definitely winnable for Moffett.

Bush's withdrawal does create one major problem. Weicker will now have the huge financial resources of the Republican Party behind him—and his own personal fortune. Weicker is a millionaire by inheritance. Toby Moffett, whose father was a caretaker on a Connecticut estate, will be wholly dependent upon the contributions of those who agree with him on the issues.

The Council for a Livable World regards the candidacy of Toby Moffett as an unusual political opportunity at a time when we desperately need one. Moffett is a leader—a potential John Culver. He is young, bright, aggressive, effective, reliable and he has political acumen. If elected to the Senate, he will make his mark on the issues of nuclear arms control.

If you wish to contribute to the Moffett campaign, please make your check payable to TOBY MOFFETT FOR U.S. SENATE and mail to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, Mass. 02108

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Attachment 1, 1958

One of the founding members of the New Right, Senator Orrin Hatch of Utah, is extremely vulnerable this year to a challenge by the Democratic Mayor of Salt Lake City, Ted Wilson. This is a race that will be watched across the country to see if conservative Utah is prepared to send a message to the rest of the country that the radical right has passed its high water mark. Two months before election day, the polls show Hatch with only a slender lead.

Senator Hatch had one of the most rapid rises in American politics. A long-time supporter of Ronald Reagan, he never held political office until he defeated the incumbent Senator Frank Moss in 1976 in a stunning upset. During his first years in the Senate, Hatch seemed almost foolish in his advocacy of New Right causes, and many of his colleagues seemed to regard him as a fanatic.

Hatch's intensity is particularly evident in his record on arms control issues. In 1981, out of eleven bellwether votes selected by the Council for a Livable [illegible] he was absent for the eleventh. Some of those votes were: for the MX missile; for the B-1 bomber; for the Clinch River Breeder Reactor, for chemical weapons.

In 1982, Hatch voted again for the production of chemical weapons, for the Reagan proposal to build two new aircraft carriers, and against the amendment offered by fellow Republican Senator Nancy Landon Kassebaum to reduce the military budget by 1.3 billion dollars for fiscal year 1983.

Senator Hatch was a vociferous opponent of the SALT II Treaty and led the opposition to the confirmation of Paul Warnke as President Carter's chief arms control negotiator. He opposes a Comprehensive Test Ban and favors construction and deployment of neutron bombs. He is also a declared opponent of the Nuclear Weapons Freeze.

Hatch's political strength has been steadily eroding, partly because of his style and personality. He has been described as pompous and arrogant, an ideologue and a polarizer who has made many enemies. This contrasts sharply with his fellow Republican Senator Jake Garn, who has a similar voting record but is not perceived negatively by the voters of Utah.

Ted Wilson is an entirely different kind of person. He has an easy and winning personality and is respected by both friend and foe. Wilson has been one of the most productive and popular mayors in the history of Salt Lake City. He has worked closely with local officials throughout the state on a number of issues, and consequently has very high and favorable recognition among the voters. Wilson is receiving significant political support from Governor Scott Matheson and former Governor Calvin Rampton, both popular Democrats.

Ted Wilson was born, bred and educated in Utah. Married and the father of five children, he holds degrees in Political Science, Economics and Education. He is currently serving his second term as Mayor of Salt Lake City. Before that he was Social Services Director for Salt Lake County, and Administrative Assistant to Congressman Wayne Owens (D-Utah) in Washington, D.C.

On the national level, Ted Wilson has gained recognition usually reserved for the mayors of much larger cities. He serves on the Board of Directors of the National League of Cities, on the Board of Trustees of the U.S. Conference of Mayors, as Chairman of the Energy and Environment Committee of the U.S. Conference of Mayors, and he has been on the National Water Policy Task Force. He is a strong environmentalist and opponent of Secretary Watt's misnamed Wilderness Protection Act.

The Mormon Church is a dominant institution in Utah. The Mormon hierarchy takes stands on secular matters, economic and political. For example, it came out against the MX missile system that the Carter Administration proposed placing in Utah and Nevada, and has demonstrated great concern about the nuclear arms race. Wilson reflects this position; Hatch does not. Both candidates are Mormons, and the Church is expected to be neutral in the contest.

Wilson is a strong supporter of the Nuclear Freeze. In fact, this past June, he led the successful drive to put the U.S. Conference of Mayors on record endorsing a Nuclear Freeze resolution.

Wilson was an early and strong opponent of deploying the MX missile in Utah.

Wilson says, "I am personally concerned about the shift in our strategic planning regarding the Soviet Union. I cannot and will not accept the idea that the United States of America would initiate a nuclear confrontation. Nuclear war is not winnable."

Wilson supports ratification of the SALT II Treaty.

Wilson opposes abrogation of the 1972 ABM Treaty.

Wilson favors a Comprehensive Test Ban.

Wilson opposes the production of chemical weapons.

Attachment 1, p59

[illegible] Wilson supports a strong national defense policy, but he insists that the money be spent wisely.

At the July 10, 1982 Democratic state convention, Wilson gave a strong exposition of his balanced views: "The Republican Administration has written [the Pentagon] a blank check. . . . They've opened up the candy store. . . . And what's happened is just what you'd expect. We see the B-1 bomber pulled out of the closet, an aircraft that was considered obsolete 10 years ago. We see the M-1 tank so sophisticated that it can't fight on anything other than interstate freeways. We see hundreds of millions of dollars to bring 40-year old battleships out of mothballs. . . . The list goes on and on."

"Again, my Republican opponent has voted right down the line to give the Pentagon *carte blanche*. Is that fiscal responsibility? Is that leadership? Is that fairness? No, it's Orrin Hatch."

Wilson's statement continued by strongly endorsing control of nuclear arms: "Is it fairness for all to continue to stockpile nuclear warhead on top of nuclear warhead? It is time to establish a mutually verifiable nuclear freeze. It is time to sit down at the bargaining table and make disarmament happen."

The polls of public opinion show that Wilson has a very good chance of defeating Hatch in November. That is why Hatch is considered "very vulnerable" by most political experts. In September, 1981, even before Mayor Ted Wilson [illegible] his candidacy for United States Senate, he ran only 18 percentage points behind incumbent Senator Orrin Hatch. The next poll, taken in January, 1982, revealed Hatch with 49% and Wilson with 42%.

The most recent polls show Hatch clinging to his narrow lead. In terms of funds, however, Hatch had already raised $1.9 million as of June 30 compared to $315 thousand for Wilson. Wilson predicts that his campaign will have to raise at least $750,000 to win.

The Council for a Livable World's first mailing for Wilson was very successful. Senator Hatch, in reaction, criticized the Council as being "anti-defense oriented, liberal and inappropriately trying to play politics with our national security interests." (*Salt Lake Tribune*, July 29, 1982)

The Council for a Livable World urges you to redouble your support for Mayor Ted Wilson because of his commitment to serious nuclear arms control and because Senator Orrin Hatch deserves to be defeated.

If you would like to make a financial contribution, please make your check payable to WILSON FOR UTAH COMMITTEE and mail to

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

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Attachment 1, pg 60

PEACEPAC
FOR THE PREVENTION OF NUCLEAR WAR
100 MARYLAND AVENUE, N.E. • WASHINGTON, D.C. 20002
Paul Warnke, Chairman

TO: Activists for the Prevention of Nuclear War

FROM: Paul Warnke, Former Chief U.S. SALT Negotiator

SUBJECT: How to elect a U.S. Congress in 1982 committed to freezing and reducing nuclear arms.

This year, we have the best opportunity we have had in many years to make significant progress in controlling the menace of nuclear weapons.

All over the country millions of people -- in town and city council meetings, on college campuses, in churches, in state legislatures -- are now activated to run petition drives, ballot referenda and other citizen action programs to let our government know that we want an end to the nuclear arms race.

Yet all of this effort will be in vain unless we can elect a Congress in 1982 that shares this commitment and is willing to act on it.

We do not have such a Congress now!

- A clear majority of the 435 members of the House of Representatives must get behind the Nuclear Freeze Resolution -- and get it implemented -- in order to achieve meaningful arms control.

- Our current Congress has given its early approval to the Reagan Administration's request for massive increases in military spending -- including billions for the development of new nuclear weapons -- including the MX missile and sea and land-launched cruise missiles that will only escalate the arms race.

PEACE PAC Board of Directors

Bunny Cooper, Executive Director, Women's Campaign Fund · William Dodds, Former Political Director, United Auto Workers · Robert F. Drinan, Former U.S. Representative · John Kenneth Galbraith, Professor of Economics, Harvard University · Jerome Gressman, President, Council for a Livable World · William Holayter, Political Director, International Association of Machinists · John Isaacs, Legislative Director, Council for a Livable World · George Kistiakowsky, Chief Science Advisor to President Eisenhower · Admiral John M. Lee, U.S. Navy (retired) · Herbert Scoville, Jr., President, Arms Control Association · Stephen M. Thomas, Political Consultant · Paul C. Warnke, Former Director of U.S. Arms Control and Disarmament Agency and Chief U.S. SALT Negotiator · Edith Wilkie, Executive Director, Members of Congress for Peace Through Law. *Applications for Identification Only.*

attachment 1, pg 61

Can we translate the current public interest in nuclear arms control into tangible legislative accomplishments?

We can and we must if 1982 is to be the beginning of a new era in world peace.

That is why I have joined with others to begin a new and different kind of political action committee.

We have called it PEACE PAC. It has one purpose and one purpose only -- to elect a Congress committed to the prevention of nuclear war.

This is how it will work:

- PEACE PAC was organized as an affiliate of the Council for a Livable World, founded in 1962 by nuclear scientists concerned with the menace of nuclear war. Since its inception in 1962, the Council has provided more than 2 1/2 million dollars to candidates for the U.S. Senate.

  Recognizing the increasing importance of the House of Representatives on such issues as measures to freeze and reduce nuclear arms and military spending, the Council for a Livable World helped organize PEACE PAC to support candidates for the House.

  To launch PEACE PAC, the Council is providing operating expenses so that maximum contributions can be made by PEACE PAC to deserving candidates in critical House campaigns.

- We are asking people like you to join with us in giving your financial support to create a political action fund that will be used to support candidates for the House, regardless of party, who will work to prevent nuclear war.

- By pooling contributions from thousands of people committed to nuclear arms control, we will be able to provide financial support to candidates -- support that will help to counter the huge political warchests of those opposed to nuclear arms control. It is no surprise that the very candidates PEACE PAC will support are those most vehemently opposed by the Right Wing political action committees.

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Attachment 1, pg 62

- In addition to financial assistance, PEACE PAC will provide candidates with research support on nuclear issues and military spending and will assist selected campaigns in reaching committed individuals to act as campaign volunteers.

PEACE PAC has already announced the first group of candidates it will support in 1982. All have endorsed the nuclear freeze resolution and have demonstrated leadership on issues of international peace. They include:

1. Mike Barnes (incumbent - Maryland) Barnes is Chairman of the House subcommittee on Inter-American Affairs where he has opposed current Administration policies on military involvement and covert activities in Latin America.

2. David Bonior (incumbent - Michigan) Bonior has been a leader in the House opposing the resumption of the production of chemical weapons by the U.S.

3. George Brown, Jr. (incumbent - California) Brown is a high-ranking member of the Science and Technology Committee of the House where he has been an advocate of peaceful uses of the space program.

4. Bob Carr (challenger - Michigan) Carr is trying to recapture a seat he lost in the Reagan landslide. While in the House, he was an activist member of the Armed Services Committee supporting nuclear arms control and reduced military spending.

5. Tom Downey (incumbent - New York) Downey is an expert in the House on the military budget and has been an outspoken advocate of nuclear arms control.

6. Dennis Eckart (incumbent - Ohio) Eckart has been the leader on nuclear proliferation issues in the House of Representatives.

7. Bob Edgar (incumbent - Pennsylvania) Like all of the endorsees, Edgar is a signer of the nuclear freeze resolution in the House of Representatives. He has focused on alleviation of world hunger.

8. Frances Farley (challenger - Utah) Ms. Farley led the fight against the MX deployment in Utah.

9. Barney Frank (incumbent - Massachusetts) Frank is an eloquent spokesperson for nuclear arms control in the House of Representatives.

10. Sam Gejdenson (incumbent - Connecticut) Gejdenson is one of the sponsors and leading supporters of the bill opposing U.S. production of chemical weapons.

11. Jim Leach (incumbent - Iowa) Leach has been a leader in the opposition to U.S. chemical arms production and has fought for international human rights.

12. Ruth McFarland (challenger - Oregon) Ms. McFarland was a co-sponsor of the nuclear freeze resolution in the Oregon legislature and is trying to unseat hawkish Denny Smith.

13. Matthew F. McHugh (incumbent - New York) McHugh has fought for international human rights and was an organizer of the nuclear freeze debate in the U.S. House of Representatives.

14. Claudine Schneider (incumbent - Rhode Island) Rep. Schneider was one of the organizers of the historic nuclear freeze debate in the House and chairs the arms control committee of the Members of Congress for Peace Through Law.

15. Paul Simon (incumbent - Illinois) Simon has been a consistent leader in the House in the fight against the MX missile. He was previously a member of the U.S. delegation to the United Nations Special Session on Disarmament.

16. Howard Wolpe (incumbent - Michigan) Wolpe is the Chairman of the House Foreign Affairs Subcommittee on Africa.

With your support, in the coming months PEACE PAC will be endorsing many other candidates. Our support will go only to candidates supporting nuclear arms control, only to those races where our support can make a difference, and only to those races where there is a clear difference between candidates.

Please join with me as an early sponsor of PEACE PAC.

We are at a very critical time in the struggle for a world safe from the threat of nuclear war.

All of our great gains in public and media interest in the nuclear issue will be lost unless we are able to translate it into concrete political action.

I urge you to join PEACE PAC by sending your contribution as soon as possible.

With your help, 1982 can be a landmark year in American politics -- the year in which we turn away from nuclear confrontation and toward a rational and safe world of the future.

Let's not miss this opportunity.

BUSINESS REPLY MAIL

First Class Permit No. 70420 Washington, D.C.

Postage Will Be Paid By Addressee

PEACEPAC
100 Maryland Avenue, N.E.
Washington, D.C. 20002

ontribution Enclosed
Support Candidates for Congress
ommitted to Nuclear Arms Control

To PEACEPAC:

It's time there was a political action committee for those of us who are committed to nuclear arms control and international peace. Enclosed is my contribution to support candidates for the U.S. House of Representatives committed to nuclear arms control.

☐ $500 ☐ $250 ☐ $100 ☐ $50 ☐ $30 ☐ Other $ _____

(Please make checks payable to PEACE PAC and return in the enclosed envelope.)
PEACE PAC · 100 Maryland Avenue, N.E. · Washington, D.C. 20002

Peace Political Action Committee

Questionnaire For Candidates On National Security And Arms Control Issues

a candidate for Congress in 1982, I will support s to develop national security and arms control ies for the United States that avoid nuclear ion and waste of resources.

fically, I will support:

_An immediate, verified, mutual freeze on the g, construction and deployment of new nuclear ons by both the United States and the Soviet n.

_Continuous negotiations by the Reagan Admin- on with the Soviet Union to reduce existing r weapons and to prevent nuclear war.

_The stated policy of the Reagan Administration de by the SALT II limits as long as the Soviet n does.

_The termination of the MX missile program.

_The termination of the B-1 program.

_ continuation in force of the 1972 anti- stic missile (ABM) treaty between the U.S. and the S.R. that limits the deployment of new ABM ms.

_A negotiated end to *all* nuclear testing by the ed States, the Soviet Union and other nuclear ers.

_Efforts to limit the huge increase in military ding planned over the next five years.

Women's Campaign Fund

William Dodds
Former Political Director
United Auto Workers

Robert F. Drinan
Former U.S. Representative

John Kenneth Galbraith
Professor of Economics
Harvard University

Jerome Grossman
President
Council for a Livable World

William Holayter
Political Director
International Association of Machinists

John Isaacs
Legislative Director
Council for a Livable World

President Eisenhower

Admiral John M. Lee
U.S. Navy (retired)

Herbert Scoville, Jr.
President
Arms Control Association

Stephen M. Thomas
Political Consultant

Paul C. Warnke
Former Director of U.S. Arms Control and Disarmament Agency and Chief U.S. SALT Negotiator

Edith Wilkie
Executive Director
Members of Congress for Peace Through Law

Affiliations for Identification Only.

PEACE PAC is supported entirely by donations from individuals throughout the country. Your contribution is urgently needed to support candidates for Congress committed to nuclear arms control.

PEACE PAC
100 Maryland Avenue, N.E.
Washington, D.C. 20002

Paid for by PEACE PAC.
A copy of our report is filed with, and available from, the Federal Election Commission.

PEACE PAC

FOR THE PREVENTION OF NUCLEAR WAR

100 MARYLAND AVENUE, N.E. • WASHINGTON, D.C. 20002

Attachment 1 of 1 606

606

or The Prevention of Nuclear War...

CE PAC is the only grassroots political n committee supporting candidates h U.S. House of Representatives who committed to specific nuclear arms rol measures and the prevention of ear war.

ow It Started

EACE PAC is an affiliate of the Council for a Livable World, founded in 1962 by ear scientists concerned about the ce of nuclear war.

nce its inception in 1962, the Council provided more than 2½ million dollars ndidates for the U.S. Senate. More than 00 people in 50 states support the n

ecognizing the increasing importance of House of Representatives on such issues easures to freeze nuclear arms and ary spending, the Council for a Livable rld helped organize PEACE PAC to ort candidates for the House.

launch PEACE PAC, the Council is ding operating expenses so that

How Will Candidates Be Selected?

1. PEACE PAC research staff will review Congressional races throughout the country to identify candidates deserving support, regardless of party.

2. Candidates will also be recommended by PEACE PAC contributors and by cooperating organizations.

3. Candidates will complete and sign a questionnaire on nuclear arms control and military spending.

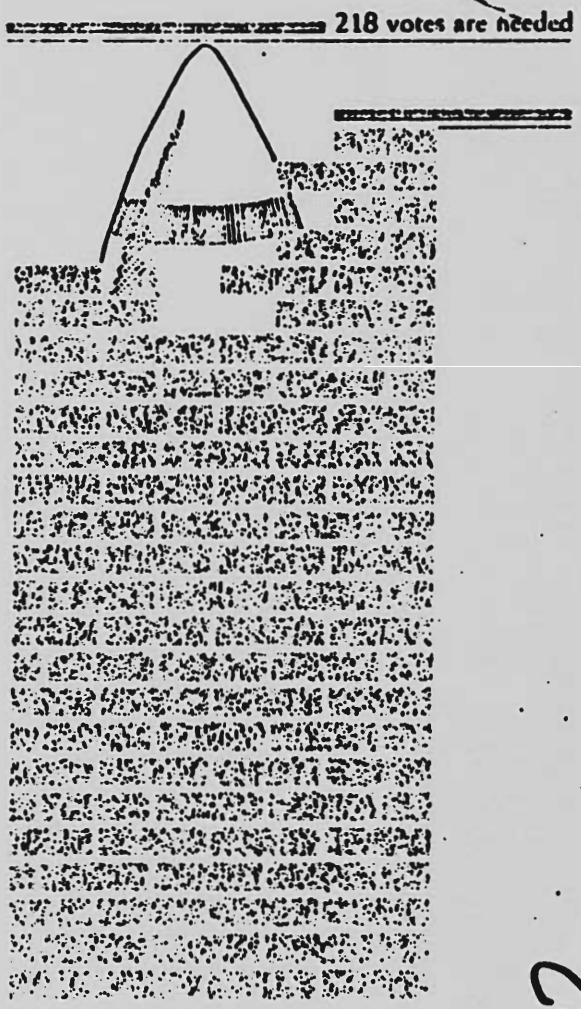
4. To be selected for support by PEACE PAC, candidates must support measures to freeze the nuclear arms race, reduce nuclear weapons and diminish the risk of nuclear war. They must also have demonstrated leadership on the issues of arms control and military spending.

5. PEACE PAC's Board of Directors will make the final decisions for support. The Board was chosen to represent a wide range of political and scientific expertise.

What Kind Of Support Is Provided?

Candidates selected for PEACE PAC support will receive financial contributions for their campaigns, research and speech material prepared by PEACE PAC staff, and the organizational support of PEACE PAC in reaching and organizing committed individuals in their districts.

Representatives must get behind the Nuclear Freeze Resolution—and get it implemented in order to achieve meaningful arms control.



Attachment 1 of 67

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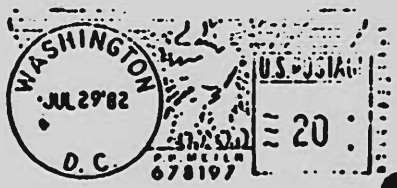

Make nuclear arms
a key issue
in the 1982 elections!

Marc E. Lackritz
Wald, Harkrader and Ross
1300 19th Street, N.W.
Washington, D.C. 20036

Attachment 1, 1968

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

29 SEP 1978

Stephen M. Thomas, Acting Treasurer
Council For A Livable World
100 Maryland Avenue, N.E.
Washington, D.C. 20002

Dear Mr. Thomas:

This letter is prompted by our interest in assisting committees who wish to comply with the Federal Election Campaign Act.

During review of the April 10 Quarterly Report of Receipts and Expenditures, we noted that you omitted certain information or made apparent mathematical errors in certain entries. Attached is an itemization of the information requested.

While we recognize the difficulties you may have experienced in filling out the reporting forms, we must ask that you supply the Commission with the missing information within fifteen (15) days from the date of this letter. If you have any questions, please do not hesitate to contact Mark Kleiman in our Reports Analysis Division on the toll free number (800)424-9530. Our local number is (202)523-4048.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Attachment
FEC Form 12

69

attachment 1, p69

TO: COUNCIL FOR A LIVABLE WORLD DATE: 23 APR 1978

I.D. NO.: C00029165

REQUEST FOR ADDITIONAL INFORMATION FOR THE April 10 Quarterly REPORT OF RECEIPTS AND EXPENDITURES COVERING THE PERIOD 1-1-78 THROUGH 3-31-78, PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

___ Coverage Dates ___ omitted or ___ incorrect

___ Signature ___ omitted or ___ incorrect

___ Summary Page Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Detailed Summary (Page 2) Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Schedule Totals ___ disagree with Detailed Summary (Page 2) or ___ omitted

___ Date(s) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Full Name(s) Omitted for Schedule(s) ___ Line(s) ___

___ Mailing Address(es) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Occupational Descriptions ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Principal Place(s) of Business ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Aggregate Year-to-date Totals ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

X Nature or Purpose of Expenditure ___ omitted or ___ inadequate for Schedule(s) B Line(s) 20A SEE PAGE TWO

___ Nature or Purpose of Receipt ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Inadequate Description of ___ proceeds ___ dates ___ events ___ location of Schedule ___

___ Other: _____

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Disclosure Division toll free at (800) 424-9530. The local Washington, D.C. telephone number is (202) 523-4048.

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

FEC FORM 12
(Revised April 1977)

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Attachment 1, pg 70

Please clarify the nature of the in-kind contributions. It would seem that by the description of the in-kind contributions as "Printing" to the candidates as indicated by your report, and the subsequent earmarked contributions by individuals to these same candidates, that there was a relationship between the in-kind contributions and the earmarked contributions.

In addition, please clarify if there was any coordination between your committee and the applicable candidates and/or candidate committees in preparing the content of the "Printing" costs. If this was the case, then under Section 110.6(d)(2) of the Federal Election Commission Regulations, all of the subsequent earmarked contributions may be attributable to your committee, as having exercised direction or control over the recipient candidate and/or committee.

Please respond accordingly.

Also note, that the above also refers to any other report filed by your committee with a similair reporting pattern.

Attachment 1, pg 71

November 15, 1978

Orlando B. Potter
Staff Director
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Potter:

This letter is in response to your letter of September 29, 1978, and its request for more information about the "in-kind contributions" listed at Schedule B for Line 20A in the Council for a Livable World ("Council") Report for the Quarter Ending March 31, 1978 (ID #C00029165). The request for additional information (attached hereto) asked for a clarification of the relationship between the Council's "in-kind" contributions and the earmarked contributions by individuals to candidates, and also asked for a clarification of whether there was any coordination between the Council and the applicable candidates in preparing the content of the printing distributed by the Council. This letter responds to both of these concerns and, I hope, will clarify any questions that the Commission may have concerning the Council's method of operation.

The Council for a Livable World, a non-profit and non-partisan corporation, was founded in 1962 by a group of scientists headed by nuclear physicist Leo Szilard, the discoverer of the nuclear chain reaction, who were concerned about the proliferation of nuclear weapons and about the need to encourage discussions regarding control of such weapons. The Council's primary objective has been to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations. In attempting to focus Government attention on these arms control issues, the Council has engaged in lobbying efforts, conducted seminars for Congressional members and staff, and compiled and distributed publications on relevant issues. As a part of its activities to establish sensible arms control limitations policies, the Council for a Livable World has expended part of its resources and energy in educating and informing its supporters, by mail, on a non-partisan basis, about candidates in elections to the United States Senate. This activity is part of the multi-faceted Council strategy intended to initiate and encourage discussions in the executive and legislative branches concerning arms control issues.

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attachment 1, pg 72

The Council for a Livable World also attempts to educate the public about the implications of the use of nuclear, biological, and chemical weapons and to research the policies of candidates for the United States Senate. Individual supporters of the Council's activities are a very diverse group of about 8,000 individuals, united only by their interest in these policy issues. There is no economic leverage or any other means of control that the Council can use to influence the actions of its individual supporters. Thus, the Council for a Livable World is federally a non-partisan, not-candidate committee organized around substantive policy issues, which makes it very distinct from the more usual partisan committees organized solely for the purpose of affecting the outcome of political elections.

In election years, on the basis of its own independent research into the issues involved, the Council selects a few Senate candidates about whom it distributes material to Council supporters suggesting that they consider sending checks payable to clearly identified campaign committees of the selected candidates. The selection of candidates by the Council is non-partisan and is done wholly independently, based solely on research by Council staff into the policy positions advocated by the various candidates.

The "Ten-Point Certification", reported on line 20A and listed on Schedule D of the Council's April 10, 1978 report came to the printing of a mailing sent to Council supporters about Mr. William Roy, Democratic candidate for the Senate from Kansas, and Congressman Don Bonker, Democratic candidate for the Senate from Washington.

This material was compiled, written, and produced solely by the staff of the Council for a Livable World. The contacts between the Council and the candidates' campaigns were quite minimal in these circumstances. The Council staff obtained from each candidate's campaign office a copy of the candidate's biography, a picture of the candidate, and copies of any issue papers of the candidate that had been prepared in the ordinary course of the campaign. On the basis of this information and other public information, the Council staff by itself wrote the material and prepared the mailings to Council supporters. The campaign staffs did not assist in either the writing or the production of the literature. The mailings explained the significance of the election and the candidates' positions on various issues raised. They also suggested that, depending on the part of the alphabet in which the first letter of the supporter's last name was, the supporter could consider making a contribution to the Council itself or to a particular candidate by making out a check payable to the Council or the candidate's campaign committee. Supporters were advised to return any checks payable to the Council or to a candidate in the envelope provided. The Council then acted merely as a conduit or intermediary and passed on the contributions to the relevant candidate for whom they were intended.

The other contact between the Council and the relevant candidates' campaigns was a pro forma authorization signed by the candidates authorizing the Council to send the mailings. This pro forma authorization was

73

Attachment 1, p973

[illegible] 2 U.S.C. [illegible]), [illegible] [illegible] [illegible]

WALD, HARKRADER & ROSS

[illegible]

DALLAS OFFICE

1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
(214) 741-8241

ROBERT M. COHAN
RESIDENT PARTNER

SELMA M. LEVINE

OF COUNSEL
PHILIP ELMAN
DON WALLACE, JR.

March 12, 1980

TARRANT

Ms. Marybeth Tarrant
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1028

Dear Ms. Tarrant:

Enclosed are answers to the questions of the Commission directed to "Stephen A. Thomas" (sic) of the Council for a Livable World ("Council") by the Commission on February 14, 1980. Copies of documents requested by the Commission are attached to these answers.

No further action should be taken by the Commission on this matter. First, the Council exercises no control or direction over its supporters' earmarked campaign contributions. Second, the "direction or control" language of 11 C.F.R. § 110.6 (d)(2) of the Regulations is inconsistent with the Congressional intent in enacting the contribution limitations at 2 U.S.C. § 441a(a)(2)(A). Third, if the Commission now plans to delineate the meaning of "direction" in 11 C.F.R. § 110.6(d)(2), the requirements of due process mandate that the Commission proceed by rulemaking, subject to notice and comment by interested parties, rather than by a single enforcement action against the Council. These points are more fully discussed below.

The Council, a non-profit and non-partisan voluntary association, was founded in 1962 by a group of scientists, headed by nuclear physicist Leo Szilard, who were concerned about the proliferation of nuclear weapons and about the need to encourage

discussions concerning control of such weapons. Ever since its founding, the Council's primary objective has been to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations.

In attempting to focus attention on these arms control issues, the Council has engaged in lobbying, conducted seminars for Congressional members and staff, and compiled and distributed publications on arms control issues. In addition, the Council educates and informs its supporters, on a non-partisan basis, about candidates for the United States Senate and about current legislative initiatives and issues in the area of arms control.

In election years, on the basis of its own independent research into the issues and the candidates, the Council endorses a number of candidates for the United States Senate. Descriptions of these candidates and their opponents, prepared by the Council staff, are directly mailed to the Council's supporters. In the letter enclosing this material, it is suggested that Council supporters consider making contributions to the endorsed candidates' campaign committees or to the Council according to an alphabetical division of supporters by name. All contributions are mailed back to the Council, which merely forwards them on to the intended recipients.

The Council clearly does not exert control or direction over its supporters' earmarked contributions. Nor does the Council exert control or direction over its supporters' individual choices of recipient candidates for their contributions. Typically, two profiles of Council-endorsed candidates are enclosed in each election-year mailing. The Council supporter receiving the mailing has a myriad of available options: he/she may make a contribution to one Council-endorsed candidate or the other, to both, or to neither. The choice of a recipient candidate for a campaign contribution is thus solely in the control of the Council supporter who receives the mailing.

The Council's supporters are a very diverse group of about 10,000 individuals who are united only by their interests in arms control policy issues. The Council thus can exert no economic or political leverage nor any other means to control or direct the choices of its individual supporters. As a non-partisan, multi-candidate committee organized solely around broad substantive policy issues rather than economic interests, the Council is very different from the more typical corporate and union political action committees and partisan committees organized only for the purpose of affecting the outcomes of federal elections. The Council's interests are much broader and issue-oriented. As a result, the Council exercises no more "control or direction" than does a newspaper or a public figure who endorses a particular candidate.

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The endorsement of a political candidate by a non-partisan, issue-oriented committee such as the Council is an act of free speech constitutionality protected by the First Amendment. Any determination by the Commission of probable cause that the Council has violated 2 U.S.C. § 441a(a)(2)(A) or section 110.6(d)(2) of the Commission's Regulations would seriously impede and abridge the Council's First Amendment rights.

Second, the language in the Regulations at 11 C.F.R. § 110.6(d)(2), upon which the Commission relies, is inconsistent with the Congressional intent in enacting the contribution limitations at 2 U.S.C. § 441a(a)(2)(A). The Commission has noted "reason to believe" that the Council may have violated the contribution limitations of 2 U.S.C. § 441a(a)(2)(A) because the Council "exercised direction over the earmarked contributions of its supporters," as outlined at 11 C.F.R. § 110.6(d)(2). And yet Congress intended for the contribution limitations of 2 U.S.C. § 441a(a)(2)(A) to be applied only when a committee exercised "control" -- not "direction" -- over the making of a contribution.

Specifically, the Conference Report on the Federal Election Campaign Act Amendments of 1974 stated that:

> It was the understanding of the Committee on House Administration . . . that the following rule would apply with respect to the application of the contribution limitations established by subsection (b) [now subsection (a)]: if a person exercises any direct or indirect control over the making of a contribution, then such contribution shall count toward the limitation imposed with respect to such person under subsection (b), but it will not count toward such a person's contribution limitation when it is demonstrated that such person exercised no direct or indirect control over the making of the contributions involved.
>
> * * *
>
> The conferees agree with the analysis of the House. . . .
>
> Conference Report No. 1237, Senate Report No. 93-689, reprinted in 1974 U.S. Code Congressional and Administrative News 5620-21 (emphasis added).

The term "direction or control" as used in 11 C.F.R. § 110.6(d)(2) is thus broader than and inconsistent with the

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Congressional intent in enacting 2 U.S.C. § 441a(a)(2)(A). It would be anomalous and unlawful for the Commission to use a different standard to apply the contribution limitations section to the Council than the standard that Congress clearly intended in enacting the law. Since the Council has obviously not exercised "direct or indirect control over the making of the contribution involved," it has not violated 2 U.S.C. § 441a(a)(2)(A).

Finally, if the Commission now plans to delineate the meaning of "direction" at 11 C.F.R. § 110.6(d)(2), it should proceed by rulemaking, subject to notice and comment by all interested parties, rather than by a single enforcement action against the Council. The "Notification of Reason to Believe Finding" states that the Council "exercised direction over the earmarked contributions of its supporters . . . by suggesting to its supporters that they contribute to the candidates whom the Council has selected." (emphasis added.) Although 11 C.F.R. § 110.6(d)(2) uses the term "direction or control," the term "direction" is not defined anywhere in the Commission's regulations, nor has it been defined in any litigated decisions or advisory opinions.*/

The Council understands that some other issue-oriented political action committees either send or are considering sending mailings to their supporters similar to those sent by the Council. Moreover, the Council has sent these types of mailings to its supporters since its founding in 1962, and this procedure was approved by the Secretary of the Senate as recently as 1974.

Among the procedural options available to the Commission, rulemaking is the only fair and appropriate mechanism for acting legislatively and adopting new policies or new definitions of regulations. Enforcement proceedings such as this, by their very nature designed only to prescribe specific remedies on the basis of the particular facts in a confined record, cannot provide an adequate framework for formulating a new rule of general applicability. As the Federal Trade Commission has stated:

> The focus in adjudication is on settling a dispute over past practices, and while a rule may be announced in the process, it tends to be done incidentally and without

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*/ AOR 1976-92 dealt with a corporate PAC and did not discuss the issue or definition of "direction." AOR 1975-10(C) was concerned only with "control" by a committee over the "earmarked contributions." The Council is aware of no other advisory opinions on this issue.

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> sufficient concern for laying down clear guidelines for the future. Most often, rules contained in adjudicative decisions, whether judicial or administrative, are not designated as rules or stated in the form of rules. The rule must be inferred from the language of the opinion and the facts of the case; it is implicit rather than explicit; and it may remain controversial and uncertain until many subsequent adjudications have refined and clarified it. It may take a long time for a rule even to be recognized and understood as such. */

In contrast, rulemaking can lead to the establishment of a rule articulated in direct and unambiguous language and supported by evidence and comments in the record. Congress, **/ the courts,***/ academic commentators,****/ and other agencies such as the Federal Trade Commission,*****/ have consistently emphasized the inadequacy of adjudication as compared to rulemaking in the development and promulgation of innovative policies affecting the general public and many parties.

Because many political action committees may be directly affected by the Commission's interpretation of the term "direction" in 11 C.F.R. § 110.6(d)(2), all such parties should have the opportunity to participate in a proceeding to explore such an interpretation before it is adopted. In addition,

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*/ Statement of Basis and Purpose of Trade Regulation Rules [Cigarette Advertising], 29 Fed. Reg. 8325, 8367 (July 2, 1964).

**/ See, e.g., House Comm. on Interstate and Foreign Commerce H.R. Rep. No. 93-1107, 93d Cong., 2d Sess. 32 (1974)

***/ See NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969); SEC v. Chenery Corp., 332 U.S. 194, 202 (1947); National Nutritional Foods Ass'n v. Weinberger, 512 F.2d 688, 698 (2d Cir. 1975); National Petroleum Refiners Ass'n v. FTC, 482 F.2d 672, 681 (D.C. Cir. 1973), cert. denied, 415 U.S. 951 (1974).

****/ See K. Davis, Administrative Law § 6.15 (1970 Supp.).

*****/ See Statement of Basis and Purpose of Trade Regulation Rules [Cigarette Advertising], 29 Fed. Reg. 8325, 8367 (July 2, 1964); Trade Regulation Rules Embodying Case Law Principles, 41 Fed. Reg. 3322 (1976).

"rulemaking procedures . . . encourage broad participation on the part of interested parties and . . . result in a bright-line standard of conduct in appropriate cases, [serving] the threefold interest of clarity, uniformity, and fairness to the regulated industry."*/

Only through rulemaking will a new policy take effect on a date certain with ample notice to all affected parties. No political action committee would be penalized or stigmatized for the failure to act in accordance with entirely new principles and new definitions neither announced nor anticipated.

The Supreme Court has twice noted that "there may be situations where [in agencies] reliance on adjudication [rather than rulemaking] would amount to an abuse of discretion," NLRB v. Bell Aerospace Co., 416 U.S. 267, 294 (1974); NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969). The Commission would exceed the limits of its discretion here in seeking to define the term "direction" as used in 11 C.F.R. § 110.6(d)(2) through an enforcement action rather than a rulemaking proceeding.

For all of the foregoing reasons, the Office of the General Counsel should recommend that no further action on this matter be taken by the Commission. In addition, I would like to request a meeting with you at your earliest convenience to discuss this matter. Thank you for your consideration.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Counsel to Council for a
Livable World

MEL:omb

Enclosure

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*/ Preservation of Consumers' Claims and Defenses Proceeding, 40 Fed. Reg. 53506, 53522 (1975).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of: Council for a Livable World	MUR 1028

Responses to Questions from the FEC

The Council for a Livable World hereby responds to the following questions from the Federal Election Commission:

These questions concern the Council's 1978 activity in regard to the following Senatorial candidates: Baucus (MT), Bradley (NJ), Clark (IA), Fraser (MN), Haskell (CO), Hathaway (ME), Levin (MI), Ravenel (SC) and Roy (KS).

1. Explain in detail your solicitations/mailing system. Include answers to the following:

(a) How an individual comes to receive a solicitation mailing.

ANSWER: Mailings were sent out to all supporters of the Council for a Livable World ("Council"). Supporters of the Council are those individuals who have made a contribution, in any amount, directly to the Council for its support.

(b) Explain the significance of the first letter of a supporter's last name in the fundraising process.

ANSWER: See the sample mailings at Tab B. In the typical mailing, profiles of two candidates are enclosed. On the solicitation card, as an example, it is suggested that, unless they have a preference to the contrary, contributors with last names beginning with letters from A to G should consider making contributions to one candidate, contributors with last names beginning with letters from H to Q should consider making contributions to the

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ndidate, and contributors with last names beginning
tters from R to Z should consider making a contribution
Council.

(c) How many candidates are involved per mailing?

There are from one to three candidates involved in
iling. In 1978 there were usually two candidates in-
in each mailing.

(d) Set out the reasons for obtaining written
cation from the candidates involved.

The Council obtained written authorizations from the
tes involved on the advice of counsel to ensure compli-
th proposed FEC regulations governing the solicitation
eipt of contributions by multi-candidate political com-
. Moreover, the Council wanted to comply with 2 U.S.C.
) which required disclosure in the direct mailing itself
authorization by a candidate.

(e) Please furnish copies of any

(i) written authorization forms used by the can-
.

See Tab A for a typical authorization form.

(ii) any written correspondence between the
and the candidates including copies of position papers
graphies supplied by the candidates.

There was no such written correspondence. Contacts
the Council and the candidates' campaigns were made by
ne.

(iii) copies of the solicitations that were used.
are identical, please specify and submit a sample solici-
)

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ANSWER: See Tab B for solicitations from the 1978 campaign, and profiles of candidates.

(f) How many individual mailings were sent on behalf of each candidate.

ANSWER: Baucus - 3 mailings to Council supporters were sent.

Bradley - 1 mailing to Council supporters was sent.

Clark - 2 mailings to Council supporters were sent.

Fraser - 1 mailing to Council supporters was sent.

Haskell - 1 mailing to Council supporters was sent.

Hathaway - 1 mailing to Council supporters was sent.

Levin - 1 mailing to Council supporters was sent.

Ravenel - 3 mailings to Council supporters were sent.

Roy - 2 mailings to Council supporters were sent.

(g) Explain how earmarked money is transferred to the intended recipient.

ANSWER: After a mailing was sent out, the contributions to a particular candidate that were sent in were collected every day, and a transmittal sheet was prepared showing individual contributors' names and addresses, and, for contributions over $100, occupations and place of business. Also shown on the transmittal sheet was the date of receipt of the contribution and the date it was being sent to the campaign. The collected checks and the transmittal sheet for each day were then sent out the next day to the individual candidates' campaigns.

(h) How the cost of these mailings is paid and how they are allocated among the candidates.

ANSWER: The cost of these mailings was paid out of the treasury of the Council and was allocated to the particular candidates involved in the mailing according to the percentage of Council supporters who were asked to consider contributing to the particular campaign.

2. In connection with the Council's obtaining of materials from a candidate's campaign committee, set out

(a) who in each committee was contacted

ANSWER: Baucus - Steve Browning, Administrative Assistant

Bradley - Susan Thomases, Campaign Manager

Clark - Bob Miller, Staff Aide

Fraser - Iric Nathanson, Press Secretary

Haskell - Jill Buckley, Campaign Consultant

Hathaway - Ed King, Administrative Assistant

Levin - Robert Seltzer, Campaign Manager

Ravenel - Bee Gee Truesdale, Campaign Coordinator

Roy - Paul Pendergast, Campaign Manager

(b) who from the Council made such contacts

ANSWER: Steve Thomas

(c) the substance of any conversations with the candidate or campaign committee officials

ANSWER: Steve Thomas asked the individuals at each particular campaign to send him a biography of the candidate, an 8"x10" glossy photograph of the candidate, a list of the candidate's legislative achievements while in office, and any speeches or articles by or about the candidate on issues relating to arms control.

//

3. Please state how, if at all, any of the Council's procedures during the 1976 election differ from the procedures followed in 1978.

ANSWER: The Council's procedures during the 1976 election were the same as those followed in 1978.

The foregoing answers are true to the best of my knowledge and belief.

Marc E. Lackritz
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, D.C. 20036
Counsel to Council for a
Livable World

Stephen M. Thomas
Former President and Executive
Director, Council for a
Livable World

Sworn to and subscribed to before
me this 12th day of March, 1980.

Mary J. Cullen
Notary Public

My Commission Expires May 14, 1983.

Attachment 1, p 85

December 14, 1979

Mr. Stephen M. Thomas
Council for a Livable World
100 Maryland Avenue, N.E.
Washington, D.C. 20002

Dear Mr. Thomas,

I hereby authorize the Council for a Livable World to spend approximately $2,000.00 for a fundraising letter in behalf of my candidacy for the United States Senate to be mailed to the Council's 12,000 supporters on approximately January 11, 1980.

Pursuant to this authorization, I designate the Riggs National Bank, 9th & F Street, N.W., Washington, D. C. as the depository of the Council.

This authorization is not to be construed as a general authorization of the Council as a subsidiary committee of my campaign pursuant to the provisions of the Federal Election Campaign Act.

Sincerely,

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January 12, 1978

Dear Council Supporter,

In this first mailing of the 1978 election year we urge your early and generous support for two outstanding candidates, Congressman Max Baucus of Montana and former Congressman Bill Roy of Kansas.

Congressman Baucus is seeking the Democratic nomination for the seat being vacated by retiring Senator Lee Metcalf whose own distinguished record earned him Council support in 1966 and again in 1972. Former Congressman Bill Roy is running for the seat being vacated by retiring Senator James Pearson.

Both Montana and Kansas represent fertile ground for serious challenges from the New Right, a growing coalition of right wing national organizations which are expected to move aggressively against progressive candidates in the 1978 elections. The most recent published reports indicate these groups have already amassed over $3.5 million which will be funneled into the Congressional elections.

Well-organized and well-financed, the New Right is certain wherever possible to oppose candidates who have favorable positions on issues of concern to the Council. This alone is an excellent reason for your early support of Max Baucus and Bill Roy. [illegible] detailed information on the two candidates and their campaigns.

For those supporters who have recently joined the Council we want to review briefly the Council's method of fundraising for candidates.

In our election appeals we normally ask supporters to make their checks payable either to a candidate's campaign committee or to the Council according to an alphabetical division of supporters by name. For example, in this mailing we ask those of you whose last name begins with the letters A-G to make your check payable to the Council, those whose last name begins with the letters H-Q to make your check payable to Roy for Senate and those whose last name begins with R-Z to make your

(over)

BOARD OF DIRECTORS

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Terry Lenzner, *Counsel*
Maureen Murphy, *Associate Director*

100 Maryland Avenue, N.E., Washington, D.C. 20002. Phone: 202-543-4100. *Founded in 1962 by Leo S*

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check payable to Bauccus Committee '78. Supporters who are asked this time to contribute to the Council are normally offered an opportunity to contribute to Senate candidates in the next election appeal.

Supporters will occasionally have other than Council priorities in selecting candidates to support. The inclusion of the phrase "unless you have a special preference to the contrary, please make your check payable to..." is to assure that your political contribution goes to a candidate of whom you fully approve.

In the event you decide to support more than one candidate or wish to support the Council and a candidate, please make separate checks for each recipient. Checks made payable to the Council with instructions that the contribution should go to a campaign committee are not permitted by law and will have to be returned. Please return all contributions in the enclosed envelope.

Unlike our lobbying efforts which by their very nature must deal largely with specific legislation on a year to year basis, the election campaigns offer you the opportunity to have a direct impact on the course of legislation for years to come. We hope that you will participate actively in this election year.

Sincerely,

William Doering

William Doering
President

Attachment 1, pg 88

MAX BAUCUS

Current Endorsed Candidate
Democrats Montana

"There is no greater challenge facing America than the need to eradicate the threat of nuclear war."

Two years ago when former Senate Majority Leader Mike Mansfield announced his retirement, the Council and the country were fortunate to have a strong candidate, John Melcher, who was successful in his bid to win the vacated seat and who shared Mansfield's enlightened approach to foreign affairs.

Despite the sudden death of Senator Lee Metcalf, we are fortunate that once again a strong contender, Congressman Max Baucus, is running for the Metcalf seat. Baucus too shares the enlightened tradition of internationalism that has characterized Montana's representation in the United States Senate for many years.

In two brief terms Baucus has established a record in the House of Representatives which prompted former Senator Mansfield to comment that "Max Baucus is the best Congressman Western Montana ever had," a particularly generous statement coming from Mansfield who once represented the district himself.

A native of Montana, thirty-six year old Max Baucus entered government service in 1967 upon completion of law school, first as an attorney for the Civil Aeronautics Board in Washington and later as legal assistant to the Chairman of the Securities and Exchange Commission.

In 1972 he entered elective politics by winning a seat in the Montana House of Representatives with over 80% of the vote. Two years later he ran and was elected to Congress from Montana's First District. In 1976 he was the top votegetter among Montana's Democrats, winning reelection with 66% of the vote.

In his two terms Max Baucus has clearly established his own concern and understanding of the complex issues of arms control, national security, nuclear proliferation and international cooperation. In key floor votes he has consistently opposed the B-1 bomber and voted against funding for either development or production of enhanced radiation warheads - neutron bombs. He voted for a reduction in funding from $150 to $75 million for the Clinch River breeder reactor, a step that leaves the program alive but forestalls actual construction in the present year.

He voted against the provision, eventually adopted, that requires the Director of ACDA to report to Congress on the prospects for verification of arms control agreements under negotiation. This provision, in effect, places Congressional hardliners in a position to intervene in and even disrupt the ongoing negotiating process.

Max Baucus has had an impact rare for a newcomer to the House of Representatives. As a freshman, he was elected to serve on the powerful Appropriations Committee and, of [illegible] Montana, was chosen for the Subcommittee on Agriculture. In early 1977, as the 95th Congress was getting under way, Max Baucus was asked to join the House leadership as Assistant Majority Whip.

In the area of Congressional reform he has established an impressive record. During his first term he was chosen to serve as Chairman of the New Members Caucus Committee for a More Active and Effective Congress. More recently, he played a leading role in the successful effort to oust Congressman Robert Sikes (D-Fla.) from his Chairmanship of Appropriation's Subcommittee on Military Construction following revelations of a serious conflict between the former Chairman's official and private conduct.

Among the qualities which Max Baucus has consistently demonstrated in his work and in his dealings with his constituents are openness and directness. Early in his freshman term in Congress, he walked into a Senate-House Conference Committee meeting which was dealing with major tax legislation. The Conference was closed to the public and, as he soon learned, closed also to Members who were not themselves conferees. Max took the issue to the House leadership, and his persistent efforts

[illegible] the [illegible] to the public at large.

A similar openness has characterized his dealings with his constituents. He is the first Congressman in Montana's history to open three district offices, establish a mobile office and provide at his own expense toll-free phone access to his district office for his constituents.

In his bid for the U.S. Senate Max Baucus will need your early and generous support. This is more true in view of recent political developments in Montana following the death of Senator Metcalf. On January 22, Governor Thomas Judge appointed State Supreme Court Justice Paul Hatfield to the Metcalf seat. Hatfield is expected to run for election to a full term and could be a formidable opponent for Baucus in the primary. In 1976 he defeated the incumbent Chief Justice by a margin of 103,000 votes, one [illegible] the largest in Montana's political history.

Paul Hatfield is a newcomer to [illegible] politics and Montana's [illegible] and range of [illegible] issues are still unfamiliar. He acknowledged [illegible] in an interview with the Montana Associated Press when "he said he has been buried in [illegible] cases so long he probably knows less ab[illegible] national issues facing the Senate than [illegible] average citizen." By contrast Max Baucus [illegible] established a strong and distinguished record [illegible] issues of concern to the Council.

In the general campaign Max Baucus, [illegible] nominated, is likely to face determined [illegible] heavily financed conservative opposition in [illegible] general election. As in 1976, Montana this y[illegible] will be targeted by national right wing organ[illegible]tions as a prime opportunity to gain a senat[illegible] in 1978. Early Council support can help [illegible] prevent that outcome. Please make your ch[illegible] payable to BAUCUS '78 COMMITTEE.

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3 3 0 4 0 1 4 0 6 2 7

Unless you have a preference to the contrary, please make your contribution according to this alphabetical arrangement by last name:

- A-G, check payable to Baucus '78 Committee
- H-O, check payable to Council for a Livable World
- P-Z, check payable to Roy for Senate

If you make more than one contribution, please write separate checks for each.

[illegible] and [illegible] Roy for Senate committee and Baucus '78 Committee

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

Please fill out and return in enclosed envelope

(10) Occupation

(11) Place of Business

(12) City (13) State

PLEASE CORRECT YOUR MAILING ADDRESS:

(01) Name

(03) Address

(04) City (05) State

(07) 702

Federal Election Act Identification Number

attachment 1 pg 91

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Marc E. Lackritz
Wald, Harkrader & Ross
1300 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1028
Council for a Livable World

Dear Mr. Lackritz:

On July 23 , 1980, the Commission determined there was no probable cause to believe that your client had violated 2 U.S.C. § 441a(a)(3) and 11 C.F.R. § 110.6(d)(2). Accordingly, the file has been closed in this matter and it will become part of the public record within thirty days.

If you have any questions, please contact Marybeth Tarrant at (202) 523-4175.

Sincerely,

Charles N. Steele
General Counsel

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LAW OFFICES
WALD, HARKRADER & ROSS

1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036

(202) 828-1200
CABLE ADDRESS: WALRUS
TELEX (RCA): 248581 (WHR)

CHARLES C. ABELES
TONI GOLDEN ALLEN
JERRY D. ANKER
GEORGE A. AVERY
DAVID R. BERZ
C. COLEMAN BIRD
RICHARD A. BROWN
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RANDALL LEE SPECK
ANN ADAMS WEBSTER

* NOT ADMITTED IN D.C.

DALLAS OFFICE

1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
(214) 741-9241

ROBERT M. COHAN
RESIDENT PARTNER

SELMA M. LEVINE (1924-1975)

OF COUNSEL
PHILIP ELMAN
DON WALLACE, JR.

May 5, 1980

Federal Election Commission
Office of General Counsel
Advisory Opinion Section
Attention: Brad Litchfield, Esq.
1325 K Street, N.W.
Washington, D.C. 20463

Re: AOR 1980-46

Dear Sirs:

Pursuant to 2 U.S.C. § 437f(d) and 11 C.F.R. § 112.3, the Council for a Livable World ("Council") hereby comments on AOR 1980-46 submitted by the National Conservative Political Action Committee ("NCPAC").

The Council, founded in 1962 as a non-profit and non-partisan association concerned primarily with arms control issues, is a multicandidate political committee, as defined in the Federal Election Campaign Act of 1971, as amended. The Council's interest in AOR 1980-46 arises from the Council's use of a procedure to support candidates that is somewhat similar to that proposed by NCPAC. */

---

*/ The Council acts as a conduit in forwarding earmarked contributions to candidates. However, the Council's procedures are also quite different from those proposed by NCPAC. For example, the Council obtains a written authorization, from each of the candidates it endorses, to spend funds for a fundraising letter on his behalf to be mailed to Council supporters. As a result, the Council reports its mailing expenses as "in-kind contributions" rather than as "independent expenditures." In addition, the purposes and nature of the Council are very different from those of NCPAC.

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attachment 1, pg 99

NCPAC proposes to pay the expenses of a mass mailing advocating the election of a clearly identified candidate and suggesting that contributions be made to that candidate, but the contributions (drawn to the order of the candidate's principal campaign committee) would be mailed in care of NCPAC. Upon the receipt of such contributions, NCPAC would forward the contributions to the candidate's principal campaign committee in accordance with the provisions of 11 C.F.R. § 102.8. NCPAC wishes to be advised: (1) assuming that no communication occurred between NCPAC and the candidate or his agents, whether the mass mailing expenses would be independent expenditures (under 11 C.F.R. § 109.1); (2) whether NCPAC would be subject to "conduit" reporting requirements (at 11 C.F.R. § 110.6(c)), and (3) whether the earmarked contributions forwarded by NCPAC to the candidate's principal campaign committee would be considered as contributions by NCPAC (under 11 C.F.R. §§ 110.6(d)(1) and (2)).

The Council wishes to comment only on question (3) above, and urges the Commission to advise NCPAC that the earmarked contributions it would forward to the candidate's committee would not be considered as contributions by NCPAC. The regulations state that "if a conduit exercises any direction or control over the choice of the recipient candidate, the contributions shall be considered a contribution by both the original contributor and the conduit." 2 C.F.R. § 110.6(d)(2). The earmarked contributions by individuals forwarded on by NCPAC should not be considered as contributions by NCPAC because it would exercise no "direction or control" over the actual making of these earmarked contributions. Second, Congress intended that conduits not exercising control over the making of earmarked contributions could pass on such contributions without having them count toward the conduit's own contribution limits. Finally, if the Commission now plans to interpret the term "direction or control" as used in 11 C.F.R. § 110.6(d) to include the kind of activity proposed by NCPAC, the Commission should propose this interpretation "only as a rule or regulation pursuant to procedures established in section 438(d) of [Title 2 of the U.S. Code]," and not in an advisory opinion. 2 U.S.C. § 437f(b), 11 C.F.R. § 112.4(e).

Merely mailing literature advocating the election of a candidate to someone cannot reasonably be interpreted to be exercising "direction or control over [that person's] choice of the recipient candidate." 11 C.F.R. § 110.6(d)(2). For example, if an individual, acting on his own, urged his neighbors and acquaintances to make campaign contributions to a particular candidate, he would not be exercising "direction or control" over the making of the contributions but would merely be exercising

his First Amendment rights. Moreover, if this same "activist" individual then collected these campaign contributions, made out directly to the candidate's campaign committee, and forwarded them on to the committee, no one would claim that such contributions should be counted toward the "activist" individual's contribution limitations.

Similarly, a newspaper editorial might endorse a particular candidate and urge its readers to support and make contributions to that candidate. If some readers decided to make campaign contributions to the candidate, no one would argue that such contributions should be recorded as coming from the newspaper. To so argue would in effect place intolerable and unconstitutional limitations on the newspaper's First Amendment rights.

The mass mailings and procedure proposed by NCPAC are no different than the hypotheticals of the "activist" individual and the newspaper editorial discussed above. The reader of NCPAC's mailings would obviously make his or her own choice of a recipient candidate for a contribution, and while he or she might be "influenced" by the content of the mailing, mere influence is very different from "direction or control." Indeed, if NCPAC is found to have "direction or control" over its readers' choices of recipient candidates for their contributions, it is difficult to conceive of <u>any</u> conduit or intermediary that wouldn't be in a similar position.

Such a result, which would in effect eliminate all conduits and intermediaries, would be contrary to Congress' clear intent in enacting the Federal Election Campaign Act. There Congress specifically provided that:

> For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way <u>earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate</u>.
>
> 2 U.S.C. § 441a(a)(8) (emphasis added).

In addition, Congress intended for contributions passed on to candidates by conduit committees to count toward the conduit's contribution limitations only when the conduit exercised "control" -- not "direction" -- over the making of the contributions. Specifically, the Conference Report on the Federal Election Campaign Act Amendments of 1974 stated that:

> It was the understanding of the Committee on House Administration . . . that the following rule would apply with respect to the application of the contribution limitations established by subsection (b) [now subsection (a)]: if a person exercises any direct or indirect control over the making of a contribution, then such contribution shall count toward the limitation imposed with respect to such person under subsection (b), but it will not count toward such a person's contribution limitation when it is demonstrated that such person exercised no direct or indirect control over the making of the contribution involved.
>
> * * *
>
> The conferees agree with the analysis of the House. . . .
>
> Conference Report No. 1237, Senate Report No. 93-689, reprinted in 1974 U.S. Code Congressional and Administrative News 5620-21 (emphasis added).

The term "direction or control" as used in 11 C.F.R. § 110.6(d)(2) is thus broader than and inconsistent with the Congressional intent in enacting 2 U.S.C. § 441a(a)(2)(A). It would be anomalous and manifestly unreasonable for the Commission to use a different standard in determining whether a conduit should be charged with making the contributions it has merely passed on than the standard intended by Congress in enacting the law. Merely sending a mass mailing advocating a candidate's election and suggesting that contributions be made to that candidate would not be exercising "direct or indirect control over the making of the contributions involved." Id., emphasis added.

Finally, if the Commission now plans to interpret the term "direction or control" as used in 11 C.F.R. § 110.6(d) to encompass the kind of mass mailing activity proposed by NCPAC, the Commission should not propose this interpretation in an advisory opinion, but only as a rule or regulation. The Federal Election Campaign Act states clearly that:

> Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of title 26 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 438(d) of this title. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

2 U.S.C. § 437f(b); see also 11 C.F.R. § 112.4(e).

Although 11 C.F.R. § 110.6(d) uses the term "direction or control," the term is not defined in either the Federal Election Campaign Act, as amended, or in the regulations. The Commission's initial interpretation of this term, therefore, should be issued "only as a rule or regulation pursuant to procedures established in section 438(d)." Id.

On behalf of the Council, I would very much appreciate being informed in advance of the Commission meeting at which AOR 1980-46 will be discussed or considered. Thank you very much for your consideration in this matter.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Counsel for Council for a
Livable World

MEL:omb

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attachment 1, p997

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

1. Name of Committee (in Full)

Peace Political Action Committee

Address (Number and Street)

100 Maryland Avenue, N.E.

City, State and ZIP Code

Washington, D.C. 20002

☐ Check if address is different than previously reported.

2. FEC Identification Number

C00155119

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (date)

4. TYPE OF REPORT (check appropriate boxes)

(a) ☐ April 15 Quarterly Report

☒ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-election Year Only)

☐ Monthly Report for _____

☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____ in the State of _____

☐ Termination Report

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY	Column A This Period	Column B Calendar Year-to-Date
5. Covering Period April 1 Through June 30, 1982		
6. (a) Cash on Hand January 1, 1982		$ -0-
(b) Cash on Hand at Beginning of Reporting Period	$ -0-	
(c) Total Receipts (from Line 18)	$ 3,000.00	$ 3,000.00
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	$ 3,000.00	$ 3,000.00
7. Total Disbursements (from Line 28)	$ -0-	$ -0-
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	$ 3,000.00	$ 3,000.00
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	$ -0-	

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

For further information, contact:

Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

Jerome Grossman
Type or Print Name of Treasurer

Jerome Grossman
SIGNATURE OF TREASURER

July 12, 1982
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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

FEC FORM 3X (3/80)

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attachment 1, pg 98

Name of Committee (in Full): Peace Political Action Committee

Report Covering the Period: From Apr. 1 To: June 30, 19

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
I. RECEIPTS		
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	$3,000.00	$3,000.00
(Memo Entry Unitemized $ -0-)		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b and 11c)	$3,000.00	$3,000.00
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13. ALL LOANS RECEIVED		
14. LOAN REPAYMENTS RECEIVED		
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17. OTHER RECEIPTS (Dividends, Interest, etc.)		
18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17)	$3,000.00	$3,000.00
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES	-0-	-0-
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
22. INDEPENDENT EXPENDITURES (Use Schedule E)		
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441a(d)) (Use Schedule F)		
24. LOAN REPAYMENTS MADE		
25. LOANS MADE		
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c)		
27. OTHER DISBURSEMENTS		
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)	-0-	-0-
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d	$3,000.00	$3,000.00
30. TOTAL CONTRIBUTION REFUNDS from Line 26d	-0-	-0-
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)	$3,000.00	$3,000.00
32. TOTAL OPERATING EXPENDITURES from Line 19	-0-	-0-
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	-0-	-0-
34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32)	-0-	-0-

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attachment 1, p 99

SCHEDULE A ITEMIZED RECEIPTS (Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)
Peace Political Action Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
John Harris IV 2801 Barker St. Silver Spring MD 20910	———	5/28/82	$3,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$ 3,000.00		

B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		

C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		

D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		

E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		

F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		

G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		

SUBTOTAL of Receipts This Page (optional)	$3,000.00
TOTAL This Period (last page this line number only)	$3,000.00

100

Attachment 1, pg 100

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
Legislative Director

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National Farmers Union

GENE POKORNY
Cambridge Reports

CHARLES PRICE
University of Pa.

EDWARD PURCELL
Harvard University

GEORGE RATHJENS
MIT

ELI SAGAN
Weser

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

October 29, 1982

David and Ruth Booth
2895 Orion Crescent
Windsor ONT N9E 2Z3
CANADA

Dear David and Ruth Booth:

In order for us to comply with the regulations of the Federal Election Commission of the United States, we respectfully request that you complete the form below and return to us.

Thank you,

Marianne Barbera

Marianne Barbera

I am a citizen of the United States of America: X

I am not a citizen of the United States of America: _____

Signed: Ruth D. Booth – David B Booth

Date: Nov 5, 1982

Founded in 1962 by Leo Szilard

101

attachment 1, 29/81

JAMES PATTON
National Farmers Union
GENE POKORNY
Cambridge Reports
CHARLES PRICE
University of Pa.
EDWARD PURCELL
Harvard University
GEORGE RATHJENS
MIT
ELI SAGAN
Writer
HERBERT SCOVILLE, JR.
Arms Control Association
JANE SHARP
Cornell University
WILLIAM E. TARLOW
Business Executive
STEPHEN THOMAS
Integrative Biomedical Research
KOSTA TSIPIS
MIT
PAUL C. WARNKE
Attorney
JEROME B. WIESNER
MIT

Affiliations For Identification Only

I am citizen of the United States America: X

I am not a citizen of the United States of America: ____

Signed: Michele L. Pearce

Date: November 5, 1982

Founded in 1962 by Leo Szilard

attachment 1, pg 102

LEGAL FOUNDATION NEWS

1612 K STREET, N.W., SUITE 502, WASHINGTON, D.C. 20006

WASHINGTON LEGAL FOUNDATION BLASTS ANTI-NUKE GROUPS FOR MASSIVE ELECTION LAW VIOLATIONS; SEEKS COMPLETE "SHUT DOWN" AND MILLION DOLLAR FINES

October 15, 1982 . . . The Washington Legal Foundation, a nonprofit public interest organization, filed a 20-page complaint with 30 pages of exhibits at the Federal Election Commission (FEC) today against the Council for a Livable World (CLW), Peace PAC, Paul C. Warnke who is Peace PAC's Chairman and Director of CLW, Nuclea Freeze PAC and other officers of the pro-nuclear freeze, anti-defense groups for a multitude of election law violations. The charges accuse CLW, which is larger than 98% of all PACs, of acting as a professional fundraiser for a few dozen pro-nuclear freeze candidates such as Howard Metzenbaum, Toby Moffet, and Don Reigle, giving them as a conduit $20-30,000 and more each despite the election law's limi of $5,000 from a PAC to a candidate. WLF charges that the costs of the massive fundraising effort is intentionally undervalued and not fully reported as "in-kin contributions to the campaigns.

WLF also charges CLW with failing to file certain pre-election reports, and that Peace PAC failed to file its quarterly report on July 15; soliciting and receiving foreign contributions; failing to properly disclose on the groups materia who paid for and authorized them; and for illegal transfer of funds from CLW to Peace PAC.

"WLF calls upon the FEC to order a complete "shut down" of these groups ille fundraising schemes, a return of all contributions received by the candidates, an fines up to $3 million to remedy the injurious effects from the political fall-ou from these outlaw groups," said Paul D. Kamenar, WLF's Director of Litigation. C was founded in 1962 by a Dr. Leo Szilard who once advocated the death penalty for anyone violating "peace" and deputizing all Americans to carry out the sentence. The Washington Legal Foundation is a public interest group with 85,000 members nationwide that advocates the free enterprise system, a strong national defense a rights of crime victims. WLF has testified before the FEC and Congress in the pa and sharply criticized rules that unduly restrict the First Amendment rights of businesses to participate in the electoral process.

* * * *

FOR MORE INFORMATION CONTACT: PAUL D. KAMENAR, TEL. 857-0240.

Complaint Names PACs Backing Candidates Who Favor A Freeze

WASHINGTON (UPI) — A conservatively oriented legal group has filed a complaint with the Federal Election Commission against political action committees backing candidates who favor a freeze on nuclear weapons.

The complaint was filed Friday by the Washington Legal Foundation. It singles out the Council for a Livable World, the Peace Political Action Committee, the Nuclear Freeze Political Action Committee, former U.S. arms reduction negotiator Paul Warnke, chairman of PeacePAC and other officers of the groups.

The complaint says the groups violated contribution limits and reporting requirements of federal election law and undervalued campaign services to candidates, including Democratic Sens. Paul S. Sarbanes of Maryland, Edward M. Kennedy of Massachusetts, Howard M. Metzenbaum of Ohio and Donald W. Reigle Jr. of Michigan and Rep. Toby Moffett, candidate for the Senate in Connecticut.

John Isaacs, legislative director of the Council for a Livable World, said the complaint "sounds basically like harassment" because the group received an FEC ruling before the 1980 elections approving its method of fund-raising.

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our relationship with the Soviet Union ... You've got to look for those windows when people are interested."

Several sources on both sides of the nuclear-freeze issue said the administration's campaign could backfire by generating more publicity for the freeze movement.

The senior administration officials behind the anti-freeze drive, these sources suggest, are driven less by political considerations than by deep personal commitment. This is particularly true, they say, for an influential group of administration Catholics who are offended by the leading role that several Catholic bishops have taken in the freeze movement.

Among those administration officials who are Catholic and who have taken a strong interest in countering the freeze movement are National Security Advisor William P. Clark; Edward Rowny, chief negotiator for the Arms Control and Disarmament Agency; and the three Lehman brothers — John, secretary of the Navy; Joseph, chief spokesman for Arms Control and Disarmament Agency, and Christopher, director of strategic nuclear planning for the State Department.

Clark made public a long letter earlier this month outlining his views on a landmark "Pastoral Letter on Peace and War" under preparation by the National Conference of Catholic Bishops.

A preliminary draft of the bishops' pastoral letter, now being revised, had expressed "profound doubts about whether the use or threatened use of nuclear weapons can be truly reconciled with traditional principles of just war."

The Lehman brothers have made public appearances against the freeze initiatives. Joseph Lehman said that over the past several months, he had spoken at forums in West Virginia, Montana, Wisconsin, Pennsylvania, New Jersey and New York. Christopher Lehman has made anti-freeze appearances in Wisconsin and Michigan.

Most recently, he took part in a radio forum last Wednesday in Miami, where a freeze resolution is on the Dade County ballot, and participated Friday in a debate in New Jersey.

Christopher Lehman noted that he and his brother John had received a Jesuit education at St. Joseph's College in Philadelphia and said, "Basically, yes, I do have a personal commitment on this.

"I'm no theologian, but others far more expert have concluded there is such a thing as a just-war doctrine, that self-defense is morally acceptable, that nuclear deterrence is morally acceptable ... I don't take a back seat to anyone on being a moral person."

John Lehman is scheduled to address the freeze question in an appearance next Thursday before the Los Angeles Junior Chamber of Commerce. He spelled out his own views in a strongly-worded address last March at Philadelphia's Chapel of the Four Chaplains, which honors four chaplains who died in World War II.

"We can be thankful," Lehman told the chapel audience, "that, in their time, they did not support the kind of pacifist ideology that has — most unfortunately — now captured a small and idealistic but vocal minority within the religious community ...

"We must realize — and remind our fellow countrymen — that this fashionable pacifism we see and hear today ... cannot and will not lead to peace. To disarm before a totalitarian aggressor does not lead to peace. More often, as history teaches, it leads to war."

Washington Times

OCT 18 1982

Funding violations laid to peace lobbies

By Tom Diaz
WASHINGTON TIMES STAFF

A public interest law firm has charged several pro-nuclear freeze political action committees and their officers with violating federal election laws while channeling campaign funds to "pro-nuclear freeze, anti-defense spending" candidates.

The Washington Legal Foundation charged in a complaint filed with the Federal Election Commission that the committees have not filed required reports and have not properly declared the value of their "in-kind" services to candidates such as senators Paul Sarbanes, D.-Md., Ted Kennedy, D.-Mass. and Howard Metzenbaum, D.-Ohio, and congressmen Mike Barnes, D.-Md. and Barney Frank, D.-Mass., among others.

The complaint — filed last Friday — asked the FEC to conduct a "complete and expeditious investigation" of alleged violations by the Council for a Liveable World (CLW), the Peace Political Action Committee and the Nuclear Freeze Political Action Committee. The foundation asked the FEC to impose civil penalties of from $600,000 to $3 million against the respondents, and to require candidates to return any funds they have received from the committees.

Paul Warnke, former director of the Arms Control and Disarmament Agency, was named in the complaint in his capacity as a director of CLW and chairman of the Peace PAC, along with William E. Barlow, treasurer of CLW, and Jerome Grossman, president and treasurer of Peace PAC and CLW's registered lobbyist.

The foundation charges that CLW and Peace PAC have violated election laws by failing to report as in-kind contributions the full cost of expenses such as developing mailing lists — which the committees use in their fundraising efforts on behalf of pro-freeze candidates, and that Peace PAC and Nuclear Freeze had failed to file reports required by federal election laws.

According to the complaint CLW and Peace PAC are affiliated organizations, with the only difference between them being that CLW supports Senate candidates and Peace PAC supports House candidates (Nuclear Freeze is not affiliated with the other two groups).

John Isaacs, legislative director of CLW, said on behalf of CLW Peace PAC, and their officers that, "The complaint was filed two weeks before the election simply as harassment."

Isaacs also said that the FEC has already ruled on the pro-freeze groups' fundraising methods and found them legal. But Paul Kamenar, the foundation's director of litigation, said that the FEC ruling to which Isaacs referred does not cover either the failure to report the full value of in-kind contributions, or the report filing violations alleged in the complaint.

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attachment 1, pg 105

-. 22, 1982

Washington Inquirer

Peace-PAC's Violate Law

Two "peace"-oriented PACs have been charged with massive campaign law violations and contributing four to six times the legal limit of $5,000 to candidates. The "peace" PACs were also charged with being liable for millions in funds.

What the two PACs have been doing is sending funds directly to the candidates with the checks made out to the candidates, which is legal. They have been acting as a fund-raiser for the candidates, like a Richard Viguerie or a Carver Matthews. That is legal, but the two peace PACs have not been charging the candidates the full cost of their fundraising activities, the Washington Legal Foundation charges. The Foundation asserts that this makes their procedures illegal.

The Washington Legal Foundation, a nonprofit public interest organization, filed a 20-page complaint with 30 pages of exhibits at the Federal Election Commission (FEC) against the Council for a Livable World (CLW); Peace PAC; Paul C. Warnke, who is Peace PAC's Chairman and Director of CLW; Nuclear Freeze PAC; and other officers of pro-nuclear freeze, anti-defense groups, for a multitude of election law violations.

The charges accuse CLW, which is larger than 98% of all PACs, of acting as a professional fundraiser for a few dozen pro-nuclear freeze candidates such as Howard Metzenbaum, Toby Moffet, and Don Riegle, channeling $20-30,000 and more to each, despite the election law's limit of $5,000 from a PAC to a candidate. The Washington Legal Foundation charges that the costs of the massive fundraising effort are intentionally "low-balled" and not fully reported as "in-kind" contributions to the campaigns.

WLF also charges CLW with failing to file certain pre-election reports, and that Peace PAC failed to file its quarterly report on July 15; soliciting and receiving for-

Continued on Page 2

Peace PAC's

Continued from Page 1

eign contributions; failing to properly disclose on the groups' materials who paid for and authorized them; and for illegal transfer of funds from CLW to Peace PAC.

"WLF calls upon the FEC to order a complete 'shutdown' of these groups' illegal fundraising schemes, a return of all contributions received by the candidates, and fines up to $3 million to remedy the injurious effects from the political fall-out from these outlaw groups," said Paul D. Kamenar, WLF's Director of Litigation.

CLW was founded in 1962 by Dr. Leo Szilard, who once advocated the death penalty for anyone violating "peace" and deputizing all Americans to carry out the sentence. The Washington Legal Foundation is a public interest group with 85,000 members nationwide that advocates the free enterprise system, a strong national defense and rights of crime victims. WLF has testified before the FEC and Congress in the past and sharply criticized rules that unduly restrict the First Amendment rights of businesses to participate in the electoral process.

BANGOR DAILY NEWS
BANGOR, ME
D. 70,478

OCT 25 1982

New England Newsclip

Legal firm sues N-freeze proponents

By John Day
Of the NEWS Staff

A public interest law firm is suing several pro-nuclear freeze groups, charging that the organizations have violated federal election laws while channeling campaign funds to "pro-freeze" candidates.

Sen. George J. Mitchell, D-Maine, is reported to have received more than $30,000 from one of the pro-freeze groups. Larry Benoit, Mitchell's campaign manager, indicated he was aware of the suit but not acquainted with "its details."

In its suit, the Washington Legal Foundation charges that the Council for a Liveable World (CLW) and several smaller anti-nuclear organizations are circumventing the $5,000 federal ceiling on campaign contributions by political action committees. CLW's political action committee expects to contribute slightly under $1 million to 12 Senate and 14 House candidates this year who have endorsed the freeze resolution. That resolution seeks a moritorium on the construction of nuclear weapons by both the United States and Soviet Union.

Mitchell's opponent, Rep. David F. Emery, voted against the freeze resolution when it failed by a two-vote margin in the House of Representatives last Aug. 5. Emery was the only member of Congress from New England to oppose the freeze, a fact Mitchell has repeatedly pointed out in their campaign.

The Washington Legal Foundation asserts in its suit that CLW method's of fund raising is a ruse to launder campaign contributions. The anti-nuclear group reportedly urges its members to send checks made out to individual candidates to its Washington office. The funds are then turned over to individual candidates and logged as individual contributions, not covered by the $5,000 PAC ceiling.

The suit also claims that "in-kind" contributions by the anti-nuclear groups have not been properly logged. It asks the Federal Elections Commission impose civil penalties of $800,000 to $3 millio against CLW and to require pro-freeze candidates to return contributions received from CLW.

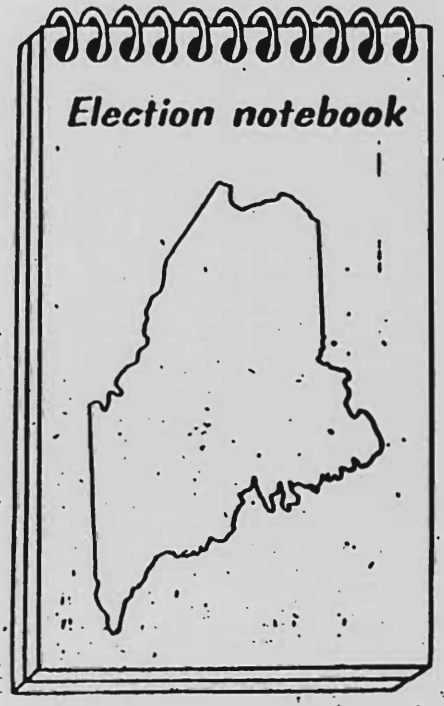
John Isaacs, legislative director for CLW, told reporters in Washington that the suit was "simply harrassment." He reported that the FEC has already ruled that CLW's method for raising political contributions is legal. Paul Kramenar, a spokesman for the Washington Legal Foundation, stated the FEC ruling did not address itself to the issue of his group's allegations of unreported "in-kind" contributions.

Benoit said Mitchell's campaign committee "has duly reported both individual and in-kind contributions from CLW."

Speaking of the freeze, Mitchell and Democratic party leaders in Washington were successful in pursuading another pro-freeze group not to air a rather strident pro-freeze commercial on Maine televisio stations. Democratic party officials in Washington sought to block the commercials, fearful they would provoke a backlash that would hurt pro-freeze candidates more than help them.

"Our legal counsel wrote to all the stations in Maine, communicating our concern about commercials sponsored by independent political committee, regardless of whether the ads attack Mitchell or Emery," said Larry Benoit, Mitchell's campaign manager.

The pro-freeze group announced they were voluntarily pulling its commercials in the wake of strong opposition by Democratic leaders.



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Wallop spending three times more

By PHILIP WHITE
Star-Tribune staff writer

CHEYENNE — Sen. Malcolm Wallop has outspent his Democratic challenger by more than 3-1 during 1982, and has received contributions during September amounting to almost twice those of Rodger McDaniel.

Reports filed with the Wyoming secretary of state on Monday show Wallop receiving $116,472 in contributions during September, including several donations from oil company political action committees. McDaniel's report shows he received $56,201 during the month, much of it from labor union PACs.

McDaniel's campaign manager denied a report appearing in the afternoon paper in Cheyenne on Monday that quoted Cheyenne attorney Byron Hirst as saying McDaniel had received a campaign contribution of $25,000-$30,000 from the Boston-based Council for a Livable World.

Kathy Karpan said federal law prohibits an organization from contributing more than $10,000 during a campaign, "and Mr. Hirst knew that and Wallop's campaign staff knew that when they prepared the release." She said McDaniel has received 300 individual contributions totaling about $25,000 from people all over the U.S. as a result of his endorsement by the council.

Karpan said the council has also endorsed Republican Senate candidate Millicent Fenwick in New Jersey.

The Federal Election Commission reports filed Monday show that Wallop has spent $683,172 on his re-election campaign this year while McDaniel has spent only $214,147. The reports show that 52 percent of Wallop's contributions have come from PACs, while 36 percent of McDaniel's funds have come from that source.

THE REPORTS indicate that during September, Wallop's biggest contribution of $10,000 came from the state Republican committee. Campaign America and the American Trial Lawyers PAC each donated $5,000.

The Associated General Contractors of America PAC gave $4,000 and oil company PACs donated as follows: Mobil Oil $500; Exxon $100; Tenneco $2,000; Union Oil $1,500; American Petroleum Refiners $1,000; and Ashland Oil $1,000.

McDaniel's biggest contributors were the Communication Workers of America PAC and the AFL-CIO Committee on Political Education, both $2,500. He also received $1,000 apiece from Democrats for the '80s, the Sierra Club COPE and the Florida Congressional Committee.

The American Postal Workers PAC contributed 2,500, as did the United Mine Workers PAC and the Machinists PAC. The State, County and Municipal Employees donated $2,500 and the International Ladies Garment Workers Union PAC gave $1,500.

The reports list Wallop with $68,290 in cash on hand at the end of September while McDaniel had $14,771.

Snow

Forecast: Cloudy with chance of snow ending off and ending by late morning. Low in the low 40s. Clear tonight, low in the upper low 20s. Sunny Wednesday, high in the low 40s. Prevailing wind direction was from the north. Sunset Tuesday at sunrise. Wednesday at sunset Wednesday

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January 13, 1983

BY HAND

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Fl.
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

This letter supplements the November 18, 1982 response of the Council for a Livable World ("CLW") filed in the above-referenced matter. The complaint in this proceeding alleges that CLW and its affiliate, Peace Political Action Committee ("Peace PAC"), have violated federal law by failing to allocate "the cost of CLW's staff and officers for obtaining, writing, compiling and producing the candidate profile brochures." (Complaint, at 8). This letter provides a more detailed description of the process by which CLW collects information about candidates, prepares the profiles and related solicitation material, and reports the associated costs as in-kind contributions.

Almost all of the information in the profiles about candidates and their views on nuclear arms control is developed as a result of CLW's lobbying and educational activities. As we stressed in our November 18 response

at pages 7-8, CLW's overriding objective is not the election of candidates for federal office, but rather the establishment of a rational and consistent national policy on arms control. To that end, CLW engages in a wide variety of lobbying and educational activities that are unrelated to political campaigns and are carried out in both non-election and election years. In the course of these activities, key CLW staff members, particularly its president, Jerome Grossman, and its legislative director, John Issacs, gather relevant information about specific Senators and their positions and voting records on nuclear arms control. Moreover, CLW regularly receives newsletters from the Democratic and Republican national party organizations and materials from candidates' campaign committees as well. **This information is supplemented by independent research** conducted by CLW to guide its lobbying activities on Capitol Hill.

In an election year, the information compiled about various Senate candidates during the preceding months forms the basis for endorsement proposals that are submitted to the CLW Board of Directors. The members of that Board, who are unpaid, meet regularly to discuss and decide major policy and strategic questions, including the endorsement of particular candidates recommended by the staff. **A candidate must be interviewed by at least three Board members before an endorsement decision is made.**

Once the Board endorses a candidate, the staff collects additional pertinent information about the candidate and his or her views on nuclear arms policy. This information is obtained from public sources (e.g., Congressional Record) as well as the candidate's campaign committee and involves minimal (less than a few hours) staff time. See 11 C.F.R. § 100.7(a)(3)(i).

The candidate profiles are prepared by Messrs. Grossman and Isaacs, who share the responsibility equally. Each spends approximately four hours reviewing the assembled information, including a candidate's statements, voting record, and biographical data, and drafting the one or two page candidate profile. In an election year, CLW typically makes one solicitation per month and each solicitation seeks support for two or sometimes three different candidates. Thus, in the course of a month Messrs. Grossman and Issacs spend collectively no more than 12 hours and frequently

as little as eight hours drafting candidate profiles. Moreover, Mr. Grossman drafts all of the profiles assigned to him at home during non-business hours. Mr. Issacs also frequently writes his profiles at home, but sometimes will spend one or two hours doing them during his regular business day. Each solicitation is also accompanied by a cover letter, drafted by Mr. Grossman, which takes perhaps one hour to complete.

The drafts are typed during regular business hours by a CLW secretary and then proofed and sent to a typesetter. The typesetter does the layout for the solicitation, which is proofed by CLW and forwarded in final form to a printer. The printed letters and profiles are then forwarded to a mailing house which places them in envelopes, addresses them to individuals on CLW's mailing list and mails them out. The costs of the typesetting, printing, and mailing are allocated among the endorsed candidates in accordance with the procedures described in our earlier response in this proceeding (pp. 8-9) and reported as in-kind contributions to those candidates. If the solicitation also asks for contributions to CLW itself, CLW is treated as if it were an endorsed candidate and is allocated its appropriate portion of the printing and mailing costs.

In sum, almost all of the information that CLW uses in identifying candidates for endorsement and preparing the candidate profiles is gathered in connection with CLW's lobbying and educational activities rather than its election activities. The profiles themselves require very little time to prepare and are drafted by Messrs. Grossman and Issacs, usually at their homes in the evenings, outside of regular business hours, and, therefore, should not be regarded as "contributions" under the FEC regulations. See 11 C.F.R. § 100.7(a)(3)(i);(b)(3). In contrast, the costs of typesetting, printing and mailing the profiles are allocated among the endorsed candidates and reported as in-kind contributions to those candidates.

I hope this additional information answers any questions you may have about CLW's "in-kind contributions." If you have any further questions, please contact me.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Attorney for Council
For A Livable World

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MEL:lc

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GCC# 9650

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March 11, 1983

BY HAND

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Seventh Floor
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

This letter supplements the November 18, 1982 and January 13, 1983 responses of the Council for a Livable World ("CLW") in the above-referenced matter. This submission responds to the material filed by the Washington Legal Foundation ("WLF") in this matter on January 27, 1983, and provides a more detailed description of CLW's "prospect mailings" which are used to generate support for the organization's programs.

WLF's January 27 submission included an excerpt from a civil complaint filed in Friends of the Earth v. Weinberger, No. 83-0053 (D.D.C.), an action that seeks enforcement of federal environmental laws. That excerpt

incorrectly describes CLW, one of many plaintiffs in the case, as a "not-for-profit, membership organization incorporated in Washington, D.C. in 1962...." WLF apparently filed this material to support its claim that CLW "may be incorporated as a non-profit corporation." (Complaint, at 5 n.**; see letter from Paul D. Kamenar to Federal Election Commission (Jan. 26, 1983)).

Simply put, the excerpt from the complaint in the Friends of the Earth case is inaccurate. As we stated in our November 18 response, CLW is a "non-profit and non-partisan voluntary association." (p. 2). */ CLW is not incorporated nor is it a membership organization. We have discussed the error in the complaint with Kenneth N. Goldenberg of the Center for Law in the Public Interest, who is counsel for CLW and the other plaintiffs in the Friends of the Earth case. As his attached affidavit attests, Mr. Goldenberg was not personally familiar with CLW and its programs at the time he drafted the description in the complaint. The complaint's erroneous description of CLW's corporate structure was based on a telephone discussion with a CLW staff member which concentrated primarily on CLW's activities, not its legal form. Moreover, the complaint was not reviewed by a CLW officer or its usual counsel prior to filing. Thus, the misstatement in the complaint was an inadvertent error by counsel and does not support WLF's assertion that CLW "may be incorporated."

The complaint in MUR 1486 herein also alleges that CLW violated the Federal Election Campaign Act of 1971, as amended, by failing to allocate the costs of its "prospect mailings" as "in-kind contributions" among endorsed candidates. (Complaint at 10-14). As we stressed in our November 18, 1982 response (pp. 9-10), the costs of CLW's

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*/ The only corporate entity associated with CLW is the Council for a Livable World Education Fund ("Fund"), a non-profit, tax-exempt (§ 501(c)(3)) corporation organized in 1980 for the exclusive purpose of conducting educational seminars and conferences on the subjects of arms control and nuclear weapons proliferation. The Fund has separate offices from CLW, has no "members," does not send out general fund-raising appeals to CLW supporters (the Fund is financed by contributors who are individually selected and solicited), has completely separate accounts, and does not engage in any political activities.

"prospect mailings" should not be considered contributions to candidates because they are not expenditures "made on behalf of a clearly identified candidate." See 11 C.F.R. § 106.1(c) (1982). Rather, such costs are incurred by CLW to broaden its base of supporters and to obtain the funds necessary to carry on the organization's various educational, lobbying, and political activities, all of which are directed toward CLW's paramount objective: establishment of a sensible national policy on nuclear arms control. Because CLW's "prospect mailings" are essential to the maintenance of its extensive programs, CLW conducts "prospect mailings" in both election and non-election years, without regard to its endorsement of particular candiates. Indeed, many of those mailings are carried out long before endorsement decisions are made.

Enclosed is a sample of "prospect mailings" circulated by CLW during the past two years. You will note that these mailings solicit support for the entire range of CLW activities and neither endorse nor solicit funds for a particular candidate. The only political figures mentioned are those cited as examples of candidates previously supported by CLW. Cf. AO1980-9 Fed. Election Camp. Fin. Guide [CCH] ¶ 5471 (Mar. 12, 1980). (mention of candidate's name in mailing does not require allocation of cost as "in-kind contribution"). In addition, the solicitation form included with each mailing only requests contributions to CLW's general treasury.

The enclosed mailings are clearly different from the sample mailings included with our November 18 submission (Tab A). The latter explicitly identified the candidates endorsed by CLW and solicited contributions for those candidates as well as CLW. As discussed in our January 13 filing, the costs of such solicitations are allocated among the identified candidates in accordance with 11 C.F.R. § 106.1(c).

In sum, the purpose of CLW's "prospect mailings" is to identify individuals sympathetic with its nuclear arms policies and to solicit their financial support for CLW's broad range of activities. As the enclosed sample demonstrates, those mailings do not seek support for particular candidates and, accordingly, should not be considered "in-kind contributions."

If you have any further questions, please contact me.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz

BEFORE THE
FEDERAL ELECTION COMMISSION

In the Matter of: Council for a Livable World et al.	MUR 1486

AFFIDAVIT OF
KENNETH N. GOLDENBERG

I, Kenneth N. Goldenberg, being duly sworn, do hereby depose and say:

1. I am employed by the Center for Law in the Public Interest, 1575 Eye Street, N.W., Washington, D.C. and am counsel of record for plaintiffs in an action entitled Friends of the Earth v. Weinberger, No. 83-0053, now pending in U.S. District Court for the District of Columbia. Council for a Livable World is a plaintiff in that action.

2. I was principally responsible for drafting descriptions of the plaintiff organizations for inclusion in the complaint filed in that case. In carrying out that responsibility, I contacted various plaintiffs in order to obtain relevant background information.

3. Because I was not personally acquainted with the Council for a Livable World, I contacted John Isaacs, a member of that organization's staff, to discuss the complaint and obtain information about the activities of the Council for a Livable World.

4. To the best of my knowledge, my conversation with Mr. Isaacs concentrated on the policy concerns of,

and the activities sponsored by, the Council for a Livable World. I do not recall whether Mr. Isaacs ever stated that the Council for a Livable world is an incorporated entity. I did not discuss the complaint with any other employee of the Council for a Livable World nor did I speak with that organization's outside counsel.

5. Based on my discussion with Mr. Isaacs, I drafted the complaint subsequently filed in Civil Action No. 83-0053. To the best of my knowledge, Mr. Isaacs did not review the complaint prior to filing. No other employee or agent of the Council for a Livable World reviewed the complaint prior to filing.

Kenneth N. Goldenberg

Washington)
District of Columbia) ss

Subscribed and sworn to before me this 10th day of March 1983

Joyce E. DeBass
Notary Public
My commission expires:
July 14, 1985

The Council for a Livable World

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

11 Beacon Street
Boston, Massachusetts 02106
Phone: (617) 742-9395

To combat the menace of nuclear war

George Kistiakowsky
Chairman

November, 1981

Dear Friend:

The Reagan Administration is launching a massive escalation of the nuclear arms race.

This is an escalation that dramatically increases the likelihood of a nuclear war that will destroy your life, and the lives of your children and grandchildren.

It is an escalation such that the military budget of the Pentagon will be some $220 billion in 1982 -- in five years $1.5 trillion dollars. Much of this and many additional billions are for new nuclear weapons -- enough money to pay for all of the needed social programs the Reagan Administration has maimed and killed.

An escalation that includes huge weapons systems -- especially the MX missile and the B-1 bomber -- that are almost universally regarded as non-critical to our country's defense even by some in the Pentagon.

This is an escalation that only you and I and kindred people can stop. Your help is urgently needed. Needed now!

Just a few things need be done by all of us, really. But if we do them well and do them now it will make a difference.

I am going to list these things, tell you briefly what the Council for a Livable World is doing about them and show you how you can fit in if you are willing.

(over, please)

BOARD OF DIRECTORS

Jerome Grossman, *President;* Ruth Adams, *Bulletin Atomic Scientists;* Michael Allen, *Attorney;* Bernard Feld, *MIT;* Roger Fisher, *Harvard University;* Maurice Fox, *MIT;* Jerome Frank, *Johns Hopkins University;* John Kenneth Galbraith, *Harvard University;* George Kistiakowsky, *Harvard University;* Admiral John M. Lee, *U.S. Navy (Retired);* Matthew Meselson, *Harvard University;* James Patton, *National Farmers Union;* Gene Pokorny, *Cambridge Reports;* Charles Price, *University of Pa.;* Edward Purcell, *Harvard University;* George Rathjens, *MIT;* Eli Sagan, *Writer;* Herbert Scoville, Jr., *Arms Control Association;* Jane Sharp, *Cornell University;* William E. Tarlow, *Business Executive;* Stephen Thomas, *Management Consultant;* Kosta Tsipis, *MIT;* Paul C. Warnke, *Attorney;* Jerome B. Wiesner, *MIT;* John Isaacs, *Legislative Director;* Catherine Clark, *Assistant Executive Director* □ *Affiliations For Identification Only.*

Founded in 1962 by Leo Szilard

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- <u>In Washington, more work than ever before needs to be done.</u>

  The decisions on the MX missile and the B-1 bombers will be made in the Senate. That's also where the decisions on international arms control treaties are made. And that's where we focus our efforts. We're on Capitol Hill every day, working to re-establish arms control talks, fighting the proliferation of nuclear weapons, lobbying for nuclear arms control agreements. The votes on the nuclear arms issues are close these days. One or two votes in the Senate can make the difference.

- <u>Now your voice -- your support is vital.</u>

  The work of a small group of lobbyists is not enough. Politicians must hear from voters. Many voters! Believe me, they are not hearing enough from people opposed to the wasteful and destructive nuclear arms race, as we are being told by the Senators themselves. That's why we ask you to help by returning the enclosed cards to us so we can take them to the offices of your Senators when we go there to talk about nuclear arms control. So we can say "here are people from your state who want your vote for sanity, for peace."

- <u>We must continue to educate on the dangers of nuclear weapons. The Council for a Livable World uses knowledge as a weapon!</u>

  The Gallup poll says the majority of Americans agree with us on stopping nuclear buildup and seeking arms limitation agreements, but we must diligently continue to educate Americans about the consequences of nuclear war. Our Council was founded by a world famous nuclear physicist and other scientists who worked on the early development of the atom bomb. The scientists and the military, medical and technical experts who work with us are consistently engaged in helping people to think clearly about the unthinkable. We hold symposia on Capitol Hill and throughout the nation. We meet the press and appear on TV, and do radio talk shows. Our speakers' bureau and publications reach hundreds of thousands of Americans each year, but we need to spread our message even wider.

(next page)

83 MAR 28 AM : 30

- We must back our words with action!

The Council for a Livable World has a unique way of doing that. You've heard a lot these days about political fundraising committees. We are the one that is different.

--Our Council channels financial support only to those Senators who stand for nuclear sanity -- our contributors have given over 2.2 million dollars in the past 20 years to Senate candidates regardless of party -- people like Bill Bradley of New Jersey, Paul Sarbanes of Maryland, Mark Hatfield of Oregon, Carl Levin of Michigan, Charles Mathias of Maryland, and Alan Cranston of California.

--This is done in a different way of collecting and distributing political funds -- a way that is most effective. We ask you to decide which candidates you will support and ask you to write checks directly to their campaigns but to send them to us. We sort out these checks and give them as a group to each candidate. Such giving guarantees that the candidate knows that the donations are issue oriented, are for nuclear arms control. This procedure allows us also to send more than permitted by other political action groups, and it means your contribution will be used with very low overhead. In 1980 we were able to help some candidates for the Senate with five or six times the amount we could have given as a single committee. That's the kind of political clout we must have to win elections.

So, if you want to help, here are two things you can do:

--Fill out and send back the enclosed petition cards to us as soon as possible. We'll address them and start getting them to your Senators immediately.

--Help us continue our lobbying, our public education, our citizen action programs, and our campaign support to Senate candidates who will work for sensible nuclear policy and need our help.

(over, please)

attachment 1, pg 120

Don't just write a check, but do write a check if you can.

The decisions on our country's future are still in the hands of the people if we will work together.

Please join us now.

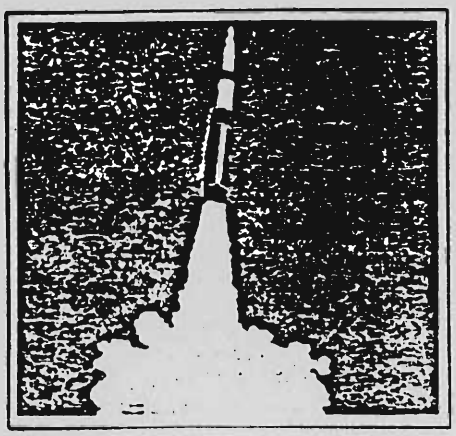
Sincerely,

George B. Kistiakowsky

George Kistiakowsky
Professor Emeritus, Harvard University
President Eisenhower's
Chief Science Advisor

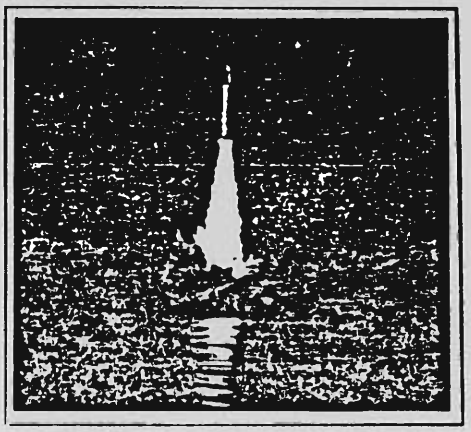
P.S. Please remember, there are three cards enclosed in this envelope. We need your name and address on two cards -- one for each of the Senators in your state. The third card is for your contribution -- $50, $25, $100 -- any amount you can send is critical to our efforts now.

The United States Already Has 26,000 Nuclear Warheads.



Intercontinental Nuclear Missiles Based on U.S. Land

1,054 missiles with a total of 2,154 warheads



Sea-Based Ballistic Missiles

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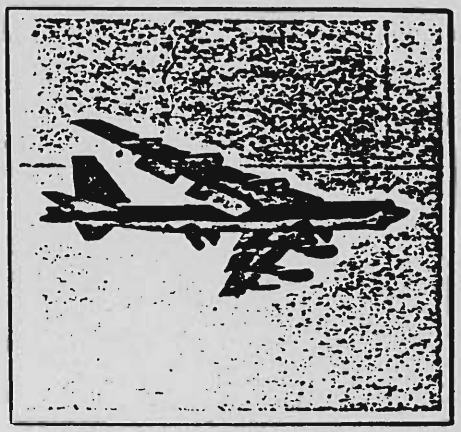


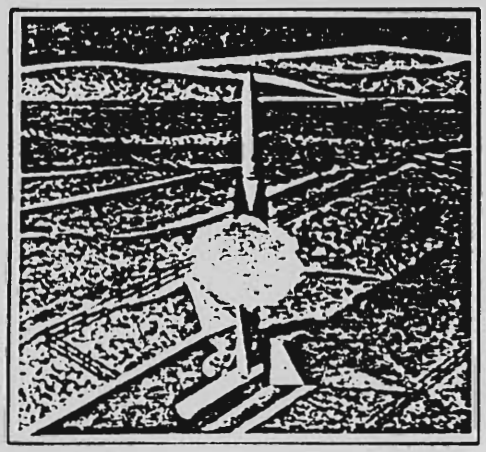
Long-Range Bombers

1,900 nuclear weapons

And More— 17,000 Short or Medium Range Nuclear Warheads.

The Soviet Union Has Over 20,000 Nuclear Weapons of Their Own.

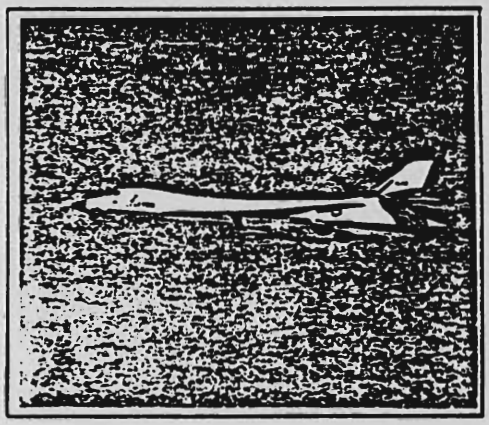
Now the Reagan Defense Department Wants More!



100 MX Missiles
Cost: $27 billion or more

"To continue the development of a system that is already vulnerable, that cannot be fully deployed for ten years, that cannot accomplish its mission when deployed, that increases the attractiveness of the United States as a target . . . is in the author's judgment strategic lunacy."
—Maj. Gen. W.T. Fairbourn (Ret.) of the U.S. Marine Corps, Former Senior Strategic Planner with the U.S. Joint Chiefs of Staff January 14, 1981

"I believe the MX project as presently conceived is a serious mistake... There is little time left to reverse the momentum of the MX . . . There are great vested and parochial interests in the military and in industry that are intent upon going ahead with the project. But the United States cannot let such interests dictate the course of its security, and indeed, the security of the world."
—Former CIA Director Stansfield Turner March 29, 1981



100 B-1 Bombers
Cost: $200-300 million each
$20-30 billion total

"In studies conducted since last June, the Strategic Air Command has determined that neither the B-1 version nor the stretched FB-111 can be expected to penetrate and survive against the Soviet threat beyond the 1980s . . ."
—Aviation Week and Space Technology

"To push for a B-1 that will be obsolescent before the first production model takes off from the runway seems to me sort of dumb."
—Former high Pentagon official Robert Komer

Help Stop the Madness. Join the Council for a Livable World.

"Those of us fighting in the Senate for the necessity of arms control need all the help we can get now. The Council is providing that help in every important way."

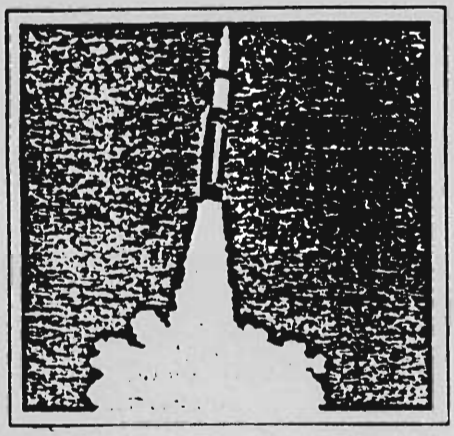
Senator Bill Bradley
New Jersey

"On such issues as arms control or military spending, it is hard to think of any more effective and resourceful organization than the Council for a Livable World."

Senator Alan Cranston
California

123

The United States Already Has 26,000 Nuclear Warheads.



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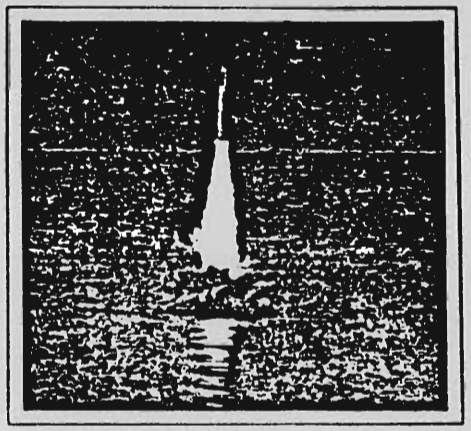

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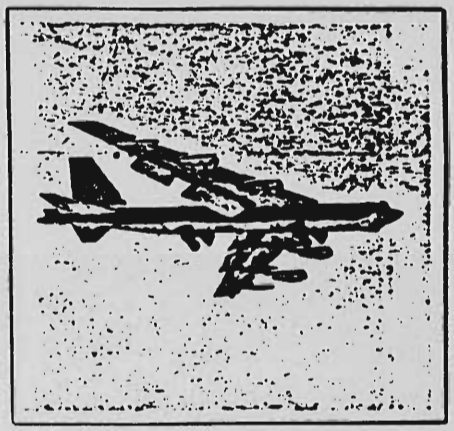

Long-Range Bombers

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The Council for a Livable World

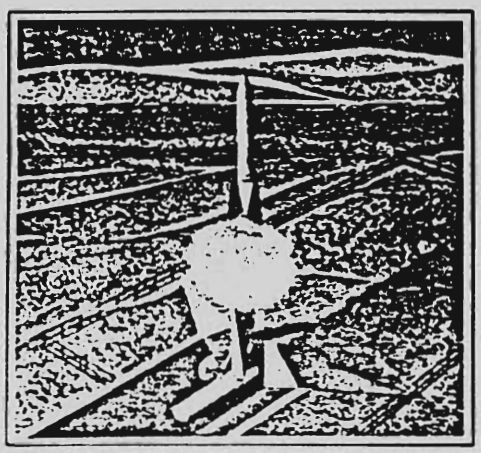
100 Maryland Avenue, N.E., Washington, D.C. 20002 (202) 543-4100

11 Beacon Street, Boston, Massachusetts 02108 (617) 742-9395

124

Attachment 1, pg 124

Now the Reagan Defense Department Wants More!



100 MX Missiles
Cost: $27 billion or more

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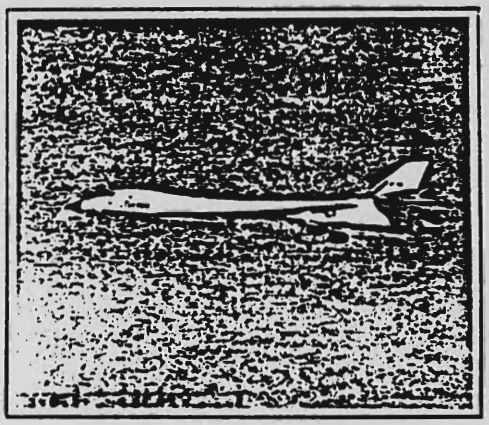

100 B-1 Bombers
Cost: $400 million each
$39.8 billion total

"In studies conducted since last June, the Strategic Air Command has determined that neither the B-1 version nor the stretched FB-111 can be expected to penetrate and survive against the Soviet threat beyond the 1980s . . ."
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Senator Alan Cranston
California

125

attachment 1. pg 125

The Council for a Livable World
100 Maryland Avenue, N.E., Washington, D.C. 20002 (202) 543-4100

To the Council for a Livable World:

Enclosed is my contribution to help elect responsible Senators and to support your lobbying and public education programs.

☐ $50 ☐ $25 ☐ $75 ☐ $100 ☐ $250 ☐ Other _____

N48
H. WOLFF
9119 MILL POND VILLEY DRIVE
MCLEAN, VA 22102

(Please make checks payable to the Council for a Livable World and return with petition cards in the enclosed envelope)

Dear Senator:

As a resident of your state, I want you to know of my opposition to the wasteful and dangerous build-up of our nuclear arms. The MX missiles and the B-1 bomber in particular will waste billions of hard-earned tax dollars and increase the likelihood of nuclear war.

Name _____

Address _____

City _____ State _____ Zip _____

(Please return these cards to the Council for a Livable World in the enclosed envelope.)

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Name _____

Address _____

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The Council for a Livable World

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

11 Beacon Street
Boston, Massachusetts 02108
Phone: (617) 742-9395

To combat the menace of nuclear war

George Kistiakowsky
Chairman

February, 1982

Dear Friend:

The Reagan Administration is launching a massive escalation of the nuclear arms race.

This is an escalation that dramatically increases the likelihood of a nuclear war that will destroy your life and the lives of your children and grandchildren.

It is an escalation that will push the military budget of the Pentagon over $220 billion in 1982 -- in five years, 1.5 trillion dollars. Much of this and many additional billions are for new nuclear weapons -- enough money to pay for all of the needed social programs that the Reagan Administration has maimed and killed.

It is an escalation that includes huge weapons systems -- especially the MX missile and the B-1 bomber -- that are almost universally regarded as non-critical to our country's defense -- even by some in the Pentagon.

This is an escalation that only you and I and kindred people can stop. Your help is urgently needed. Needed now!

A few things can be done by all of us. And if we do them well and do them now it will make a difference.

I am going to list these things, tell you briefly what the Council for a Livable World is doing about them and show you how you can fit in if you are willing.

(over, please)

BOARD OF DIRECTORS

Jerome Grossman, *President;* Ruth Adams, *Bulletin Atomic Scientists;* Michael Allen, *Attorney;* Bernard Feld, *MIT;* Roger Fisher, *Harvard University;* Maurice Fox, *MIT;* Jerome Frank, *Johns Hopkins University;* John Kenneth Galbraith, *Harvard University;* George Kistiakowsky, *Harvard University;* Admiral John M. Lee, *U.S. Navy (Retired);* Matthew Meselson, *Harvard University;* James Patton, *National Farmers Union;* Gene Pokorny, *Cambridge Reports;* Charles Price, *University of Pa.;* Edward Purcell, *Harvard University;* George Rathjens, *MIT;* Eli Sagan, *Writer;* Herbert Scoville, Jr., *Arms Control Association;* Jane Sharp, *Cornell University;* William E. Tarlow, *Business Executive;* Stephen Thomas, *Management Consultant;* Kosta Tsipis, *MIT;* Paul C. Warnke, *Attorney;* Jerome B. Wiesner, *MIT;* John Isaacs, *Legislative Director;* Catherine Clark, *Assistant Executive Director* □ *Affiliations For Identification Only.*

Founded in 1962 by Leo Szilard

- <u>In Washington, more work than ever before needs to be done.</u>

  The decisions on the MX missile and the B-1 bomber are being made in the Senate. That's also where the decisions on international arms control treaties are made. And that's where we focus our efforts. We're on Capitol Hill every day, working to re-establish arms control talks, fighting the proliferation of nuclear weapons, lobbying for nuclear arms control agreements. The votes on the nuclear arms issues are close these days. One or two votes in the Senate can make the difference.

- <u>We must continue to educate on the dangers of nuclear weapons. The Council for a Livable World uses knowledge as a weapon!</u>

  The Gallup poll says the majority of Americans agree with us on stopping nuclear buildup and seeking arms limitation agreements, but we must diligently continue to educate Americans about the consequences of nuclear war. Our Council was founded by a world renowned nuclear physicist and other scientists who worked on the early development of the atom bomb. The scientists and the military, medical and technical experts who work with us are consistently engaged in helping people to think clearly about the unthinkable. The Council holds symposia on Capitol Hill and throughout the nation. We meet the press and appear on TV, and do radio talk shows. Our speakers' bureau and publications reach hundreds of thousands of Americans each year, but it is imperative we spread our message even wider.

- <u>We must back our words with political action and resources.</u>

  The Council for a Livable World has a unique way of doing that. You've heard a lot these days about political fundraising committees.

  We are the one that is different.

  --Our Council channels financial support <u>only</u> to those Senators who stand for nuclear sanity -- our contributors have given over 2.2 million dollars in the past 20 years to Senate candidates -- regardless of party -- people like

(next page)

Bill Bradley of New Jersey, Paul Sarbanes of Maryland, Mark Hatfield of Oregon, Carl Levin of Michigan, Charles Mathias of Maryland, and Alan Cranston of California.

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- Now your voice -- your support is vital.

The work of a small group of lobbyists is not enough. Politicians must hear from voters. Many voters! Believe me, they are not hearing enough from people opposed to the wasteful and destructive nuclear arms race, as we are being told by the Senators themselves. That's why we're asking you to help by returning the enclosed cards to us so that we can take them to the offices of your Senators when we go there to talk about nuclear arms control. So we can say "here are people from your state who want your vote for nuclear sanity, for peace."

So, if you want to help, here are two things you can do right now.

-- Fill out and send back the enclosed petition cards to us as soon as possible. We'll address them and start getting them to your Senators immediately.

-- Help us continue our lobbying, our public education, our citizen action programs, and our campaign support to Senate candidates who will work for sensible nuclear policy and need our help.

129

(over, please)

Attachment 1, pg 129

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Sincerely,

George Kistiakowsky
Professor Emeritus, Harvard University
President Eisenhower's
Chief Science Advisor

P.S. Please remember, there are three cards enclosed in this envelope. We need your name and address on two cards -- one for each of the Senators in your state. The third card is for your contribution -- $25, $50, $100 or whatever you can afford. Any amount you can send is critical to our efforts now.

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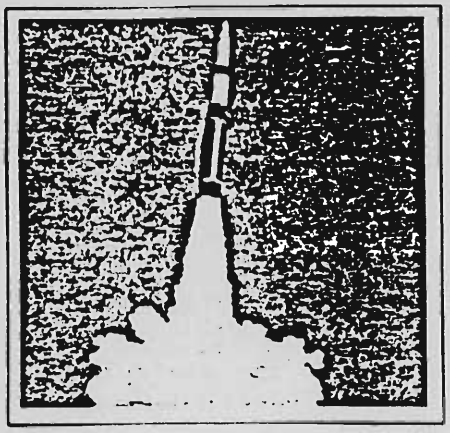

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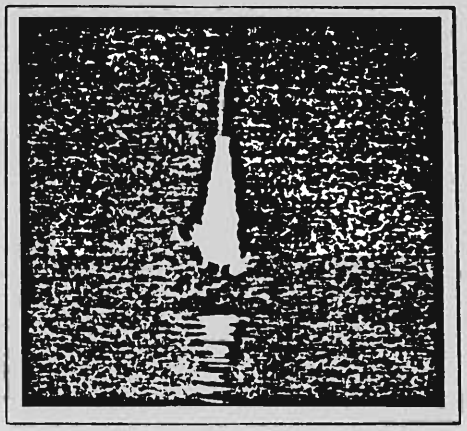

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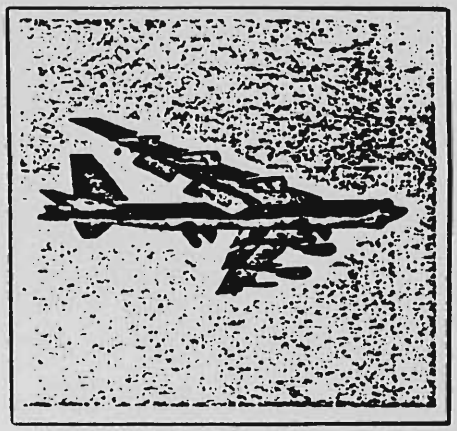

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The Council for a Livable World

100 Maryland Avenue, N.E., Washington, D.C. 20002 (202) 543-4100

11 Beacon Street, Boston, Massachusetts 02108 (617) 742-9395

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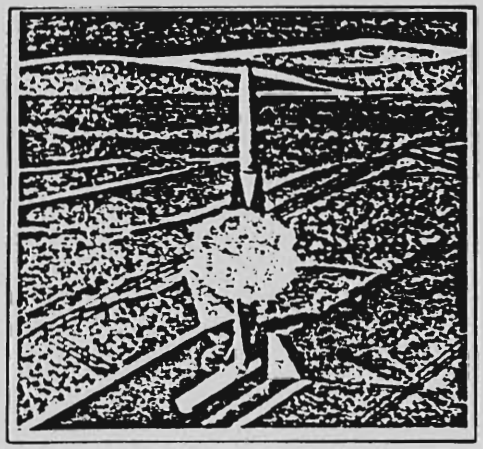

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Cost: $27 billion or more

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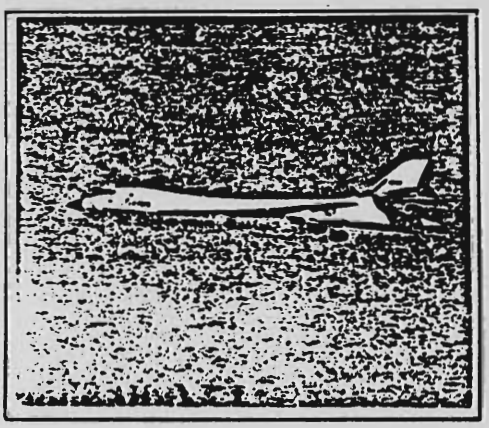

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—Aviation Week and Space Technology

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Senator Bill Bradley
New Jersey

"On such issues as arms control or military spending, it is hard to think of any more effective and resourceful organization than the Council for a Livable World."
Senator Alan Cranston
California

132

The Council for a Livable World
100 Maryland Avenue, N.E., Washington, D.C. 20002 (202) 543-4100

attachment 1, pg 132

To the Council for a Livable World:

Enclosed is my contribution to support your lobbying and public education programs in opposition to the massive escalation of the nuclear arms race and to help elect Senators in 1982 who will work for nuclear arms control.

$250 ___ $100 ___ $75 ___ $50 ___ $30 ___ Other $_____

1
Jean Wunderlich
630 F Street #414
San Diego, CA 92101

(Please make checks payable to the Council for a Livable World and return with petition cards in the enclosed envelope)

Dear Senator:

As a resident of your state, I want you to know of my opposition to the wasteful and dangerous build-up of our nuclear arms. The MX missiles and the B-1 bomber in particular will waste billions of hard-earned tax dollars and increase the likelihood of nuclear war.

Signature_____

Name_____
(please print name and address)

Address_____

City_____ State_____ Zip_____

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Signature_____

Name_____
(please print name and address)

Address_____

City_____ State_____ Zip_____

GCC#8866
82 NOV 4 P12:23

Mims

NUCLEAR FREEZE POLITICAL ACTION COMMITTEE
1780 Broadway - Suite 1200
New York, NY 10019
November 1, 1982

82 NOV 4 P5:02

Mr. Stephen Mims
Office of General Counsel
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

RE: MUR 1486

Dear Mr. Mims:

I am writing in response to our telephone conversation regarding MUR 1486. As we discussed on the phone, the Nuclear Freeze Political Action did not receive or spend any funds for the filing period ending June 30, 1982. The Nuclear Freeze Political Action Committee's receipts and disbursements did not exceed the $1,000 level for the filing period ending October 15, 1982. The Nuclear Freeze Political Action Committee will file a complete Year End Report in January, 1983 for the year ending December 31, 1982.

The Nuclear Freeze Political Action Committee requests that the Federal Election Commission dismiss the complaint [MUR 1486] filed by the Washington Legal Foundation, as it pertains to the Nuclear Freeze Political Action Committee.

If there is any further information needed by the FEC, please contact me at (212) 479-2566.

Sincerely,

Donald Spector

Donald Spector
Treasurer - Nuclear Freeze Political Action Committee

134

attachment 2, page 1

Case 8934

82 NOV 15 P2:04

LAW OFFICES OF
PARSONS, BEHLE & LATIMER
A PROFESSIONAL CORPORATION
185 SOUTH STATE STREET
POST OFFICE BOX 11898
SALT LAKE CITY, UTAH 84147
TELEPHONE (801) 532-1234
TELECOPIER (801) 521-9868

1101 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 659-0862

FORMERLY
DICKSON, ELLIS, PARSONS, & McCREA
1882-1959

KEITH E. TAYLOR
JAMES B. LEE
JOHN A. DAHLSTROM
GORDON L. ROBERTS
F. ROBERT REEDER
WILLIAM L. CRAWFORD
CONSTANCE K. LUNDBERG
LAWRENCE E. STEVENS
DANIEL M. ALLRED
HOWARD J. MARSH
YAN M. ROSS
ERIC V. BOORMAN
DAVID S. DOLOWITZ
KENT W. WINTERHOLLER
KATHLENE W. LOWE
BARBARA K. POLICH
RANDY L. DRYER
CHARLES H. THRONSON
DAVID R. BIRD
RAYMOND J. ETCHEVERRY
FRANCIS M. WIKSTROM
DAVID W. TUNDERMANN*
KREGE B. CHRISTENSEN
JAMES M. ELEGANTE
DAVID R. HIRSCHI

*ADMITTED IN WASHINGTON, D.C. ONLY

C.C. PARSONS
1907-1969

CALVIN A. BEHLE
1947-

OF COUNSEL
GEORGE W. LATIMER
WAYNE OWENS

VAL R. ANTCZAK
PATRICK J. GARVER
SPENCER E. AUSTIN
JOHN B. WILSON
ROBERT C. HYDE
CRAIG B. TERRY
DAVID A. ANDERSON
KENT O. ROCHE*
PATRICIA J. WINMILL
MARY BETH WALZ
JAN P. BENSON
MICHAEL D. DAZEY
RANDY M. GRIMSHAW
JOHN F. WALDO
J. STEPHEN RUSSELL
DANIEL W. HINDERT
T. PATRICK CASEY
ALICE L. HEARST
HENRY D. MARSH
D. R. CHAMBERS
BYRON W. MILSTEAD
MICHAEL M. LATER
THOMAS J. McCORMICK
LOIS A. BAAR

November 10, 1982

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

Re: MUR 1486

Dear Mr. Mims:

The undersigned, as an individual, represents the Wilson for Utah Committee ("Committee") in the above-referenced Matter Under Review. A completed designated of counsel form is enclosed herewith.

This letter is a follow-up to our telephone conversation of October 28, 1982 and also constitutes the Committee's preliminary, written response to the complaint notification letters sent by your office to candidate Ted L. Wilson and Mr. Richard VanKlaveren, Committee treasurer. The Committee expressly reserves the right to further supplement its response, if requested, prior to any adverse determination or recommendation being made by the General Counsel's office against the Committee. It is my understanding from our telephone conversation that this procedure is acceptable to your office.

The Committee has had minimal contact with the Council For A Livable World ("CLW") and no contact whatsoever with any of the other political action committees named as respondents in the initiating complaint filed by the Washington Legal Foundation.

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attachment 3, pg 1

Mayor Wilson was briefly interviewed by Mr. Paul Warnke and Jerome Grossman and completed a candidate questionaire, the purpose of which was to determine whether Mr. Wilson was a suitable candidate for endorsement by CLW. Mr. Wilson was advised that if he were endorsed by CLW, CLW would support his candidacy through a mailing to its supporters which would also solicit contributions for his campaign. Neither Mr. Wilson nor any member of the Committee participated in the drafting of the letter, and, in fact, did not see the letter until after it was mailed. CLW was not authorized to function as a general fund raiser for the Committee, but was authorized to expend $5,000 for an endorsement letter advocating the election of Ted Wilson. The expenditures connected with the endorsement letter would be reported by the Committee and CLW as an in-kind contribution. We have recently received the itemized listing of expenditures by CLW and the same shall be disclosed on the next FEC report. The total amount expended was $4,933.06.

Concerning the first allegation contained in the complaint filed by the Washington Legal Foundation, the Committee is unaware of the manner or method used by CLW to allocate its fund raising costs and indeed, has no knowledge of the specific manner in which the CLW endorsement program was to be handled. The Committee, in good faith, has relied upon the accuracy and completeness of the financial figures provided by CLW, an organization which apparently has been in existence for 20 years.

Concerning the complaint allegations numbered 2 through 7, the Committee has no knowledge whatsoever concerning the matters contained therein.

During the campaign, the Committee received contributions and/or offers of assistance from literally hundreds of political action committees and other organizations. The Committee, at all times, attempted to exercise reasonable care and diligence in the receipt of contributions. A detailed inquiry, however, into the background of each and every donor, in-kind or otherwise, was impossible and, indeed, is not required by the Federal Election Campaign Act. The Committee accepted an offer of limited assistance from CLW and had no reason to believe that CLW was anything but a bona fide organization operating in a lawful manner. Indeed, the Committee has no information to the contrary today. The Committee certainly had no intent to circumvent the letter or the spirit of the Act by authorizing CLW to engage in a limited endorsement effort.

The main thrust of the complaint filed by the Washington Legal Foundation appears to be the manner and procedure by which CLW solicits monies on behalf of federal candidates. The Committee neither participated in the development of CLW's methods, nor does the Committee have any specific knowledge of what those methods are.

Please advise if you require further information or elaboration. It is the Committee's intention to cooperate fully with your investigation.

Very truly yours,

Randy L. Dryer

Randy L. Dryer

RLD:ca
cc: Richard VanKlaveren
Mayor Ted Wilson

Ga# 8916

82 NOV 12 P12:47

82 NOV 12 P2:17

Before the
FEDERAL ELECTION COMMISSION

COUNCIL FOR A LIVABLE WORLD	)	
PEACE POLITICAL ACTION COMMITTEE	)	
PAUL C. WARNKE	)	
WILLIAM E. TARLOW	)	Matter Under Review (MUR) 1486
JEROME GROSSMAN	)	
NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	)	

ANSWER OF McDANIEL SENATE CAMPAIGN

COMES NOW one of the Respondents in the above-captioned matter, by and through Leo J. Salazar, Treasurer of the McDaniel Senate Campaign, and in response to the Complaint before the Federal Election Commission filed by the Washington Legal Foundation, says as follows:

1. That the McDaniel Senate Campaign and all other parties respondent, to the best of this Respondent's knowledge, have complied fully and properly with all relevant Federal Statutes and that the Complaint of the Washington Legal Foundation fails to state a proper cause under said laws.

2. That this Respondent asserts all defenses raised by the Council for a Livable World in its answer to said Complaint, and incorporates that Answer by reference.

Respectfully submitted this 8th day of November, 1982.

McDANIEL SENATE CAMPAIGN

By: Leo J. Salazar
LEO J. SALAZAR, Treasurer

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Attachment 4, page 1

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer of McDaniel Senate Campaign was served by depositing a true and correct copy thereof in the United States mail, postage prepaid, this 8th day of November, 1982, addressed to:

Washington Legal Foundation
1612 K. Street, N.W.
Suite 502
Washington, D.C. 20006

Leo J. Salazar

Leo J. Salazar

139

Attachment 11, pg 2

Before the
FEDERAL ELECTION COMMISSION

COUNCIL FOR A LIVABLE WORLD	)	
PEACE POLITICAL ACTION COMMITTEE	)	
PAUL C. WARNKE	)	
WILLIAM E. TARLOW	)	Matter Under Review (MUR) 1486
JEROME GROSSMAN	)	
NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	)	

ANSWER OF RODGER McDANIEL

COMES NOW one of the Respondents in the above-captioned matter, by and through himself, and in response to the Complaint before the Federal Election Commission filed by the Washington Legal Foundation, says as follows:

1. That he and all other parties respondent, to the best of this Respondent's knowledge, have complied fully and properly with all relevant Federal Statutes and that the Complaint of the Washington Legal Foundation fails to state a proper cause under said laws.

2. That this Respondent asserts all defenses raised by the Council for a Livable World in its answer to said Complaint, and incorporates that Answer by reference.

Respectfully submitted this 6 day of November, 1982.

Rodger McDaniel
RODGER McDANIEL

140

Attachment 4, pg 3

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer of Rodger McDaniel was served by depositing a true and correct copy thereof in the United States mail, postage prepaid, this 8th day of November, 1982, addressed to:

Washington Legal Foundation
1612 K. Street, N.W.
Suite 502
Washington, D.C. 20006

for Rodger McDaniel Vicki Lynn Hoffsetz

3304040667

141

Attachment 4.094

6CCTT 7604

82 DEC 1 P3:01

EPSTEIN BECKER BORSODY & GREEN, P.C.

ATTORNEYS AT LAW

1140 19TH STREET, N.W.
WASHINGTON, D.C. 20036

(202) 861-0900

250 PARK AVENUE
NEW YORK, NEW YORK 10177
(212) 370-9800

MALLICK TOWER
ONE SUMMIT AVENUE
FORT WORTH, TEXAS 76102*
(817) 334-0701

235 MONTGOMERY STREET
SAN FRANCISCO, CALIFORNIA 94104*
(415) 398-5565

1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067*
(213) 556-8861

JEFFREY H. BECKER
ROBERT P. BORSODY
LAURENCE R. BROWN*
WILLIAM A. CARNELL*
STEVEN B. EPSTEIN
STUART M. GERSON
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KENNETH HARFENIST*
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GREGORY R. HIESTAND*
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WILLIAM G. KOPIT
FRANK C. MORRIS, JR.
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FRANKLIN R. SEARS**
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JACK A. EIFERMAN*
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PHILIP M. GASBEL*
PETER S. GRAY
DOUGLAS A. HASTINGS
LISA B. HOROWITZ
WAYNE A. REUP*
LISL E. RING
SANDRA R. RING
DENNIS A. LALLI*
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DAVID C. MAIN, JR.
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ROBERT J. MOSES
JOY D. OSERMAN*
DONALD S. PICARD
INA A. PLOTSKY*
KATHERINE McBROOM-REDWINE
RICHARD J. REIBSTEIN*
ROBERT D. REIF
LYNN E. SHAPIRO
RICHARD L. STEER*
LINDA V. TIANO*
KENNETH B. WECKSTEIN
RANDALL G. WELLS*
KATHLEEN M. WILLIAMS
MICHAEL L. ZIEGLER*

STEVEN H. CARSEY**
EDWIN N. EPSTEIN
JAMES P. MULKEEN
WILLIAM C. OLDAKER
DONALD PARTLAND*
OF COUNSEL

*NOT ADMITTED WASHINGTON
**ADMITTED TEXAS ONLY

*P.C. NEW YORK AND WASHINGTON, D.C. ONLY

November 30, 1982

82 DEC 1 P3:44

Mr. Stephen Mims
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

This letter, on behalf of Senator Metzenbaum, Congressman Moffett and Senator Kennedy, is in response to the above cited matter under review.

The allegations in the Complaint filed by the Washington Legal Foundation do not make any specific allegations of wrong doing against any of the above named candidate respondents. The Washington Legal Foundation seems to be attempting to plow old ground for current political purposes in as much as the allegations contained in their Complaint merely restate matters which have come before the Commission, and have been decided both in previous matters under review and Advisory Opinion Requests.

The only new allegation raised by the Complaint which even tangentially impacts on Senator Metzenbaum, Congressman Moffet and Senator Kennedy is that the Counsel for a Livable World undervalued the in-kind contributions to the Senate campaigns of these three individuals. On behalf of the three named individual candidates I represent, I can

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Attachment 5, pg 1

unequivocally state that their knowledge as to the amounts of in-kind contributions made to their Committees are as reported individually on each of their Committee's reports. The amounts which are set forth as in-kind contributions by each of these candidates are the amounts which were supplied to them by the Counsel for a Livable World. Neither Senator Kennedy's, Senator Metzenbaum's or Congressman Moffett's campaigns had any knowledge other than that which was supplied to them by the Counsel for a Livable World.

Therefore, we strongly urge the dismissal of the Complaints against the above named candidates and that the Commission find no reason to believe that any violation of the Federal Election Campaign Act of 1974, as amended, exists, as to Senator Metzenbaum, Congressman Moffett and Senator Kennedy.

Sincerely,

William C. Oldaker

WCO:kb

THAXTER LIPEZ STEVENS BRODER & MICOLEAU
A REGIONAL LAW FIRM
1825 K STREET N.W. · SUITE 503
WASHINGTON, D.C. 20006
(202) 466-5770

SIDNEY W. THAXTER (1914-1977)

·KENNETH M. CURTIS
·KERMIT V. LIPEZ
·ROBERT E. STEVENS
·SIDNEY ST. F. THAXTER, II
JAMES N. BRODER
CHARLES J. MICOLEAU
·RONALD A. EPSTEIN
SHELLEY STUART CARVEL
DEBORAH M. MANN
·KAREN A. MASSEY
WILLIAM D. HARRIS
·JOSEPH ALBANESE

OF COUNSEL
·WALTER E. COREY, III
MICHAEL K. CASEY

·NOT ADMITTED IN D.C.

MASSACHUSETTS PARTNERS
RICHARD A. HOWARD
JOHN W. ARATA
ROBERT C. GERRARD
MICHAEL E. MECSAS
FRANCIS E. PERKINS, JR.
CHARLES F. ELMES
CALVIN H. BOWKER
NORMAND F. SMITH

VERMONT PARTNERS
THOMAS P. SALMON
GEORGE W. NOSTRAND

PORTLAND, MAINE
THAXTER LIPEZ STEVENS BRODER & MICOLEAU
ONE CANAL PLAZA, PORTLAND, ME 04112
(207) 775-2361

BOSTON, MASSACHUSETTS
BOWKER, ELMES, PERKINS, MECSAS & GERRARD
ONE FEDERAL STREET, BOSTON, MA 02110
(617) 426-8900

BELLOWS FALLS, VERMONT
SALMON & NOSTRAND
39 SQUARE, BELLOWS FALLS, VT 05101
(802) 463-4507

November 9, 1982

82 NOV 9 P2:04

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Gross:

By letter dated October 22, 1982, you forwarded to Ms. Barbara McCough, Treasurer of the Mitchell for Senate Committee (hereinafter referred to as "the Committee"), a copy of a complaint filed with the Federal Election Commission against certain named respondents by the Washington Legal Foundation. Your letter indicated that the complaint alleges that the Committee may have violated certain sections of the Federal Election Campaign Act of 1971, and that the Committee had fifteen days from the receipt of your letter to respond to the complaint in writing. Accordingly, pursuant to 11 CFR 111.6(a), which permits response in the form of a letter or memorandum, we submit this letter on behalf of the Committee, setting forth the reasons why the Commission should take no action on the complaint as it relates to the Committee.

Procedurally, we wish to point out that the complaint filed by the Washington Legal Foundation does not name the Committee as a respondent. To the contrary, the complaint identifies as the respondents only those parties listed in the caption of the Complaint: Council for a Livable World, Peace Political Action Committee, Paul C. Warnke, William E. Tarlow, Jerome Grossman, Nuclear Freeze Political Action Committee. It is true that the body of the complaint contains language suggesting that candidates endorsed by the named organizations "should return all contribu-

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attachment 6, pg 1

tions received and/or the amounts in excess of the in-kind $5,000.00 limit." Nevertheless, the complaint does not identify the campaign committees of any endorsed candidates as respondents. Therefore, we contend that the Committee is not, in fact, a respondent in MUR 1486, as that term is used in the regulations promulgated by the Federal Election Commission, and there is no basis for its continued involvement in these proceedings.

With respect to the substance of the Complaint as it relates to in-kind contributions received by the Committee from the Council for a Livable World, we are enclosing three letters received by the Committee from Catherine Clark, Assistant Executive Director of the Council for a Livable World. These letters are dated April 9, 1982, July 8, 1982 and October 13, 1982. Each letter itemizes the in-kind contributions made by the Council for a Livable World to the Committee for fund-raising activities. These contributions were duly noted in Schedule A of the campaign reports filed by the Committee with the Secretary of the Senate for the appropriate reporting periods (please see the schedules attached to each letter from the Council for a Livable World).

Under the terms of 11 CFR 102.9(a), the treasurer of a political committee or an agent authorized by the treasurer must account for the contributions from a political committee by including "the identification of the political committee and the date of receipt and amount of such contribution." As the enclosed material indicates, the treasurer of the Committee has supplied this information for the contributions of the Council for a Livable World based on the itemized in-kind cost breakdown provided by the Council.

The treasurer of the Committee was justified in relying on this information since only the Council, engaged in a wide range of educational, lobbying and public information activities, would have the knowledge and information necessary to place a value on the in-kind services rendered for its political fund-raising work. Under these circumstances, the reliance of the Committee's treasurer on the information supplied by the Council reflected "his or her best efforts to obtain, maintain and submit the required information ... If there is a showing that best efforts have been made, any records of a committee shall be deemed to be in compliance with this Act." 11 CFR 102.9(d). This position is reaffirmed by 11 CFR 104.7:

> When the treasurer of a political committee shows that best efforts have been used to obtain, maintain and submit the information required by the Act for the political committee, any report of such committee shall be considered in compliance with the Act.

On the basis of these provisions, the reporting by the Committee of the in-kind contributions received from the Council for a Livable World should be deemed to be in compliance with the Federal Election Campaign Act.

In its request for remedial relief, the Washington Legal Foundation asserts that candidates endorsed by the Council for a Livable World should be required to return all contributions received through the Council from individual contributors, and return all amounts in excess of the in-kind $5,000.00 limit. However, with respect to the contributions from individual contributors, the Foundation acknowledges in its own complaint (page 8) that the checks from supporters of the Council for a Livable World to the individual Senate candidates do not count against the $5,000.00 contribution limit of the Council. Since these individual contributions do not violate any provisions of the Federal Election Campaign Act, there is no basis for ordering their return.

With respect to the assertion that any in-kind contributions in excess of the $5,000.00 limitation should be returned by the Committee, we must again point out that the Committee was justified in relying on the detailed reporting of those in-kind contributions provided to the Committee by the Council for a Livable World. To the extent that there was any inaccuracy in reporting the value of those in-kind contributions, such inaccuracy would be the responsibility of the Council for a Livable World, the organization in the best position to evaluate its in-kind contributions, and not the responsibility of the recipient Committee which would have no basis for such an evaluation.

In making this point, we wish to be clear that the Committee believes that the Council for a Livable World has been justified in its approach to evaluating in-kind contributions to the committees of the various Senatorial candidates. It is our understanding that the Council for a Livable World engages in many activities relating to the issue of arms control, including educational, lobbying and public information activities. Its efforts to encourage political contributions for candidates who support its positions on arms control represent only a small portion of its work. We further understand that it reports the costs related to such fund-raising as an in-kind contribution, allocating those costs to the various candidate committees for which it urges contributions. These costs, for items such as postage, mailing, and printing, have been reported to the Mitchell for Senate Committee, and these are the in-kind contributions which are reflected in the reports of the Committee. This entire procedure has been open and fully disclosed. We understand further that the approach of the Council for a Livable World to fund-raising on behalf of federal

candidates has been reviewed on prior occasions by the Federal Election Commission and has been found to be in compliance with the law.

For all these reasons, we urge the Federal Election Commission to take no action on the complaint filed by the Washington Legal Foundation as it relates to the Mitchell for Senate Committee. We further urge that the complaint be dismissed.

Sincerely,

Charles J. Micoleau

Charles J. Micoleau

Kermit V. Lipez

Kermit V. Lipez

Counsel for Mitchell for
Senate Committee

8 3 0 4 0 1 1 0 5 6

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Attachment 6, p94

To combat the menace of nuclear war

Council for a Livable World

[illegible] Street
[illegible] 02108
Phone (617) 742-9335
[illegible]
[illegible] GROSSMAN
[illegible]
[illegible]
100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone (202) 543-4100
[illegible] SAACS
[illegible]

BOARD OF DIRECTORS
[illegible] DAVIS
[illegible]
[illegible] ALLEN
[illegible]
[illegible] FELD
[illegible]
[illegible]
[illegible] DE FOX
[illegible]
[illegible] FRANK
[illegible]
[illegible] KENNETH GALBRAITH
[illegible]
[illegible] GROSSMAN
[illegible]
[illegible] KISTIAKOWSKY
[illegible]
[illegible] M. LEE
[illegible]
[illegible] VESELSON
[illegible]
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[illegible]

April 9, 1982

Honorable George J. Mitchell
Mitchell for Senate Committee
P. O. Box 4554
Portland, ME 04112

Dear Senator Mitchell:

The Federal Election Commission will be notified of contributions in-kind to the Mitchell for Senate Committee amounting to $579.07 for the period January 1 - March 31, 1982.

The sum is itemized thus in the FEC report:

$7.71 out of $50.00 expenditure to petty cash for postage.

$42.82 out of $1625.37 expenditure to Aztech Corporation, 1621 Connecticut Avenue, N.W., Washington, D.C. 20009, for labels.

$528.54 out of $528.54 expenditure to Cantrell/Cutter, 499 So. Capitol Street, Suite 402, Washington, D.C. 20003, for printing.

Please call me with any questions you may have.

Sincerely,

Catherine Clark

Catherine Clark
Asst. Executive Director

CC:mb

attachment 6, pg 5

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SCHEDULE A ITEMIZED RECEIPTS

LINE NUMBER (Use separate schedule category of the Summary Pa

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributi commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
MITCHELL FOR SENATE COMMITTEE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amou Receip
A. Seafarer's Political Activity Donation, S.P.A.D. 675 Fourth Avenue Brooklyn, New York 11212		3/12/82	$ 400
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 4000.00		
B. Wholesaler-Distributor Political Action Committee 1725 K Street NW Washington, D.C. 20006		1/18/82	$ .5
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 500.00		
C. Auction Markets Political Action Committee of the Chicago Board of Trade 141 W. Jackson Blvd. Chicago, IL 60604		1/10/82	$ 100
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 1000.00		
D. Fund for a Democratic Majority 420 C Street N.E. Washington, D.C. 20002		1/10/82	$ 10
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 1000.00		
E. Council for a Liveable World 11 Beacon Street Boston, MA. 02108		3/31/82	$579 in-
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 579.07		
F. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX			
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
G. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX			
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		

SUBTOTAL of Receipts This Page (optional):

TOTAL This Page (last page this line number only)

attachment 6, pg 6 $32

49

Council for a Livable World

[illegible] Street
[illegible] 02108
617 742-9395

[illegible] Avenue, NE
[illegible] DC 20002
202 543-4100

BOARD OF DIRECTORS

[illegible]

[illegible] FRANK
[illegible] KENNETH GALBRAITH
[illegible] GROSSMAN
[illegible] KISTIAKOWSKY
[illegible] JOHN M. LEE
[illegible] WESELSON
[illegible]
[illegible]
[illegible]
[illegible] RUSSELL
[illegible]
[illegible]
[illegible] SCOVILLE, JR.
[illegible]
[illegible] TARLOW
[illegible] THOMAS
[illegible]
[illegible]
[illegible]

July 8, 1982

The Hon. George J. Mitchell
Mitchell for Senate Committee
P. O. Box 4554
Portland ME 04112

Dear Senator Mitchell:

The Federal Election Commission will be notified of contributions-in-kind to Mitchell for Senate Committee amounting to $1,037.03 for the period of April 1 through June 30, 1982.

The sum is itemized thus in the FEC report:

$41.40 out of $500.00 expenditure to Postmaster, Boston, Permit Free Window, GMF, Boston MA 02205, for BRE account.

$11.27 out of $250.00 expenditure to GPO, Boston, State House, Boston MA 02108, for postage.

$313.62 out of $940.87 expenditure to S & S Mailing Co., 5171 Lawrence Place, Hyattsville MD 20781, for mailing costs.

$412.10 out of $824.21 expenditure to Cantrell/Cutter, 499 So. Capitol St., S.W., Suite 402, Washington D.C. 20003, for printing.

$131.46 out of $2,465.00 expenditure to Massachusetts Envelope Co., 30 Cobble Hill Road, Somerville MA 02143, for envelopes.

$127.18 out of $642.60 expenditure to Professional-Litho, 1012 Sixth St., N.W., Washington, D.C. 20009, for typesetting.

Please call me with any questions you may have.

Sincerely,

Catherine Clark
Asst. Executive Director

CC:mb

150

Attachment G, pg 7

SCHEDULE A ITEMIZED RECEIPTS (Use separate schedule for each category of the Summary)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

MITCHELL FOR SENATE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount Received
COMMITTEE ON POLITICAL EDUCATION, AFL-CIO 815 16th STREET, N.W. WASHINGTON, DC 20006 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$4,425.00	8/30/82	4,4
CONCERNED CITIZENS FUND Atlantic Richfield Company 515 SOUTH FLOWER STREET, ROOM 461 LOS ANGELES, CA 90071 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$100.00	8/23/82	100
CONGOLEUM CORPORATION POLITICAL ACTION COMMITTEE 2550 M STREET, N.W. SUITE 225 WASHINGTON, DC 20037 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$6,500.00	8/23/82 8/23/82 9/24/82	1,0 3,0 1,0
COPE COMMITTEE UNITED RUBBER, CORK, LINOLEUM & PLASTIC WORKERS OF AMERICA AFL-CIO, CLC INTERNATIONAL UNION 87 SOUTH HIGH ST. AKRON, OH 44308 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$500.00	9/24/82	500
COUNCIL FOR A LIVABLE WORLD 11 BEACON STREET BOSTON, MA 02108 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$1,616.10	7/8/82	1,0 IN
DEMOCRATS FOR THE 80'S P.O. BOX 3797 WASHINGTON, DC 20007 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$5,100.00	9/ 1/82	100 IN
DIRECT SELLING ASSOC. POLITICAL ACTION COMMITTEE 1730 M STREET, N.W. SUITE 610 WASHINGTON, DC 20006 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$500.00	7/15/82	500

SUBTOTAL of Receipts This Page (optional) . . . . . .

TOTAL This Period (last page this line number only) . . . . attachment 6, pg 8

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To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
Legislative Director

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Johns Hopkins University

JOHN KENNETH GALBRAITH
Harvard University

JEROME GROSSMAN
Business Executive

GEORGE KISTIAKOWSKY
Harvard University

ADMIRAL JOHN M. LEE
U.S. Navy (Retired)

MATTHEW MESELSON
Harvard University

JAMES PATTON
National Farmers Union

GENE ROCHLIN
Campaign Reports

CHARLES PRICE
University of Pa.

EDWARD PURCELL
Harvard University

GEORGE RATHJENS
MIT

ELI SAGAN
MIT

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Hampshire Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

October 13, 1982

Barbara McGough
Mitchell for Senate Committee
P. O. Box 4554
Portland ME 04112

Dear Barbard McGough:

The Federal Election Commission will be notified of contributions in-kind to the Mitchell for Senate Committee amounting to $2,151. for the period of July 1, 1982 through September 30, 1982.

The sum is itemized thus in the FEC report:

$102.25 out of $250.00 expenditure to GPO Boston, GMF, Bosto 02205, for BRE account.

$16.67 out of $250.00 expenditure to GPO Boston, State House office, Boston MA 02108, for postage meter.

$184.85 out of $2,797.33 expenditure to Cantrell/Cutter, 499 So. Capitol St., S.W., Washington, D.C. 20003, for printing.

$374.78 out of $5,468.93 expenditure to Baldwin Graphics, 1301 Pennsylvania Ave., N.W., Washington, D.C. 20004, for printing.

$72.52 out of $442.55 expenditure to Professional Litho, 1012 Sixth St., N.W., Washington, D.C. 20001, for typesettin

$1,400.00 out of $8,400.00 expenditure to S & S Mailing Serv 5171 Lawrence Place, Hyattsville MD 20781, for first-class postage.

Please call me with any questions you may have.

Sincerely,

Catherine Clark
Asst. Executive Director

CC:mb

152

attachment G, pg 9

SCHEDULE A ITEMIZED RECEIPTS

LINE NUMBER 1. (
(Use separate schedule for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
MITCHELL FOR SENATE COMMITTEE

Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Receipt
A. AFSCME - PEOPLE 1625 L Street, N.W. Washington, D.C. 20036 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$ 5,550.00	10/13/82	$ 25 IN-K
B. LEAGUE OF CONSERVATION VOTERS 317 Pennsylvania Avenue, S.E. Washington, D.C. 20003 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$ 3,553.88	10/13/82	2,55 IN-K
C. FRIENDS OF THE EARTH PAC 124 Spear Street San Francisco, CA 91405 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$ 529.15	10/13/82	52 IN-K
D. CITIZENS FOR GOVERNOR BRENNAN P.O. Box 1982 Augusta, ME 04330 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$ 173.33	10/13/82	17 IN-K
E. COUNCIL FOR A LIVEABLE WORLD 11 Beacon Street Boston, MA 02108 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$ 3,767.17	10/13/82	2,15 IN-K
F. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$		
G. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$		

SUBTOTAL of Receipts This Page (optional) . . . . . .

TOTAL This Period (last page this line number only) . . . . . $ 75,31

attachment 6, pg 10

153

6647 0704

82 NOV 9 P12:57

SIDLEY & AUSTIN

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1722 EYE STREET, N.W.

WASHINGTON, D.C. 20006

TELEPHONE 202: 429-4000

TELEX 89-463

ONE FIRST NATIONAL PLAZA
CHICAGO, ILLINOIS 60603
TELEPHONE 312: 853-7000
TELEX 25-4364

2049 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
TELEPHONE 213: 553-8100
TELEX 18-1391

9 HOLLAND PARK
LONDON, W11 3TE, ENGLAND
TELEPHONE 01: 727-0132
TELEX 21781

P.O. BOX 190
MUSCAT, SULTANATE OF OMAN
TELEPHONE 722-411
TELEX 3866

P.O. BOX 4619
DEIRA, DUBAI-U.A.E.
TELEPHONE 9714-223194
TELEX 47216

Founded 1866 as
Williams & Thompson

November 8, 1982

82 NOV 9 P4:23

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

Re: MUR 1486

Dear Mr. Mims:

We are in receipt of a complaint filed against the Council for a Livable World and others by the Washington Legal Foundation which the Commission has styled MUR 1486. By letter from the Commission dated October 22, 1982, we were informed that the complaint alleges that the Friends of Jim Sasser Committee may have violated certain sections of the Federal Election Campaign Act of 1971 ("FECA") by accepting funds from the Council.

We wish to be helpful to the Commission in resolving this matter; however, there is no basis for making Senator Sasser or the Committee a party to this proceeding. The complaint, while it names a variety of parties and makes allegations concerning a number of Democratic candidates for the Senate in 1982, does not mention Senator Sasser or the Friends of Jim Sasser Committee. The rules of the Commission make clear that a complaint must "clearly identify as a respondent each person or entity who is alleged to have committed a violation." 11 C.F.R. 111.4(d)(1). The Washington Legal Foundation's complaint does not meet this test. As a result, there is no basis for the Commission to proceed against Senator Sasser or the Friends of Jim Sasser Committee as a result of this complaint.

The Committee's records indicate that it has received in-kind contributions from the Council for a Livable World reported thus far totaling $1,222.18; an additional in-kind contribution in the amount of $4.69 will be reported in the next report. In addition, the records further indicate that the Committee has received $10,048.40 in contributions from individuals responding to the Council's support for our campaign.

154

attachment 7, pg 1

We would be pleased to assist the Commission further in this matter as appropriate; however, we do not believe that there is any basis for the Commission to proceed against Senator Sasser or the Committee.

Sincerely,

Michael Nemeroff

Michael A. Nemeroff

MAN:gmd

8 3 0 4 0 1 1 0 6 0 2

Millicent Fenwick

FOR
UNITED STATES SENATE

150 Mount Bethel Road, Warren, New Jersey 07060 (201) 647-7373

Gcc# 8842

'82 NOV 3 A10:22

October 27, 1982

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

ATTN: Charles N. Steele
General Counsel

Re: MUR 1486

Dear Mr. Steele:

This letter is in response to your notification of October 22, 1982 which states that our committee may have violated certain sections of the Federal Campaign Act of 1971, as amended. In accordance with your notice, the information presented below will demonstrate that the Fenwick for Senate Committee should not have any action taken against it in this matter.

In specific reference raised by the complaint filed by the Washington Legal Foundation (WLF), the Fenwick for Senate Committee did not violate the contribution limits of 2 U.S.C. 441a and the reporting requirements of U.S.C. 434 as associated with its arrangement with the Council for a Livable World. As stated in the attached letter, the Council wished to recommend to its supporters the candidacy of Millicent Fenwick. The Fenwick for Senate Committee, however, required that the costs associated with the Council's efforts on Mrs. Fenwick's behalf be borne by the Committee itself. As a result, all costs for mailing lists, postage, stationary, design and printing were paid in full by the Fenwick for Senate Committee. To our knowledge, all costs incurred and associated with Council efforts have been billed to the Fenwick for Senate Committee. Furthermore, individual contributions and receipts for expenditures in excess of $200 were properly reported by the Committee during the appropriate FEC reporting period(s).

The procedure used between the Council for a Livable World and the Fenwick for Senate Committee was as follows: Bills and requests for payment for all items were submitted by the Council to the Fenwick for Senate Committee and were promptly paid. Payments were made by individual check(s) made payable to the applicable vendor(s) for each item. In like manner, the contributions received by the Fenwick for Senate Committee were submitted by individual contributors, made payable to "Fenwick for Senate", and were drawn upon only individual accounts. Individual checks were mailed to the Council's office and

13 156

Paid for by the Fenwick for Senate Committee

attachment 8, pg 1

were promptly forwarded to the Fenwick for Senate Committee. In keeping with Mrs. Fenwick's personal position, no money ever was - nor will be - received from the Council for a Livable World or from any other political action committee.

The information presented in this letter will serve to clarify the points raised as a result of the complaint filed by the Washington Legal Foundation. Supporting documents for the above information (cancelled checks, invoices, letters of transmittal for checks) will be made available to the Commission should it so request.

In accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a) 12 (A), this matter will remain confidential. Should you have any further inquiries, please call me at (201) 647-7373.

Sincerely,

Maryanne E. Preztunik
Assistant Treasurer and Comptroller

attach. (1)
cc: Stephen Mims (FEC)
Jan Baran, Counsel

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
Legislative Director

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JOHN KENNETH GALBRAITH
Harvard University

JEROME GROSSMAN
Business Executive

GEORGE KISTIAKOWSKY
Harvard University

ADMIRAL JOHN M. LEE
U.S. Navy (Retired)

MATTHEW MESELSON
Harvard University

JAMES PATTON
National Farmers Union

GENE POKORNY
Cambridge Reports

CHARLES PRICE
University of Pa.

EDWARD PURCELL
Harvard University

GEORGE RATHJENS
MIT

ELI SAGAN
Writer

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

July 29, 1982

The Honorable Millicent Fenwick
1230 Longworth House Office Bldg.
Washington, D.C. 20515

Dear Representative Fenwick:

Your campaign made the following arrangement with Council for a Livable World, a committee founded in 1962 and duly registered with the Federal Election Commission. The Council works for the prevention of nuclear war through nuclear arms control.

The Council wished to recommend to its supporters The Fenwick for Senate Campaign because of your leadership in the effort for nuclear arms control.

Because you do not accept any money from political action committees, your committee has paid for the mailing list, postage, stationary, design and printing costs of the Council's letter to its contributors. Your campaign is the only one which has ever had this relationship with the Council.

The contributions that you received were from individuals who made their checks out directly to your campaign committee. The Council has not made, nor will it make, any contributions to The Fenwick Campaign.

Sincerely,

Jerome Grossman

Jerome Grossman
President

JG:mb

158

attachment 8, p3

Founded in 1962 by Leo Szilard

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1800 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201
(301) 244-7400

WASHINGTON, D. C. OFFICE
VENABLE, BAETJER, HOWARD & CIVILETTI
SUITE 704
1301 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20004
(202) 783-4300

83 JAN 14 P 1:27

WRITER'S DIRECT NUMBER IS
244-7544

January 12, 1983

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1486/1500

Dear Mr. Gross:

This letter is written in response to your letters of October 22 and 29, 1982, advising me, as treasurer of Citizens for Sarbanes (the "Sarbanes Committee"), of the above-referenced complaints, and is intended to serve as the Sarbanes Committee's response.

With regard to MUR 1486, the Complaint filed by The Washington Legal Foundation does not name the Sarbanes Committee as a respondent. The Complaint does appear to allege, however, that the Sarbanes Committee received in-kind contributions from the Council for a Livable World attributable to fund-raising costs which have not been reported by the Committee and which have a value in excess of the $5,000 contribution limit applicable to multi-candidate political action committees. The other allegations made in the Complaint appear to be directed to CLW and the other named respondents rather than the Sarbanes Committee. MUR 1500,

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attachment 9, pg 1

filed by Senator Sarbanes' Republican opponent in the 1982 Maryland general election, Lawrence J. Hogan, likewise appears to be addressed to the reporting of in-kind contributions to the Sarbanes Committee by CLW. Although neither complaint is particularly clear on the point, both also appear to question the CLW practice of collecting contribution checks made to the Sarbanes Committee and forwarding those checks to the Sarbanes Committee.

As to the latter point, the Complaint filed in MUR 1486 appears to concede that CLW's collection of checks to candidate committees for forwarding to those committees was previously considered by the FEC in MUR 1028 and found not to be objectionable. See MUR 1486 Complaint at p.8. The Sarbanes Committee has no reason to believe that contributions it has received in this manner violate either the applicable statutory provisions or regulations.

With regard to in-kind contributions from CLW to the Sarbanes Committee, our Committee has reported the in-kind contribution made to it by CLW as it has been notified by CLW of such contributions. Enclosed, in that regard, please find copies of the following correspondence:

1. Letter from CLW to Sarbanes Committee dated January 21, 1982, advising of in-kind contributions totalling $1,164.92.

2. Letter from CLW to Sarbanes committee dated April 9, 1982, advising of in-kind contributions totalling $7.82.

3. Letter from CLW to Sarbanes Committee dated July 8, 1982, advising of in-kind contributions totalling $14.00.

4. Letter from CLW to Sarbanes Committee dated October 18, 1982, advising of in-kind contributions totalling $256.36.

160

Attachment 9, page

So far as the Sarbanes Committee is aware, in-kind contributions to it from CLW have been fully and fairly accounted for. The Committee has no way of independently verifying these figures, nor does it have any reason to believe that these sums are not correct.

Please let me know, at the address and telephone number set forth on the letterhead, if our Committee can provide any further information you require in considering these complaints.

Very truly yours,

Charles M. Kerr
Treasurer, Citizens for Sarbanes

CMK:rmc

Enclosure

RECEIVED BY THE FEC
83 JAN 14 P 1:27

January 21, 1982

114.3

Public Communications

combat the menace of nuclear war
Council for a Livable World
Beacon Street
ston, Mass. 02108
one: (617) 742-9395
GEORGE KISTIAKOWSKY
man
ROME GROSSMAN
ident
THERINE CLARK
Executive Director
0 Maryland Avenue, N.E.
ashington, D.C. 20002
one: (202) 543-4100
HN ISAACS
ecutive Director

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Atomic Scientists
CHAEL ALLEN
ney
ERNARD FELD
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Harvard University
AURICE FOX
ROME FRANK
Johns Hopkins University
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Harvard University
ROME GROSSMAN
Business Executive
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Harvard University
ADMIRAL JOHN M. LEE
U.S. Navy (Retired)
MATTHEW MESELSON
Harvard University
AMES PATTON
National Farmers Union
GENE POKORNY
Cambridge Reports
CHARLES PRICE
University of Pa.
EDWARD PURCELL
Harvard University
GEORGE RATHJENS
MIT
ELI SAGAN
Author
HERBERT SCOVILLE JR.
Arms Control Association
JANE SHARP
Cornell University
WILLIAM E. TARLOW
Business Executive
STEPHEN THOMAS
Integrative Biomedical Research
KOSTA TSIPIS
MIT
PAUL C. WARNKE
Attorney
JEROME B. WIESNER
MIT

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, Maryland 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to Citizens for Sarbanes amounting to $1,164.92 for the period July 1 - December 31, 1981.

The sum is itemized thus in the FEC report:

$102.70 out of $2,465.00 expenditure to Mass. Envelope Company, P. O. Box 3871, Boston, MA 02241.

$6.66 out of $40.00 expenditure to Aztech Corporation, 1621 Connecticut Ave., N.W., Washington, D.C. 20009, for label printing.

6.66
61.79
68.45

$61.79 out of $873.85 expenditure to Aztech Corporation, as above.

$555.19 out of $1,702.79 expenditure to Cantrell/Cutter, 499 Co. Capitol St., S.W., Washington, D.C. 20003, for printing.

$295.58 out of $886.75 expenditure to S & S Mailing, 5171 Lawrence Drive, Hyattsville, MD 20781, for mailing and postage.

$15.64 out of $119.10 expenditure to petty cash for postage, 11/9/81.

15.64
13.53
29.17

$13.53 out of $50.00 expenditure to petty cash for postage, 10/22/81.

$15.75 out of $250.00 expenditure to GPO Boston, Permit Fee Window, GMF, Boston, MA 02205, for Business Reply Envelope account, 11/23/81.

15.75
98.08
113.83

$98.08 out of $500.00 expenditure to GPO Boston, as above, 8/4/81.

Please call with any questions you may have.

Sincerely,

Catherine Clark

Catherine Clark
Asst. Executive Director

162

Attachment 9, pg 4

To combat the menace of nuclear war

Council for a Livable World

7 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

300 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
Legislative Director

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Harvard University

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U.S. Navy (Retired)

MATTHEW MESELSON
Harvard University

JAMES PATTON
National Farmers Union

GENE POKORNY
Campaign Reports

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University of Pa.

EDWARD PURCELL
Harvard University

GEORGE RATHJENS
MIT

ELI SAGAN
Writer

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

163

April 9, 1982

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, Maryland 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to the Citizens for Sarbanes amounting to $7.82 for the period January 1 - March 31, 1982.

The sum is itemized thus in the FEC report:

$7.82 out of $50.00 expenditure to cash for petty cash.

Please call me with any questions you may have.

Sincerely,

Catherine Clark

Catherine Clark
Asst. Executive Director

CC:mb

Attachment 9, p95

combat the menace
of nuclear war

Council
or a
ivable
World

Beacon Street
ston, Mass. 02108
one: (617) 742-9395

RGE KISTIAKOWSKY
man

ME GROSSMAN
-chair

THERINE CLARK
Executive Director

D Maryland Avenue, N.E.
ashington, D.C. 20002
one: (202) 543-4100

HN ISAACS
cutive Director

OARD OF DIRECTORS

TH ADAMS
ern Atomic Scientists

CHAEL ALLEN
ney

NARD FELD

GER FISHER
vard University

URICE FOX

ROME FRANK
ns Hopkins University

HN KENNETH GALBRAITH
ic University

ROME GROSSMAN
iness Executive

ORGE KISTIAKOWSKY
vard University

MIRAL JOHN M. LEE
S. Navy (Retired)

ATTHEW MESELSON
vard University

MES PATTON
ional Farmers Union

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HARLES PRICE
versity of PA

DWARD PURCELL
vard University

EORGE RATHJENS

J SAGAN

ERBERT SCOVILLE, JR.
ns Control Association

NE SHARP
nell University

LLIAM E. TARLOW
siness Executive

TEPHEN THOMAS
ogressive Biomedical Research

OSTA TSIPIS

AUL C. WARNKE
ney

EROME B. WIESNER

Affiliations for Identification Only

July 8, 1982

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, MD 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to the Citizens for Sarbanes amounting to $14.00 for the period of April 1 through June 30, 1982.

The sum is itemized thus in the FEC report:

$6.67 out of $500.00 expenditure to Postmaster, Boston, Permit Free Window, GMF, Boston MA 02205, for BRE account.

$7.33 out of $250.00 expenditure to GPO, Boston, State House, Boston MA 02108, for postage.

Please call me with any questions you may have.

Sincerely,

$14.00

Catherine Clark
Asst. Executive Director

CC:mb

164

Attachment 9, pg 6

combat the menace
of nuclear war
Council
or a
ivable
World
Beacon Street
sion, Mass. 02108
one: (617) 742-9395
RGE KISTIAKOWSKY
man
OME GROSSMAN
ident
THERINE CLARK
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shington, D.C. 20002
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N ISAACS
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ney
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University
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ROME FRANK
Hopkins University
HN KENNETH GALBRAITH
University
ROME GROSSMAN
Executive
ORGE KISTIAKOWSKY
University
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Navy (Retired)
ATTHEW MESELSON
University
MES PATTON
Farmers Union
ENE POKORNY
Report
HARLES PRICE
of Pa.
WARD PURCELL
University
EORGE RATHJENS
T
LI SAGAN
ter
ERBERT SCOVILLE, JR.
Control Association
ANE SHARP
University
LLIAM E. TARLOW
Executive
TEPHEN THOMAS
Biomedical Research
OSTA TSIPIS
T
AUL C. WARNKE
ney
ERGME B. WIESNER
T
Organizations For Identification Only

165

October 18, 1982

Citizens for Sarbanes
P.O. Box 10644
Baltimore, MD 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to the Citizens for Sarbanes campaign amounting to $256.36 for the period October 1 through October 13, 1982.

The sum is itemized thus in the FEC report:

> $256.36 out of $6,180.58 expenditure to Massachusetts Envelope Company, 30 Cobble Hill Road, Somerville, MA 02143, for envelopes.

Please call me with any questions you may have.

Sincerely,

Catherine Clark
Asst. Executive Director

Attachment 9, 197

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

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Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

January 21, 1982

114.3

Pd. to Sen Commission

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, Maryland 21204

Dear Senator Sarbanes:

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The sum is itemized thus in the FEC report:

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15.75
98.08
113.83

$98.08 out of $500.00 expenditure to GPO Boston, as above, 8/4/81.

Please call with any questions you may have.

Sincerely,

Catherine Clark

Catherine Clark
Asst. Executive Director

CC:mb

1166

attachment 9, 098

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1486
Council for a Livable World,
Peace PAC, William E. Tarlow,
Paul Warnke, and Jerome Grossman

Dear Mr. Lackritz:

The Federal Election Commission notified you on October , 1982, of a complaint which alleges that your clients, Council For A Livable World, Peace PAC, William E. Tarlow, Paul Warnke, and Jerome Grossman, violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded at that time.

Upon further review of the allegations contained in the complaint (and information supplied by you), the Commission, on , 1983, determined that there is no reason to believe your client, the Council For A Livable World, has violated 2 U.S.C. §§ 441a(a)(2)(A), or 434(b). The Commission did determine, however, that the Council for a Livable World violated 2 U.S.C. §§ 441d, 434(a)(4)(A)(ii) and 433(b)(2). In addition, the Commission has determined that there is reason to believe Peace PAC violated 2 U.S.C. §§ 441d, and 434(a)(4)(A)(i). Consideration of this matter has also led the Commission to conclude there is no reason to believe the Council For A Livable World violated 2 U.S.C. §§ 441a(a)(2)(C) or 441e and that there is no reason to believe Peace PAC violated 2 U.S.C. §§ 434(b) 441a(a)(2)(A), or 441a(f). The analysis of the Office of General Counsel is summarized for your convenience:

A. 1. <u>Whether CLW violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether CLW violated 2 U.S.C. § 434(b) by failing to report those costs</u>

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Attachment 10, pg 1

a. Solicitations on behalf of candidates

It is the view of the General Counsel that the Council for a Livable World has properly allocated those costs directly attributed to each candidate on whose behalf the solicitations were conducted. The Commission's regulations recognize that the general overhead costs paid by a political committee need only be allocated as in-kind contributions to the extent that the "expenditure can be directly attributed to [the] candidate." 11 C.F.R. § 106.1(c). Therefore, the Office of General Counsel recommended that the Commission determine there was no reason to believe the Council for a Livable World violated 2 U.S.C. § 441a(a)(2)(A) by not including in its allocation formula other costs not directly associated with the candidate mailings. Accordingly, the Office of General Counsel recommended that the Commission determine there was no reason to believe the Council for a Livable World violated 2 U.S.C. § 434(b) for not reporting other non-allocable costs as in-kind contributions.

b. Prospect mailings

The General Counsel is of the view that the costs associated with the Council for a Livable World's "prospect mailings" did not constitute in-kind contributions. The mere fact that the prospect mailing resulted in a "proven donor list" is insufficient to result in treatment of the costs as contributions when the list is later used to solicit contributions on behalf of candidates. This view is based upon the committee's statement that there was no intent to use the list for that subsequent specific purpose at the time the prospect mailing is conducted. The General Counsel is of the view that material supplied by the respondents adequately rebutes any such allegation to the contrary. Accordingly, the General Counsel recommended that the Commission determine there was no reason to believe the Council for a Livable World violated 2 U.S.C. § 441a(a)(2)(A) by not including as in-kind contributions the costs associated with its prospect mailings. The General Counsel also recommended that the Commission determine there was no reason to believe, based upon the foregoing, that the Council for a Livabe World violated 2 U.S.C. § 434(b) by not reporting the costs of the prospect mailings as in-kind contributions.

2. Whether CLW violated 2 U.S.C. § 441d

CLW's solicitation materials appear not to meet the statutory requirement of stating who paid for the mailing. See 2 U.S.C. § 441d(a)(2). Moreover, CLW does not refute that its mailing of April 1982 on its own behalf (see Exhibits 13 and 13A of the complaint) contained no disclaimer whatsoever. Because it is not a separate segregated fund with a limited class of

solicitees, CLW does not fall outside the scope of § 441d. Cf. Advisory Opinion 1980-71. Thus, the General Counsel recommended that the Commission determine there is reason to believe CLW violated 2 U.S.C. § 441d by its failure to provide in its solicitations the required disclaimer.

3. Whether CLW violated 2 U.S.C. § 441e by accepting contributions from foreign nationals

CLW has reported that its "established practice and policy is not to solicit or to accept contributions from foreign nationals." CLW has included as Tab I to its response copies of contributor cards from the two individuals cited in the complaint, indicating they are indeed U.S. citizens.

The Office of General Counsel accordingly recommended that the Commission find no reason to believe CLW violated 2 U.S.C. § 441e.

4. Whether CLW violated 2 U.S.C. § 434(a)(4)(A) by failing to file the necessary pre-primary election reports

CLW has reported, during 1982, in-kind contributions made on behalf of candidates in primary election campaigns. CLW has designated these contributions for the primary elections on its reports. (Some of the candidates to whom CLW made primary election in-kind contributions are Senators Metzenbaum, Sarbanes, Kennedy and Sasser). Both the Act (2 U.S.C. § 434(a)(4)(A)(ii)) and Commission Regulations (11 C.F.R. § 104.5(c)(1)(ii)(A)) clearly require any committee to file a pre-election report for each primary election in which it makes contributions or expenditures.

Because CLW has failed to file the required pre-primary election reports, the General Counsel recommended that the Commission find reason to believe CLW violated 2 U.S.C. § 434(a)(4)(A)(ii).

5. Whether CLW violated 2 U.S.C. § 441a by making contributions to Peace PAC in excess of $5,000.

Because of CLW's on-the-record admission of affiliation with Peace PAC and, reciprocally, Peace PAC's admission in its Statement of Organization, the General Counsel recommended that the Commission determine there is no reason to believe CLW violated 2 U.S.C. § 441a(a)(2)(C) through its in-kind support of Peace PAC. The General Counsel recommended, however, that

because CLW has not amended its Statement of Organization to list affiliation with Peace PAC, the Commission determine there is reason to believe CLW violated 2 U.S.C. § 433(b)(2).

B. Peace PAC

1. Whether Peace PAC violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether Peace PAC violated 2 U.S.C. § 434(b) by failing to report these costs

General solicitations by Peace PAC are exemplified by TAB B to the response. See response at 3. That solicitation is titled "How to elect a U.S. Congress in 1982 committed to freezing and reducing nuclear arms." The four page solicitation focuses upon the drive for funds to be used by Peace PAC for political contributions. The solicitation lists 16 House candidates together with a sentence or two describing the candidate's position. Peace PAC then asks supporter to send contributions to Peace PAC so that it may support those candidates in "races where our support can make a difference...." The General Counsel believes that the costs associated with this kind of solicitation need not be allocated as in-kind contributions on behalf of those candidates.

Accordingly the Office of General Counsel recommended the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. §§ 434(b) or 441a by having not allocated certain of its costs as in-kind contributions.

2. Whether Peace PAC violated 2 U.S.C. § 441d

A brochure which appears to have been included with Peace PAC's solicitation materials (see Exhibit 12 of the complaint) includes the statement "Paid for by Peace PAC" but does not include an additional statement to the effect that the communication either was or was not authorized by any candidate. Present Commission regulations, at 11 C.F.R. § 110.11(a)(1)(iv), indicate that a political committee's express advocacy communications or solicitations, if not authorized by any candidate or candidate's committee, need only state who paid for them.

Accordingly, the Office of General Counsel recommended that the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. § 441d.

3. Whether Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i)

Peace PAC submitted its Statement of Organization to the Commission on May 4, 1982. In its first report of receipts and expenditures (filed on October 15, 1982 - covering the period from July 1, 1982 through September 30, 1982) Peace PAC reported a beginning cash balance of $3,000. It appears, therefore, that Peace PAC should have filed a report by July 15, 1982, for the period from registration through June 30, 1982.

The Office of General Counsel recommended therefore that the Commission determine there is reason to believe Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the July 1982, quarterly report of receipts and expenditures.

Any factual or legal materials which you believe are relevant to the Commission's analysis of this matter should be filed within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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 have any questions, please contact Stephen Mims, the staff member assigned to this matter at 523-4039.

Sincerely,

Enclosures
Procedures

Attachment 10, pg 5

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Donald Spector, Treasurer
Nuclear Freeze Political Action Committee
1780 Broadway, Suite 1200
New York, New York 10019

Re: MUR 1486

Dear Mr. Spector:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Nuclear Freeze Political Action Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

172

Attachment 11

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Randy L. Dryer, Esquire
Parson, Behle & Latimer
185 South State Street
Salt Lake City, Utah 84147

Re: MUR 1486
Wilson for Utah Committee

Dear Mr. Dryer:

On October 22, 1982, the Commission notified your client of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Wilson for Utah Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

173

attachment 12

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

McDaniel Senate Campaign
Leo J. Salazar
P.O. Box 1707
Cheyenne, Wyoming 82001

Re: MUR 1486

Dear Mr. Salazar:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the McDaniel Senate Campaign. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

174

Attachment 13

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green
1140 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1486
Committee to Re-elect Senator Kennedy, Metzenbaum for Senate Committee, Toby Moffett for U.S. Senate Committee

Dear Mr. Oldaker:

On October 22, 1982, the Commission notified your clients of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Committee to Re-elect Senator Kennedy, the Metzenbaum for Senate Committee or the Toby Moffett for U.S. Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your clients. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

175

Attachment 14

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles J. Micoleau, Esquire
Kermit V. Lipez, Esquire
Thaxter, Lipez, Stevens, Broder
and Micoleau
1825 K Street, N.W.
Suite 503
Washington, D.C. 20006

Re: MUR 1486
Mitchell for Senate Committee

Dear Messrs. Micoleau and Lipez:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Mitchell for Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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Attachment 15

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael A. Nemeroff, Esquire
Sidley and Austin
1722 Eye Street, N.W.
Washington, D.C. 20006

Re: MUR 1486
Friends of Jim Sasser Committee

Dear Mr. Nemeroff:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Friends of Jim Sasser Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 16

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jan Baran, Esquire
Baker and Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

Re: MUR 1486
Fenwick for Senate Committee

Dear Mr. Baran:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Fenwick for Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 17

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citizens for Sarbanes
Charles M. Kerr, Treasurer
P.O. Box 10644
Baltimore, Md. 21204

Re: MUR 1486

Dear Mr. Kerr:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Citizens for Sarbanes Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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attachment 18

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Riegle for Senate in '82 Committee
Sherwood Colburn, Treasurer
27200 Lasher Road
Southfield, Michigan 48075

Re: MUR 1486

Dear Mr. Colburn:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Riegle for Senate in '82 Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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Attachment 19

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re-elect Senator Chafee Committee
John S. Renza, Jr., Treasurer
320 South Main Street
Providence, Rhode Island 02903

Re: MUR 1486

Dear Mr. Renza:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Re-elect Senator Chafee Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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attachment 20

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Levinson for Senate, Inc.
George F. Shreppler, Jr., Treasurer
P.O. Box 349
Middletown, Delaware 19709

Re: MUR 1486

Dear Mr. Shreppler:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by Levinson for Senate, Inc. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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Attachment 21

From 3/25/

MARC E. LACKRITZ

To: Stephen Mims, Esq.

Re: MUR 1486

Attached is page three of the November, 1981 submission. Sorry about the mistake.

Sandy
(Marc's Secretary)

8304107116

DH 132 Ref # 9758

83 MAR 28 AM : 30

- We must back our words with action!

The Council for a Livable World has a unique way of doing that. You've heard a lot these days about political fundraising committees. We are the one that is different.

--Our Council channels financial support only to those Senators who stand for nuclear sanity -- our contributors have given over 2.2 million dollars in the past 20 years to Senate candidates regardless of party -- people like Bill Bradley of New Jersey, Paul Sarbanes of Maryland, Mark Hatfield of Oregon, Carl Levin of Michigan, Charles Mathias of Maryland, and Alan Cranston of California.

--This is done in a different way of collecting and distributing political funds -- a way that is most effective. We ask you to decide which candidates you will support and ask you to write checks directly to their campaigns but to send them to us. We sort out these checks and give them as a group to each candidate. Such giving guarantees that the candidate knows that the donations are issue oriented, are for nuclear arms control. This procedure allows us also to send more than permitted by other political action groups, and it means your contribution will be used with very low overhead. In 1980 we were able to help some candidates for the Senate with five or six times the amount we could have given as a single committee. That's the kind of political clout we must have to win elections.

So, if you want to help, here are two things you can do:

--Fill out and send back the enclosed petition cards to us as soon as possible. We'll address them and start getting them to your Senators immediately.

--Help us continue our lobbying, our public education, our citizen action programs, and our campaign support to Senate candidates who will work for sensible nuclear policy and need our help.

(over, please)

8304107 1

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N. W
WASHINGTON, D. C. 20036

PM
25 MAR
1983

83 MAR 28 AM 11:30

Stephen Mims, Esq.
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Seventh Floor
Washington, D.C. 20463

GCC# 9650

LAW OFFICES
WALD, HARKRADER & ROSS

1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036-1697

(202) 828 1200
CABLE ADDRESS WALRUS
TELEX (RCA): 248591 (WHR)

1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
(214) 741-9241

24 UPPER BROOK STREET
LONDON, W1Y 1PD, ENGLAND
TEL. 629-1076
TELEX (851) 886433 (WHRLON)

CHARLES C. ABELES
TONI K. ALLEN
JERRY D. ANKER
GEORGE A. AVERY
MARKHAM BALL
JOAN ZELDES BERNSTEIN
DAVID R. BERZ
C. COLEMAN BIRD
RICHARD A. BROWN
THOMAS W. BRUNNER
DONALD T. BUCKLIN
JOHN L. BURKE, JR.
ROBERT M. COHAN*
ZACHARY D. FASMAN

MICHAEL J. ALBUM
LORETTA COLLINS ARGRETT
MARY DUFFY BECKER
MARK N. BRAVIN
SUE M. BRIGGUM
MICHAEL R. CANNON
MARY I. COOMBS
PATRICK R. COWLISHAW*
JOHN F. DALY
JAMES H. DAVIS
MARY F. EDGAR
PATRICIA B. FELLNER
VAUGHAN FINN
MARK S. FISCHER

GREER S. GOLDMAN
DONALD H. GREEN
JOSEPH P. GRIFFIN
GILBERT E. HARDY
LAURENCE I. HEWES, III
JOEL E. HOFFMAN
STEPHEN B. IVES, JR.
MARK R. JOELSON
MARC E. LACKRITZ
ROBERT M. LICHTMAN
JEFFREY F. LISS
J. BRIAN MOLLOY
TERENCE ROCHE MURPHY
LEWIS M. POPPER
WM. WARFIELD ROSS

PATRICIA SHARIN FLAGG
PAUL GUTERMANN
KENNETH H. HALL
EDWARD E. HONNOLD
KENNETH G. JAFFE
SYDNEY J. KASE
SUSAN J. KASSELL
MARILYN E. KERST
DANIEL L. KOFFSKY
CHERYL C. KREMZIER
FRAN M. LAYTON
RANDALL J. LEVITT
DANIEL H. MACCOBY
A. RICHARD METZGER, JR.
JAMES A. MEYERS

MARK SCHATTNER
THOMAS J. SCHWAB
ROBERT A. SKITOL
STEPHEN M. TRUITT
THOMAS H. TRUITT
ROBERT L. WALD
KEITH S. WATSON
DAVID B. WEINBERG
WILLIAM R. WEISSMAN
JOHN A. WESTBERG**
GERALD B. WETLAUFER
STEVEN K. YABLONSKI
ANTHONY L. YOUNG
CHARLES A. ZIELINSKI***

SHIRA D. MODELL
NATHANIEL S. PRESTON
LUCY F. REED
JANET M. ROBINS
SUSAN D. SAWTELLE
JANE SEIGLER
STANLEY M. SPRACKER
DANIEL H. SQUIRE
DEBORAH STANDIFORD
MARK STERN
BRUCE R. STEWART
ANN ADAMS WEBSTER
HELEN KEMP ZAX
JACQUELINE E. ZINS

* DALLAS OFFICE
** LONDON OFFICE
*** NOT ADMITTED IN D. C.

SELMA M. LEVINE (1924-1975)
THOMAS C. MATTHEWS (1931-1979)

ADMINISTRATOR
DONALD C. THOMPSON

SENIOR COUNSEL
CARLETON A. HARKRADER

OF COUNSEL
PHILIP ELMAN
DOUGLAS M. COSTLE
CHARLES H. GUSTAFSON
PETER G. KELLY
LEE M. SIMPSON*
DON WALLACE, JR.

March 11, 1983

BY HAND

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Seventh Floor
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

This letter supplements the November 18, 1982 and January 13, 1983 responses of the Council for a Livable World ("CLW") in the above-referenced matter. This submission responds to the material filed by the Washington Legal Foundation ("WLF") in this matter on January 27, 1983, and provides a more detailed description of CLW's "prospect mailings" which are used to generate support for the organization's programs.

WLF's January 27 submission included an excerpt from a civil complaint filed in Friends of the Earth v. Weinberger, No. 83-0053 (D.D.C.), an action that seeks enforcement of federal environmental laws. That excerpt

incorrectly describes CLW, one of many plaintiffs in the case, as a "not-for-profit, membership organization incorporated in Washington, D.C. in 1962...." WLF apparently filed this material to support its claim that CLW "may be incorporated as a non-profit corporation." (Complaint, at 5 n.**; see letter from Paul D. Kamenar to Federal Election Commission (Jan. 26, 1983)).

Simply put, the excerpt from the complaint in the Friends of the Earth case is inaccurate. As we stated in our November 18 response, CLW is a "non-profit and non-partisan voluntary association." (p. 2). */ CLW is not incorporated nor is it a membership organization. We have discussed the error in the complaint with Kenneth N. Goldenberg of the Center for Law in the Public Interest, who is counsel for CLW and the other plaintiffs in the Friends of the Earth case. As his attached affidavit attests, Mr. Goldenberg was not personally familiar with CLW and its programs at the time he drafted the description in the complaint. The complaint's erroneous description of CLW's corporate structure was based on a telephone discussion with a CLW staff member which concentrated primarily on CLW's activities, not its legal form. Moreover, the complaint was not reviewed by a CLW officer or its usual counsel prior to filing. Thus, the misstatement in the complaint was an inadvertent error by counsel and does not support WLF's assertion that CLW "may be incorporated."

The complaint in MUR 1486 herein also alleges that CLW violated the Federal Election Campaign Act of 1971, as amended, by failing to allocate the costs of its "prospect mailings" as "in-kind contributions" among endorsed candidates. (Complaint at 10-14). As we stressed in our November 18, 1982 response (pp. 9-10), the costs of CLW's

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*/ The only corporate entity associated with CLW is the Council for a Livable World Education Fund ("Fund"), a non-profit, tax-exempt (§ 501(c)(3)) corporation organized in 1980 for the exclusive purpose of conducting educational seminars and conferences on the subjects of arms control and nuclear weapons proliferation. The Fund has separate offices from CLW, has no "members," does not send out general fund-raising appeals to CLW supporters (the Fund is financed by contributors who are individually selected and solicited), has completely separate accounts, and does not engage in any political activities.

"prospect mailings" should not be considered contributions to candidates because they are not expenditures "made on behalf of a clearly identified candidate." See 11 C.F.R. § 106.1(c) (1982). Rather, such costs are incurred by CLW to broaden its base of supporters and to obtain the funds necessary to carry on the organization's various educational, lobbying, and political activities, all of which are directed toward CLW's paramount objective: establishment of a sensible national policy on nuclear arms control. Because CLW's "prospect mailings" are essential to the maintenance of its extensive programs, CLW conducts "prospect mailings" in both election and non-election years, without regard to its endorsement of particular candiates. Indeed, many of those mailings are carried out long before endorsement decisions are made.

Enclosed is a sample of "prospect mailings" circulated by CLW during the past two years. You will note that these mailings solicit support for the entire range of CLW activities and neither endorse nor solicit funds for a particular candidate. The only political figures mentioned are those cited as examples of candidates previously supported by CLW. Cf. AO1980-9 Fed. Election Camp. Fin. Guide [CCH] ¶ 5471 (Mar. 12, 1980). (mention of candidate's name in mailing does not require allocation of cost as "in-kind contribution"). In addition, the solicitation form included with each mailing only requests contributions to CLW's general treasury.

The enclosed mailings are clearly different from the sample mailings included with our November 18 submission (Tab A). The latter explicitly identified the candidates endorsed by CLW and solicited contributions for those candidates as well as CLW. As discussed in our January 13 filing, the costs of such solicitations are allocated among the identified candidates in accordance with 11 C.F.R. § 106.1(c).

In sum, the purpose of CLW's "prospect mailings" is to identify individuals sympathetic with its nuclear arms policies and to solicit their financial support for CLW's broad range of activities. As the enclosed sample demonstrates, those mailings do not seek support for particular candidates and, accordingly, should not be considered "in-kind contributions."

If you have any further questions, please contact me.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz

BEFORE THE
FEDERAL ELECTION COMMISSION

In the Matter of: Council for a Livable World et al.	MUR 1486

AFFIDAVIT OF
KENNETH N. GOLDENBERG

I, Kenneth N. Goldenberg, being duly sworn, do hereby depose and say:

1. I am employed by the Center for Law in the Public Interest, 1575 Eye Street, N.W., Washington, D.C. and am counsel of record for plaintiffs in an action entitled Friends of the Earth v. Weinberger, No. 83-0053, now pending in U.S. District Court for the District of Columbia. Council for a Livable World is a plaintiff in that action.

2. I was principally responsible for drafting descriptions of the plaintiff organizations for inclusion in the complaint filed in that case. In carrying out that responsibility, I contacted various plaintiffs in order to obtain relevant background information.

3. Because I was not personally acquainted with the Council for a Livable World, I contacted John Isaacs, a member of that organization's staff, to discuss the complaint and obtain information about the activities of the Council for a Livable World.

4. To the best of my knowledge, my conversation with Mr. Isaacs concentrated on the policy concerns of,

and the activities sponsored by, the Council for a Livable World. I do not recall whether Mr. Isaacs ever stated that the Council for a Livable world is an incorporated entity. I did not discuss the complaint with any other employee of the Council for a Livable World nor did I speak with that organization's outside counsel.

5. Based on my discussion with Mr. Isaacs, I drafted the complaint subsequently filed in Civil Action No. 83-0053. To the best of my knowledge, Mr. Isaacs did not review the complaint prior to filing. No other employee or agent of the Council for a Livable World reviewed the complaint prior to filing.

Kenneth N. Goldenberg

Washington)
District of Columbia) ss

Subscribed and sworn to before me this 10th day of March 1983

Joyce E. DeBass
Notary Public
My commission expires:
July 14, 1985

The Council for a Livable World

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

11 Beacon Street
Boston, Massachusetts 02106
Phone: (617) 742-9395

To combat the menace of nuclear war

George Kistiakowsky
Chairman

November, 1981

Dear Friend:

The Reagan Administration is launching a massive escalation of the nuclear arms race.

This is an escalation that dramatically increases the likelihood of a nuclear war that will destroy your life, and the lives of your children and grandchildren.

It is an escalation such that the military budget of the Pentagon will be some $220 billion in 1982 -- in five years $1.5 trillion dollars. Much of this and many additional billions are for new nuclear weapons -- enough money to pay for all of the needed social programs the Reagan Administration has maimed and killed.

An escalation that includes huge weapons systems -- especially the MX missile and the B-1 bomber -- that are almost universally regarded as non-critical to our country's defense even by some in the Pentagon.

This is an escalation that only you and I and kindred people can stop. Your help is urgently needed. Needed now!

Just a few things need be done by all of us, really. But if we do them well and do them now it will make a difference.

I am going to list these things, tell you briefly what the Council for a Livable World is doing about them and show you how you can fit in if you are willing.

(over, please)

BOARD OF DIRECTORS

Jerome Grossman, *President;* Ruth Adams, *Bulletin Atomic Scientists;* Michael Allen, *Attorney;* Bernard Feld, *MIT;* Roger Fisher, *Harvard University;* Maurice Fox, *MIT;* Jerome Frank, *Johns Hopkins University;* John Kenneth Galbraith, *Harvard University;* George Kistiakowsky, *Harvard University;* Admiral John M. Lee, *U.S. Navy (Retired);* Matthew Meselson, *Harvard University;* James Patton, *National Farmers Union;* Gene Pokorny, *Cambridge Reports;* Charles Price, *University of Pa.;* Edward Purcell, *Harvard University;* George Rathjens, *MIT;* Eli Sagan, *Writer;* Herbert Scoville, Jr., *Arms Control Association;* Jane Sharp, *Cornell University;* William E. Tarlow, *Business Executive;* Stephen Thomas, *Management Consultant;* Kosta Tsipis, *MIT;* Paul C. Warnke, *Attorney;* Jerome B. Wiesner, *MIT;* John Isaacs, *Legislative Director;* Catherine Clark, *Assistant Executive Director* □ *Affiliations For Identification Only.*

Founded in 1962 by Leo Szilard

- In Washington, more work than ever before needs to be done.

  The decisions on the MX missile and the B-1 bombers will be made in the Senate. That's also where the decisions on international arms control treaties are made. And that's where we focus our efforts. We're on Capitol Hill every day, working to re-establish arms control talks, fighting the proliferation of nuclear weapons, lobbying for nuclear arms control agreements. The votes on the nuclear arms issues are close these days. One or two votes in the Senate can make the difference.

- Now your voice -- your support is vital.

  The work of a small group of lobbyists is not enough. Politicians must hear from voters. Many voters! Believe me, they are not hearing enough from people opposed to the wasteful and destructive nuclear arms race, as we are being told by the Senators themselves. That's why we ask you to help by returning the enclosed cards to us so we can take them to the offices of your Senators when we go there to talk about nuclear arms control. So we can say "here are people from your state who want your vote for sanity, for peace."

- We must continue to educate on the dangers of nuclear weapons. The Council for a Livable World uses knowledge as a weapon!

  The Gallup poll says the majority of Americans agree with us on stopping nuclear buildup and seeking arms limitation agreements, but we must diligently continue to educate Americans about the consequences of nuclear war. Our Council was founded by a world famous nuclear physicist and other scientists who worked on the early development of the atom bomb. The scientists and the military, medical and technical experts who work with us are consistently engaged in helping people to think clearly about the unthinkable. We hold symposia on Capitol Hill and throughout the nation. We meet the press and appear on TV, and do radio talk shows. Our speakers' bureau and publications reach hundreds of thousands of Americans each year, but we need to spread our message even wider.

(next page)

Don't just write a check, but do write a check if you can.

The decisions on our country's future are still in the hands of the people if we will work together.

Please join us now.

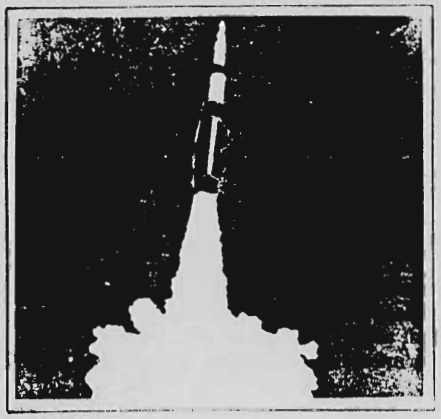
Sincerely,

George B. Kistiakowsky

George Kistiakowsky
Professor Emeritus, Harvard University
President Eisenhower's
Chief Science Advisor

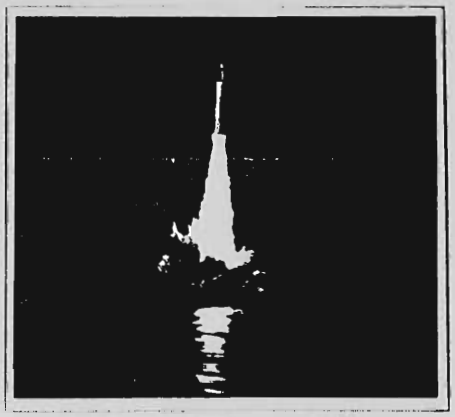
P.S. Please remember, there are three cards enclosed in this envelope. We need your name and address on two cards -- one for each of the Senators in your state. The third card is for your contribution -- $50, $25, $100 -- any amount you can send is critical to our efforts now.

The United States Already Has 26,000 Nuclear Warheads.



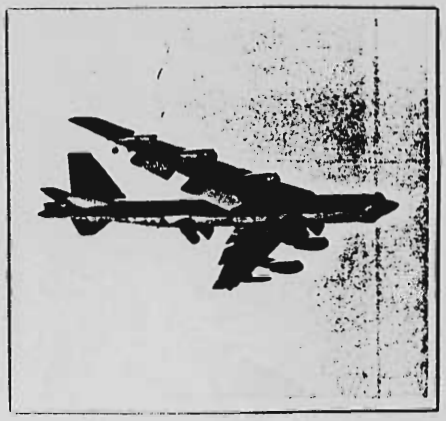
Intercontinental Nuclear Missiles Based on U.S. Land

1,054 missiles with a total of 2,154 warheads



Sea-Based Ballistic Missiles

576 missiles with a total of 4,816 warheads



Long-Range Bombers

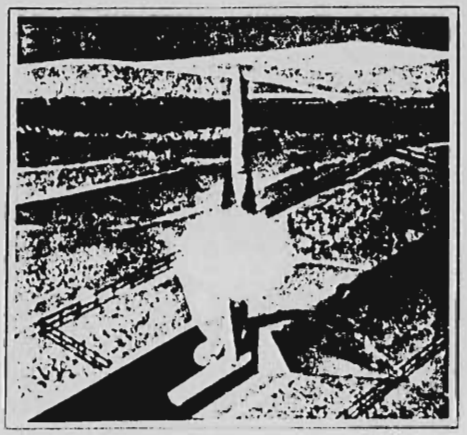
1,900 nuclear weapons

And More— 17,000 Short or Medium Range Nuclear Warheads.

The Soviet Union Has Over 20,000 Nuclear Weapons of Their Own.

(over please)

Now the Reagan Defense Department Wants More!



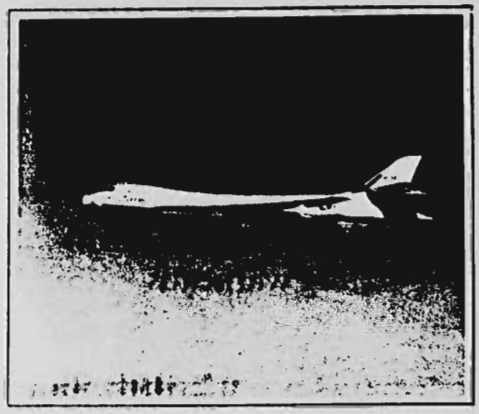
100 MX Missiles
Cost: $27 billion or more

"To continue the development of a system that is already vulnerable, that cannot be fully deployed for ten years, that cannot accomplish its mission when deployed, that increases the attractiveness of the United States as a target . . . is in the author's judgment strategic lunacy."

—Maj. Gen. W.T. Fairbourn (Ret.) of the U.S. Marine Corps, Former Senior Strategic Planner with the U.S. Joint Chiefs of Staff January 14, 1981

"I believe the MX project as presently conceived is a serious mistake . . . There is little time left to reverse the momentum of the MX . . . There are great vested and parochial interests in the military and in industry that are intent upon going ahead with the project. But the United States cannot let such interests dictate the course of its security, and indeed, the security of the world."

—Former CIA Director Stansfield Turner March 29, 1981



100 B-1 Bombers
Cost: $400 million each
$39.8 billion total

"In studies conducted since last June, the Strategic Air Command has determined that neither the B-1 version nor the stretched FB-111 can be expected to penetrate and survive against the Soviet threat beyond the 1980s . . ."

—Aviation Week and Space Technology

"To push for a B-1 that will be obsolescent before the first production model takes off from the runway seems to me some sort of dumb."

—Former high Pentagon official Robert Komer

Help Stop the Madness.
Support the Council for a Livable World.

"Those of us fighting in the Senate for the necessity of arms control need all the help we can get now. The Council is providing that help in every important way."

Senator Bill Bradley
New Jersey

"On such issues as arms control or military spending, it is hard to think of any more effective and resourceful organization than the Council for a Livable World."

Senator Alan Cranston
California

The Council for a Livable World
100 Maryland Avenue, N.E., Washington, D.C. 20002 (202) 543-4100
11 Beacon Street, Boston, Massachusetts 02108 (617) 742-9395

To the Council for a Livable World:

Enclosed is my contribution to help elect responsible Senators and to support your lobbying and public education programs.

☐ $50 ☐ $25 ☐ $75 ☐ $100 ☐ $250 ☐ Other _____

N48
H. WOLFF
9119 MILL POND VILLEY DRIVE
MCLEAN, VA 22102

(Please make checks payable to the Council for a Livable World and return with petition cards in the enclosed envelope)

Dear Senator:

As a resident of your state, I want you to know of my opposition to the wasteful and dangerous build-up of our nuclear arms. The MX missiles and the B-1 bomber in particular will waste billions of hard-earned tax dollars and increase the likelihood of nuclear war.

Name _____

Address _____

City _____ State _____ Zip _____

(Please return these cards to the Council for a Livable World in the enclosed envelope.)

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Chairman

February, 1982

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This is an escalation that dramatically increases the likelihood of a nuclear war that will destroy your life and the lives of your children and grandchildren.

It is an escalation that will push the military budget of the Pentagon over $220 billion in 1982 -- in five years, 1.5 trillion dollars. Much of this and many additional billions are for new nuclear weapons -- enough money to pay for all of the needed social programs that the Reagan Administration has maimed and killed.

It is an escalation that includes huge weapons systems -- especially the MX missile and the B-1 bomber -- that are almost universally regarded as non-critical to our country's defense -- even by some in the Pentagon.

This is an escalation that only you and I and kindred people can stop. Your help is urgently needed. Needed now!

A few things can be done by all of us. And if we do them well and do them now it will make a difference.

I am going to list these things, tell you briefly what the Council for a Livable World is doing about them and show you how you can fit in if you are willing.

(over, please)

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Founded in 1962 by Leo Szilard

Bill Bradley of New Jersey, Paul Sarbanes of Maryland, Mark Hatfield of Oregon, Carl Levin of Michigan, Charles Mathias of Maryland, and Alan Cranston of California.

--We have a different way of collecting and distributing political funds -- a way that is most effective. We ask our contributors to decide which candidates they will support and ask them to write checks directly to those campaigns. We sort out these checks and give them as a group to each candidate. Such giving guarantees that the candidate knows that the donations are issue-oriented, are for nuclear arms control. This procedure allows us also to send more than permitted by other political action groups, and it means each contribution will be used with very low overhead. In 1980 we were able to help some candidates for the Senate by giving five or six times the amount we could have given as a single committee. That's the kind of political clout we must have to win elections.

- Now your voice -- your support is vital.

The work of a small group of lobbyists is not enough. Politicians must hear from voters. Many voters! Believe me, they are not hearing enough from people opposed to the wasteful and destructive nuclear arms race, as we are being told by the Senators themselves. That's why we're asking you to help by returning the enclosed cards to us so that we can take them to the offices of your Senators when we go there to talk about nuclear arms control. So we can say "here are people from your state who want your vote for nuclear sanity, for peace."

So, if you want to help, here are two things you can do right now.

-- Fill out and send back the enclosed petition cards to us as soon as possible. We'll address them and start getting them to your Senators immediately.

-- Help us continue our lobbying, our public education, our citizen action programs, and our campaign support to Senate candidates who will work for sensible nuclear policy and need our help.

(over, please)

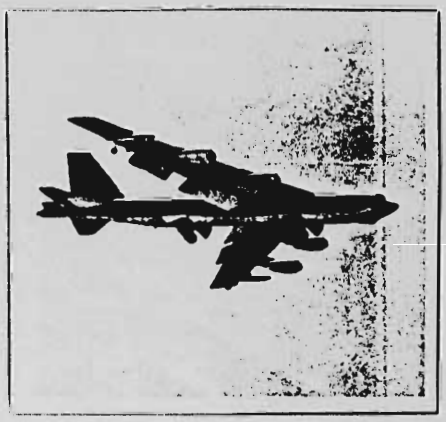
The United States Already Has 26,000 Nuclear Warheads.

Intercontinental Nuclear Missiles Based on U.S. Land

1,054 missiles with a total of 2,154 warheads

Sea-Based Ballistic Missiles

576 missiles with a total of 4,816 warheads



Long-Range Bombers

1,900 nuclear weapons

Plus

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The Council for a Livable World

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11 Beacon Street, Boston, Massachusetts 02108 (617) 742-9395

(over please)

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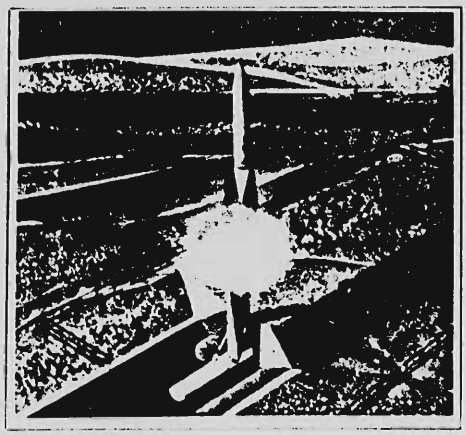
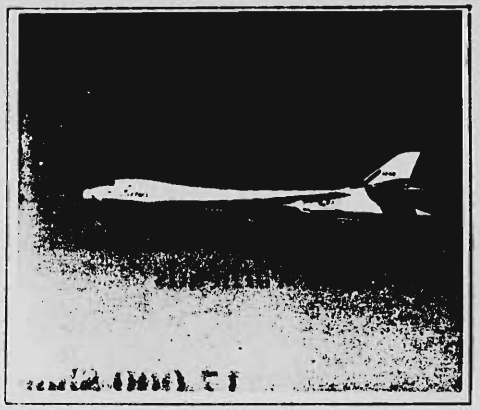


100 MX Missiles
Cost: $27 billion or more

"To continue the development of a system that is already vulnerable, that cannot be fully deployed for ten years, that cannot accomplish its mission when deployed, that increases the attractiveness of the United States as a target . . . is in the author's judgment strategic lunacy."
—Maj. Gen. W.T. Fairbourn (Ret.) of the U.S. Marine Corps, Former Senior Strategic Planner with the U.S. Joint Chiefs of Staff January 14, 1981

"I believe the MX project as presently conceived is a serious mistake . . . There is little time left to reverse the momentum of the MX . . . There are great vested and parochial interests in the military and in industry that are intent upon going ahead with the project. But the United States cannot let such interests dictate the course of its security, and indeed, the security of the world."
—Former CIA Director Stansfield Turner March 29, 1981



100 B-1 Bombers
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$39.8 billion total

"In studies conducted since last June, the Strategic Air Command has determined that neither the B-1 version nor the stretched FB-111 can be expected to penetrate and survive against the Soviet threat beyond the 1980s . . ."
—Aviation Week and Space Technology

"To push for a B-1 that will be obsolescent before the first production model takes off from the runway seems to me sort of dumb."
—Former high Pentagon official Robert Komer

Help Stop the Madness.
Support the Council for a Livable World.

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Senator Bill Bradley
New Jersey

"On such issues as arms control or military spending, it is hard to think of any more effective and resourceful organization than the Council for a Livable World."
Senator Alan Cranston
California

The Council for a Livable World
100 Maryland Avenue, N.E., Washington, D.C. 20002 (202) 543-4100
11 Beacon Street, Boston, Massachusetts 02108 (617) 742-9395

To the Council for a Livable World:

Enclosed is my contribution to support your lobbying and public education programs in opposition to the massive escalation of the nuclear arms race and to help elect Senators in 1982 who will work for nuclear arms control.

$250 ___ $100 ___ $75 ___ $50 ___ $30 ___ Other $_____

1
Jean Wunderlich
630 F Street #414
San Diego, CA 92101

(Please make checks payable to the Council for a Livable World and return with petition cards in the enclosed envelope)

Dear Senator:

As a resident of your state, I want you to know of my opposition to the wasteful and dangerous build-up of our nuclear arms. The MX missiles and the B-1 bomber in particular will waste billions of hard-earned tax dollars and increase the likelihood of nuclear war.

Signature _____

Name _____
(please print name and address)

Address _____

City _____ State _____ Zip _____

(Please return these cards to the Council for a Livable World in the enclosed envelope.)

Dear Senator:

As a resident of your state, I want you to know of my opposition to the wasteful and dangerous build-up of our nuclear arms. The MX missiles and the B-1 bomber in particular will waste billions of hard-earned tax dollars and increase the likelihood of nuclear war.

Signature _____

Name _____
(please print name and address)

Address _____

City _____ State _____ Zip _____

(Please return these cards to the Council for a Livable World in the enclosed envelope.)

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-1697

8 3 0 4 0 4 4 0 7 3 7

FIRST CLASS

FROM

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036

BY HAND

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Seventh Floor
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 2, 1983

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1486
Council for a Livable World,
Peace PAC,
Jerome Grossman
Paul Warnke
William E. Tarlow

Dear Mr. Lackritz:

On October 22, 1982, your clients were notified that a complaint had been filed with the Federal Election Commission which alleged numerous violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). On January 27, 1983, the Office of General Counsel received a supplement to the complaint which may have some bearing upon the Commission's determinations in this matter. That supplement to the complaint is enclosed for your information.

If you have any further questions regarding this matter, please contact Stephen Mims at 523-4039.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Supplement to complaint

Mim (FEC #9416

83 JAN 27 P12:11

WASHINGTON LEGAL FOUNDATION
1612 K STREET, N.W.
SUITE 502
WASHINGTON, D.C. 20006
202-857-0240

January 26, 1983

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

RE: MUR 1486 (Council for Livable World)

Gentlemen:

With respect to the complaint filed by us against the Council for Livable World, et al., please supplement our complaint with the attached material from a civil complaint filed in U.S. District Court describing the organizational structure of Council for Livable World. This information is pertinent to the solicitation violations alleged by us in the complaint.

Thank you.

Very truly yours,

Paul D. Kamenar

Paul D. Kamenar

encl

93 JAN 27 PM 2:11

THE EARTH, INC
Street
Francisco, California 94111
(415) 433-7373

THE COMMITTEE FOR A SANE NUCLEAR POLICY
711 G Street, S. E.
Washington, D. C. 20003
(202) 546-7100

COUNCIL FOR A LIVABLE WORLD
Street
Boston, Massachusetts 02108
(617) 742-9395

ENVIRONMENTAL ACTION, INC.
Connecticut Avenue, N. W.
Washington, D. C. 20036
(202) 833-1845

FOOD FOUNDATIONS AND COOPERATIVE UNION OF AMERICA, ROCKY MOUNTAIN DIVISION
Street
Denver, Colorado 80239
(303) 371-1177

GREENPEACE, U.S.A.
7 F Street, N. W.
Washington, D. C. 20009
(202) 462-1177

KANSANS FOR PEACE
South 16th Street
Topeka, Nebraska 68508
(402) 475-4620

SIERRA CLUB
Bush Street
San Francisco, California 94108
(415) 981-8634

WYOMING STATE MX COALITION
Historic Building
Capital Avenue and 16th Street
Cheyenne, Wyoming 82001
(307) 632-0622

93 JAN 27 P3:11

PARKER, J.

83- 0053

Civil Action No.

[illegible] include organizing people on the [illegible] level for coordinated lobbying efforts and devoting [illegible] to important arms control issues. These activities have recently been devoted in large part to the MX. In that regard, SANE also heads and houses a national campaign concerning the MX which is composed of approximately fifty environmental, religious, and arms control groups.

(d) SANE has commented in the past on environmental impact statements related to the MX. In the event that environmental impact statements are prepared on "Dense Pack" and the MX missile itself, SANE intends to offer its comments.

5(a). Council for a Livable World ("CLW") is a not-for-profit, membership organization incorporated in Washington, D. C. in 1962 with its principal offices in Boston, Massachusetts. It also maintains a legislative office in Washington, D. C. CLW is dedicated to promoting nuclear arms control.

(b) CLW has approximately 60,000 members located throughout the United States, some of whom live in or around the proposed "Dense Pack" basing area in Southeastern Wyoming.

(c) CLW's activities include fundraising for Congressional candidates, lobbying in Congress and educational activities such as preparing material on nuclear arms control issues. Specific issues with which it has been involved in the past include the SALT II treaty, curtailing the use of nerve gas, and the Nuclear Freeze Campaign. CLW has also conducted seminars for members of Congress including one on the MX and survivable basing mode.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1486
Council for a Livable World, et al.	)	

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on February 17, 1983, do hereby certify that the Commission decided by a vote of 6-0 to return the General Counsel's February 2, 1983 report on MUR 1486 and

1. Request that the report be rewritten to break down the different categories of costs allocated to the candidates; and

2. Request that the letter supplementing the original complaint be sent to the respondents and inquire if they are a corporation.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

Feb. 18, 1983

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ JODY C. RANSOM JCR

DATE: FEBRUARY 8, 1983

SUBJECT: OBJECTIONS - MUR 1486 General Counsel's Report signed February 2, 1983

The above-named document was circulated to the Commission on Friday, January 4, 1983 at 2:00.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	X
Commissioner Elliott	X
Commissioner Harris	X
Commissioner McDonald	X
Commissioner McGarry	
Commissioner Reiche	

This matter will be placed on the Executive Session agenda for Tuesday, February 23, 1983.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / JAN SAVAGE

DATE: FEBRUARY 8, 1983

SUBJECT: OBJECTIONS - MUR 1486 General Counsel's Report dated February 2, 1983

The above-named document was circulated to the Commission on Friday, February 4, 1983 at 2:00.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	
Commissioner Elliott	X
Commissioner Harris	X
Commissioner McDonald	
Commissioner McGarry	
Commissioner Reiche	

This matter will be placed on the Executive Session agenda for Wednesday, February 23, 1983.

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

83 FEB 3 P4: 03

In the Matter of	)	MUR 1486
	)	
Council for a Livable World;	)	
Peace PAC; Nuclear Freeze	)	
Political Action Committee;	)	
William E. Tarlow; Paul Warnke; Jerome	)	
Grossman; Toby Moffett for U.S.	)	
Senate; Riegle for Senate in '82	)	
Committee; Re-elect Senator Chafee	)	
Committee; Mitchell for Senate;	)	
Metzenbaum for Senate Committee;	)	
McDaniel for Senate Campaign; Levinson	)	
for Senate, Inc.; Friends of Jim	)	
Sasser; Fenwick for Senate; Committee	)	
to Re-elect Senator Kennedy; Wilson	)	
for Utah Committee; Citizens for	)	
Sarbanes	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

A. Allegations Against the Council for a Livable World (CLW)

The Washington Legal Foundation (the Foundation) filed its complaint with the Commission on October 15, 1982. The Foundation asserts that the Council for a Livable World's (CLW) mechanism for raising funds on behalf of the respondent campaign committees violated the Act in that the costs associated with the efforts were not properly allocated and reported. Specifically, the complaint contends (1) that "[t]here is no allocation whatsoever of the costs of CLW's staff and officers for obtaining, writing, compiling, and producing the candidate profile brochures;" (2) that the cost of solicitations specifically encouraging persons to contribute to one particular

candidate should be attributed at least in part to other candidates named as well; 1/ and (3) that CLW does not include as part of its in-kind contributions the expenses incurred for its initial "prospect" mailings used to compile a proven donor list. 2/ Complainant asserts that "CLW is, for all intents and purposes, a functional equivalent of a professional fundraiser, but without the campaigns paying one cent for such valuable in-kind services, and only accounting for a fraction of the true costs and benefits bestowed by CLW upon the candidates."

Complainant also contends that CLW has received contributions from foreign nationals 3/ and that CLW violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file certain pre-primary election reports. 4/ In addition, complainant insists

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1/ CLW's solitications suggest that CLW's members make a contribution to one of several candidates recommended by CLW, depending upon the alphabetical sequence of the last name of the solicitee; the mailing does, however, make it clear that the member may, if he or she chooses, contribute to any of the recommended candidates. CLW attributes the cost of a mailing emphasizing a particular candidate only to that candidate.

2/ Complainant suggests that had CLW included the cost of the "prospects" mailings, "the 'in-kind' costs would be astronomical, and, of course, clearly in excess of the $5,000 'in-kind' contribution limit to the candidates."

3/ The basis for this contention appears to be grounded in CLW's reports which provide foreign mailing addresses for some contributors. Complainant concludes that "[t]he FEC investigation should determine how many other such unlawful foreign contributions have been solicited and received by CLW."

4/ CLW, it is argued, made in-kind contributions "to a dozen or so Senatorial candidates for the 1982 primaries." CLW is not a monthly filer. See 2 U.S.C. § 434(a)(4)(B).

that CLW violated 2 U.S.C. § 441a by contributing more than the allowable $5,000 to Peace PAC in the form of in-kind contributions and that CLW violated 2 U.S.C. § 441d by not including the proper disclaimer on its solicitation materials.

B. **Allegations Against Peace PAC**

If CLW violated 2 U.S.C. § 441a by making in-kind contributions in excess of $5,000 to Peace PAC, then Peace PAC, by accepting them, violated 2 U.S.C. § 441a(f). Complainant moves on to allege that Peace PAC employs a fundraising mechanism similar to that used by CLW while supporting House rather than Senate candidates. 5/ Thus, potential reporting and limitation violations are raised as a result of purported undervaluation of in-kind contributions. As with CLW, Peace PAC's solicitations allegedly violated 2 U.S.C. § 441d by failing to provide the required disclaimers. 6/ According to the complainant, Peace PAC also violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the July 1982 quarterly report due on July 15, 1982.

5/ Complainant lists 16 House candidates that Peace PAC planned to support. See Complaint, p. 16.

6/ Exhibits included with the complaint fail to show, in some cases, any § 441d(a) disclaimer. In other cases, the solicitation notice "Paid for by Peace PAC" is assertedly untrue "inasmuch as CLW has stated that they are paying Peace PAC's expenses."

C. **Allegations Against Respondents Tarlow, Grossman and Warnke**

The complaint alleges that William E. Tarlow (Treasurer of CLW), Jerome Grossman (Treasurer of Peace PAC), and Paul C. Warnke (Director of CLW and Chairman of Peace PAC) each violated the Act in their capacities as officials of these organizations by participating in the allegedly unlawful activities enumerated above.

D. **Allegations Against Nucler Freeze Political Action Committee ("Freeze PAC")**

The sole allegation against "Freeze PAC" is that it has violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the quarterly report due on July 15, 1982. 7/

II. **FACTUAL AND LEGAL ANALYSIS**

A. 1. Whether CLW violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether CLW violated 2 U.S.C. § 434(b) by failing to report those costs

The complaint alleges CLW's failure to include in its allocations other costs of the mailing including staff time expended for "obtaining, writing, compiling and producing the candidate profile brochures," or "other office expenses." In its response to the complaint (Attachment 1), CLW emphasizes the primary purpose of CLW - "lobbying, educating and publishing on the issues of arms control... regardless of whether or

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7/ Covering the period from date of registration (April 9, 1982) through June 30, 1982.

not there is an election"-and asserts that "[s]uch costs as the salaries of CLW's staff and officers, rent, telephone and office supplies would be expended by CLW whether or not [emphasis in original] CLW engaged in any election activity whatsoever." CLW's reports therefore reflect only allocations for direct production costs of each mailing (e.g. printing, postage, mailing). 8/ On January 13, 1983, CLW submitted a supplement to its earlier response (see Attachment 1) which tends to support its assertion that all appropriate staff costs for the creation of its materials have been properly allocated. The letter does not, however, discuss other staff costs such as time required for processing the contributor checks.

CLW relies upon the language of 11 C.F.R. § 106.1(c) 9/ to support its contention that all allocable costs have indeed been reported. CLW further defends its method by referring to MUR 1028. CLW appears to be of the impression that MUR 1028 approved CLW's cost allocation methods as well as resolved the issue of whether CLW exercised direction or control over the funds collected. See 11 C.F.R. § 110.6. However, the Commission's inquiry in MUR 1028 did not extend to the issue of

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8/ There is no reported allocation of "creative fees" (those costs normally associated with the content of a mailing's message).

9/ "Expenditures for rent, personnel, overhead, general administrative, fund-raising, and other day-to-day costs of political committees need not be attributed to individual candidates, unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate."

whether 100% of those costs which should have been included within CLW's allocation formula had been considered.

In our view, the response of CLW does not adequately explain why CLW staff costs for recordkeeping functions are not included in CLW's calculations of in-kind support provided to candidates. Nor does the response provide a reasonable explanation for why no part of the expenses of CLW's initial "prospects" mailings is treated as an in-kind contribution to the candidates who benefit from the use of the resulting proven donor list. Accordingly, the General Counsel recommends that the Commission determine there is reason to believe CLW violated 2 U.S.C. § 441a(a)(2)(A) by failing to include in its allocation formula all costs directly associated with the candidate mailings. 10/ Such a failure by CLW would also create a violation of the reporting requirements. Therefore, the General Counsel also recommends that the Commission find reason to believe CLW violated 2 U.S.C. § 434(b). 11/

10/ CLW has, in several instances, already reached the $5,000 contribution limitation by allocating in-kind contributions for the mailings without including these other potential costs.

11/ Complainant does not appear to argue that CLW's fundraising activity itself constitutes a violation of 2 U.S.C. § 441a, conce ding the position adopted by the Commission in MUR 1028. Because CLW has stated that its procedures for soliciting and forwarding contributions to federal candidates has not changed since MUR 1028, this Office does not make a recommendation on this issue.

2. Whether CLW violated 2 U.S.C. § 441d

The complaint's assertion that CLW has failed to make proper disclosures "as to the identity of those entities who authorized and paid for the communication" is addressed by CLW as follows: "It is CLW's policy and practice to state on the solicitation cards contained in each candidate mailing that 'This solicitation is authorized by the [particular candidate's] Committee.'" 12/ CLW points to the Commission's application of § 441d where the solicitation consists of several pieces. See AO 1980-145. In that Opinion the Commission stated:

> Commission regulations, specifically 11 C.F.R. § 110.11(a)(1) which elaborates on § 441d, require that the sponsorship statement appear in a clear and conspicious manner to give the reader adequate notice of the identity of persons who paid for or authorized the communication. Such a statement is not, however, required to be placed on the front page or face of the material soliciting contributions. Since in this case the entire package, that is the letter, contribution card and return envelope, comprises the solicitation mailing, and since the sponsorship statement clearly appears on the contributor card, the requirements of § 441d and the regulations are satisfied.

The complaint offers a broad asserton that the statement did not appear anywhere within several mailings (including the

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12/ CLW has supplied, as part of its response, sample contributor cards which do, indeed, contain this notice.

solicitation card). CLW's response (see pp. 19,29,38,44,49,56 of Attachment 1) demonstrates that most of CLW's mailings contain a contributor card with the disclaimer, "This solicitation is authorized by [candidate committee X] and [candidate committee Y]." However, this does not meet the statutory requirement of stating, as well, who paid for the mailing 13/. Moreover, CLW does not refute that its mailing of April 1982 on its own behalf (see Exhibits 13 and 13A of the complaint) contained no disclaimer whatsoever. Because it is not a separate segregated fund with a limited class of solicitees, CLW does not fall outside the scope of § 441d. Cf. Advisory Opinion 1980-71. Thus, the General Counsel recommends that the Commission determine there is reason to believe CLW violated 2 U.S.C. § 441d by its failure to provide in its solicitations the required disclaimer.

3. Whether CLW violated 2 U.S.C. § 441e by accepting contributions from foreign nationals

The complaint asserts that CLW solicits and accepts contributions from foreign nationals. Two individual

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13/ "Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through ... any direct mailing, ... such communication ... if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is paid for by such other persons and authorized by such authorized political committee." 2 U.S.C.§ 441d(a)(2)

contributors have been identified in Exhibit 7 of the complaint as residing outside the United States. In its response, CLW insists that its "established practice and policy is not to solicit or to accept contributions from foreign nationals." CLW has included as Tab I to its response copies of contributor cards from these two individuals indicating they are indeed U.S. citizens.

The Office of General Counsel accordingly recommends that the Commission find no reason to believe CLW may have violated 2 U.S.C. § 441e.

4. Whether CLW violated 2 U.S.C. § 434(a)(4)(A) by failing to file the necessary pre-primary election reports

The complaint's next allegation is that CLW has made contributions to several candidates during their primary election campaigns but has failed to file the required pre-primary reports. As complainants correctly point out, CLW is not a monthly filer and hence exempt from this requirement. See 2 U.S.C. § 434(a)(4)(B). CLW responds merely by referencing the fact that its 1981 Mid-Year Report was filed late due to "an abrupt staff turnover;" the response fails to make mention of any failure to file a pre-election report. See pp. 14-15 of CLW's response of November 18, 1982.

CLW has reported, during 1982, in-kind contributions made on behalf of candidates in primary election campaigns. CLW has designated these contributions for the primary elections on its reports. (Some of the candidates to whom CLW made primary election in-kind contributions are Senators Metzenbaum, Sarbanes, Kennedy and Sasser). Both the Act 14/ and Commission Regulations 15/ clearly require any committee to file a pre-election report for each primary election in which it makes contributions or expenditures.

Because CLW has failed to file the required pre-primary election reports, the General Counsel recommends that the Commission find reason to believe CLW violated 2 U.S.C. § 434(a)(4)(A)(ii).

5. Whether CLW violated 2 U.S.C. § 441a by making contributions to Peace PAC in excess of $5,000.

The complaint cites CLW's financial support of Peace PAC (which exceeded $5,000) as being in violation of the limitations of 2 U.S.C. § 441a(a)(2)(C). However, Peace PAC, on its Statement of Organization dated May 4, 1982, stated its affiliation with CLW, and CLW in its response openly admits Peace PAC is affiliated. As the authorities cited by CLW in its response (pp. 12 and 13) demonstrate, transfers, and hence in-

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14/ 2 U.S.C. § 434(a)(4)(A)(ii).

15/ 11 C.F.R. § 104.5(c)(1)(ii)(A).

kind contributions, from one affiliated committee to another are not limited by § 441a(a).

Apparently as an alternative argument, complainant suggests that if CLW were to argue that it is an unincorporated membership organization, rather than a political committee, it nonetheless would be subject to the $5,000 limit of 2 U.S.C. § 441a(a)(1)(C) in supporting Peace PAC. While, under the holding of California Medical Association v. Federal Election Commission, 453 U.S. 182 (1981), this would be true, CLW does not suggest that it is not a political committee. Hence, there is no reason for using complainant's alternative line of analysis.

Because of CLW's on-the-record admission of affiliation with Peace PAC and, reciprocally, Peace PAC's admission in its Statement of Organization, the General Counsel recommends that the Commission determine there is no reason to believe CLW violated 2 U.S.C. § 441a(a)(2)(C) through its in-kind support of Peace PAC. The General Counsel does recommend, however, that because CLW has not amended its Statement of Organization to list affiliation with Peace PAC, the Commission determine there is reason to believe CLW violated 2 U.S.C. § 433(b)(2).

B. Peace PAC

1. Whether Peace PAC violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether Peace PAC violated 2 U.S.C. § 434(b) by failing to report these costs

For the same reasons set forth above against CLW, complainant contends Peace PAC violated 2 U.S.C. §§ 441a and 434(b) by improperly allocating the costs associated with its fund raising efforts on behalf of federal candidates. In its response to the complaint (see Attachment 1), Peace PAC stated: "While Peace PAC certainly could have adopted CLW's fundraising procedures for Peace PAC's endorsed candidates, so far Peace PAC has chosen to operate like most other PAC's, soliciting contributions directly to Peace PAC, which then makes the contributions to the Peace PAC endorsed candidates." In a footnote, Peace PAC acknowledged that it "has acted on occasion as a conduit in transmitting some individual contributions to a few congressional candidates, but Peace PAC doe not send out direct mailings on behalf of its endorsed candidates." See response at 3. Peace PAC's reports do indeed report that Peace PAC did occasionally act as a conduit. Contributions through Peace PAC are reported as "Contributions received by the Council for a Livable World as conduit, intended for receipt by [name of the Congressional campaign]." The data is set forth on Peace PAC

letterhead and is reported by Peace PAC to the Commission as Peace PAC having acted as the conduit. What is not made clear is why Peace PAC reports as the conduit if CLW actually received the contributions. It does not appear, however, that Peace PAC actually undertook efforts to solicit contributions on behalf of certain candidates.

General solicitations by Peace PAC are exemplified by TAB B to the response. See response at 3. That solicitation is titled "How to elect a U.S. Congress in 1982 committed to freezing and reducing nuclear arms." The four page solicitation focuses upon the drive for funds to be used by Peace PAC for political contributions. The solicitation lists 16 House candidates together with a sentence or two describing the candidate's position. Peace PAC then asks supporters to send contributions to Peace PAC so that it may support those candidates in "races where our support can make a difference...." The General Counsel believes that the costs associated with this kind of solicitation need not be allocated as in-kind contributions on behalf of those candidates.

Accordingly the Office of General Counsel recommends the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. §§ 434(b) or 441a by having not allocated certain of its costs as in-kind contributions.

2. Whether Peace PAC violated 2 U.S.C. § 441d

Complainant alleges that Peace PAC, like CLW, violated 2 U.S.C. § 441d through its failure to disclose "the identity of those entities who authorized and paid for the communication."

A brochure apparently included with Peace PAC's solicitation materials (see Exhibit 12 of the complaint) includes the statement "Paid for by Peace PAC" but does not include an additional statement to the effect that the communication either was or was not authorized by any candidate. Present Commission regulations, at 11 C.F.R. § 110.11(a)(1)(iv), indicate that a political committee's express advocacy communications or solicitations, if not authorized by any candidate or candidate's committee, need only state who paid for them. Although the complaint separates the brochure referred to from other Peace PAC materials (see Exhibit 14 of the complaint), Peace PAC's response indicates that the brochure is included as part of each mailing (See Attachment 1, p. 19).

Accordingly, the Office of General Counsel recommends that the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. § 441d.

3. Whether Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i)

Under 2 U.S.C. § 434(a)(4)(A)(i), "All political committees other than authorized committees of a candidate shall file ... quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter...."

Peace PAC submitted its Statement of Organization to the Commission on May 4, 1982. In its first report of receipts and expenditures (filed on October 15, 1982 - covering the period from July 1, 1982 through September 30, 1982) Peace PAC reported a beginning cash balance of $3,000. It appears, therefore, that Peace PAC should have filed a report by July 15, 1982, for the period from registration through June 30, 1982.

The Office of General Counsel recommends therefore that the Commission determine there is reason to believe Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the July 1982, quarterly report of receipts and expenditures.

C. Whether William Tarlow, Jerome Grossman and Paul Warnke violated the Act

Each of these three respondents are alleged to have violated the Act in their official capacities as committee officials. While Tarlow and Grossman are treasurers of CLW and Peace PAC respectively, Warnke serves as Director of CLW and as Chairman of Peace PAC.

The Office of General Counsel makes no recommendation to the Commission at this time regarding the allegations that respondents Tarlow, Grossman and Warnke personally violated the Act.

D. Whether the Nuclear Freeze Political Action Committee (aka "Freeze PAC") violated 2 U.S.C. § 434(a)(4)(A)(i)

As previously noted, each political committee other than authorized committees of a candidate, is subject to the filing requirements of 2 U.S.C. § 434(a)(4). The term "political committee" is defined as "any committee ... which receives contributors ... or makes expenditures [either of which aggregate]... in excess of $1,000 during a calendar year." 2 U.S.C. § 431(4)(A). There is no indication that Freeze PAC is a separate segregated fund. See 2 U.S.C. § 431(4)(B).

The complaint alleges Freeze PAC failed to file the 1982 July Quarterly report of receipts and disbursements. Freeze PAC filed its Statement of Organization with the Commission on April 9, 1982. On November 12, 1982, it submitted a report of receipts and disbursements for the period from registration through October 15, 1982. That report reflects a loan of $211 received by the PAC from its treasurer, Donald Spector and disbursements of $211 for stationery, envelopes and postage.

Regardless of the fact that Freeze PAC submitted a Statement of Organization, it does not appear that it meets the definition

of a "political committee" under 2 U.S.C. § 431(4), as shown by its only report on record. The mere fact that an organization registers as a political committee does not alter its status. The Office of General Counsel recommends, therefore, that the Commission determine there is no reason to believe Freeze PAC violated 2 U.S.C. § 434(a)(4)(A)(i) by not submitting a July 1982 quarterly report of receipts and disbursements.

E. Whether the Authorized Committee Respondents violated the Act

Although the complainant does not specifically so assert, it is implied that the captioned authorized political committees violated 2 U.S.C. § 441a(f) by knowing accepting contributions from CLW which contravened the limits of § 441a. Several of the candidate committees have responded to the complaint stating, in short, that they were unaware of any impropriety in accepting contributions from CLW or Peace PAC and, in light of a long-standing practice of accepting contributions through CLW's fundraising mechanism, believed those contributions to have been lawfully accepted.

To satisfy the "knowing acceptance" standard of § 441a(f), it need only be established that the recipient knew that it accepted the contribution involved. It need not be demonstrated that the recipient knew that the contribution was in violation of the law. Federal Election Commission v. California Medical Association, 502 F.Supp. 196, 203 (N.D.Cal. 1980).

In the present situation, we do not have evidence indicating that the various candidates who received in-kind support from CLW through its solicitation efforts knew or had a reason to know that CLW was not advising them of the full amount that should be allocable as a contribution in-kind. Indeed, as several of the respondent candidate committees have responded, CLW's notice to them as to what amount should be reported as an in-kind contribution was relied on because only CLW could know that. Thus, at the present time there does not appear to be a basis for establishing "knowing acceptance" on the part of the candidate committees. The General Counsel recommends, therefore, that the Commission determine that there is no reason to believe the authorized candidate committees violated 2 U.S.C. § 441a(f).

Recommendations

1. Find reason to believe that the Council for a Livable World violated 2 U.S.C. §§ 433(b)(2), 434(a)(4)(A)(ii), 434(b), 441a(a)(2)(A) and 441d.

2. Find no reason to believe that the Council for a Livable World violated 2 U.S.C. §§ 441a(a)(2)(C) or 441e.

3. Find reason to believe that Peace PAC violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 441d.

4. Find no reason to believe that Peace PAC violated 2 U.S.C. §§ 434(b), 441a(a)(2)(A), or 441a(f).

5. Find no reason to believe that the Nuclear Freeze Political Action Committee violated 2 U.S.C. § 434(a)(4)(A)(i).

6. Find no reason to believe that the following committees violated 2 U.S.C. § 441a(f):

a. Toby Moffett for U.S. Senate
b. Riegle for Senate in '82
c. Re-elect Senator Chafee Committee
d. Mitchell for Senate
e. Metzenbaum for Senate Committee
f. McDaniel for Senate Campaign
g. Levinson for Senate, Inc.
h. Friends of Jim Sasser
i. Fenwick for Senate
j. Committee to Re-elect Senator Kennedy
k. Wilson for Utah Committee
l. Citizens for Sarbanes

7. Close the file as it pertains to the Nuclear Freeze Political Action Committee and respondents listed in recommendation Number 6.

8. Approve and send the attached letters.

February 2, 1983
Date

Charles N. Steele
General Counsel

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

Attachments
1. Response submitted on behalf of CLW, Peace PAC, Tarlow, Warnke and Grossman by Marc Lackritz, counsel.

2. Response from the Nuclear Freeze Political Action Committee.

3. Response submitted on behalf of the Wilson for Utah Committee by Randy Dryer, counsel.

4. Response from the McDaniel Senate Campaign.

5. Response submitted on behalf of Senators Metzenbaum and Kennedy and Congressman Moffett by William Oldaker, counsel.

6. Response submitted on behalf of the Mitchell for Senate Committee by Charles Micoleau and Kermit Lipez, co-counsel.

7. Response submitted on behalf of the Friends of Jim Sasser Committee by Michael Nemeroff, counsel.

8. Response submitted by the Fenwick for Senate Committee.

9. Response submitted by the Citizens for Sarbanes Committee.

10. Proposed letter to Marc Lackritz.

11. Proposed letter to Nuclear Freeze Political Action Committee.

12. Proposed letter to Randy Dryer, counsel, Wilson for Utah Committee.

13. Proposed letter to the McDaniel Senate Campaign.

14. Proposed letter to William Oldaker, counsel to the Committee to Re-elect Senator Kennedy, the Metzenbaum for Senate Committee and the Toby Moffett for U.S. Senate Committee.

15. Proposed letter to Charles Micoleau and Kermit Lipez, counsel to the Mitchell for Senate Committee.

16. Proposed letter to Michael Nemeroff, counsel to the Friends of Jim Sasser Committee.

17. Proposed letter to Jan Baran, counsel to the Fenwick for Senate Committee.

18. Proposed letter to the Citizens for Sarbanes committee.

19. Proposed letter to the Riegle for Senate in '82 Committee.

20. Proposed letter to the Re-elect Senator Chafee Committee.

21. Proposed letter to Levinson for Senate, Inc.

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January 13, 1983

BY HAND

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Fl.
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

This letter supplements the November 18, 1982 response of the Council for a Livable World ("CLW") filed in the above-referenced matter. The complaint in this proceeding alleges that CLW and its affiliate, Peace Political Action Committee ("Peace PAC"), have violated federal law by failing to allocate "the cost of CLW's staff and officers for obtaining, writing, compiling and producing the candidate profile brochures." (Complaint, at 8). This letter provides a more detailed description of the process by which CLW collects information about candidates, prepares the profiles and related solicitation material, and reports the associated costs as in-kind contributions.

Almost all of the information in the profiles about candidates and their views on nuclear arms control is developed as a result of CLW's lobbying and educational activities. As we stressed in our November 18 response

Attachment 1
page 1

at pages 7-8, CLW's overriding objective is not the election of candidates for federal office, but rather the establishment of a rational and consistent national policy on arms control. To that end, CLW engages in a wide variety of lobbying and educational activities that are unrelated to political campaigns and are carried out in both non-election and election years. In the course of these activities, key CLW staff members, particularly its president, Jerome Grossman, and its legislative director, John Issacs, gather relevant information about specific Senators and their positions and voting records on nuclear arms control. Moreover, CLW regularly receives newsletters from the Democratic and Republican national party organizations and materials from candidates' campaign committees as well. This information is supplemented by independent research conducted by CLW to guide its lobbying activities on Capitol Hill.

In an election year, the information compiled about various Senate candidates during the preceding months forms the basis for endorsement proposals that are submitted to the CLW Board of Directors. The members of that Board, who are unpaid, meet regularly to discuss and decide major policy and strategic questions, including the endorsement of particular candidates recommended by the staff. A candidate must be interviewed by at least three Board members before an endorsement decision is made.

Once the Board endorses a candidate, the staff collects additional pertinent information about the candidate and his or her views on nuclear arms policy. This information is obtained from public sources (e.g., Congressional Record) as well as the candidate's campaign committee and involves minimal (less than a few hours) staff time. See 11 C.F.R. § 100.7(a)(3)(i).

The candidate profiles are prepared by Messrs. Grossman and Isaacs, who share the responsibility equally. Each spends approximately four hours reviewing the assembled information, including a candidate's statements, voting record, and biographical data, and drafting the one or two page candidate profile. In an election year, CLW typically makes one solicitation per month and each solicitation seeks support for two or sometimes three different candidates. Thus, in the course of a month Messrs. Grossman and Issacs spend collectively no more than 12 hours and frequently

Attachment 1
page 2

as little as eight hours drafting candidate profiles. Moreover, Mr. Grossman drafts all of the profiles assigned to him at home during non-business hours. Mr. Issacs also frequently writes his profiles at home, but sometimes will spend one or two hours doing them during his regular business day. Each solicitation is also accompanied by a cover letter, drafted by Mr. Grossman, which takes perhaps one hour to complete.

The drafts are typed during regular business hours by a CLW secretary and then proofed and sent to a typesetter. The typesetter does the layout for the solicitation, which is proofed by CLW and forwarded in final form to a printer. The printed letters and profiles are then forwarded to a mailing house which places them in envelopes, addresses them to individuals on CLW's mailing list and mails them out. The costs of the typesetting, printing, and mailing are allocated among the endorsed candidates in accordance with the procedures described in our earlier response in this proceeding (pp. 8-9) and reported as in-kind contributions to those candidates. If the solicitation also asks for contributions to CLW itself, CLW is treated as if it were an endorsed candidate and is allocated its appropriate portion of the printing and mailing costs.

In sum, almost all of the information that CLW uses in identifying candidates for endorsement and preparing the candidate profiles is gathered in connection with CLW's lobbying and educational activities rather than its election activities. The profiles themselves require very little time to prepare and are drafted by Messrs. Grossman and Issacs, usually at their homes in the evenings, outside of regular business hours, and, therefore, should not be regarded as "contributions" under the FEC regulations. See 11 C.F.R. § 100.7(a)(3)(i);(b)(3). In contrast, the costs of typesetting, printing and mailing the profiles are allocated among the endorsed candidates and reported as in-kind contributions to those candidates.

I hope this additional information answers any questions you may have about CLW's "in-kind contributions." If you have any further questions, please contact me.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Attorney for Council
For A Livable World

MEL:lc

Attachment 1, pg 3

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November 18, 1982

NOV 18 P 3:54

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
7th Floor
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

Enclosed is the Response to the Complaint, and Counterclaim, of the Council for a Livable World, PeacePAC, and Messrs. Warnke, Tarlow, and Grossman in the above-captioned matter. I would be pleased to meet with you to discuss anything contained in the enclosed pleading or to answer any questions that you might have.

I would very much appreciate it if you would keep me informed of any scheduled action or future developments in this matter.

With best wishes, I am

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Counsel to CLW, PeacePAC and
Messrs. Warnke, Tarlow
and Grossman

MEL:st
Enclosure

attach 1, page 4

BEFORE THE
FEDERAL ELECTION COMMISSION

In The Matter of: COUNCIL FOR LIVABLE WORLD PEACE POLITICAL ACTION COMMITTEE PAUL C. WARNKE WILLIAM E. TARLOW JEROME GROSSMAN NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	MUR 1486

RESPONSE TO THE COMPLAINT, AND COUNTERCLAIM, BY RESPONDENTS COUNCIL FOR A LIVABLE WORLD, PEACE PAC, PAUL C. WARNKE, WILLIAM E. TARLOW, AND JEROME GROSSMAN

Respondents Council for a Livable World ("CLW") and Peace Political Action Committee ("PeacePAC"), and their named officers, hereby respond to the Complaint filed herein and urge the Commission to find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act and to close the file herein. In sum, this Complaint, filed a mere two and a half weeks before the recent elections, attacks a fund-raising procedure that has been used by CLW for the past twenty years and that has been thoroughly investigated and subsequently approved by the Secretary of the Senate in 1974 and the FEC itself in 1978 and 1980; the Complaint is replete with factual errors and devoid of any legal merit, and was filed solely to harass, embarrass and intimidate CLW and PeacePAC, and the candidates they endorsed. Moreover, the public relations

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Attach 1, p95

effort surrounding and subsequent to the filing of the Complaint, orchestrated by the Washington Legal Foundation ("Foundation") and its officers, constitutes numerous clear, knowing, and willful violations of 2 U.S.C. § 437g(a)(12)(A).

A. Background

CLW, a non-profit and non-partisan voluntary association, was founded in 1962 by a group of scientists, headed by nuclear physicist Leo Szilard, who were concerned about the proliferation of nuclear weapons and wanted to encourage public discussions concerning control of such weapons. Ever since its founding, CLW's primary objective has been to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations.

In attempting to focus attention on these arms control issues, CLW, unlike most other political action committees, has not concentrated exclusively on electing or defeating particular political candidates. CLW has engaged in lobbying, conducted seminars for Congressional members and staff, and compiled and distributed publications on arms control issues. In addition, CLW educates and informs its supporters, on a non-partisan basis, about candidates for the United States Senate and about current legislative initiatives and issues in the area of arms control.

In election years, CLW endorses a number of candidates for the United States Senate. Descriptions of these candidates and their opponents, prepared by the CLW staff, are directly mailed to CLW supporters. In the letter enclosing this material,

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attach 1, pg 6

it is suggested that CLW supporters consider making contributions to the endorsed candidates' campaign committees or to CLW according to an alphabetical division of supporters by last name.*/ The solicitation card enclosed in such mailings states clearly that the solicitation is authorized by the endorsed candidates' campaign committees. All contributions are mailed back to CLW, which merely forwards them on to the intended recipients. Some typical mailings by CLW for the 1982 elections are enclosed herein at Tab A.

PeacePac was established by CLW in 1982 as an affiliated political committee with identical purposes and similar activities to those of CLW except that PeacePAC was to support political candidates for the House of Representatives -- rather than the Senate -- who favor nuclear arms control. While PeacePAC certainly could have adopted CLW's fundraising procedures for PeacePAC's endorsed candidates, so far PeacePAC has chosen to operate like most other PAC's, soliciting contributions directly to PeacePAC, which then makes the contributions to the PeacePAC-endorsed candidates.**/ An example of a PeacePAC solicitation mailing is enclosed herein at Tab B. Thus, the

---

*/ The solicitation card enclosed with each mailing suggests that: "Unless you have a preference to the contrary please make your contribution according to this alphabetical arrangement by your last name: [followed by alphabetical breakdowns]."

**/ PeacePAC has acted on occasion as a conduit in transmitting some individual contributions to a few Congressional candidates, but PeacePAC does not send out direct mailings on behalf of its endorsed candidates like CLW does.

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Attachment 1,097

allegation in the Complaint at ¶ 6, pp. 3, 16-17, that "PeacePAC is operating in a manner similar to that of CLW" is absolutely incorrect as is the Complaint's conclusion that "PeacePAC is violating the law." (Id.)

1. Prior Investigations of CLW

Similarly, there is no basis whatsoever for the general or specific allegations that CLW's fundraising procedures violate the law. CLW has been investigated by both the Secretary of the Senate, in 1974, and the FEC, in 1978, concerning CLW's reporting of "in-kind contributions" to its endorsed candidates; the FEC again investigated CLW in 1980 (MUR 1028) concerning CLW's role as a conduit in transmitting contributions to its endorsed candidates. In each of these investigations, CLW fully explained its fundraising procedures, which have existed unchanged over the past twenty years, and these procedures were implicitly or explicitly approved, as no violations of law by CLW have ever been found.

In 1974, in the wake of passage of the first electoral reform laws, there was some confusion over how the costs of CLW's mailings, endorsing particular Senate candidates and suggesting that contributions be made to them, should be reported. As a result, CLW was thoroughly audited by the Secretary of the Senate, who concluded:

> The cost of these mailings should be reported as contributions in kind which should be apportioned on a reasonable basis among the candidates whose election is advocated therein by the Council.
>
> Letter to Mr. Stephen Thomas from Orlando B. Potter, October 25, 1974.

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Attachment 1, pg 8

As a result, CLW reported these mailing costs as in-kind contributions, and apportioned them among the various endorsed candidates in proportion to the number of CLW supporters being asked to consider making direct contributions to such candidates.

This procedure was reviewed again by the Federal Election Commission in the fall of 1978, when the Commission staff initially seemed to suggest that CLW's mailing costs might more properly be reported as "independent expenditures" instead of "in-kind contributions." See letter from Orlando B. Potter to Stephen M. Thomas, September 29, 1978, attached hereto at Tab C. Following CLW's response of November 15, 1978, attached hereto at Tab D, the Commission did not advise CLW to change the reporting of its mailing costs, and CLW has continued to report them as "in-kind contributions."

Finally, on February 14, 1980, the FEC informed CLW that it was being investigated in MUR 1028 to determine whether CLW had violated the contribution limitations by its fundraising procedures. After CLW's response of March 12, 1980, attached hereto at Tab E, the Commission determined on July 23, 1980 that there was no probable cause to believe that CLW had violated the law. See letter from Charles N. Steele, FEC General Counsel, to Marc E. Lackritz, July 25, 1980, attached hereto at Tab F; see also AO 1980-46, and CLW's Comments on AOR 1980-46, attached hereto at Tab G.

2. Allegations of the Complaint

The Complaint here before the Commission again dredges up some of the allegations that have already been so thoroughly

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investigated and approved by the Commission. While there are some "new" allegations in the Complaint, the Foundation still primarily re-raises the very old charges against CLW that, by acting as a conduit, CLW has violated "the election law's limit of $5,000 from a PAC to a candidate." Foundation Press Release, October 15, 1982. Since these old charges have been investigated and dismissed before in MUR 1028, this Response focuses only on the "new" allegations. The "new" allegations are that CLW and/or PeacePAC have: 1) violated the contribution limits and reporting requirements by "undervaluating the in-kind contributions" made to endorsed candidates (Complaint at ¶ 1, pp. 1-2, 5-13); 2) further violated the Act's contribution limitations by CLW's contributing more than $5,000 to PeacePAC through in-kind contributions (id. at ¶ 5, pp. 3, 15-16); and 3) committed numerous technical violations of the election laws by: a) failing to file required reports (id. at ¶¶ 2, 3; pp. 2, 14), b) soliciting and receiving political contributions from foreign nationals (id. at ¶ 4, pp. 2, 15), and c) failing to disclose on solicitation materials whether such expenditures were authorized by any candidate, his/her authorized committee, or its agents (id. at ¶ 7, pp. 3-4, 17-18). As is shown below, these "new" allegations have no basis in fact or law and therefore should be dismissed by the Commission.

B. CLW AND PEACEPAC HAVE NOT VIOLATED THE ELECTION LAWS

1. CLW Has Not Undervalued Its In-Kind Contributions to Its Endorsed Candidates.

The only real new gravamen of the Complaint is that CLW undervalues its "in-kind contributions" to its endorsed

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attachment 1, pg 10

candidates by: 1) not allocating "the cost of CLW's staff and officers for writing, compiling, and producing the candidate profile brochures," or "other office expenses . . . such as rent, telephone, and office supplies" (id. at 8, 9); 2) allocating such costs "on the basis of 'the percentage of Council supporters in the section of the alphabet that is to consider contributing to a particular candidate,'" (id. at 9); and 3) not allocating the "expenses for prospect mailings" to the various endorsed candidates (id. at 10-13).

None of these allegations is correct as a matter of law or policy, and accordingly, they should be dismissed by the Commission. First, it should be re-emphasized that the primary purpose of the CLW is to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations. CLW thus engages in a variety of activities -- lobbying, educational, publishing and political -- only one of which is directed specifically to supporting candidates for election. Thus, CLW, unlike most other PAC's -- including some of the Washington Legal Foundation's ideological bedfellows such as NCPAC, the Congressional Club, etc. -- does not focus its energies exclusively on electing or defeating particular political candidates. CLW's ongoing functions of lobbying, educating and publishing on the issues of arms control go on year-round, regardless of whether or not there is an election. Such costs as the salaries of CLW's staff and officers, rent, telephone and office supplies would be expended

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by CLW whether or not CLW engaged in any election activity whatsoever. The CLW has reported as "in-kind contributions" the additional marginal cost of its political mailings endorsing particular candidates -- the direct mail costs of the mailings -- and apportioned them among the endorsed candidates on a reasonable basis as CLW was directed by the Secretary of the Senate on October 25, 1974. Moreover, 11 C.F.R. § 106.1(c) of the FEC regulations states that:

> Expenditures for rent, personnel, overhead, general administrative, fund-raising, and other day-to-day costs of political committees need not be attributed to individual candidates, unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate. 11 C.F.R. § 106.1(c) (1982).

CLW's direct mail costs on behalf of candidates have been apportioned among the endorsed candidates on the basis of the percentage of CLW supporters in the section of the alphabet who are directly asked to consider contributing to that particular candidate. This method of allocation, suggested by the Secretary of the Senate in 1974, is explicitly permitted by 11 C.R.F. § 106.1(a) which states that such costs " shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived." (emphasis added). Moreover, CLW's allocation method is far more practical than waiting for the results of the mailings to allocate the costs on the basis of the number of contributions actually mailed in for particular candidates and/or CLW. CLW's method of allocation is far more administratively efficient, and

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it would be physically impossible to make an accurate report to the FEC at any time based upon the actual proportion of contributions received because contributions keep coming in after a mailing right up through the election. The Foundation's suggestion that each endorsed candidate included in the direct mailing should be assessed the full cost of the direct mailing (id. at 9-10) would result in double- and triple-reporting of the actual cost of the mailings.

prospect mailings

Similarly, the "prospect mailing" costs of CLW should not be considered as "in-kind contributions" to particular candidates because they are a necessary cost incurred by CLW to obtain new supporters of CLW and its regular activities. See 11 C.F.R. § 106.1(c) (1982). Of course, if the only purpose of such "prospect mailings" were to identify supporters of a particular candidate, then such direct mailing costs might appropriately be reported as "in-kind contributions" to that candidate; however, where, as here, the "prospect mailings" are designed to raise funds for the CLW, it would be neither fair nor appropriate to charge such expenses as "in-kind contributions" to candidates, especially when such mailings are done far in advance of, and are wholly unrelated to, CLW's endorsement decisions. For example, some of the candidates CLW will support in 1984 will not even decide to run - much less win primaries - until 1984, after CLW will have completed its 1983 schedule of "prospect mailings."

The Foundation's argument that a telephone bank is comparable to "prospect mailing" (Complaint at page 11)

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is wholly inapposite. A telephone bank that is designed to solicit support for a particular candidate has been established solely to support that candidate. Prospect mailings, such as those done by the CLW, obviously serve purposes that have nothing to do with generating political support for any candidates. There is just no relationship between the use of a telephone bank in a political campaign and general direct prospect mailings.

In a different vein, if direct mail firms, which spend thousands of dollars to build their direct mail lists that are subsequently used in fundraising for various candidates, had to apportion their direct "prospect" mail costs subsequently to candidates on whose behalf they eventually work, candidates would not be able to afford any of their services, and direct mail would be eliminated from political campaigns.

Finally, the Foundation argues that "if the FEC sanctions CLW's practice, then CLW is able to exert more influence on candidates than other PAC's." (Id. at 13). This argument is wholly specious since all other PAC's are free to engage in the same lawful methods of fundraising as CLW. In fact, CLW in the past has vigorously advocated the free speech rights even of groups with which it disagrees (unlike the Foundation, whose purported support of free speech seems to extend only to its ideological bedfellows), such as in 1980, when CLW supported a requested advisory opinion by NCPAC (AOR 1980-46) to engage in a similar method of fundraising to that used by CLW. (See Tab G.)

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2. CLW Has Not Violated the Contribution Limitations By Contributing More Than $5,000 to PeacePAC Through In-Kind Contributions.

The Foundation also alleges that CLW has violated section 315 of the Act, 2 U.S.C. §441a, by contributing more than $5,000 to PeacePAC over the past six months. (Complaint at ¶ 5.)*/ Such contributions, the Foundation claims, are transfers to another political committee and, therefore, subject to an annual limit of $5,000. The Foundation further argues that the Supreme Court's decision in the California Medical Association ("CMA") case establishes that CLW's contributions to PeacePAC are illegal. See California Medical Ass'n v. FEC, 101 S. Ct. 2712 (1981).

This claim borders on the obviously frivolous and should be dismissed. As the Foundation itself admits, CLW and PeacePAC are affiliated political committees and have registered as such with the FEC. The Commission's regulations explicitly provide that affiliated committees may make unlimited transfers to one another. Moreover, the Commission has stated repeatedly in advisory opinions that transfers between affiliated committees are regarded as intra-committee transactions and, thus, are not subject to any limitations. Finally, the Foundation's reliance on the CMA decision is misplaced because that case did not involve transfers between affiliated committees.

---

*/ The Foundation also alleges that Peace PAC violated 2 U.S.C. § 441a(f), by accepting the contributions from CLW. (Complaint, ¶ 5).

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FEC regulations define affiliated committees to include "[a]ll committees . . . established, financed, maintained, or controlled by the same . . . person or group of persons . . . ." 11 C.F.R. § 100.5(g)(2)(1982). CLW and PeacePAC clearly meet this definition, since PeacePAC was organized by CLW's Board of Directors and the two committees share several of the same officers and directors. PeacePAC's Statement of Organization, filed with the FEC in May, 1982, identified CLW as an "affiliated committee."*/ The Foundation, moreover, concedes that the two committees are affiliated. (Complaint at ¶ 5, p. 3).

The Commission's regulations as well as numerous advisory opinions explicitly state that affiliated committees may make unlimited transfers to one another. Section 102.6(a) of the Commission's rules, adopted in 1980, provides that "[t]ransfer of funds may be made without limit between affiliated committees...." 11 C.F.R. § 102.6(a) (1982); see AO 1980-40 Fed. Election Camp. Fin. Guide [CCH] ¶ 5501 (June 9, 1980). Prior to the rule's enactment, the Commission repeatedly held in advisory opinions that transfers between affiliated committees were not subject to any limitation. See AO 1977-21 Fed. Election Camp. Fin. Guide [CCH] ¶ 5250 (May 27, 1977); AO 1976-104 Fed. Election Camp. Fin. Guide [CCH] ¶ 5255 (June 20, 1977); see also Fed. Election Camp. Fin. Guide [CCH] ¶ 6023 (Sept. 2, 1976) (information letter).

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*/ PeacePAC's Amended Statement of Organization, filed in June, 1982, also listed CLW as an affiliated committee.

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Transfers between affiliated political committees are treated as intra-committee transactions because such committees are regarded as a single political committee for other contribution purposes. Contributions by or to one affiliated committee are treated as contributions by or to both committees. Thus, PeacePAC and CLW collectively may not accept more than $5,000 from an individual contributor in a calendar year See AO 1980-40, Fed. Election Camp. Fin. Guide [CCH] ¶ 5501 (June 9, 1980). Similarly, the two committees may not contribute a total of more than $5,000 to a particular candidate in an election. See 2 U.S.C. § 441a(a)(5). As the Commission has previously suggested, it would be inconsistent and unfair to treat affiliated political committees as a single committee for purposes of contribution limits while regarding them as two separate committees for purposes of transfers:

> [A]ffiliated committees not only share the same limitations in the contributions they receive and make, but also have the benefits of affiliation in that those committees may make unlimited transfers with each other. 11 C.F.R. 102.6(a).

AO 1980-40 Fed. Elec. Camp. Fin. Guide ¶ 5501 (June 9, 1980).

The Foundation attempts to bring CLW's support of PeacePAC within the ambit of section 441a by arguing that the Complaint here presents the same issue that the Supreme Court decided in California Medical Ass'n v. FEC, 101 S. Ct. 2712 (1981). But that case involved an entirely different question. There the Supreme Court held that section 441a prohibits an unincorporated membership organization, CMA, from contributing

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more than $5,000 per calendar year to a multi-candidate political committee, CALPAC, which the CMA had organized. In contrast to the instant proceeding, CMA and CALPAC were not affiliated political committees. CMA was a "connected organization" which the regulations define as "any organization which is not a political committee but which directly establishes, administers, or financially supports a political committee." 11 C.F.R. § 100.6(a) (1982) (emphasis added). Because CMA's transfers to CALPAC could not be regarded as transactions between affiliated committees, that issue was not even addressed by the Court. The Complaint here, though, obviously involves affiliated political committees and, as discussed above, transfers between affiliates are not subject to any limitation.

3. Neither CLW Nor PeacePAC Have Committed Any Technical Violations of the Election Law.

A) CLW and PeacePAC Have Filed all of their Required Reports.

The Foundation alleges that PeacePAC did not file its quarterly disclosure report, due by July 15, 1982, and states that a "search of FEC files and a FEC computer printout...show that no such report has been filed to date." (Complaint at page 14). This allegation is just plain wrong, demonstrating either a lack of thoroughness by counsel for the Foundation in his alleged "search," or the ulterior motive in the filing of this Complaint. PeacePAC in fact filed its July 15 Quarterly Report,

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a copy of which is attached hereto as Tab H, and has filed all other required reports. Similarly, CLW has filed all of its required reports.*/

B) CLW Has Neither Solicited Nor Received Political Contributions from Foreign Nationals.

The Foundation also alleges that CLW has violated the law "by unlawfully soliciting and receiving political contributions from foreign nationals." (Id. at ¶ 4, pp. 2,15.) The Complaint states that a "cursory check of one of CLW's FEC reports show contributions from residents in foreign contributions [sic], such as England and Canada, who are not, on information and belief, U.S. citizens." (Id. at 15.)

Again, this allegation is factually erroneous. CLW's established practice and policy is not to solicit or to accept contributions from foreign nationals because of the proscription of 2 U.S.C. § 441(e). To the best of CLW's knowledge and belief, the two contributions identified in Exhibit 7 to the Complaint as coming from foreign addresses are, in fact, from American citizens living abroad, whose statements to that effect are attached hereto at Tab I.

C) Neither CLW Nor PeacePAC Has Failed To Disclose on Its Solicitation Materials Whether Such Expenditures Were Authorized By Any Candidate, His/Her Authorized Committee, or Its Agents.

---

*/ CLW's July 31 Mid-Year Report for 1981 was not filed until mid-January 1982, due to an abrupt staff turnover at the CLW offices. If any other reports were inadvertently not filed or filed late by CLW, it was a result of the abrupt staff turnover situation which has subsequently been corrected.

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The Foundation alleges that both CLW and PeacePAC have failed to make proper disclosures "as to the identity of those entities who authorized and paid for the communication." (Id. at ¶ 7, pp. 3-4, 17-18) A review of the sample CLW and PeacePAC mailings, attached hereto, however, belies these allegations. It is CLW's policy and practice to state on the solicitation cards contained in each candidate mailing that, "This solicitation is authorized by the [particular candidate's] Committee". See Tab A. This disclosure clearly satisfies 2 U.S.C. § 441d and 11 C.F.R. § 110.11(a)(1), as interpreted by AO 1980-145, Fed. Election Camp. Fin. Guide [CCH] ¶ 5599 (March 19, 1981), which stated that since:

> the letter, contributor card and return envelope...comprise the solicitation mailing, and since the sponsorship statement clearly appears on the contributor card, the requirements of § 441d and the regulations are satisfied.

Similarly in the PeacePAC mailed brochure, there is a clear identification that the mailing was paid for by PeacePAC. Moreover, the PeacePAC mailings did not solicit contributions for specific candidates or suggest using PeacePAC as a conduit for contributions. See Tab B. These disclosures are in full compliance with the relevant law and regulations, and again, these allegations should be dismissed.

For all of the foregoing reasons, CLW, PeacePAC, and their officers named in the Complaint hereby urge the Commission to find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act, and to close the file on the Complaint herein. However, because of the Foundation's intention to harass, embarrass, and intimidate

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CLW, PeacePAC and the candidates they have endorsed, as evidenced by the massive public relations effort surrounding and subsequent to the filing of this Complaint, CLW and PeacePAC urge the Commission to determine that these efforts by the Foundation constitute numerous clear, knowing, and willful violations of 2 U.S.C. § 437g(a)(12)(A).

C. COUNTERCLAIM OF COUNCIL FOR A LIVABLE WORLD

1. Introduction

It is clear from the timing of and the public relations effort surrounding the filing of the Complaint herein that the principal motive in filing this Complaint was not to enforce the election laws, but to harass, embarrass, and intimidate CLW, PeacePAC, and the candidates for the Senate and House whom they have endorsed. All of these public relations efforts surrounding the filing of the Complaint, and subsequent efforts to gain publicity for the Complaint, are in direct violation of 2 U.S.C. § 437g(a)(12)(A). Moreover, such violations of this non-disclosure provision by the Foundation and two of its officers, Messrs. Popeo and Kamenar, were clear, knowing, and willful.

2. Purpose of 2 U.S.C. § 437g(a)(12)(A).

2 U.S C. § 437g(a)(12)(A) provides in pertinent part that:

> Any notification or investigation made under this section shall not be made public by the commission or by any person without written consent of the person receiving such notification or the person with respect to whom such investigation is made.

2 U.S.C. § 437g(a)(12)(A) (emphasis added).

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The self-evident purpose of this non-disclosure provision is to ensure that unscrupulous, partisan individuals and groups do not exploit the pendency of an FEC investigation to malign and embarrass an opposing candidate for federal office. Absent such non-disclosure provisions, partisan groups could file groundless complaints with the FEC, alleging wholly frivolous election law violations by candidates they oppose, and then smear those candidates by publicizing that they were under investigation by the Commission for illegal campaign activities. These types of "smears" are not unknown in American political history.

Moreover, these smears, once set loose in the public domain, are virtually impossible to counteract effectively. As often happens with news stories, denials are usually given far less coverage than, and lag behind, the original allegations, thereby providing the wrongful accusations with a life of their own in a political campaign.

Thus, in the closing days of a campaign, a "smear attack" is especially hard to counteract effectively, given the limitations of time and the realities of election coverage. Because the Act's non-disclosure provision is the sole defense that candidates have against the use of the FEC complaint procedure as a smear tactic, the Commission should vigorously enforce the non-disclosure provision to preserve the integrity of the Commission's complaint procedures and to protect the federal election process against abusive tactics.

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Such an eleventh-hour political smear by the Foundation, and its officers, against CLW, PeacePAC and their endorsed candidates, is exactly what occurred here, and the fact that the smear failed is not a reason to leave the violations of law unenforced.

3. Foundation Actions That Violated 2 U.S.C. § 437g(a)(12)(A).

a. On October 15, 1982, a mere two and a half weeks prior to the elections, the Complaint herein was filed by the Foundation, and signed by two of its principal officers, Daniel J. Popeo and Paul D. Kamenar. The Complaint, however, was not merely filed with the FEC, but was also heralded by a press release that was widely distributed to the national media. Press Release attached hereto at Tab J. This "story" was picked up by the wire services and, in fact, it was through inquiries from the wire services that CLW was first informed that the Complaint had been filed against it.

b. Because of this public relations effort, a number of newspapers across the country including, but not limited to the St. Louis Post Dispatch, the Washington Times, the Bangor Daily News, and many other newspapers not presently known to CLW, carried the story announcing the filing, summarizing the charges in the Complaint, and listing the candidates endorsed by the CLW. A sample of the articles that appeared soon after the filing of the Complaint, as a result of the press release issued by the Foundation, are attached hereto at Tab K.

c. Not content with the coverage obtained by its own press release, the Foundation and its officers, Messrs. Popeo

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and Kamenar, then, upon information and belief, distributed copies of their press release and Complaint to the campaigns of the opponents of the CLW-endorsed candidates. In at least three instances known to CLW, this Complaint became a public campaign issue as a direct result of the efforts of the Foundation and its officers.

d. In Maryland, Senate candidate Lawrence J. Hogan accused Senator Paul Sarbanes of accepting more than the legal maximum contribution from the CLW. A newspaper article referring to Hogan's charges against Sarbanes is attached hereto at Tab L.

e. Similarly, in Wyoming, a campaign spokesman for Senator Malcolm Wallop told members of the press that Wallop's opponent, Rodger McDaniel, had received illegal campaign contributions from CLW. A newspaper article partially reporting these charges is attached hereto at Tab M.

f. In addition, on October 22, 1982, a reporter from Tennessee contacted CLW concerning both this Complaint and the amount of the CLW contributions to Senator Sasser. The reporter had obviously been briefed at a press conference by Congressman Robin Beard, Senator Sasser's opponent, about the Complaint and its allegations. There were, no doubt, other instances, of which CLW is presently unaware, of opponents of CLW-endorsed or PeacePAC-endorsed candidates injecting the Complaint into their campaigns.

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4. Effects of Public Disclosure of the Complaint

a. The effects of the Foundation's disclosure and massive public relations efforts concerning its Complaint were quite serious, especially during the last few weeks of bitterly contested election campaigns. In these last few weeks of the compaign, critical resources of CLW, PeacePAC, and the campaign staffs of their endorsed candidates were diverted to informing the CLW- and PeacePAC-endorsed candidates of this possible issue arising, fending off reporters' questions, and focusing campaigns' attention on this Complaint and away from the real policy issues involved in the campaigns.

b. The actions of the Foundation and its officers here are quite similar to those comprising the tort of "abuse of process" in the civil litigation context. Abuse of process lies when "there has been a perversion of court processes to accomplish some end which the process was not intended by law to accomplish," Goodall v. Frank R. Jelleff, Inc. 130 A.2d 781, 782 (D.C. Mun. App. 1957). For abuse of process, a party must prove: (1) an ulterior motive in instituting the suit; and (2) an act in the use of process other than one which would be proper in the regular prosecution of the charge. Morowitz v. Marvel 423 A.2d 196, 198 (D.C. App. 1980). Both of the elements necessary for an abuse of process claim have been satisfied by the Foundation's actions.

c. The improper motive here -- to influence the outcome of elections, rather than to enforce the election laws -- was accompanied by an improper act -- publicly disclosing the

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FEC Complaint in direct violation of 2 U.S.C. § 437g(a)(12)(A). The FEC here should initiate an investigation into these violations both to punish and to deter such reprehensible conduct. Advocacy groups of whatever political persuasion masquerading in the guise of the "public interest" should not be allowed to flout the FEC's laws or regulations with impunity. These groups, like all other PAC's, should have to play by the rules.

d. Moreover, the Complaint itself continues the "smear" against CLW; the obvious political and McCarthy-like motivation underlying this Complaint is clearly evidenced by the politically inflammatory and legally irrelevant material included in the footnotes at pages 5 and 6 of the Complaint. Neither Leo Szilard's views, whatever they may have been, nor Senator Weicker's views of Paul Warnke are relevant at all to the rights of CLW, PeacePAC, or anyone else before the Federal Election Commission. Such irrelevant rhetoric and innuendo, intended solely to inflame rather than enlighten, have no place before this Commission in a proceeding involving basic Constitutional rights.

e. The previous activities of the Foundation and the prior experience of its officers*/ are such that they certainly had knowledge that public disclosure of an FEC Complaint was a direct violation of the election laws. Therefore, the Commission should conduct a full investigation of the Foundation's actions relating to the filing of this Com-

*/ Paul Kamenar worked for the Federal Election Commission in 1975-76.

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plaint, and should find that the Foundation and Messrs. Popeo and Kamenar have clearly, knowingly and willfully violated 2 U.S.C. § 437g(a)(12)(A).

For all of the foregoing reasons, the Commission should find no reason to believe that the Complaint sets forth a possible violation of law and close the file therein, and should investigate the Foundation's and its officers' actions surrounding the filing of the Complaint.

Respectfully submitted,

Marc E. Lackritz

Marc E. Lackritz
A. Richard Metzger, Jr.

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Counsel for CLW, PeacePAC, and Messrs. Warnke, Tarlow and Grossman

November 18, 1982

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CERTIFICATE

Washington)
) ss.
District of Columbia)

I hereby swear that all of the information and charges contained herein are true and correct to the best of my knowledge and belief.

Marc E. Lackritz

Marc E. Lackritz

Subscribed and sworn to before me this 18th day of November, 1982.

Loanna L. Johnson

Notary Public

My Commission expires: 12-14-83

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Oct. 1981

To combat the menace of nuclear war

Council for a Livable World

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Chairman

JEROME GROSSMAN
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STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

Dear Supporter of Nuclear Arms Control:

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

The Council is one of the largest political action committees in the country. Its success in the last 20 years in helping elect 59 U.S. Senators, including 21 Senators now in Washington, both Democrats and Republicans, is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does not get involved in every race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. It recommends close races where funds from Council supporters can be crucial to the outcome. The Council assesses each endorsed candidate's true financial need. Because that need varies widely, Council supporters have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

Unlike other candidate assistance groups, Council supporters make contributions directly to candidates of their choice, but through the Council. This collective giving guarantees that the candidates will recognize that the donations are issue-oriented, for arms control.

We are beginning our Candidate Assistance Program for the 1982 Senate elections early for two reasons. (1) The candidates we endorse are already under attack from the moneyed organizations of the Extreme Right. (2) Our supporters may wish to make contributions to candidates in 1981 and 1982 in order to take advantage of the tax-deductibility in both years (up to $200 for a married couple, $100 per single in each year).

With this letter we endorse two stalwarts in the struggle for nuclear arms control Senator Paul Sarbanes, Democrat of Maryland, and Senator John Chafee, Republican of Rhode Island. Unlike other senators they have not wavered under the pressure of the Reagan tide. We will endorse a number of other candidates for the U.S. Senate in the coming months.

Please read the political profiles enclosed and send your checks in accordance with the suggestions on the contribution card. Please remember: early money is ten times more valuable than late money.

Jerome Grossman
Jerome Grossman
President

October, 1981

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3 3 0 4 0 1 4 0 7 0

Unless you have a preference to the contrary please make your contribution according to this alphabetical arrangement by your last name:

A-G, check payable to CITIZENS FOR SARBANES

H-O, check payable to COUNCIL FOR A LIVABLE WORLD

P-Z, check payable to REELECT SENATOR CHAFEE COMMITTEE

Please make checks payable only to the intended recipient. If you make more than one contribution, please write separate checks for each.

This solicitation is authorized by CITIZENS FOR SARBANES and REELECT SENATOR CHAFEE COMMITTEE

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

Please fold card and return in enclosed envelope.

I enclose my contribution of $25____, $50____, $100____, $250____, Other_

PLEASE CORRECT YOUR MAILING ADDRESS, IF NECESSARY.

Name _____

Address _____

City _____ State _____

Occupation _____ Place of Business _____

(07) 815

Federal Election Campa
Act Identification Number C00029

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

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Without a [SALT II] treaty, we may in fact have an arms race which will make clear to everyone once and for all, why the treaty before us is a limitations treaty. Without the treaty, we would embark upon an escalation of arms that would then enable everyone looking back to see why the provisions of the treaty before us did indeed constitute a limitation upon strategic arms. But at that point it will be too late to achieve the objective. We would have missed the opportunity which this treaty offers.

Sen. Paul Sarbanes
November 19, 1979

The above quote is quintessential Paul Sarbanes: instead of resorting to empty rhetoric in advocating the SALT II treaty, he went to the heart of the argument on the treaty's behalf. After studying the treaty for many months from his vantage point as a member of the Senate Foreign Relations Committee, he took the long view in endorsing the treaty. Unfortunately, despite Sarbanes' best efforts, the SALT II treaty went into legal limbo where it now rests.

Now, the Reagan Administration has embarked upon an unparalleled arms expansion which may well result in both the United States and the Soviet Union exceeding those modest treaty ceilings. In recent months, the new Administration has approved production of neutron weapons, has decided to build a new long-range strategic bomber, has expanded funds for anti-ballistic missile system research, has prepared the way for resumption of chemical weapons production, has authorized two new army divisions, is vastly expanding the size of the navy, and is still trying to decide how to base a new MX missile.

Paul Sarbanes is a strong influence in the Senate against the policies of substituting mindless arms buildup for responsible arms control negotiations. His intelligence, persistence, careful work, thorough questioning and leadership are absolutely necessary in the Senate and on the all-important Foreign Relations Committee. In 1982, he will be running for his second term.

Senator Sarbanes' quiet effectiveness is generally recognized, not least by the ultra-right National Conservative Political Action Committee (NCPAC), which selected him as their first target for 1982. Those same leadership qualities and his excellent arms control record have led the

On other issues of importance to the Council, Sarbanes supported the nomination of Paul Warnke as chief arms control negotiator and head of the Arms Control and Disarmament Agency, opposed neutron bomb production, voted to terminate B-1 bomber production and opposed efforts to resume production of chemical weapons. He strongly supports the continuation in force of the 1972 ABM treaty and voted against Alexander Haig's confirmation as Secretary of State.

His courage and ability may have come through most clearly during Gen. Haig's confirmation hearings earlier this year. Repeatedly during the hearings, Sarbanes refused to be deterred from the point of his sharp questioning by Haig's evasive answers. At one point, the Haig-Sarbanes exchange became a bit testy, as Sarbanes asked again and again how Haig felt about such Watergate practices as bugging National Security Council staffers:

Senator SARBANES. General, let's proceed on the premise that you were not there and had absolutely nothing to do with it. My question is : What do you think about it? What is your value judgment about that practice?

General HAIG. I think in today's environment, largely as a result of all the controversy associated with that incident, it no longer would make good sense unless you had some very firm evidence that a member of the staff was engaged either intentionally or accidentally in putting the vital interests of this Nation at risk, in which case you would then follow the procedures established, which I believe include going to a court of law to obtain from a judge a warrant to execute the tap.

Senator SARBANES. Well now, does that mean you think it was right to do these wiretaps then?

General HAIG. In a practical sense it was a very damaging thing to do.

Senator SARBANES. I understand the practicalities. I am trying to find out whether you think it was right or wrong, and under what circumstances you think it is right or wrong.

General HAIG. I think under unusual circumstances it

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treaty, we would embark upon an escalation of arms that would then enable everyone looking back to see [illegible] the provisions of the treaty before us did indeed constitute a limitation upon strategic arms. But at that point it will be too late to achieve the objective. We would have missed the opportunity which this treaty offers.

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Now, the Reagan Administration has embarked upon an unparalleled arms expansion which may well result in both the United States and the Soviet Union exceeding those modest treaty ceilings. In recent months, the new Administration has approved production of neutron weapons, has decided to build a new long-range strategic bomber, has expanded funds for anti-ballistic missile system research, has prepared the way for resumption of chemical weapons production, has authorized two new army divisions, is vastly expanding the size of the navy, and is still trying to decide how to base a new MX missile.

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Senator Sarbanes' quiet effectiveness is generally recognized, not least by the ultra-right National Conservative Political Action Committee (NCPAC), which selected him as their first target for 1982. Those same leadership qualities and his excellent arms control record have led the Council to enthusiastically include Paul Sarbanes in our first pair of endorsements.

The 47-year-old Sarbanes, though a first-termer in the Senate, has already played a key role in a variety of foreign policy debates. Although only in his second year in the Senate, his skills as a parliamentarian and his legal acumen caused the Senate leadership to choose him as floor manager of the historic Panama Canal treaties in 1978. Had not the pseudo-crisis over the Soviet brigade in Cuba followed by the Soviet invasion of Afghanistan forced the tabling of the treaty, Sarbanes would have been one of the floor leaders for the SALT II treaty. He has been a key Senator in the efforts to restrict the sale of F-15s and AWACS to Saudi Arabia.

Agency, opposed neutron bomb production, voted to terminate B-1 bomber production and opposed e[illegible]ts to resume production of chemical weapons. He strongly supports the continuation in force of the 1972 ABM treaty and voted against Alexander Haig's confirmation as Secretary of State.

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Senator SARBANES. I understand the practicalities. I am trying to find out whether you think it was right or wrong, and under what circumstances you think it is right or wrong.

General HAIG. I think under unusual circumstances it is a course of action that must be considered.

Senator SARBANES. In this instance, since we know those circumstances, was it right or wrong?

General HAIG. It is hard for me to answer that question since I did not make the decision. I do know this: that the very issue that Senator Biden talked about this morning, the hemorrhaging of vital national security information, clearly by people—and there were only a select few—who had access to that information, would be a contributor to that kind of decision made by the President, the Attorney General, and the Director of the Federal Bureau of Investigation.

Now, I did not contribute to that decision. I had no role in it other than to know that it was in conformance with procedures which

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I was assured had been followed up to that time by every American administration and every American President since World War II.

Senator SARBANES. What I am still trying to get at is whether you think it was right or wrong. Let us concede that you had nothing—

General HAIG. It is really a question that I can't answer for you, Senator, because I just wasn't in the vortex of the pressures under which a constituted political authority had to make the decision. I think you know what I feel on the practicalities of it.

While Sarbanes is careful about getting involved in a new issue, he prepares himself thoroughly and shows a strong sense of right and wrong in asking tough questions. His deliberative nature is taken by some as a sign of thoroughness so that he is invariably well-informed on an issue and by others as reflecting too narrow a focus. Sarbanes' own words in a January 1981 *Baltimore Sun* profile indicate how he resolves this dual view:

"I believe in grabbing hold of things. You have to have a little bit of the bulldog in you and keep chewing at things and chewing at them and chewing at them. I don't think you can hop, skip and jump on issues—you know, give them a once over lightly, maybe even get a lot of publicity about them and then forget about them. . . You can make a lot of noise but the objective in the end is to work through to some solution of things, to get some resolution, get some results."

Sarbanes' public career demonstrates that he has combined political daring with his innate prudence. To be elected to the House of Representatives in 1970, he challenged long-time Democratic incumbent George Fallon, then chairman of the House Public Works Committee. In the primary he upset Fallon by a narrow margin. To win re-election in 1972, he had to overcome a Maryland redistricting plan designed to deprive him of his seat by placing him in a district with another senior Democrat, a 12 term Democrat who decided unexpectedly to retire rather than face Sarbanes in a primary. In the House, he was deeply involved in a number of major issues, including the impeachment of Richard Nixon, reform of House rules and the Turkish arms embargo.

In the 1976 senatorial election, Sarbanes had to run against formidable opponents: former Senator Joseph Tydings (1965-1971) in a Democratic primary and the Republican incumbent Senator J. Glenn Beall, Jr. Sarbanes' daring and hard work were rewarded by smashing victories in both races.

In this early stage of the 1982 contest, Sarbanes would normally be considered in good political shape. He is undefeated in Maryland elections and is running in a state that usually votes Democratic. Maryland voted for Jimmy Carter in 1980 against the Reagan landslide. Polling shows that while his name recognition in the state is not as high as it might be, there are few Marylanders who dislike Sarbanes' work. This is a key political

and has since begun a second round of media attacks. The Committee has announced its intention to spend up to $450,000 against Sarbanes in the type of negative campaign which has marked its attacks elsewhere.

The Republican Senate Campaign Committee has also committed $235,000 for the Maryland race. The most likely beneficiary of this massive infusion of Republican and New Right money is Rep. Marjorie Holt, a five term ultra-conservative Republican from Anne Arundel County who has made her mark as a hardline member of the House Armed Services Committee. An early—although disputed—NCPAC poll showed Sarbanes only narrowly ahead of Holt by a margin of 43.7% to 37.5%; 18.8% were undecided.

As a member of the Armed Services Committee, Holt has voted with the Pentagon on virtually every one of their pet projects, from neutron weapons to the B-1 bomber, preparations for renewed production of chemical weapons, resurrection of the old World War II battleships and the MX. She was a virulent opponent of the SALT II treaty. In 1980, Holt was the prime sponsor of the House Republican amendment to the federal budget to raise military spending by $5.8 billion by cutting human needs programs. Her record since her first election to the House in 1972 has earned her low voting marks from labor, consumer and environmental groups.

Holt's consistent perference for engaging in a new arms race rather than responsibly negotiating controls on strategic arms came through most clearly in a report she and three other members of the Armed Services Committee prepared on the SALT II treaty in December 1978:

"While there is a *desire* for arms control and disarmament, there is a *requirement* for U.S. strategic systems. Thus, the dominant role of arms control decision making over those decisions affecting U.S. strategy must be reversed."

It is not totally certain that Holt will give up her safe House seat for the Senate race; she has postponed any announcement until January. Other potential Republican candidates are Prince Georges County Executive Lawrence Hogan, a former Congressman who unsuccessfully ran in one statewide race for Governor, and Anne Arundel County Executive Robert Pascal. Both could be formidable candidates. While Maryland has a Democratic history, it has elected a number of Republican statewide candidates, including both Beall and his father to Senate seats, Spiro Agnew as Governor, and the present Republican incumbent Senator Charles Mathias (Mathias was endorsed by the Council in 1980).

One positive benefit of the early NCPAC media effort has been to stimulate Sarbanes into early campaigning. He has launched vigorous organizing drives and fundraising far earlier than planned. His preliminary campaign budget calls for spending between $1 million and $1.5 million. Recent political history indicates that no in-

Attachment 1, pg 32

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However, 14 months before the election, it is clear that few Democratic incumbents are safe. The same forces that defeated incumbents John Culver, George McGovern, Frank Church, Birch Bayh and others in 1980 will focus on this Senate contest. In fact, in April 1981 NCPAC launched its first 1982 election effort with a massive anti-Sarbanes television, radio and newspaper blitz every one of their pet projects, from neutron weapons to the B-1 bomber, preparations for renewed p[illegible]uction of chemical weapons, resurrection of the old World War II battleships and the MX. She was a virulent opponent of the SALT II treaty. In 1980, Holt was the prime sponsor of the House Republican amendment to the federal budget to raise military spending by $5.8 billion by cutting human needs programs. Her record since her first election to the House in 1972 has earned her low voting marks from labor, consumer and environmental groups.

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One positive benefit of the early NCPAC media effort has been to stimulate Sarbanes into early campaigning. He has launched vigorous organizing drives and fundraising far earlier than planned. His preliminary campaign budget calls for spending between $1 million and $1.5 million. Recent political history indicates that no incumbent with a progressive record like Paul Sarbanes' can afford to relax in the face of a certain challenge from strong and well-financed interests.

If you wish to contribute to the re-election effort of one of the Senate's most effective arms control champions, please make your check payable to CITIZENS FOR SARBANES and mail to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, Mass. 02108

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JOHN CHAFEE

Republican—Rhode Island
Endorsed by the Council for a Livable World

an Party has drifted steadily
decade, a few GOP leaders
ve remained firmly in the
hampions an internationalist
vely progressive stance on
ows an independent turn of

office, Sen. John Chafee has
upporter and courageous
a constructive nuclear arms
sensible military budget. The
ble World enthusiastically
ghtful and persuasive arms
for a second term in the U.S.

s for the SALT II debate in the
one of the leaders of the
p, composed of 20 Senators
rking to win support for the
discussed the key issues
for the debate and planned
er 1979, Chafee joined with
and three Republicans to
nally as "the embodiment of a
ational security policy which
our national interest and the
ace."

supported SALT II, Chafee
further in mutual arms cuts.
George McGovern (D-S.D.)
a strong declaration designed
e United States and Soviet
more substantial mutual arms
T III. The declaration, subse-
y the Senate Foreign Relations
its consideration of the treaty,
pointment that SALT II did not
nuclear arms cuts. It called for
ctions in the SALT II ceilings
emphasis on MIRV (multiple
ons and limitations on new
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emise of the SALT II treaty,
ained a committed and vocal
otiated strategic nuclear arms

has supported research and
ds for early work on the new MX
e has become increasingly vocal
ng of the massive project. In
ents and on the Senate floor, he
has declared that a decision on a new missile system should not "be done in a fashion that stimulates the arms race, destroys a whole region's environment and overburdens our economy." Chafee joined action to rhetoric earlier this year when he co-sponsored with Sen. Carl Levin (D-Mich.) an amendment to require Congressional approval of whatever MX mode the Reagan Administration eventually selects. The May 13 vote on this Levin MX amendment drew a new high of 39 Senators expressing their doubts about the MX.

As befits a former Secretary of the Navy (1969-1972), Chafee has taken a particular interest in the "new navy." Sometimes that new navy seems more like an ancient navy, particularly with their attempt to resurrect the old World War II battleship New Jersey. Last year and again this year, Chafee went to the Senate floor along with Sen. Dale Bumpers (D-Ark.) to challenge the battleship, carefully marshalling facts and figures and a little humor to keep the New Jersey where it belongs—in mothballs.

After Sen. John Warner (R-Va.) read a letter from a former Secretary of the Navy praising the New Jersey's brief role in the Vietnam war when the ship was first brought out of mothballs, Chafee rose and quietly asked who signed that letter.

Warner replied: "I wish to say it was signed by John W. Warner, Acting Secretary of the Navy in the absence of the Secretary, Mr. Chafee, who was out of town [laughter]."

Replied Chafee: "If I ever heard of a self-serving document, that is it. He signed it when I was out of town because I would never have signed it [laughter]."

On other issues of importance to the Council, Chafee voted against funding for renewed production of binary chemical weapons in both 1980 and 1981, voted against production of the B-1 bomber in 1977 and 1978, supported Paul Warnke's nomination as chief SALT negotiator and head of the Arms Control and Disarmament Agency in 1977, voted against neutron bomb production in 1977, opposed the Clinch River breeder reactor and supported the Panama Canal treaties.

Chafee has a moderately progressive record on domestic issues. He is an active member of the Environmental Study Conference and has joined

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efforts to protect clean air standards and to stop the huge Tennessee-Tombigbee water project. He has voted against amendments to cut off funds for abortion and last year participated in a bi-partisan effort to salvage the fair housing bill. While he supported President Reagan's tax and budget package, he offered an amendment to add about a billion dollars to the budget for several hard-pressed social programs.

John Chafee was born in Providence, Rhode Island in 1922. He graduated from Yale University and Harvard Law School. After six years in the Rhode Island House of Representatives, he ran for governor in 1962 and triumphed by a mere 398 votes. However, he was easily re-elected in 1964 and 1966. After his stint as Secretary of the Navy in the Nixon Administration, he left in 1972 to make his first try for the Senate, only to lose to incumbent Democratic Senator Claiborne Pell. Four years later, Chafee launched a successful comeback to become the first Republican United States Senator from Rhode Island in 46 years.

John Chafee's stands on issues have made him one of three moderate Republicans already targeted by right wing and anti-abortion groups for 1982. In actual point of fact, Chafee is in a good political position at this time. He is a popular and respected figure in Rhode Island. He has been one of the few Republicans able to win in one of the strongest Democratic states in the country.

At this early date, there are three potential roadblocks to Chafee's re-election in 1982:

1. Popular Democratic Governor Joseph Garrahy is contemplating a Senate challenge, which would set up a close contest between two state political heavyweights. Right now Garrahy is leaning against this race, but has made no final decision.

2. The National Conservative Political Action Committee and the National Pro-Life Political Action Committee are actively searching for an anti-abortion Republican primary opponent for Chafee. Moderate Republicans Jacob Javits (N.Y.) in 1980 and Clifford Case (N.J.) in 1978 were defeated in primary upsets, and former Republican Sen. Edward Brooke (Mass.) narrowly avoided a similar fate in 1978. A Rhode Island Republican primary could prove unpredictable with a small voter turnout of perhaps 15,000-18,000 in a state where only 6% of the people identify themselves as Republicans. If nothing else, the primary could prove very expensive; the right wing groups have talked of throwing $400,000 into an anti-Chafee campaign.

3. Despite Chafee's past victories as Governor and Senator, the state is strongly Democratic and was one of the few carried by Jimmy Carter in 1980.

If Gov. Garrahy chooses not to run, former state attorney general Julius Michaelson is the most likely opponent. Other possible Democratic candidates include current state attorney general Dennis Roberts and Mayor Joseph Walsh of Warwick. Chafee has already collected close to $400,000 of a planned $1.2 million budget and is using respected Republican Bob Teeter to do his polling.

John Chafee can play an important role with the Reagan Republican Party to organize pressure for the resumption of nuclear arms control negotiations. His voice and his vote are needed for a second term. If you wish to contribute to the Chafee campaign, please make your check payable to REELECT SENATOR CHAFEE COMMITTEE and mail to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, Mass. 02108

February 1982

Combat the menace of nuclear war

Council for a Livable World

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Integrative Biomedical Research
KOSTA TSIPIS
MIT
PAUL C. WARNKE
Attorney
JEROME B. WIESNER
MIT

Affiliations For Identification Only

Dear Supporter of Nuclear Arms Control:

Not enough mail and messages are being sent to U.S. senators and representatives by those who are dedicated to ending the nuclear arms race. One of the reasons for this condition is that legislative information arrives too late for effective grass roots action.

To remedy this situation the Council for a Livable World has set up a special

NUCLEAR ARMS CONTROL HOTLINE
(202) 543-0006

A two minute message, recorded by our Legislative Director, John Isaacs, will alert you to upcoming votes, issues, committee hearings, etc. in Congress and describe the pressure points for timely grass roots lobbying. Please use this service and tell your friends about it. When we can afford it we will make the hotline an (800) no charge number. No other arms control organization has such a hotline.

We enclose profiles of Millicent Fenwick, Republican of New Jersey, and Senator George Mitchell, Democrat of Maine. The Council for a Livable World has endorsed them because of their proven reliability on nuclear arms control. The endorsement of Representative Fenwick is for the Republican primary because our March letter will endorse former Representative Andrew Maguire for the Democratic primary. We hope they both win. Please note that the New Jersey primaries are in June so you should take immediate action if you wish to affect the outcomes.

We hope that you will make out your checks in accordance with the suggestions on the contribution card. When you give to candidates for the United States Senate through the Council for a Livable World, your check is transmitted to the candidates with literally thousands of others. It is the best possible demonstration of a strong constituency for nuclear arms control.

Sincerely,

Jerome Grossman

Jerome Grossman
President

P.S. Please turn to the reverse side of this letter for a detailed description of the unique and effective methods of the Council for a Livable World.

Founded in 1962 by Leo Szilard

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THE COUNCIL FOR A LIVAB WORLD

a Livable World was founded in 1962 by the eminent
st Dr. Leo Szilard to combat the menace of nuclear
hen national security through rational arms control.

tinues to pursue its objectives by blending the re-
knowledgeable scientists with the skills of practical
y concentrating its efforts on the U.S. Senate which
se and consent powers in foreign affairs.

one of the largest political action committees in the
uccess in the last 20 years in helping elect 59 U.S.
ding 21 Senators now in Washington, both Democrats and
due to the sophisticated methods of its Candidate
ram.

ins with exhaustive political intelligence, gathered
ars, before the elections take place. The Council
ses every incumbent and every challenger in every state
a Senate election.

does not get involved in every race. It chooses those
differences between the candidates on arms control
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ns where campaign dollars go farther. It recommends
are funds from Council supporters can be crucial to the
Council assesses each endorsed candidate's true financial
that need varies widely, Council supporters have in the
individual candidates with as little as $1,000 and as
0.

andidate assistance groups, Council supporters make
directly to candidates of their choice, but through the
collective giving guarantees that the candidates will
the donations are issue-oriented, for nuclear arms

he Council's Washington Program provides Senators with
technical and scientific information that allows them to
nt decisions about nuclear arms control and strategic

lso helps initiate legislation, monitors appropriate
rom the initial hearing to final markup, produces expert
crucial hearings and keeps accurate head-counts before
control votes are taken.

1980, the Council for a Livable World Education Fund was
ing to the American public the same message and expertise
cil has brought all these years to the U.S. Congress.

to Council for a Livable World Education Fund are tax-
der section 501 (C)(3) of the Internal Revenue Code.

Attachment 1, pg 37

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-G, check payable to FENWICK FOR SEN-ATE
-O, check payable to COUNCIL FOR A LIV-ABLE WORLD
-Z, check payable to MITCHELL FOR SEN-ATE COMMITTEE

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s solicitation is authorized and paid for by FENWICK FOR NATE COMMITTEE and authorized by MITCHELL FOR SEN-E COMMITTEE.

opy of our report is filed with the Federal Election Commission is available for purchase from the Federal Election Commis-, Washington, D C

Please fold card and return in enclosed envelope.

I enclose my contribution of $25____, $50____, $100____, $250____, Other____

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GEORGE MITCHELL

Democrat - Maine

Endorsed by Council for a Liveable World

On key 1981 Senate votes on military budget/arms control issues, Senator George Mitchell of Maine had a perfect record:

Right on single battleship reactivation, April 7, 1981
Right on two battleships reactivation, May 20, 1981
Right on budget priorities, May 12, 1981
Right on MX, May 13, 1981
Right on MX, December 3, 1981
Right on Chemical Weapons, May 21, 1981
Right on India and Pakistan Nuclear Explosion, October 21, 1981
Right on Clinch River breeder reactor, November 5, 1981
Right on nuclear weapons spending, November [illegible]
Right on SALT limits, December 3, 1981
Right on B-1 bomber, December 3, 1981

Only six other U.S. Senators voted in accordance with the Council arms control position on all eleven issues.

Senator Mitchell has done more than vote correctly. He has repeatedly spoken on the floor of the Senate and elsewhere urging nuclear arms control:

> ... In my judgment the most important problem we confront as a nation [is] the need to prevent nuclear war. ... [We must reach] fair, balanced, verifiable agreements with the Soviet Union to first restrain the increase in the quality and quantity of nuclear weapons and then, hopefully, to bring about a realistic reduction of such weapons. ... Nuclear war is and must remain unthinkable ... the full deployment by both sides of a first-strike capability represents movement away from deterrence and toward the goal of nuclear victory. Not only is that goal illusory, each step toward it is fraught with incalculable danger for our world. It represents a quantum leap in the nature of the nuclear arms arsenal, not merely an upgrading of existing weapons. It intensifies the conflict between ourselves and the Soviets, and it returns us to the hairtrigger world of the cold war period at its worst. It gives other nations on the brink of nuclear weapons capability no reason for self-control. ... (U.S. Senate, July 31, 1981)

Senator Mitchell's campaign literature reflects his intense concern about nuclear matters. In his most recent newsletter to the people of Maine, the lead article is about the nuclear weapons crisis and the second concerns nuclear waste.

Mitchell is a strong supporter of the SALT process and has urged the Administration to adhere to the provisions of the SALT II agreement.

He has been a staunch advocate of human rights and opposed the sale to Saudi Arabia not only of the AWACS but also of equipment for F-15 fighter aircraft and the Sidewinder missile.

Senator Mitchell's domestic priorities include protection of the environment with specific reference to acid rain and the Clean Air Act, and the maintenance of a sound Social Security system.

George Mitchell is a native of Maine. Born in 1933 into a blue collar family, he attended Waterville schools, was graduated from Bowdoin College and received his law degree from Georgetown. He served as a trial attorney in the Department of Justice, Executive Assistant to Senator Edmund S. Muskie, private practice lawyer, and U.S. Attorney for Maine. From 1979-1980 he was U.S. District Judge of Maine. Mitchell's previous experience was a run for Governor, a contest which he lost to an independent in a major upset. Mitchell is married and the father of a daughter.

For most of its history, Maine was one of the most Republican states. The 38th largest state, its population is a sparse 1,124,660. Dominated by small towns and rural areas, it has only two Representatives in Congress, both Republican, a Republican U.S. Senator and a Democratic Governor. The Democratic Governor appointed George Mitchell to the Senate in May 1980, to fill the vacancy caused by the resignation of Edmund Muskie to become Jimmy Carter's Secretary of State. In the Presidential election of 1980, the percentages in Maine were Reagan 46, Carter 42, Anderson 10; in 1976, Ford 49, Carter 48.

Mitchell has been closely associated with Muskie for many years. In fact, Mitchell's record in the Senate is in line with Muskie's. They share a strong commitment to nuclear arms control and the SALT process. That is why Senator Mitchell has been targeted by the radical right National Conservative Political Action Committee (NCPAC). Primary contests for the U.S. Senate nominations are not expected in either the Democratic or Republican parties.

Because Mitchell was appointed to his seat and has not run statewide since 1974, he began his campaign

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far behind the decla[illegible] Republican opponent. In March, 1981 polls showed Mitchell 36 points behind. In May this was cut to 21, in September to 8. Current polls show a gap of 6 with a possible error rate of plus or minus 4%. The contest is a horserace and is sure to be close.

Mitchell closed the gap by very hard campaigning every weekend and by spending $250,000 to raise his recognition in the state. Despite early talk of primary opposition, Mitchell will come down the homestretch with a united party behind him.

The Mitchell campaign has budgeted $625,000 and will find that amount difficult to raise in the state. The Republican opponent, David Emery, will probably spend over a million dollars. Emery comes armed with the full arsenal of the Republican White House, Reagan-controlled federal government and the prospect of megabucks from conservative groups around the country.

David Emery is one of Maine's two U. S. Representatives, from the southern first district. He is only 34 years old and has been in Congress since he was 26. Although he is not a far out right winger, he has voted for the B-1 bomber, for the neutron bomb and against amendments for budget priorities, all of which are co[illegible]er to the CLW position. While he opposed t[illegible] Carter MX deployment plan, he strongly supports t[illegible] Reagan Administration's revised interim basing pr[illegible] posal. Emery opposes ratification of the SALT II trea[illegible] but urges the Reagan Administration to comply with [illegible] provisions. He favors linking strategic arms talks w[illegible] the Soviet Union to Soviet behavior. He support[illegible] nation-wide civil defense program and the product[illegible] of chemical weapons. Emery has urged the Pentag[illegible] to consider building a new version of the anti-ballis[illegible] missile system (ABM).

The Mitchell seat is one which those who supp[illegible] nuclear arms control cannot afford to lose. Geo[illegible] Mitchell is a reliable voice for nuclear sanity in [illegible] United States Senate. His campaign is an auther[illegible] case of financial need: it is up to those who agree w[illegible] him to return him to the U.S. Senate.

If you wish to contribute to the Mitchell campai[illegible] please make your check payable to MITCHELL F[illegible] SENATE COMMITTEE and mail to:

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

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MILLICENT FENWICK

Republican — New Jersey
Endorsed by the Council for a Livable World

In New Jersey this year, supporters of nuclear arms control will discover a very unusual political situation as well as an extraordinary Republican Senate candidate poised to make a dramatic mark on the national political scene.

The New Jersey political situation is complicated by an incumbent Senator who has been destroyed politically after having been convicted of Abscam bribery charges. There are likely to be two multi-candidate primaries and more than one candidate of interest to the Council for a Livable World.

In Millicent Fenwick, we have a candidate who combines a vibrant personality with a capacity for national leadership on the nuclear arms control issue. From a base in the U.S. Senate, she could do much to restore this country to a sane defense posture.

The 72-year old Fenwick, a former Harper's Bazaar model and for 14 years an editor at Vogue, began her political career at the age of 59 when most other politicians begin to contemplate retirement. She served for three years in the New Jersey General Assembly and a year as New Jersey Director of Consumer Affairs before being elected to the U.S. House of Representatives in 1974 — after first winning a close Republican primary by 83 votes.

The new Congresswoman instantly made her mark on the House with diligent work, a sharp sense of humor, an independent spirit and an elegant appearance. She quickly picked up labels such as the "conscience of Congress" and the "pipesmoking grandmother," and began receiving national attention for her strong stands on issues. She has been immortalized in the widely published Doonesbury comic strip as the character Lacey Davenport.

During her four House terms, she has strongly supported a sensible national security policy. She has been a leading spokeswoman against unnecessary new weapons programs, excessive arms sales to volatile regions of the world and the proliferation of nuclear weapons to non-nuclear states. At the same time, she has supported increases in military readiness, operations and maintenance and pay for servicemen.

Rep. Fenwick has a record of steadfast opposition to the Pentagon's most notorious, expensive and unneeded projects: the B-1 bomber, the MX mobile missile and the nuclear aircraft carrier. Last year, for example, she voted for amendments to delete almost $2 billion for the deployment of the MX missile and to eliminate $1.8 billion for the B-1 bomber. She also supported reductions in the Pentagon's procurement and research and development accounts — the two areas of military spending that have skyrocketed most dramatically in the last few years. While supporting necessary defense appropriations, she told her House colleagues: "The Department of Defense cannot escape the serious examination to which the budgets of the other Federal agencies have been subjected."

Fenwick has repeatedly spoken out against Pentagon plans to construct facilities to produce poison nerve gas. During a June 1981 House debate on chemical weapons, she said:

> "It is indeed not worthy of our Nation that we should even contemplate spending such huge sums of money to endanger people's lives in this particular way. . . . I think the strongest thing we could do would be to say to the world here today, this House is not prepared for this kind of frightfulness in warfare."

She has been an outspoken advocate of continuing negotiations with the Soviet Union to reduce the tremendous nuclear arsenals of both countries ("I believe negotiations are in *our* interest and should not be interrupted"). She has worked to prod the Reagan Administration to move in that direction. She was a strong supporter of the SALT II Treaty, favors a verifiable and negotiated end to all nuclear weapons tests and opposes any attempt to abrogate the 1972 anti-ballistic missile treaty.

Rep. Fenwick has also been a vigorous advocate of strengthened international safeguards and sanctions to prevent the spread of nuclear weapons. She has sponsored and co-sponsored several such resolutions, including one in July 1981 to encourage the Reagan Administration to develop and implement a strong U.S. nuclear non-proliferation strategy. She has also been a strong advocate of human rights around the world and opposed the sale of AWACS to Saudi Arabia. She is a fiscal conservative and a moderate on social issues.

Millicent Fenwick has the capacity and the personality to become one of the nation's foremost advocates of nuclear arms control if she is elected to the Senate. First, however, she faces a difficult June 8 Republican primary and then the November general election.

At this point in the race, she is rated a slight favorite

Founded in 1962 by Leo Szilard

over all other candidates. She has the image and the moderate positions that can do well in a swing state like New Jersey. Political consultant John Deardourff, who is working for Fenwick, has called her "the most electable candidate with whom we have worked in 15 years." He went on to say: "She's a unique human being, and there's very little anyone has to do to make that obvious. There is some quality about her."

She would be a strong candidate in the November general election because of her proven ability to attract Democratic and Independent support. One recent private poll showed Fenwick could attract a 25% Democratic crossover vote, compared to 8% for her nearest Republican competitor.

However, she may have more difficulty in the Republican primary. Rep. Fenwick faces two probable opponents in the June 8 primary. Both are extremely conservative and both will be heavily financed.

One opponent, 39-year old new Right candidate Jeffrey Bell, has already announced his candidacy. Bell, who wrote speeches for Reagan in 1976, ran for the Senate in 1978. He defeated popular, moderate Republican Sen. Clifford Case in a major upset, only to lose in the general election to Democrat Bill Bradley. Bell claims to have raised close to $1 million already for this contest, mostly through right-wing direct mail specialists like Richard Viguerie.

Bell has already attacked Mrs. Fenwick's record as "anti-defense," and has sharply criticized her votes against the B-1 bomber. He advocates large budget increases for the Pentagon and a return to the gold standard. Bell is also a spokesperson against abortion.

The second major Republican challenger is likely to be U.S. Representative James Courter, a member of the House Armed Services Committee. He is a down-the-line supporter of Pentagon projects such as the B-1 bomber, the MX missile and chemical weapons. Courter, like Bell, is likely to hit Fenwick on her defense record and her abortion stand.

Among the Democrats, the situation remains in flux. Former Rep. Andrew Maguire, who had a superb arms control record during his six years in the House, is now the leading Democratic candidate after the recent withdrawal of Essex County Executive Peter Shapiro. The major unknown at this point is the potential candidacy of U.S. Rep. James Florio, who three months ago lost the narrowest contest for Governor in New Jersey's history to Thomas Kean. With high name recognition and an organization in place, he could be a formidable candidate.

The major wild card is the position of incumbent Sen. Harrison Williams, a staunch advocate of nuclear arms control and a Senator with a distinguished record. His career has apparently been destroyed by Abscam. The Senate has set a March date for a possible expulsion vote on Williams, after an earlier unanimous Senate Ethics Committee recommendation for expulsion. If the Senate so votes, Gov. Kean may appoint one of the Republican Senate candidates to finish the term. This would give an early boost to some Republican.

If Millicent Fenwick wins the primary and general election, arms control will have a new leader on the national scene and the Senate will be graced by a dynamic and eloquent leader. If you wish to add this remarkable woman to the Senate, please make your check payable to FENWICK FOR SENATE and mail to:

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

Attachment 1, pg 41

May, 1982

Dear Supporter of Nuclear Arms Control:

With this new letter, the Council for a Livable World endorses Rodger McDaniel, Democrat of Wyoming, for the U.S. Senate. As you will note in the enclosed profile, he has a good chance to defeat a confirmed hawk, Senator Malcolm Wallop.

For the second time we are recommending financial support for Millicent Fenwick, Republican of New Jersey. She is engaged in a difficult Republican primary for U.S. Senate against hawk Jeffrey Bell. The New Jersey primary is fast approaching on June 8 and money is needed for the final push.

We hope you will take immediate action in accordance with the suggestions on the enclosed contribution card. Please note: we are asking you NOT to send checks to the Council for a Livable World because of the importance of these two contests.

In addition to our unique political activities in support of nuclear arms control advocates who are candidates for U.S. Senate, the Council has played a major role in the upsurge of activity for arms control:

-- One of the first to promote the nuclear weapons freeze

-- An important catalyst in the filing of the Kennedy-Hatfield Resolution

-- Co-organizer of the November 11 Campus Convocations with Union of Concerned Scientists

-- Co-organizer with Physicians for Social Responsibility of Symposia on the Medical Consequences of Nuclear Weapons and Nuclear War

-- Leader of the coalition against the production of nerve gas

-- Organizer of the post card drive which has delivered to senators over 55,000 messages opposing the MX and the B1

-- Inaugurator of the Nuclear Arms Control Hotline (202) 543-0006 now being used by the entire movement

-- Supplier of hundreds of speakers and tons of literature to nuclear arms control meetings

-- Organizer of seminars for senators on Capitol Hill. George Kennan led the most recent discussion.

And lots more.

Sincerely,

Jerome Grossman

Jerome Grossman
President

Founded in 1962 by Leo Szilard

attachment 1, pg 42

THE COUNCIL FOR A LIVABLE WORLD

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

The Council is one of the largest political action committees in the country. Its success in the last 20 years in helping elect 59 U.S. Senators, including 21 Senators now in Washington, both Democrats and Republicans, is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does <u>not</u> get involved in <u>every</u> race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. It recommends close races where funds from Council supporters can be crucial to the outcome. The Council assesses each endorsed candidate's true financial need. Because that need varies widely, Council supporters have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

Unlike other candidate assistance groups, Council supporters make contributions directly to candidates of their choice, but through the Council. <u>This collective giving guarantees that the candidates will recognize that the donations are issue-oriented, for nuclear arms control</u>.

In addition, the Council's Washington Program provides Senators with sophisticated technical and scientific information that allows them to make intelligent decisions about nuclear arms control and strategic weapons.

The Council also helps initiate legislation, monitors appropriate committees--from the initial hearing to final markup, produces expert witnesses for crucial hearings and keeps accurate head-counts before crucial arms control votes are taken.

In January of 1980, the Council for a Livable World Education Fund was founded to bring to the American public the same message and expertise that the Council has brought all these years to the U.S. Congress.

Contributions to Council for a Livable World Education Fund are tax-deductible under section 501 (C)(3) of the Internal Revenue Code.

Please make your contribution according to this alphabetical arrangement by your last name:

A-K, check payable to McDANIEL SENATE CAMPAIGN
L-Z, check payable to FENWICK FOR SENATE

Please make checks payable only to the intended recipient. If you make more than one contribution, please write separate checks for each.

This solicitation is authorized and paid for by FENWICK FOR SENATE COMMITTEE and authorized by McDANIEL SENATE COMMITTEE.

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

Please fold card and return in enclosed envelope.

PLEASE CORRECT YOUR MAILING ADDRESS, IF NECESSARY.

Name _____

Address _____

City _____ State _____

Occupation _____ Place of Business _____

(07) 820

Federal Election Ca
Act Identification Number C00

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

Attachment 1, pg 44

RODGER McDANIEL

Democrat-Wyoming

Endorsed by Committee on a Livable World

ec in 1976, incumbent Sena-
blican of Wyoming, has been
rms control. He has been a
s buildup and military esca-
ntly echoed President Rea-
nportant issue, foreign and
pressed his appreciation by
ign for Wallop as recently as

ainst the nomination of Paul
or in the SALT talks because
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e Test Ban Treaty, the Non-
he ABM Treaty. On January
stituents, "This is no longer
ed Destruction. Wars, like
or lost"
r the neutron bomb, for arms
Arabia. He vigorously sup-
CS planes to Saudi Arabia
He contributed the only light
se senate roll call when he
ue but quickly changed his

n in his support for the MX
and orbital laser weapons. In
ministration, Senator Wallop
the buildup of military arms
n his own words, he will "ask
am, not can we afford it, but
hout it."
: "El Salvador is a mean and
America needs to be there."
Tribune, April 8, 1982).
oes not think diplomatic rela-
ed with the People's Republic
speech at the Univeristy of

dger McDaniel has forcefully
freeze on the testing, produc-
nuclear weapons."
unced his candidacy on Sep-
oken out against construction
gainst deployment of the MX
going ahead with the MX. I
e MX silos around Cheyenne."
per, April 7, 1982).

Here is Rodger McDaniel's philosophy on nuclear arms control and limitation in his own words:

I am appalled by the Administration's cavalier approach to the nuclear problem. To suggest that nuclear war is winnable or even survivable or that we can or should set nuclear superiority as a national goal dangerously ignores the realities of nuclear politics. It is simply not logical to expect the Soviet Union to sit idly by while we launch the arms build-up proposed by this Administration. If we are serious about entering into meaningful arms limitations negotiations we should do so now.

I support the concept of a freeze in the testing, production and deployment of nuclear weapons as an important first step to reducing the dangers and the prospects of nuclear war. I am convinced the super powers have reached a crucial crossroads in their relationship vis-a-vis nuclear weapons. If the United States proceeds, as the Reagan Administration proposes, with a $1.6 trillion defense build-up adding in excess of 10,000 new warheads to our nuclear arsenal, this generation may well have missed any meaningful opportunity for negotiations to limit nuclear arms.

I believe a negotiated, verifiable freeze is not an end in itself, but only the first step toward reaching solutions to the other complex problems posed by nuclear armaments. With a freeze in place, we can move down the road toward understandings and agreements to prevent both nuclear war and any further proliferation of nuclear capabilities.

This issue is too important to sidestep in this campaign. Mankind is passing by what may be its last "window of opportunity" to assure the world that the doomsday clock will not toll midnight.

From the outset, McDaniel opposed the sale of AWACS surveillance planes to Saudi Arabia. In a speech before a statewide convention of the AFL-CIO in September, 1981, McDaniel called for defeat of the sale, concluding that "We in this country can no longer continue to arm to the teeth these countries in the Middle East and then sit back and pray for peace." (*Casper Star Tribune*, September 13, 1981).

Rodger McDaniel is a soft-spoken westerner in his

Attachment 1, pg 45

middle thirties who meets people easily and inspires confidence. He has lived in Wyoming for thirty years. McDaniel served 10 years in the State Legislature, six years as Laramie County Representative and four years as State Senator. He was the second youngest person ever elected to the Wyoming Legislature. In the 1975 legislative session, McDaniel served as House Assistant Minority Leader. The national Assembly of Governmental Employees named him one of ten outstanding legislators in the United States in 1976. The former state Senator served as Wyoming administrative assistant to Congressman Teno Roncalio, 1970-1978. He graduated from the University of Wyoming School of Law in 1978 and is a practicing attorney. McDaniel is married with two children.

Wyoming is a state where as few as 90,000 votes can win a seat in the U.S. Senate. In fact, Malcolm Wallop won his seat in the 1976 general election with only 84,810 votes, defeating incumbent Democrat Gale McGee in an upset. In 1976, challenger Wallop charged incumbent McGee with losing touch with the people of Wyoming, ridiculed his senatorial seniority and repeatedly challenged McGee to debate.

Ironically, many of the charges Wallop leveled so effectively at McGee can now be used against him. He has grown distant and unresponsive, even refusing upon occasion to meet with constituent groups. So far he has refused invitations to debate McDaniel or even speak on the same platform. And he is campaigning on his seniority.

Despite the fact that both U.S. Senators from Wyoming are Republican, Democrats can and do win in the state. The popular Governor Ed Herschler is a Democrat and has been in office since 1974. McDaniel has no opposition in the Democratic primary and a united party will support him.

Over the first, critical months of the campaign, McDaniel has received substantial support from a number of important constituencies in the state. In September, 1981, the State AFL-CIO endorsed McDaniel at its annual convention. This was the earliest endorsement that the 24,000 member confederation of labor unions has made in its history. This spring, McDaniel was endorsed by PACE (Political Action Committee for Education) of the 5700-member Wyoming Education Association and by the Executive boards of the National Organization for Women and the Business and Professional Women. Other endorsements are anticipated.

While Wallop is a clear favorite at this time, private polls indicate that he is vulnerable. Wallop's support is soft and shallow and will erode in the process of a vigorous campaign. Like almost every challenger, McDaniel's problem is name recognition, a problem easily overcome in a small electorate. It is the opinion of the Council for a Livable World that McDaniel can win, if he can raise the necessary funds.

Senator Wallop has said that he expects to spend in excess of $750,000 on his campaign. He has already raised $400,000, mostly from financial and energy interests. He can also expect to receive many thousands of dollars from the Republican National Committee.

Though McDaniel cannot match Senator Wallop dollar for dollar, he is waging an aggressive grassroots campaign, emphasizing personal contact with the voters and small contributions. At this point, he has raised more money than any challenger in Wyoming history. More than 750 Wyoming families have contributed in excess of $75,000—a record in a state where, as of August 24, 1981, there were only 71,212 registered Democrats. While McDaniel cannot hope to equal Wallop's fund raising, he must raise $400,000 to $500,000 more to run a viable campaign.

In every way, the election in Wyoming is a classic situation for Council supporters: major differences on nuclear arms control between the candidates; a small state; a relatively small campaign budget; a winnable contest.

If you wish to help to retire Malcolm Wallop from the U.S. Senate please make your check payable to McDANIEL SENATE CAMPAIGN and mail to:

Council for a Livable World
11 Beacon Street
Boston, Massachusetts 02108

attachment 1, p946

June 1982

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9295
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Chairman
JEROME GROSSMAN
President
CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100
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MAURICE FOX
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Johns Hopkins University
JOHN KENNETH GALBRAITH
Harvard University
JEROME GROSSMAN
Business Executive
GEORGE KISTIAKOWSKY
Harvard University
ADMIRAL JOHN M. LEE
U.S. Navy (Retired)
MATTHEW MESELSON
Harvard University
JAMES PATTON
National Farmers Union
GENE POKORNY
Center for Defense Reports
CHARLES PRICE
University of Pa.
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ELI SAGAN
Writer
HERBERT SCOVILLE JR.
Arms Control Association
JANE SHARP
Cornell University
WILLIAM E. TARLOW
Business Executive
STEPHEN THOMAS
Integrative Biomedical Research
KOSTA TSIPIS
MIT
PAUL C. WARNKE
Attorney
JEROME B. WIESNER
MIT

Affiliations For Identification Only

Dear Supporter of Nuclear Arms Control:

You now have a rare opportunity to defeat two leading members of the New Right, Senator Orrin Hatch of Utah and Senator William Roth of Delaware.

The challengers, supported by the Council for a Livable World, are Ted Wilson and David Levinson. They are committed to nuclear arms control.

And they can win. The enclosed profiles will tell you why and how.

Earlier Council letters endorsed Millicent Fenwick (R) of New Jersey, John Chafee (R) of Rhode Island, Jim Cooper (D) of Tennessee, Rodger McDaniel (D) of Wyoming, George Mitchell (D) of Maine, Tony Moffet (D) of Connecticut, Paul Sarbanes (D) of Maryland, Donald Riegle (D) of Michigan, Howard Metzenbaum (D) of Ohio, and Andy Maguire (D) of New Jersey. The Council is non-partisan in its activities for the prevention of nuclear war.

We hope that you will make out your checks in accordance with the suggestions on the contribution card. When you give to candidates for the United States Senate through the Council for a Livable World, your check is transmitted to the candidates with literally thousands of others. It is the best possible demonstration of a strong constituency for nuclear arms control.

The Council for a Livable World concentrates its political efforts on the U.S. Senate because that body has unique advice and consent powers in foreign affairs.

The enclosed questionnaire should be given to every candidate for the U.S. Senate and House of Representatives. Please use it to obtain commitments on arms control issues. We must insist that all candidates take a stand on the most important issue of our time--the prevention of nuclear war. Extra copies of this questionnaire are available at no charge.

Reminder: The NUCLEAR ARMS CONTROL HOTLINE is (202) 543-0006. Call it day or night to obtain the latest information on upcoming votes, issues, committee hearings, etc., in Congress and what you can do about it. The hotline was installed by the Council for a Livable World as a service to the entire nuclear arms control community.

Sincerely,

Jerome Grossman

Jerome Grossman
President

P.S. Please turn to the reverse side of this letter for a detailed description of the unique and effective methods of the Council for a Livable World.

Founded in 1962 by Leo Szilard

Attachment 1, p947

THE COUNCIL FOR A LIVABLE WORLD

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

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The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

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The Council also helps initiate legislation, monitors appropriate committees--from the initial hearing to final markup, produces expert witnesses for crucial hearings and keeps accurate head-counts before crucial arms control votes are taken.

In January of 1980, the Council for a Livable World Education Fund was founded to bring to the American public the same message and expertise that the Council has brought all these years to the U.S. Congress.

Contributions to Council for a Livable World Education Fund are tax-deductible under section 501 (C)(3) of the Internal Revenue Code.

Attachment 1, pg 48

se make your contribution according to alphabetical arrangement by your last e:

check payable to COUNCIL FOR A VABLE WORLD
l, check payable to WILSON FOR UTAH OMMITTEE
, check payable to THE COMMITTEE TO ECT LEVINSON

se make checks payable only to the in-ted recipient. If you make more than one tribution, please write separate checks for n.

ticitation is authorized by WILSON FOR UTAH COMMITTEE THE COMMITTEE TO ELECT LEVINSON.

y of our report is filed with the Federal Election Commission available for purchase from the Federal Election Commis-Washington, D.C.

Please fold card and return in enclosed envelope.

PLEASE CORRECT YOUR MAILING ADDRESS, IF NECESSARY.

Name _____

Address _____

City _____ State _____

Occupation _____ Place of Business _____

(07) 821

Federal Election Ca
Act Identification Number C00

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

Attachment 1, pg 49

DAVID LEVINSON

Democrat = Delaware

Endorsed by the Council for a Livable World

In Delaware this year there is a classic confrontation between David Levinson, the Democratic challenger, and William Roth, the Republican two-term incumbent. While there are sharp differences between the two candidates on key arms control issues, the contest will more likely be viewed as the nation's clearest test of the Reagan Administration's economic policies.

If Sen. William Roth of Kemp-Roth "vodoo economics" fame is defeated, it will be a sharp and highly visible setback to the Reagan Administration economic policies at the mid-point of its term in office.

Delaware is also a good opportunity for the Council for a Livable World. There is a contrast between the two candidates on nuclear arms control issues. It is a small state and campaign budgets are relatively small. A high profile incumbent with strong support from conservatives is being challenged by a lesser known candidate who has a united Democratic Party behind him and a good chance for an upset victory.

William Roth's record on important arms control [illegible] at best. He has voted against some egregious military programs that are a total waste of money—primarily as an outgrowth of his ultra-conservative economic policy. But when it comes to key nuclear arms control issues, his vote cannot be counted upon.

Just last month, for example, when the Senate debated President Reagan's inflated military budget proposals, Republican Senator Nancy Kassebaum (Kansas) offered a proposal to cut the huge military increase from last year's level by a modest $1.3 billion. Roth voted against even that small reduction, joining the majority in the fairly close 53-44 defeat for the Kassebaum amendment.

In 1981, Roth's record was typically uneven. For example, there were two key votes on the MX missile program that year, one in May and the other in December. Roth voted on different sides of the issue on the two votes.

Last year there were several votes to eliminate funds for the antiquated World War II battleships that the Reagan Administration is trying to resurrect. Again, Sen. Roth voted both for the battleships and against.

On chemical weapons, too, Senator Roth has been on both sides of the issue. In 1982 and 1981, he voted against chemical weapons on key votes, but in the vital 1980 votes he supported the new weapons.

Finally, where in 1977 Roth voted against the B-1 bomber, in 1981 he voted for it.

Roth's erratic "all-things-to-all-people" positions on arms control issues can be seen on other important issues in the Senate. In the battle for crucial SALT II ratification votes before the Treaty was withdrawn from Senate consideration, Treaty proponents hoped that Sen. Roth would be a key conservative convert to the ratification effort. In the end, however, he would not commit himself to the Treaty. In 1977, Roth joined with Sen. Henry Jackson (D-Wash.) to vote against Paul Warnke's nomination as chief SALT negotiator while voting for Warnke as head of the Arms Control and Disarmament Agency.

In short, while Sen. William Roth cannot be labeled an unreconstructed hawk, he clearly is not a consistent supporter of nuclear arms control. He has supported most nuclear weapons projects even while voting to starve conventional forces. Typical of his approach to issues is Roth's refusal to support the nuclear freeze proposal; rather he has sought refuge from freeze supporters by co-sponsoring the Jackson-Warner resolution which in effect calls for a nuclear buildup that the Reagan Administration backs.

Confronting Roth is David Levinson, a political novice who is making up for lack of direct campaign experience with a carefully planned strategy and much hard work. While Levinson formally declared his candidacy in May 1982, he has been campaigning since 1980 and has no opposition for the Democratic nomination.

His early, aggressive effort has brought a united Democratic Party behind him, including Sen. Joseph Biden (D-Del.) who was in a similar situation in 1972 as an unknown challenger who came from nowhere to upset an incumbent in a campaign in which the Council was involved early and heavily. The Executive Committee of the Democratic Party backed Levinson in June 1981, remarkably early for a challenger; the state AFL-CIO came through with an endorsement in September 1981; other organizations such as the United Auto Workers have also climbed on board.

Levinson was born and raised in Delaware. He graduated with high honors from Harvard College and Harvard Law School. From Harvard, Levinson went into real estate as a developer and builder. He has been very active in a number of civic groups, most notably the Anti-Defamation League of the B'nai B'rith, of which he is an Associate National Commissioner. He is involved in the Delawareans for Energy Conservation and President Carter appointed him to the President's Council for Energy Efficiency.

Founded in 1962 by Leo Szilard

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While Levinson's strong campaign theme will be Reaganomics and Roth's role in producing policies that have led to the highest unemployment rate since the great depression, the challenger is also running as a strong supporter of nuclear arms control. In speech after speech around the state of Delaware, Levinson is saying each time: "The greatest challenge we face for the balance of this century is how to find the wisdom and technique to step back from the edge of the nuclear precipice."

In contrast to Roth, Levinson is a strong supporter of the nuclear freeze now position and joins with his Democratic colleague Joseph Biden in favor of SALT II ratification.

As opposed to Roth, Levinson is a firm opponent of the MX missile program and the B-1 bomber, prefering to concentrate resources on conventional weapons.

Levinson is also a strong supporter of a comprehensive nuclear test ban and opposes production of chemical weapons.

Levinson has a clear appreciation of the perils of the nuclear age. He states:

> Controlling the deadly nuclear arms race is the single most critical responsibility facing the world today. The unchecked contest to produce more and more nuclear weapons has left us on the brink of a nuclear holocaust. Both the Soviet Union and the United States have already produced enough nuclear weapons to destroy the planet. Nuclear weapons are now coming into the hands of small, radical countries. And soon if the madness of nuclear proliferation is not halted, even terrorist groups will possess nuclear weapons.
>
> The only way to stop the nuclear arms race is to stop it, and stop it *now*, through a negotiated, mutual, verifiable freeze on the production, testing and deployment of new nuclear weapons, leading finally to the reduction and eventual elimination of all nuclear weapons. It is time for the governments of the world to show true statesmanship in this regard. It is the primary responsibility of every one of us to bequeath a habitable world to future generations.

Levinson's race will not be easy. Roth is clearly enjoying the advantages of incumbency in terms of name recognition and fundraising. He has $376,000 in the bank, a large portion of that from special interest groups delighted with the Kemp-Roth tax cuts. Levinson has raised less than a third of that amount. Polls from last year showed Roth well ahead of Levinson—but not nearly as far ahead as was J. Caleb Boggs before his upset defeat at the hands of Sen. Biden in 1972.

William Roth is clearly vulnerable, particularly as the economy continues on its sour course. He maintains his strong support for a continuation of the Reagan Administration economics, notwithstanding their negative impact on the economy or on social programs. Levinson is in an excellent position to take advantage of Roth's hand-in-glove stance with the Reagan Administration economic fiasco.

If you wish to contribute to the Levinson campaign please make your check payable to THE COMMITTEE TO ELECT LEVINSON and mail to:

Council for a Livable World
11 Beacon Street
Boston, MA 02108

Attachment 1, p951

[illegible]

[illegible]

One of the founding members of the New Right, Senator Orrin Hatch of Utah, is extremely vulnerable this year to a challenge by the Democratic Mayor of Salt Lake City, Ted Wilson. This is a race that will be watched across the country to see if conservative Utah is prepared to send a message to the rest of the country that the radical right has passed its high water mark. Five months before election day, the polls show Hatch with only a slender lead.

Senator Hatch had one of the most rapid rises in American politics. A long-time supporter of Ronald Reagan, he never held political office until he defeated the incumbent Senator Frank Moss in 1976 in a stunning upset. During his first years in the Senate, Hatch seemed almost feverish in his advocacy of New Right causes, and many of his colleagues seemed to regard him as a fanatic.

Hatch's intensity is particularly evident in his record on arms control issues. In 1981, out of eleven bellwether votes selected by the Council for a Livable World, he voted wrong ten times—and abstained for the eleventh. Some of those votes were: for the MX missile; for the B-1 bomber; for the Clinch River Breeder Reactor; for chemical weapons.

In 1982, Hatch voted again for the production of chemical weapons, for the Reagan proposal to build two new aircraft carriers, and against the amendment offered by fellow Republican Senator Nancy Landon Kassebaum to reduce the military budget by 1.3 billion dollars for fiscal year 1983.

Senator Hatch was a vociferous opponent of the SALT II Treaty and led the opposition to the confirmation of Paul Warnke as President Carter's chief arms control negotiator. He opposes a Comprehensive Test Ban and favors construction and deployment of neutron bombs. He is also a declared opponent of the Nuclear Weapons Freeze.

Hatch's political strength has been steadily eroding, partly because of his style and personality. He has been described as pompous and arrogant, an ideologue and a polarizer who has made many enemies. This contrasts sharply with his fellow Republican Senator Jake Garn, who has a similar voting record but is not perceived negatively by the voters of Utah.

Ted Wilson is an entirely different kind of person. He has an easy and winning personality and is respected by both friend and foe. Wilson has been one of the most productive and popular mayors in the history of Salt Lake City. He has worked closely with local officials throughout the state on a number of issues, and consequently has very high and favorable recognition among the voters. Wilson is receiving significant political support from Governor Scott Matheson and former Governor Calvin Rampton, both popular Democrats.

Ted Wilson was born, bred and educated in Utah. Married and the father of five children, he holds degrees in Political Science, Economics and Education. He is currently serving his second term as Mayor of Salt Lake City. Before that he was Social Services Director for Salt Lake County, and Administrative Assistant to Congressman Wayne Owens (D-Utah) in Washington, D.C.

On the national level, Ted Wilson has gained recognition usually reserved for the mayors of much larger cities. He serves on the Board of Directors of the National League of Cities, on the Board of Trustees of the U.S. Conference of Mayors, as Chairman of the Energy and Environment Committee of the U.S. Conference of Mayors, and he has been on the National Water Policy Task Force. He is a strong environmentalist and opponent of Secretary Watt's misnamed Wilderness Protection Act.

The Mormon Church is a dominant institution in Utah. The Mormon hierarchy takes stands on secular matters, economic and political. For example, it came out against the MX missile system that the Carter Administration proposed placing in Utah and Nevada, and has demonstrated great concern about the nuclear arms race. Wilson reflects this position; Hatch does not. Both candidates are Mormons, and the Church is expected to be neutral in the contest.

Wilson supports the Nuclear Freeze: "I'm a very strong proponent. We need to get a mutual and verifiable freeze of nuclear weapons and then get to the negotiating table."

Wilson was an early and strong opponent of deploying the MX missile in Utah.

Wilson says, "I am personally concerned about the shift in our strategic planning regarding the Soviet Union. I cannot and will not accept the idea that the United States of America would initiate a nuclear confrontation. Nuclear war is not winnable."

Wilson supports ratification of the SALT II Treaty.

Wilson opposes abrogation of the 1972 ABM Treaty.

Wilson favors a Comprehensive Test Ban.

Wilson opposes the neutron bomb.

Wilson opposes the production of chemical

Founded in 1962 by Leo Szilard

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weapons.

At the same time Wilson supports a strong national defense policy, but he insists that the money be spent wisely. "The real need is to focus on what kind of defense we need, and what kind of defense is being bought—not how much we should spend—I would support increased defense spending as well as insisting that the money be spent wisely. The goal before us must be to control nuclear arms. No amount of spending can buy us security. The military must be strengthened but strengthening doesn't necessarily mean writing a blank check for the Pentagon. Waste and inefficiency must be eliminated in Defense as well as every other segment of the federal government.

Wilson stresses the need for control of nuclear arms. "It is time to deal not only with limiting the number of these weapons, but the prevention of nuclear war itself. The prevention of a nuclear is a solemn obligation to ourselves and our future generations."

The polls of public opinion show that Wilson has a very good chance of defeating Hatch in November. That is why Hatch is considered "very vulnerable" by most political experts. In September, 1981, even before Mayor Ted Wilson had announced his candidacy for United States Senate, he ran only 18 percentage points behind incumbent Senator Orrin Hatch. The next poll, taken in January, 1982, revealed Hatch with 49% and Wilson with 42%. The most recent poll, conducted on April 28, 1982, shows Wilson only 3 points behind: Hatch 45%, Wilson 42%, undecided 13%. This is a remarkable showing by a challenger at this early stage of the campaign and indicates a strong trend toward Wilson.

Wilson predicts that it will cost $750,000 to win. Hatch is expected to spend at least double that amount. The Council for a Livable World urges you to support Mayor Ted Wilson because of his commitment to serious nuclear arms control and because Senator Orrin Hatch deserves to be defeated.

If you would like to make a financial contribution, please make your check payable to WILSON FOR UTAH COMMITTEE and mail to

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

Attachment 1, 1953

To [illegible] the menace of [illegible] war

Council for a Livable World

[illegible] Beacon Street
Boston, Mass. 02108
Phone: (617) 742-[illegible]95

[illegible] Pachinsky
Director

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Attorney

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MIT

Affiliations for Identification Only

September 1982

Dear Supporter of Nuclear Arms Control:

It required the most intense lobbying by The White House and The Pentagon to win the vote on the Nuclear Freeze Resolution in the House of Representatives on August 5. President Reagan was forced to put the full prestige of his office on the line. Yet his margin of victory was only two votes out of 406, hardly an overwhelming mandate.

Only two weeks earlier, the MX missile barely survived by a vote of 212-209. MX is the pet first-strike nuclear weapon of The Pentagon.

The grass roots movement for a Nuclear Weapons Freeze, spontaneous and decentralized, is sweeping across America like a prairie fire. In less than a year it has developed sufficient political clout to offer a serious challenge to the outmoded way our government handles the problem of nuclear weapons. The extraordinarily rapid growth of the Freeze becomes apparent when compared to that of similar American movements such as the abolition of slavery and the ending of the Vietnam War, both of which took many years to accomplish their objectives. It is clear that the struggle for security against nuclear weapons has only just begun.

We do need leaders in the U.S. Senate who will make nuclear arms control their prime focus. That is why we are urging support for Toby Moffett for the second time. In the House Moffett has proved [illegible], smart and effective. He will do even better in the Senate.

The Council for a Livable World also endorses Mayor Ted Wilson of Salt Lake City, who is challenging a leading member of the New Right, Senator Orrin Hatch of Utah. Wilson was the key to the recent endorsement of the Freeze by the U.S. Conference of Mayors.

Both of these able candidates can win but the contests are sure to be close. The enclosed profiles will tell you why and how.

We hope that you will make out your checks in accordance with the suggestions on the contribution card. When you give to candidates for the United States Senate through the Council for a Livable World, your check is transmitted to the candidates with literally thousands of others. It is the best possible demonstration of a strong constituency for nuclear arms control. The Council is non-partisan in its activities for the prevention of nuclear war.

Sincerely,

Jerome Grossman

Jerome Grossman
President

P.S. Please turn to the reverse side of this letter for a detailed description of the unique and effective methods of the Council for a Livable World.

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attachment 1, p954

THE COUNCIL FOR A LIVABLE WORLD

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

The Council is one of the largest political action committees in the country. Its success in the last 20 years in helping elect 59 U.S. Senators, including 21 Senators now in Washington, both Democrats and Republicans, is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does not get involved in every race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. It recommends close races where funds from Council supporters can be crucial to the outcome. The Council assesses each endorsed candidate's true financial [illegible] that [illegible] realistically, Council [illegible] have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

Unlike other candidate assistance groups, Council supporters make contributions directly to candidates of their choice, but through the Council. This collective giving guarantees that the candidates will recognize that the donations are issue-oriented, for nuclear arms control.

In addition, the Council's Washington Program provides Senators with sophisticated technical and scientific information that allows them to make intelligent decisions about nuclear arms control and strategic weapons.

The Council also helps initiate legislation, monitors appropriate committees--from the initial hearing to final markup, produces expert witnesses for crucial hearings and keeps accurate head-counts before crucial arms control votes are taken.

In January of 1980, the Council for a Livable World Education Fund was founded to bring to the American public the same message and expertise that the Council has brought all these years to the U.S. Congress.

Contributions to Council for a Livable World Education Fund are tax-deductible under section 501 (C)(3) of the Internal Revenue Code.

Attachment 1, p955

... $50 ___ $100 ___ $250 ___ Other ___

... accordance with ... by you ...

... to WILSON FOR UTAH ...

... to TOBY MOFFETT FOR ...

... to COUNCIL FOR A LIVABLE WORLD

... checks payable only to the ... committee. If you make more than one ... separate checks for ...

... WILSON FOR UTAH COMMITTEE
... COUNCIL FOR A LIVABLE WORLD COMMITTEE

... Federal Election Commission ...

Please fold card and return in enclosed envelope.

PLEASE CORRECT YOUR MAILING ADDRESS, IF NECESSARY.

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Address _____

City _____ State _____

Occupation _____ Place of Business _____

(07) 824

Federal Election Campaign Act Identification Number C00029165

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

70114ALLAUA085A
ALICE M ALLAUD
85 MELROSE AVENUE
ALBANY NY 70114

Attachment 1, Pg 5c

Toby Moffett

Congressional Committee
Endorsed by the Council for a Livable World

Representative Toby Moffett was one of the earliest supporters of the Nuclear Weapons Freeze. He played a major role in the August 5, 1982 debate on the Freeze which lost in the House by the smallest of margins, 204-202. Two weeks earlier he was a leader in the effort to kill the first-strike MX missile. This effort also barely lost, 212-209, but only after President Reagan was forced to use the full power of his office. The Council for a Livable World is certain that Toby Moffett will be an effective leader for nuclear arms control when he is elected to the U.S. Senate. We need him in the Senate because that body is lagging behind the House in the struggle to freeze and control nuclear weapons.

On November 18, 1981, the House of Representatives passed the largest military appropriation in this nation's history. Representative Toby Moffett voted against this $196 billion bill, and strongly supported efforts to delete funding for expensive, unnecessary weapons systems such as the B-1 bomber and the MX missile. He also offered an amendment to cut the [illegible] by the president. [illegible] to work hard in opposition to the Administration's arms build-up, and in support of arms control.

The following statements were made by Moffett on the House floor in the debate and are typical of his consistent and courageous actions against the arms race:

> . . . Where are we going to be 20 years from now, in terms of all of those warheads and all of those missiles? We will be in much worse shape if we do not have arms negotiations in a very, very serious manner.
>
> So I think that sooner or later this body is going to have to confront that, rather than just feeling boxed in and voting out the largest defense increases and the largest defense bills in history.
>
> Mr. Chairman, the fact is, we are not doing the job the American people expect of us. We are merely reacting to the momentum of the arms race. This body is just climbing on the bandwagon, throwing huge sums of money at something called defense. But in reality we are making a major contribution to world instability. Let's get to the negotiating table. This bloated bill is not the way to do it.
>
> (November 18, 1981)

Moffett was equally forthright in the Congressional debate on the Addabbo Amendment to delete $1.8 billion for procurement of the B-1 bomber:

> . . . If we would only give the same level of scrutiny to the B-1 bomber that we gave to the WIC program, the women, infants, and children's program, it would fail the test. It would absolutely flunk the test. On the issue of cost, if we put the B-1 in here on the table, with the same kind of enthusiasm for budget cutting and cutting out waste as we had during the school lunch debate, it could not possibly survive. . . .

And here is what Moffett had to say in supporting an amendment to delete $1.9 billion for development of the MX missile:

> . . . It makes no sense. It makes absolutely no sense. This weapon represents a provocative step. This very confident, self-assured President does not need MX when he goes to the negotiating table. He has a very powerful defense system now. It might need changes in certain areas, it might need improvements here or there, but the top priority ought to be to get to that table as fast as possible, not to load up with more and more new weapons before we get there.

Until Toby Moffett was elected to the House of Representatives in 1974, not a single congressman from Connecticut had ever voted against appropriations for the Department of Defense. While Connecticut ranks 25th among the states in population, 1.37% of the U.S. total, in 1979 it received over $4 billion from Defense, the highest military spending per capita in the country. Major industries like Pratt & Whitney and General Dynamics' Electric Boat Shipyard depend upon military contracts.

Moffett has voted consistently right on issues important to Council for a Livable World throughout his terms in Congress:

1982 - Right on military spending
1982 - Right on MX
1982 - Right on chemical weapons
1982 - Right on nuclear freeze
1981 - Right on MX
1981 - Right on chemical weapons
1980 - Right and led fight on chemical weapons
1980 - Right on MX
1980 - Right on budget priorities
1979 - Right on draft registration
1979 - Right on MX
1978 - Right on neutron bomb
1978 - Right on 4th nuclear aircraft carrier

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1977 - Right on B-1 bomber
1977 - Right on neutron bomb
1977 - Right on Clinch River breeder reactor
1976 - Right on B-1 bomber
1975 - Right on MARVs
1975 - Right on military spending
1975 - Right on nerve gas

Toby Moffett was born in 1944 and was raised in Connecticut. He holds a B.A. from Syracuse University and earned a Masters Degree in Political Science and Urban Affairs from Boston College in 1968. In 1969, Mr. Moffett was named first director of the federal government's Office of Students and Youth (HEW). In 1971 he joined the Ralph Nader group to become the first head of the Connecticut Citizen Action Group, a statewide organization that was to become a national model for full-time citizen advocacy. He worked with this group until 1974 when he launched his successful bid for the Sixth Congressional District in northwestern Connecticut.

As would be expected from a former Naderite, Moffett has been a star advocate of consumer rights and for a more equitable energy policy. Married and the father of a daughter, Moffett is the kind of politician who is always bubbling over with ideas and how they can be put into practice. Moffett has a dynamic and attractive appearance; he is incredibly energetic and fearless. He says what he thinks. In 1979, TIME Magazine chose Moffett as one of the "Fifty Faces of the Future." His colleagues in the House recognized his talents when they elected him over three representatives with greater seniority to chair an important subcommittee, Government Operation's Environment, Energy and Natural Resources. The author of two books, Moffett has been the recipient of a number of awards.

Though an outspoken liberal, Moffett is hardly the crash loner some of his ideological colleagues have been. "I have an excellent relationship with some of the older, more conservative members," he says. "That's very important to me. Even in the confrontation days with Nader, I never felt comfortable with personal antagonism."

About his own party, Moffett said in the early days of the Reagan Administration, "Democrats always want to win. But when they do they often take home empty victories because they have no overriding philosophy. Nobody knows where they stand. Democrats have to come up with an ideology and take the risk of losing."

Representative Moffett was one of the leading opponents of the sale of AWACS planes to Saudi Arabia, repeatedly addressing the Congress and the media.

The incumbent senator is Lowell Weicker, a Republican who was first elected in 1970. Weicker is a political maverick who has voted with the arms controllers a number of times, but also against them in a most perplexing manner. For example, in the key debate on the nomination of Paul Warnke to be Chief U.S. SALT Negotiator and Head of the U.S. Arms Control and Disarmament Agency, Weicker said on the Senate floor:

"I mention that story, Mr. President, as an illustration of one of the two traits of an arms negotiator—caution. The other one is steadfastness. I shall oppose the nomination of Paul Warnke [illegible] the posts of Director of the Arms Control [illegible] Disarmament Agency and SALT negotiator, because his considerable testimony before two Senate committees has left me with serious doubts about his possession of those two necessary qualities." . . .

"He has been a gadfly for a radically lower defense budget, for severe limitations on defense spending, and against virtually every major weapons system of the past decade. Mr. President, the gadfly has its place. But it is not in Geneva staring down bears." . . . "Mr. President, in the past several weeks, Mr. Warnke has attempted to fog and muddle a record which up to this time has been as clear as it has been consistent."

In 1979, Senator Weicker never could make up his mind whether or not to support the SALT II Treaty and in 1981 he voted for the B-1 bomber. Weicker has no constituency in the Senate because he is inconsistent and operates as a loner. Moffett is respected by friend and foe and knows how to make alliances to get things done.

Having alienated his Republican constituency and having operated in a political no-man's land, it was expected that Weicker would be defeated for the nomination by Prescott Bush, Jr., brother of the Vice President and favorite of the conservative Republicans of the state. However, Weicker won the pre-primary convention handily, and Bush made a surprise withdrawal from the Republican primary, leaving Weicker unopposed. Weicker may be hurt in November by the presence on the ballot of a Conservative running as an Independent. However, the conservative Bush has restored a semblance of party unity by urging his supporters to back the entire Republican ticket, including Weicker.

Although Democrats outnumber Republicans by more than three to one in Connecticut, the Republican incumbent will be hard to beat because of the advantages of incumbency and money. A recent University of Connecticut poll, conducted in late July, showed Moffett with 39% and Lowell Weicker with 35%. The race is close and is definitely winnable for Moffett.

Bush's withdrawal does create one major problem. Weicker will now have the huge financial resources of the Republican Party behind him—and his own personal fortune. Weicker is a millionaire by inheritance. Toby Moffett, whose father was a caretaker on a Connecticut estate, will be wholly dependent upon the contributions of those who agree with him on the issues.

The Council for a Livable World regards the candidacy of Toby Moffett as an unusual political opportunity at a time when we desperately need one. Moffett is a leader—a potential John Culver. He is young, bright, aggressive, effective, reliable and he has political acumen. If elected to the Senate, he will make his mark on the issues of nuclear arms control.

If you wish to contribute to the Moffett campaign, please make your check payable to TOBY MOFFETT FOR U.S. SENATE and mail to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, Mass. 02108

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One of the founding members of the New Right, Senator Orrin Hatch of Utah, is extremely vulnerable this year to a challenge by the Democratic Mayor of Salt Lake City, Ted Wilson. This is a race that will be watched across the country to see if conservative Utah is prepared to send a message to the rest of the country that the radical right has passed its high water mark. Two months before election day, the polls show Hatch with only a slender lead.

Senator Hatch had one of the most rapid rises in American politics. A long-time supporter of Ronald Reagan, he never held political office until he defeated the incumbent Senator Frank Moss in 1976 in a stunning upset. During his first years in the Senate, Hatch seemed almost feverish in his advocacy of New Right causes, and many of his colleagues seemed to regard him as a fanatic.

Hatch's intensity is particularly evident in his record on arms control issues. In 1981, out of eleven bellwether votes selected by the Council for a Livable World [illegible] he was absent for the eleventh. Some of those votes were: for the MX missile; for the B-1 bomber; for the Clinch River Breeder Reactor; for chemical weapons.

In 1982, Hatch voted again for the production of chemical weapons, for the Reagan proposal to build two new aircraft carriers, and against the amendment offered by fellow Republican Senator Nancy Landon Kassebaum to reduce the military budget by 1.3 billion dollars for fiscal year 1983.

Senator Hatch was a vociferous opponent of the SALT II Treaty and led the opposition to the confirmation of Paul Warnke as President Carter's chief arms control negotiator. He opposes a Comprehensive Test Ban and favors construction and deployment of neutron bombs. He is also a declared opponent of the Nuclear Weapons Freeze.

Hatch's political strength has been steadily eroding, partly because of his style and personality. He has been described as pompous and arrogant, an ideologue and a polarizer who has made many enemies. This contrasts sharply with his fellow Republican Senator Jake Garn, who has a similar voting record but is not perceived negatively by the voters of Utah.

Ted Wilson is an entirely different kind of person. He has an easy and winning personality and is respected by both friend and foe. Wilson has been one of the most productive and popular mayors in the history of Salt Lake City. He has worked closely with local officials throughout the state on a number of issues, and consequently has very high and favorable recognition among the voters. Wilson is receiving significant political support from Governor Scott Matheson and former Governor Calvin Rampton, both popular Democrats.

Ted Wilson was born, bred and educated in Utah. Married and the father of five children, he holds degrees in Political Science, Economics and Education. He is currently serving his second term as Mayor of Salt Lake City. Before that he was Social Services Director for Salt Lake County, and Administrative Assistant to Congressman Wayne Owens (D-Utah) in Washington, D.C.

On the national level, Ted Wilson has gained recognition usually reserved for the mayors of much larger cities. He serves on the Board of Directors of the National League of Cities, on the Board of Trustees of the U.S. Conference of Mayors, as Chairman of the Energy and Environment Committee of the U.S. Conference of Mayors, and he has been on the National Water Policy Task Force. He is a strong environmentalist and opponent of Secretary Watt's misinterpreted Wilderness Protection Act.

The Mormon Church is a dominant institution in Utah. The Mormon Hierarchy takes stands on secular matters, economic and political. For example, it came out against the MX missile system that the Carter Administration proposed placing in Utah and Nevada, and has demonstrated great concern about the nuclear arms race. Wilson reflects this position; Hatch does not. Both candidates are Mormons, and the Church is expected to be neutral in the contest.

Wilson is a strong supporter of the Nuclear Freeze. In fact, this past June, he led the successful drive to put the U.S. Conference of Mayors on record endorsing a Nuclear Freeze resolution.

Wilson was an early and strong opponent of deploying the MX missile in Utah.

Wilson says, "I am personally concerned about the shift in our strategic planning regarding the Soviet Union. I cannot and will not accept the idea that the United States of America would initiate a nuclear confrontation. Nuclear war is not winnable."

Wilson supports ratification of the SALT II Treaty.

Wilson opposes abrogation of the 1972 ABM Treaty.

Wilson favors a Comprehensive Test Ban.

Wilson opposes the production of chemical weapons.

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Attachment 1, p59

At [illegible] time Wilson suppo[illegible] strong national [illegible]icy, but he insists that [illegible] money be spent [illegible]ly.

At the July 10, 1982 Democratic state convention, Wilson gave a strong exposition of his balanced views: "The Reagan Administration has written [the Pentagon] a blank check. . . . They've opened up the candy store. . . . And what's happened is just what you'd expect. We see the B-1 bomber pulled out of the closet, an aircraft that was considered obsolete 10 years ago. We see the M-1 tank so sophisticated that it can't fight anything other than interstate freeways. We see hundreds of millions of dollars to bring 40-year old battleships out of mothballs. . . . The list goes on and on."

"Again, my Republican opponent has voted right down the line to give the Pentagon *carte blanche*. Is that fiscal responsibility? Is that leadership? Is that fairness? No, it's Orrin Hatch."

Wilson's statement continued by strongly endorsing control of nuclear arms: "Is it fairness for all to continue to stockpile nuclear warhead on top of nuclear warhead? It is time to establish a mutually verifiable nuclear freeze. It is time to sit down at the bargaining table and make disarmament happen."

The polls of public opinion show that Wilson has a very good chance of defeating Hatch in November. That is why Hatch is considered "very vulnerable" by most political experts. In September, 1981, even before Mayor Ted Wilson had announced his candidacy for United States Senate, he ran only 18 percentage points behind incumbent Senator Orrin Hatch. The next poll, taken in January, 1982, revealed Hatch with 49% and Wilson with 42%.

The most recent polls show Hatch clinging to his narrow lead. In terms of funds, however, Hatch had already raised $1.9 million as of June 30 compared to $315 thousand for Wilson. Wilson predicts that his campaign will have to raise at least $750,000 to win.

The Council for a Livable World's first mailing for Wilson was very successful. Senator Hatch, in reaction, criticized the Council as being "anti-defense oriented, liberal and inappropriately trying to play politics with our national security interests." (*Salt Lake Tribune*, July 29, 1982)

The Council for a Livable World urges you to double your support for Mayor Ted Wilson because of his commitment to serious nuclear arms control and because Senator Orrin Hatch deserves to be defeated.

If you would like to make a financial contribution, please make your check payable to WILSON FOR UTAH COMMITTEE and mail to

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11 Beacon Street
Boston, Mass. 02108

Attachment 1, pg 60

Peace PAC - correspondence

PEACE PAC

FOR THE PREVENTION OF NUCLEAR WAR

100 Maryland Avenue, N.E. • Washington, D.C. 20002

Paul Warnke, Chairman

TO: Activists for the Prevention of Nuclear War

FROM: Paul Warnke, Former Chief U.S. SALT Negotiator

SUBJECT: How to elect a U.S. Congress in 1982 committed to freezing and reducing nuclear arms.

This year, we have the best opportunity we have had in many years to make significant progress in controlling the menace of nuclear weapons.

All over the country millions of people -- in town and city council meetings, on college campuses, in churches, in state legislatures -- are now activated to run petition drives, ballot referenda and other citizen action programs to let our government know that we want an end to the nuclear arms race.

Yet all of this effort will be in vain unless we can elect a Congress in 1982 that shares this commitment and is willing to act on it.

We do not have such a Congress now!

- A clear majority of the 435 members of the House of Representatives must get behind the Nuclear Freeze Resolution -- and get it implemented -- in order to achieve meaningful arms control.

- Our current Congress has given its early approval to the Reagan Administration's request for massive increases in military spending -- including billions for the development of new nuclear weapons -- including the MX missile and sea and land-launched cruise missiles that will only escalate the arms race.

PEACE PAC Board of Directors

Barry Commoner, Executive Director, Women's Campaign Fund • William Dodds, Former Political Director, United Auto Workers • Robert F. Drinan, Former U.S. Representative • John Kenneth Galbraith, Professor of Economics, Harvard University • Jerome Grossman, President, Council for a Livable World • William Holayter, Political Director, International Association of Machinists • John Isaacs, Legislative Director, Council for a Livable World • George Kistiakowsky, Chief Science Advisor to President Eisenhower • Admiral John M. Lee, U.S. Navy (retired) • Herbert Scoville, Jr., President, Arms Control Association • Stephen M. Thomas, Political Consultant • Paul C. Warnke, Former Director of U.S. Arms Control and Disarmament Agency and Chief U.S. SALT Negotiator • Edith Wilkie, Executive Director, Members of Congress for Peace Through Law. Affiliations for Identification Only.

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Can we translate the current public interest in nuclear arms control into tangible legislative accomplishments?

We can and we must if 1982 is to be the beginning of a new era in world peace.

That is why I have joined with others to begin a new and different kind of political action committee.

We have called it PEACE PAC. It has one purpose and one purpose only -- to elect a Congress committed to the prevention of nuclear war.

This is how it will work:

- PEACE PAC was organized as an affiliate of the Council for a Livable World, founded in 1962 by nuclear scientists concerned with the menace of nuclear war. Since its inception in 1962, the Council has provided more than 2 1/2 million dollars to candidates for the U.S. Senate.

  Recognizing the increasing importance of the House of Representatives on such issues as measures to freeze and reduce nuclear arms and military spending, the Council for a Livable World helped organize PEACE PAC to support candidates for the House.

  To launch PEACE PAC, the Council is providing operating expenses so that maximum contributions can be made by PEACE PAC to deserving candidates in critical House campaigns.

- We are asking people like you to join with us in giving your financial support to create a political action fund that will be used to support candidates for the House, regardless of party, who will work to prevent nuclear war.

- By pooling contributions from thousands of people committed to nuclear arms control, we will be able to provide financial support to candidates -- support that will help to counter the huge political warchests of those opposed to nuclear arms control. It is no surprise that the very candidates PEACE PAC will support are those most vehemently opposed by the Right Wing political action committees.

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- In addition to financial assistance, PEACE PAC will provide candidates with research support on nuclear issues and military spending and will assist selected campaigns in reaching committed individuals to act as campaign volunteers.

PEACE PAC has already announced the first group of candidates it will support in 1982. All have endorsed the nuclear freeze resolution and have demonstrated leadership on issues of international peace. They include:

1. Mike Barnes (incumbent - Maryland) Barnes is Chairman of the House subcommittee on Inter-American Affairs where he has opposed current Administration policies on military involvement and covert activities in Latin America.

2. David Bonior (incumbent - Michigan) Bonior has been a leader in the House opposing the resumption of the production of chemical weapons by the U.S.

3. George Brown, Jr. (incumbent - California) Brown is a high-ranking member of the Science and Technology Committee of the House where he has been an advocate of peaceful uses of the space program.

4. Bob Carr (challenger - Michigan) Carr is trying to recapture a seat he lost in the Reagan landslide. While in the House, he was an activist member of the Armed Services Committee supporting nuclear arms control and reduced military spending.

5. Tom Downey (incumbent - New York) Downey is an expert in the House on the military budget and has been an outspoken advocate of nuclear arms control.

6. Dennis Eckart (incumbent - Ohio) Eckart has been the leader on nuclear proliferation issues in the House of Representatives.

7. Bob Edgar (incumbent - Pennsylvania) Like all of the endorsees, Edgar is a signer of the nuclear freeze resolution in the House of Representatives. He has focused on alleviation of world hunger.

8. Frances Farley (challenger - Utah) Ms. Farley led the fight against the MX deployment in Utah.

9. Barney Frank (incumbent - Massachusetts) Frank is an eloquent spokesperson for nuclear arms control in the House of Representatives.

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attachment 1, p96

10. Sam Gejdenson (incumbent - Connecticut) Gejdenson is one of the sponsors and leading supporters of the bill opposing U.S. production of chemical weapons.

11. Jim Leach (incumbent - Iowa) Leach has been a leader in the opposition to U.S. chemical arms production and has fought for international human rights.

12. Ruth McFarland (challenger - Oregon) Ms. McFarland was a co-sponsor of the nuclear freeze resolution in the Oregon legislature and is trying to unseat hawkish Denny Smith.

13. Matthew F. McHugh (incumbent - New York) McHugh has fought for international human rights and was an organizer of the nuclear freeze debate in the U.S. House of Representatives.

14. Claudine Schneider (incumbent - Rhode Island) Rep. Schneider was one of the organizers of the historic nuclear freeze debate in the House and chairs the arms control committee of the Members of Congress for Peace Through Law.

15. Paul Simon (incumbent - Illinois) Simon has been a consistent leader in the House in the fight against the MX missile. He was previously a member of the U.S. delegation to the United Nations Special Session on Disarmament.

16. Howard Wolpe (incumbent - Michigan) Wolpe is the Chairman of the House Foreign Affairs Subcommittee on Africa.

With your support, in the coming months PEACE PAC will be endorsing many other candidates. Our support will go only to candidates supporting nuclear arms control, only to those races where our support can make a difference, and only to those races where there is a clear difference between candidates.

Please join with me as an early sponsor of PEACE PAC.

We are at a very critical time in the struggle for a world safe from the threat of nuclear war.

All of our great gains in public and media interest in the nuclear issue will be lost unless we are able to translate it into concrete political action.

I urge you to join PEACE PAC by sending your contribution as soon as possible.

With your help, 1982 can be a landmark year in American politics -- the year in which we turn away from nuclear confrontation and toward a rational and safe world of the future.

Let's not miss this opportunity.

Attachment 1, pg 64

BUSINESS REPLY MAIL

First Class Permit No. 70420 Washington, D.C.

Postage Will Be Paid By Addressee

PEACEPAC
100 Maryland Avenue, N.E.
Washington, D.C. 20002

ontribution Enclosed
Support Candidates for Congress
ommitted to Nuclear Arms Control

TO PEACEPAC:

It's time there was a political action committee for those of us who are committed to nuclear arms control and international peace. Enclosed is my contribution to support candidates for the U.S. House of Representatives committed to nuclear arms control.

☐ $500 ☐ $250 ☐ $100 ☐ $50 ☐ $30 ☐ Other $ _____

(Please make checks payable to PEACE PAC and return in the enclosed envelope.)
PEACE PAC · 100 Maryland Avenue, N.E. · Washington, D.C. 20002

Attachment 1, pg 65

Peace Political Action Committee

Questionnaire For Candidates On National Security And Arms Control Issues

As a candidate for Congress in 1982, I will support [illegible]s to develop national security and arms control [illegible]les for the United States that avoid nuclear [illegible]nfr[illegible]ion and waste of resources.

[illegible]ecifically, I will support:

____An immediate, verified, mutual freeze on the [illegible]sting, construction and deployment of new nuclear [illegible]apons by both the United States and the Soviet [illegible]nion.

____Continuous negotiations by the Reagan Admin[illegible]ration with the Soviet Union to reduce existing [illegible]uclear weapons and to prevent nuclear war.

____The stated policy of the Reagan Administration [illegible] abide by the SALT II limits as long as the Soviet [illegible]nion does.

____The termination of the MX missile program.

____[illegible]e termination of the B-1 program.

____A continuation in force of the 1972 anti-[illegible]llistic missile (ABM) treaty between the U.S. and the [illegible].S.S.R. that limits the deployment of new ABM [illegible]stems.

____A negotiated end to *all* nuclear testing by the [illegible]nited States, the Soviet Union and other nuclear [illegible]owers.

____Efforts to limit the huge increase in military [illegible]ending planned over the next five years.

Executive Director
Women's Campaign Fund

William Dodds
Former Political Director
United Auto Workers

Robert F. Drinan
Former U.S. Representative

John Kenneth Galbraith
Professor of Economics
Harvard University

Jerome Grossman
President
Council for a Livable World

William Holayter
Political Director
International Association of Machinists

John Isaacs
Legislative Director
Council for a Livable World

Chief Science Advisor to President Eisenhower

Admiral John M. Lee
U.S. Navy (retired)

Herbert Scoville, Jr.
President
Arms Control Association

Stephen M. Thomas
Political Consultant

Paul C. Warnke
Former Director of U.S. Arms Control and Disarmament Agency and Chief U.S. SALT Negotiator

Edith Wilkie
Executive Director
Members of Congress for Peace Through Law

Affiliations for Identification Only

PEACE PAC is supported entirely by donations from individuals throughout the country. Your contribution is urgently needed to support candidates for Congress committed to nuclear arms control.

PEACE PAC
100 Maryland Avenue, N.E.
Washington, D.C. 20002

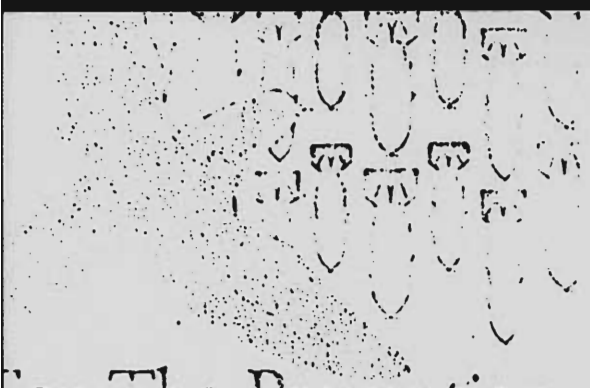
Paid for by PEACE PAC
A copy of our report is filed with, and available from, the Federal Election Commission.

PEACE PAC

FOR THE PREVENTION OF NUCLEAR WAR

100 MARYLAND AVENUE, N.E. • WASHINGTON, D.C. 20002

attachment 1, pg 66



For The Prevention Of Nuclear War...

CE PAC is the only grassroots political tion committee supporting candidates r the U.S. House of Representatives who e committed to specific nuclear arms ntrol measures and the prevention of uclear war.

How It Started

PEACE PAC is an affiliate of the Council for a Livable World, founded in 1962 by uclear scientists concerned about the enace of nuclear war.

Since its inception in 1962, the Council as provided more than 2½ million dollars ndidates for the U.S. Senate. More than 00 people in 50 states support the ench.

Recognizing the increasing importance of e House of Representatives on such issues measures to freeze nuclear arms and ilitary spending, the Council for a Livable Vorld helped organize PEACE PAC to pport candidates for the House.

To launch PEACE PAC, the Council is rowding operating expenses so that critical campaigns.

How Will Candidates Be Selected?

1. PEACE PAC research staff will review Congressional races throughout the country to identify candidates deserving support, regardless of party.

2. Candidates will also be recommended by PEACE PAC contributors and by cooperating organizations.

3. Candidates will complete and sign a questionnaire on nuclear arms control and military spending.

4. To be selected for support by PEACE PAC, candidates must support measures to freeze the nuclear arms race, reduce nuclear weapons and diminish the risk of nuclear war. They must also have demonstrated leadership on the issues of arms control and military spending.

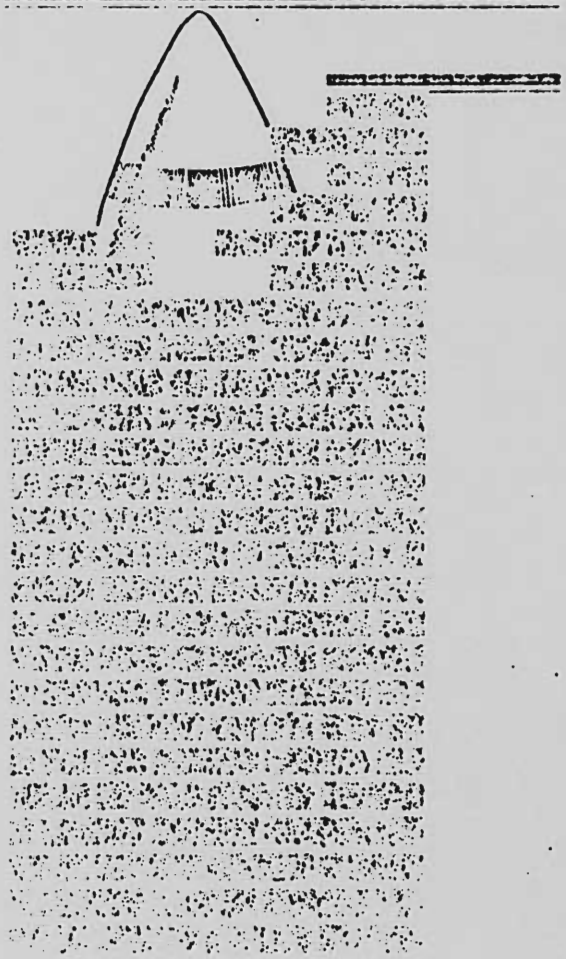
5. PEACE PAC's Board of Directors will make the final decisions for support. The Board was chosen to represent a wide range of political and scientific expertise.

What Kind Of Support Is Provided?

Candidates selected for PEACE PAC support will receive financial contributions for their campaigns, research and speech material prepared by PEACE PAC staff, and the organizational support of PEACE PAC in reaching and organizing committed individuals in their districts.

Members of the House of Representatives must get behind the Nuclear Freeze Resolution—and get it implemented in order to achieve meaningful arms control.

218 votes are needed



Attachment 1 Page 67

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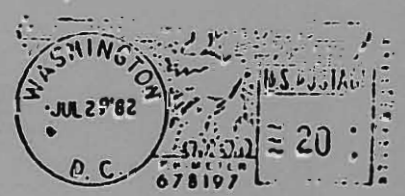

Make nuclear arms
a key issue
in the 1982 elections!

Marc E. Lackritz
Wald, Harkrader and Ross
1300 19th Street, N.W.
Washington, D.C. 20036

Attachment 1, p968

FEDERAL ELECTION COMMISSION

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

29 SEP 1978

Stephen M. Thomas, Acting Treasurer
Council For A Livable World
100 Maryland Avenue, N.E.
Washington, D.C. 20002

Dear Mr. Thomas:

This letter is prompted by our interest in assisting committees who wish to comply with the Federal Election Campaign Act.

During review of the April 10 Quarterly Report of Receipts and Expenditures, we noted that you omitted certain information or made apparent mathematical errors in certain entries. Attached is an itemization of the information requested.

While we recognize the difficulties you may have experienced in filling out the reporting forms, we must ask that you supply the Commission with the missing information within fifteen (15) days from the date of this letter. If you have any questions, please do not hesitate to contact Mark Kleiman in our Reports Analysis Division on the toll free number (800)424-9530. Our local number is (202)523-4048.

Sincerely,

Orlando B. Potter
Staff Director

Attachment
FEC Form 12

attachment 1, 1969

1325 K Street, N.W.
Washington, D.C. 20463

TO: COUNCIL FOR A LIVABLE WORLD DATE: 23 APR 1978

I.D. NO.: C00029165

REQUEST FOR ADDITIONAL INFORMATION FOR THE April 10 Quarterly REPORT OF RECEIPTS AND EXPENDITURES COVERING THE PERIOD 1-1-78 THROUGH 3-31-78, PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

___ Coverage Dates ___ omitted or ___ incorrect

___ Signature ___ omitted or ___ incorrect

___ Summary Page Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Detailed Summary (Page 2) Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Schedule Totals ___ disagree with Detailed Summary (Page 2) or ___ omitted

___ Date(s) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Full Name(s) Omitted for Schedule(s) ___ Line(s) ___

___ Mailing Address(es) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Occupational Descriptions ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Principal Place(s) of Business ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Aggregate Year-to-date Totals ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

X Nature or Purpose of Expenditure ___ omitted or ___ inadequate for Schedule(s) B Line(s) 20A SEE PAGE TWO

___ Nature or Purpose of Receipt ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Inadequate Description of ___ proceeds ___ dates ___ events ___ location of Schedule ___

___ Other: ___

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Disclosure Division toll free at (800) 424-9530. The local Washington, D.C. telephone number is (202) 523-4048.

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

FEC FORM 12
(Revised April 1977)

Attachment 1, pg 70

Please clarify the nature of the in-kind contributions. It would seem that by the description of the in-kind contributions as "Printing" to the candidates as indicated by your report, and the subsequent earmarked contributions by individuals to these same candidates, that there was a relationship between the in-kind contributions and the earmarked contributions.

In addition, please clarify if there was any coordination between your committee and the applicable candidates and/or candidate committees in preparing the content of the "Printing" costs. If this was the case, then under Section 110.6(d)(2) of the Federal Election Commission Regulations, all of the subsequent earmarked contributions may be attributable to your committee, as having exercised direction or control over the recipient candidate and/or committee.

Please respond accordingly.

Also note, that the above also refers to any other report filed by your committee with a similair reporting pattern.

Attachment 1, pg 71

November 15, 1978

Orlando B. Potter
Staff Director
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Potter:

This letter is in response to your letter of September 29, 1978, and its request for more information about the "in-kind contributions" listed at Schedule B for Line 20d in the Council for a Livable World ("Council") Report for the Quarter Ending March 31, 1978 (ID C00029165). The request for additional information (attached hereto) asked for a clarification of the relationship between the Council's "in-kind" contributions and the unmarked contributions by individuals to candidates, and also asked for a clarification of whether there was any coordination between the Council and the applicable candidates in preparing the content of the printing distributed by the Council. This letter responds to both of these concerns and, I hope, will clarify any questions that the Commission may have concerning the Council's method of operation.

The Council for a Livable World, a non-partisan and non-partisan organization, was founded in 1962 by a group of scientists headed by nuclear physicist Leo Szilard, the discoverer of the nuclear chain reaction, who were concerned about the proliferation of nuclear weapons and about the need to encourage discussions regarding control of such weapons. The Council's primary objective has been to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations. In attempting to focus Congressional attention on these arms control issues, the Council has engaged in lobbying efforts, conducted seminars for Congressional members and staff, and compiled and distributed publications on relevant issues. As a part of its activities to establish sensible arms control limitations policies, the Council for a Livable World has expended part of its resources and energy in educating and informing its supporters, by mail, on a non-partisan basis, about candidates in elections to the United States Senate. This activity is part of the multi-faceted Council strategy intended to initiate and encourage discussions in the executive and legislative branches concerning arms control issues.

Attachment 1, pg 72

The Council for a Livable World also seeks to educate the [illegible] at the implications of the use of nuclear, biological, and chemical weapons and to research the policies of candidates for the United States Senate. Individual supporters of the Council's activities are a very diverse group of about 8,000 individuals, united only by their interest in these policy issues. There is no economic leverage or any other means of control that the Council can use to influence the actions of its individual supporters. Thus, the Council for a Livable World is federally a non-partisan, not-candidate or issue organized ground [illegible] policy issues, which makes it very distinct from the more usual partisan committees organized solely for the purpose of affecting the outcome of political elections.

In election years, on the basis of its own independent research into the issues involved, the Council selects a few Senate candidates about whom it distributes material to Council supporters suggesting that they consider sending checks payable to clearly identified campaign committees of the selected candidates. The selection of candidates by the Council is non-partisan and is done wholly independently, based solely on research by Council staff into the policy positions advocated by the various candidates.

The "Six-Point Contribution", reported on line 29A and listed on Schedule B of the Council's April 10, 1978 report came as the printing of a mailing sent to Council supporters about Mr. William Roy, Democratic candidate for the Senate from Kansas, and Congressman Max Baucus, Democratic candidate for the Senate from Montana.

This material was compiled, written, and produced solely by the staff of the Council for a Livable World. The contacts between the Council and the candidates' campaigns were quite minimal in these circumstances. The Council staff obtained from each candidate's campaign office a copy of the candidate's biography, a picture of the candidate, and copies of any issue papers of the candidate that had been prepared in the ordinary course of the campaign. On the basis of this information and other public information, the Council staff by itself wrote the material and prepared the mailings to Council supporters. The campaign staffs did not assist in either the writing or the production of the literature. The mailings explained the significance of the Council and the candidates' positions on various issues raised. They also suggested that, depending on the part of the alphabet in which the first letter of the supporter's last name was, the supporter could consider making a contribution to the Council itself or to a particular candidate by making out a check payable to the Council or the candidate's campaign committee. Supporters were advised to return any checks payable to the Council or to a candidate in the envelope provided. The Council thus acted merely as a conduit or intermediary and passed on the contributions to the relevant candidate for whom they were intended.

The other contact between the Council and the relevant candidates' campaigns was a pro forma authorization signed by the candidates authorizing the Council to send the mailings. This pro forma authorization was

Attachment 1, p973

[illegible] 2 U.S.C. [illegible]), [illegible] [illegible] in the [illegible]'s [illegible] regarding the [illegible] of the mailing [illegible].

There was no "consultation" whatsoever between the Council and the applicable candidates and/or candidate committees in preparing the content of the mailings.

In addition, I should note that the Council has reported portions of the printing expenditures as "in-kind contributions" only because an opinion of the Council for 1974 by the Office of the Secretary of the [illegible] Council that the [illegible] of these mailings should be [illegible] from a [illegible] [illegible] in [illegible] therein by the Council." (Letter to Mr. [illegible] M. [illegible] from [illegible] B. [illegible], [illegible] 26, 1974.) 2/

If the Commission or staff now believes that these mailing expenses should be reported instead as "independent expenditures", the Council will of course fully comply with that determination.

However, if the Commission or the staff intend to make findings of fact or law that are inconsistent with the present opinions or practices of the Council, the Council respectfully asks for an opportunity to present a legal analysis on the different issues of fact and law prior to any [illegible] finding. There is little law in effect if the Commission or staff intend to make any such adverse finding.

[illegible] [illegible] [illegible].

Sincerely yours,

Stephen H. [illegible]
Acting Treasurer

Enclosure

cc: The Honorable J. [illegible] [illegible], Secretary of the Senate
Mr. Mark [illegible], Reports Analysis Division, Federal Election Commission

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2/ The portions of the printing expenditures reported as "in-kind contributions" to a particular candidate are directly proportional to the percentage of Council supporters in the section of the mailing that is to consider contributing to a particular candidate.

Attachment 1, p97

WALD, HARKRADER & ROSS

WASHINGTON, D.C. 20036

JOEL E. HOFFMAN
JUDITH RICHARDS HOPE
STEPHEN B. KITS, JR.
MARC E. LACRITZ
TERRY F. LENZNER
ROBERT M. LICHMAN
THOMAS C. MATTHEWS
C. WESTBROOK MURPHY
TERRENCE ROCHE MURPHY
DANIEL F. O'KEEFE, JR.
LEWIS M. POPPER
WM. WARFIELD ROSS
MARK SCHATTNER

THOMAS J. THOMAS
ROBERT A. SPITOL
STEPHEN M. TRUITT
THOMAS M. TRUITT
ROBERT L. WALD
KEITH S. WATSON
DAVID B. WEINBERG
WILLIAM R. WEISSMAN
JAMES DOUGLAS WELCH
GERALD B. WETLAUFER
STEVEN K. YABLONSKI
ANTHONY L. YOUNG

MARK N. BRAVIN
CHRIS J. CONAHAN
JOHN F. DALY
JAMES H. DAVIS *
DAVID G. EPSTEIN *
VAUGHAN FINN
D. MICHAL FREEDMAN
MARY GRAHAM
GILBERT E. HARDY

LUCY REED HARRIS
NANCY H. HENDRY
EDWARD E. HONNOLD
SUSAN J. KASSELL
DANIEL L. KOFFSKY
JUDITH E. LESSER
JEFFREY F. LISS
JANE ELIZABETH LOVELL
MICHAEL D. LOWE

LESLIE D. MICHELSON
GLORIA C. PHARES
BARBARA E. PRICE
JAY A. RESNICK
JANET M. ROBINS
STEVEN E. SILVERMAN
RANDALL LEE STROCK
ANN ADAMS WILLSTER

* NOT ADMITTED IN D.C.

CABLE "WALDHARKRADER"
TELEX 89-2391 (WHR)

DALLAS OFFICE

1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
(214) 741-8241

ROBERT M. COHAN
RESIDENT PARTNER

SELMA M. LEVINE (1924-1975)

OF COUNSEL
PHILIP ELMAN
DON WALLACE, JR.

March 12, 1980

TOTAL P.17

Ms. Marybeth Tarrant
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1028

Dear Ms. Tarrant:

Enclosed are answers to the questions of the Commission directed to "Stephen A. Thomas" (sic) of the Council for a Livable World ("Council") by the Commission on February 14, 1980. Copies of documents requested by the Commission are attached to these answers.

No further action should be taken by the Commission on this matter. First, the Council exercises no control or direction over its supporters' earmarked campaign contributions. Second, the "direction or control" language of 11 C.F.R. § 110.6 (d)(2) of the Regulations is inconsistent with the Congressional intent in enacting the contribution limitations at 2 U.S.C. § 441a(a)(2)(A). Third, if the Commission now plans to delineate the meaning of "direction" in 11 C.F.R. § 110.6(d)(2), the requirements of due process mandate that the Commission proceed by rulemaking, subject to notice and comment by interested parties, rather than by a single enforcement action against the Council. These points are more fully discussed below.

The Council, a non-profit and non-partisan voluntary association, was founded in 1962 by a group of scientists, headed by nuclear physicist Leo Szilard, who were concerned about the proliferation of nuclear weapons and about the need to encourage

Attachment #1, pg 75

discussions concerning control of such weapons. Ever since its founding, the Council's primary objective has been to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations.

In attempting to focus attention on these arms control issues, the Council has engaged in lobbying, conducted seminars for Congressional members and staff, and compiled and distributed publications on arms control issues. In addition, the Council educates and informs its supporters, on a non-partisan basis, about candidates for the United States Senate and about current legislative initiatives and issues in the area of arms control.

In election years, on the basis of its own independent research into the issues and the candidates, the Council endorses a number of candidates for the United States Senate. Descriptions of these candidates and their opponents, prepared by the Council staff, are directly mailed to the Council's supporters. In the letter enclosing this material, it is suggested that Council supporters consider making contributions to the endorsed candidates' campaign committees or to the Council according to an alphabetical division of supporters by name. All contributions are mailed back to the Council, which merely forwards them on to the intended recipients.

The Council clearly does not exert control or direction over its supporters' earmarked contributions. Nor does the Council exert control or direction over its supporters' individual choices of recipient candidates for their contributions. Typically, two profiles of Council-endorsed candidates are enclosed in each election-year mailing. The Council supporter receiving the mailing has a myriad of available options: he/she may make a contribution to one Council-endorsed candidate or the other, to both, or to neither. The choice of a recipient candidate for a campaign contribution is thus <u>solely</u> in the control of the Council supporter who receives the mailing.

The Council's supporters are a very diverse group of about 10,000 individuals who are united only by their interests in arms control policy issues. The Council thus can exert no economic or political leverage nor any other means to control or direct the choices of its individual supporters. As a non-partisan, multi-candidate committee organized solely around broad substantive policy issues rather than economic interests, the Council is very different from the more typical corporate and union political action committees and partisan committees organized only for the purpose of affecting the outcomes of federal elections. The Council's interests are much broader and issue-oriented. As a result, the Council exercises no more "control or direction" than does a newspaper or a public figure who endorses a particular candidate.

Attachment 1, pg 76

The endorsement of a political candidate by a non-partisan, issue-oriented committee such as the Council is an act of free speech constitutionality protected by the First Amendment. Any determination by the Commission of probable cause that the Council has violated 2 U.S.C. § 441a(a)(2)(A) or section 110.6(d)(2) of the Commission's Regulations would seriously impede and abridge the Council's First Amendment rights.

Second, the language in the Regulations at 11 C.F.R. § 110.6(d)(2), upon which the Commission relies, is inconsistent with the Congressional intent in enacting the contribution limitations at 2 U.S.C. § 441a(a)(2)(A). The Commission has noted "reason to believe" that the Council may have violated the contribution limitations of 2 U.S.C. § 441a(a)(2)(A) because the Council "exercised direction over the earmarked contributions of its supporters," as outlined at 11 C.F.R. § 110.6(d)(2). And yet Congress intended for the contribution limitations of 2 U.S.C. § 441a(a)(2)(A) to be applied only when a committee exercised "control" -- not "direction" -- over the making of a contribution.

Specifically, the Conference Report on the Federal Election Campaign Act Amendments of 1974 stated that:

> It was the understanding of the Committee on House Administration . . . that the following rule would apply with respect to the application of the contribution limitations established by subsection (b) [now subsection (a)]: if a person exercises any direct or indirect control over the making of a contribution, then such contribution shall count toward the limitation imposed with respect to such person under subsection (b), but it will not count toward such a person's contribution limitation when it is demonstrated that such person exercised no direct or indirect control over the making of the contributions involved.
>
> * * *
>
> The conferees agree with the analysis of the House. . . .
>
> Conference Report No. 1237, Senate Report No. 93-689, reprinted in 1974 U.S. Code Congressional and Administrative News 5620-21 (emphasis added).

The term "direction or control" as used in 11 C.F.R. § 110.6(d)(2) is thus broader than and inconsistent with the

attachment 1, p977

Congressional intent in enacting 2 U.S.C. § 441a(a)(2)(A). It would be anomalous and unlawful for the Commission to use a different standard to apply the contribution limitations section to the Council than the standard that Congress clearly intended in enacting the law. Since the Council has obviously not exercised "direct or indirect control over the making of the contribution involved," it has not violated 2 U.S.C. § 441a(a)(2)(A).

Finally, if the Commission now plans to delineate the meaning of "direction" at 11 C.F.R. § 110.6(d)(2), it should proceed by rulemaking, subject to notice and comment by all interested parties, rather than by a single enforcement action against the Council. The "Notification of Reason to Believe Finding" states that the Council "exercised direction over the earmarked contributions of its supporters . . . by suggesting to its supporters that they contribute to the candidates whom the Council has selected." (emphasis added.) Although 11 C.F.R. § 110.6(d)(2) uses the term "direction or control," the term "direction" is not defined anywhere in the Commission's regulations, nor has it been defined in any litigated decisions or advisory opinions.*/

The Council understands that some other issue-oriented political action committees either send or are considering sending mailings to their supporters similar to those sent by the Council. Moreover, the Council has sent these types of mailings to its supporters since its founding in 1962, and this procedure was approved by the Secretary of the Senate as recently as 1974.

Among the procedural options available to the Commission, rulemaking is the only fair and appropriate mechanism for acting legislatively and adopting new policies or new definitions of regulations. Enforcement proceedings such as this, by their very nature designed only to prescribe specific remedies on the basis of the particular facts in a confined record, cannot provide an adequate framework for formulating a new rule of general applicability. As the Federal Trade Commission has stated:

> The focus in adjudication is on settling a dispute over past practices, and while a rule may be announced in the process, it tends to be done incidentally and without

---

*/ AOR 1976-92 dealt with a corporate PAC and did not discuss the issue or definition of "direction." AOR 1975-10(C) was concerned only with "control" by a committee over the "earmarked contributions." The Council is aware of no other advisory opinions on this issue.

Attachment 1, pg 78

> sufficient concern for laying down clear guidelines for the future. Most often, rules contained in adjudicative decisions, whether judicial or administrative, are not designated as rules or stated in the form of rules. The rule must be inferred from the language of the opinion and the facts of the case; it is implicit rather than explicit; and it may remain controversial and uncertain until many subsequent adjudications have refined and clarified it. It may take a long time for a rule even to be recognized and understood as such. */

In contrast, rulemaking can lead to the establishment of a rule articulated in direct and unambiguous language and supported by evidence and comments in the record. Congress, **/ the courts,***/ academic commentators,****/ and other agencies such as the Federal Trade Commission,*****/ have consistently emphasized the inadequacy of adjudication as compared to rulemaking in the development and promulgation of innovative policies affecting the general public and many parties.

Because many political action committees may be directly affected by the Commission's interpretation of the term "direction" in 11 C.F.R. § 110.6(d)(2), all such parties should have the opportunity to participate in a proceeding to explore such an interpretation before it is adopted. In addition,

---

*/ Statement of Basis and Purpose of Trade Regulation Rules [Cigarette Advertising], 29 Fed. Reg. 8325, 8367 (July 2, 1964).

**/ See, e.g., House Comm. on Interstate and Foreign Commerce H.R. Rep. No. 93-1107, 93d Cong., 2d Sess. 32 (1974)

***/ See NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969); SEC v. Chenery Corp., 332 U.S. 194, 202 (1947); National Nutritional Foods Ass'n v. Weinberger, 512 F.2d 688, 698 (2d Cir. 1975); National Petroleum Refiners Ass'n v. FTC, 482 F.2d 672, 681 (D.C. Cir. 1973), cert. denied, 415 U.S. 951 (1974).

****/ See K. Davis, Administrative Law § 6.15 (1970 Supp.).

*****/ See Statement of Basis and Purpose of Trade Regulation Rules [Cigarette Advertising], 29 Fed. Reg. 8325, 8367 (July 2, 1964); Trade Regulation Rules Embodying Case Law Principles, 41 Fed. Reg. 3322 (1976).

attachment 1, pg 79

"rulemaking procedures . . . encourage broad participation on the part of interested parties and . . . result in a bright-line standard of conduct in appropriate cases, [serving] the threefold interest of clarity, uniformity, and fairness to the regulated industry."*/

Only through rulemaking will a new policy take effect on a date certain with ample notice to all affected parties. No political action committee would be penalized or stigmatized for the failure to act in accordance with entirely new principles and new definitions neither announced nor anticipated.

The Supreme Court has twice noted that "there may be situations where [in agencies] reliance on adjudication [rather than rulemaking] would amount to an abuse of discretion," NLRB v. Bell Aerospace Co., 416 U.S. 267, 294 (1974); NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969). The Commission would exceed the limits of its discretion here in seeking to define the term "direction" as used in 11 C.F.R. § 110.6(d)(2) through an enforcement action rather than a rulemaking proceeding.

For all of the foregoing reasons, the Office of the General Counsel should recommend that no further action on this matter be taken by the Commission. In addition, I would like to request a meeting with you at your earliest convenience to discuss this matter. Thank you for your consideration.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Counsel to Council for a
Livable World

MEL:cmb

Enclosure

---

*/ Preservation of Consumers' Claims and Defenses Proceeding, 40 Fed. Reg. 53506, 53522 (1975).

Attachment 1, p980

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of: Council for a Livable World	MUR 1028

Responses to Questions from the FEC

The Council for a Livable World hereby responds to the following questions from the Federal Election Commission:

These questions concern the Council's 1978 activity in regard to the following Senatorial candidates: Baucus (MT), Bradley (NJ), Clark (IA), Fraser (MN), Haskell (CO), Hathaway (ME), Levin (MI), Ravenel (SC) and Roy (KS).

1. Explain in detail your solicitations/mailing system. Include answers to the following:

(a) How an individual comes to receive a solicitation mailing.

ANSWER: Mailings were sent out to all supporters of the Council for a Livable World ("Council"). Supporters of the Council are those individuals who have made a contribution, in any amount, directly to the Council for its support.

(b) Explain the significance of the first letter of a supporter's last name in the fundraising process.

ANSWER: See the sample mailings at Tab B. In the typical mailing, profiles of two candidates are enclosed. On the solicitation card, as an example, it is suggested that, unless they have a preference to the contrary, contributors with last names beginning with letters from A to G should consider making contributions to one candidate, contributors with last names beginning with letters from H to Q should consider making contributions to the

Attachment 1, pg 81

ndidate, and contributors with last names beginning
tters from R to Z should consider making a contribution
Council.

(c) How many candidates are involved per mailing?

There are from one to three candidates involved in
iling. In 1978 there were usually two candidates in-
in each mailing.

(d) Set out the reasons for obtaining written
zation from the candidates involved.

The Council obtained written authorizations from the
tes involved on the advice of counsel to ensure compli-
th proposed FEC regulations governing the solicitation
eipt of contributions by multi-candidate political com-
. Moreover, the Council wanted to comply with 2 U.S.C.
) which required disclosure in the direct mailing itself
authorization by a candidate.

(g) Please furnish copies of any

(i) written authorization forms used by the can-
s.

See Tab A for a typical authorization form.

(ii) any written correspondence between the
and the candidates including copies of position papers
graphies supplied by the candidates.

There was no such written correspondence. Contacts
the Council and the candidates' campaigns were made by
ne.

(iii) copies of the solicitations that were used.
are identical, please specify and submit a sample solici-
)

Attachment 1, p982

ANSWER: See Tab B for solicitations from the 1978 campaign, and profiles of candidates.

(f) How many individual mailings were sent on behalf of each candidate.

ANSWER: Dancus - 3 mailings to Council supporters were sent.

Bradley - 1 mailing to Council supporters was sent.

Clark - 2 mailings to Council supporters were sent.

Fraser - 1 mailing to Council supporters was sent.

Haskell - 1 mailing to Council supporters was sent.

Hathaway - 1 mailing to Council supporters was sent.

Levin - 1 mailing to Council supporters was sent.

Ravenel - 3 mailings to Council supporters were sent.

Roy - 2 mailings to Council supporters were sent.

(g) Explain how earmarked money is transferred to the intended recipient.

ANSWER: After a mailing was sent out, the contributions to a particular candidate that were sent in were collected every day, and a transmittal sheet was prepared showing individual contributors' names and addresses, and, for contributions over $100, occupations and place of business. Also shown on the transmittal sheet was the date of receipt of the contribution and the date it was being sent to the campaign. The collected checks and the transmittal sheet for each day were then sent out the next day to the individual candidates' campaigns.

(h) How the cost of these mailings is paid and how they are allocated among the candidates.

Attachment 1, p983

ANSWER: The cost of these mailings was paid out of the treasury of the Council and was allocated to the particular candidates involved in the mailing according to the percentage of Council supporters who were asked to consider contributing to the particular campaign.

2. In connection with the Council's obtaining of materials from a candidate's campaign committee, set out

(a) who in each committee was contacted

ANSWER: Dawson - Steve Browning, Administrative Assistant

Bradley - Susan Thomases, Campaign Manager

Clark - Bob Miller, Staff Aide

Fraser - Eric Nathanson, Press Secretary

Haskell - Jill Buckley, Campaign Consultant

Hathaway - Ed King, Administrative Assistant

Levin - Robert Seltzer, Campaign Manager

Ravenel - Bee Gee Truesdale, Campaign Coordinator

Roy - Paul Pendergast, Campaign Manager

(b) who from the Council made such contacts

ANSWER: Steve Thomas

(c) the substance of any conversations with the candidate or campaign committee officials

ANSWER: Steve Thomas asked the individuals at each particular campaign to send him a biography of the candidate, an 8"x10" glossy photograph of the candidate, a list of the candidate's legislative achievements while in office, and any speeches or articles by or about the candidate on issues relating to arms control.

3. Please state how, if at all, any of the Council's procedures during the 1976 election differ from the procedures followed in 1978.

ANSWER: The Council's procedures during the 1976 election were the same as those followed in 1978.

The foregoing answers are true to the best of my knowledge and belief.

Marc E. Lackritz
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, D.C. 20036
Counsel to Council for a
Livable World

Stephen M. Thomas
Former President and Executive
Director, Council for a
Livable World

Sworn to and subscribed to before
me this 12th day of March, 1980.

Mary J. Allen
Notary Public

My Commission Expires May 14, 1983.

December 14, 1979

Mr. Stephen M. Thomas
Council for a Livable World
100 Maryland Avenue, N.E.
Washington, D.C. 20002

Dear Mr. Thomas,

I hereby authorize the Council for a Livable World to spend approximately $2,000.00 for a fundraising letter in behalf of my candidacy for the United States Senate to be mailed to the Council's 12,000 supporters on approximately January 11, 1980.

Pursuant to this authorization, I designate the Riggs National Bank, 9th & F Street, N.W., Washington, D. C. as the depository of the Council.

This authorization is not to be construed as a general authorization of the Council as a subsidiary committee of my campaign pursuant to the provisions of the Federal Election Campaign Act.

Sincerely,

Attachment 1, p986

January 12, 1978

Dear Council Supporter,

In this first mailing of the 1978 election year we urge your early and generous support for two outstanding candidates, Congressman Max Baucus of Montana and former Congressman Bill Roy of Kansas.

Congressman Baucus is seeking the Democratic nomination for the seat being vacated by retiring Senator Lee Metcalf whose own distinguished record earned him Council support in 1966 and again in 1972. Former Congressman Bill Roy is running for the seat being vacated by retiring Senator James Pearson.

Both Montana and Kansas represent fertile ground for serious challenges from the New Right, a growing coalition of right wing national organizations which are expected to move aggressively against progressive candidates in the 1978 elections. The most recent published reports indicate these groups have already amassed over $3.5 million which will be funneled into the Congressional elections.

Well-organized and well-financed, the New Right is certain wherever possible to oppose candidates who have favorable positions on issues of concern to the Council. This alone is an excellent reason for your early support of Max Baucus and Bill Roy. [illegible] detailed information on the two candidates and their campaigns.

For those supporters who have recently joined the Council we want to review briefly the Council's method of fundraising for candidates.

In our election appeals we normally ask supporters to make their checks payable either to a candidate's campaign committee or to the Council according to an alphabetical division of supporters by name. For example, in this mailing we ask those of you whose last name begins with the letters A-G to make your check payable to the Council, those whose last name begins with the letters H-Q to make your check payable to Roy for Senate and those whose last name begins with R-Z to make your

(over)

BOARD OF DIRECTORS

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Joyce Fordham, *Office Manager*
Terry Lenzner, *Counsel*
Maureen Murphy, *Associate Director*

100 Maryland Avenue, N.E., Washington, D.C. 20002. Phone: 202-543-4100. *Founded in 1962 by Leo Sz*

Attachment 1, pg 87

check payable to Caucus Committee '78. Supporters who are asked this time to contribute to the Council are normally offered an opportunity to contribute to Senate candidates in the next election appeal.

Supporters will occasionally have other than Council priorities in selecting candidates to support. The inclusion of the phrase "unless you have a special preference to the contrary, please make your check payable to..." is to assure that your political contribution goes to a candidate of whom you fully approve.

In the event you decide to support more than one candidate or wish to support the Council and a candidate, please make separate checks for each recipient. Checks made payable to the Council with instructions that the contribution should go to a campaign committee are not permitted by law and will have to be returned. Please return all contributions in the enclosed envelope.

Unlike our lobbying efforts which by their very nature must deal largely with specific legislation on a year to year basis, the election campaigns offer you the opportunity to have a direct impact on the course of legislation for years to come. We hope that you will participate actively in this election year.

Sincerely,

William Doering

William Doering
President

8304040 8

Attachment 1, pg 88

"There is no greater challenge facing America than the need to eradicate the threat of nuclear war."

Two years ago when former Senate Majority Leader Mike Mansfield announced his retirement, the Council and the country were fortunate to have a strong candidate, John Melcher, who was successful in his bid to win the vacated seat and who shared Mansfield's enlightened approach to foreign affairs.

Despite the sudden death of Senator Lee Metcalf, we are fortunate that once again a strong contender, Congressman Max Baucus, is running for the Metcalf seat. Baucus too shares the enlightened tradition of internationalism that has characterized Montana's representation in the United States Senate for many years.

In two brief terms Baucus has established a record in the House of Representatives which prompted former Senator Mansfield to comment that "Max Baucus is the best Congressman Western Montana ever had," a particularly generous statement coming from Mansfield who once represented the district himself.

A native of Montana, thirty-six year old Max Baucus entered government service in 1967 upon completion of law school, first as an attorney for the Civil Aeronautics Board in Washington and later as legal assistant to the Chairman of the Securities and Exchange Commission.

In 1972 he entered elective politics by winning a seat in the Montana House of Representatives with over 80% of the vote. Two years later he ran and was elected to Congress from Montana's First District. In 1976 he was the top votegetter among Montana's Democrats, winning reelection with 68% of the vote.

In his two terms Max Baucus has clearly established his own concern and understanding of the complex issues of arms control, national security, nuclear proliferation and international cooperation. In key floor votes he has consistently opposed the B-1 bomber and voted against funding for either development or production of enhanced radiation warheads - neutron bombs. He voted for a reduction in funding from $150 to $75 million for the Clinch River breeder reactor, a step that leaves the program alive but forestalls actual construction in the present year.

He voted against the provision, eventually adopted, that requires the Director of ACDA to report to Congress on the prospects for verification of arms control agreements under negotiation. This provision, in effect, places Congressional hardliners in a position to intervene in and even disrupt the ongoing negotiating process.

Max Baucus has had an impact rare for a newcomer to the House of Representatives. As a freshman, he was elected to serve on the powerful Appropriations Committee and, of [illegible] Montana, was chosen for the Subcommittee on Agriculture. In early 1977, as the 95th Congress was getting under way, Max Baucus was asked to join the House leadership as Assistant Majority Whip.

In the area of Congressional reform he has established an impressive record. During his first term he was chosen to serve as Chairman of the New Members Caucus Committee for a More Active and Effective Congress. More recently, he played a leading role in the successful effort to oust Congressman Robert Sikes (D-Fla.) from his Chairmanship of Appropriation's Subcommittee on Military Construction following revelations of a serious conflict between the former Chairman's official and private conduct.

Among the qualities which Max Baucus has consistently demonstrated in his work and in his dealings with his constituents are openness and directness. Early in his freshman term in Congress, he walked into a Senate-House Conference Committee meeting which was dealing with major tax legislation. The Conference was closed to the public and, as he soon learned, closed also to Members who were not themselves conferees. Max took the issue to the House leadership, and his persistent efforts

attachment 1, pg 89

[illegible] instructional in [illegible] to the public at large.

A similar openness has characterized his dealings with his constituents. He is the first Congressman in Montana's history to open three district offices, establish a mobile office and provide at his own expense toll-free phone access to his district office for his constituents.

In his bid for the U.S. Senate Max Baucus will need your early and generous support. This is more true in view of recent political developments in Montana following the death of Senator Metcalf. On January 22, Governor Thomas Judge appointed State Supreme Court Justice Paul Hatfield to the Metcalf seat. Hatfield is expected to run for election to a full term and could be a formidable opponent for Baucus in the primary. In 1976 he defeated the incumbent Chief Justice by a margin of 100,000 votes, one [illegible] in Montana's political history. Paul Hatfield is a [illegible] to [illegible] politics and Montana [illegible] of [illegible] issues and [illegible] in an interview with the Montana Associated Press when he said he has been buried in legal cases so long he probably knows less about national issues facing the Senate than the average citizen." By contrast Max Baucus has established a strong and distinguished record on issues of concern to the Council.

In the general campaign Max Baucus, nominated, is likely to face determined and heavily financed conservative opposition in the general election. As in 1976, Montana this year will be targeted by national right wing organizations as a prime opportunity to gain a senator as in 1978. Early Council support can help prevent that outcome. Please make your check payable to BAUCUS '78 COMMITTEE.

attachment 1, pg 90

8 3 0 4 0 4 4 0 3 5 7

Unless you have a preference to the contrary, please make your contribution according to this alphabetical arrangement by last name:

A-G, check payable to Baucus '78 Committee

H-O, check payable to Council for a Livable World

P-Z, check payable to Roy for Senate

If you make more than one contribution, please write separate checks for each.

[illegible] authorized by Roy for Senate committee and [illegible] committee.

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

Please fold and staple as indicated and return in envelope provided.

(10) Occupation

(11) Place of Business

(12) City (13) State

PLEASE CORRECT YOUR MAILING ADDRESS:

(01) Name

(03) Address

(04) City (05) State

(07) 782

Federal Election Commission
Acl Identification Number

attachment 1, pg 91

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Marc E. Lackritz
Wald, Harkrader & Ross
1300 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1028
Council for a Livable World

Dear Mr. Lackritz:

On July 23 , 1980, the Commission determined there was no probable cause to believe that your client had violated 2 U.S.C. § 441a(a)(3) and 11 C.F.R. § 110.6(d)(2). Accordingly, the file has been closed in this matter and it will become part of the public record within thirty days.

If you have any questions, please contact Marybeth Tarrant at (202) 523-4175.

Sincerely,

Charles N. Steele
General Counsel

attachment 1, pg 92

LAW OFFICES
WALD, HARKRADER & ROSS

1300 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

(202) 828-1200
CABLE ADDRESS: WALRUS
TELEX (RCA): 248591 (WHR)

DALLAS OFFICE

1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
(214) 741-9241

ROBERT H. COHAN
RESIDENT PARTNER

SELMA M. LEVINE (1894-1975)

OF COUNSEL
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CHARLES C. ABELES
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GEORGE A. AVERY
DAVID R. BERZ
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JANET M. ROBINS
STEVEN E. SILVERMAN
RANDALL LEE SPECK
ANN ADAMS WEBSTER

* NOT ADMITTED IN D.C.

May 5, 1980

Federal Election Commission
Office of General Counsel
Advisory Opinion Section
Attention: Brad Litchfield, Esq.
1325 K Street, N.W.
Washington, D.C. 20463

Re: AOR 1980-46

Dear Sirs:

Pursuant to 2 U.S.C. § 437f(d) and 11 C.F.R. § 112.3, the Council for a Livable World ("Council") hereby comments on AOR 1980-46 submitted by the National Conservative Political Action Committee ("NCPAC").

The Council, founded in 1962 as a non-profit and non-partisan association concerned primarily with arms control issues, is a multicandidate political committee, as defined in the Federal Election Campaign Act of 1971, as amended. The Council's interest in AOR 1980-46 arises from the Council's use of a procedure to support candidates that is somewhat similar to that proposed by NCPAC. */

---

*/ The Council acts as a conduit in forwarding earmarked contributions to candidates. However, the Council's procedures are also quite different from those proposed by NCPAC. For example, the Council obtains a written authorization, from each of the candidates it endorses, to spend funds for a fundraising letter on his behalf to be mailed to Council supporters. As a result, the Council reports its mailing expenses as "in-kind contributions" rather than as "independent expenditures." In addition, the purposes and nature of the Council are very different from those of NCPAC.

Attachment 1, pg 93

NCPAC proposes to pay the expenses of a mass mailing advocating the election of a clearly identified candidate and suggesting that contributions be made to that candidate, but the contributions (drawn to the order of the candidate's principal campaign committee) would be mailed in care of NCPAC. Upon the receipt of such contributions, NCPAC would forward the contributions to the candidate's principal campaign committee in accordance with the provisions of 11 C.F.R. § 102.8. NCPAC wishes to be advised: (1) assuming that no communication occurred between NCPAC and the candidate or his agents, whether the mass mailing expenses would be independent expenditures (under 11 C.F.R. § 109.1); (2) whether NCPAC would be subject to "conduit" reporting requirements (at 11 C.F.R. § 110.6(c)), and (3) whether the earmarked contributions forwarded by NCPAC to the candidate's principal campaign committee would be considered as contributions by NCPAC (under 11 C.F.R. §§ 110.6(d)(1) and (2)).

The Council wishes to comment only on question (3) above, and urges the Commission to advise NCPAC that the earmarked contributions it would forward to the candidate's committee would <u>not</u> be considered as contributions by NCPAC. The regulations state that "if a conduit exercises any direction or control over the choice of the recipient candidate, the contributions shall be considered a contribution by both the original contributor and the conduit." 2 C.F.R. § 110.6(d)(2). The earmarked contributions by individuals forwarded on by NCPAC should not be considered as contributions by NCPAC because it would exercise no "direction or control" over the actual making of these earmarked contributions. Second, Congress intended that conduits not exercising <u>control</u> over the making of earmarked contributions could pass on such contributions without having them count toward the conduit's own contribution limits. Finally, if the Commission now plans to interpret the term "direction or control" as used in 11 C.F.R. § 110.6(d) to include the kind of activity proposed by NCPAC, the Commission should propose this interpretation "only as a rule or regulation pursuant to procedures established in section 438(d) of [Title 2 of the U.S. Code]," and <u>not</u> in an advisory opinion. 2 U.S.C. § 437f(b), 11 C.F.R. § 112.4(e).

Merely mailing literature advocating the election of a candidate to someone cannot reasonably be interpreted to be exercising "direction or control over [that person's] choice of the recipient candidate." 11 C.F.R. § 110.6(d)(2). For example, if an individual, acting on his own, urged his neighbors and acquaintances to make campaign contributions to a particular candidate, he would not be exercising "direction or control" over the making of the contributions but would merely be exercising

his First Amendment rights. Moreover, if this same "activist" individual then collected these campaign contributions, made out directly to the candidate's campaign committee, and forwarded them on to the committee, no one would claim that such contributions should be counted toward the "activist" individual's contribution limitations.

Similarly, a newspaper editorial might endorse a particular candidate and urge its readers to support and make contributions to that candidate. If some readers decided to make campaign contributions to the candidate, no one would argue that such contributions should be recorded as coming from the newspaper. To so argue would in effect place intolerable and unconstitutional limitations on the newspaper's First Amendment rights.

The mass mailings and procedure proposed by NCPAC are no different than the hypotheticals of the "activist" individual and the newspaper editorial discussed above. The reader of NCPAC's mailings would obviously make his or her own choice of a recipient candidate for a contribution, and while he or she might be "influenced" by the content of the mailing, mere influence is very different from "direction or control." Indeed, if NCPAC is found to have "direction or control" over its readers' choices of recipient candidates for their contributions, it is difficult to conceive of <u>any</u> conduit or intermediary that wouldn't be in a similar position.

Such a result, which would in effect eliminate all conduits and intermediaries, would be contrary to Congress' clear intent in enacting the Federal Election Campaign Act. There Congress specifically provided that:

> For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way <u>earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate</u>.
>
> 2 U.S.C. § 441a(a)(8) (emphasis added).

In addition, Congress intended for contributions passed on to candidates by conduit committees to count toward the conduit's contribution limitations only when the conduit exercised "control" -- not "direction" -- over the making of the contributions. Specifically, the Conference Report on the Federal Election Campaign Act Amendments of 1974 stated that:

> It was the understanding of the Committee on House Administration . . . that the following rule would apply with respect to the application of the contribution limitations established by subsection (b) [now subsection (a)]: if a person exercises any direct or indirect control over the making of a contribution, then such contribution shall count toward the limitation imposed with respect to such person under subsection (b), but it will not count toward such a person's contribution limitation when it is demonstrated that such person exercised no direct or indirect control over the making of the contribution involved.
>
> * * *
>
> The conferees agree with the analysis of the House. . . .
>
> Conference Report No. 1237, Senate Report No. 93-689, reprinted in 1974 U.S. Code Congressional and Administrative News 5620-21 (emphasis added).

The term "direction or control" as used in 11 C.F.R. § 110.6(d)(2) is thus broader than and inconsistent with the Congressional intent in enacting 2 U.S.C. § 441a(a)(2)(A). It would be anomalous and manifestly unreasonable for the Commission to use a different standard in determining whether a conduit should be charged with making the contributions it has merely passed on than the standard intended by Congress in enacting the law. Merely sending a mass mailing advocating a candidate's election and suggesting that contributions be made to that candidate would not be exercising "direct or indirect control over the making of the contributions involved." Id., emphasis added.

Finally, if the Commission now plans to interpret the term "direction or control" as used in 11 C.F.R. § 110.6(d) to encompass the kind of mass mailing activity proposed by NCPAC, the Commission should not propose this interpretation in an advisory opinion, but only as a rule or regulation. The Federal Election Campaign Act states clearly that:

Attachment 1, pg 96

> Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of title 26 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 438(d) of this title. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.
>
> 2 U.S.C. § 437f(b); see also 11 C.F.R. § 112.4(e).

Although 11 C.F.R. § 110.6(d) uses the term "direction or control," the term is not defined in either the Federal Election Campaign Act, as amended, or in the regulations. The Commission's initial interpretation of this term, therefore, should be issued "only as a rule or regulation pursuant to procedures established in section 438(d)." Id.

On behalf of the Council, I would very much appreciate being informed in advance of the Commission meeting at which AOR 1980-46 will be discussed or considered. Thank you very much for your consideration in this matter.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Counsel for Council for a
Livable World

MEL:omb

attachment 1, pg 97

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

1. Name of Committee (in Full)

Peace Political Action Committee

Address (Number and Street)

100 Maryland Avenue, N.E.

City, State and ZIP Code

Washington, D.C. 20002

☐ Check if address is different than previously reported.

2. FEC Identification Number

C00155119

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (date)

4. TYPE OF REPORT (check appropriate boxes)

(a)
- ☐ April 15 Quarterly Report
- ☒ July 15 Quarterly Report
- ☐ October 15 Quarterly Report
- ☐ January 31 Year End Report
- ☐ July 31 Mid Year Report (Non-election Year Only)
- ☐ Monthly Report for _____
- ☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- ☐ Thirtieth day report following the General Election on _____ in the State of _____
- ☐ Termination Report

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY	Column A This Period	Column B Calendar Year-to-Date
5. Covering Period April 1 Through June 30, 1982		
6. (a) Cash on Hand January 1, 1982		$ -0-
(b) Cash on Hand at Beginning of Reporting Period	$ -0-	
(c) Total Receipts (from Line 18)	$ 3,000.00	$ 3,000.00
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	$ 3,000.00	$ 3,000.00
7. Total Disbursements (from Line 28)	$ -0-	$ -0-
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	$ 3,000.00	$ 3,000.00
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	$ -0-	

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

For further information, contact:

Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

Jerome Grossman
Type or Print Name of Treasurer

Jerome Grossman
SIGNATURE OF TREASURER

July 12, 1982
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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

FEC FORM 3X (3/80)

attachment 1, pg 98

of Receipts and Disbur ents
(Page 2, FEC FORM 3X)

Name of Committee (in Full): Peace Political Action Committee

Report Covering the Period: From: Apr. 1 To: June 30, 198

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
I. RECEIPTS		
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	$3,000.00	$3,000.00
(Memo Entry Unitemized $ -0-)		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b and 11c)	$3,000.00	$3,000.00
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13. ALL LOANS RECEIVED		
14. LOAN REPAYMENTS RECEIVED		
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17. OTHER RECEIPTS (Dividends, Interest, etc.)		
18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17)	$3,000.00	$3,000.00
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES	-0-	-0-
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
22. INDEPENDENT EXPENDITURES (Use Schedule E)		
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441a(d)) (Use Schedule F)		
24. LOAN REPAYMENTS MADE		
25. LOANS MADE		
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c)		
27. OTHER DISBURSEMENTS		
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)	-0-	-0-
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d	$3,000.00	$3,000.00
30. TOTAL CONTRIBUTION REFUNDS from Line 26d	-0-	-0-
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)	$3,000.00	$3,000.00
32. TOTAL OPERATING EXPENDITURES from Line 19	-0-	-0-
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	-0-	-0-
34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32)	-0-	-0-

attachment #1, p99

SCHEDULE A

ITEMIZED RECEIPTS

LINE NUMBER 20B
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)
Peace Political Action Committee

Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. John Harris IV 2801 Barker St. Silver Spring MD 20910	———	5/28/82	$3,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$ 3,000.00		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			$3,000.00
TOTAL This Period (last page this line number only)			$3,000.00

Attachment 1, pg 100

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
Legislative Director

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Harvard University

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National Farmers Union

GENE POKORNY
Cambridge Reports

CHARLES PRICE
University of Pa.

EDWARD PURCELL
Harvard University

GEORGE RATHJENS
MIT

ELI SAGAN
Writer

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

October 29, 1982

David and Ruth Booth
2895 Orion Crescent
Windsor ONT N9E 2Z3
CANADA

Dear David and Ruth Booth:

In order for us to comply with the regulations of the Federal Election Commission of the United States, we respectfully request that you complete the form below and return to us.

Thank you,

Marianne Barbera

Marianne Barbera

I am a citizen of the United States of America: X

I am not a citizen of the United States of America: _____

Signed: Ruth D. Booth – David B Booth

Date: Nov 5, 1982

Founded in 1962 by Leo Szilard

attachment 1, pg 181

Harvard University
JAMES PATTON
National Farmers Union
GENE POKORNY
Cambridge Reports
CHARLES PRICE
University of Pa.
EDWARD PURCELL
Harvard University
GEORGE RATHJENS
MIT
ELI SAGAN
Writer
HERBERT SCOVILLE, JR.
Arms Control Association
JANE SHARP
Cornell University
WILLIAM E. TARLOW
Business Executive
STEPHEN THOMAS
Integrative Biomedical Research
KOSTA TSIPIS
MIT
PAUL C. WARNKE
Attorney
JEROME B. WIESNER
MIT

Affiliations For Identification Only

I am a citizen of the United States of America: X

I am not a citizen of the United States of America: _____

Signed: Michele S. Pearce

Date: November 5, 1982

Founded in 1962 by Leo Szilard

attachment 1, pg 102

LEGAL FOUNDATION NEWS

1612 K STREET, N.W., SUITE 502, WASHINGTON, D.C. 20006

WASHINGTON LEGAL FOUNDATION BLASTS ANTI-NUKE GROUPS FOR MASSIVE ELECTION LAW VIOLATIONS; SEEKS COMPLETE "SHUT DOWN" AND MILLION DOLLAR FINES

October 15, 1982 . . . The Washington Legal Foundation, a nonprofit public interest organization, filed a 20-page complaint with 30 pages of exhibits at the Federal Election Commission (FEC) today against the Council for a Livable World (CLW), Peace PAC, Paul C. Warnke who is Peace PAC's Chairman and Director of CLW, Nuclear Freeze PAC and other officers of the pro-nuclear freeze, anti-defense groups for a multitude of election law violations. The charges accuse CLW, which is larger than 98% of all PACs, of acting as a professional fundraiser for a few dozen pro-nuclear freeze candidates such as Howard Metzenbaum, Toby Moffet, and Don Reigle, giving them as a conduit $20-30,000 and more each despite the election law's limit of $5,000 from a PAC to a candidate. WLF charges that the costs of the massive fundraising effort is intentionally undervalued and not fully reported as "in-kind" contributions to the campaigns.

WLF also charges CLW with failing to file certain pre-election reports, and that Peace PAC failed to file its quarterly report on July 15; soliciting and receiving foreign contributions; failing to properly disclose on the groups materials who paid for and authorized them; and for illegal transfer of funds from CLW to Peace PAC.

"WLF calls upon the FEC to order a complete "shut down" of these groups illegal fundraising schemes, a return of all contributions received by the candidates, and fines up to $3 million to remedy the injurious effects from the political fall-out from these outlaw groups," said Paul D. Kamenar, WLF's Director of Litigation. CLW was founded in 1962 by a Dr. Leo Szilard who once advocated the death penalty for anyone violating "peace" and deputizing all Americans to carry out the sentence. The Washington Legal Foundation is a public interest group with 85,000 members nationwide that advocates the free enterprise system, a strong national defense and rights of crime victims. WLF has testified before the FEC and Congress in the past and sharply criticized rules that unduly restrict the First Amendment rights of businesses to participate in the electoral process.

* * * *

FOR MORE INFORMATION CONTACT: PAUL D. KAMENAR, TEL. 857-0240.

Attachment 1, pg 103

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Complaint Names PACs Backing Candidates Who Favor A Freeze

WASHINGTON (UPI) — A conservatively oriented legal group has filed a complaint with the Federal Election Commission against political action committees backing candidates who favor a freeze on nuclear weapons.

The complaint was filed Friday by the Washington Legal Foundation. It singles out the Council for a Livable World, the Peace Political Action Committee, the Nuclear Freeze Political Action Committee, former U.S. arms reduction negotiator Paul Warnke, chairman of PeacePAC and other officers of the groups.

The complaint says the groups violated contribution limits and reporting requirements of federal election law and undervalued campaign services to candidates, including Democratic Sens. Paul S. Sarbanes of Maryland, Edward M. Kennedy of Massachusetts, Howard M. Metzenbaum of Ohio and Donald W. Reigle Jr. of Michigan and Rep. Toby Moffett, candidate for the Senate in Connecticut.

John Isaacs, legislative director of the Council for a Livable World, said the complaint "sounds basically like harassment" because the group received an FEC ruling before the 1980 elections approving its method of fund-raising.

our relationship with the Soviet Union ... You've got to look for those windows when people are interested."

Several sources on both sides of the nuclear-freeze issue said the administration's campaign could backfire by generating more publicity for the freeze movement.

The senior administration officials behind the anti-freeze drive, these sources suggest, are driven less by political considerations than by deep personal commitment. This is particularly true, they say, for an influential group of administration Catholics who are offended by the leading role that several Catholic bishops have taken in the freeze movement.

Among those administration officials who are Catholic and who have taken a strong interest in countering the freeze movement are National Security Advisor William P. Clark; Edward Rowny, chief negotiator for the Arms Control and Disarmament Agency; and the three Lehman brothers — John, secretary of the Navy; Joseph, chief spokesman for Arms Control and Disarmament Agency, and Christopher, director of strategic nuclear planning for the State Department.

Clark made public a long letter earlier this month outlining his views on a landmark "Pastoral Letter on Peace and War" under preparation by the National Conference of Catholic Bishops.

A preliminary draft of the bishops' pastoral letter, now being revised, had expressed "profound doubts about whether the use or threatened use of nuclear weapons can be truly reconciled with traditional principles of just war."

The Lehman brothers have made public appearances against the freeze initiatives. Joseph Lehman said that over the past several months, he had spoken at forums in West Virginia, Montana, Wisconsin, Pennsylvania, New Jersey and New York. Christopher Lehman has made anti-freeze appearances in Wisconsin and Michigan.

Most recently, he took part in a radio forum last Wednesday in Miami, where a freeze resolution is on the Dade County ballot, and participated Friday in a debate in New Jersey.

Christopher Lehman noted that he and his brother John had received a Jesuit education at St. Joseph's College in Philadelphia and said, "Basically, yes, I do have a personal commitment on this.

"I'm no theologian, but others far more expert have concluded there is such a thing as a just-war doctrine, that self-defense is morally acceptable, that nuclear deterrence is morally acceptable ... I don't take a back seat to anyone on being a moral person."

John Lehman is scheduled to address the freeze question in an appearance next Thursday before the Los Angeles Junior Chamber of Commerce. He spelled out his own views in a strongly-worded address last March at Philadelphia's Chapel of the Four Chaplains, which honors four chaplains who died in World War II.

"We can be thankful," Lehman told the chapel audience, "that, in their time, they did not support the kind of pacifist ideology that has — most unfortunately — now captured a small and idealistic but vocal minority within the religious community ...

"We must realize — and remind our fellow countrymen — that this fashionable pacifism we see and hear today ... cannot and will not lead to peace. To disarm before a totalitarian aggressor does not lead to peace. More often, as history teaches, it leads to war."

attachment 1, pg 104

Washington Times

OCT 18 1982

Funding violations laid to peace lobbies

By Tom Diaz
WASHINGTON TIMES STAFF

A public interest law firm has charged several pro-nuclear freeze political action committees and their officers with violating federal election laws while channeling campaign funds to "pro-nuclear freeze, anti-defense spending" candidates.

The Washington Legal Foundation charged in a complaint filed with the Federal Election Commission that the committees have not filed required reports and have not properly declared the value of their "in-kind" services to candidates such as senators Paul Sarbanes, D.-Md., Ted Kennedy, D.-Mass. and Howard Metzenbaum, D.-Ohio, and congressmen Mike Barnes, D.-Md. and Barney Frank, D.-Mass., among others.

The complaint — filed last Friday — asked the FEC to conduct a "complete and expeditious investigation" of alleged violations by the Council for a Liveable World (CLW), the Peace Political Action Committee and the Nuclear Freeze Political Action Committee. The foundation asked the FEC to impose civil penalties of from $600,000 to $3 million against the respondents, and to require candidates to return any funds they have received from the committees.

Paul Warnke, former director of the Arms Control and Disarmament Agency, was named in the complaint in his capacity as a director of CLW and chairman of the Peace PAC, along with William E. Barlow, treasurer of CLW, and Jerome Grossman, president and treasurer of Peace PAC and CLW's registered lobbyist.

The foundation charges that CLW and Peace PAC have violated election laws by failing to report as in-kind contributions the full cost of expenses such as developing mailing lists — which the committees use in their fundraising efforts on behalf of pro-freeze candidates, and that Peace PAC and Nuclear Freeze had failed to file reports required by federal election laws.

According to the complaint CLW and Peace PAC are affiliated organizations, with the only difference between them being that CLW supports Senate candidates and Peace PAC supports House candidates (Nuclear Freeze is not affiliated with the other two groups).

John Isaacs, legislative director of CLW, said on behalf of CLW Peace PAC, and their officers that, "The complaint was filed two weeks before the election simply as harassment."

Isaacs also said that the FEC has already ruled on the pro freeze groups' fundraising methods and found them legal. But Paul Kamenar, the foundation's director of litigation, said that the FEC ruling to which Isaacs referred does not cover either the failure to report the full value of in kind contributions, or the report filing violations alleged in the complaint.

attachment 1, pg 105

-2.22.1982

Washington Inquirer

Peace-PAC's Violate Law

Two "peace"-oriented PACs have been charged with massive campaign law violations and contributing four to six times the legal limit of $5,000 to candidates. The "peace" PACs were also charged with being liable for millions in funds.

What the two PACs have been doing is sending funds directly to the candidates with the checks made out to the candidates, which is legal. They have been acting as a fund-raiser for the candidates, like a Richard Viguerie or a Carver Matthews. That is legal, but the two peace PACs have not been charging the candidates the full cost of their fundraising activities, the Washington Legal Foundation charges. The Foundation asserts that this makes their procedures illegal.

The Washington Legal Foundation, a nonprofit public interest organization, filed a 20-page complaint with 30 pages of exhibits at the Federal Election Commission (FEC) against the Council for a Livable World (CLW); Peace PAC; Paul C. Warnke, who is Peace PAC's Chairman and Director of CLW; Nuclear Freeze PAC; and other officers of pro-nuclear freeze, anti-defense groups, for a multitude of election law violations.

The charges accuse CLW, which is larger than 98% of all PACs, of acting as a professional fundraiser for a few dozen pro-nuclear freeze candidates such as Howard Metzenbaum, Toby Moffet, and Don Riegle, channeling $20-30,000 and more to each, despite the election law's limit of $5,000 from a PAC to a candidate. The Washington Legal Foundation charges that the costs of the massive fundraising effort are intentionally "low-balled" and not fully reported as "in-kind" contributions to the campaigns.

WLF also charges CLW with failing to file certain pre-election reports, and that Peace PAC failed to file its quarterly report on July 15; soliciting and receiving for-

Continued on Page 2

Peace PAC's

Continued from Page 1

eign contributions; failing to properly disclose on the groups' materials who paid for and authorized them; and for illegal transfer of funds from CLW to Peace PAC.

"WLF calls upon the FEC to order a complete 'shutdown' of these groups' illegal fundraising schemes, a return of all contributions received by the candidates, and fines up to $3 million to remedy the injurious effects from the political fall-out from these outlaw groups," said Paul D. Kamenar, WLF's Director of Litigation.

CLW was founded in 1962 by Dr. Leo Szilard, who once advocated the death penalty for anyone violating "peace" and deputizing all Americans to carry out the sentence. The Washington Legal Foundation is a public interest group with 85,000 members nationwide that advocates the free enterprise system, a strong national defense and rights of crime victims. WLF has testified before the FEC and Congress in the past and sharply criticized rules that unduly restrict the First Amendment rights of businesses to participate in the electoral process.

BANGOR DAILY NEWS
BANGOR, ME
D. 78,478

OCT 25 1982

New England Newsclip

Legal firm sues N-freeze proponents

By John Day
Of the NEWS Staff

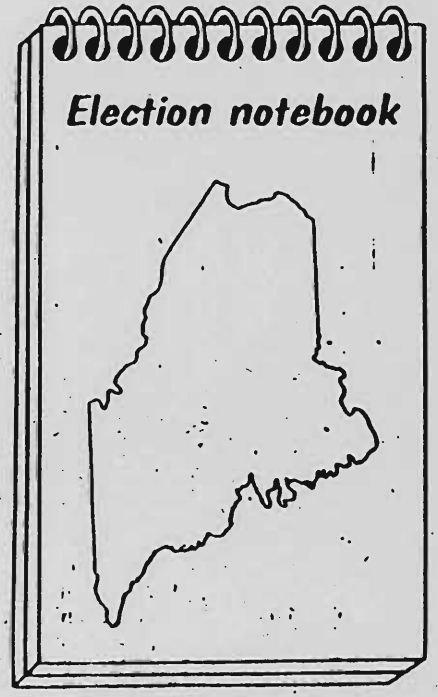
A public interest law firm is suing several pro-nuclear freeze groups, charging that the organizations have violated federal election laws while channeling campaign funds to "pro-freeze" candidates.

Sen. George J. Mitchell, D-Maine, is reported to have received more than $30,000 from one of the pro-freeze groups. Larry Benoit, Mitchell's campaign manager, indicated he was aware of the suit but not acquainted with "its details."

In its suit, the Washington Legal Foundation charges that the Council for a Liveable World (CLW) and several smaller anti-nuclear organizations are circumventing the $5,000 federal ceiling on campaign contributions by political action committees. CLW's political action committee expects to contribute slightly under $1 million to 12 Senate and 14 House candidates this year who have endorsed the freeze resolution. That resolution seeks a moritorium on the construction of nuclear weapons by both the United States and Soviet Union.

Mitchell's opponent, Rep. David F. Emery, voted against the freeze resolution when it failed by a two-vote margin in the House of Representatives last Aug. 5. Emery was the only member of Congress from New England to oppose the freeze, a fact Mitchell has repeatedly pointed out in their campaign.

The Washington Legal Foundation asserts in its suit that CLW method's of fund raising is a ruse to launder campaign contributions. The anti-nuclear group reportedly urges its members to send checks made out to individual candidates to its Washington office. The funds are then turned over to individual candidates and logged as individual contributions, not covered by the $5,000 PAC ceiling.



The suit also claims that "in-kind" contributions by the anti-nuclear groups have not been properly logged. It asks the Federal Elections Commission impose civil penalties of $800,000 to $3 millio against CLW and to require pro-freeze candidates to return contributions received from CLW.

John Isaacs, legislative director for CLW, told reporters in Washington that the suit was "simply harrassment." He reported that the FEC has already ruled that CLW's method for raising political contributions is legal. Paul Kramenar, a spokesman for the Washington Legal Foundation, stated the FEC ruling did not address itself to the issue of his group's allegations of unreported "in-kind" contributions.

Benoit said Mitchell's campaign committee "has duly reported both individual and in-kind contributions from CLW."

Speaking of the freeze, Mitchell and Dem ic party leaders in Washington were successful in pursuading another pro-freeze group not to air a rather strident pro-freeze commercial on Maine televisio stations. Democratic party officials in Washington sought to block the commercials, fearful they would provoke a backlash that would hurt pro-freeze candidates more than help them.

"Our legal counsel wrote to all the stations in Maine, communicating our concern about commercials sponsored by independent political committee, regardless of whether the ads attack Mitchell or Emery," said Larry Benoit, Mitchell's campaign manager.

The pro-freeze group announced they were voluntarily pulling its commercials in the wake of strong opposition by Democratic leaders.

Attachment 1, pg 107

Wallop spending three times more

By PHILIP WHITE
Star-Tribune staff writer

CHEYENNE — Sen. Malcolm Wallop has outspent his Democratic challenger by more than 3-1 during 1982, and has received contributions during September amounting to almost twice those of Rodger McDaniel.

Reports filed with the Wyoming secretary of state on Monday show Wallop receiving $116,472 in contributions during September, including several donations from oil company political action committees. McDaniel's report shows he received $56,201 during the month, much of it from labor union PACs.

McDaniel's campaign manager denied a report appearing in the afternoon paper in Cheyenne on Monday that quoted Cheyenne attorney Byron Hirst as saying McDaniel had received a campaign contribution of $25,000-$30,000 from the Boston-based Council for a Livable World.

Kathy Karpan said federal law prohibits an organization from contributing more than $10,000 during a campaign, "and Mr. Hirst knew that and Wallop's campaign staff knew that when they prepared the release." She said McDaniel has received 300 individual contributions totaling about $25,000 from people all over the U.S. as a result of his endorsement by the council.

Karpan said the council has also endorsed Republican Senate candidate Millicent Fenwick in New Jersey.

The Federal Election Commission reports filed Monday show that Wallop has spent $683,172 on his re-election campaign this year while McDaniel has spent only $214,147. The reports show that 52 percent of Wallop's contributions have come from PACs, while 36 percent of McDaniel's funds have come from that source.

THE REPORTS indicate that during September, Wallop's biggest contribution of $10,000 came from the state Republican committee. Campaign America and the American Trial Lawyers PAC each donated $5,000.

The Associated General Contractors of America PAC gave $4,000 and oil company PACs donated as follows: Mobil Oil $500; Exxon $100; Tenneco $2,000; Union Oil $1,500; American Petroleum Refiners $1,000; and Ashland Oil $1,000.

McDaniel's biggest contributors were the Communication Workers of America PAC and the AFL-CIO Committee on Political Education, both $2,500. He also received $1,000 apiece from Democrats for the '80s, the Sierra Club COPE and the Florida Congressional Committee.

The American Postal Workers PAC contributed 2,500, as did the United Mine Workers PAC and the Machinists PAC: The State, County and Municipal Employees donated $2,500 and the International Ladies Garment Workers Union PAC gave $1,500.

The reports list Wallop with $68,290 in cash on hand at the end of September while McDaniel had $14,771.

attachment 1, pg 108

Snow

Forecast: Cloudy wi chance of snow u lapping off and gra ing by late morning. l the low 40s. Clea tonight, low in the u low 20s. Sunny a Wednesday, high in Prevailing wind direc was from the north Sunset Tuesday a sunrise Wednesday sunset Wednesday

RECEIVED IN THE FEC
GCC#8866
82 NOV 4 P12:23

Mims

NUCLEAR FREEZE POLITICAL ACTION COMMITTEE
1780 Broadway - Suite 1200
New York, NY 10019
November 1, 1982

82 NOV 4 P5:02

Mr. Stephen Mims
Office of General Counsel
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

RE: MUR 1486

Dear Mr. Mims:

I am writing in response to our telephone conversation regarding MUR 1486. As we discussed on the phone, the Nuclear Freeze Political Action did not receive or spend any funds for the filing period ending June 30, 1982. The Nuclear Freeze Political Action Committee's receipts and disbursements did not exceed the $1,000 level for the filing period ending October 15, 1982. The Nuclear Freeze Political Action Committee will file a complete Year End Report in January, 1983 for the year ending December 31, 1982.

The Nuclear Freeze Political Action Committee requests that the Federal Election Commission dismiss the complaint [MUR 1486] filed by the Washington Legal Foundation, as it pertains to the Nuclear Freeze Political Action Committee.

If there is any further information needed by the FEC, please contact me at (212) 479-2566.

Sincerely,

Donald Spector

Donald Spector
Treasurer - Nuclear Freeze Political Action Committee

attachment 2, page 1

Case # 8934

82 NOV 15 P2:04

LAW OFFICES OF

PARSONS, BEHLE & LATIMER

A PROFESSIONAL CORPORATION

185 SOUTH STATE STREET
POST OFFICE BOX 11898
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TELECOPIER (801) 521-9868

1101 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 659-0862

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GORDON L. ROBERTS
F. ROBERT REEDER
WILLIAM L. CRAWFORD
CONSTANCE K. LUNDBERG
LAWRENCE E. STEVENS
DANIEL W. ALLRED
HOWARD J. MARSH
IAN M. ROSS
ERIC V. BOORMAN
DAVID S. DOLOWITZ
KENT W. WINTERHOLLER
KATHLENE W. LOWE
BARBARA K. POLICH
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JAMES M. ELEGANTE
DAVID P. HIRSCHI

*ADMITTED IN WASHINGTON, D.C. ONLY

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CALVIN A. BEHLE
1947-

OF COUNSEL
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WAYNE OWENS

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JOHN B. WILSON
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HENRY D. MARSH
D. R. CHAMBERS
BYRON W. MILSTEAD
MICHAEL M. LATER
THOMAS J. McCORMICK
LOIS A. BAAR

November 10, 1982

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

Re: MUR 1486

Dear Mr. Mims:

The undersigned, as an individual, represents the Wilson for Utah Committee ("Committee") in the above-referenced Matter Under Review. A completed designated of counsel form is enclosed herewith.

This letter is a follow-up to our telephone conversation of October 28, 1982 and also constitutes the Committee's preliminary, written response to the complaint notification letters sent by your office to candidate Ted L. Wilson and Mr. Richard VanKlaveren, Committee treasurer. The Committee expressly reserves the right to further supplement its response, if requested, prior to any adverse determination or recommendation being made by the General Counsel's office against the Committee. It is my understanding from our telephone conversation that this procedure is acceptable to your office.

The Committee has had minimal contact with the Council For A Livable World ("CLW") and no contact whatsoever with any of the other political action committees named as respondents in the initiating complaint filed by the Washington Legal Foundation.

attachment 3, pg 1

Mayor Wilson was briefly interviewed by Mr. Paul Warnke and Jerome Grossman and completed a candidate questionaire, the purpose of which was to determine whether Mr. Wilson was a suitable candidate for endorsement by CLW. Mr. Wilson was advised that if he were endorsed by CLW, CLW would support his candidacy through a mailing to its supporters which would also solicit contributions for his campaign. Neither Mr. Wilson nor any member of the Committee participated in the drafting of the letter, and, in fact, did not see the letter until after it was mailed. CLW was not authorized to function as a general fund raiser for the Committee, but was authorized to expend $5,000 for an endorsement letter advocating the election of Ted Wilson. The expenditures connected with the endorsement letter would be reported by the Committee and CLW as an in-kind contribution. We have recently received the itemized listing of expenditures by CLW and the same shall be disclosed on the next FEC report. The total amount expended was $4,933.06.

Concerning the first allegation contained in the complaint filed by the Washington Legal Foundation, the Committee is unaware of the manner or method used by CLW to allocate its fund raising costs and indeed, has no knowledge of the specific manner in which the CLW endorsement program was to be handled. The Committee, in good faith, has relied upon the accuracy and completeness of the financial figures provided by CLW, an organization which apparently has been in existence for 20 years.

Concerning the complaint allegations numbered 2 through 7, the Committee has no knowledge whatsoever concerning the matters contained therein.

During the campaign, the Committee received contributions and/or offers of assistance from literally hundreds of political action committees and other organizations. The Committee, at all times, attempted to exercise reasonable care and diligence in the receipt of contributions. A detailed inquiry, however, into the background of each and every donor, in-kind or otherwise, was impossible and, indeed, is not required by the Federal Election Campaign Act. The Committee accepted an offer of limited assistance from CLW and had no reason to believe that CLW was anything but a bona fide organization operating in a lawful manner. Indeed, the Committee has no information to the contrary today. The Committee certainly had no intent to circumvent the letter or the spirit of the Act by authorizing CLW to engage in a limited endorsement effort.

The main thrust of the complaint filed by the Washington Legal Foundation appears to be the manner and procedure by which CLW solicits monies on behalf of federal candidates. The Committee neither participated in the development of CLW's methods, nor does the Committee have any specific knowledge of what those methods are.

Please advise if you require further information or elaboration. It is the Committee's intention to cooperate fully with your investigation.

Very truly yours,

Randy L. Dryer

Randy L. Dryer

RLD:ca
cc: Richard VanKlaveren
Mayor Ted Wilson

Attachment 3, p93

203321

RECEIVED BY THE FEC
Cat# 8916
82 NOV 12 P12:47

82 NOV 12 P2:17

Before the
FEDERAL ELECTION COMMISSION

COUNCIL FOR A LIVABLE WORLD	)	
PEACE POLITICAL ACTION COMMITTEE	)	
PAUL C. WARNKE	)	
WILLIAM E. TARLOW	)	Matter Under Review (MUR) 1486
JEROME GROSSMAN	)	
NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	)	

ANSWER OF McDANIEL SENATE CAMPAIGN

COMES NOW one of the Respondents in the above-captioned matter, by and through Leo J. Salazar, Treasurer of the McDaniel Senate Campaign, and in response to the Complaint before the Federal Election Commission filed by the Washington Legal Foundation, says as follows:

1. That the McDaniel Senate Campaign and all other parties respondent, to the best of this Respondent's knowledge, have complied fully and properly with all relevant Federal Statutes and that the Complaint of the Washington Legal Foundation fails to state a proper cause under said laws.

2. That this Respondent asserts all defenses raised by the Council for a Livable World in its answer to said Complaint, and incorporates that Answer by reference.

Respectfully submitted this 8th day of November, 1982.

McDANIEL SENATE CAMPAIGN

By: Leo J. Salazar
LEO J. SALAZAR, Treasurer

Attachment 4, page 1

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer of McDaniel Senate Campaign was served by depositing a true and correct copy thereof in the United States mail, postage prepaid, this 8th day of November, 1982, addressed to:

Washington Legal Foundation
1612 K. Street, N.W.
Suite 502
Washington, D.C. 20006

Leo J. Salazar

Leo J. Salazar

Attachment 11, pg 2

Before the
FEDERAL ELECTION COMMISSION

COUNCIL FOR A LIVABLE WORLD	)	
PEACE POLITICAL ACTION COMMITTEE	)	
PAUL C. WARNKE	)	
WILLIAM E. TARLOW	)	Matter Under Review (MUR) 1486
JEROME GROSSMAN	)	
NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	)	

ANSWER OF RODGER McDANIEL

COMES NOW one of the Respondents in the above-captioned matter, by and through himself, and in response to the Complaint before the Federal Election Commission filed by the Washington Legal Foundation, says as follows:

1. That he and all other parties respondent, to the best of this Respondent's knowledge, have complied fully and properly with all relevant Federal Statutes and that the Complaint of the Washington Legal Foundation fails to state a proper cause under said laws.

2. That this Respondent asserts all defenses raised by the Council for a Livable World in its answer to said Complaint, and incorporates that Answer by reference.

Respectfully submitted this 6 day of November, 1982.

Rodger McDaniel
RODGER McDANIEL

Attachment 4, pg 3

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer of Rodger McDaniel was served by depositing a true and correct copy thereof in the United States mail, postage prepaid, this 8th day of November, 1982, addressed to:

Washington Legal Foundation
1612 K. Street, N.W.
Suite 502
Washington, D.C. 20006

for Rodger McDaniel Vicki Lynn Hoffsetz

Attachment 4, pg 4

6ccH 9024

82 DEC 1 P3:01

EPSTEIN BECKER BORSODY & GREEN, P.C.
ATTORNEYS AT LAW
1140 19TH STREET, N.W.
WASHINGTON, D.C. 20036
(202) 861-0900

250 PARK AVENUE
NEW YORK, NEW YORK 10177
(212) 370-9800

MALLICK TOWER
ONE SUMMIT AVENUE
FORT WORTH, TEXAS 76102*
(817) 334-0701

235 MONTGOMERY STREET
SAN FRANCISCO, CALIFORNIA 94104*
(415) 398-5565

1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067*
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WILLIAM C. OLDAKER
DONALD PARTLAND*
OF COUNSEL

*NOT ADMITTED WASHINGTON
**ADMITTED TEXAS ONLY

*P.C. NEW YORK AND WASHINGTON, D.C. ONLY

November 30, 1982

Mr. Stephen Mims
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

This letter, on behalf of Senator Metzenbaum, Congressman Moffett and Senator Kennedy, is in response to the above cited matter under review.

The allegations in the Complaint filed by the Washington Legal Foundation do not make any specific allegations of wrong doing against any of the above named candidate respondents. The Washington Legal Foundation seems to be attempting to plow old ground for current political purposes in as much as the allegations contained in their Complaint merely restate matters which have come before the Commission, and have been decided both in previous matters under review and Advisory Opinion Requests.

The only new allegation raised by the Complaint which even tangentially impacts on Senator Metzenbaum, Congressman Moffet and Senator Kennedy is that the Counsel for a Livable World undervalued the in-kind contributions to the Senate campaigns of these three individuals. On behalf of the three named individual candidates I represent, I can

Attachment 5, pg 1

unequivocally state that their knowledge as to the amounts of in-kind contributions made to their Committees are as reported individually on each of their Committee's reports. The amounts which are set forth as in-kind contributions by each of these candidates are the amounts which were supplied to them by the Counsel for a Livable World. Neither Senator Kennedy's, Senator Metzenbaum's or Congressman Moffett's campaigns had any knowledge other than that which was supplied to them by the Counsel for a Livable World.

Therefore, we strongly urge the dismissal of the Complaints against the above named candidates and that the Commission find no reason to believe that any violation of the Federal Election Campaign Act of 1974, as amended, exists, as to Senator Metzenbaum, Congressman Moffett and Senator Kennedy.

Sincerely,

William C. Oldaker

WCO:kb

attachment 5, pg 2

THAXTER LIPEZ STEVENS BRODER & MICOLEAU
A REGIONAL LAW FIRM
1825 K STREET N.W. · SUITE 503
WASHINGTON, D.C. 20006
(202) 466-5770

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·KENNETH M. CURTIS
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·KAREN A. MASSEY
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·JOSEPH ALBANESE

OF COUNSEL
·WALTER E. COREY, III
MICHAEL K. CASEY

·NOT ADMITTED IN D.C.

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(207) 775-2361

BOSTON, MASSACHUSETTS
BOWKER, ELMES, PERKINS, MECSAS & GERRARD
ONE FEDERAL STREET, BOSTON, MA 02110
(617) 426-8900

BELLOWS FALLS, VERMONT
SALMON & NOSTRAND
39 SQUARE, BELLOWS FALLS, VT 05101
(802) 463-4507

November 9, 1982

2 NOV 9 P2:04

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Gross:

By letter dated October 22, 1982, you forwarded to Ms. Barbara McCough, Treasurer of the Mitchell for Senate Committee (hereinafter referred to as "the Committee"), a copy of a complaint filed with the Federal Election Commission against certain named respondents by the Washington Legal Foundation. Your letter indicated that the complaint alleges that the Committee may have violated certain sections of the Federal Election Campaign Act of 1971, and that the Committee had fifteen days from the receipt of your letter to respond to the complaint in writing. Accordingly, pursuant to 11 CFR 111.6(a), which permits response in the form of a letter or memorandum, we submit this letter on behalf of the Committee, setting forth the reasons why the Commission should take no action on the complaint as it relates to the Committee.

Procedurally, we wish to point out that the complaint filed by the Washington Legal Foundation does not name the Committee as a respondent. To the contrary, the complaint identifies as the respondents only those parties listed in the caption of the Complaint: Council for a Livable World, Peace Political Action Committee, Paul C. Warnke, William E. Tarlow, Jerome Grossman, Nuclear Freeze Political Action Committee. It is true that the body of the complaint contains language suggesting that candidates endorsed by the named organizations "should return all contribu-

attachment 6, pg 1

tions received and/or the amounts in excess of the in-kind $5,000.00 limit." Nevertheless, the complaint does not identify the campaign committees of any endorsed candidates as respondents. Therefore, we contend that the Committee is not, in fact, a respondent in MUR 1486, as that term is used in the regulations promulgated by the Federal Election Commission, and there is no basis for its continued involvement in these proceedings.

With respect to the substance of the Complaint as it relates to in-kind contributions received by the Committee from the Council for a Livable World, we are enclosing three letters received by the Committee from Catherine Clark, Assistant Executive Director of the Council for a Livable World. These letters are dated April 9, 1982, July 8, 1982 and October 13, 1982. Each letter itemizes the in-kind contributions made by the Council for a Livable World to the Committee for fund-raising activities. These contributions were duly noted in Schedule A of the campaign reports filed by the Committee with the Secretary of the Senate for the appropriate reporting periods (please see the schedules attached to each letter from the Council for a Livable World).

Under the terms of 11 CFR 102.9(a), the treasurer of a political committee or an agent authorized by the treasurer must account for the contributions from a political committee by including "the identification of the political committee and the date of receipt and amount of such contribution." As the enclosed material indicates, the treasurer of the Committee has supplied this information for the contributions of the Council for a Livable World based on the itemized in-kind cost breakdown provided by the Council.

The treasurer of the Committee was justified in relying on this information since only the Council, engaged in a wide range of educational, lobbying and public information activities, would have the knowledge and information necessary to place a value on the in-kind services rendered for its political fund-raising work. Under these circumstances, the reliance of the Committee's treasurer on the information supplied by the Council reflected "his or her best efforts to obtain, maintain and submit the required information ... If there is a showing that best efforts have been made, any records of a committee shall be deemed to be in compliance with this Act." 11 CFR 102.9(d). This position is reaffirmed by 11 CFR 104.7:

> When the treasurer of a political committee shows that best efforts have been used to obtain, maintain and submit the information required by the Act for the political committee, any report of such committee shall be considered in compliance with the Act.

On the basis of these provisions, the reporting by the Committee of the in-kind contributions received from the Council for a Livable World should be deemed to be in compliance with the Federal Election Campaign Act.

In its request for remedial relief, the Washington Legal Foundation asserts that candidates endorsed by the Council for a Livable World should be required to return all contributions received through the Council from individual contributors, and return all amounts in excess of the in-kind $5,000.00 limit. However, with respect to the contributions from individual contributors, the Foundation acknowledges in its own complaint (page 8) that the checks from supporters of the Council for a Livable World to the individual Senate candidates do not count against the $5,000.00 contribution limit of the Council. Since these individual contributions do not violate any provisions of the Federal Election Campaign Act, there is no basis for ordering their return.

With respect to the assertion that any in-kind contributions in excess of the $5,000.00 limitation should be returned by the Committee, we must again point out that the Committee was justified in relying on the detailed reporting of those in-kind contributions provided to the Committee by the Council for a Livable World. To the extent that there was any inaccuracy in reporting the value of those in-kind contributions, such inaccuracy would be the responsibility of the Council for a Livable World, the organization in the best position to evaluate its in-kind contributions, and not the responsibility of the recipient Committee which would have no basis for such an evaluation.

In making this point, we wish to be clear that the Committee believes that the Council for a Livable World has been justified in its approach to evaluating in-kind contributions to the committees of the various Senatorial candidates. It is our understanding that the Council for a Livable World engages in many activities relating to the issue of arms control, including educational, lobbying and public information activities. Its efforts to encourage political contributions for candidates who support its positions on arms control represent only a small portion of its work. We further understand that it reports the costs related to such fund-raising as an in-kind contribution, allocating those costs to the various candidate committees for which it urges contributions. These costs, for items such as postage, mailing, and printing, have been reported to the Mitchell for Senate Committee, and these are the in-kind contributions which are reflected in the reports of the Committee. This entire procedure has been open and fully disclosed. We understand further that the approach of the Council for a Livable World to fund-raising on behalf of federal

Attachment 6, pg 3

candidates has been reviewed on prior occasions by the Federal Election Commission and has been found to be in compliance with the law.

For all these reasons, we urge the Federal Election Commission to take no action on the complaint filed by the Washington Legal Foundation as it relates to the Mitchell for Senate Committee. We further urge that the complaint be dismissed.

Sincerely,

Charles J. Micoleau

Charles J. Micoleau

Kermit V. Lipez

Kermit V. Lipez

Counsel for Mitchell for
Senate Committee

To combat the menace of nuclear war

Council for a Livable World

[illegible] Street
[illegible] Woods [illegible]
Phone: (617) 742-9335
[illegible] KISTIAKOWSKY
President
[illegible] GROSSMAN
Executive Director
Catherine Clark
Asst. Executive Director
100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100
[illegible] SARGS
Legislative Director

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[illegible]
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Page ___ of ___
LINE NUMBER 11(c)
(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)
MITCHELL FOR SENATE COMMITTEE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Receipt
A. Seafarer's Political Activity Donation, S.P.A.D. 675 Fourth Avenue Brooklyn, New York 11212		3/12/82	$ 4000
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 4000.00		
B. Wholesaler-Distributor Political Action Committee 1725 K Street NW Washington, D.C. 20006		1/18/82	$ 500
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 500.00		
C. Auction Markets Political Action Committee of the Chicago Board of Trade 141 W. Jackson Blvd. Chicago, IL 60604		1/10/82	$ 1000
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 1000.00		
D. Fund for a Democratic Majority 420 C Street N.E. Washington, D.C. 20002		1/10/82	$ 1000
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 1000.00		
E. Council for a Liveable World 11 Beacon Street Boston, MA. 02108		3/31/82	$579 in-k
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 579.07		
F. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX			
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
G. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX			
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		

SUBTOTAL of Receipts This Page (optional): .....

TOTAL This Period (last page this line number only): attachment 6, pg 6 $3321.0

0 0 0 0 1 0 3 1

...ose the menace
of nuclear war

Council for a Livable World

...Street
...Mass 02108
617-742-9395

...Avenue, N.E.
...D.C. 20002
202-543-4100

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SCHEDULE A ITEMIZED RECEIPTS

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Name of Committee (in Full)

MITCHELL FOR SENATE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount Received
A. COMMITTEE ON POLITICAL EDUCATION, AFL-CIO 815 16th STREET, N.W. WASHINGTON, DC 20006 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$4,425.00	8/30/82	4,42
B. CONCERNED CITIZENS FUND Atlantic Richfield Company 515 SOUTH FLOWER STREET, ROOM 461 LOS ANGELES, CA 90071 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$100.00	8/23/82	100.
C. CONGOLEUM CORPORATION POLITICAL ACTION COMMITTEE 2550 M STREET, N.W. SUITE 225 WASHINGTON, DC 20037 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$6,500.00	8/23/82 8/23/82 9/24/82	1,00 3,00 1,00
D. COPE COMMITTEE UNITED RUBBER, CORK, LINOLEUM & PLASTIC WORKERS OF AMERICA AFL-CIO, CLC INTERNATIONAL UNION 87 SOUTH HIGH ST. AKRON, OH 44308 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$500.00	9/24/82	500.
E. COUNCIL FOR A LIVABLE WORLD 11 BEACON STREET BOSTON, MA 02108 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$1,616.10	7/8/82	1,03 IN K
F. DEMOCRATS FOR THE 80'S P.O. BOX 3797 WASHINGTON, DC 20007 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$5,100.00	9/ 1/82	100. IN K
G. DIRECT SELLING ASSOC. POLITICAL ACTION COMMITTEE 1730 M STREET, N.W. SUITE 610 WASHINGTON, DC 20006 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$500.00	7/15/82	500.

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attachment 6, pg 8

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

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Artist

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

October 13, 1982

Barbara McGough
Mitchell for Senate Committee
P. O. Box 4554
Portland ME 04112

Dear Barbard McGough:

The Federal Election Commission will be notified of contributions-in-kind to the Mitchell for Senate Committee amounting to $2,151.0 for the period of July 1, 1982 through September 30, 1982.

The sum is itemized thus in the FEC report:

$102.25 out of $250.00 expenditure to GPO Boston, GMF, Boston 02205, for BRE account.

$16.67 out of $250.00 expenditure to GPO Boston, State House office, Boston MA 02108, for postage meter.

$184.85 out of $2,797.33 expenditure to Cantrell/Cutter, 499 So. Capitol St., S.W., Washington, D.C. 20003, for printing.

$374.78 out of $5,468.93 expenditure to Baldwin Graphics, 1301 Pennsylvania Ave., N.W., Washington, D.C. 20004, for printing.

$72.52 out of $442.55 expenditure to Professional Litho, 1012 Sixth St., N.W., Washington, D.C. 20001, for typesetting

$1,400.00 out of $8,400.00 expenditure to S & S Mailing Servi 5171 Lawrence Place, Hyattsville MD 20781, for first-class postage.

Please call me with any questions you may have.

Sincerely,

Catherine Clark
Asst. Executive Director

CC:mb

attachment 6, pg 9

Founded in 1962 as Leo Szilard

SCHEDULE A — ITEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
MITCHELL FOR SENATE COMMITTEE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Receipt this Period
A. AFSCME - PEOPLE 1625 L Street, N.W. Washington, D.C. 20036 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$ 5,550.00	10/13/82	$ 250 IN-KI
B. LEAGUE OF CONSERVATION VOTERS 317 Pennsylvania Avenue, S.E. Washington, D.C. 20003 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$ 3,553.88	10/13/82	2,553 IN-KI
C. FRIENDS OF THE EARTH PAC 124 Spear Street San Francisco, CA 91405 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$ 529.15	10/13/82	529 IN-KI
D. CITIZENS FOR GOVERNOR BRENNAN P.C. Box 1982 Augusta, ME 04330 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$ 173.33	10/13/82	173 IN-KI
E. COUNCIL FOR A LIVEABLE WORLD 11 Beacon Street Boston, MA 02108 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$ 3,767.17	10/13/82	2,151 IN-KI
F. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
G. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only) .			$ 75,319.

attachment 6, pg 10

Cc# 8904
82 NOV 9 P12:57

SIDLEY & AUSTIN
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1722 EYE STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202: 429-4000
TELEX 89-463

ONE FIRST NATIONAL PLAZA
CHICAGO, ILLINOIS 60603
TELEPHONE 312: 853-7000
TELEX 25-4364

2049 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
TELEPHONE 213: 553-8100
TELEX 18-1391

9 HOLLAND PARK
LONDON, W11 3TR, ENGLAND
TELEPHONE 01: 727-0132
TELEX 21781

P.O. BOX 190
MUSCAT, SULTANATE OF OMAN
TELEPHONE 722-411
TELEX 3266

P.O. BOX 4619
DEIRA, DUBAI-U.A.E.
TELEPHONE 9714-283194
TELEX 47216

Founded in 1866 as
Williams & Thompson

November 8, 1982

NOV 10
P4:23

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

Re: MUR 1486

Dear Mr. Mims:

We are in receipt of a complaint filed against the Council for a Livable World and others by the Washington Legal Foundation which the Commission has styled MUR 1486. By letter from the Commission dated October 22, 1982, we were informed that the complaint alleges that the Friends of Jim Sasser Committee may have violated certain sections of the Federal Election Campaign Act of 1971 ("FECA") by accepting funds from the Council.

We wish to be helpful to the Commission in resolving this matter; however, there is no basis for making Senator Sasser or the Committee a party to this proceeding. The complaint, while it names a variety of parties and makes allegations concerning a number of Democratic candidates for the Senate in 1982, does not mention Senator Sasser or the Friends of Jim Sasser Committee. The rules of the Commission make clear that a complaint must "clearly identify as a respondent each person or entity who is alleged to have committed a violation." 11 C.F.R. 111.4(d)(1). The Washington Legal Foundation's complaint does not meet this test. As a result, there is no basis for the Commission to proceed against Senator Sasser or the Friends of Jim Sasser Committee as a result of this complaint.

The Committee's records indicate that it has received in-kind contributions from the Council for a Livable World reported thus far totaling $1,222.18; an additional in-kind contribution in the amount of $4.69 will be reported in the next report. In addition, the records further indicate that the Committee has received $10,048.40 in contributions from individuals responding to the Council's support for our campaign.

Attachment 7, pg 1

We would be pleased to assist the Commission further in this matter as appropriate; however, we do not believe that there is any basis for the Commission to proceed against Senator Sasser or the Committee.

Sincerely,

Michael Nemeroff

Michael A. Nemeroff

MAN:gmd

attachment 7, pg 2

Millicent Fenwick

FOR
UNITED STATES SENATE

150 Mount Bethel Road, Warren, New Jersey 07060 (201) 647-7373

Gcc# 8842

'82 NOV 3 A10:22

October 27, 1982

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

ATTN: Charles N. Steele
General Counsel

Re: MUR 1486

Dear Mr. Steele:

This letter is in response to your notification of October 22, 1982 which states that our committee may have violated certain sections of the Federal Campaign Act of 1971, as amended. In accordance with your notice, the information presented below will demonstrate that the Fenwick for Senate Committee should not have any action taken against it in this matter.

In specific reference raised by the complaint filed by the Washington Legal Foundation (WLF), the Fenwick for Senate Committee did not violate the contribution limits of 2 U.S.C. 441a and the reporting requirements of U.S.C. 434 as associated with its arrangement with the Council for a Livable World. As stated in the attached letter, the Council wished to recommend to its supporters the candidacy of Millicent Fenwick. The Fenwick for Senate Committee, however, required that the costs associated with the Council's efforts on Mrs. Fenwick's behalf be borne by the Committee itself. As a result, all costs for mailing lists, postage, stationary, design and printing were paid in full by the Fenwick for Senate Committee. To our knowledge, all costs incurred and associated with Council efforts have been billed to the Fenwick for Senate Committee. Furthermore, individual contributions and receipts for expenditures in excess of $200 were properly reported by the Committee during the appropriate FEC reporting period(s).

The procedure used between the Council for a Livable World and the Fenwick for Senate Committee was as follows: Bills and requests for payment for all items were submitted by the Council to the Fenwick for Senate Committee and were promptly paid. Payments were made by individual check(s) made payable to the applicable vendor(s) for each item. In like manner, the contributions received by the Fenwick for Senate Committee were submitted by individual contributors, made payable to "Fenwick for Senate", and were drawn upon only individual accounts. Individual checks were mailed to the Council's office and

Paid for by the Fenwick for Senate Committee

attachment 8, pg 1

were promptly forwarded to the Fenwick for Senate Committee. In keeping with Mrs. Fenwick's personal position, no money ever was - nor will be - received from the Council for a Livable World or from any other political action committee.

The information presented in this letter will serve to clarify the points raised as a result of the complaint filed by the Washington Legal Foundation. Supporting documents for the above information (cancelled checks, invoices, letters of transmittal for checks) will be made available to the Commission should it so request.

In accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a) 12 (A), this matter will remain confidential. Should you have any further inquiries, please call me at (201) 647-7373.

Sincerely,

Maryanne E. Preztunik
Assistant Treasurer and Comptroller

attach. (1)
cc: Stephen Mims (FEC)
Jan Baran, Counsel

Attachment B, pg 2

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
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U.S. Navy (Retired)

MATTHEW MESELSON
Harvard University

JAMES PATTON
National Farmers Union

GENE POKORNY
Cambridge Reports

CHARLES PRICE
University of Pa.

EDWARD PURCELL
Harvard University

GEORGE RATHJENS
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ELI SAGAN
Writer

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations for Identification Only

July 29, 1982

The Honorable Millicent Fenwick
1230 Longworth House Office Bldg.
Washington, D.C. 20515

Dear Representative Fenwick:

Your campaign made the following arrangement with Council for a Livable World, a committee founded in 1962 and duly registered with the Federal Election Commission. The Council works for the prevention of nuclear war through nuclear arms control.

The Council wished to recommend to its supporters The Fenwick for Senate Campaign because of your leadership in the effort for nuclear arms control.

Because you do not accept any money from political action committees, your committee has paid for the mailing list, postage, stationary, design and printing costs of the Council's letter to its contributors. Your campaign is the only one which has ever had this relationship with the Council.

The contributions that you received were from individuals who made their checks out directly to your campaign committee. The Council has not made, nor will it make, any contributions to The Fenwick Campaign.

Sincerely,

Jerome Grossman

Jerome Grossman
President

JG:mb

attachment 8, p93

RECEIVED BY THE FEC
83 JAN 14 P 1:27

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1800 MERCANTILE BANK & TRUST BUILDING

2 HOPKINS PLAZA

BALTIMORE, MARYLAND 21201

(301) 244-7400

WASHINGTON, D. C. OFFICE

VENABLE, BAETJER, HOWARD & CIVILETTI

SUITE 704

1301 PENNSYLVANIA AVENUE, N. W.

WASHINGTON, D. C. 20004

(202) 783-4300

EDMUND P. DANDRIDGE, JR.
ARTHUR W. MACHEN, JR., P. C.
ROBERT M. THOMAS, P. C.
A. SAMUEL COOK, P. C.
ROBERT R. BAIR, P. C.
JACQUES T. SCHLENDER, P. C.
CHARLES B. REEVES, JR.
WILLIAM J. McCARTHY, P. C.
RUSSELL R. RENO, JR., P. C.
THOMAS P. PERKINS, III, P. C.
BENJAMIN W. CIVILETTI, P. C.
GERALD M. RATZ, P. C.
LUKE MARBURY
STUART H. ROME, P. C.
C. VAN LEUVEN STEWART, P. C.
LAWRENCE S. WEBCOTT, P. C.
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ALAN D. TARGRO
NEAL D. GORDEN
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N. PETER LAREAU
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JAMES D. WRIGHT
ALEXANDER I. LEWIS, III

MAX STUL OPPENHEIMER
TERRY F. HALL
CRAIG E. SMITH
THOMAS S. MARTIN*
BRYSON L. COOK
CHARLES M. KERR
BENSON E. LEGG
ROBERT G. AMES
NELL G. STRACHAN
RICHARD L. WASSERMAN

COUNSEL
JOHN HENRY LEWIN
NORWOOD S. ORRICK
RICHARD W. EMORY
WILBUR E. SIMMONS, JR.
PARTNER EMERITUS
JOSEPH FRANCE

RICHARD H. VENABLE (1839-1910)
EDWIN G. BAETJER (1866-1946)
CHARLES McH. HOWARD (1870-1942)

*ADMITTED IN DISTRICT OF COLUMBIA-
NOT ADMITTED IN MARYLAND

LAWRENCE J. HERWIN
JOHN W. SCHEFLEN
BARBARA E. SCHLAFF
FREDRIC A. PRESS
RONALD S. SHEFF
JAMES K. ARCHIBALD
CONSTANCE H. BAKER
B. STEWART WEBB, JR.
GEORGE W. JOHNSTON
F. DUDLEY STAPLES, JR.
EDWARD L. WENDER
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CHARITY SCOTT
PETER S. SAUCIER
ELLYN L. BROWN
CHRISTOPHER R. MELLOTT
CYNTHIA ANN ROSS
CHARLES J. NABIT
CHRISTOPHER J. FRITZ
PETER E. KEITH
MARIANNE SCHMITT HELLAUER
W. ROBERT ZIMMAN
KATHLEEN MORRIS McDONALD
CYNTHIA MEYERS MANN
YAAKOV S. NEUBERGER
MITCHELL W. SHAPIRO
JOHN S. WATKINS, II
ELIZABETH R. HUGHES
JAMES A. DUNBAR
RONALD W. TAYLOR
STEPHEN F. BIBBEE
ALISON D. KOHLER
PAUL D. SHELTON
WILLIAM T. FITZGERALD, JR.
STEPHEN P. CARNEY
FRANCIS R. LAWS

WRITER'S DIRECT NUMBER IS

244-7544

January 12, 1983

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1486/1500

Dear Mr. Gross:

This letter is written in response to your letters of October 22 and 29, 1982, advising me, as treasurer of Citizens for Sarbanes (the "Sarbanes Committee"), of the above-referenced complaints, and is intended to serve as the Sarbanes Committee's response.

With regard to MUR 1486, the Complaint filed by The Washington Legal Foundation does not name the Sarbanes Committee as a respondent. The Complaint does appear to allege, however, that the Sarbanes Committee received in-kind contributions from the Council for a Livable World attributable to fund-raising costs which have not been reported by the Committee and which have a value in excess of the $5,000 contribution limit applicable to multi-candidate political action committees. The other allegations made in the Complaint appear to be directed to CLW and the other named respondents rather than the Sarbanes Committee. MUR 1500,

attachment 9, pg 1

filed by Senator Sarbanes' Republican opponent in the 1982 Maryland general election, Lawrence J. Hogan, likewise appears to be addressed to the reporting of in-kind contributions to the Sarbanes Committee by CLW. Although neither complaint is particularly clear on the point, both also appear to question the CLW practice of collecting contribution checks made to the Sarbanes Committee and forwarding those checks to the Sarbanes Committee.

As to the latter point, the Complaint filed in MUR 1486 appears to concede that CLW's collection of checks to candidate committees for forwarding to those committees was previously considered by the FEC in MUR 1028 and found not to be objectionable. See MUR 1486 Complaint at p.8. The Sarbanes Committee has no reason to believe that contributions it has received in this manner violate either the applicable statutory provisions or regulations.

With regard to in-kind contributions from CLW to the Sarbanes Committee, our Committee has reported the in-kind contribution made to it by CLW as it has been notified by CLW of such contributions. Enclosed, in that regard, please find copies of the following correspondence:

1. Letter from CLW to Sarbanes Committee dated January 21, 1982, advising of in-kind contributions totalling $1,164.92.

2. Letter from CLW to Sarbanes committee dated April 9, 1982, advising of in-kind contributions totalling $7.82.

3. Letter from CLW to Sarbanes Committee dated July 8, 1982, advising of in-kind contributions totalling $14.00.

4. Letter from CLW to Sarbanes Committee dated October 18, 1982, advising of in-kind contributions totalling $256.36.

So far as the Sarbanes Committee is aware, in-kind contributions to it from CLW have been fully and fairly accounted for. The Committee has no way of independently verifying these figures, nor does it have any reason to believe that these sums are not correct.

Please let me know, at the address and telephone number set forth on the letterhead, if our Committee can provide any further information you require in considering these complaints.

Very truly yours,

Charles M. Kerr
Treasurer, Citizens for Sarbanes

CMK:rmc

Enclosure

Attachment 9, pg 3

RECEIVED AT THE FEC

83 JAN 14 P 1:27

January 21, 1982

114.3

combat the menace of nuclear war

Council for a Livable World

Beacon Street
ston, Mass. 02108
one: (617) 742-9395

EORGE KISTIAKOWSKY
airman

EROME GROSSMAN
esident

ATHERINE CLARK
ssc. Executive Director

0 Maryland Avenue, N.E.
ashington, D.C. 20002
one: (202) 543-4100

OHN ISAACS
egislative Director

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ormer Atomic Scientist

ICHAEL ALLEN
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arvard University

AURICE FOX
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OHN KENNETH GALBRAITH
arvard University

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arvard University

DMIRAL JOHN M. LEE
.S. Navy (Retired)

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arvard University

AMES PATTON
ational Farmers Union

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HARLES PRICE
niversity of Pa.

DWARD PURCELL
arvard University

EORGE RATHJENS
IT

ELI SAGAN
riter

ERBERT SCOVILLE JR.
rms Control Association

ANE SHARP
ornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
IT

PAUL C. WARNKE
Attorney

JEROME B. WISSNER
IT

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, Maryland 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to Citizens for Sarbanes amounting to $1,164.92 for the period July 1 - December 31, 1981.

The sum is itemized thus in the FEC report:

$102.70 out of $2,465.00 expenditure to Mass. Envelope Company, P. O. Box 3871, Boston, MA 02241.

$6.66 out of $40.00 expenditure to Aztech Corporation, 1621 Connecticut Ave., N.W., Washington, D.C. 20009, for label printing.

666
61.79
68.45

$61.79 out of $873.85 expenditure to Aztech Corporation, as above.

$555.19 out of $1,702.79 expenditure to Cantrell/Cutter, 499 Co. Capitol St., S.W., Washington, D.C. 20003, for printing.

$295.58 out of $886.75 expenditure to S & S Mailing, 5171 Lawrence Drive, Hyattsville, MD 20781, for mailing and postage.

$15.64 out of $119.10 expenditure to petty cash for postage, 11/9/81.

15.64
13.53
29.17

$13.53 out of $50.00 expenditure to petty cash for postage, 10/22/81.

$15.75 out of $250.00 expenditure to GPO Boston, Permit Fee Window, GMF, Boston, MA 02205, for Business Reply Envelope account, 11/23/81.

15.75
98.08
113.83

$98.08 out of $500.00 expenditure to GPO Boston, as above, 8/4/81.

Please call with any questions you may have.

Sincerely,

Catherine Clark

Catherine Clark
Asst. Executive Director

attachment 9, pg 4

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

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Harvard University

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U.S. Navy (Retired)

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CHARLES PRICE
University of Pa.

EDWARD PURCELL
Harvard University

GEORGE RATHJENS
MIT

ELI SAGAN
Writer

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

April 9, 1982

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, Maryland 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to the Citizens for Sarbanes amounting to $7.82 for the period January 1 - March 31, 1982.

The sum is itemized thus in the FEC report:

$7.82 out of $50.00 expenditure to cash for petty cash.

Please call me with any questions you may have.

Sincerely,

Catherine Clark

Catherine Clark
Asst. Executive Director

CC:mb

Attachment 9, p95

combat the menace
of nuclear war

Council
for a
Livable
World

Beacon Street
ston, Mass. 02108
one: (617) 742-9395
ORGE KISTIAKOWSKY
rman
ROME GROSSMAN
sident
THERINE CLARK
Executive Director
D Maryland Avenue, N.E.
ashington, D.C. 20002
one: (202) 543-4100
HN ISAACS
gislative Director

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TH ADAMS
ech Atomic Scientists
CHAEL ALLEN
omey
ERNARD FELD
T
OGER FISHER
rvard University
AURICE FOX
IT
EROME FRANK
hns Hopkins University
OHN KENNETH GALBRAITH
rvard University
EROME GROSSMAN
siness Executive
EORGE KISTIAKOWSKY
arvard University
DMIRAL JOHN M. LEE
S Navy (Retired)
ATTHEW MESELSON
arvard University
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ational Farmers Union
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niversity of Pa.
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arvard University
EORGE RATHJENS
IT
U SAGAN
ter
ERBERT SCOVILLE, JR.
rms Control Association
ANE SHARP
ornell University
ILLIAM E. TARLOW
usiness Executive
TEPHEN THOMAS
tegrative Biomedical Research
OSTA TSIPIS
IT
AUL C. WARNKE
omey
EROME B. WIESNER
T

Affiliations For Identification Only

July 8, 1982

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, MD 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to the Citizens for Sarbanes amounting to $14.00 for the period of April 1 through June 30, 1982.

The sum is itemized thus in the FEC report:

$6.67 out of $500.00 expenditure to Postmaster, Boston, Permit Free Window, GMF, Boston MA 02205, for BRE account.

$7.33 out of $250.00 expenditure to GPO, Boston, State House, Boston MA 02108, for postage.

Please call me with any questions you may have.

Sincerely,

14.00

Catherine Clark
Asst. Executive Director

CC:mb

attachment 9, pg 6

combat the menace
of nuclear war

Council
for a
Livable
World

Beacon Street
ston, Mass. 02108
one: (617) 742-9395
ORGE KISTIAKOWSKY
rman
ROME GROSSMAN
sident
THERINE CLARK
t. Executive Director

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shington, D.C. 20002
one: (202) 543-4100
HN ISAACS
ecutive Director

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TH ADAMS
ion Atomic Scientists
CHAEL ALLEN
orney
NARD BERG
GER FISHER
vard University
URICE FOX
ROME FRANK
ins Hopkins University
HN KENNETH GALBRAITH
vard University
ROME GROSSMAN
siness Executive
ORGE KISTIAKOWSKY
vard University
MIRAL JOHN M. LEE
S. Navy (Retired)
ATTHEW MESELSON
vard University
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tional Farmers Union
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versity of Pa.
DWARD PURCELL
vard University
EORGE RATHJENS
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LI SAGAN
ter
ERBERT SCOVILLE, JR.
ins Control Association
ANE SHARP
ttles University
ILLIAM E. TARLOW
usiness Executive
TEPHEN THOMAS
egative Biomedical Research
OSTA TSIPIS
IT
AUL C. WARNKE
orney
EROME B. WIESNER
IT

Affiliations For Identification Only

October 18, 1982

Citizens for Sarbanes
P.O. Box 10644
Baltimore, MD 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to the Citizens for Sarbanes campaign amounting to $256.36 for the period October 1 through October 13, 1982.

The sum is itemized thus in the FEC report:

> $256.36 out of $6,180.58 expenditure to Massachusetts Envelope Company, 30 Cobble Hill Road, Somerville, MA 02143, for envelopes.

Please call me with any questions you may have.

Sincerely,

Catherine Clark
Asst. Executive Director

Attachment 9, 1997

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

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MIT

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Harvard University

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MIT

JEROME FRANK
Johns Hopkins University

JOHN KENNETH GALBRAITH
Harvard University

JEROME GROSSMAN
Business Executive

GEORGE KISTIAKOWSKY
Harvard University

ADMIRAL JOHN M. LEE
U.S. Navy (Retired)

MATTHEW MESELSON
Harvard University

JAMES PATTON
National Farmers Union

GENE POKORNY
Cambridge Reports

CHARLES PRICE
University of Pa.

EDWARD PURCELL
Harvard University

GEORGE RATHJENS
MIT

ELI SAGAN
Writer

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

January 21, 1982

114.3

Pol. Sar. Commitment

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, Maryland 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to Citizens for Sarbanes amounting to $1,164.92 for the period July 1 - December 31, 1981.

The sum is itemized thus in the FEC report:

$102.70 out of $2,465.00 expenditure to Mass. Envelope Company, P. O. Box 3871, Boston, MA 02241.

$6.66 out of $40.00 expenditure to Aztech Corporation, 1621 Connecticut Ave., N.W., Washington, D.C. 20009, for label printing.

6.66
61.79
68.45

$61.79 out of $873.85 expenditure to Aztech Corporation, as above.

$555.19 out of $1,702.79 expenditure to Cantrell/Cutter, 499 Co. Capitol St., S.W., Washington, D.C. 20003, for printing.

$295.58 out of $886.75 expenditure to S & S Mailing, 5171 Lawrence Drive, Hyattsville, MD 20781, for mailing and postage.

$15.64 out of $119.10 expenditure to petty cash for postage, 11/9/81.

15.64
13.53
29.17

$13.53 out of $50.00 expenditure to petty cash for postage, 10/22/81.

$15.75 out of $250.00 expenditure to GPO Boston, Permit Fee Window, GMF, Boston, MA 02205, for Business Reply Envelope account, 11/23/81.

15.75
98.08
113.83

$98.08 out of $500.00 expenditure to GPO Boston, as above, 8/4/81.

Please call with any questions you may have.

Sincerely,

Catherine Clark

Catherine Clark
Asst. Executive Director

CC:mb

attachment 9, pg 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1486
Council for a Livable World,
Peace PAC, William E. Tarlow,
Paul Warnke, and Jerome Grossman

Dear Mr. Lackritz:

The Federal Election Commission notified you on October , 1982, of a complaint which alleges that your clients, Council For A Livable World, Peace PAC, William E. Tarlow, Paul Warnke, and Jerome Grossman, violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded at that time.

Upon further review of the allegations contained in the complaint (and information supplied by you), the Commission, on , 1983, determined that there is reason to believe your client, the Council For A Livable World, has violated 2 U.S.C. §§ 441a(a)(2)(A), 434(b), 441d, 434(a)(4)(A)(ii) and 433(b)(2). In addition, the Commission has determined that there is reason to believe Peace PAC violated 2 U.S.C. §§ 441d, and 434(a)(4)(A)(i). Consideration of this matter has also led the Commission to conclude there is no reason to believe the Council For A Livable World violated 2 U.S.C. §§ 441a(a)(2)(C) or 441e and that there is no reason to believe Peace PAC violated 2 U.S.C. §§ 434(b), 441a(a)(2)(A), or 441a(f). The analysis of the Office of General Counsel is summarized for your convenience:

A. 1. <u>Whether CLW violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether CLW violated 2 U.S.C. § 434(b) by failing to report those costs</u>

In the General Counsel's view, the response of CLW does not adequately explain why CLW staff costs for recordkeeping functions are not included in CLW's calculations of in-kind

Attachment 2, p. 1

support provided to candidates. Nor does the response provide a reasonable explanation for why no part of the expenses of CLW's initial "prospects" mailings is treated as an in-kind contribution to the candidates who benefit from the use of the resulting proven donor list. Accordingly, the General Counsel recommended that the Commission determine there is reason to believe CLW violated 2 U.S.C. § 441a(a)(2)(A) by failing to include in its allocation formula all costs directly associated with the candidate mailings. Such a failure by CLW would also create a violation of the reporting requirements. Therefore, the General Counsel also recommended that the Commission find reason to believe CLW violated 2 U.S.C. § 434(b).

2. Whether CLW violated 2 U.S.C. § 441d

CLW's solicitation materials appear not to meet the statutory requirement of stating who paid for the mailing. See 2 U.S.C. § 441d(a)(2). Moreover, CLW does not refute that its mailing of April 1982 on its own behalf (see Exhibits 13 and 13A of the complaint) contained no disclaimer whatsoever. Because it is not a separate segregated fund with a limited class of solicitees, CLW does not fall outside the scope of § 441d. Cf. Advisory Opinion 1980-71. Thus, the General Counsel recommended that the Commission determine there is reason to believe CLW violated 2 U.S.C. § 441d by its failure to provide in its solicitations the required disclaimer.

3. Whether CLW violated 2 U.S.C. § 441e by accepting contributions from foreign nationals

CLW has reported that its "established practice and policy is not to solicit or to accept contributions from foreign nationals." CLW has included as Tab I to its response copies of contributor cards from the two individuals cited in the complaint, indicating they are indeed U.S. citizens.

The Office of General Counsel accordingly recommended that the Commission find no reason to believe CLW violated 2 U.S.C. § 441e.

4. Whether CLW violated 2 U.S.C. § 434(a)(4)(A) by failing to file the necessary pre-primary election reports

CLW has reported, during 1982, in-kind contributions made on behalf of candidates in primary election campaigns. CLW has designated these contributions for the primary elections on its reports. (Some of the candidates to whom CLW made primary election in-kind contributions are Senators Metzenbaum, Sarbanes, Kennedy and Sasser). Both the Act (2 U.S.C. § 434(a)(4)(A)(ii))

Attachment 10, p. 2

and Commission Regulations (11 C.F.R. § 104.5(c)(1)(ii)(A)) clearly require any committee to file a pre-election report for each primary election in which it makes contributions or expenditures.

Because CLW has failed to file the required pre-primary election reports, the General Counsel recommended that the Commission find reason to believe CLW violated 2 U.S.C. § 434(a)(4)(A)(ii).

5. Whether CLW violated 2 U.S.C. § 441a by making contributions to Peace PAC in excess of $5,000.

Because of CLW's on-the-record admission of affiliation with Peace PAC and, reciprocally, Peace PAC's admission in its Statement of Organization, the General Counsel recommended that the Commission determine there is no reason to believe CLW violated 2 U.S.C. § 441a(a)(2)(C) through its in-kind support of Peace PAC. The General Counsel recommended, however, that because CLW has not amended its Statement of Organization to list affiliation with Peace PAC, the Commission determine there is reason to believe CLW violated 2 U.S.C. § 433(b)(2).

B. Peace PAC

1. Whether Peace PAC violated 2 U.S.C. § 441a by making excessive in-kind contributions to federal candidates through its failure to include all costs associated with the solicitations; whether Peace PAC violated 2 U.S.C. § 434(b) by failing to report these costs

General solicitations by Peace PAC are exemplified by TAB B to the response. See response at 3. That solicitation is titled "How to elect a U.S. Congress in 1982 committed to freezing and reducing nuclear arms." The four page solicitation focuses upon the drive for funds to be used by Peace PAC for political contributions. The solicitation lists 16 House candidates together with a sentence or two describing the candidate's position. Peace PAC then asks supporter to send contributions to Peace PAC so that it may support those candidates in "races where our support can make a difference...." The General Counsel believes that the costs associated with this kind of solicitation need not be allocated as in-kind contributions on behalf of those candidates.

Accordingly the Office of General Counsel recommended the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. §§ 434(b) or 441a by having not allocated certain of its costs as in-kind contributions.

Attachment 10, p. 3

2. Whether Peace PAC violated 2 U.S.C. § 441d

A brochure which appears to have been included with Peace PAC's solicitation materials (see Exhibit 12 of the complaint) includes the statement "Paid for by Peace PAC" but does not include an additional statement to the effect that the communication either was or was not authorized by any candidate. Present Commission regulations, at 11 C.F.R. § 110.11(a)(1)(iv), indicate that a political committee's express advocacy communications or solicitations, if not authorized by any candidate or candidate's committee, need only state who paid for them.

Accordingly, the Office of General Counsel recommended that the Commission determine there is no reason to believe Peace PAC violated 2 U.S.C. § 441d.

3. Whether Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i)

Peace PAC submitted its Statement of Organization to the Commission on May 4, 1982. In its first report of receipts and expenditures (filed on October 15, 1982 - covering the period from July 1, 1982 through September 30, 1982) Peace PAC reported a beginning cash balance of $3,000. It appears, therefore, that Peace PAC should have filed a report by July 15, 1982, for the period from registration through June 30, 1982.

The Office of General Counsel recommended therefore that the Commission determine there is reason to believe Peace PAC violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the July 1982, quarterly report of receipts and expenditures.

Any factual or legal materials which you believe are relevant to the Commission's analysis of this matter should be filed within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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 have any questions, please contact Stephen Mims, the staff member assigned to this matter at 523-4039.

Sincerely,

Enclosures
Procedures

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Donald Spector, Treasurer
Nuclear Freeze Political Action Committee
1780 Broadway, Suite 1200
New York, New York 10019

Re: MUR 1486

Dear Mr. Spector:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Nuclear Freeze Political Action Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 11

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Randy L. Dryer, Esquire
Parson, Behle & Latimer
185 South State Street
Salt Lake City, Utah 84147

Re: MUR 1486
Wilson for Utah Committee

Dear Mr. Dryer:

On October 22, 1982, the Commission notified your client of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Wilson for Utah Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

attachment 12

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

McDaniel Senate Campaign
Leo J. Salazar
P.O. Box 1707
Cheyenne, Wyoming 82001

Re: MUR 1486

Dear Mr. Salazar:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the McDaniel Senate Campaign. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 13

FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green
1140 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1486
Committee to Re-elect Senator Kennedy, Metzenbaum for Senate Committee, Toby Moffett for U.S. Senate Committee

Dear Mr. Oldaker:

On October 22, 1982, the Commission notified your clients of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Committee to Re-elect Senator Kennedy, the Metzenbaum for Senate Committee or the Toby Moffett for U.S. Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your clients. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 14

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles J. Micoleau, Esquire
Kermit V. Lipez, Esquire
Thaxter, Lipez, Stevens, Broder
and Micoleau
1825 K Street, N.W.
Suite 503
Washington, D.C. 20006

Re: MUR 1486
Mitchell for Senate Committee

Dear Messrs. Micoleau and Lipez:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Mitchell for Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 15

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael A. Nemeroff, Esquire
Sidley and Austin
1722 Eye Street, N.W.
Washington, D.C. 20006

Re: MUR 1486
Friends of Jim Sasser Committee

Dear Mr. Nemeroff:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Friends of Jim Sasser Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 16

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jan Baran, Esquire
Baker and Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

Re: MUR 1486
Fenwick for Senate Committee

Dear Mr. Baran:

On October 22, 1982, the Commission notified your client of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by respondents there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Fenwick for Senate Committee. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 17

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citizens for Sarbanes
Charles M. Kerr, Treasurer
P.O. Box 10644
Baltimore, Md. 21204

Re: MUR 1486

Dear Mr. Kerr:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Citizens for Sarbanes Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

attachment 18

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Riegle for Senate in '82 Committee
Sherwood Colburn, Treasurer
27200 Lasher Road
Southfield, Michigan 48075

Re: MUR 1486

Dear Mr. Colburn:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Riegle for Senate in '82 Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 19

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re-elect Senator Chafee Committee
John S. Renza, Jr., Treasurer
320 South Main Street
Providence, Rhode Island 02903

Re: MUR 1486

Dear Mr. Renza:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Re-elect Senator Chafee Committee. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

attachment 20

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Levinson for Senate, Inc.
George F. Shreppler, Jr., Treasurer
P.O. Box 349
Middletown, Delaware 19709

Re: MUR 1486

Dear Mr. Shreppler:

On October 22, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed by Levinson for Senate, Inc. Accordingly, the Commission closed its file in this matter as it pertains to your committee. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 21

204100

RECEIVED - FEC
Cell 953 0
83 FEB 22 P2:01

LAW OFFICES OF
PARSONS, BEHLE & LATIMER
A PROFESSIONAL CORPORATION
185 SOUTH STATE STREET
POST OFFICE BOX 11898
SALT LAKE CITY, UTAH 84147
TELEPHONE (801) 532-1234
TELECOPIER (801) 521-9868

1101 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 659-0862

FORMERLY
DICKSON, ELLIS, PARSONS & McCREA
1882-1959

KEITH E. TAYLOR
JAMES B. LEE
JOHN A. DAHLSTROM
GORDON L. ROBERTS
F. ROBERT REEDER
WILLIAM L. CRAWFORD
CONSTANCE K. LUNDBERG
LAWRENCE E. STEVENS
DANIEL M. ALLRED
HOWARD J. MARSH
YAN M. ROSS
ERIE V. BOORMAN
DAVID S. DOLOWITZ
KENT W. WINTERHOLLER
KATHLENE W. LOWE
BARBARA K. POLICH
RANDY L. DRYER
CHARLES H. THRONSON
DAVID R. BIRD
RAYMOND J. ETCHEVERRY
FRANCIS M. WIKSTROM
DAVID W. TUNDERMANN*
KREGE B. CHRISTENSEN
JAMES M. ELEGANTE
DAVID P. HIRSCHI

*ADMITTED IN WASHINGTON, D.C. ONLY

C.C. PARSONS
1907-1968

CALVIN A. BEHLE
1947-

OF COUNSEL
GEORGE W. LATIMER
WAYNE OWENS

VAL R. ANTCZAK
PATRICK J. GARVER
SPENCER E. AUSTIN
JOHN B. WILSON
ROBERT C. HYDE
CRAIG B. TERRY
DAVID A. ANDERSON
KENT O. ROCHE
PATRICIA J. WINMILL
MARY BETH WALZ
JAN P. BENSON
MICHAEL D. DAZEY
RANDY M. GRIMSHAW
JOHN F. WALDO
J. STEPHEN RUSSELL
DANIEL W. HINDERT
T. PATRICK CASEY
ALICE L. HEARST
HENRY D. MARSH
R. CHAMBERS
BYRON W. MILSTEAD
THOMAS J. McCORMICK
LOIS A. BAAR

February 15, 1983

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

RE: MUR 1486

Dear Mr. Mims:

By letter of October 22, 1982 from Kenneth A. Gross, the Wilson for Utah Committee was notified that a complaint had been filed with the Federal Election Commission against the Council for a Liveable World and various other entities and individuals. Although the complainant did not name the Wilson for Utah Committee, the Commission staff nonetheless deemed it appropriate to request a response from the Committee. On November 10, 1982 the Committee responded by letter to you, the staff member assigned to the matter. The Committee has received no further communications from the Commission and this letter is to request that the undersigned be advised of the present status of the matter as it relates to the Wilson Committee.

Thank you for your anticipated cooperation.

Very truly yours,

Randy L. Dryer

RANDY L. DRYER

RLD/rla

cc: Mayor Ted Wilson
Richard VanKlaveren

LAW OFFICES OF
PARSONS, BEHLE & LATIMER
A PROFESSIONAL CORPORATION

185 SOUTH STATE STREET
POST OFFICE BOX 11898
SALT LAKE CITY, UTAH 84147

83 FEB 22 P 2: 01

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

Gcc # 9324

LAW OFFICES
WALD, HARKRADER & ROSS

1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036-1697

(202) 828-1200
CABLE ADDRESS: WALRUS
TELEX (RCA): 248591 (WHR)

1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
(214) 741-9241

24 UPPER BROOK STREET
LONDON, W1Y 1PD, ENGLAND
TEL. 629-1076
TELEX (851) 888433 (WHRLON)

CHARLES C. ABELES
TONI K. ALLEN
JERRY D. ANKER
GEORGE A. AVERY
MARKHAM BALL
JOAN ZELDES BERNSTEIN
DAVID R. BERZ
C. COLEMAN BIRD
RICHARD A. BROWN
THOMAS W. BRUNNER
DONALD T. BUCKLIN
JOHN L. BURKE, JR.
ROBERT M. COHAN*
ZACHARY D. FASMAN

GREER S. GOLDMAN
DONALD H. GREEN
JOSEPH P. GRIFFIN
GILBERT E. HARDY
LAURENCE I. HEWES, III
JOEL E. HOFFMAN
STEPHEN B. IVES, JR.
MARK R. JOELSON
MARC E. LACKRITZ
ROBERT M. LICHTMAN
JEFFREY F. LISS
J. BRIAN MOLLOY
TERENCE ROCHE MURPHY
LEWIS M. POPPER
WM. WARFIELD ROSS

MARK SCHATTNER
THOMAS J. SCHWAB
ROBERT A. SKITOL
STEPHEN M. TRUITT
THOMAS H. TRUITT
ROBERT L. WALD
KEITH S. WATSON
DAVID B. WEINBERG
WILLIAM R. WEISSMAN
JOHN A. WESTBERG**
GERALD B. WETLAUFER
STEVEN K. YABLONSKI
ANTHONY L. YOUNG
CHARLES A. ZIELINSKI***

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DON WALLACE, JR.

January 13, 1983

BY HAND

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Fl.
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

This letter supplements the November 18, 1982 response of the Council for a Livable World ("CLW") filed in the above-referenced matter. The complaint in this proceeding alleges that CLW and its affiliate, Peace Political Action Committee ("Peace PAC"), have violated federal law by failing to allocate "the cost of CLW's staff and officers for obtaining, writing, compiling and producing the candidate profile brochures." (Complaint, at 8). This letter provides a more detailed description of the process by which CLW collects information about candidates, prepares the profiles and related solicitation material, and reports the associated costs as in-kind contributions.

Almost all of the information in the profiles about candidates and their views on nuclear arms control is developed as a result of CLW's lobbying and educational activities. As we stressed in our November 18 response

at pages 7-8, CLW's overriding objective is not the election of candidates for federal office, but rather the establishment of a rational and consistent national policy on arms control. To that end, CLW engages in a wide variety of lobbying and educational activities that are unrelated to political campaigns and are carried out in both non-election and election years. In the course of these activities, key CLW staff members, particularly its president, Jerome Grossman, and its legislative director, John Issacs, gather relevant information about specific Senators and their positions and voting records on nuclear arms control. Moreover, CLW regularly receives newsletters from the Democratic and Republican national party organizations and materials from candidates' campaign committees as well. This information is supplemented by independent research conducted by CLW to guide its lobbying activities on Capitol Hill.

In an election year, the information compiled about various Senate candidates during the preceding months forms the basis for endorsement proposals that are submitted to the CLW Board of Directors. The members of that Board, who are unpaid, meet regularly to discuss and decide major policy and strategic questions, including the endorsement of particular candidates recommended by the staff. A candidate must be interviewed by at least three Board members before an endorsement decision is made.

Once the Board endorses a candidate, the staff collects additional pertinent information about the candidate and his or her views on nuclear arms policy. This information is obtained from public sources (e.g., Congressional Record) as well as the candidate's campaign committee and involves minimal (less than a few hours) staff time. See 11 C.F.R. § 100.7(a)(3)(i).

The candidate profiles are prepared by Messrs. Grossman and Isaacs, who share the responsibility equally. Each spends approximately four hours reviewing the assembled information, including a candidate's statements, voting record, and biographical data, and drafting the one or two page candidate profile. In an election year, CLW typically makes one solicitation per month and each solicitation seeks support for two or sometimes three different candidates. Thus, in the course of a month Messrs. Grossman and Issacs spend collectively no more than 12 hours and frequently

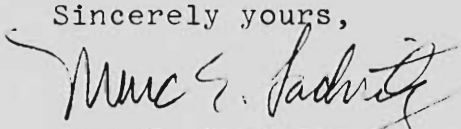
as little as eight hours drafting candidate profiles. Moreover, Mr. Grossman drafts all of the profiles assigned to him at home during non-business hours. Mr. Issacs also frequently writes his profiles at home, but sometimes will spend one or two hours doing them during his regular business day. Each solicitation is also accompanied by a cover letter, drafted by Mr. Grossman, which takes perhaps one hour to complete.

The drafts are typed during regular business hours by a CLW secretary and then proofed and sent to a typesetter. The typesetter does the layout for the solicitation, which is proofed by CLW and forwarded in final form to a printer. The printed letters and profiles are then forwarded to a mailing house which places them in envelopes, addresses them to individuals on CLW's mailing list and mails them out. The costs of the typesetting, printing, and mailing are allocated among the endorsed candidates in accordance with the procedures described in our earlier response in this proceeding (pp. 8-9) and reported as in-kind contributions to those candidates. If the solicitation also asks for contributions to CLW itself, CLW is treated as if it were an endorsed candidate and is allocated its appropriate portion of the printing and mailing costs.

In sum, almost all of the information that CLW uses in identifying candidates for endorsement and preparing the candidate profiles is gathered in connection with CLW's lobbying and educational activities rather than its election activities. The profiles themselves require very little time to prepare and are drafted by Messrs. Grossman and Issacs, usually at their homes in the evenings, outside of regular business hours, and, therefore, should not be regarded as "contributions" under the FEC regulations. See 11 C.F.R. § 100.7(a)(3)(i);(b)(3). In contrast, the costs of typesetting, printing and mailing the profiles are allocated among the endorsed candidates and reported as in-kind contributions to those candidates.

I hope this additional information answers any questions you may have about CLW's "in-kind contributions." If you have any further questions, please contact me.

Sincerely yours,



Marc E. Lackritz
Attorney for Council
For A Livable World

MEL:lc

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036

BY HAND

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Fl.
Washington, D.C. 20463

203 766 GCC # 9329

FEC

VENABLE, BAETJER AND HOWARD

83 JAN 14 P 1:27

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1800 MERCANTILE BANK & TRUST BUILDING

2 HOPKINS PLAZA

BALTIMORE, MARYLAND 21201

(301) 244 7400

WASHINGTON, D.C. OFFICE

VENABLE, BAETJER, HOWARD & CIVILETTI

SUITE 704

1301 PENNSYLVANIA AVENUE, N.W.

WASHINGTON, D.C. 20004

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*ADMITTED IN DISTRICT OF COLUMBIA-
NOT ADMITTED IN MARYLAND

WRITER'S DIRECT NUMBER IS

244-7544

January 12, 1983

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1486/1500

Dear Mr. Gross:

This letter is written in response to your letters of October 22 and 29, 1982, advising me, as treasurer of Citizens for Sarbanes (the "Sarbanes Committee"), of the above-referenced complaints, and is intended to serve as the Sarbanes Committee's response.

With regard to MUR 1486, the Complaint filed by The Washington Legal Foundation does not name the Sarbanes Committee as a respondent. The Complaint does appear to allege, however, that the Sarbanes Committee received in-kind contributions from the Council for a Livable World attributable to fund-raising costs which have not been reported by the Committee and which have a value in excess of the $5,000 contribution limit applicable to multi-candidate political action committees. The other allegations made in the Complaint appear to be directed to CLW and the other named respondents rather than the Sarbanes Committee. MUR 1500,

filed by Senator Sarbanes' Republican opponent in the 1982 Maryland general election, Lawrence J. Hogan, likewise appears to be addressed to the reporting of in-kind contributions to the Sarbanes Committee by CLW. Although neither complaint is particularly clear on the point, both also appear to question the CLW practice of collecting contribution checks made to the Sarbanes Committee and forwarding those checks to the Sarbanes Committee.

As to the latter point, the Complaint filed in MUR 1486 appears to concede that CLW's collection of checks to candidate committees for forwarding to those committees was previously considered by the FEC in MUR 1028 and found not to be objectionable. See MUR 1486 Complaint at p.8. The Sarbanes Committee has no reason to believe that contributions it has received in this manner violate either the applicable statutory provisions or regulations.

With regard to in-kind contributions from CLW to the Sarbanes Committee, our Committee has reported the in-kind contribution made to it by CLW as it has been notified by CLW of such contributions. Enclosed, in that regard, please find copies of the following correspondence:

1. Letter from CLW to Sarbanes Committee dated January 21, 1982, advising of in-kind contributions totalling $1,164.92.

2. Letter from CLW to Sarbanes committee dated April 9, 1982, advising of in-kind contributions totalling $7.82.

3. Letter from CLW to Sarbanes Committee dated July 8, 1982, advising of in-kind contributions totalling $14.00.

4. Letter from CLW to Sarbanes Committee dated October 18, 1982, advising of in-kind contributions totalling $256.36.

So far as the Sarbanes Committee is aware, in-kind contributions to it from CLW have been fully and fairly accounted for. The Committee has no way of independently verifying these figures, nor does it have any reason to believe that these sums are not correct.

Please let me know, at the address and telephone number set forth on the letterhead, if our Committee can provide any further information you require in considering these complaints.

Very truly yours,

Charles M. Kerr
Treasurer, Citizens for Sarbanes

CMK:rmc

Enclosure

RECEIVED AT THE FEC

83 JAN 14 P 1:27

January 21, 1982

114.3

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

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Asst. Executive Director

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HOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, Maryland 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to Citizens for Sarbanes amounting to $1,164.92 for the period July 1 - December 31, 1981.

The sum is itemized thus in the FEC report:

$102.70 out of $2,465.00 expenditure to Mass. Envelope Company, P. O. Box 3871, Boston, MA 02241.

$6.66 out of $40.00 expenditure to Aztech Corporation, 1621 Connecticut Ave., N.W., Washington, D.C. 20009, for label printing.

$61.79 out of $873.85 expenditure to Aztech Corporation, as above.

$555.19 out of $1,702.79 expenditure to Cantrell/Cutter, 499 Co. Capitol St., S.W., Washington, D.C. 20003, for printing.

$295.58 out of $886.75 expenditure to S & S Mailing, 5171 Lawrence Drive, Hyattsville, MD 20781, for mailing and postage.

$15.64 out of $119.10 expenditure to petty cash for postage, 11/9/81.

$13.53 out of $50.00 expenditure to petty cash for postage, 10/22/81.

$15.75 out of $250.00 expenditure to GPO Boston, Permit Fee Window, GMF, Boston, MA 02205, for Business Reply Envelope account, 11/23/81.

$98.08 out of $500.00 expenditure to GPO Boston, as above, 8/4/81.

Please call with any questions you may have.

Sincerely,

Catherine Clark

Catherine Clark
Asst. Executive Director

CC:mb

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

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Integrative Biomedical Research

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Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

April 9, 1982

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, Maryland 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to the Citizens for Sarbanes amounting to $7.82 for the period January 1 - March 31, 1982.

The sum is itemized thus in the FEC report:

$7.82 out of $50.00 expenditure to cash for petty cash.

Please call me with any questions you may have.

Sincerely,

Catherine Clark

Catherine Clark
Asst. Executive Director

CC:mb

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

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Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

An Illinois Nonproliferation Group

July 8, 1982

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, MD 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to the Citizens for Sarbanes amounting to $14.00 for the period of April 1 through June 30, 1982.

The sum is itemized thus in the FEC report:

$6.67 out of $500.00 expenditure to Postmaster, Boston, Permit Free Window, GMF, Boston MA 02205, for BRE account.

$7.33 out of $250.00 expenditure to GPO, Boston, State House, Boston MA 02108, for postage.

Please call me with any questions you may have.

Sincerely,

14.00

Catherine Clark

Catherine Clark
Asst. Executive Director

CC:mb

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

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100 Maryland Avenue, N.E.
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JOHN ISAACS
Legislative Director

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STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

October 18, 1982

Citizens for Sarbanes
P.O. Box 10644
Baltimore, MD 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to the Citizens for Sarbanes campaign amounting to $256.36 for the period October 1 through October 13, 1982.

The sum is itemized thus in the FEC report:

> $256.36 out of $6,180.58 expenditure to Massachusetts Envelope Company, 30 Cobble Hill Road, Somerville, MA 02143, for envelopes.

Please call me with any questions you may have.

Sincerely,

Catherine Clark
Asst. Executive Director

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
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Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

January 21, 1982

114.3

Senator Paul Sarbanes
Citizens for Sarbanes
P. O. Box 10644
Baltimore, Maryland 21204

Dear Senator Sarbanes:

The Federal Election Commission will be notified of contributions-in-kind to Citizens for Sarbanes amounting to $1,164.92 for the period July 1 - December 31, 1981.

The sum is itemized thus in the FEC report:

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$61.79 out of $873.85 expenditure to Aztech Corporation, as above.

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$15.64 out of $119.10 expenditure to petty cash for postage, 11/9/81.

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$98.08 out of $500.00 expenditure to GPO Boston, as above, 8/4/81.

Please call with any questions you may have.

Sincerely,

Catherine Clark

Catherine Clark
Asst. Executive Director

CC:mb

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY C. RANSOM JCR

DATE: DECEMBER 6, 1982

SUBJECT: MUR 1486 - First General Counsel's Report dated December 2, 1982; Received in OCS, 12-2-82, 2:43

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 2:00, December 3, 1982.

There were no objections to the First General Counsel's Report at the time of the deadline.

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SENSITIVE

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

82 DEC 2 P2:43

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION 12/2/82

MUR # 1486
DATE COMPLAINT RECEIVED BY OGC 10/15/82
DATE OF NOTIFICATION TO RESPONDENT 10/22/82
STAFF MEMBER Mims

COMPLAINANT'S NAME: Washington Legal Foundation

RESPONDENTS' NAMES: Council for a Livable World, Peace PAC, Paul C. Warnke, William E. Tarlow, Jerome Grossman, Nuclear Freeze Political Action Committee, Toby Moffett for U.S. Senate, Riegle for Senate in '82 Committee, Re-elect Senator Chafee Committee, Mitchell for Senate, Metzenbaum for Senate Committee, McDaniel Senate Campaign, Levinson for Senate, Inc., Friends of Jim Sasser, Fenwick for Senate, Committee to Re-elect Senator Kennedy, Wilson for Utah Committee, and Citizens for Sarbanes

RELEVANT STATUTE: 2 U.S.C. §§ 434(a)(2)(A)(iii), 434(b), 441a, 441d, 441e.

INTERNAL REPORTS CHECKED: 1982 October Quarterly Report filed by Council For A Livable World

SUMMARY OF ALLEGATIONS

The Washington Legal Foundation (the Foundation) filed its complaint with the Commission on October 15, 1982. The Foundation asserts that the Council For a Livable World's (CLW) mechanism for raising funds on behalf of the respondent campaign committees violates the Act in that the costs associated with the efforts are not being properly allocated and reported. Furthermore, it is alleged that because less than 100% of the costs incurred on behalf of these candidates has already been reported, any correction in the valuation would increase those

amounts resulting in excessive contributions. Although the Commission has specifically considered CLW's fund raising mechanism in MUR 1028 (which resulted in a determination of no reason to believe) the Foundation asserts factual differences distinguish the present matter.

Insofar as respondents Peace PAC and the Nuclear Freeze PAC are concerned, the foundation asserts their failure to file the required quarterly reports. 2 U.S.C. § 434(a). Furthermore Peace PAC and CLW have, according to the Foundation, violated 2 U.S.C. § 441a through Peace PAC's acceptance of in-kind contributions in excess of the limitations from CLW. (Peace PAC's statement of organization referred to as Exhibit 5 in the foundation's complaint clearly indicates that the two entities are affiliated, however). The Foundation next asserts that CLW and Peace PAC violated 2 U.S.C. § 441d by failing to include the required notice on their solicitations. Finally, Warnke, Tarlow and Grossman are assertedly liable as committee officials for the activities of their organizations.

FACTUAL AND LEGAL ANALYSIS

On November 10, 1982, counsel for CLW, Peace PAC, Warnke, Grossman and Tarlow, requested an extension of time in order to compile a response to the complaint. On November 16, 1982, this office notified counsel that the extension was granted. A lengthy response was received on November 18, 1982. Several responses were received from the respondent candidates, as well. These replies generally denied any knowledge of CLW's procedures

but did indicate reliance upon previous investigations of CLW's process by the Secretary of the Senate and the Commission (See MUR 1028). In any event, the candidates have asserted (and a surface examination of their reports have confirmed) that in-kind contributions which were reported to the campaigns by CLW were properly reflected on their reports.

This office is in the process of reviewing the materials submitted and expects to have a recommendation for the Commission prepared very soon.

December 2, 1982
Date

Charles N. Steele
General Counsel

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

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†P.C. NEW YORK AND WASHINGTON, D.C. ONLY

November 30, 1982

Mr. Stephen Mims
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

This letter, on behalf of Senator Metzenbaum, Congressman Moffett and Senator Kennedy, is in response to the above cited matter under review.

The allegations in the Complaint filed by the Washington Legal Foundation do not make any specific allegations of wrong doing against any of the above named candidate respondents. The Washington Legal Foundation seems to be attempting to plow old ground for current political purposes in as much as the allegations contained in their Complaint merely restate matters which have come before the Commission, and have been decided both in previous matters under review and Advisory Opinion Requests.

The only new allegation raised by the Complaint which even tangentially impacts on Senator Metzenbaum, Congressman Moffet and Senator Kennedy is that the Counsel for a Livable World undervalued the in-kind contributions to the Senate campaigns of these three individuals. On behalf of the three named individual candidates I represent, I can

unequivocally state that their knowledge as to the amounts of in-kind contributions made to their Committees are as reported individually on each of their Committee's reports. The amounts which are set forth as in-kind contributions by each of these candidates are the amounts which were supplied to them by the Counsel for a Livable World. Neither Senator Kennedy's, Senator Metzenbaum's or Congressman Moffett's campaigns had any knowledge other than that which was supplied to them by the Counsel for a Livable World.

Therefore, we strongly urge the dismissal of the Complaints against the above named candidates and that the Commission find no reason to believe that any violation of the Federal Election Campaign Act of 1974, as amended, exists, as to Senator Metzenbaum, Congressman Moffett and Senator Kennedy.

Sincerely,

William C. Oldaker

WCO:kb

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Mr. Stephen Mims
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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November 22, 1982

Stephen Mims, Esquire
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
7th Floor
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

In regard to the above captioned matter, enclosed please find the statement of designation of counsel of John F. Zamparelli, Treasurer of the Kennedy for President Committee.

Sincerely,

Donald S. Picard

Donald S. Picard

DSP:djh

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: William C. Oldaker, Esq.
Epstein Becker Borsody and Green
ADDRESS: 1140 19th Street, N.W.
Washington, DC 20036
TELEPHONE: (202) 861-0900

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.

October 29, 1982
Date

John F. Zamparelli
Signature
John F. Zamparelli, Treasurer

NAME: John F. Zamparelli, Esq.
ADDRESS: 4 Doane Road
Medford, MA 02155

HOME PHONE: (617) 395-1322

BUSINESS PHONE: (617) 395-9400

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Stephen Mims, Esquire
Office of the General Counsel
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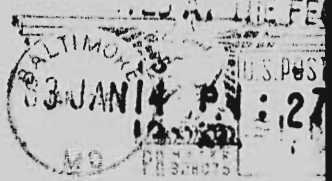

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MAIL

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Doc # 8976

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November 18, 1982

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
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Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

Enclosed is the Response to the Complaint, and Counterclaim, of the Council for a Livable World, PeacePAC, and Messrs. Warnke, Tarlow, and Grossman in the above-captioned matter. I would be pleased to meet with you to discuss anything contained in the enclosed pleading or to answer any questions that you might have.

I would very much appreciate it if you would keep me informed of any scheduled action or future developments in this matter.

With best wishes, I am

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Counsel to CLW, PeacePAC and
Messrs. Warnke, Tarlow
and Grossman

MEL:st
Enclosure

BEFORE THE
FEDERAL ELECTION COMMISSION

In The Matter of: COUNCIL FOR LIVABLE WORLD PEACE POLITICAL ACTION COMMITTEE PAUL C. WARNKE WILLIAM E. TARLOW JEROME GROSSMAN NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	MUR 1486

RESPONSE TO THE COMPLAINT, AND COUNTERCLAIM, BY RESPONDENTS COUNCIL FOR A LIVABLE WORLD, PEACE PAC, PAUL C. WARNKE, WILLIAM E. TARLOW, AND JEROME GROSSMAN

Respondents Council for a Livable World ("CLW") and Peace Political Action Committee ("PeacePAC"), and their named officers, hereby respond to the Complaint filed herein and urge the Commission to find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act and to close the file herein. In sum, this Complaint, filed a mere two and a half weeks before the recent elections, attacks a fund-raising procedure that has been used by CLW for the past twenty years and that has been thoroughly investigated and subsequently approved by the Secretary of the Senate in 1974 and the FEC itself in 1978 and 1980; the Complaint is replete with factual errors and devoid of any legal merit, and was filed solely to harass, embarrass and intimidate CLW and PeacePAC, and the candidates they endorsed. Moreover, the public relations

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effort surrounding and subsequent to the filing of the Complaint, orchestrated by the Washington Legal Foundation ("Foundation") and its officers, constitutes numerous clear, knowing, and willful violations of 2 U.S.C. § 437g(a)(12)(A).

A. Background

CLW, a non-profit and non-partisan voluntary association, was founded in 1962 by a group of scientists, headed by nuclear physicist Leo Szilard, who were concerned about the proliferation of nuclear weapons and wanted to encourage public discussions concerning control of such weapons. Ever since its founding, CLW's primary objective has been to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations.

In attempting to focus attention on these arms control issues, CLW, unlike most other political action committees, has not concentrated exclusively on electing or defeating particular political candidates. CLW has engaged in lobbying, conducted seminars for Congressional members and staff, and compiled and distributed publications on arms control issues. In addition, CLW educates and informs its supporters, on a non-partisan basis, about candidates for the United States Senate and about current legislative initiatives and issues in the area of arms control.

In election years, CLW endorses a number of candidates for the United States Senate. Descriptions of these candidates and their opponents, prepared by the CLW staff, are directly mailed to CLW supporters. In the letter enclosing this material,

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it is suggested that CLW supporters consider making contributions to the endorsed candidates' campaign committees or to CLW according to an alphabetical division of supporters by last name.*/ The solicitation card enclosed in such mailings states clearly that the solicitation is authorized by the endorsed candidates' campaign committees. All contributions are mailed back to CLW, which merely forwards them on to the intended recipients. Some typical mailings by CLW for the 1982 elections are enclosed herein at Tab A.

PeacePac was established by CLW in 1982 as an affiliated political committee with identical purposes and similar activities to those of CLW except that PeacePAC was to support political candidates for the House of Representatives -- rather than the Senate -- who favor nuclear arms control. While PeacePAC certainly could have adopted CLW's fundraising procedures for PeacePAC's endorsed candidates, so far PeacePAC has chosen to operate like most other PAC's, soliciting contributions directly to PeacePAC, which then makes the contributions to the PeacePAC-endorsed candidates.**/ An example of a PeacePAC solicitation mailing is enclosed herein at Tab B. Thus, the

---

*/ The solicitation card enclosed with each mailing suggests that: "Unless you have a preference to the contrary please make your contribution according to this alphabetical arrangement by your last name: [followed by alphabetical breakdowns]."

**/ PeacePAC has acted on occasion as a conduit in transmitting some individual contributions to a few Congressional candidates, but PeacePAC does not send out direct mailings on behalf of its endorsed candidates like CLW does.

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allegation in the Complaint at ¶ 6, pp. 3, 16-17, that "PeacePAC is operating in a manner similar to that of CLW" is absolutely incorrect as is the Complaint's conclusion that "PeacePAC is violating the law." (Id.)

1. Prior Investigations of CLW

Similarly, there is no basis whatsoever for the general or specific allegations that CLW's fundraising procedures violate the law. CLW has been investigated by both the Secretary of the Senate, in 1974, and the FEC, in 1978, concerning CLW's reporting of "in-kind contributions" to its endorsed candidates; the FEC again investigated CLW in 1980 (MUR 1028) concerning CLW's role as a conduit in transmitting contributions to its endorsed candidates. In each of these investigations, CLW fully explained its fundraising procedures, which have existed unchanged over the past twenty years, and these procedures were implicitly or explicitly approved, as no violations of law by CLW have ever been found.

In 1974, in the wake of passage of the first electoral reform laws, there was some confusion over how the costs of CLW's mailings, endorsing particular Senate candidates and suggesting that contributions be made to them, should be reported. As a result, CLW was thoroughly audited by the Secretary of the Senate, who concluded:

> The cost of these mailings should be reported as contributions in kind which should be apportioned on a reasonable basis among the candidates whose election is advocated therein by the Council.
>
> Letter to Mr. Stephen Thomas from Orlando B. Potter, October 25, 1974.

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As a result, CLW reported these mailing costs as in-kind contributions, and apportioned them among the various endorsed candidates in proportion to the number of CLW supporters being asked to consider making direct contributions to such candidates.

This procedure was reviewed again by the Federal Election Commission in the fall of 1978, when the Commission staff initially seemed to suggest that CLW's mailing costs might more properly be reported as "independent expenditures" instead of "in-kind contributions." See letter from Orlando B. Potter to Stephen M. Thomas, September 29, 1978, attached hereto at Tab C. Following CLW's response of November 15, 1978, attached hereto at Tab D, the Commission did not advise CLW to change the reporting of its mailing costs, and CLW has continued to report them as "in-kind contributions."

Finally, on February 14, 1980, the FEC informed CLW that it was being investigated in MUR 1028 to determine whether CLW had violated the contribution limitations by its fundraising procedures. After CLW's response of March 12, 1980, attached hereto at Tab E, the Commission determined on July 23, 1980 that there was no probable cause to believe that CLW had violated the law. See letter from Charles N. Steele, FEC General Counsel, to Marc E. Lackritz, July 25, 1980, attached hereto at Tab F; see also AO 1980-46, and CLW's Comments on AOR 1980-46, attached hereto at Tab G.

2. Allegations of the Complaint

The Complaint here before the Commission again dredges up some of the allegations that have already been so thoroughly

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investigated and approved by the Commission. While there are some "new" allegations in the Complaint, the Foundation still primarily re-raises the very old charges against CLW that, by acting as a conduit, CLW has violated "the election law's limit of $5,000 from a PAC to a candidate." Foundation Press Release, October 15, 1982. Since these old charges have been investigated and dismissed before in MUR 1028, this Response focuses only on the "new" allegations. The "new" allegations are that CLW and/or PeacePAC have: 1) violated the contribution limits and reporting requirements by "undervaluating the in-kind contributions" made to endorsed candidates (Complaint at ¶ 1, pp. 1-2, 5-13); 2) further violated the Act's contribution limitations by CLW's contributing more than $5,000 to PeacePAC through in-kind contributions (id. at ¶ 5, pp. 3, 15-16); and 3) committed numerous technical violations of the election laws by: a) failing to file required reports (id. at ¶¶ 2, 3; pp. 2, 14), b) soliciting and receiving political contributions from foreign nationals (id. at ¶ 4, pp. 2, 15), and c) failing to disclose on solicitation materials whether such expenditures were authorized by any candidate, his/her authorized committee, or its agents (id. at ¶ 7, pp. 3-4, 17-18). As is shown below, these "new" allegations have no basis in fact or law and therefore should be dismissed by the Commission.

B. CLW AND PEACEPAC HAVE NOT VIOLATED THE ELECTION LAWS

1. CLW Has Not Undervalued Its In-Kind Contributions to Its Endorsed Candidates.

The only real new gravamen of the Complaint is that CLW undervalues its "in-kind contributions" to its endorsed

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candidates by: 1) not allocating "the cost of CLW's staff and officers for writing, compiling, and producing the candidate profile brochures," or "other office expenses . . . such as rent, telephone, and office supplies" (id. at 8, 9); 2) allocating such costs "on the basis of 'the percentage of Council supporters in the section of the alphabet that is to consider contributing to a particular candidate,'" (id. at 9); and 3) not allocating the "expenses for prospect mailings" to the various endorsed candidates (id. at 10-13).

None of these allegations is correct as a matter of law or policy, and accordingly, they should be dismissed by the Commission. First, it should be re-emphasized that the primary purpose of the CLW is to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations. CLW thus engages in a variety of activities -- lobbying, educational, publishing and political -- only one of which is directed specifically to supporting candidates for election. Thus, CLW, unlike most other PAC's -- including some of the Washington Legal Foundation's ideological bedfellows such as NCPAC, the Congressional Club, etc. -- does not focus its energies exclusively on electing or defeating particular political candidates. CLW's ongoing functions of lobbying, educating and publishing on the issues of arms control go on year-round, regardless of whether or not there is an election. Such costs as the salaries of CLW's staff and officers, rent, telephone and office supplies would be expended

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by CLW whether or not CLW engaged in any election activity whatsoever. The CLW has reported as "in-kind contributions" the additional marginal cost of its political mailings endorsing particular candidates -- the direct mail costs of the mailings -- and apportioned them among the endorsed candidates on a reasonable basis as CLW was directed by the Secretary of the Senate on October 25, 1974. Moreover, 11 C.F.R. § 106.1(c) of the FEC regulations states that:

> Expenditures for rent, personnel, overhead, general administrative, fund-raising, and other day-to-day costs of political committees need not be attributed to individual candidates, unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate. 11 C.F.R. § 106.1(c) (1982).

CLW's direct mail costs on behalf of candidates have been apportioned among the endorsed candidates on the basis of the percentage of CLW supporters in the section of the alphabet who are directly asked to consider contributing to that particular candidate. This method of allocation, suggested by the Secretary of the Senate in 1974, is explicitly permitted by 11 C.R.F. § 106.1(a) which states that such costs " shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived." (emphasis added). Moreover, CLW's allocation method is far more practical than waiting for the results of the mailings to allocate the costs on the basis of the number of contributions actually mailed in for particular candidates and/or CLW. CLW's method of allocation is far more administratively efficient, and

it would be physically impossible to make an accurate report to the FEC at any time based upon the actual proportion of contributions received because contributions keep coming in after a mailing right up through the election. The Foundation's suggestion that each endorsed candidate included in the direct mailing should be assessed the full cost of the direct mailing (id. at 9-10) would result in double- and triple-reporting of the actual cost of the mailings.

Similarly, the "prospect mailing" costs of CLW should not be considered as "in-kind contributions" to particular candidates because they are a necessary cost incurred by CLW to obtain new supporters of CLW and its regular activities. See 11 C.F.R. § 106.1(c) (1982). Of course, if the only purpose of such "prospect mailings" were to identify supporters of a particular candidate, then such direct mailing costs might appropriately be reported as "in-kind contributions" to that candidate; however, where, as here, the "prospect mailings" are designed to raise funds for the CLW, it would be neither fair nor appropriate to charge such expenses as "in-kind contributions" to candidates, especially when such mailings are done far in advance of, and are wholly unrelated to, CLW's endorsement decisions. For example, some of the candidates CLW will support in 1984 will not even decide to run - much less win primaries - until 1984, after CLW will have completed its 1983 schedule of "prospect mailings."

The Foundation's argument that a telephone bank is comparable to "prospect mailing" (Complaint at page 11)

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is wholly inapposite. A telephone bank that is designed to solicit support for a particular candidate has been established solely to support that candidate. Prospect mailings, such as those done by the CLW, obviously serve purposes that have nothing to do with generating political support for any candidates. There is just no relationship between the use of a telephone bank in a political campaign and general direct prospect mailings.

In a different vein, if direct mail firms, which spend thousands of dollars to build their direct mail lists that are subsequently used in fundraising for various candidates, had to apportion their direct "prospect" mail costs subsequently to candidates on whose behalf they eventually work, candidates would not be able to afford any of their services, and direct mail would be eliminated from political campaigns.

Finally, the Foundation argues that "if the FEC sanctions CLW's practice, then CLW is able to exert more influence on candidates than other PAC's." (Id. at 13). This argument is wholly specious since all other PAC's are free to engage in the same lawful methods of fundraising as CLW. In fact, CLW in the past has vigorously advocated the free speech rights even of groups with which it disagrees (unlike the Foundation, whose purported support of free speech seems to extend only to its ideological bedfellows), such as in 1980, when CLW supported a requested advisory opinion by NCPAC (AOR 1980-46) to engage in a similar method of fundraising to that used by CLW. (See Tab G.)

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2. CLW Has Not Violated the Contribution Limitations By Contributing More Than $5,000 to PeacePAC Through In-Kind Contributions.

The Foundation also alleges that CLW has violated section 315 of the Act, 2 U.S.C. §441a, by contributing more than $5,000 to PeacePAC over the past six months. (Complaint at ¶ 5.)*/ Such contributions, the Foundation claims, are transfers to another political committee and, therefore, subject to an annual limit of $5,000. The Foundation further argues that the Supreme Court's decision in the California Medical Association ("CMA") case establishes that CLW's contributions to PeacePAC are illegal. See California Medical Ass'n v. FEC, 101 S. Ct. 2712 (1981).

This claim borders on the obviously frivolous and should be dismissed. As the Foundation itself admits, CLW and PeacePAC are affiliated political committees and have registered as such with the FEC. The Commission's regulations explicitly provide that affiliated committees may make unlimited transfers to one another. Moreover, the Commission has stated repeatedly in advisory opinions that transfers between affiliated committees are regarded as intra-committee transactions and, thus, are not subject to any limitations. Finally, the Foundation's reliance on the CMA decision is misplaced because that case did not involve transfers between affiliated committees.

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*/ The Foundation also alleges that Peace PAC violated 2 U.S.C. § 441a(f), by accepting the contributions from CLW. (Complaint, ¶ 5).

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FEC regulations define affiliated committees to include "[a]ll committees . . . established, financed, maintained, or controlled by the same . . . person or group of persons . . . ." 11 C.F.R. § 100.5(g)(2)(1982). CLW and PeacePAC clearly meet this definition, since PeacePAC was organized by CLW's Board of Directors and the two committees share several of the same officers and directors. PeacePAC's Statement of Organization, filed with the FEC in May, 1982, identified CLW as an "affiliated committee."*/ The Foundation, moreover, concedes that the two committees are affiliated. (Complaint at ¶ 5, p. 3).

The Commission's regulations as well as numerous advisory opinions explicitly state that affiliated committees may make unlimited transfers to one another. Section 102.6(a) of the Commission's rules, adopted in 1980, provides that "[t]ransfer of funds may be made without limit between affiliated committees...." 11 C.F.R. § 102.6(a) (1982); see AO 1980-40 Fed. Election Camp. Fin. Guide [CCH] ¶ 5501 (June 9, 1980). Prior to the rule's enactment, the Commission repeatedly held in advisory opinions that transfers between affiliated committees were not subject to any limitation. See AO 1977-21 Fed. Election Camp. Fin. Guide [CCH] ¶ 5250 (May 27, 1977); AO 1976-104 Fed. Election Camp. Fin. Guide [CCH] ¶ 5255 (June 20, 1977); see also Fed. Election Camp. Fin. Guide [CCH] ¶ 6023 (Sept. 2, 1976) (information letter).

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*/ PeacePAC's Amended Statement of Organization, filed in June, 1982, also listed CLW as an affiliated committee.

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Transfers between affiliated political committees are treated as intra-committee transactions because such committees are regarded as a single political committee for other contribution purposes. Contributions by or to one affiliated committee are treated as contributions by or to both committees. Thus, PeacePAC and CLW collectively may not accept more than $5,000 from an individual contributor in a calendar year See AO 1980-40, Fed. Election Camp. Fin. Guide [CCH] ¶ 5501 (June 9, 1980). Similarly, the two committees may not contribute a total of more than $5,000 to a particular candidate in an election. See 2 U.S.C. § 441a(a)(5). As the Commission has previously suggested, it would be inconsistent and unfair to treat affiliated political committees as a single committee for purposes of contribution limits while regarding them as two separate committees for purposes of transfers:

> [A]ffiliated committees not only share the same limitations in the contributions they receive and make, but also have the benefits of affiliation in that those committees may make unlimited transfers with each other. 11 C.F.R. 102.6(a).

AO 1980-40 Fed. Elec. Camp. Fin. Guide ¶ 5501 (June 9, 1980).

The Foundation attempts to bring CLW's support of PeacePAC within the ambit of section 441a by arguing that the Complaint here presents the same issue that the Supreme Court decided in California Medical Ass'n v. FEC, 101 S. Ct. 2712 (1981). But that case involved an entirely different question. There the Supreme Court held that section 441a prohibits an unincorporated membership organization, CMA, from contributing

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more than $5,000 per calendar year to a multi-candidate political committee, CALPAC, which the CMA had organized. In contrast to the instant proceeding, CMA and CALPAC were not affiliated political committees. CMA was a "connected organization" which the regulations define as "any organization which is not a political committee but which directly establishes, administers, or financially supports a political committee." 11 C.F.R. § 100.6(a) (1982) (emphasis added). Because CMA's transfers to CALPAC could not be regarded as transactions between affiliated committees, that issue was not even addressed by the Court. The Complaint here, though, obviously involves affiliated political committees and, as discussed above, transfers between affiliates are not subject to any limitation.

3. Neither CLW Nor PeacePAC Have Committed Any Technical Violations of the Election Law.

A) CLW and PeacePAC Have Filed all of their Required Reports.

The Foundation alleges that PeacePAC did not file its quarterly disclosure report, due by July 15, 1982, and states that a "search of FEC files and a FEC computer printout...show that no such report has been filed to date." (Complaint at page 14). This allegation is just plain wrong, demonstrating either a lack of thoroughness by counsel for the Foundation in his alleged "search," or the ulterior motive in the filing of this Complaint. PeacePAC in fact filed its July 15 Quarterly Report,

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a copy of which is attached hereto as Tab H, and has filed all other required reports. Similarly, CLW has filed all of its required reports.*/

B) CLW Has Neither Solicited Nor Received Political Contributions from Foreign Nationals.

The Foundation also alleges that CLW has violated the law "by unlawfully soliciting and receiving political contributions from foreign nationals." (Id. at ¶ 4, pp. 2,15.) The Complaint states that a "cursory check of one of CLW's FEC reports show contributions from residents in foreign contributions [sic], such as England and Canada, who are not, on information and belief, U.S. citizens." (Id. at 15.)

Again, this allegation is factually erroneous. CLW's established practice and policy is not to solicit or to accept contributions from foreign nationals because of the proscription of 2 U.S.C. § 441(e). To the best of CLW's knowledge and belief, the two contributions identified in Exhibit 7 to the Complaint as coming from foreign addresses are, in fact, from American citizens living abroad, whose statements to that effect are attached hereto at Tab I.

C) Neither CLW Nor PeacePAC Has Failed To Disclose on Its Solicitation Materials Whether Such Expenditures Were Authorized By Any Candidate, His/Her Authorized Committee, or Its Agents.

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*/ CLW's July 31 Mid-Year Report for 1981 was not filed until mid-January 1982, due to an abrupt staff turnover at the CLW offices. If any other reports were inadvertently not filed or filed late by CLW, it was a result of the abrupt staff turnover situation which has subsequently been corrected.

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The Foundation alleges that both CLW and PeacePAC have failed to make proper disclosures "as to the identity of those entities who authorized and paid for the communication." (Id. at ¶ 7, pp. 3-4, 17-18) A review of the sample CLW and PeacePAC mailings, attached hereto, however, belies these allegations. It is CLW's policy and practice to state on the solicitation cards contained in each candidate mailing that, "This solicitation is authorized by the [particular candidate's] Committee". See Tab A. This disclosure clearly satisfies 2 U.S.C. § 441d and 11 C.F.R. § 110.11(a)(1), as interpreted by AO 1980-145, Fed. Election Camp. Fin. Guide [CCH] ¶ 5599 (March 19, 1981), which stated that since:

> the letter, contributor card and return envelope...comprise the solicitation mailing, and since the sponsorship statement clearly appears on the contributor card, the requirements of § 441d and the regulations are satisfied.

Similarly in the PeacePAC mailed brochure, there is a clear identification that the mailing was paid for by PeacePAC. Moreover, the PeacePAC mailings did not solicit contributions for specific candidates or suggest using PeacePAC as a conduit for contributions. See Tab B. These disclosures are in full compliance with the relevant law and regulations, and again, these allegations should be dismissed.

For all of the foregoing reasons, CLW, PeacePAC, and their officers named in the Complaint hereby urge the Commission to find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act, and to close the file on the Complaint herein. However, because of the Foundation's intention to harass, embarrass, and intimidate

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CLW, PeacePAC and the candidates they have endorsed, as evidenced by the massive public relations effort surrounding and subsequent to the filing of this Complaint, CLW and PeacePAC urge the Commission to determine that these efforts by the Foundation constitute numerous clear, knowing, and willful violations of 2 U.S.C. § 437g(a)(12)(A).

C. COUNTERCLAIM OF COUNCIL FOR A LIVABLE WORLD

1. Introduction

It is clear from the timing of and the public relations effort surrounding the filing of the Complaint herein that the principal motive in filing this Complaint was not to enforce the election laws, but to harass, embarrass, and intimidate CLW, PeacePAC, and the candidates for the Senate and House whom they have endorsed. All of these public relations efforts surrounding the filing of the Complaint, and subsequent efforts to gain publicity for the Complaint, are in direct violation of 2 U.S.C. § 437g(a)(12)(A). Moreover, such violations of this non-disclosure provision by the Foundation and two of its officers, Messrs. Popeo and Kamenar, were clear, knowing, and willful.

2. Purpose of 2 U.S.C. § 437g(a)(12)(A).

2 U.S C. § 437g(a)(12)(A) provides in pertinent part that:

> Any notification or investigation made under this section shall not be made public by the commission or by any person without written consent of the person receiving such notification or the person with respect to whom such investigation is made.

2 U.S.C. § 437g(a)(12)(A) (emphasis added).

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The self-evident purpose of this non-disclosure provision is to ensure that unscrupulous, partisan individuals and groups do not exploit the pendency of an FEC investigation to malign and embarrass an opposing candidate for federal office. Absent such non-disclosure provisions, partisan groups could file groundless complaints with the FEC, alleging wholly frivolous election law violations by candidates they oppose, and then smear those candidates by publicizing that they were under investigation by the Commission for illegal campaign activities. These types of "smears" are not unknown in American political history.

Moreover, these smears, once set loose in the public domain, are virtually impossible to counteract effectively. As often happens with news stories, denials are usually given far less coverage than, and lag behind, the original allegations, thereby providing the wrongful accusations with a life of their own in a political campaign.

Thus, in the closing days of a campaign, a "smear attack" is especially hard to counteract effectively, given the limitations of time and the realities of election coverage. Because the Act's non-disclosure provision is the sole defense that candidates have against the use of the FEC complaint procedure as a smear tactic, the Commission should vigorously enforce the non-disclosure provision to preserve the integrity of the Commission's complaint procedures and to protect the federal election process against abusive tactics.

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Such an eleventh-hour political smear by the Foundation, and its officers, against CLW, PeacePAC and their endorsed candidates, is exactly what occurred here, and the fact that the smear failed is not a reason to leave the violations of law unenforced.

3. Foundation Actions That Violated 2 U.S.C. § 437g(a)(12)(A).

a. On October 15, 1982, a mere two and a half weeks prior to the elections, the Complaint herein was filed by the Foundation, and signed by two of its principal officers, Daniel J. Popeo and Paul D. Kamenar. The Complaint, however, was not merely filed with the FEC, but was also heralded by a press release that was widely distributed to the national media. Press Release attached hereto at Tab J. This "story" was picked up by the wire services and, in fact, it was through inquiries from the wire services that CLW was first informed that the Complaint had been filed against it.

b. Because of this public relations effort, a number of newspapers across the country including, but not limited to the St. Louis Post Dispatch, the Washington Times, the Bangor Daily News, and many other newspapers not presently known to CLW, carried the story announcing the filing, summarizing the charges in the Complaint, and listing the candidates endorsed by the CLW. A sample of the articles that appeared soon after the filing of the Complaint, as a result of the press release issued by the Foundation, are attached hereto at Tab K.

c. Not content with the coverage obtained by its own press release, the Foundation and its officers, Messrs. Popeo

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and Kamenar, then, upon information and belief, distributed copies of their press release and Complaint to the campaigns of the opponents of the CLW-endorsed candidates. In at least three instances known to CLW, this Complaint became a public campaign issue as a direct result of the efforts of the Foundation and its officers.

d. In Maryland, Senate candidate Lawrence J. Hogan accused Senator Paul Sarbanes of accepting more than the legal maximum contribution from the CLW. A newspaper article referring to Hogan's charges against Sarbanes is attached hereto at Tab L.

e. Similarly, in Wyoming, a campaign spokesman for Senator Malcolm Wallop told members of the press that Wallop's opponent, Rodger McDaniel, had received illegal campaign contributions from CLW. A newspaper article partially reporting these charges is attached hereto at Tab M.

f. In addition, on October 22, 1982, a reporter from Tennessee contacted CLW concerning both this Complaint and the amount of the CLW contributions to Senator Sasser. The reporter had obviously been briefed at a press conference by Congressman Robin Beard, Senator Sasser's opponent, about the Complaint and its allegations. There were, no doubt, other instances, of which CLW is presently unaware, of opponents of CLW-endorsed or PeacePAC-endorsed candidates injecting the Complaint into their campaigns.

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4. Effects of Public Disclosure of the Complaint

a. The effects of the Foundation's disclosure and massive public relations efforts concerning its Complaint were quite serious, especially during the last few weeks of bitterly contested election campaigns. In these last few weeks of the compaign, critical resources of CLW, PeacePAC, and the campaign staffs of their endorsed candidates were diverted to informing the CLW- and PeacePAC-endorsed candidates of this possible issue arising, fending off reporters' questions, and focusing campaigns' attention on this Complaint and away from the real policy issues involved in the campaigns.

b. The actions of the Foundation and its officers here are quite similar to those comprising the tort of "abuse of process" in the civil litigation context. Abuse of process lies when "there has been a perversion of court processes to accomplish some end which the process was not intended by law to accomplish," Goodall v. Frank R. Jelleff, Inc. 130 A.2d 781, 782 (D.C. Mun. App. 1957). For abuse of process, a party must prove: (1) an ulterior motive in instituting the suit; and (2) an act in the use of process other than one which would be proper in the regular prosecution of the charge. Morowitz v. Marvel 423 A.2d 196, 198 (D.C. App. 1980). Both of the elements necessary for an abuse of process claim have been satisfied by the Foundation's actions.

c. The improper motive here -- to influence the outcome of elections, rather than to enforce the election laws -- was accompanied by an improper act -- publicly disclosing the

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FEC Complaint in direct violation of 2 U.S.C. § 437g(a)(12)(A). The FEC here should initiate an investigation into these violations both to punish and to deter such reprehensible conduct. Advocacy groups of whatever political persuasion masquerading in the guise of the "public interest" should not be allowed to flout the FEC's laws or regulations with impunity. These groups, like all other PAC's, should have to play by the rules.

d. Moreover, the Complaint itself continues the "smear" against CLW; the obvious political and McCarthy-like motivation underlying this Complaint is clearly evidenced by the politically inflammatory and legally irrelevant material included in the footnotes at pages 5 and 6 of the Complaint. Neither Leo Szilard's views, whatever they may have been, nor Senator Weicker's views of Paul Warnke are relevant at all to the rights of CLW, PeacePAC, or anyone else before the Federal Election Commission. Such irrelevant rhetoric and innuendo, intended solely to inflame rather than enlighten, have no place before this Commission in a proceeding involving basic Constitutional rights.

e. The previous activities of the Foundation and the prior experience of its officers*/ are such that they certainly had knowledge that public disclosure of an FEC Complaint was a direct violation of the election laws. Therefore, the Commission should conduct a full investigation of the Foundation's actions relating to the filing of this Com-

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*/ Paul Kamenar worked for the Federal Election Commission in 1975-76.

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plaint, and should find that the Foundation and Messrs. Popeo and Kamenar have clearly, knowingly and willfully violated 2 U.S.C. § 437g(a)(12)(A).

For all of the foregoing reasons, the Commission should find no reason to believe that the Complaint sets forth a possible violation of law and close the file therein, and should investigate the Foundation's and its officers' actions surrounding the filing of the Complaint.

Respectfully submitted,

Marc E. Lackritz

Marc E. Lackritz
A. Richard Metzger, Jr.

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Counsel for CLW, PeacePAC, and Messrs. Warnke, Tarlow and Grossman

November 18, 1982

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CERTIFICATE

Washington)
) ss.
District of Columbia)

I hereby swear that all of the information and charges contained herein are true and correct to the best of my knowledge and belief.

Marc E. Lackritz

Marc E. Lackritz

Subscribed and sworn to before me this 18th day of November, 1982.

Loranna R. Johnson

Notary Public

My Commission expires: 12-14-83

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Oct. 1981

To combat the menace of nuclear war

Council for a Livable World

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Affiliations For Identification Only

Dear Supporter of Nuclear Arms Control:

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

The Council is one of the largest political action committees in the country. Its success in the last 20 years in helping elect 59 U.S. Senators, including 21 Senators now in Washington, both Democrats and Republicans, is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does not get involved in every race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. It recommends close races where funds from Council supporters can be crucial to the outcome. The Council assesses each endorsed candidate's true financial need. Because that need varies widely, Council supporters have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

Unlike other candidate assistance groups, Council supporters make contributions directly to candidates of their choice, but through the Council. This collective giving guarantees that the candidates will recognize that the donations are issue-oriented, for arms control.

We are beginning our Candidate Assistance Program for the 1982 Senate elections early for two reasons. (1) The candidates we endorse are already under attack from the moneyed organizations of the Extreme Right. (2) Our supporters may wish to make contributions to candidates in 1981 and 1982 in order to take advantage of the tax-deductibility in both years (up to $200 for a married couple, $100 per single in each year).

With this letter we endorse two stalwarts in the struggle for nuclear arms control Senator Paul Sarbanes, Democrat of Maryland, and Senator John Chafee, Republican of Rhode Island. Unlike other senators they have not wavered under the pressure of the Reagan tide. We will endorse a number of other candidates for the U.S. Senate in the coming months.

Please read the political profiles enclosed and send your checks in accordance with the suggestions on the contribution card. Please remember: early money is ten times more valuable than late money.

Jerome Grossman
Jerome Grossman
President

October, 1981

Unless you have a preference to the contrary please make your contribution according to this alphabetical arrangement by your last name:

A-G, check payable to CITIZENS FOR SARBANES
H-O, check payable to COUNCIL FOR A LIVABLE WORLD
P-Z, check payable to REELECT SENATOR CHAFEE COMMITTEE

Please make checks payable **only** to the intended recipient. If you make more than one contribution, please write **separate** checks for each.

This solicitation is authorized by CITIZENS FOR SARBANES and REELECT SENATOR CHAFEE COMMITTEE

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

Please fold card and return in enclosed envelope.

I enclose my contribution of $25____, $50____, $100____, $250____, Other____

PLEASE CORRECT YOUR MAILING ADDRESS, IF NECESSARY.

Name _____

Address _____

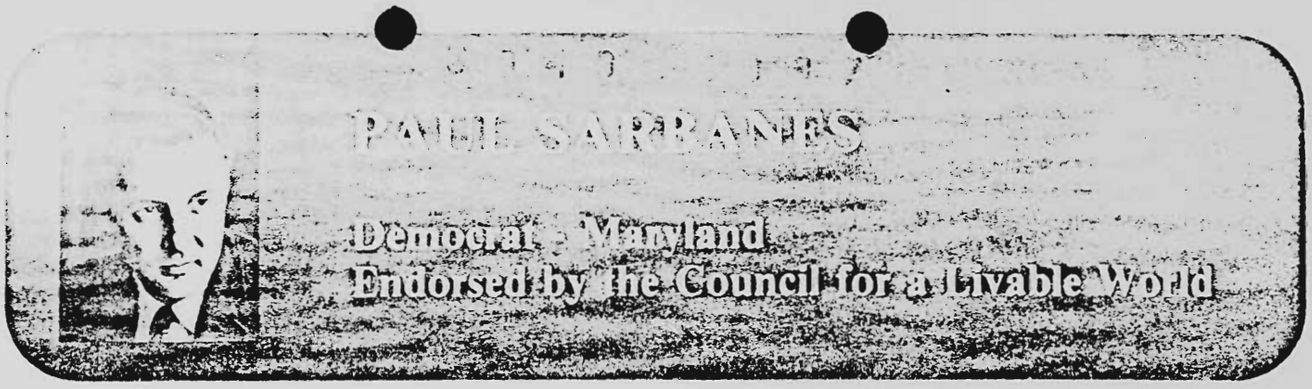
City _____ State _____

Occupation _____ Place of Business _____

(07) 815

Federal Election Campaign
Act Identification Number C00029165

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



Without a [SALT II] treaty, we may in fact have an arms race which will make clear to everyone once and for all, why the treaty before us is a limitations treaty. Without the treaty, we would embark upon an escalation of arms that would then enable everyone looking back to see why the provisions of the treaty before us did indeed constitute a limitation upon strategic arms. But at that point it will be too late to achieve the objective. We would have missed the opportunity which this treaty offers.

Sen. Paul Sarbanes
November 19, 1979

The above quote is quintessential Paul Sarbanes: instead of resorting to empty rhetoric in advocating the SALT II treaty, he went to the heart of the argument on the treaty's behalf. After studying the treaty for many months from his vantage point as a member of the Senate Foreign Relations Committee, he took the long view in endorsing the treaty. Unfortunately, despite Sarbanes' best efforts, the SALT II treaty went into legal limbo where it now rests.

Now, the Reagan Administration has embarked upon an unparalleled arms expansion which may well result in both the United States and the Soviet Union exceeding those modest treaty ceilings. In recent months, the new Administration has approved production of neutron weapons, has decided to build a new long-range strategic bomber, has expanded funds for anti-ballistic missile system research, has prepared the way for resumption of chemical weapons production, has authorized two new army divisions, is vastly expanding the size of the navy, and is still trying to decide how to base a new MX missile.

Paul Sarbanes is a strong influence in the Senate against the policies of substituting mindless arms buildup for responsible arms control negotiations. His intelligence, persistence, careful work, thorough questioning and leadership are absolutely necessary in the Senate and on the all-important Foreign Relations Committee. In 1982, he will be running for his second term.

Senator Sarbanes' quiet effectiveness is generally recognized, not least by the ultra-right National Conservative Political Action Committee (NCPAC), which selected him as their first target for 1982. Those same leadership qualities and his excellent arms control record have led the Council to enthusiastically include Paul Sarbanes in our first pair of endorsements.

The 47-year-old Sarbanes, though a first-termer in the Senate, has already played a key role in a variety of foreign policy debates. Although only in his second year in the Senate, his skills as a parliamentarian and his legal acumen caused the Senate leadership to choose him as floor manager of the historic Panama Canal treaties in 1978. Had not the pseudo-crisis over the Soviet brigade in Cuba followed by the Soviet invasion of Afghanistan forced the tabling of the treaty, Sarbanes would have been one of the floor leaders for the SALT II treaty. He has been a key Senator in the efforts to restrict the sale of F-15s and AWACS to Saudi Arabia.

On other issues of importance to the Council, Sarbanes supported the nomination of Paul Warnke as chief arms control negotiator and head of the Arms Control and Disarmament Agency, opposed neutron bomb production, voted to terminate B-1 bomber production and opposed efforts to resume production of chemical weapons. He strongly supports the continuation in force of the 1972 ABM treaty and voted against Alexander Haig's confirmation as Secretary of State.

His courage and ability may have come through most clearly during Gen. Haig's confirmation hearings earlier this year. Repeatedly during the hearings, Sarbanes refused to be deterred from the point of his sharp questioning by Haig's evasive answers. At one point, the Haig-Sarbanes exchange became a bit testy, as Sarbanes asked again and again how Haig felt about such Watergate practices as bugging National Security Council staffers:

Senator SARBANES. General, let's proceed on the premise that you were not there and had absolutely nothing to do with it. My question is : What do you think about it? What is your value judgment about that practice?

General HAIG. I think in today's environment, largely as a result of all the controversy associated with that incident, it no longer would make good sense unless you had some very firm evidence that a member of the staff was engaged either intentionally or accidentally in putting the vital interests of this Nation at risk, in which case you would then follow the procedures established, which I believe include going to a court of law to obtain from a judge a warrant to execute the tap.

Senator SARBANES. Well now, does that mean you think it was right to do these wiretaps then?

General HAIG. In a practical sense it was a very damaging thing to do.

Senator SARBANES. I understand the practicalities. I am trying to find out whether you think it was right or wrong, and under what circumstances you think it is right or wrong.

General HAIG. I think under unusual circumstances it is a course of action that must be considered.

Senator SARBANES. In this instance, since we know those circumstances, was it right or wrong?

General HAIG. It is hard for me to answer that question since I did not make the decision. I do know this: that the very issue that Senator Biden talked about this morning, the hemorrhaging of vital national security information, clearly by people—and there were only a select few—who had access to that information, would be a contributor to that kind of decision made by the President, the Attorney General, and the Director of the Federal Bureau of Investigation.

Now, I did not contribute to that decision. I had no role in it other than to know that it was in conformance with procedures which

I was assured had been followed up to that time by every American administration and every American President since World War II.

Senator SARBANES. What I am still trying to get at is whether you think it was right or wrong. Let us concede that you had nothing—

General HAIG. It is really a question that I can't answer for you, Senator, because I just wasn't in the vortex of the pressures under which a constituted political authority had to make the decision. I think you know what I feel on the practicalities of it.

While Sarbanes is careful about getting involved in a new issue, he prepares himself thoroughly and shows a strong sense of right and wrong in asking tough questions. His deliberative nature is taken by some as a sign of thoroughness so that he is invariably well-informed on an issue and by others as reflecting too narrow a focus. Sarbanes' own words in a January 1981 *Baltimore Sun* profile indicate how he resolves this dual view:

"I believe in grabbing hold of things. You have to have a little bit of the bulldog in you and keep chewing at things and chewing at them and chewing at them. I don't think you can hop, skip and jump on issues—you know, give them a once over lightly, maybe even get a lot of publicity about them and then forget about them. . . You can make a lot of noise but the objective in the end is to work through to some solution of things, to get some resolution, get some results."

Sarbanes' public career demonstrates that he has combined political daring with his innate prudence. To be elected to the House of Representatives in 1970, he challenged long-time Democratic incumbent George Fallon, then chairman of the House Public Works Committee. In the primary he upset Fallon by a narrow margin. To win re-election in 1972, he had to overcome a Maryland redistricting plan designed to deprive him of his seat by placing him in a district with another senior Democrat, a 12 term Democrat who decided unexpectedly to retire rather than face Sarbanes in a primary. In the House, he was deeply involved in a number of major issues, including the impeachment of Richard Nixon, reform of House rules and the Turkish arms embargo.

In the 1976 senatorial election, Sarbanes had to run against formidable opponents: former Senator Joseph Tydings (1965-1971) in a Democratic primary and the Republican incumbent Senator J. Glenn Beall, Jr. Sarbanes' daring and hard work were rewarded by smashing victories in both races.

In this early stage of the 1982 contest, Sarbanes would normally be considered in good political shape. He is undefeated in Maryland elections and is running in a state that usually votes Democratic. Maryland voted for Jimmy Carter in 1980 against the Reagan landslide. Polling shows that while his name recognition in the state is not as high as it might be, there are few Marylanders who dislike Sarbanes' work. This is a key political barometer.

However, 14 months before the election, it is clear that few Democratic incumbents are safe. The same forces that defeated incumbents John Culver, George McGovern, Frank Church, Birch Bayh and others in 1980 will focus on this Senate contest. In fact, in April 1981 NCPAC launched its first 1982 election effort with a massive anti-Sarbanes television, radio and newspaper blitz and has since begun a second round of media attacks. The Committee has announced its intention to spend up to $450,000 against Sarbanes in the type of negative campaign which has marked its attacks elsewhere.

The Republican Senate Campaign Committee has also committed $235,000 for the Maryland race. The most likely beneficiary of this massive infusion of Republican and New Right money is Rep. Marjorie Holt, a five term ultra-conservative Republican from Anne Arundel County who has made her mark as a hardline member of the House Armed Services Committee. An early—although disputed—NCPAC poll showed Sarbanes only narrowly ahead of Holt by a margin of 43.7% to 37.5%; 18.8% were undecided.

As a member of the Armed Services Committee, Holt has voted with the Pentagon on virtually every one of their pet projects, from neutron weapons to the B-1 bomber, preparations for renewed production of chemical weapons, resurrection of the old World War II battleships and the MX. She was a virulent opponent of the SALT II treaty. In 1980, Holt was the prime sponsor of the House Republican amendment to the federal budget to raise military spending by $5.8 billion by cutting human needs programs. Her record since her first election to the House in 1972 has earned her low voting marks from labor, consumer and environmental groups.

Holt's consistent perference for engaging in a new arms race rather than responsibly negotiating controls on strategic arms came through most clearly in a report she and three other members of the Armed Services Committee prepared on the SALT II treaty in December 1978:

"While there is a *desire* for arms control and disarmament, there is a *requirement* for U.S. strategic systems. Thus, the dominant role of arms control decision making over those decisions affecting U.S. strategy must be reversed."

It is not totally certain that Holt will give up her safe House seat for the Senate race; she has postponed any announcement until January. Other potential Republican candidates are Prince Georges County Executive Lawrence Hogan, a former Congressman who unsuccessfully ran in one statewide race for Governor, and Anne Arundel County Executive Robert Pascal. Both could be formidable candidates. While Maryland has a Democratic history, it has elected a number of Republican statewide candidates, including both Beall and his father to Senate seats, Spiro Agnew as Governor, and the present Republican incumbent Senator Charles Mathias (Mathias was endorsed by the Council in 1980).

One positive benefit of the early NCPAC media effort has been to stimulate Sarbanes into early campaigning. He has launched vigorous organizing drives and fundraising far earlier than planned. His preliminary campaign budget calls for spending between $1 million and $1.5 million. Recent political history indicates that no incumbent with a progressive record like Paul Sarbanes' can afford to relax in the face of a certain challenge from strong and well-financed interests.

If you wish to contribute to the re-election effort of one of the Senate's most effective arms control champions, please make your check payable to CITIZENS FOR SARBANES and mail to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, Mass. 02108

JOHN CHAFEE

Republican - Rhode Island
Endorsed by the Council for a Livable World

While the Republican Party has drifted steadily to the right in the past decade, a few GOP leaders like John Chafee have remained firmly in the moderate wing that champions an internationalist outlook, has a relatively progressive stance on social issues and shows an independent turn of mind.

In his first term in office, Sen. John Chafee has been a stalwart supporter and courageous activist on behalf of a constructive nuclear arms control policy and a sensible military budget. The Council for a Livable World enthusiastically endorses this thoughtful and persuasive arms control spokesman for a second term in the U.S. Senate.

In the preparations for the SALT II debate in the Senate, Chafee was one of the leaders of the SALT working group, composed of 20 Senators of both parties working to win support for the treaty. The group discussed the key issues involved, prepared for the debate and planned strategy. In October 1979, Chafee joined with three Democrats and three Republicans to endorse SALT II formally as "the embodiment of a sound, bipartisan national security policy which continues to serve our national interest and the interest of world peace."

Even though he supported SALT II, Chafee wanted to go much further in mutual arms cuts. Chafee and Sen. George McGovern (D-S.D.) introduced in 1979 a strong declaration designed to push both the United States and Soviet governments into more substantial mutual arms reductions in SALT III. The declaration, subsequently adopted by the Senate Foreign Relations Committee during its consideration of the treaty, expressed disappointment that SALT II did not provide for deeper nuclear arms cuts. It called for year-by-year reductions in the SALT II ceilings with particular emphasis on MIRV (multiple warhead) reductions and limitations on new weapons systems.

Despite the demise of the SALT II treaty, Chafee has remained a committed and vocal supporter of negotiated strategic nuclear arms agreements.

While Chafee has supported research and development funds for early work on the new MX missile system, he has become increasingly vocal in his questioning of the massive project. In letters to constituents and on the Senate floor, he has declared that a decision on a new missile system should not "be done in a fashion that stimulates the arms race, destroys a whole region's environment and overburdens our economy." Chafee joined action to rhetoric earlier this year when he co-sponsored with Sen. Carl Levin (D-Mich.) an amendment to require Congressional approval of whatever MX mode the Reagan Administration eventually selects. The May 13 vote on this Levin MX amendment drew a new high of 39 Senators expressing their doubts about the MX.

As befits a former Secretary of the Navy (1969-1972), Chafee has taken a particular interest in the "new navy." Sometimes that new navy seems more like an ancient navy, particularly with their attempt to resurrect the old World War II battleship New Jersey. Last year and again this year, Chafee went to the Senate floor along with Sen. Dale Bumpers (D-Ark.) to challenge the battleship, carefully marshalling facts and figures and a little humor to keep the New Jersey where it belongs—in mothballs.

After Sen. John Warner (R-Va.) read a letter from a former Secretary of the Navy praising the New Jersey's brief role in the Vietnam war when the ship was first brought out of mothballs, Chafee rose and quietly asked who signed that letter.

Warner replied: "I wish to say it was signed by John W. Warner, Acting Secretary of the Navy in the absence of the Secretary, Mr. Chafee, who was out of town [laughter]."

Replied Chafee: "If I ever heard of a self-serving document, that is it. He signed it when I was out of town because I would never have signed it [laughter]."

On other issues of importance to the Council, Chafee voted against funding for renewed production of binary chemical weapons in both 1980 and 1981, voted against production of the B-1 bomber in 1977 and 1978, supported Paul Warnke's nomination as chief SALT negotiator and head of the Arms Control and Disarmament Agency in 1977, voted against neutron bomb production in 1977, opposed the Clinch River breeder reactor and supported the Panama Canal treaties.

Chafee has a moderately progressive record on domestic issues. He is an active member of the Environmental Study Conference and has joined

efforts to protect clean air standards and to stop the huge Tennessee-Tombigbee water project. He has voted against amendments to cut off funds for abortion and last year participated in a bi-partisan effort to salvage the fair housing bill. While he supported President Reagan's tax and budget package, he offered an amendment to add about a billion dollars to the budget for several hard-pressed social programs.

John Chafee was born in Providence, Rhode Island in 1922. He graduated from Yale University and Harvard Law School. After six years in the Rhode Island House of Representatives, he ran for governor in 1962 and triumphed by a mere 398 votes. However, he was easily re-elected in 1964 and 1966. After his stint as Secretary of the Navy in the Nixon Administration, he left in 1972 to make his first try for the Senate, only to lose to incumbent Democratic Senator Claiborne Pell. Four years later, Chafee launched a successful comeback to become the first Republican United States Senator from Rhode Island in 46 years.

John Chafee's stands on issues have made him one of three moderate Republicans already targeted by right wing and anti-abortion groups for 1982. In actual point of fact, Chafee is in a good political position at this time. He is a popular and respected figure in Rhode Island. He has been one of the few Republicans able to win in one of the strongest Democratic states in the country.

At this early date, there are three potential roadblocks to Chafee's re-election in 1982:

1. Popular Democratic Governor Joseph Garrahy is contemplating a Senate challenge, which would set up a close contest between two state political heavyweights. Right now Garrahy is leaning against this race, but has made no final decision.

2. The National Conservative Political Action Committee and the National Pro-Life Political Action Committee are actively searching for an anti-abortion Republican primary opponent for Chafee. Moderate Republicans Jacob Javits (N.Y.) in 1980 and Clifford Case (N.J.) in 1978 were defeated in primary upsets, and former Republican Sen. Edward Brooke (Mass.) narrowly avoided a similar fate in 1978. A Rhode Island Republican primary could prove unpredictable with a small voter turnout of perhaps 15,000-18,000 in a state where only 6% of the people identify themselves as Republicans. If nothing else, the primary could prove very expensive; the right wing groups have talked of throwing $400,000 into an anti-Chafee campaign.

3. Despite Chafee's past victories as Governor and Senator, the state is strongly Democratic and was one of the few carried by Jimmy Carter in 1980.

If Gov. Garrahy chooses not to run, former state attorney general Julius Michaelson is the most likely opponent. Other possible Democratic candidates include current state attorney general Dennis Roberts and Mayor Joseph Walsh of Warwick. Chafee has already collected close to $400,000 of a planned $1.2 million budget and is using respected Republican Bob Teeter to do his polling.

John Chafee can play an important role with the Reagan Republican Party to organize pressure for the resumption of nuclear arms control negotiations. His voice and his vote are needed for a second term. If you wish to contribute to the Chafee campaign, please make your check payable to REELECT SENATOR CHAFEE COMMITTEE and mail to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, Mass. 02108

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
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Affiliations For Identification Only

February 1982

Dear Supporter of Nuclear Arms Control:

Not enough mail and messages are being sent to U.S. senators and representatives by those who are dedicated to ending the nuclear arms race. One of the reasons for this condition is that legislative information arrives too late for effective grass roots action.

To remedy this situation the Council for a Livable World has set up a special

NUCLEAR ARMS CONTROL HOTLINE
(202) 543-0006

A two minute message, recorded by our Legislative Director, John Isaacs, will alert you to upcoming votes, issues, committee hearings, etc. in Congress and describe the pressure points for timely grass roots lobbying. Please use this service and tell your friends about it. When we can afford it we will make the hotline an (800) no charge number. No other arms control organization has such a hotline.

We enclose profiles of Millicent Fenwick, Republican of New Jersey, and Senator George Mitchell, Democrat of Maine. The Council for a Livable World has endorsed them because of their proven reliability on nuclear arms control. The endorsement of Representative Fenwick is for the Republican primary because our March letter will endorse former Representative Andrew Maguire for the Democratic primary. We hope they both win. Please note that the New Jersey primaries are in June so you should take immediate action if you wish to affect the outcomes.

We hope that you will make out your checks in accordance with the suggestions on the contribution card. When you give to candidates for the United States Senate through the Council for a Livable World, your check is transmitted to the candidates with literally thousands of others. It is the best possible demonstration of a strong constituency for nuclear arms control.

Sincerely,

Jerome Grossman

Jerome Grossman
President

P.S. Please turn to the reverse side of this letter for a detailed description of the unique and effective methods of the Council for a Livable World.

THE COUNCIL FOR A LIVABLE WORLD

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

The Council is one of the largest political action committees in the country. Its success in the last 20 years in helping elect 59 U.S. Senators, including 21 Senators now in Washington, both Democrats and Republicans, is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does <u>not</u> get involved in <u>every</u> race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. It recommends close races where funds from Council supporters can be crucial to the outcome. The Council assesses each endorsed candidate's true financial need. Because that need varies widely, Council supporters have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

Unlike other candidate assistance groups, Council supporters make contributions directly to candidates of their choice, but through the Council. <u>This collective giving guarantees that the candidates will recognize that the donations are issue-oriented, for nuclear arms control</u>.

In addition, the Council's Washington Program provides Senators with sophisticated technical and scientific information that allows them to make intelligent decisions about nuclear arms control and strategic weapons.

The Council also helps initiate legislation, monitors appropriate committees--from the initial hearing to final markup, produces expert witnesses for crucial hearings and keeps accurate head-counts before crucial arms control votes are taken.

In January of 1980, the Council for a Livable World Education Fund was founded to bring to the American public the same message and expertise that the Council has brought all these years to the U.S. Congress.

Contributions to Council for a Livable World Education Fund are tax-deductible under section 501 (C)(3) of the Internal Revenue Code.

Unless you have a preference to the contrary please make your contribution according to this alphabetical arrangement by your last name:

A-G, check payable to FENWICK FOR SENATE
H-O, check payable to COUNCIL FOR A LIVABLE WORLD
P-Z, check payable to MITCHELL FOR SENATE COMMITTEE

Please make checks payable **only** to the intended recipient. If you make more than one contribution, please write **separate** checks for each.

This solicitation is authorized and paid for by FENWICK FOR SENATE COMMITTEE and authorized by MITCHELL FOR SENATE COMMITTEE

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

Please fold card and return in enclosed envelope.

I enclose my contribution of $25____, $50____, $100____, $250____, Other____

PLEASE CORRECT YOUR MAILING ADDRESS, IF NECESSARY.

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

GEORGE MITCHELL

Democrat - Maine
Endorsed by Council for a Livable World

On key 1981 Senate votes on military budget/arms control issues, Senator George Mitchell of Maine had a perfect record:

Right on single battleship reactivation, April 7, 1981
Right on two battleships reactivation, May 20, 1981
Right on budget priorities, May 12, 1981
Right on MX, May 13, 1981
Right on MX, December 3, 1981
Right on Chemical Weapons, May 21, 1981
Right on India and Pakistan Nuclear Explosion, October 21, 1981
Right on Clinch River breeder reactor, November 5, 1981
Right on nuclear weapons spending, November 5, 1981
Right on SALT limits, December 3, 1981
Right on B-1 bomber, December 3, 1981

Only six other U.S. Senators voted in accordance with the Council arms control position on all eleven issues.

Senator Mitchell has done more than vote correctly. He has repeatedly spoken on the floor of the Senate and elsewhere urging nuclear arms control:

> ... In my judgment the most important problem we confront as a nation [is] the need to prevent nuclear war. ... [We must reach] fair, balanced, verifiable agreements with the Soviet Union to first restrain the increase in the quality and quantity of nuclear weapons and then, hopefully, to bring about a realistic reduction of such weapons. ... Nuclear war is and must remain unthinkable ... the full deployment by both sides of a first-strike capability represents movement away from deterrence and toward the goal of nuclear victory. Not only is that goal illusory, each step toward it is fraught with incalculable danger for our world. It represents a quantum leap in the nature of the nuclear arms arsenal, not merely an upgrading of existing weapons. It intensifies the conflict between ourselves and the Soviets, and it returns us to the hairtrigger world of the cold war period at its worst. It gives other nations on the brink of nuclear weapons capability no reason for self-control. ... (U.S. Senate, July 31, 1981)

Senator Mitchell's campaign literature reflects his intense concern about nuclear matters. In his most recent newsletter to the people of Maine, the lead article is about the nuclear weapons crisis and the second concerns nuclear waste.

Mitchell is a strong supporter of the SALT process and has urged the Administration to adhere to the provisions of the SALT II agreement.

He has been a staunch advocate of human rights and opposed the sale to Saudi Arabia not only of the AWACS but also of equipment for F-15 fighter aircraft and the Sidewinder missile.

Senator Mitchell's domestic priorities include protection of the environment with specific reference to acid rain and the Clean Air Act, and the maintenance of a sound Social Security system.

George Mitchell is a native of Maine. Born in 1933 into a blue collar family, he attended Waterville schools, was graduated from Bowdoin College and received his law degree from Georgetown. He served as a trial attorney in the Department of Justice, Executive Assistant to Senator Edmund S. Muskie, private practice lawyer, and U.S. Attorney for Maine. From 1979-1980 he was U.S. District Judge of Maine. Mitchell's previous experience was a run for Governor, a contest which he lost to an independent in a major upset. Mitchell is married and the father of a daughter.

For most of its history, Maine was one of the most Republican states. The 38th largest state, its population is a sparse 1,124,660. Dominated by small towns and rural areas, it has only two Representatives in Congress, both Republican, a Republican U.S. Senator and a Democratic Governor. The Democratic Governor appointed George Mitchell to the Senate in May 1980, to fill the vacancy caused by the resignation of Edmund Muskie to become Jimmy Carter's Secretary of State. In the Presidential election of 1980, the percentages in Maine were Reagan 46, Carter 42, Anderson 10; in 1976, Ford 49, Carter 48.

Mitchell has been closely associated with Muskie for many years. In fact, Mitchell's record in the Senate is in line with Muskie's. They share a strong commitment to nuclear arms control and the SALT process. That is why Senator Mitchell has been targeted by the radical right National Conservative Political Action Committee (NCPAC). Primary contests for the U.S. Senate nominations are not expected in either the Democratic or Republican parties.

Because Mitchell was appointed to his seat and has not run statewide since 1974, he began his campaign

Founded in 1962 by Leo Szilard

far behind the declared Republican opponent. In March, 1981 polls showed Mitchell 36 points behind. In May this was cut to 21, in September to 8. Current polls show a gap of 6 with a possible error rate of plus or minus 4%. The contest is a horserace and is sure to be close.

Mitchell closed the gap by very hard campaigning every weekend and by spending $250,000 to raise his recognition in the state. Despite early talk of primary opposition, Mitchell will come down the homestretch with a united party behind him.

The Mitchell campaign has budgeted $625,000 and will find that amount difficult to raise in the state. The Republican opponent, David Emery, will probably spend over a million dollars. Emery comes armed with the full arsenal of the Republican White House, Reagan-controlled federal government and the prospect of megabucks from conservative groups around the country.

David Emery is one of Maine's two U. S. Representatives, from the southern first district. He is only 34 years old and has been in Congress since he was 26. Although he is not a far out right winger, he has voted for the B-1 bomber, for the neutron bomb and against amendments for budget priorities, all of which are counter to the CLW position. While he opposed the Carter MX deployment plan, he strongly supports the Reagan Administration's revised interim basing proposal. Emery opposes ratification of the SALT II treaty, but urges the Reagan Administration to comply with its provisions. He favors linking strategic arms talks with the Soviet Union to Soviet behavior. He supports a nation-wide civil defense program and the production of chemical weapons. Emery has urged the Pentagon to consider building a new version of the anti-ballistic missile system (ABM).

The Mitchell seat is one which those who support nuclear arms control cannot afford to lose. George Mitchell is a reliable voice for nuclear sanity in the United States Senate. His campaign is an authentic case of financial need: it is up to those who agree with him to return him to the U.S. Senate.

If you wish to contribute to the Mitchell campaign, please make your check payable to MITCHELL FOR SENATE COMMITTEE and mail to:

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

8 3 0 4 0 4 0 9 1

MILLICENT FENWICK

Republican — New Jersey
Endorsed by the Council for a Livable World

In New Jersey this year, supporters of nuclear arms control will discover a very unusual political situation as well as an extraordinary Republican Senate candidate poised to make a dramatic mark on the national political scene.

The New Jersey political situation is complicated by an incumbent Senator who has been destroyed politically after having been convicted of Abscam bribery charges. There are likely to be two multi-candidate primaries and more than one candidate of interest to the Council for a Livable World.

In Millicent Fenwick, we have a candidate who combines a vibrant personality with a capacity for national leadership on the nuclear arms control issue. From a base in the U.S. Senate, she could do much to restore this country to a sane defense posture.

The 72-year old Fenwick, a former Harper's Bazaar model and for 14 years an editor at Vogue, began her political career at the age of 59 when most other politicians begin to contemplate retirement. She served for three years in the New Jersey General Assembly and a year as New Jersey Director of Consumer Affairs before being elected to the U.S. House of Representatives in 1974—after first winning a close Republican primary by 83 votes.

The new Congresswoman instantly made her mark on the House with diligent work, a sharp sense of humor, an independent spirit and an elegant appearance. She quickly picked up labels such as the "conscience of Congress" and the "pipesmoking grandmother," and began receiving national attention for her strong stands on issues. She has been immortalized in the widely published Doonesbury comic strip as the character Lacey Davenport.

During her four House terms, she has strongly supported a sensible national security policy. She has been a leading spokeswoman against unnecessary new weapons programs, excessive arms sales to volatile regions of the world and the proliferation of nuclear weapons to non-nuclear states. At the same time, she has supported increases in military readiness, operations and maintenance and pay for servicemen.

Rep. Fenwick has a record of steadfast opposition to the Pentagon's most notorious, expensive and unneeded projects: the B-1 bomber, the MX mobile missile and the nuclear aircraft carrier. Last year, for example, she voted for amendments to delete almost $2 billion for the deployment of the MX missile and to eliminate $1.8 billion for the B-1 bomber. She also supported reductions in the Pentagon's procurement and research and development accounts—the two areas of military spending that have skyrocketed most dramatically in the last few years. While supporting necessary defense appropriations, she told her House colleagues: "The Department of Defense cannot escape the serious examination to which the budgets of the other Federal agencies have been subjected."

Fenwick has repeatedly spoken out against Pentagon plans to construct facilities to produce poison nerve gas. During a June 1981 House debate on chemical weapons, she said:

> "It is indeed not worthy of our Nation that we should even contemplate spending such huge sums of money to endanger people's lives in this particular way. . . . I think the strongest thing we could do would be to say to the world here today, this House is not prepared for this kind of frightfulness in warfare."

She has been an outspoken advocate of continuing negotiations with the Soviet Union to reduce the tremendous nuclear arsenals of both countries ("I believe negotiations are in *our* interest and should not be interrupted"). She has worked to prod the Reagan Administration to move in that direction. She was a strong supporter of the SALT II Treaty, favors a verifiable and negotiated end to all nuclear weapons tests and opposes any attempt to abrogate the 1972 anti-ballistic missile treaty.

Rep. Fenwick has also been a vigorous advocate of strengthened international safeguards and sanctions to prevent the spread of nuclear weapons. She has sponsored and co-sponsored several such resolutions, including one in July 1981 to encourage the Reagan Administration to develop and implement a strong U.S. nuclear non-proliferation strategy. She has also been a strong advocate of human rights around the world and opposed the sale of AWACS to Saudi Arabia. She is a fiscal conservative and a moderate on social issues.

Millicent Fenwick has the capacity and the personality to become one of the nation's foremost advocates of nuclear arms control if she is elected to the Senate. First, however, she faces a difficult June 8 Republican primary and then the November general election.

At this point in the race, she is rated a slight favorite

Founded in 1962 by Leo Szilard

over all other candidates. She has the image and the moderate positions that can do well in a swing state like New Jersey. Political consultant John Deardourff, who is working for Fenwick, has called her "the most electable candidate with whom we have worked in 15 years." He went on to say: "She's a unique human being, and there's very little anyone has to do to make that obvious. There is some quality about her."

She would be a strong candidate in the November general election because of her proven ability to attract Democratic and Independent support. One recent private poll showed Fenwick could attract a 25% Democratic crossover vote, compared to 8% for her nearest Republican competitor.

However, she may have more difficulty in the Republican primary. Rep. Fenwick faces two probable opponents in the June 8 primary. Both are extremely conservative and both will be heavily financed.

One opponent, 39-year old new Right candidate Jeffrey Bell, has already announced his candidacy. Bell, who wrote speeches for Reagan in 1976, ran for the Senate in 1978. He defeated popular, moderate Republican Sen. Clifford Case in a major upset, only to lose in the general election to Democrat Bill Bradley. Bell claims to have raised close to $1 million already for this contest, mostly through right-wing direct mail specialists like Richard Viguerie.

Bell has already attacked Mrs. Fenwick's record as "anti-defense," and has sharply criticized her votes against the B-1 bomber. He advocates large budget increases for the Pentagon and a return to the gold standard. Bell is also a spokesperson against abortion.

The second major Republican challenger is likely to be U.S. Representative James Courter, a member of the House Armed Services Committee. He is a down-the-line supporter of Pentagon projects such as the B-1 bomber, the MX missile and chemical weapons. Courter, like Bell, is likely to hit Fenwick on her defense record and her abortion stand.

Among the Democrats, the situation remains in flux. Former Rep. Andrew Maguire, who had a superb arms control record during his six years in the House, is now the leading Democratic candidate after the recent withdrawal of Essex County Executive Peter Shapiro. The major unknown at this point is the potential candidacy of U.S. Rep. James Florio, who three months ago lost the narrowest contest for Governor in New Jersey's history to Thomas Kean. With high name recognition and an organization in place, he could be a formidable candidate.

The major wild card is the position of incumbent Sen. Harrison Williams, a staunch advocate of nuclear arms control and a Senator with a distinguished record. His career has apparently been destroyed by Abscam. The Senate has set a March date for a possible expulsion vote on Williams, after an earlier unanimous Senate Ethics Committee recommendation for expulsion. If the Senate so votes, Gov. Kean may appoint one of the Republican Senate candidates to finish the term. This would give an early boost to some Republican.

If Millicent Fenwick wins the primary and general election, arms control will have a new leader on the national scene and the Senate will be graced by a dynamic and eloquent leader. If you wish to add this remarkable woman to the Senate, please make your check payable to FENWICK FOR SENATE and mail to:

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742 9395

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M[illegible] 1982

Dear Supporter of Nuclear Arms Control:

With this new letter, the Council for a Livable World endorses Rodger McDaniel, Democrat of Wyoming, for the U.S. Senate. As you will note in the enclosed profile, he has a good chance to defeat a confirmed hawk, Senator Malcolm Wallop.

For the second time we are recommending financial support for Millicent Fenwick, Republican of New Jersey. She is engaged in a difficult Republican primary for U.S. Senate against hawk Jeffrey Bell. The New Jersey primary is fast approaching on June 8 and money is needed for the final push.

We hope you will take immediate action in accordance with the suggestions on the enclosed contribution card. Please note: we are asking you NOT to send checks to the Council for a Livable World because of the importance of these two contests.

In addition to our unique political activities in support of nuclear arms control advocates who are candidates for U.S. Senate, the Council has played a major role in the upsurge of activity for arms control:

-- One of the first to promote the nuclear weapons freeze

-- An important catalyst in the filing of the Kennedy-Hatfield Resolution

-- A co-organizer of the November 11 Campus Convocations with Union of Concerned Scientists

-- Co-organizer with Physicians for Social Responsibility of 8 symposia on the Medical Consequences of Nuclear Weapons and Nuclear War

-- Leader of the coalition against the production of nerve gas

-- Organizer of the post card drive which has delivered to senators over 55,000 messages opposing the MX and the B1

-- Inaugurator of the Nuclear Arms Control Hotline (202) 543-0006 now being used by the entire movement

-- Supplier of hundreds of speakers and tons of literature to nuclear arms control meetings

-- Organizer of seminars for senators on Capitol Hill. George Kennan led the most recent discussion.

And lots more.

Sincerely,

Jerome Grossman

Jerome Grossman
President

Founded in 1962 by Leo Szilard

THE COUNCIL FOR A LIVABLE WORLD

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

The Council is one of the largest political action committees in the country. Its success in the last 20 years in helping elect 59 U.S. Senators, including 21 Senators now in Washington, both Democrats and Republicans, is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does not get involved in every race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. It recommends close races where funds from Council supporters can be crucial to the outcome. The Council assesses each endorsed candidate's true financial need. Because that need varies widely, Council supporters have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

Unlike other candidate assistance groups, Council supporters make contributions directly to candidates of their choice, but through the Council. This collective giving guarantees that the candidates will recognize that the donations are issue-oriented, for nuclear arms control.

In addition, the Council's Washington Program provides Senators with sophisticated technical and scientific information that allows them to make intelligent decisions about nuclear arms control and strategic weapons.

The Council also helps initiate legislation, monitors appropriate committees--from the initial hearing to final markup, produces expert witnesses for crucial hearings and keeps accurate head-counts before crucial arms control votes are taken.

In January of 1980, the Council for a Livable World Education Fund was founded to bring to the American public the same message and expertise that the Council has brought all these years to the U.S. Congress.

Contributions to Council for a Livable World Education Fund are tax-deductible under section 501 (C)(3) of the Internal Revenue Code.

Unless you have a preference to the contrary please make your contribution according to this alphabetical arrangement by your last name:

A-K, check payable to McDANIEL SENATE CAMPAIGN
L-Z, check payable to FENWICK FOR SENATE

Please make checks payable **only** to the intended recipient. If you make more than one contribution, please write **separate** checks for each.

This solicitation is authorized and paid for by FENWICK FOR SENATE COMMITTEE and authorized by McDANIEL SENATE COMMITTEE.

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

Please fold card and return in enclosed envelope.

I enclose my contribution of $25____, $50____, $100____, $250____, Other____

PLEASE CORRECT YOUR MAILING ADDRESS, IF NECESSARY.

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RODGER McDANIEL

Democrat—Wyoming
Endorsed by Committee on a Livable World

Ever since he was elected in 1976, incumbent Senator Malcolm Wallop, Republican of Wyoming, has been an opponent of nuclear arms control. He has been a fervid advocate of an arms buildup and military escalation. Wallop has consistently echoed President Reagan on virtually every important issue, foreign and domestic. Reagan has expressed his appreciation by visiting the state to campaign for Wallop as recently as this March.

Senator Wallop voted against the nomination of Paul Warnke as chief negotiator in the SALT talks because "Warnke would give us away before we even got to the bargaining table." He vehemently opposed the SALT II Treaty when it came before the U.S. Senate and took the occasion to attack the Test Ban Treaty, the Non-Proliferation Treaty and the ABM Treaty. On January 30, 1980 he wrote to constituents, "This is no longer the world of Mutual Assured Destruction. Wars, like arms races, can be won or lost."

Senator Wallop voted for the neutron bomb, for arms sales to Egypt and Saudi Arabia. He vigorously supported the sale of AWACS planes to Saudi Arabia which passed only 50-48. He contributed the only light moment during the tense senate roll call when he made a slip of the tongue but quickly changed his vote.

He has been outspoken in his support for the MX missile, the B-1 bomber and orbital laser weapons. In line with the Reagan Administration, Senator Wallop emphatically advocates the buildup of military arms and military manpower. In his own words, he will "ask of every weapons program, not can we afford it, but can we afford to do without it."

Wallop on El Salvador: "El Salvador is a mean and rotten little country, but America needs to be there." (Casper, Wyoming, *Star Tribune*, April 8, 1982).

Wallop on China: he does not think diplomatic relations should be established with the People's Republic of China. (July 3, 1977 speech at the Univeristy of Wyoming).

In strong contrast, Rodger McDaniel has forcefully supported "a negotiated freeze on the testing, production and deployment of nuclear weapons."

Since McDaniel announced his candidacy on September 1, 1981, he has spoken out against construction of the B-1 bomber and against deployment of the MX missile: "I do not favor going ahead with the MX. I oppose the location of the MX silos around Cheyenne." (*Branding Iron* Newspaper, April 7, 1982).

Here is Rodger McDaniel's philosophy on nuclear arms control and limitation in his own words:

> I am appalled by the Administration's cavalier approach to the nuclear problem. To suggest that nuclear war is winnable or even survivable or that we can or should set nuclear superiority as a national goal dangerously ignores the realities of nuclear politics. It is simply not logical to expect the Soviet Union to sit idly by while we launch the arms build-up proposed by this Administration. If we are serious about entering into meaningful arms limitations negotiations we should do so now.
>
> I support the concept of a freeze in the testing, production and deployment of nuclear weapons as an important first step to reducing the dangers and the prospects of nuclear war. I am convinced the super powers have reached a crucial crossroads in their relationship vis-a-vis nuclear weapons. If the United States proceeds, as the Reagan Administration proposes, with a $1.6 trillion defense build-up adding in excess of 10,000 new warheads to our nuclear arsenal, this generation may well have missed any meaningful opportunity for negotiations to limit nuclear arms.
>
> I believe a negotiated, verifiable freeze is not an end in itself, but only the first step toward reaching solutions to the other complex problems posed by nuclear armaments. With a freeze in place, we can move down the road toward understandings and agreements to prevent both nuclear war and any further proliferation of nuclear capabilities.
>
> This issue is too important to sidestep in this campaign. Mankind is passing by what may be its last "window of opportunity" to assure the world that the doomsday clock will not toll midnight.

From the outset, McDaniel opposed the sale of AWACS surveillance planes to Saudi Arabia. In a speech before a statewide convention of the AFL-CIO in September, 1981, McDaniel called for defeat of the sale, concluding that "We in this country can no longer continue to arm to the teeth these countries in the Middle East and then sit back and pray for peace." (*Casper Star Tribune*, September 13, 1981).

Rodger McDaniel is a soft-spoken westerner in his

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middle thirties who meets people easily and inspires confidence. He has lived in Wyoming for thirty years. McDaniel served 10 years in the State Legislature, six years as Laramie County Representative and four years as State Senator. He was the second youngest person ever elected to the Wyoming Legislature. In the 1975 legislative session, McDaniel served as House Assistant Minority Leader. The national Assembly of Governmental Employees named him one of ten outstanding legislators in the United States in 1976. The former state Senator served as Wyoming administrative assistant to Congressman Teno Roncalio, 1970-1978. He graduated from the University of Wyoming School of Law in 1978 and is a practicing attorney. McDaniel is married with two children.

Wyoming is a state where as few as 90,000 votes can win a seat in the U.S. Senate. In fact, Malcolm Wallop won his seat in the 1976 general election with only 84,810 votes, defeating incumbent Democrat Gale McGee in an upset. In 1976, challenger Wallop charged incumbent McGee with losing touch with the people of Wyoming, ridiculed his senatorial seniority and repeatedly challenged McGee to debate.

Ironically, many of the charges Wallop leveled so effectively at McGee can now be used against him. He has grown distant and unresponsive, even refusing upon occasion to meet with constituent groups. So far he has refused invitations to debate McDaniel or even speak on the same platform. And he is campaigning on his seniority.

Despite the fact that both U.S. Senators from Wyoming are Republican, Democrats can and do win in the state. The popular Governor, Ed Herschler, is a Democrat and has been in office since 1974. McDaniel has no opposition in the Democratic primary and a united party will support him.

Over the first, critical months of the campaign, McDaniel has received substantial support from a number of important constituencies in the state. In September, 1981, the State AFL-CIO endorsed McDaniel at its annual convention. This was the earliest endorsement that the 24,000 member confederation of labor unions has made in its history. This spring, McDaniel was endorsed by PACE (Political Action Committee for Education) of the 5700-member Wyoming Education Association and by the Executive boards of the National Organization for Women and the Business and Professional Women. Other endorsements are anticipated.

While Wallop is a clear favorite at this time, private polls indicate that he is vulnerable. Wallop's support is soft and shallow and will erode in the process of a vigorous campaign. Like almost every challenger, McDaniel's problem is name recognition, a problem easily overcome in a small electorate. It is the opinion of the Council for a Livable World that McDaniel can win, if he can raise the necessary funds.

Senator Wallop has said that he expects to spend in excess of $750,000 on his campaign. He has already raised $400,000, mostly from financial and energy interests. He can also expect to receive many thousands of dollars from the Republican National Committee.

Though McDaniel cannot match Senator Wallop dollar for dollar, he is waging an aggressive grassroots campaign, emphasizing personal contact with the voters and small contributions. At this point, he has raised more money than any challenger in Wyoming history. More than 750 Wyoming families have contributed in excess of $75,000—a record in a state where, as of August 24, 1981, there were only 71,212 registered Democrats. While McDaniel cannot hope to equal Wallop's fund raising, he must raise $400,000 to $500,000 more to run a viable campaign.

In every way, the election in Wyoming is a classic situation for Council supporters: major differences on nuclear arms control between the candidates; a small state; a relatively small campaign budget; a winnable contest.

If you wish to help to retire Malcolm Wallop from the U.S. Senate please make your check payable to McDANIEL SENATE CAMPAIGN and mail to:

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June 1982

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Dear Supporter of Nuclear Arms Control:

You now have a rare opportunity to defeat two leading members of the New Right, Senator Orrin Hatch of Utah and Senator William Roth of Delaware.

The challengers, supported by the Council for a Livable World, are Ted Wilson and David Levinson. They are committed to nuclear arms control.

And they can win. The enclosed profiles will tell you why and how.

Earlier Council letters endorsed Millicent Fenwick (R) of New Jersey, John Chafee (R) of Rhode Island, Jim Sasser (D) of Tennessee, Rodger McDaniel (D) of Wyoming, George Mitchell (D) of Maine, Tony Moffet (D) of Connecticut, Paul Sarbanes (D) of Maryland, Donald Riegle (D) of Michigan, Howard Metzenbaum (D) of Ohio, and Andy Maguire (D) of New Jersey. The Council is non-partisan in its activities for the prevention of nuclear war.

We hope that you will make out your checks in accordance with the suggestions on the contribution card. When you give to candidates for the United States Senate through the Council for a Livable World, your check is transmitted to the candidates with literally thousands of others. It is the best possible demonstration of a strong constituency for nuclear arms control.

The Council for a Livable World concentrates its political efforts on the U.S. Senate because that body has unique advise and consent powers in foreign affairs.

The enclosed questionnaire should be given to every candidate for the U.S. Senate and House of Representatives. Please use it to obtain commitments on arms control issues. We must insist that all candidates take a stand on the most important issue of our time--the prevention of nuclear war. Extra copies of this questionnaire are available at no charge.

Reminder: The NUCLEAR ARMS CONTROL HOTLINE is (202) 543-0006. Call it day or night to obtain the latest information on upcoming votes, issues, committee hearings, etc., in Congress and what you can do about it. The hotline was installed by the Council for a Livable World as a service to the entire nuclear arms control community.

Sincerely,

Jerome Grossman

Jerome Grossman
President

P.S. Please turn to the reverse side of this letter for a detailed description of the unique and effective methods of the Council for a Livable World.

Founded in 1962 by Leo Szilard

THE COUNCIL FOR A LIVABLE WORLD

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DAVID LEVINSON

Democrat - Delaware

Endorsed by the Council for a Livable World

In Delaware this year there is a classic confrontation between David Levinson, the Democratic challenger, and William Roth, the Republican two-term incumbent. While there are sharp differences between the two candidates on key arms control issues, the contest will more likely be viewed as the nation's clearest test of the Reagan Administration's economic policies.

If Sen. William Roth of Kemp-Roth "vodoo economics" fame is defeated, it will be a sharp and highly visible setback to the Reagan Administration economic policies at the mid-point of its term in office.

Delaware is also a good opportunity for the Council for a Livable World. There is a contrast between the two candidates on nuclear arms control issues. It is a small state and campaign budgets are relatively small. A high profile incumbent with strong support from conservatives is being challenged by a lesser known candidate who has a united Democratic Party behind him and a good chance for an upset victory.

William Roth's record on important arms control issues has been spotty at best. He has voted against some egregious military programs that are a total waste of money—primarily as an outgrowth of his ultra-conservative economic policy. But when it comes to key nuclear arms control issues, his vote cannot be counted upon.

Just last month, for example, when the Senate debated President Reagan's inflated military budget proposals, Republican Senator Nancy Kassebaum (Kansas) offered a proposal to cut the huge military increase from last year's level by a modest $1.3 billion. Roth voted against even that small reduction, joining the majority in the fairly close 53-44 defeat for the Kassebaum amendment.

In 1981, Roth's record was typically uneven. For example, there were two key votes on the MX missile program that year, one in May and the other in December. Roth voted on different sides of the issue on the two votes.

Last year there were several votes to eliminate funds for the antiquated World War II battleships that the Reagan Administration is trying to resurrect. Again, Sen. Roth voted both for the battleships and against.

On chemical weapons, too, Senator Roth has been on both sides of the issue. In 1982 and 1981, he voted against chemical weapons on key votes, but in the vital 1980 votes he supported the new weapons.

Finally, where in 1977 Roth voted against the B-1 bomber, in 1981 he voted for it.

Roth's erratic "all things to all people" positions on arms control issues can be seen on other important issues in the Senate. In the battle for crucial SALT II ratification votes before the Treaty was withdrawn from Senate consideration, Treaty proponents hoped that Sen. Roth would be a key conservative convert to the ratification effort. In the end, however, he would not commit himself to the Treaty. In 1977, Roth joined with Sen. Henry Jackson (D-Wash.) to vote against Paul Warnke's nomination as chief SALT negotiator while voting for Warnke as head of the Arms Control and Disarmament Agency.

In short, while Sen. William Roth cannot be labeled an unreconstructed hawk, he clearly is not a consistent supporter of nuclear arms control. He has supported most nuclear weapons projects even while voting to starve conventional forces. Typical of his approach to issues is Roth's refusal to support the nuclear freeze proposal; rather he has sought refuge from freeze supporters by co-sponsoring the Jackson-Warner resolution which in effect calls for a nuclear buildup that the Reagan Administration backs.

Confronting Roth is David Levinson, a political novice who is making up for lack of direct campaign experience with a carefully planned strategy and much hard work. While Levinson formally declared his candidacy in May 1982, he has been campaigning since 1980 and has no opposition for the Democratic nomination.

His early, aggressive effort has brought a united Democratic Party behind him, including Sen. Joseph Biden (D-Del.) who was in a similar situation in 1972 as an unknown challenger who came from nowhere to upset an incumbent in a campaign in which the Council was involved early and heavily. The Executive Committee of the Democratic Party backed Levinson in June 1981, remarkably early for a challenger; the state AFL-CIO came through with an endorsement in September 1981; other organizations such as the United Auto Workers have also climbed on board.

Levinson was born and raised in Delaware. He graduated with high honors from Harvard College and Harvard Law School. From Harvard, Levinson went into real estate as a developer and builder. He has been very active in a number of civic groups, most notably the Anti-Defamation League of the B'nai B'rith, of which he is an Associate National Commissioner. He is involved in the Delawareans for Energy Conservation and President Carter appointed him to the President's Council for Energy Efficiency.

Founded in 1962 by Leo Szilard

While Levinson's strongest campaign theme will be Reaganomics and Roth's role in producing policies that have led to the highest unemployment rate since the great depression, the challenger is also running as a strong supporter of nuclear arms control. In speech after speech around the state of Delaware, Levinson is saying each time: "The greatest challenge we face for the balance of this century is how to find the wisdom and technique to step back from the edge of the nuclear precipice."

In contrast to Roth, Levinson is a strong supporter of the nuclear freeze now position and joins with his Democratic colleague Joseph Biden in favor of SALT II ratification.

As opposed to Roth, Levinson is a firm opponent of the MX missile program and the B-1 bomber, prefering to concentrate resources on conventional weapons.

Levinson is also a strong supporter of a comprehensive nuclear test ban and opposes production of chemical weapons.

Levinson has a clear appreciation of the perils of the nuclear age. He states:

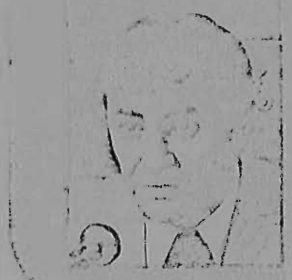
> Controlling the deadly nuclear arms race is the single most critical responsibility facing the world today. The unchecked contest to produce more and more nuclear weapons has left us on the brink of a nuclear holocaust. Both the Soviet Union and the United States have already produced enough nuclear weapons to destroy the planet. Nuclear weapons are now coming into the hands of small, radical countries. And soon if the madness of nuclear proliferation is not halted, even terrorist groups will possess nuclear weapons.
>
> The only way to stop the nuclear arms race is to stop it, and stop it *now*, through a negotiated, mutual, verifiable freeze on the production, testing and deployment of new nuclear weapons, leading finally to the reduction and eventual elimination of all nuclear weapons. It is time for the governments of the world to show true statesmanship in this regard. It is the primary responsibility of every one of us to bequeath a habitable world to future generations.

Levinson's race will not be easy. Roth is clearly enjoying the advantages of incumbency in terms of name recognition and fundraising. He has $376,000 in the bank, a large portion of that from special interest groups delighted with the Kemp-Roth tax cuts. Levinson has raised less than a third of that amount. Polls from last year showed Roth well ahead of Levinson--but not nearly as far ahead as was J. Caleb Boggs before his upset defeat at the hands of Sen. Biden in 1972.

William Roth is clearly vulnerable, particularly as the economy continues on its sour course. He maintains his strong support for a continuation of the Reagan Administration economics, notwithstanding their negative impact on the economy or on social programs. Levinson is in an excellent position to take advantage of Roth's hand-in-glove stance with the Reagan Administration economic fiasco.

If you wish to contribute to the Levinson campaign, please make your check payable to THE COMMITTEE TO ELECT LEVINSON and mail to:

Council for a Livable World
11 Beacon Street
Boston, MA 02108



TED WILSON

Democrat - Utah

Endorsed by the Council for a Livable World

One of the founding members of the New Right, Senator Orrin Hatch of Utah, is extremely vulnerable this year to a challenge by the Democratic Mayor of Salt Lake City, Ted Wilson. This is a race that will be watched across the country to see if conservative Utah is prepared to send a message to the rest of the country that the radical right has passed its high water mark. Five months before election day, the polls show Hatch with only a slender lead.

Senator Hatch had one of the most rapid rises in American politics. A long-time supporter of Ronald Reagan, he never held political office until he defeated the incumbent Senator Frank Moss in 1976 in a stunning upset. During his first years in the Senate, Hatch seemed almost feverish in his advocacy of New Right causes, and many of his colleagues seemed to regard him as a fanatic.

Hatch's intensity is particularly evident in his record on arms control issues. In 1981, out of eleven bellwether votes selected by the Council for a Livable World, he voted wrong ten times--and was absent for the eleventh. Some of those votes were: for the MX missile; for the B-1 bomber; for the Clinch River Breeder Reactor; for chemical weapons.

In 1982, Hatch voted again for the production of chemical weapons, for the Reagan proposal to build two new aircraft carriers, and against the amendment offered by fellow Republican Senator Nancy Landon Kassebaum to reduce the military budget by 1.3 billion dollars for fiscal year 1983.

Senator Hatch was a vociferous opponent of the SALT II Treaty and led the opposition to the confirmation of Paul Warnke as President Carter's chief arms control negotiator. He opposes a Comprehensive Test Ban and favors construction and deployment of neutron bombs. He is also a declared opponent of the Nuclear Weapons Freeze.

Hatch's political strength has been steadily eroding, partly because of his style and personality. He has been described as pompous and arrogant, an ideologue and a polarizer who has made many enemies. This contrasts sharply with his fellow Republican Senator Jake Garn, who has a similar voting record but is not perceived negatively by the voters of Utah.

Ted Wilson is an entirely different kind of person. He has an easy and winning personality and is respected by both friend and foe. Wilson has been one of the most productive and popular mayors in the history of Salt Lake City. He has worked closely with local officials throughout the state on a number of issues, and consequently has very high and favorable recognition among the voters. Wilson is receiving significant political support from Governor Scott Matheson and former Governor Calvin Rampton, both popular Democrats.

Ted Wilson was born, bred and educated in Utah. Married and the father of five children, he holds degrees in Political Science, Economics and Education. He is currently serving his second term as Mayor of Salt Lake City. Before that he was Social Services Director for Salt Lake County, and Administrative Assistant to Congressman Wayne Owens (D-Utah) in Washington, D.C.

On the national level, Ted Wilson has gained recognition usually reserved for the mayors of much larger cities. He serves on the Board of Directors of the National League of Cities, on the Board of Trustees of the U.S. Conference of Mayors, as Chairman of the Energy and Environment Committee of the U.S. Conference of Mayors, and he has been on the National Water Policy Task Force. He is a strong environmentalist and opponent of Secretary Watt's misnamed Wilderness Protection Act.

The Mormon Church is a dominant institution in Utah. The Mormon hierarchy takes stands on secular matters, economic and political. For example, it came out against the MX missile system that the Carter Administration proposed placing in Utah and Nevada, and has demonstrated great concern about the nuclear arms race. Wilson reflects this position; Hatch does not. Both candidates are Mormons, and the Church is expected to be neutral in the contest.

Wilson supports the Nuclear Freeze: "I'm a very strong proponent. We need to get a mutual and verifiable freeze of nuclear weapons and then get to the negotiating table."

Wilson was an early and strong opponent of deploying the MX missile in Utah.

Wilson says, "I am personally concerned about the shift in our strategic planning regarding the Soviet Union. I cannot, and will not accept the idea that the United States of America would initiate a nuclear confrontation. Nuclear war is not winnable."

Wilson supports ratification of the SALT II Treaty.

Wilson opposes abrogation of the 1972 ABM Treaty.

Wilson favors a Comprehensive Test Ban.

Wilson opposes the neutron bomb.

Wilson opposes the production of chemical

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weapons.

At the same time Wilson supports a strong national defense policy, but he insists that the money be spent wisely. "The real need is to focus on what kind of defense we need, and what kind of defense is being bought—not how much we should spend—I would support increased defense spending as well as insisting that the money be spent wisely. The goal before us must be to control nuclear arms. No amount of spending can buy us security. The military must be strengthened but strengthening doesn't necessarily mean writing a blank check for the Pentagon. Waste and inefficiency must be eliminated in Defense as well as every other segment of the federal government.

Wilson stresses the need for control of nuclear arms. "It is time to deal not only with limiting the number of these weapons, but the prevention of nuclear war itself. The prevention of a nuclear is a solemn obligation to ourselves and our future generations."

The polls of public opinion show that Wilson has a very good chance of defeating Hatch in November. That is why Hatch is considered "very vulnerable" by most political experts. In September, 1981, even before Mayor Ted Wilson had announced his candidacy for United States Senate, he ran only 18 percentage points behind incumbent Senator Orrin Hatch. The next poll, taken in January, 1982, revealed Hatch with 49% and Wilson with 42%. The most recent poll, conducted on April 28, 1982, shows Wilson only 3 points behind: Hatch 45%, Wilson 42%, undecided 13%. This is a remarkable showing by a challenger at this early stage of the campaign and indicates a strong trend toward Wilson.

Wilson predicts that it will cost $750,000 to win. Hatch is expected to spend at least double that amount. The Council for a Livable World urges you to support Mayor Ted Wilson because of his commitment to serious nuclear arms control and because Senator Orrin Hatch deserves to be defeated.

If you would like to make a financial contribution, please make your check payable to WILSON FOR UTAH COMMITTEE and mail to

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

To combat the menace of nuclear war

Council for a Livable World

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Affiliations For Identification Only

September 1982

Dear Supporter of Nuclear Arms Control:

It required the most intense lobbying by The White House and The Pentagon to win the vote on the Nuclear Freeze Resolution in the House of Representatives on August 5. President Reagan was forced to put the full prestige of his office on the line. Yet his margin of victory was only two votes out of 406, hardly an overwhelming mandate.

Only two weeks earlier, the MX missile barely survived by a vote of 212-209. MX is the pet first-strike nuclear weapon of The Pentagon.

The grass roots movement for a Nuclear Weapons Freeze, spontaneous and decentralized, is sweeping across America like a prairie fire. In less than a year it has developed sufficient political clout to offer a serious challenge to the outmoded way our government handles the problem of nuclear weapons. The extraordinarily rapid growth of the Freeze becomes apparent when compared to that of similar American movements such as the abolition of slavery and the ending of the Vietnam War, both of which took many years to accomplish their objectives. It is clear that the struggle for security against nuclear weapons has only just begun.

We do need leaders in the U.S. Senate who will make nuclear arms control their prime focus. That is why we are urging support for Toby Moffett for the second time. In the House Moffett has proved himself to be dedicated, smart and effective. He will do even better in the Senate.

The Council for a Livable World also endorses Mayor Ted Wilson of Salt Lake City, who is challenging a leading member of the New Right, Senator Orrin Hatch of Utah. Wilson was the key to the recent endorsement of the Freeze by the U.S. Conference of Mayors.

Both of these able candidates can win but the contests are sure to be close. The enclosed profiles will tell you why and how.

We hope that you will make out your checks in accordance with the suggestions on the contribution card. When you give to candidates for the United States Senate through the Council for a Livable World, your check is transmitted to the candidates with literally thousands of others. It is the best possible demonstration of a strong constituency for nuclear arms control. The Council is non-partisan in its activities for the prevention of nuclear war.

Sincerely,

Jerome Grossman

Jerome Grossman
President

P.S. Please turn to the reverse side of this letter for a detailed description of the unique and effective methods of the Council for a Livable World.

Founded in 1962 by Leo Szilard

THE COUNCIL FOR A LIVABLE WORLD

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

The Council is one of the largest political action committees in the country. Its success in the last 20 years in helping elect 59 U.S. Senators, including 21 Senators now in Washington, both Democrats and Republicans, is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does not get involved in every race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. It recommends close races where funds from Council supporters can be crucial to the outcome. The Council assesses each endorsed candidate's true financial need. Because that need varies widely, Council supporters have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

Unlike other candidate assistance groups, Council supporters make contributions directly to candidates of their choice, but through the Council. This collective giving guarantees that the candidates will recognize that the donations are issue-oriented, for nuclear arms control.

In addition, the Council's Washington Program provides Senators with sophisticated technical and scientific information that allows them to make intelligent decisions about nuclear arms control and strategic weapons.

The Council also helps initiate legislation, monitors appropriate committees--from the initial hearing to final markup, produces expert witnesses for crucial hearings and keeps accurate head-counts before crucial arms control votes are taken.

In January of 1980, the Council for a Livable World Education Fund was founded to bring to the American public the same message and expertise that the Council has brought all these years to the U.S. Congress.

Contributions to Council for a Livable World Education Fund are tax-deductible under section 501 (C)(3) of the Internal Revenue Code.

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Representative Toby Moffett was one of the earliest supporters of the Nuclear Weapons Freeze. He played a major role in the August 5, 1982 debate on the Freeze which lost in the House by the smallest of margins, 204–202. Two weeks earlier he was a leader in the effort to kill the first-strike MX missile. This effort also barely lost, 212–209, but only after President Reagan was forced to use the full power of his office. The Council for a Livable World is certain that Toby Moffett will be an effective leader for nuclear arms control when he is elected to the U.S. Senate. We need him in the Senate because that body is lagging behind the House in the struggle to freeze and control nuclear weapons.

On November 18, 1981, the House of Representatives passed the largest military appropriation in this nation's history. Representative Toby Moffett voted against this $196 billion bill, and strongly supported efforts to delete funding for expensive, unnecessary weapons systems such as the B-1 bomber and the MX missile. He also offered an amendment to cut the appropriation by two percent. He continues to work hard in opposition to the Administration's arms build-up, and in support of arms control.

The following statements were made by Moffett on the House floor in the debate and are typical of his consistent and courageous actions against the arms race:

> . . . Where are we going to be 20 years from now, in terms of all of those warheads and all of those missiles? We will be in much worse shape if we do not have arms negotiations in a very, very serious manner.
>
> So I think that sooner or later this body is going to have to confront that, rather than just feeling boxed in and voting out the largest defense increases and the largest defense bills in history.
>
> Mr. Chairman, the fact is, we are not doing the job the American people expect of us. We are merely reacting to the momentum of the arms race. This body is just climbing on the bandwagon, throwing huge sums of money at something called defense. But in reality we are making a major contribution to world instability. Let's get to the negotiating table. This bloated bill is not the way to do it.
>
> (November 18, 1981)

Moffett was equally forthright in the Congressional debate on the Addabbo Amendment to delete $1.8 billion for procurement of the B-1 bomber:

> . . . If we would only give the same level of scrutiny to the B-1 bomber that we gave to the WIC program, the women, infants, and children's program, it would fail the test. It would absolutely flunk the test. On the issue of cost, if we put the B-1 in here on the table, with the same kind of enthusiasm for budget cutting and cutting out waste as we had during the school lunch debate, it could not possibly survive. . . .

And here is what Moffett had to say in supporting an amendment to delete $1.9 billion for development of the MX missile:

> . . . It makes no sense. It makes absolutely no sense. This weapon represents a provocative step. This very confident, self-assured President does not need MX when he goes to the negotiating table. He has a very powerful defense system now. It might need changes in certain areas, it might need improvements here or there, but the top priority ought to be to get to that table as fast as possible, not to load up with more and more new weapons before we get there.

Until Toby Moffett was elected to the House of Representatives in 1974, not a single congressman from Connecticut had ever voted against appropriations for the Department of Defense. While Connecticut ranks 25th among the states in population, 1.37% of the U.S. total, in 1979 it received over $4 billion from Defense, the highest military spending per capita in the country. Major industries like Pratt & Whitney and General Dynamics' Electric Boat Shipyard depend upon military contracts.

Moffett has voted consistently right on issues important to Council for a Livable World throughout his terms in Congress:

1982 – Right on military spending
1982 – Right on MX
1982 – Right on chemical weapons
1982 – Right on nuclear freeze
1981 – Right on MX
1981 – Right on chemical weapons
1980 – Right and led fight on chemical weapons
1980 – Right on MX
1980 – Right on budget priorities
1979 – Right on draft registration
1979 – Right on MX
1978 – Right on neutron bomb
1978 – Right on 4th nuclear aircraft carrier

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1977 Right on B-1 bomber
1977 Right on neutron bomb
1977 Right on Clinch River breeder reactor
1976 Right on B-1 bomber
1975 Right on MARVs
1975 Right on military spending
1975 Right on nerve gas

Toby Moffett was born in 1944 and was raised in Connecticut. He holds a B.A. from Syracuse University and earned a Masters Degree in Political Science and Urban Affairs from Boston College in 1968. In 1969, Moffett was named first director of the federal government's Office of Students and Youth (HEW). In 1971 he joined the Ralph Nader group to become the first head of the Connecticut Citizen Action Group, a statewide organization that was to become a national model for full-time citizen advocacy. He worked with this group until 1974 when he launched his successful bid for the Sixth Congressional District in northwestern Connecticut.

As would be expected from a former Naderite, Moffett has been a star advocate of consumer rights and for a more equitable energy policy. Married and the father of a daughter, Moffett is the kind of politician who is always bubbling over with ideas and how they can be put into practice. Moffett has a dynamic and attractive appearance; he is incredibly energetic and fearless. He says what he thinks. In 1979, TIME Magazine chose Moffett as one of the "Fifty Faces of the Future." His colleagues in the House recognized his talents when they elected him over three representatives with greater seniority to chair an important subcommittee, Government Operation's Environment, Energy and Natural Resources. The author of two books, Moffett has been the recipient of a number of awards.

Though an outspoken liberal, Moffett is hardly the brash loner some of his ideological colleagues have been. "I have an excellent relationship with some of the older, more conservative members," he says. "That's very important to me. Even in the confrontation days with Nader, I never felt comfortable with personal antagonism."

About his own party, Moffett said in the early days of the Reagan Administration, "Democrats always want to win. But when they do they often take home empty victories because they have no overriding philosophy. Nobody knows where they stand. Democrats have to come up with an ideology and take the risk of losing."

Representative Moffett was one of the leading opponents of the sale of AWACS planes to Saudi Arabia, repeatedly addressing the Congress and the media.

The incumbent senator is Lowell Weicker, a Republican who was first elected in 1970. Weicker is a political maverick who has voted with the arms controllers a number of times, but also against them in a most perplexing manner. For example, in the key debate on the nomination of Paul Warnke to be Chief U.S. SALT Negotiator and Head of the U.S. Arms Control and Disarmament Agency, Weicker said on the Senate floor:

> "I mention that story, Mr. President, as an illustration of one of the two traits of an arms negotiator—caution. The other one is steadfastness. I shall oppose the nomination of Paul Warnke to the posts of Director of the Arms Control and Disarmament Agency and SALT negotiator, because his considerable testimony before two Senate committees has left me with serious doubts about his possession of those two necessary qualities." . . .
>
> "He has been a gadfly for a radically lower defense budget, for severe limitations on defense spending, and against virtually every major weapons system of the past decade. Mr. President, the gadfly has its place. But it is not in Geneva staring down bears." . . . "Mr. President, in the past several weeks, Mr. Warnke has attempted to fog and muddle a record which up to this time has been as clear as it has been consistent."

In 1979, Senator Weicker never could make up his mind whether or not to support the SALT II Treaty and in 1981 he voted for the B-1 bomber. Weicker has no constituency in the Senate because he is inconsistent and operates as a loner. Moffett is respected by friend and foe and knows how to make alliances to get things done.

Having alienated his Republican constituency and having operated in a political no-man's land, it was expected that Weicker would be defeated for the nomination by Prescott Bush, Jr., brother of the Vice President and favorite of the conservative Republicans of the state. However, Weicker won the pre-primary convention handily, and Bush made a surprise withdrawal from the Republican primary, leaving Weicker unopposed. Weicker may be hurt in November by the presence on the ballot of a Conservative running as an Independent. However, the conservative Bush has restored a semblance of party unity by urging his supporters to back the entire Republican ticket, including Weicker.

Although Democrats outnumber Republicans by more than three to one in Connecticut, the Republican incumbent will be hard to beat because of the advantages of incumbency and money. A recent University of Connecticut poll, conducted in late July, showed Moffett with 39% and Lowell Weicker with 35%. The race is close and is definitely winnable for Moffett.

Bush's withdrawal does create one major problem. Weicker will now have the huge financial resources of the Republican Party behind him—and his own personal fortune. Weicker is a millionaire by inheritance. Toby Moffett, whose father was a caretaker on a Connecticut estate, will be wholly dependent upon the contributions of those who agree with him on the issues.

The Council for a Livable World regards the candidacy of Toby Moffett as an unusual political opportunity at a time when we desperately need one. Moffett is a leader—a potential John Culver. He is young, bright, aggressive, effective, reliable and he has political acumen. If elected to the Senate, he will make his mark on the issues of nuclear arms control.

If you wish to contribute to the Moffett campaign, please make your check payable to TOBY MOFFETT FOR U.S. SENATE and mail to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, Mass. 02108

TED WILSON

Democrat, Utah

Challenged by the Conservative Incumbent Hatch

One of the founding members of the New Right, Senator Orrin Hatch of Utah, is extremely vulnerable this year to a challenge by the Democratic Mayor of Salt Lake City, Ted Wilson. This is a race that will be watched across the country to see if conservative Utah is prepared to send a message to the rest of the country that the radical right has passed its high water mark. Two months before election day, the polls show Hatch with only a slender lead.

Senator Hatch had one of the most rapid rises in American politics. A long-time supporter of Ronald Reagan, he never held political office until he defeated the incumbent Senator Frank Moss in 1976 in a stunning upset. During his first years in the Senate, Hatch seemed almost feverish in his advocacy of New Right causes, and many of his colleagues seemed to regard him as a fanatic.

Hatch's intensity is particularly evident in his record on arms control issues. In 1981, out of eleven bellwether votes selected by the Council for a Livable World, he voted wrong ten times—and was absent for the eleventh. Some of those votes were: for the MX missile; for the B-1 bomber; for the Clinch River Breeder Reactor, for chemical weapons.

In 1982, Hatch voted again for the production of chemical weapons, for the Reagan proposal to build two new aircraft carriers, and against the amendment offered by fellow Republican Senator Nancy Landon Kassebaum to reduce the military budget by 1.3 billion dollars for fiscal year 1983.

Senator Hatch was a vociferous opponent of the SALT II Treaty and led the opposition to the confirmation of Paul Warnke as President Carter's chief arms control negotiator. He opposes a Comprehensive Test Ban and favors construction and deployment of neutron bombs. He is also a declared opponent of the Nuclear Weapons Freeze.

Hatch's political strength has been steadily eroding, partly because of his style and personality. He has been described as pompous and arrogant, an ideologue and a polarizer who has made many enemies. This contrasts sharply with his fellow Republican Senator Jake Garn, who has a similar voting record but is not perceived negatively by the voters of Utah.

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Ted Wilson was born, bred and educated in Utah. Married and the father of five children, he holds degrees in Political Science, Economics and Education. He is currently serving his second term as Mayor of Salt Lake City. Before that he was Social Services Director for Salt Lake County, and Administrative Assistant to Congressman Wayne Owens (D-Utah) in Washington, D.C.

On the national level, Ted Wilson has gained recognition usually reserved for the mayors of much larger cities. He serves on the Board of Directors of the National League of Cities, on the Board of Trustees of the U.S. Conference of Mayors, as Chairman of the Energy and Environment Committee of the U.S. Conference of Mayors, and he has been on the National Water Policy Task Force. He is a strong environmentalist and opponent of Secretary Watt's misnamed Wilderness Protection Act.

The Mormon Church is a dominant institution in Utah. The Mormon hierarchy takes stands on secular matters, economic and political. For example, it came out against the MX missile system that the Carter Administration proposed placing in Utah and Nevada, and has demonstrated great concern about the nuclear arms race. Wilson reflects this position; Hatch does not. Both candidates are Mormons, and the Church is expected to be neutral in the contest.

Wilson is a strong supporter of the Nuclear Freeze. In fact, this past June, he led the successful drive to put the U.S. Conference of Mayors on record endorsing a Nuclear Freeze resolution.

Wilson was an early and strong opponent of deploying the MX missile in Utah.

Wilson says, "I am personally concerned about the shift in our strategic planning regarding the Soviet Union. I cannot and will not accept the idea that the United States of America would initiate a nuclear confrontation. Nuclear war is not winnable."

Wilson supports ratification of the SALT II Treaty.

Wilson opposes abrogation of the 1972 ABM Treaty.

Wilson favors a Comprehensive Test Ban.

Wilson opposes the production of chemical weapons.

Founded in 1962 by Leo Szilard

At the same time Wilson supports a strong national defense policy, but he insists that the money be spent wisely.

At the July 10, 1982 Democratic state convention, Wilson gave a strong exposition of his balanced views: "The Republican Administration has written [the Pentagon] a blank check. . . . They've opened up the candy store. . . . And what's happened is just what you'd expect. We see the B-1 bomber pulled out of the closet, an aircraft that was considered obsolete 10 years ago. We see the M-1 tank so sophisticated that it can't fight on anything other than interstate freeways. We see hundreds of millions of dollars to bring 40-year old battleships out of mothballs. . . . The list goes on and on."

"Again my Republican opponent has voted right down the line to give the Pentagon *carte blanche*. Is that fiscal responsibility? Is that leadership? Is that fairness? No, it's Orrin Hatch."

Wilson's statement continued by strongly endorsing control of nuclear arms: "Is it fairness for all to continue to stockpile nuclear warhead on top of nuclear warhead? It is time to establish a mutually verifiable nuclear freeze. It is time to sit down at the bargaining table and make disarmament happen."

The polls of public opinion show that Wilson has a very good chance of defeating Hatch in November. That is why Hatch is considered "very vulnerable" by most political experts. In September, 1981, even before Mayor Ted Wilson had announced his candidacy for United States Senate, he ran only 18 percentage points behind incumbent Senator Orrin Hatch. The next poll, taken in January, 1982, revealed Hatch with 49% and Wilson with 42%.

The most recent polls show Hatch clinging to his narrow lead. In terms of funds, however, Hatch had already raised $1.9 million as of June 30 compared to $315 thousand for Wilson. Wilson predicts that his campaign will have to raise at least $750,000 to win.

The Council for a Livable World's first mailing for Wilson was very successful. Senator Hatch, in reaction, criticized the Council as being "anti-defense oriented, liberal and inappropriately trying to play politics with our national security interests." (*Salt Lake Tribune*, July 29, 1982)

The Council for a Livable World urges you to redouble your support for Mayor Ted Wilson because of his commitment to serious nuclear arms control and because Senator Orrin Hatch deserves to be defeated.

If you would like to make a financial contribution, please make your check payable to WILSON FOR UTAH COMMITTEE and mail to:

Council for a Livable World
11 Beacon Street
Boston, Mass. 02108

Council for a Liveable World
PeacePAC campaign
4-100

PEACEPAC

FOR THE PREVENTION OF NUCLEAR WAR

100 MARYLAND AVENUE, N.E. • WASHINGTON, D.C. 20002

Paul Warnke, Chairman

TO: Activists for the Prevention of Nuclear War

FROM: Paul Warnke, Former Chief U.S. SALT Negotiator Paul C. Warnke

SUBJECT: How to elect a U.S. Congress in 1982 committed to freezing and reducing nuclear arms.

This year, we have the best opportunity we have had in many years to make significant progress in controlling the menace of nuclear weapons.

All over the country millions of people -- in town and city council meetings, on college campuses, in churches, in state legislatures -- are now activated to run petition drives, ballot referenda and other citizen action programs to let our government know that we want an end to the nuclear arms race.

Yet all of this effort will be in vain unless we can elect a Congress in 1982 that shares this commitment and is willing to act on it.

We do not have such a Congress now!

- A clear majority of the 435 members of the House of Representatives must get behind the Nuclear Freeze Resolution -- and get it implemented -- in order to achieve meaningful arms control.

- Our current Congress has given its early approval to the Reagan Administration's request for massive increases in military spending -- including billions for the development of new nuclear weapons -- including the MX missile and sea and land-launched cruise missiles that will only escalate the arms race.

PEACE PAC Board of Directors

Ramsey Cooper, Executive Director, Women's Campaign Fund • William Dodds, Former Political Director, United Auto Workers • Robert F. Drinan, Former U.S. Representative • John Kenneth Galbraith, Professor of Economics, Harvard University • Jerome Grossman, President, Council for a Liveable World • William Halpin, Political Director, International Association of Machinists • John Isaacs, Legislative Director, Council for a Liveable World • George Kistiakowsky, Chief Science Advisor to President Eisenhower • Admiral Hyman G. Rickover, U.S. Navy (retired) • Herbert Scoville, Jr., President, Arms Control Association • Stephen M. Thomas, Political Consultant • Paul C. Warnke, Former Director of U.S. Arms Control and Disarmament Agency and Chief U.S. SALT Negotiator • Edith Wallace, Executive Director, Members of Congress for Peace Through Law. *Affiliations for Identification Only.*

Can we translate the current public interest in nuclear arms control into tangible legislative accomplishments?

We can and we must if 1982 is to be the beginning of a new era in world peace.

That is why I have joined with others to begin a new and different kind of political action committee.

We have called it PEACE PAC. It has one purpose and one purpose only -- to elect a Congress committed to the prevention of nuclear war.

This is how it will work:

- PEACE PAC was organized as an affiliate of the Council for a Livable World, founded in 1962 by nuclear scientists concerned with the menace of nuclear war. Since its inception in 1962, the Council has provided more than 2 1/2 million dollars to candidates for the U.S. Senate.

  Recognizing the increasing importance of the House of Representatives on such issues as measures to freeze and reduce nuclear arms and military spending, the Council for a Livable World helped organize PEACE PAC to support candidates for the House.

  To launch PEACE PAC, the Council is providing operating expenses so that maximum contributions can be made by PEACE PAC to deserving candidates in critical House campaigns.

- We are asking people like you to join with us in giving your financial support to create a political action fund that will be used to support candidates for the House, regardless of party, who will work to prevent nuclear war.

- By pooling contributions from thousands of people committed to nuclear arms control, we will be able to provide financial support to candidates -- support that will help to counter the huge political warchests of those opposed to nuclear arms control. It is no surprise that the very candidates PEACE PAC will support are those most vehemently opposed by the Right Wing political action committees.

- In addition to financial assistance, PEACE PAC will provide candidates with research support on nuclear issues and military spending and will assist selected campaigns in reaching committed individuals to act as campaign volunteers.

PEACE PAC has already announced the first group of candidates it will support in 1982. All have endorsed the nuclear freeze resolution and have demonstrated leadership on issues of international peace. They include:

1. Mike Barnes (incumbent - Maryland) Barnes is Chairman of the House subcommittee on Inter-American Affairs where he has opposed current Administration policies on military involvement and covert activities in Latin America.

2. David Bonior (incumbent - Michigan) Bonior has been a leader in the House opposing the resumption of the production of chemical weapons by the U.S.

3. George Brown, Jr. (incumbent - California) Brown is a high-ranking member of the Science and Technology Committee of the House where he has been an advocate of peaceful uses of the space program.

4. Bob Carr (challenger - Michigan) Carr is trying to recapture a seat he lost in the Reagan landslide. While in the House, he was an activist member of the Armed Services Committee supporting nuclear arms control and reduced military spending.

5. Tom Downey (incumbent - New York) Downey is an expert in the House on the military budget and has been an outspoken advocate of nuclear arms control.

6. Dennis Eckart (incumbent - Ohio) Eckart has been the leader on nuclear proliferation issues in the House of Representatives.

7. Bob Edgar (incumbent - Pennsylvania) Like all of the endorsees, Edgar is a signer of the nuclear freeze resolution in the House of Representatives. He has focused on alleviation of world hunger.

8. Frances Farley (challenger - Utah) Ms. Farley led the fight against the MX deployment in Utah.

9. Barney Frank (incumbent - Massachusetts) Frank is an eloquent spokesperson for nuclear arms control in the House of Representatives.

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10. Sam Gejdenson (incumbent - Connecticut) Gejdenson is one of the sponsors and leading supporters of the bill opposing U.S. production of chemical weapons.

11. Jim Leach (incumbent - Iowa) Leach has been a leader in the opposition to U.S. chemical arms production and has fought for international human rights.

12. Ruth McFarland (challenger - Oregon) Ms. McFarland was a co-sponsor of the nuclear freeze resolution in the Oregon legislature and is trying to unseat hawkish Denny Smith.

13. Matthew F. McHugh (incumbent - New York) McHugh has fought for international human rights and was an organizer of the nuclear freeze debate in the U.S. House of Representatives.

14. Claudine Schneider (incumbent - Rhode Island) Rep. Schneider was one of the organizers of the historic nuclear freeze debate in the House and chairs the arms control committee of the Members of Congress for Peace Through Law.

15. Paul Simon (incumbent - Illinois) Simon has been a consistent leader in the House in the fight against the MX missile. He was previously a member of the U.S. delegation to the United Nations Special Session on Disarmament.

16. Howard Wolpe (incumbent - Michigan) Wolpe is the Chairman of the House Foreign Affairs Subcommittee on Africa.

With your support, in the coming months PEACE PAC will be endorsing many other candidates. Our support will go only to candidates supporting nuclear arms control, only to those races where our support can make a difference, and only to those races where there is a clear difference between candidates.

Please join with me as an early sponsor of PEACE PAC.

We are at a very critical time in the struggle for a world safe from the threat of nuclear war.

All of our great gains in public and media interest in the nuclear issue will be lost unless we are able to translate it into concrete political action.

I urge you to join PEACE PAC by sending your contribution as soon as possible.

With your help, 1982 can be a landmark year in American politics -- the year in which we turn away from nuclear confrontation and toward a rational and safe world of the future.

Let's not miss this opportunity.

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NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL

First Class Permit No. 70420 Washington, D.C.

Postage Will Be Paid By Addressee

PEACEPAC
100 Maryland Avenue, N.E.
Washington, D.C. 20002

ntribution Enclosed
Support Candidates for Congress
mmitted to Nuclear Arms Control

To PEACEPAC:

It's time there was a political action committee for those of us who are committed to nuclear arms control and international peace. Enclosed is my contribution to support candidates for the U.S. House of Representatives committed to nuclear arms control.

☐ $500 ☐ $250 ☐ $100 ☐ $50 ☐ $30 ☐ Other $ _____

(Please make checks payable to PEACE PAC and return in the enclosed envelope.)
PEACE PAC · 100 Maryland Avenue, N.E. · Washington, D.C. 20002

Peace Political Action Committee

Questionnaire For Candidates On National Security And Arms Control Issues

As a candidate for Congress in 1982, I will support efforts to develop national security and arms control policies for the United States that avoid nuclear confrontation and waste of resources.

Specifically, I will support:

_____ An immediate, verified, mutual freeze on the testing, construction and deployment of new nuclear weapons by both the United States and the Soviet Union.

_____ Continuous negotiations by the Reagan Administration with the Soviet Union to reduce existing nuclear weapons and to prevent nuclear war.

_____ The stated policy of the Reagan Administration to abide by the SALT II limits as long as the Soviet Union does.

_____ The termination of the MX missile program.

_____ The termination of the B-1 program.

_____ A continuation in force of the 1972 anti-ballistic missile (ABM) treaty between the U.S. and the U.S.S.R. that limits the deployment of new ABM systems.

_____ A negotiated end to *all* nuclear testing by the United States, the Soviet Union and other nuclear powers.

_____ Efforts to limit the huge increase in military spending planned over the next five years.

PEACE PAC Board of Directors

Ranny Cooper
Executive Director
Women's Campaign Fund

William Dodds
Former Political Director
United Auto Workers

Robert F. Drinan
Former U.S. Representative

John Kenneth Galbraith
Professor of Economics
Harvard University

Jerome Grossman
President
Council for a Livable World

William Holaver
Political Director
International Association of Machinists

John Isaacs
Legislative Director
Council for a Livable World

George Kistiakowsky
Chief Science Advisor to President Eisenhower

Admiral John M. Lee
U.S. Navy (retired)

Herbert Scoville, Jr.
President
Arms Control Association

Stephen M. Thomas
Political Consultant

Paul C. Warnke
Former Director of U.S. Arms Control and Disarmament Agency and Chief U.S. SALT Negotiator

Edith Wilkie
Executive Director
Members of Congress for Peace Through Law

Affiliations for Identification Only.

PEACE PAC is supported entirely by donations from individuals throughout the country. Your contribution is urgently needed to support candidates for Congress committed to nuclear arms control.

PEACE PAC
100 Maryland Avenue, N.E.
Washington, D.C. 20002

Paid for by PEACE PAC.
A copy of our report is filed with, and available from, the Federal Election Commission.

PEACEPAC

FOR THE PREVENTION OF NUCLEAR WAR

100 MARYLAND AVENUE, N.E. • WASHINGTON, D.C. 20002

PEACEPAC

For The Prevention Of Nuclear War...

PEACE PAC is the only grassroots political action committee supporting candidates for the U.S. House of Representatives who are committed to specific nuclear arms control measures and the prevention of nuclear war.

How It Started

PEACE PAC is an affiliate of the Council for a Livable World, founded in 1962 by nuclear scientists concerned about the menace of nuclear war.

Since its inception in 1962, the Council has provided more than 2½ million dollars to candidates for the U.S. Senate. More than 60,000 people in 50 states support the Council.

Recognizing the increasing importance of the House of Representatives on such issues as measures to freeze nuclear arms and military spending, the Council for a Livable World helped organize PEACE PAC to support candidates for the House.

To launch PEACE PAC, the Council is providing operating expenses so that maximum contributions can be made by PEACE PAC to deserving candidates in critical campaigns.

How Will Candidates Be Selected?

1. PEACE PAC research staff will review Congressional races throughout the country to identify candidates deserving support, regardless of party.

2. Candidates will also be recommended by PEACE PAC contributors and by cooperating organizations.

3. Candidates will complete and sign a questionnaire on nuclear arms control and military spending.

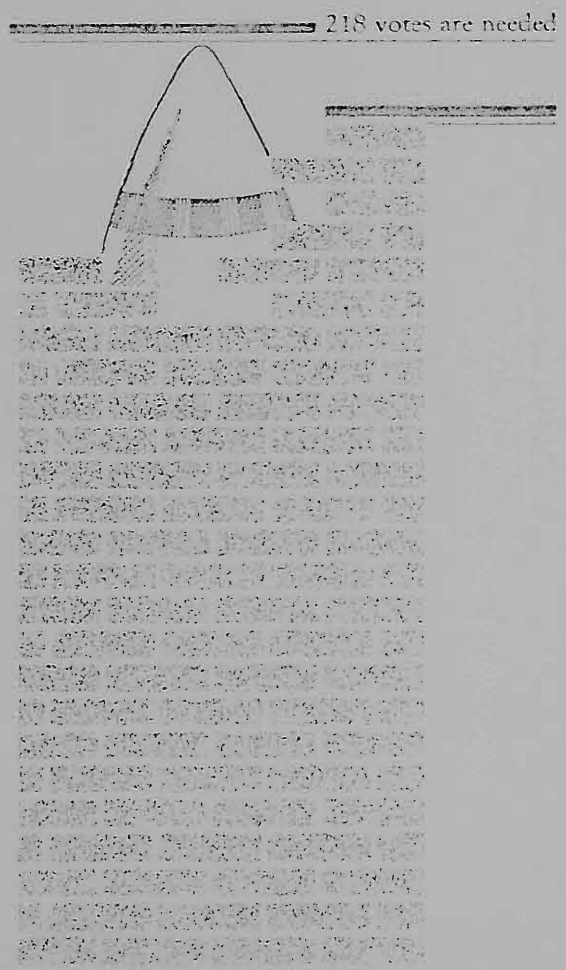
4. To be selected for support by PEACE PAC, candidates must support measures to freeze the nuclear arms race, reduce nuclear weapons and diminish the risk of nuclear war. They must also have demonstrated leadership on the issues of arms control and military spending.

5. PEACE PAC's Board of Directors will make the final decisions for support. The Board was chosen to represent a wide range of political and scientific expertise.

What Kind Of Support Is Provided?

Candidates selected for PEACE PAC support will receive financial contributions for their campaigns, research and speech material prepared by PEACE PAC staff, and the organizational support of PEACE PAC in reaching and organizing committed individuals in their districts.

A clear majority of the 435 members of the House of Representatives must get behind the Nuclear Freeze Resolution—and get it implemented in order to achieve meaningful arms control.



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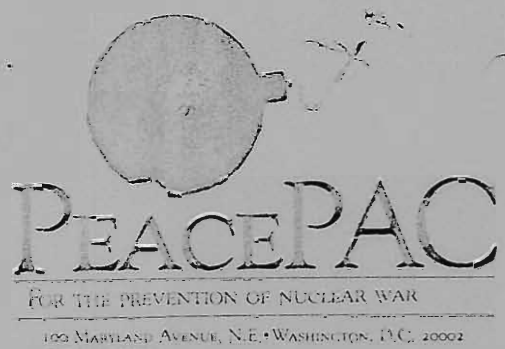

Make nuclear arms
a key issue
in the 1982 elections!

Marc E. Lackritz
Wald, Harkrader and Ross
1300 19th Street, N.W.
Washington, D.C. 20036

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

29 SEP 1978

Stephen M. Thomas, Acting Treasurer
Council For A Livable World
100 Maryland Avenue, N.E.
Washington, D.C. 20002

Dear Mr. Thomas:

This letter is prompted by our interest in assisting committees who wish to comply with the Federal Election Campaign Act.

During review of the April 10 Quarterly Report of Receipts and Expenditures, we noted that you omitted certain information or made apparent mathematical errors in certain entries. Attached is an itemization of the information requested.

While we recognize the difficulties you may have experienced in filling out the reporting forms, we must ask that you supply the Commission with the missing information within fifteen (15) days from the date of this letter. If you have any questions, please do not hesitate to contact Mark Kleinman in our Reports Analysis Division on the toll free number (800)424-9530. Our local number is (202)523-4048.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Attachment
FEC Form 12

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

TO: COUNCIL FOR A LIVABLE WORLD DATE: 23 SEP 1979

I.D. NO.: C00029165

REQUEST FOR ADDITIONAL INFORMATION FOR THE April 10 Quarterly REPORT OF RECEIPTS AND EXPENDITURES COVERING THE PERIOD 1-1-78 THROUGH 3-31-78, PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

___ Coverage Dates ___ omitted or ___ incorrect

___ Signature ___ omitted or ___ incorrect

___ Summary Page Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Detailed Summary (Page 2) Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Schedule Totals ___ disagree with Detailed Summary (Page 2) or ___ omitted

___ Date(s) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Full Name(s) Omitted for Schedule(s) ___ Line(s) ___

X Mailing Address(es) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Occupational Descriptions ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Principal Place(s) of Business ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Aggregate Year-to-date Totals ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

X Nature or Purpose of Expenditure ___ omitted or ___ inadequate for Schedule(s) B Line(s) 20A SEE PAGE TWO

___ Nature or Purpose of Receipt ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Inadequate Description of ___ proceeds ___ dates ___ events ___ location of Schedule ___

___ Other: _____

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Disclosure Division toll free at (800) 424-9530. The local Washington, D.C. telephone number is (202) 523-4048.

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

FEC FORM 12
(Revised April 1977)

Please clarify the nature of the in-kind contributions. It would seem that by the description of the in-kind contributions as "Printing" to the candidates as indicated by your report, and the subsequent earmarked contributions by individuals to these same candidates, that there was a relationship between the in-kind contributions and the earmarked contributions.

In addition, please clarify if there was any coordination between your committee and the applicable candidates and/or candidate committees in preparing the content of the "Printing" costs. If this was the case, then under Section 110.6(d)(2) of the Federal Election Commission Regulations, all of the subsequent earmarked contributions may be attributable to your committee, as having exercised direction or control over the recipient candidate and/or committee.

Please respond accordingly.

Also note, that the above also refers to any other report filed by your committee with a similair reporting pattern.

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November 15, 1978

Orlando B. Potter
Staff Director
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Potter:

This letter is in response to your letter of September 29, 1978, and its request for more information about the "in-kind contributions" listed at Schedule B for Line 20A in the Council for a Livable World ("Council") Report for the Quarter Ending March 31, 1978 (ID #C00029165). The request for additional information (attached hereto) asked for a clarification of the relationship between the Council's "in-kind" contributions and the earmarked contributions by individuals to candidates, and also asked for a clarification of whether there was any coordination between the Council and the applicable candidates in preparing the content of the printing distributed by the Council. This letter responds to both of these concerns and, I hope, will clarify any questions that the Commission may have concerning the Council's method of operation.

The Council for a Livable World, a non-profit and non-partisan association, was founded in 1962 by a group of scientists headed by nuclear physicist Leo Szilard, the discoverer of the nuclear chain reaction, who were concerned about the proliferation of nuclear weapons and about the need to encourage discussions regarding control of such weapons. The Council's primary objective has been to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations. In attempting to focus Government attention on these arms control issues, the Council has engaged in lobbying efforts, conducted seminars for Congressional members and staff, and compiled and distributed publications on relevant issues. As a part of its activities to establish sensible arms control limitations policies, the Council for a Livable World has expended part of its resources and energy in educating and informing its supporters, by mail, on a non-partisan basis, about candidates in elections to the United States Senate. This activity is part of the multi-faceted Council strategy intended to initiate and encourage discussions in the executive and legislative branches concerning arms control issues.

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The Council for a Livable World also attempts to educate the Congress about the implications of the use of nuclear, biological, and chemical weapons and to research the policies of candidates for the United States Senate. Individual supporters of the Council's activities are a very diverse group of about 8,000 individuals, united only by their interest in these policy issues. There is no economic leverage or any other means of control that the Council can use to influence the actions of its individual supporters. Thus, the Council for a Livable World is basically a non-partisan, multi-candidate committee organized around substantive policy issues, which makes it very distinct from the more usual partisan committees organized solely for the purpose of affecting the outcome of federal elections.

In election years, on the basis of its own independent research into the issues involved, the Council selects a few Senate candidates about whom it distributes material to Council supporters suggesting that they consider sending checks payable to clearly identified campaign committees of the selected candidates. The selection of candidates by the Council is non-partisan and is done wholly independently, based primarily on research by Council staff into the policy positions advocated by the various candidates.

The "in-kind contributions", reported at line 30A and listed on Schedule B of the Council's April 10, 1978 report were to the printing of material mailed to Council supporters about Dr. William Roy, Democratic candidate for the Senate from Kansas, and Congressman Max Baucus, Democratic candidate for the Senate from Montana.

This material was compiled, written, and produced <u>solely</u> by the staff of the Council for a Livable World. The contacts between the Council and the candidates' campaigns were quite minimal in these circumstances. The Council staff obtained from each candidate's campaign office a copy of the candidate's biography, a picture of the candidate, and copies of any issue papers of the candidate that had been prepared in the ordinary course of the campaign. On the basis of this information and other public information, the Council staff by itself wrote the material and prepared the mailings to Council supporters. The campaign staffs did not assist in either the writing or the production of the literature. The mailings explained the significance of the election and the candidates' positions on various issues raised. They also suggested that, depending on the part of the alphabet in which the first letter of the supporter's last name was, the supporter could consider making a contribution to the Council itself or to a particular candidate by making out a check payable to the Council or the candidate's campaign committee. Supporters were advised to return any checks payable to the Council or to a candidate in the envelope provided. The Council then acted merely as a conduit or intermediary and passed on the contributions to the relevant candidate for whom they were intended.

The other contact between the Council and the relevant candidates' campaigns was a <u>pro forma</u> authorization signed by the candidates authorizing the Council to send the mailings. This <u>pro forma</u> authorization was

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solely for purposes of complying with 2 U.S.C. §441(b), and clearly did not constitute any control by or coordination with the candidate's campaign concerning the substance of the mailing itself.

There was no "coordination" whatsoever between the Council and the applicable candidates and/or candidate committees in preparing the content of these mailings.

In addition, I should mention that the Council has reported portions of the printing expenditures as "in-kind contributions" only because an audit of the Council in 1974 by the Office of the Secretary of the Senate directed the Council that "the cost of these mailings should be reported as contributions in kind which should be apportioned on a reasonable basis among the candidates whose election is advocated therein by the Council." (Letter to Mr. Stephen H. Thomas from Orlando B. Potter, October 25, 1974.) */

If the Commission or staff now believe that these mailing expenses should be reported instead as "independent expenditures", the Council will of course fully comply with that determination.

Moreover, if the Commission or the staff intend to make findings of fact or law that are adverse to the present status or procedures of the Council, the Council respectfully requests an opportunity to present a legal memorandum on the relevant issues of fact and law prior to any such adverse finding being made. Please let me know in advance if the Commission or staff intend to make any such adverse finding.

Thank you very much for your cooperation in this matter.

Sincerely yours,

Stephen H. Thomas
Acting Treasurer

Enclosure

cc: The Honorable J. Stanley Kimmitt, Secretary of the Senate
Mr. Mark Kleinman, Reports Analysis Division, Federal Election Commission

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*/ The portions of the printing expenditures reported as "in-kind contributions" to a particular candidate are directly proportional to the percentage of Council supporters in the section of the alphabet that is to consider contributing to a particular candidate.

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WILD, HARRIS, LANDIS & ROSS

[illegible]

DALLAS OFFICE
1000 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
(214) 741-1241

ROBERT M. COHAN
RESIDENT PARTNER

SELMA M. LEVINE (1924-1978)

OF COUNSEL
PHILIP FIMAN
DON WALLACE, JR.

March 12, 1980

Ms. Marybeth Tarrant
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1028

Dear Ms. Tarrant:

Enclosed are answers to the questions of the Commission directed to "Stephen A. Thomas" (sic) of the Council for a Livable World ("Council") by the Commission on February 14, 1980. Copies of documents requested by the Commission are attached to these answers.

No further action should be taken by the Commission on this matter. First, the Council exercises no control or direction over its supporters' earmarked campaign contributions. Second, the "direction or control" language of 11 C.F.R. § 110.6 (d)(2) of the Regulations is inconsistent with the Congressional intent in enacting the contribution limitations at 2 U.S.C. § 441a(a)(2)(A). Third, if the Commission now plans to delineate the meaning of "direction" in 11 C.F.R. § 110.6(d)(2), the requirements of due process mandate that the Commission proceed by rulemaking, subject to notice and comment by interested parties, rather than by a single enforcement action against the Council. These points are more fully discussed below.

The Council, a non-profit and non-partisan voluntary association, was founded in 1962 by a group of scientists, headed by nuclear physicist Leo Szilard, who were concerned about the proliferation of nuclear weapons and about the need to encourage

discussions concerning control of such weapons. Ever since its founding, the Council's primary objective has been to encourage sensible limitations on the use of nuclear, biological and chemical weapons by the United States and other nations.

In attempting to focus attention on these arms control issues, the Council has engaged in lobbying, conducted seminars for Congressional members and staff, and compiled and distributed publications on arms control issues. In addition, the Council educates and informs its supporters, on a non-partisan basis, about candidates for the United States Senate and about current legislative initiatives and issues in the area of arms control.

In election years, on the basis of its own independent research into the issues and the candidates, the Council endorses a number of candidates for the United States Senate. Descriptions of these candidates and their opponents, prepared by the Council staff, are directly mailed to the Council's supporters. In the letter enclosing this material, it is suggested that Council supporters consider making contributions to the endorsed candidates' campaign committees or to the Council according to an alphabetical division of supporters by name. All contributions are mailed back to the Council, which merely forwards them on to the intended recipients.

The Council clearly does not exert control or direction over its supporters' earmarked contributions. Nor does the Council exert control or direction over its supporters' individual choices of recipient candidates for their contributions. Typically, two profiles of Council-endorsed candidates are enclosed in each election-year mailing. The Council supporter receiving the mailing has a myriad of available options: he/she may make a contribution to one Council-endorsed candidate or the other, to both, or to neither. The choice of a recipient candidate for a campaign contribution is thus solely in the control of the Council supporter who receives the mailing.

The Council's supporters are a very diverse group of about 10,000 individuals who are united only by their interests in arms control policy issues. The Council thus can exert no economic or political leverage nor any other means to control or direct the choices of its individual supporters. As a non-partisan, multi-candidate committee organized solely around broad substantive policy issues rather than economic interests, the Council is very different from the more typical corporate and union political action committees and partisan committees organized only for the purpose of affecting the outcomes of federal elections. The Council's interests are much broader and issue-oriented. As a result, the Council exercises no more "control or direction" than does a newspaper or a public figure who endorses a particular candidate.

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The endorsement of a political candidate by a non-partisan, issue-oriented committee such as the Council is an act of free speech constitutionality protected by the First Amendment. Any determination by the Commission of probable cause that the Council has violated 2 U.S.C. § 441a(a)(2)(A) or section 110.6(d)(2) of the Commission's Regulations would seriously impede and abridge the Council's First Amendment rights.

Second, the language in the Regulations at 11 C.F.R. § 110.6(d)(2), upon which the Commission relies, is inconsistent with the Congressional intent in enacting the contribution limitations at 2 U.S.C. § 441a(a)(2)(A). The Commission has noted "reason to believe" that the Council may have violated the contribution limitations of 2 U.S.C. § 441a(a)(2)(A) because the Council "exercised direction over the earmarked contributions of its supporters," as outlined at 11 C.F.R. § 110.6(d)(2). And yet Congress intended for the contribution limitations of 2 U.S.C. § 441a(a)(2)(A) to be applied only when a committee exercised "control" -- not "direction" -- over the making of a contribution.

Specifically, the Conference Report on the Federal Election Campaign Act Amendments of 1974 stated that:

> It was the understanding of the Committee on House Administration . . . that the following rule would apply with respect to the application of the contribution limitations established by subsection (b) [now subsection (a)]: if a person exercises any direct or indirect control over the making of a contribution, then such contribution shall count toward the limitation imposed with respect to such person under subsection (b), but it will not count toward such a person's contribution limitation when it is demonstrated that such person exercised no direct or indirect control over the making of the contributions involved.
>
> * * *
>
> The conferees agree with the analysis of the House. . . .
>
> Conference Report No. 1237, Senate Report No. 93-689, reprinted in 1974 U.S. Code Congressional and Administrative News 5620-21 (emphasis added).

The term "direction or control" as used in 11 C.F.R. § 110.6(d)(2) is thus broader than and inconsistent with the

Congressional intent in enacting 2 U.S.C. § 441a(a)(2)(A). It would be anomalous and unlawful for the Commission to use a different standard to apply the contribution limitations section to the Council than the standard that Congress clearly intended in enacting the law. Since the Council has obviously not exercised "direct or indirect control over the making of the contribution involved," it has not violated 2 U.S.C. § 441a(a)(2)(A).

Finally, if the Commission now plans to delineate the meaning of "direction" at 11 C.F.R. § 110.6(d)(2), it should proceed by rulemaking, subject to notice and comment by all interested parties, rather than by a single enforcement action against the Council. The "Notification of Reason to Believe Finding" states that the Council "exercised direction over the earmarked contributions of its supporters . . . by suggesting to its supporters that they contribute to the candidates whom the Council has selected." (emphasis added.) Although 11 C.F.R. § 110.6(d)(2) uses the term "direction or control," the term "direction" is not defined anywhere in the Commission's regulations, nor has it been defined in any litigated decisions or advisory opinions.*/

The Council understands that some other issue-oriented political action committees either send or are considering sending mailings to their supporters similar to those sent by the Council. Moreover, the Council has sent these types of mailings to its supporters since its founding in 1962, and this procedure was approved by the Secretary of the Senate as recently as 1974.

Among the procedural options available to the Commission, rulemaking is the only fair and appropriate mechanism for acting legislatively and adopting new policies or new definitions of regulations. Enforcement proceedings such as this, by their very nature designed only to prescribe specific remedies on the basis of the particular facts in a confined record, cannot provide an adequate framework for formulating a new rule of general applicability. As the Federal Trade Commission has stated:

> The focus in adjudication is on settling a dispute over past practices, and while a rule may be announced in the process, it tends to be done incidentally and without

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*/ AOR 1976-92 dealt with a corporate PAC and did not discuss the issue or definition of "direction." AOR 1975-10(C) was concerned only with "control" by a committee over the "earmarked contributions." The Council is aware of no other advisory opinions on this issue.

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> sufficient concern for laying down clear guidelines for the future. Most often, rules contained in adjudicative decisions, whether judicial or administrative, are not designated as rules or stated in the form of rules. The rule must be inferred from the language of the opinion and the facts of the case; it is implicit rather than explicit; and it may remain controversial and uncertain until many subsequent adjudications have refined and clarified it. It may take a long time for a rule even to be recognized and understood as such. */

In contrast, rulemaking can lead to the establishment of a rule articulated in direct and unambiguous language and supported by evidence and comments in the record. Congress, **/ the courts,***/ academic commentators,****/ and other agencies such as the Federal Trade Commission,*****/ have consistently emphasized the inadequacy of adjudication as compared to rulemaking in the development and promulgation of innovative policies affecting the general public and many parties.

Because many political action committees may be directly affected by the Commission's interpretation of the term "direction" in 11 C.F.R. § 110.6(d)(2), all such parties should have the opportunity to participate in a proceeding to explore such an interpretation before it is adopted. In addition,

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*/ Statement of Basis and Purpose of Trade Regulation Rules [Cigarette Advertising], 29 Fed. Reg. 8325, 8367 (July 2, 1964).

**/ See, e.g., House Comm. on Interstate and Foreign Commerce H.R. Rep. No. 93-1107, 93d Cong., 2d Sess. 32 (1974)

***/ See NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969); SEC v. Chenery Corp., 332 U.S. 194, 202 (1947); National Nutritional Foods Ass'n v. Weinberger, 512 F.2d 688, 698 (2d Cir. 1975); National Petroleum Refiners Ass'n v. FTC, 482 F.2d 672, 681 (D.C. Cir. 1973), cert. denied, 415 U.S. 951 (1974).

****/ See K. Davis, Administrative Law § 6.15 (1970 Supp.).

*****/ See Statement of Basis and Purpose of Trade Regulation Rules [Cigarette Advertising], 29 Fed. Reg. 8325, 8367 (July 2, 1964); Trade Regulation Rules Embodying Case Law Principles, 41 Fed. Reg. 3322 (1976).

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"rulemaking procedures . . . encourage broad participation on the part of interested parties and . . . result in a bright-line standard of conduct in appropriate cases, [serving] the threefold interest of clarity, uniformity, and fairness to the regulated industry."*/

Only through rulemaking will a new policy take effect on a date certain with ample notice to all affected parties. No political action committee would be penalized or stigmatized for the failure to act in accordance with entirely new principles and new definitions neither announced nor anticipated.

The Supreme Court has twice noted that "there may be situations where [in agencies] reliance on adjudication [rather than rulemaking] would amount to an abuse of discretion," NLRB v. Bell Aerospace Co., 416 U.S. 267, 294 (1974); NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969). The Commission would exceed the limits of its discretion here in seeking to define the term "direction" as used in 11 C.F.R. § 110.6(d)(2) through an enforcement action rather than a rulemaking proceeding.

For all of the foregoing reasons, the Office of the General Counsel should recommend that no further action on this matter be taken by the Commission. In addition, I would like to request a meeting with you at your earliest convenience to discuss this matter. Thank you for your consideration.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Counsel to Council for a
Livable World

MEL:omb

Enclosure

---

*/ Preservation of Consumers' Claims and Defenses Proceeding, 40 Fed. Reg. 53506, 53522 (1975).

93040410 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:	)	
	)	
	)	MUR 1028
Council for a Livable World	)	
	)	

Responses to Questions from the FEC

The Council for a Livable World hereby responds to the following questions from the Federal Election Commission:

These questions concern the Council's 1978 activity in regard to the following Senatorial candidates: Baucus (MT), Bradley (NJ), Clark (IA), Fraser (MN), Haskell (CO), Hathaway (ME), Levin (MI), Ravenel (SC) and Roy (KS).

1. Explain in detail your solicitations/mailing system. Include answers to the following:

(a) How an individual comes to receive a solicitation mailing.

ANSWER: Mailings were sent out to all supporters of the Council for a Livable World ("Council"). Supporters of the Council are those individuals who have made a contribution, in any amount, directly to the Council for its support.

(b) Explain the significance of the first letter of a supporter's last name in the fundraising process.

ANSWER: See the sample mailings at Tab B. In the typical mailing, profiles of two candidates are enclosed. On the solicitation card, as an example, it is suggested that, unless they have a preference to the contrary, contributors with last names beginning with letters from A to G should consider making contributions to one candidate, contributors with last names beginning with letters from H to Q should consider making contributions to the

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other candidate, and contributors with last names beginning with letters from R to Z should consider making a contribution to the Council.

(c) How many candidates are involved per mailing?

ANSWER: There are from one to three candidates involved in each mailing. In 1978 there were usually two candidates involved in each mailing.

(d) Set out the reasons for obtaining written authorization from the candidates involved.

ANSWER: The Council obtained written authorizations from the candidates involved on the advice of counsel to ensure compliance with proposed FEC regulations governing the solicitation and receipt of contributions by multi-candidate political committees. Moreover, the Council wanted to comply with 2 U.S.C. § 441(d) which required disclosure in the direct mailing itself of the authorization by a candidate.

(e) Please furnish copies of any

(i) written authorization forms used by the candidates.

ANSWER: See Tab A for a typical authorization form.

(ii) any written correspondence between the Council and the candidates including copies of position papers and biographies supplied by the candidates.

ANSWER: There was no such written correspondence. Contacts between the Council and the candidates' campaigns were made by telephone.

(iii) copies of the solicitations that were used. (If all are identical, please specify and submit a sample solicitation.)

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ANSWER: See Tab B for solicitations from the 1978 campaign, and profiles of candidates.

(f) How many individual mailings were sent on behalf of each candidate.

ANSWER: Baucus - 3 mailings to Council supporters were sent.

Bradley - 1 mailing to Council supporters was sent.

Clark - 2 mailings to Council supporters were sent.

Fraser - 1 mailing to Council supporters was sent.

Haskell - 1 mailing to Council supporters was sent.

Hathaway - 1 mailing to Council supporters was sent.

Levin - 1 mailing to Council supporters was sent.

Ravenel - 3 mailings to Council supporters were sent.

Roy - 2 mailings to Council supporters were sent.

(g) Explain how earmarked money is transferred to the intended recipient.

ANSWER: After a mailing was sent out, the contributions to a particular candidate that were sent in were collected every day, and a transmittal sheet was prepared showing individual contributors' names and addresses, and, for contributions over $100, occupations and place of business. Also shown on the transmittal sheet was the date of receipt of the contribution and the date it was being sent to the campaign. The collected checks and the transmittal sheet for each day were then sent out the next day to the individual candidates' campaigns.

(h) How the cost of these mailings is paid and how they are allocated among the candidates.

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ANSWER: The cost of these mailings was paid out of the treasury of the Council and was allocated to the particular candidates involved in the mailing according to the percentage of Council supporters who were asked to consider contributing to the particular campaign.

2. In connection with the Council's obtaining of materials from a candidate's campaign committee, set out

(a) who in each committee was contacted

ANSWER: Baucus - Steve Browning, Administrative Assistant

Bradley - Susan Thomases, Campaign Manager

Clark - Bob Miller, Staff Aide

Fraser - Eric Nathanson, Press Secretary

Hackell - Jill Buckley, Campaign Consultant

Hathaway - Ed King, Administrative Assistant

Levin - Robert Seltzer, Campaign Manager

Ravenel - Bee Gee Truesdale, Campaign Coordinator

Roy - Paul Pendergast, Campaign Manager

(b) who from the Council made such contacts

ANSWER: Steve Thomas

(c) the substance of any conversations with the candidate or campaign committee officials

ANSWER: Steve Thomas asked the individuals at each particular campaign to send him a biography of the candidate, an 8"x10" glossy photograph of the candidate, a list of the candidate's legislative achievements while in office, and any speeches or articles by or about the candidate on issues relating to arms control.

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3. Please state how, if at all, any of the Council's procedures during the 1976 election differ from the procedures followed in 1978.

ANSWER: The Council's procedures during the 1976 election were the same as those followed in 1978.

The foregoing answers are true to the best of my knowledge and belief.

Marc E. Lackritz
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, D.C. 20036
Counsel to Council for a
Livable World

Stephen M. Thomas
Former President and Executive
Director, Council for a
Livable World

Sworn to and subscribed to before
me this 12th day of March, 1980.

Mary J. Cullen
Notary Public

My Commission Expires May 14, 1983.

9304041036

December 14, 1979

Mr. Stephen M. Thomas
Council for a Livable World
100 Maryland Avenue, N.E.
Washington, D.C. 20002

Dear Mr. Thomas,

I hereby authorize the Council for a Livable World to spend approximately $2,000.00 for a fundraising letter in behalf of my candidacy for the United States Senate to be mailed to the Council's 12,000 supporters on approximately January 11, 1980.

Pursuant to this authorization, I designate the Riggs National Bank, 9th & F Street, N.W., Washington, D. C. as the depository of the Council.

This authorization is not to be construed as a general authorization of the Council as a subsidiary committee of my campaign pursuant to the provisions of the Federal Election Campaign Act.

Sincerely,

80 04 19 01

January 12, 1978

Dear Council Supporter,

In this first mailing of the 1978 election year we urge your early and generous support for two outstanding candidates, Congressman Max Baucus of Montana and former Congressman Bill Roy of Kansas.

Congressman Baucus is seeking the Democratic nomination for the seat being vacated by retiring Senator Lee Metcalf whose own distinguished record earned him Council support in 1966 and again in 1972. Former Congressman Bill Roy is running for the seat being vacated by retiring Senator James Pearson.

Both Montana and Kansas represent fertile ground for serious challenges from the New Right, a growing coalition of right wing national organizations which are expected to move aggressively against progressive candidates in the 1978 elections. The most recent published reports indicate these groups have already amassed over $3.5 million which will be funneled into the Congressional elections.

Well-organized and well-financed, the New Right is certain wherever possible to oppose candidates who have favorable positions on issues of concern to the Council. This alone is an excellent reason for your early support of Max Baucus and Bill Roy. The enclosed profiles provide detailed information on the two candidates and their campaigns.

For those supporters who have recently joined the Council we want to review briefly the Council's method of fundraising for candidates.

In our election appeals we normally ask supporters to make their checks payable either to a candidate's campaign committee or to the Council according to an alphabetical division of supporters by name. For example, in this mailing we ask those of you whose last name begins with the letters A-G to make your check payable to the Council, those whose last name begins with the letters H-Q to make your check payable to Roy for Senate and those whose last name begins with R-Z to make your

(over)

BOARD OF DIRECTORS

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Eric C.B. Schoettle
Kosta Tsipis
Joyce Foreman, Office Manager
Terry Lenzner, Counsel
Maureen Murphy, Associate Director

100 Maryland Avenue, N.E., Washington, D.C. 20002. Phone: 202-543-4100. Founded in 1962 by Leo Szilard

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check payable to Bureau Committee 75. Supporters who have asked this state to contribute to the Council are normally offered an opportunity to contribute to Senate candidates in the next election appeal.

Supporters will occasionally have other than Council priorities in selecting candidates to support. The inclusion of the phrase "unless you have a special preference to the contrary, please make your check payable to..." is to assure that your political contribution goes to a candidate of whom you fully approve.

In the event you decide to support more than one candidate or wish to support the Council and a candidate, please make separate checks for each recipient. Checks made payable to the Council with instructions that the contribution should go to a campaign committee are not permitted by law and will have to be returned. Please return all contributions in the enclosed envelope.

Unlike our lobbying efforts which by their very nature must deal largely with specific legislation on a year to year basis, the election campaigns offer you the opportunity to have a direct impact on the course of legislation for years to come. We hope that you will participate actively in this election year.

Sincerely,

William Doering

William Doering
President

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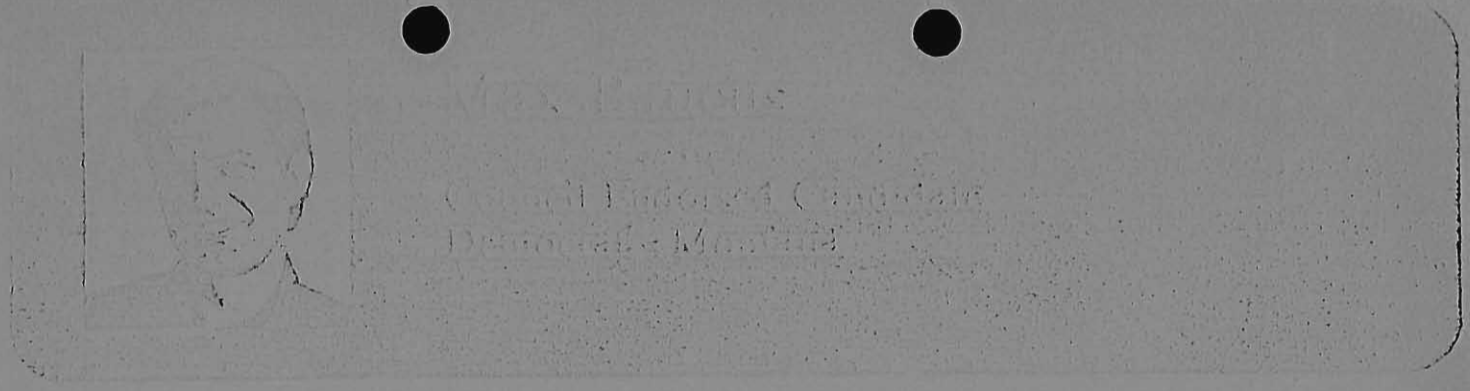

Max Baucus

Council Endorsed Candidate

Democrat - Montana

"There is no greater challenge facing America than the need to eradicate the threat of nuclear war."

Two years ago when former Senate Majority Leader Mike Mansfield announced his retirement, the Council and the country were fortunate to have a strong candidate, John Melcher, who was successful in his bid to win the vacated seat and who shared Mansfield's enlightened approach to foreign affairs.

Despite the sudden death of Senator Lee Metcalf, we are fortunate that once again a strong contender, Congressman Max Baucus, is running for the Metcalf seat. Baucus too shares the enlightened tradition of internationalism that has characterized Montana's representation in the United States Senate for many years.

In two brief terms Baucus has established a record in the House of Representatives which prompted former Senator Mansfield to comment that "Max Baucus is the best Congressman Western Montana ever had," a particularly generous statement coming from Mansfield who once represented the district himself.

A native of Montana, thirty-six year old Max Baucus entered government service in 1967 upon completion of law school, first as an attorney for the Civil Aeronautics Board in Washington and later as legal assistant to the Chairman of the Securities and Exchange Commission.

In 1972 he entered elective politics by winning a seat in the Montana House of Representatives with over 90% of the vote. Two years later he ran and was elected to Congress from Montana's First District. In 1976 he was the top votegetter among Montana's Democrats, winning reelection with 66% of the vote.

In his two terms Max Baucus has clearly established his own concern and understanding of the complex issues of arms control, national security, nuclear proliferation and international cooperation. In key floor votes he has consistently opposed the B-1 bomber and voted against funding for either development or production of enhanced radiation warheads - neutron bombs. He voted for a reduction in funding from $150 to $75 million for the Clinch River breeder reactor, a step that leaves the program alive but forestalls actual construction in the present year.

He voted against the provision, eventually adopted, that requires the Director of ACDA to report to Congress on the prospects for verification of arms control agreements under negotiation. This provision, in effect, places Congressional hardliners in a position to intervene in and even disrupt the ongoing negotiating process.

Max Baucus has had an impact rare for a newcomer to the House of Representatives. As a freshman, he was elected to serve on the powerful Appropriations Committee and, of immediate relevance to Montana, was chosen for the Subcommittee on Agriculture. In early 1977, as the 95th Congress was getting under way, Max Baucus was asked to join the House leadership as Assistant Majority Whip.

In the area of Congressional reform he has established an impressive record. During his first term he was chosen to serve as Chairman of the New Members Caucus Committee for a More Active and Effective Congress. More recently, he played a leading role in the successful effort to oust Congressman Robert Sikes (D-Fla.) from his Chairmanship of Appropriation's Subcommittee on Military Construction following revelations of a serious conflict between the former Chairman's official and private conduct.

Among the qualities which Max Baucus has consistently demonstrated in his work and in his dealings with his constituents are openness and directness. Early in his freshman term in Congress, he walked into a Senate-House Conference Committee meeting which was dealing with major tax legislation. The Conference was closed to the public and, as he soon learned, closed also to Members who were not themselves conferees. Max took the issue to the House leadership, and his persistent efforts

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[illegible] time the [illegible] and [illegible] [illegible] to the public at large.

A similar openness has characterized his dealings with his constituents. He is the first Congressman in Montana's history to open three district offices, establish a mobile office and provide at his own expense toll free phone access to his district office for his constituents.

In his bid for the U.S. Senate Max Baucus will need your early and generous support. This is more true in view of recent political developments in Montana following the death of Senator Metcalf. On January 22, Governor Thomas Judge appointed State Supreme Court Justice Paul Hatfield to the Metcalf seat. Hatfield is expected to run for election to a full term and could be a formidable opponent for Baucus in the primary. In 1976 he defeated the incumbent Chief Justice by a margin of 103,000 votes, one of the largest in Montana's political history.

Paul Hatfield is a newcomer to national politics and is always [illegible] the [illegible] issues are still unformed. Here's the vintage [illegible] in an interview with the Montana Associated Press when "he said he has been involved in legal cases so long he probably knows less about national issues facing the Senate than the average citizen." By contrast Max Baucus has established a strong and distinguished record on issues of concern to the Council.

In the general campaign Max Baucus, if nominated, is likely to face determined and heavily financed conservative opposition in the general election. As in 1976, Montana this year will be targeted by national right wing organizations as a prime opportunity to gain a senate seat in 1978. Early Council support can help to prevent that outcome. Please make your check payable to BAUCUS '78 COMMITTEE.

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Unless you have a preference to the contrary, please make your contribution according to this alphabetical arrangement by last name:

A-G, check payable to Baucus '76 Committee
H-O, check payable to Council for a Decade World
P-Z, check payable to Roy for Senate

If you make more than one contribution, please write separate checks for each.

[illegible] is authorized by Roy for Senate committee and [illegible]

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

Please fold card and return in enclosed envelope.

(10) Occupation

(11) Place of Business

(12) City (13) State

PLEASE CORRECT YOUR MAILING ADDRESS:

(51) Name

(52) Address

(53) City (54) State

(07) 782 Act identification

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Marc E. Lackritz
Wald, Harkrader & Ross
1300 - 19th Street, N.W.
Washington, D.C. 20036

Re: MUR 1028
Council for a Livable World

Dear Mr. Lackritz:

On July 23 , 1980, the Commission determined there was no probable cause to believe that your client had violated 2 U.S.C. § 441a(a)(3) and 11 C.F.R. § 110.6(d)(2). Accordingly, the file has been closed in this matter and it will become part of the public record within thirty days.

If you have any questions, please contact Marybeth Tarrant at (202) 523-4175.

Sincerely,

Charles N. Steele
General Counsel

LAW OFFICES
WALD, HARKRADER & ROSS

1300 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

(202) 828-1200
CABLE ADDRESS: WALRUS
TELEX (RCA): 248591 (WHR)

DALLAS OFFICE

1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
(214) 741-9241

ROBERT M. COHAN
RESIDENT PARTNER

SELMA M. LEVINE (1924-1975)

OF COUNSEL
PHILIP ELMAN
DON WALLACE, JR.

CHARLES C. ABELES
TONI GOLDEN ALLEN
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GREER S. GOLDMAN
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GLORIA C. PHARES
BARBARA B. PRICE
JAY A. RESNICK
JANET M. ROBINS
STEVEN E. SILVERMAN
RANDALL LEE SPECK
ANN ADAMS WEBSTER

* NOT ADMITTED IN D.C.

May 5, 1980

Federal Election Commission
Office of General Counsel
Advisory Opinion Section
Attention: Brad Litchfield, Esq.
1325 K Street, N.W.
Washington, D.C. 20463

Re: AOR 1980-46

Dear Sirs:

Pursuant to 2 U.S.C. § 437f(d) and 11 C.F.R. § 112.3, the Council for a Livable World ("Council") hereby comments on AOR 1980-46 submitted by the National Conservative Political Action Committee ("NCPAC").

The Council, founded in 1962 as a non-profit and non-partisan association concerned primarily with arms control issues, is a multicandidate political committee, as defined in the Federal Election Campaign Act of 1971, as amended. The Council's interest in AOR 1980-46 arises from the Council's use of a procedure to support candidates that is somewhat similar to that proposed by NCPAC. */

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*/ The Council acts as a conduit in forwarding earmarked contributions to candidates. However, the Council's procedures are also quite different from those proposed by NCPAC. For example, the Council obtains a written authorization, from each of the candidates it endorses, to spend funds for a fundraising letter on his behalf to be mailed to Council supporters. As a result, the Council reports its mailing expenses as "in-kind contributions" rather than as "independent expenditures." In addition, the purposes and nature of the Council are very different from those of NCPAC.

NCPAC proposes to pay the expenses of a mass mailing advocating the election of a clearly identified candidate and suggesting that contributions be made to that candidate, but the contributions (drawn to the order of the candidate's principal campaign committee) would be mailed in care of NCPAC. Upon the receipt of such contributions, NCPAC would forward the contributions to the candidate's principal campaign committee in accordance with the provisions of 11 C.F.R. § 102.8. NCPAC wishes to be advised: (1) assuming that no communication occurred between NCPAC and the candidate or his agents, whether the mass mailing expenses would be independent expenditures (under 11 C.F.R. § 109.1); (2) whether NCPAC would be subject to "conduit" reporting requirements (at 11 C.F.R. § 110.6(c)), and (3) whether the earmarked contributions forwarded by NCPAC to the candidate's principal campaign committee would be considered as contributions by NCPAC (under 11 C.F.R. §§ 110.6(d)(1) and (2)).

The Council wishes to comment only on question (3) above, and urges the Commission to advise NCPAC that the earmarked contributions it would forward to the candidate's committee would <u>not</u> be considered as contributions by NCPAC. The regulations state that "if a conduit exercises any direction or control over the choice of the recipient candidate, the contributions shall be considered a contribution by both the original contributor and the conduit." 2 C.F.R. § 110.6(d)(2). The earmarked contributions by individuals forwarded on by NCPAC should not be considered as contributions by NCPAC because it would exercise no "direction or control" over the actual making of these earmarked contributions. Second, Congress intended that conduits not exercising <u>control</u> over the making of earmarked contributions could pass on such contributions without having them count toward the conduit's own contribution limits. Finally, if the Commission now plans to interpret the term "direction or control" as used in 11 C.F.R. § 110.6(d) to include the kind of activity proposed by NCPAC, the Commission should propose this interpretation "only as a rule or regulation pursuant to procedures established in section 438(d) of [Title 2 of the U.S. Code]," and <u>not</u> in an advisory opinion. 2 U.S.C. § 437f(b), 11 C.F.R. § 112.4(e).

Merely mailing literature advocating the election of a candidate to someone cannot reasonably be interpreted to be exercising "direction or control over [that person's] choice of the recipient candidate." 11 C.F.R. § 110.6(d)(2). For example, if an individual, acting on his own, urged his neighbors and acquaintances to make campaign contributions to a particular candidate, he would not be exercising "direction or control" over the making of the contributions but would merely be exercising

his First Amendment rights. Moreover, if this same "activist" individual then collected these campaign contributions, made out directly to the candidate's campaign committee, and forwarded them on to the committee, no one would claim that such contributions should be counted toward the "activist" individual's contribution limitations.

Similarly, a newspaper editorial might endorse a particular candidate and urge its readers to support and make contributions to that candidate. If some readers decided to make campaign contributions to the candidate, no one would argue that such contributions should be recorded as coming from the newspaper. To so argue would in effect place intolerable and unconstitutional limitations on the newspaper's First Amendment rights.

The mass mailings and procedure proposed by NCPAC are no different than the hypotheticals of the "activist" individual and the newspaper editorial discussed above. The reader of NCPAC's mailings would obviously make his or her own choice of a recipient candidate for a contribution, and while he or she might be "influenced" by the content of the mailing, mere influence is very different from "direction or control." Indeed, if NCPAC is found to have "direction or control" over its readers' choices of recipient candidates for their contributions, it is difficult to conceive of <u>any</u> conduit or intermediary that wouldn't be in a similar position.

Such a result, which would in effect eliminate all conduits and intermediaries, would be contrary to Congress' clear intent in enacting the Federal Election Campaign Act. There Congress specifically provided that:

> For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way <u>earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate</u>.
>
> 2 U.S.C. § 441a(a)(8) (emphasis added).

In addition, Congress intended for contributions passed on to candidates by conduit committees to count toward the conduit's contribution limitations only when the conduit exercised "control" -- not "direction" -- over the making of the contributions. Specifically, the Conference Report on the Federal Election Campaign Act Amendments of 1974 stated that:

> It was the understanding of the Committee on House Administration . . . that the following rule would apply with respect to the application of the contribution limitations established by subsection (b) [now subsection (a)]: if a person exercises any direct or indirect control over the making of a contribution, then such contribution shall count toward the limitation imposed with respect to such person under subsection (b), but it will not count toward such a person's contribution limitation when it is demonstrated that such person exercised no direct or indirect control over the making of the contribution involved.
>
> * * *
>
> The conferees agree with the analysis of the House. . . .
>
> Conference Report No. 1237, Senate Report No. 93-689, reprinted in 1974 U.S. Code Congressional and Administrative News 5620-21 (emphasis added).

The term "direction or control" as used in 11 C.F.R. § 110.6(d)(2) is thus broader than and inconsistent with the Congressional intent in enacting 2 U.S.C. § 441a(a)(2)(A). It would be anomalous and manifestly unreasonable for the Commission to use a different standard in determining whether a conduit should be charged with making the contributions it has merely passed on than the standard intended by Congress in enacting the law. Merely sending a mass mailing advocating a candidate's election and suggesting that contributions be made to that candidate would not be exercising "direct or indirect control over the making of the contributions involved." Id., emphasis added.

Finally, if the Commission now plans to interpret the term "direction or control" as used in 11 C.F.R. § 110.6(d) to encompass the kind of mass mailing activity proposed by NCPAC, the Commission should not propose this interpretation in an advisory opinion, but only as a rule or regulation. The Federal Election Campaign Act states clearly that:

> Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of title 26 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 438(d) of this title. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.
>
> 2 U.S.C. § 437f(b); see also 11 C.F.R. § 112.4(e).

Although 11 C.F.R. § 110.6(d) uses the term "direction or control," the term is not defined in either the Federal Election Campaign Act, as amended, or in the regulations. The Commission's initial interpretation of this term, therefore, should be issued "only as a rule or regulation pursuant to procedures established in section 438(d)." Id.

On behalf of the Council, I would very much appreciate being informed in advance of the Commission meeting at which AOR 1980-46 will be discussed or considered. Thank you very much for your consideration in this matter.

Sincerely yours,

Marc E. Lackritz

Marc E. Lackritz
Counsel for Council for a
Livable World

MEL:omb

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

1. Name of Committee (in Full)
Peace Political Action Committee

Address (Number and Street)
100 Maryland Avenue, N.E.

City, State and ZIP Code
Washington, D.C. 20002

☐ Check if address is different than previously reported.

2. FEC Identification Number
C00155119

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (date)

4. TYPE OF REPORT (check appropriate boxes)

(a) ☐ April 15 Quarterly Report
X ☒ July 15 Quarterly Report
☐ October 15 Quarterly Report
☐ January 31 Year End Report
☐ July 31 Mid Year Report (Non-election Year Only)
☐ Monthly Report for _____
☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
☐ Thirtieth day report following the General Election on _____ in the State of _____
☐ Termination Report

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY	Column A This Period	Column B Calendar Year-to-Date
5. Covering Period April 1 Through June 30, 1982		
6. (a) Cash on Hand January 1, 1982		$ -0-
(b) Cash on Hand at Beginning of Reporting Period	$ -0-	
(c) Total Receipts (from Line 18)	$ 3,000.00	$ 3,000.00
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	$ 3,000.00	$ 3,000.00
7. Total Disbursements (from Line 28)	$ -0-	$ -0-
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	$ 3,000.00	$ 3,000.00
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	$ -0-	

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

Jerome Grossman
Type or Print Name of Treasurer

Jerome Grossman
SIGNATURE OF TREASURER

July 12, 1982
Date

For further information, contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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

FEC FORM 3X (3/80)

DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (in Full): Peace Political Action Committee

Report Covering the Period: From Apr. 1 To: June 30, 1982

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
I. RECEIPTS		
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	$3,000.00	$3,000.00
(Memo Entry Unitemized $ -0-)		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b and 11c)	$3,000.00	$3,000.00
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13. ALL LOANS RECEIVED		
14. LOAN REPAYMENTS RECEIVED		
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17. OTHER RECEIPTS (Dividends, Interest, etc.)		
18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17)	$3,000.00	$3,000.00
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES	-0-	-0-
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
22. INDEPENDENT EXPENDITURES (Use Schedule E)		
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441a(d)) (Use Schedule F)		
24. LOAN REPAYMENTS MADE		
25. LOANS MADE		
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c)		
27. OTHER DISBURSEMENTS		
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)	-0-	-0-
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d	$3,000.00	$3,000.00
30. TOTAL CONTRIBUTION REFUNDS from Line 26d	-0-	-0-
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)	$3,000.00	$3,000.00
32. TOTAL OPERATING EXPENDITURES from Line 19	-0-	-0-
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	-0-	-0-
34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32)	-0-	-0-

SCHEDULE A

ITEMIZED RECEIPTS

Page 1 of 1 for
LINE NUMBER IIa
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)
Peace Political Action Committee

A. Full Name, Mailing Address and ZIP Code John Harris IV 2801 Barker St. Silver Spring MD 20910	Name of Employer --------	Date (month, day, year) 5/28/82	Amount of Each Receipt this Period $3,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$ 3,000.00		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			$3,000.00
TOTAL This Period (last page this line number only)			$3,000.00

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
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Cambridge Reports

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University of Pa.

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Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

October 29, 1982

David and Ruth Booth
2895 Orion Crescent
Windsor ONT N9E 2Z3
CANADA

Dear David and Ruth Booth:

In order for us to comply with the regulations of the Federal Election Commission of the United States, we respectfully request that you complete the form below and return to us.

Thank you,

Marianne Barbera

Marianne Barbera

I am a citizen of the United States of America: X

I am not a citizen of the United States of America: _____

Signed: Ruth D. Booth - David B Booth

Date: Nov 5, 1982

Founded in 1962 by Leo Szilard

ADMIRAL JOHN M. LEE
U.S. Navy (Retired)
MATTHEW MESELSON
Harvard University
JAMES PATTON
National Farmers Union
GENE POKORNY
Cambridge Reports
CHARLES PRICE
University of Pa.
EDWARD PURCELL
Harvard University
GEORGE RATHJENS
MIT
ELI SAGAN
Writer
HERBERT SCOVILLE, JR.
Arms Control Association
JANE SHARP
Cornell University
WILLIAM E. TARLOW
Business Executive
STEPHEN THOMAS
Integrative Biomedical Research
KOSTA TSIPIS
MIT
PAUL C. WARNKE
Attorney
JEROME B. WIESNER
MIT

Affiliations For Identification Only

I am a housewife

I am a citizen of the United States of America: X

I am not a citizen of the United States of America: _____

Signed: Michelle E. Pearce

Date: November 5, 1982

Founded in 1962 by Leo Szilard

WASHINGTON LEGAL FOUNDATION

NEWS

1612 K STREET, N.W., SUITE 502, WASHINGTON, D.C. 20006

WASHINGTON LEGAL FOUNDATION BLASTS ANTI-NUKE GROUPS FOR MASSIVE ELECTION LAW VIOLATIONS; SEEKS COMPLETE "SHUT DOWN" AND MILLION DOLLAR FINES

October 15, 1982 . . . The Washington Legal Foundation, a nonprofit public interest organization, filed a 20-page complaint with 30 pages of exhibits at the Federal Election Commission (FEC) today against the Council for a Livable World (CLW), Peace PAC, Paul C. Warnke who is Peace PAC's Chairman and Director of CLW, Nuclear Freeze PAC and other officers of the pro-nuclear freeze, anti-defense groups for a multitude of election law violations. The charges accuse CLW, which is larger than 98% of all PACs, of acting as a professional fundraiser for a few dozen pro-nuclear freeze candidates such as Howard Metzenbaum, Toby Moffet, and Don Reigle, giving them as a conduit $20-30,000 and more each despite the election law's limit of $5,000 from a PAC to a candidate. WLF charges that the costs of the massive fundraising effort is intentionally undervalued and not fully reported as "in-kind" contributions to the campaigns.

WLF also charges CLW with failing to file certain pre-election reports, and that Peace PAC failed to file its quarterly report on July 15; soliciting and receiving foreign contributions; failing to properly disclose on the groups materials who paid for and authorized them; and for illegal transfer of funds from CLW to Peace PAC.

"WLF calls upon the FEC to order a complete "shut down" of these groups illegal fundraising schemes, a return of all contributions received by the candidates, and fines up to $3 million to remedy the injurious effects from the political fall-out from these outlaw groups," said Paul D. Kamenar, WLF's Director of Litigation. CLW was founded in 1962 by a Dr. Leo Szilard who once advocated the death penalty for anyone violating "peace" and deputizing all Americans to carry out the sentence. The Washington Legal Foundation is a public interest group with 85,000 members nationwide that advocates the free enterprise system, a strong national defense and rights of crime victims. WLF has testified before the FEC and Congress in the past and sharply criticized rules that unduly restrict the First Amendment rights of businesses to participate in the electoral process.

* * * *

FOR MORE INFORMATION CONTACT: PAUL D. KAMENAR, TEL. 857-0240.

St. Louis Post Dispatch

Complaint Names PACs Backing Candidates Who Favor A Freeze

WASHINGTON (UPI) — A conservatively oriented legal group has filed a complaint with the Federal Election Commission against political action committees backing candidates who favor a freeze on nuclear weapons.

The complaint was filed Friday by the Washington Legal Foundation. It singles out the Council for a Livable World, the Peace Political Action Committee, the Nuclear Freeze Political Action Committee, former U.S. arms reduction negotiator Paul Warnke, chairman of PeacePAC and other officers of the groups.

The complaint says the groups violated contribution limits and reporting requirements of federal election law and undervalued campaign services to candidates, including Democratic Sens. Paul S. Sarbanes of Maryland, Edward M. Kennedy of Massachusetts, Howard M. Metzenbaum of Ohio and Donald W. Reigle Jr. of Michigan and Rep. Toby Moffett, candidate for the Senate in Connecticut.

John Isaacs, legislative director of the Council for a Livable World, said the complaint "sounds basically like harassment" because the group received an FEC ruling before the 1980 elections approving its method of fund-raising.

---

is Control and Disarmament
The department also arranged
e to substitute for a second
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State University. While in
Searle will also address an
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Department officials termed
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nuclear policy.

rvis, manager of the Sears,
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Searle's speech next
last month's vote in
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won by a margin of 76 to 24
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Madison requested an
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bate on the freeze.

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ncil.

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City and Glendale
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termed his operation a
to a flood of requests
But later, he
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cements had been
partment.

seize the moment,"
an opportunity now,
interested in nuclear
ut arms control and

our relationship with the Soviet Union . . . You've got to look for those windows when people are interested."

Several sources on both sides of the nuclear-freeze issue said the administration's campaign could backfire by generating more publicity for the freeze movement.

The senior administration officials behind the anti-freeze drive, these sources suggest, are driven less by political considerations than by deep personal commitment. This is particularly true, they say, for an influential group of administration Catholics who are offended by the leading role that several Catholic bishops have taken in the freeze movement.

Among those administration officials who are Catholic and who have taken a strong interest in countering the freeze movement are National Security Advisor William P. Clark; Edward Rowny, chief negotiator for the Arms Control and Disarmament Agency; and the three Lehman brothers — John, secretary of the Navy; Joseph, chief spokesman for Arms Control and Disarmament Agency, and Christopher, director of strategic nuclear planning for the State Department.

Clark made public a long letter earlier this month outlining his views on a landmark "Pastoral Letter on Peace and War" under preparation by the National Conference of Catholic Bishops.

A preliminary draft of the bishops' pastoral letter, now being revised, had expressed "profound doubts about whether the use or threatened use of nuclear weapons can be truly reconciled with traditional principles of just war."

The Lehman brothers have made public appearances against the freeze initiatives. Joseph Lehman said that over the past several months, he had spoken at forums in West Virginia, Montana, Wisconsin, Pennsylvania, New Jersey and New York. Christopher Lehman has made anti-freeze appearances in Wisconsin and Michigan.

Most recently, he took part in a radio forum last Wednesday in Miami, where a freeze resolution is on the Dade County ballot, and participated Friday in a debate in New Jersey.

Christopher Lehman noted that he and his brother John had received a Jesuit education at St. Joseph's College in Philadelphia and said: "Basically, yes, I do have a personal commitment on this.

"I'm no theologian, but others far more expert have concluded there is such a thing as a just-war doctrine, that self-defense is morally acceptable, that nuclear deterrence is morally acceptable . . . I don't take a back seat to anyone on being a moral person."

John Lehman is scheduled to address the freeze question in an appearance next Thursday before the Los Angeles Junior Chamber of Commerce. He spelled out his own views in a strongly-worded address last March at Philadelphia's Chapel of the Four Chaplains, which honors four chaplains who died in World War II.

"We can be thankful," Lehman told the chapel audience, "that, in their time, they did not support the kind of pacifist ideology that has — most unfortunately — now captured a small and idealistic but vocal minority within the religious community . . .

"We must realize — and remind our fellow countrymen — that this fashionable pacifism we see and hear today . . . cannot and will not lead to peace. To disarm before a totalitarian aggressor does not lead to peace. More often, as history teaches, it leads to war."

Washington TIMES OCT 18 1982

Funding violations laid to peace lobbies

By Tom Diaz
WASHINGTON TIMES STAFF

A public interest law firm has charged several pro-nuclear freeze political action committees and their officers with violating federal election laws while channeling campaign funds to "pro-nuclear freeze, anti-defense spending" candidates.

The Washington Legal Foundation charged in a complaint filed with the Federal Election Commission that the committees have not filed required reports and have not properly declared the value of their "in-kind" services to candidates such as senators Paul Sarbanes, D.-Md., Ted Kennedy, D.-Mass. and Howard Metzenbaum, D.-Ohio, and congressmen Mike Barnes, D.-Md. and Barney Frank, D.-Mass., among others.

The complaint — filed last Friday — asked the FEC to conduct a "complete and expeditious investigation" of alleged violations by the Council for a Liveable World (CLW), the Peace Political Action Committee and the Nuclear Freeze Political Action Committee. The foundation asked the FEC to impose civil penalties of from $500,000 to $3 million against the respondents, and to require candidates to return any funds they have received from the committees.

Paul Warnke, former director of the Arms Control and Disarmament Agency, was named in the complaint in his capacity as a director of CLW and chairman of the Peace PAC, along with William E. Barlow, treasurer of CLW, and Jerome Grossman, president and treasurer of Peace PAC and CLW's registered lobbyist.

The foundation charges that CLW and Peace PAC have violated election laws by failing to report as in-kind contributions the full cost of expenses such as developing mailing lists — which the committees used in their fundraising efforts on behalf of pro-freeze candidates, and that Peace PAC and Nuclear Freeze had failed to file reports required by federal election laws.

According to the complaint CLW and Peace PAC are affiliated organizations, with the only difference between them being that CLW supports Senate candidates and Peace PAC supports House candidates (Nuclear Freeze is not affiliated with the other two groups).

John Isaacs, legislative director of CLW, said on behalf of CLW Peace PAC, and their officers that, "The complaint was filed two weeks before the election simply as harassment."

Isaacs also said that the FEC has already ruled on the pro-freeze groups' fundraising methods and found them legal. But Paul Kamenar, the foundation's director of litigation, said that the FEC ruling to which Isaacs referred does not cover either the failure to report the full value of in-kind contributions, or the report filing violations alleged in the complaint.

Washington Inquirer

Peace-PAC's Violate Law

Two "peace"-oriented PACs have been charged with massive campaign law violations and contributing four to six times the legal limit of $5,000 to candidates. The "peace" PACs were also charged with being liable for millions in funds.

What the two PACs have been doing is sending funds directly to the candidates with the checks made out to the candidates, which is legal. They have been acting as a fund-raiser for the candidates, like a Richard Viguerie or a Carver Matthews. That is legal, but the two peace PACs have not been charging the candidates the full cost of their fundraising activities, the Washington Legal Foundation charges. The Foundation asserts that this makes their procedures illegal.

The Washington Legal Foundation, a nonprofit public interest organization, filed a 20-page complaint with 30 pages of exhibits at the Federal Election Commission (FEC) against the Council for a Livable World (CLW); Peace PAC; Paul C. Warnke, who is Peace PAC's Chairman and Director of CLW; Nuclear Freeze PAC; and other officers of pro-nuclear freeze, anti-defense groups, for a multitude of election law violations.

The charges accuse CLW, which is larger than 98% of all PACs, of acting as a professional fundraiser for a few dozen pro-nuclear freeze candidates such as Howard Metzenbaum, Toby Moffet, and Don Riegle, channeling $20-30,000 and more to each, despite the election law's limit of $5,000 from a PAC to a candidate. The Washington Legal Foundation charges that the costs of the massive fundraising effort are intentionally "low-balled" and not fully reported as "in-kind" contributions to the campaigns.

WLF also charges CLW with failing to file certain pre-election reports, and that Peace PAC failed to file its quarterly report on July 15; soliciting and receiving for-

Continued on Page 2

Peace PAC's

Continued from Page 1

eign contributions; failing to properly disclose on the groups' materials who paid for and authorized them; and for illegal transfer of funds from CLW to Peace PAC.

"WLF calls upon the FEC to order a complete 'shutdown' of these groups' illegal fundraising schemes, a return of all contributions received by the candidates, and fines up to $3 million to remedy the injurious effects from the political fall-out from these outlaw groups," said Paul D. Kamenar, WLF's Director of Litigation.

CLW was founded in 1962 by Dr. Leo Szilard, who once advocated the death penalty for anyone violating "peace" and deputizing all Americans to carry out the sentence. The Washington Legal Foundation is a public interest group with 85,000 members nationwide that advocates the free enterprise system, a strong national defense and rights of crime victims. WLF has testified before the FEC and Congress in the past and sharply criticized rules that unduly restrict the First Amendment rights of businesses to participate in the electoral process.

BANGOR DAILY NEWS
BANGOR, ME
B. 78,478

OCT 25 1982

New England Newsclip

Legal firm sues N-freeze proponents

By John Day
Of the NEWS Staff

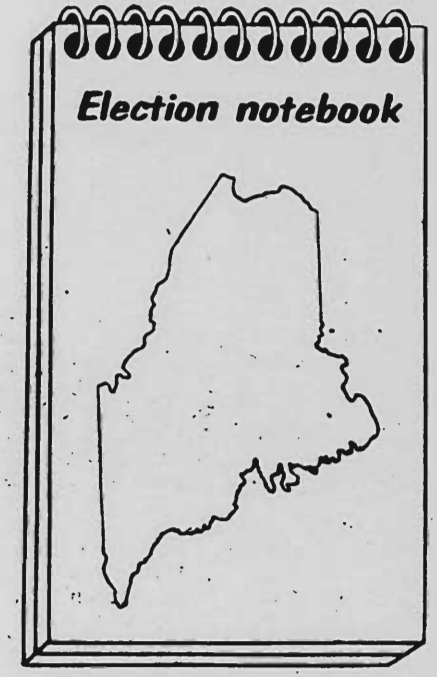
A public interest law firm is suing several pro-nuclear freeze groups, charging that the organizations have violated federal election laws while channeling campaign funds to "pro-freeze" candidates.

Sen. George J. Mitchell, D-Maine, is reported to have received more than $30,000 from one of the pro-freeze groups. Larry Benoit, Mitchell's campaign manager, indicated he was aware of the suit but not acquainted with "its details."

In its suit, the Washington Legal Foundation charges that the Council for a Liveable World (CLW) and several smaller anti-nuclear organizations are circumventing the $5,000 federal ceiling on campaign contributions by political action committees. CLW's political action committee expects to contribute slightly under $1 million to 12 Senate and 14 House candidates this year who have endorsed the freeze resolution. That resolution seeks a moritorium on the construction of nuclear weapons by both the United States and Soviet Union.

Mitchell's opponent, Rep. David F. Emery, voted against the freeze resolution when it failed by a two-vote margin in the House of Representatives last Aug. 5. Emery was the only member of Congress from New England to oppose the freeze, a fact Mitchell has repeatedly pointed out in their campaign.

The Washington Legal Foundation asserts in its suit that CLW method's of fund raising is a ruse to launder campaign contributions. The anti-nuclear group reportedly urges its members to send checks made out to individual candidates to its Washington office. The funds are then turned over to individual candidates and logged as individual contributions, not covered by the $5,000 PAC ceiling.



The suit also claims that "in-kind" contributions by the anti-nuclear groups have not been properly logged. It asks the Federal Elections Commission to impose civil penalties of $800,000 to $3 million against CLW and to require pro-freeze candidates to return contributions received from CLW.

John Isaacs, legislative director for CLW, told reporters in Washington that the suit was "simply harrassment." He reported that the FEC has already ruled that CLW's method for raising political contributions is legal. Paul Kramenar, a spokesman for the Washington Legal Foundation, stated the FEC ruling did not address itself to the issue of his group's allegations of unreported "in-kind" contributions.

Benoit said Mitchell's campaign committee "has duly reported both individual and in-kind contributions from CLW."

• • • • • •

Speaking of the freeze, Mitchell and Democratic party leaders in Washington were successful in persuading another pro-freeze group not to air a r[illegible] strident pro-freeze commercial on Maine television stations. Democratic party officials in Washington sought to block the commercials, fearful they would provoke a backlash that would hurt pro-freeze candidates more than help them.

"Our legal counsel wrote to all the stations in Maine, communicating our concern about commercials sponsored by independent political committee, regardless of whether the ads attack Mitchell or Emery," said Larry Benoit, Mitchell's campaign manager.

The pro-freeze group announced they were voluntarily pulling its commercials in the wake of strong opposition by Democratic leaders.

Hogan Says Sarbanes Took Illegal Campaign Contribution

By Saundra Saperstein
Washington Post Staff Writer

BALTIMORE, Oct. 23—Republican Lawrence J. Hogan, in a last-minute effort to sell himself as an alternative to Democratic Sen. Paul S. Sarbanes in Maryland's Senate race, stepped up his attack on the incumbent yesterday, charging him with accepting illegal campaign contributions.

In a live debate on Baltimore's WMAR-TV, Hogan accused Sarbanes of holding an illegal fund-raiser outside the country and of accepting more than the maximum allowable contribution from a single group. Hogan, the Prince George's County executive, asserted that Sarbanes had received $23,000 from the Council for a Livable World, a contribution $18,000 in excess of the maximum allowed by law.

Sarbanes, who holds a strong lead over Hogan in recent polls and has raised $1.3 million in contributions—more than three times the amount raised by Hogan—denied both allegations.

The fund-raiser outside the country, Sarbanes said, was held by Americans meeting in Toronto for a Greek-American fraternal organization's yearly conference. Sarbanes, who is of Greek ancestry, said he attends the function every year.

After the debate, a Sarbanes aide said that the $23,000 Hogan referred to had been raised through individual contributions from people who had been solicited by the Council for a Livable World. The council has solicited money for as many as 20 candidates, the aide said.

Hogan's attack appeared to be an attempt to blunt what has become a major issue in the race: the $625,000 anti-Sarbanes media campaign mounted by the National Conservative Political Action Committee (NCPAC). In earlier debates and again last night, Sarbanes said that the NCPAC, which also has paid for television commercials favorable to Hogan, is involved in "a vicious campaign . . . of political deceit and deception."

Sarbanes urged voters to "send them a message on Nov. 2" that such tactics will not work in Maryland.

Hogan replied that Sarbanes "has whined about little else in the campaign," and accused Sarbanes of using the NCPAC issue to distract voters from his "do-nothing record."

The two candidates squared off on other familiar territory. Sarbanes attacked Reagan's economic program as a course "heading the country downward."

Hogan retorted that the country's economic problems "didn't all start the day Ronald Reagan took office" and said the economy is showing "hopeful signs."

Wallop spending three times more

By PHILIP WHITE
Star-Tribune staff writer

CHEYENNE — Sen. Malcolm Wallop has outspent his Democratic challenger by more than 3-1 during 1982, and has received contributions during September amounting to almost twice those of Rodger McDaniel.

Reports filed with the Wyoming secretary of state on Monday show Wallop receiving $116,472 in contributions during September, including several donations from oil company political action committees. McDaniel's report shows he received $56,201 during the month, much of it from labor union PACs.

McDaniel's campaign manager denied a report appearing in the afternoon paper in Cheyenne on Monday that quoted Cheyenne attorney Byron Hirst as saying McDaniel had received a campaign contribution of $25,000-$30,000 from the Boston-based Council for a Livable World.

Kathy Karpan said federal law prohibits an organization from contributing more than $10,000 during a campaign, "and Mr. Hirst knew that and Wallop's campaign staff knew that when they prepared the release." She said McDaniel has received 300 individual contributions totaling about $25,000 from people all over the U.S. as a result of his endorsement by the council.

Karpan said the council has also endorsed Republican Senate candidate Millicent Fenwick in New Jersey.

The Federal Election Commission reports filed Monday show that Wallop has spent $683,172 on his re-election campaign this year while McDaniel has spent only $214,147. The reports show that 52 percent of Wallop's contributions have come from PACs, while 36 percent of McDaniel's funds have come from that source.

THE REPORTS indicate that during September, Wallop's biggest contribution of $10,000 came from the state Republican committee. Campaign America and the American Trial Lawyers PAC each donated $5,000.

The Associated General Contractors of America PAC gave $4,000 and oil company PACs donated as follows: Mobil Oil $500; Exxon $100; Tenneco $2,000; Union Oil $1,500; American Petroleum Refiners $1,000; and Ashland Oil $1,000.

McDaniel's biggest contributors were the Communication Workers of America PAC and the AFL-CIO Committee on Political Education, both $2,500. He also received $1,000 apiece from Democrats for the '80s, the Sierra Club COPE and the Florida Congressional Committee.

The American Postal Workers PAC contributed 2,500, as did the United Mine Workers PAC and the Machinists PAC. The State, County and Municipal Employees donated $2,500 and the International Ladies Garment Workers Union PAC gave $1,500.

The reports list Wallop with $68,290 in cash on hand at the end of September while McDaniel had $14,771.

MALCOLM WALLOP
Donations from oil

RODGER McDANIEL
Favored by labor

3 3 0 4 0 4 4 1 0 5 5

WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

FROM

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036

Stephen Mims, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
7th Floor
Washington, D.C. 20463

HAND DELIVER

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 16, 1982

Marc E. Lackritz, Esquire
Wald, Harkrader & Ross
1300 19th Street, NW
Washington, DC 20036

Re: MUR 1486

Dear Mr. Lackritz:

This is in response to your letter to this Office dated November 10, 1982, wherein you requested an extension of time for submitting your response in the above-captioned matter. Please be advised that your request is granted.

Any materials which you wish to have the Commission review in its initial consideration of this matter must be received by the Office of General Counsel no later than November 18, 1982. Should you have further questions, please contact Stephen Mims at 523-4039.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

MUR 1486

RECEIVED FEC
CCC# 8906
82 NOV 15 A10:39

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: William Oldaker, Esq.

ADDRESS: 1140 19th Street, Suite 900, Washington, D.C.

TELEPHONE: 202-861-0900

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.

11-9-82

Date

Signature

NAME: Peter L. Harris c/o Metzenbaum for Senate Committee

ADDRESS: c/o Sen. Howard M. Metzenbaum
Russell Senate Office Bldg.
Washington, D.C. 20510

HOME PHONE: 703-979-5293

BUSINESS PHONE: 202-224-2315

Metzenbaum for Senate
3740 Euclid Avenue
Cleveland, Ohio 44115

WASHINGTON, D.C.
-PM
12 NOV
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WASHINGTON, D.C. 20463

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Paid for by the Metzenbaum for Senate Committee

003345

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D. R. CHAMBERS
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THOMAS J. McCORMICK
LOIS A. BAAR

November 10, 1982

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

Re: MUR 1486

Dear Mr. Mims:

The undersigned, as an individual, represents the Wilson for Utah Committee ("Committee") in the above-referenced Matter Under Review. A completed designated of counsel form is enclosed herewith.

This letter is a follow-up to our telephone conversation of October 28, 1982 and also constitutes the Committee's preliminary, written response to the complaint notification letters sent by your office to candidate Ted L. Wilson and Mr. Richard VanKlaveren, Committee treasurer. The Committee expressly reserves the right to further supplement its response, if requested, prior to any adverse determination or recommendation being made by the General Counsel's office against the Committee. It is my understanding from our telephone conversation that this procedure is acceptable to your office.

The Committee has had minimal contact with the Council For A Livable World ("CLW") and no contact whatsoever with any of the other political action committees named as respondents in the initiating complaint filed by the Washington Legal Foundation.

Mayor Wilson was briefly interviewed by Mr. Paul Warnke and Jerome Grossman and completed a candidate questionaire, the purpose of which was to determine whether Mr. Wilson was a suitable candidate for endorsement by CLW. Mr. Wilson was advised that if he were endorsed by CLW, CLW would support his candidacy through a mailing to its supporters which would also solicit contributions for his campaign. Neither Mr. Wilson nor any member of the Committee participated in the drafting of the letter, and, in fact, did not see the letter until after it was mailed. CLW was not authorized to function as a general fund raiser for the Committee, but was authorized to expend $5,000 for an endorsement letter advocating the election of Ted Wilson. The expenditures connected with the endorsement letter would be reported by the Committee and CLW as an in-kind contribution. We have recently received the itemized listing of expenditures by CLW and the same shall be disclosed on the next FEC report. The total amount expended was $4,933.06.

Concerning the first allegation contained in the complaint filed by the Washington Legal Foundation, the Committee is unaware of the manner or method used by CLW to allocate its fund raising costs and indeed, has no knowledge of the specific manner in which the CLW endorsement program was to be handled. The Committee, in good faith, has relied upon the accuracy and completeness of the financial figures provided by CLW, an organization which apparently has been in existence for 20 years.

Concerning the complaint allegations numbered 2 through 7, the Committee has no knowledge whatsoever concerning the matters contained therein.

During the campaign, the Committee received contributions and/or offers of assistance from literally hundreds of political action committees and other organizations. The Committee, at all times, attempted to exercise reasonable care and diligence in the receipt of contributions. A detailed inquiry, however, into the background of each and every donor, in-kind or otherwise, was impossible and, indeed, is not required by the Federal Election Campaign Act. The Committee accepted an offer of limited assistance from CLW and had no reason to believe that CLW was anything but a bona fide organization operating in a lawful manner. Indeed, the Committee has no information to the contrary today. The Committee certainly had no intent to circumvent the letter or the spirit of the Act by authorizing CLW to engage in a limited endorsement effort.

The main thrust of the complaint filed by the Washington Legal Foundation appears to be the manner and procedure by which CLW solicits monies on behalf of federal candidates. The Committee neither participated in the development of CLW's methods, nor does the Committee have any specific knowledge of what those methods are.

Please advise if you require further information or elaboration. It is the Committee's intention to cooperate fully with your investigation.

Very truly yours,

Randy L. Dryer

Randy L. Dryer

RLD:ca
cc: Richard VanKlaveren
Mayor Ted Wilson

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: RANDY L. DRYER

ADDRESS: 185 South State Street
Salt Lake City, Utah 84111

TELEPHONE: (801) 532-1234

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

11/10/82
Date

Signature

NAME:

ADDRESS:

HOME PHONE:

BUSINESS PHONE:

LAW OFFICES OF
PARSONS, BEHLE & LATIMER
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Mr. Stephen Mims
Federal Election Commission
1325 K Street Northwest
Washington, D.C. 20463

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2 NOV 10 P 4: 14

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November 10, 1982

BY HAND

Stephen Mims, Esquire
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Mims:

As we discussed on the telephone today, this letter is to request a one-week extension for the Respondents in the above-captioned matter to file their Response to the Complaint.

This extension is necessitated by some medical problems experienced by Jerry Grossman, President of the Council for a Livable World, Treasurer of PeacePAC, and a named respondent, who has been hospitalized for the past eight days and has only returned home today. Jerry's doctors have advised him not to work for the next few days until his recuperation is complete, and so, although I have forwarded to him a draft of the Response, he will have no opportunity to review it prior to early next week. Therefore, I am requesting an extension of only one week, from November 11 to November 18, as the deadline for submitting the Response by the Respondents Council for a Livable World, PeacePac and Messrs. Grossman, Tarlow and Warnke.

WALD, HARKRADER & ROSS

Thank you very much for your consideration of this request.

With best wishes, I am

Sincerely yours,

Marc E. Lackritz

Counsel to Council for a Livable World, PeacePAC, and Messrs. Grossman, Tarlow and Warnke

MEL:st

LAW OFFICES
WALD, HARKRADER & ROSS
1300 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036

Stephen Mims, Esquire
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W., 5th Floor
Washington, D.C. 20463

BY HAND

02 NOV 10 P4:14

203 FEC
Call 8916
82 NOV 12 P12:47

Before the
FEDERAL ELECTION COMMISSION

COUNCIL FOR A LIVABLE WORLD	)	
PEACE POLITICAL ACTION COMMITTEE	)	
PAUL C. WARNKE	)	
WILLIAM E. TARLOW	)	Matter Under Review (MUR) 1486
JEROME GROSSMAN	)	
NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	)	

ANSWER OF McDANIEL SENATE CAMPAIGN

COMES NOW one of the Respondents in the above-captioned matter, by and through Leo J. Salazar, Treasurer of the McDaniel Senate Campaign, and in response to the Complaint before the Federal Election Commission filed by the Washington Legal Foundation, says as follows:

1. That the McDaniel Senate Campaign and all other parties respondent, to the best of this Respondent's knowledge, have complied fully and properly with all relevant Federal Statutes and that the Complaint of the Washington Legal Foundation fails to state a proper cause under said laws.

2. That this Respondent asserts all defenses raised by the Council for a Livable World in its answer to said Complaint, and incorporates that Answer by reference.

Respectfully submitted this 8th day of November, 1982.

McDANIEL SENATE CAMPAIGN

By: Leo J. Salazar
LEO J. SALAZAR, Treasurer

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer of McDaniel Senate Campaign was served by depositing a true and correct copy thereof in the United States mail, postage prepaid, this 8th day of November, 1982, addressed to:

Washington Legal Foundation
1612 K. Street, N.W.
Suite 502
Washington, D.C. 20006

Leo J. Salazar

Before the
FEDERAL ELECTION COMMISSION

COUNCIL FOR A LIVABLE WORLD	)	
	)	
PEACE POLITICAL ACTION COMMITTEE	)	
	)	
PAUL C. WARNKE	)	
	)	Matter Under Review
WILLIAM E. TARLOW	)	(MUR) 1486
	)	
JEROME GROSSMAN	)	
	)	
NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	)	

ANSWER OF RODGER McDANIEL

COMES NOW one of the Respondents in the above-captioned matter, by and through himself, and in response to the Complaint before the Federal Election Commission filed by the Washington Legal Foundation, says as follows:

1. That he and all other parties respondent, to the best of this Respondent's knowledge, have complied fully and properly with all relevant Federal Statutes and that the Complaint of the Washington Legal Foundation fails to state a proper cause under said laws.

2. That this Respondent asserts all defenses raised by the Council for a Livable World in its answer to said Complaint, and incorporates that Answer by reference.

Respectfully submitted this 6 day of November, 1982.

Rodger McDaniel
RODGER McDANIEL

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer of Rodger McDaniel was served by depositing a true and correct copy thereof in the United States mail, postage prepaid, this 8th day of November, 1982, addressed to:

Washington Legal Foundation
1612 K. Street, N.W.
Suite 502
Washington, D.C. 20006

for Rodger McDaniel

LAW OFFICES
RONCALIO, SALAZAR AND Mc DANIEL
SUITE 701, ROCKY MOUNTAIN PLAZA
POST OFFICE BOX 1707
CHEYENNE, WYOMING 82001

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(802) 463-4507

November 9, 1982

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1486

Dear Mr. Gross:

By letter dated October 22, 1982, you forwarded to Ms. Barbara McGough, Treasurer of the Mitchell for Senate Committee (hereinafter referred to as "the Committee"), a copy of a complaint filed with the Federal Election Commission against certain named respondents by the Washington Legal Foundation. Your letter indicated that the complaint alleges that the Committee may have violated certain sections of the Federal Election Campaign Act of 1971, and that the Committee had fifteen days from the receipt of your letter to respond to the complaint in writing. Accordingly, pursuant to 11 CFR 111.6(a), which permits response in the form of a letter or memorandum, we submit this letter on behalf of the Committee, setting forth the reasons why the Commission should take no action on the complaint as it relates to the Committee.

Procedurally, we wish to point out that the complaint filed by the Washington Legal Foundation does not name the Committee as a respondent. To the contrary, the complaint identifies as the respondents only those parties listed in the caption of the Complaint: Council for a Livable World, Peace Political Action Committee, Paul C. Warnke, William E. Tarlow, Jerome Grossman, Nuclear Freeze Political Action Committee. It is true that the body of the complaint contains language suggesting that candidates endorsed by the named organizations "should return all contribu-

tions received and/or the amounts in excess of the in-kind $5,000.00 limit." Nevertheless, the complaint does not identify the campaign committees of any endorsed candidates as respondents. Therefore, we contend that the Committee is not, in fact, a respondent in MUR 1486, as that term is used in the regulations promulgated by the Federal Election Commission, and there is no basis for its continued involvement in these proceedings.

With respect to the substance of the Complaint as it relates to in-kind contributions received by the Committee from the Council for a Livable World, we are enclosing three letters received by the Committee from Catherine Clark, Assistant Executive Director of the Council for a Livable World. These letters are dated April 9, 1982, July 8, 1982 and October 13, 1982. Each letter itemizes the in-kind contributions made by the Council for a Livable World to the Committee for fund-raising activities. These contributions were duly noted in Schedule A of the campaign reports filed by the Committee with the Secretary of the Senate for the appropriate reporting periods (please see the schedules attached to each letter from the Council for a Livable World).

Under the terms of 11 CFR 102.9(a), the treasurer of a political committee or an agent authorized by the treasurer must account for the contributions from a political committee by including "the identification of the political committee and the date of receipt and amount of such contribution." As the enclosed material indicates, the treasurer of the Committee has supplied this information for the contributions of the Council for a Livable World based on the itemized in-kind cost breakdown provided by the Council.

The treasurer of the Committee was justified in relying on this information since only the Council, engaged in a wide range of educational, lobbying and public information activities, would have the knowledge and information necessary to place a value on the in-kind services rendered for its political fund-raising work. Under these circumstances, the reliance of the Committee's treasurer on the information supplied by the Council reflected "his or her best efforts to obtain, maintain and submit the required information ... If there is a showing that best efforts have been made, any records of a committee shall be deemed to be in compliance with this Act." 11 CFR 102.9(d). This position is reaffirmed by 11 CFR 104.7:

> When the treasurer of a political committee shows that best efforts have been used to obtain, maintain and submit the information required by the Act for the political committee, any report of such committee shall be considered in compliance with the Act.

On the basis of these provisions, the reporting by the Committee of the in-kind contributions received from the Council for a Livable World should be deemed to be in compliance with the Federal Election Campaign Act.

In its request for remedial relief, the Washington Legal Foundation asserts that candidates endorsed by the Council for a Livable World should be required to return all contributions received through the Council from individual contributors, and return all amounts in excess of the in-kind $5,000.00 limit. However, with respect to the contributions from individual contributors, the Foundation acknowledges in its own complaint (page 8) that the checks from supporters of the Council for a Livable World to the individual Senate candidates do not count against the $5,000.00 contribution limit of the Council. Since these individual contributions do not violate any provisions of the Federal Election Campaign Act, there is no basis for ordering their return.

With respect to the assertion that any in-kind contributions in excess of the $5,000.00 limitation should be returned by the Committee, we must again point out that the Committee was justified in relying on the detailed reporting of those in-kind contributions provided to the Committee by the Council for a Livable World. To the extent that there was any inaccuracy in reporting the value of those in-kind contributions, such inaccuracy would be the responsibility of the Council for a Livable World, the organization in the best position to evaluate its in-kind contributions, and not the responsibility of the recipient Committee which would have no basis for such an evaluation.

In making this point, we wish to be clear that the Committee believes that the Council for a Livable World has been justified in its approach to evaluating in-kind contributions to the committees of the various Senatorial candidates. It is our understanding that the Council for a Livable World engages in many activities relating to the issue of arms control, including educational, lobbying and public information activities. Its efforts to encourage political contributions for candidates who support its positions on arms control represent only a small portion of its work. We further understand that it reports the costs related to such fund-raising as an in-kind contribution, allocating those costs to the various candidate committees for which it urges contributions. These costs, for items such as postage, mailing, and printing, have been reported to the Mitchell for Senate Committee, and these are the in-kind contributions which are reflected in the reports of the Committee. This entire procedure has been open and fully disclosed. We understand further that the approach of the Council for a Livable World to fund-raising on behalf of federal

candidates has been reviewed on prior occasions by the Federal Election Commission and has been found to be in compliance with the law.

For all these reasons, we urge the Federal Election Commission to take no action on the complaint filed by the Washington Legal Foundation as it relates to the Mitchell for Senate Committee. We further urge that the complaint be dismissed.

Sincerely,

Charles J. Micoleau

Charles J. Micoleau

Kermit V. Lipez

Kermit V. Lipez

Counsel for Mitchell for
Senate Committee

2 0 0 4 0 4 1 0 7

To combat the menace of nuclear war

Council for a Livable World

[illegible] Street
[illegible] 02108
Phone (617) 742-9305
[illegible] KISTIAKOWSKY
[illegible] GROSSMAN
[illegible] CLARK
[illegible] Director

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Washington, D.C. 20002
Phone (202) 543-4100
[illegible] SAACS
Legislative Director

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SCHEDULE A

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Page 4 of 4 for
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(Use separate schedule(s) for each category of the Detailed Summary Page)

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MITCHELL FOR SENATE COMMITTEE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Seafarer's Political Activity Donation, S.P.A.D. 675 Fourth Avenue Brooklyn, New York 11212		3/12/82	$ 4000.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 4000.00		
B. Wholesaler-Distributor Political Action Committee 1725 K Street NW Washington, D.C. 20006		1/18/82	$ 500.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 500.00		
C. Auction Markets Political Action Committee of the Chicago Board of Trade 141 W. Jackson Blvd. Chicago, IL 60604		1/10/82	$ 1000.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 1000.00		
D. Fund for a Democratic Majority 420 C Street N.E. Washington, D.C. 20002		1/10/82	$ 1000.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 1000.00		
E. Council for a Liveable World 11 Beacon Street Boston, MA. 02108		3/31/82	$579.07 in-kind
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$ 579.07		
F. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX			
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
G. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX			
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		

SUBTOTAL of Receipts This Page (optional): [illegible]

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...Avenue, N.E.
...D.C. 20002
...202) 543-4100

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...
...
...

SCHEDULE A — ITEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full): MITCHELL FOR SENATE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. COMMITTEE ON POLITICAL EDUCATION, AFL-CIO 815 16th STREET, N.W. WASHINGTON, DC 20006 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$4,425.00	8/30/82	4,425.00
B. CONCERNED CITIZENS FUND Atlantic Richfield Company 515 SOUTH FLOWER STREET, ROOM 461 LOS ANGELES, CA 90071 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$100.00	8/23/82	100.00
C. CONGOLEUM CORPORATION POLITICAL ACTION COMMITTEE 2550 M STREET, N.W. SUITE 225 WASHINGTON, DC 20037 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$6,500.00	8/23/82 8/23/82 9/24/82	1,000.00 3,000.00 1,000.00
D. COPE COMMITTEE UNITED RUBBER, CORK, LINOLEUM & PLASTIC WORKERS OF AMERICA AFL-CIO, CLC INTERNATIONAL UNION 87 SOUTH HIGH ST. AKRON, OH 44308 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$500.00	9/24/82	500.00
E. COUNCIL FOR A LIVABLE WORLD 11 BEACON STREET BOSTON, MA 02108 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$1,616.10	7/8/82	1,037.03 IN KIND
F. DEMOCRATS FOR THE 80'S P.O. BOX 3797 WASHINGTON, DC 20007 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$5,100.00	9/ 1/82	100.00 IN KIND
G. DIRECT SELLING ASSOC. POLITICAL ACTION COMMITTEE 1730 M STREET, N.W. SUITE 610 WASHINGTON, DC 20006 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$500.00	7/15/82	500.00
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
Legislative Director

BOARD OF DIRECTORS

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Bulletin Atomic Scientists

MICHAEL ALLEN
Attorney

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MIT

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CM

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Harvard University

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U.S. Navy (Retired)

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National Farmers Union

GENE POKORNY
Cambridge Reports

CHARLES PRICE
University of Pa.

EDWARD PURCELL
Harvard University

GEORGE RATHJENS
MIT

ELI SAGAN
Author

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

October 13, 1982

Barbara McGough
Mitchell for Senate Committee
P. O. Box 4554
Portland ME 04112

Dear Barbard McGough:

The Federal Election Commission will be notified of contributions-in-kind to the Mitchell for Senate Committee amounting to $2,151.07 for the period of July 1, 1982 through September 30, 1982.

The sum is itemized thus in the FEC report:

$102.25 out of $250.00 expenditure to GPO Boston, GMF, Boston MA 02205, for BRE account.

$16.67 out of $250.00 expenditure to GPO Boston, State House office, Boston MA 02108, for postage meter.

$184.85 out of $2,797.33 expenditure to Cantrell/Cutter, 499 So. Capitol St., S.W., Washington, D.C. 20003, for printing.

$374.78 out of $5,468.93 expenditure to Baldwin Graphics, 1301 Pennsylvania Ave., N.W., Washington, D.C. 20004, for printing.

$72.52 out of $442.55 expenditure to Professional Litho, 1012 Sixth St., N.W., Washington, D.C. 20001, for typesetting.

$1,400.00 out of $8,400.00 expenditure to S & S Mailing Service, 5171 Lawrence Place, Hyattsville MD 20781, for first-class postage.

Please call me with any questions you may have.

Sincerely,

Catherine Clark
Asst. Executive Director

CC:mb

Founded in 1962 by Leo Szilard

SCHEDULE A

ITEMIZED RECEIPTS

(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
MITCHELL FOR SENATE COMMITTEE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. AFSCME - PEOPLE 1625 L Street, N.W. Washington, D.C. 20036 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$ 5,550.00	10/13/82	$ 250.00 IN-KIND
B. LEAGUE OF CONSERVATION VOTERS 317 Pennsylvania Avenue, S.E. Washington, D.C. 20003 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$ 3,553.88	10/13/82	2,553.88 IN-KIND
C. FRIENDS OF THE EARTH PAC 124 Spear Street San Francisco, CA 91405 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$ 529.15	10/13/82	529.15 IN-KIND
D. CITIZENS FOR GOVERNOR BRENNAN P.O. Box 1982 Augusta, ME 04330 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$ 173.33	10/13/82	173.33 IN-KIND
E. COUNCIL FOR A LIVEABLE WORLD 11 Beacon Street Boston, MA 02108 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Aggregate Year-to-Date—$ 3,767.17	10/13/82	2,151.07 IN-KIND
F. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		
G. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date—$		

SUBTOTAL of Receipts This Page (optional) . . . . . .

TOTAL This Period (last page this line number only) . . . . . $ 75,319.27

203295 Ca# 8904

82 NOV 9 P12:57

SIDLEY & AUSTIN

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1722 EYE STREET, N.W.

WASHINGTON, D.C. 20006

TELEPHONE 202: 429-4000

TELEX 89-463

ONE FIRST NATIONAL PLAZA
CHICAGO, ILLINOIS 60603
TELEPHONE 312: 853-7000
TELEX 25-4364

2049 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
TELEPHONE 213: 553-8100
TELEX 18-1391

9 HOLLAND PARK
LONDON, W11 3TH, ENGLAND
TELEPHONE 01: 727-0132
TELEX 21781

P.O. BOX 190
MUSCAT, SULTANATE OF OMAN
TELEPHONE 722-411
TELEX 3266

P.O. BOX 4619
DEIRA, DUBAI-U.A.E.
TELEPHONE 9714-283194
TELEX 47216

Founded in 1866 as
Williams & Thompson

November 8, 1982

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

Re: MUR 1486

Dear Mr. Mims:

We are in receipt of a complaint filed against the Council for a Livable World and others by the Washington Legal Foundation which the Commission has styled MUR 1486. By letter from the Commission dated October 22, 1982, we were informed that the complaint alleges that the Friends of Jim Sasser Committee may have violated certain sections of the Federal Election Campaign Act of 1971 ("FECA") by accepting funds from the Council.

We wish to be helpful to the Commission in resolving this matter; however, there is no basis for making Senator Sasser or the Committee a party to this proceeding. The complaint, while it names a variety of parties and makes allegations concerning a number of Democratic candidates for the Senate in 1982, does not mention Senator Sasser or the Friends of Jim Sasser Committee. The rules of the Commission make clear that a complaint must "clearly identify as a respondent each person or entity who is alleged to have committed a violation." 11 C.F.R. 111.4(d)(1). The Washington Legal Foundation's complaint does not meet this test. As a result, there is no basis for the Commission to proceed against Senator Sasser or the Friends of Jim Sasser Committee as a result of this complaint.

The Committee's records indicate that it has received in-kind contributions from the Council for a Livable World reported thus far totaling $1,222.18; an additional in-kind contribution in the amount of $4.69 will be reported in the next report. In addition, the records further indicate that the Committee has received $10,048.40 in contributions from individuals responding to the Council's support for our campaign.

We would be pleased to assist the Commission further in this matter as appropriate; however, we do not believe that there is any basis for the Commission to proceed against Senator Sasser or the Committee.

Sincerely,

Michael A. Nemeroff

MAN:gmd

203241 RECEIVED IN THE FEC
GCC#8866
82 NOV 4 P12:23

NUCLEAR FREEZE POLITICAL ACTION COMMITTEE
1780 Broadway - Suite 1200
New York, NY 10019
November 1, 1982

Mr. Stephen Mims
Office of General Counsel
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

RE: MUR 1486

Dear Mr. Mims:

I am writing in response to our telephone conversation regarding MUR 1486. As we discussed on the phone, the Nuclear Freeze Political Action did not receive or spend any funds for the filing period ending June 30, 1982. The Nuclear Freeze Political Action Committee's receipts and disbursements did not exceed the $1,000 level for the filing period ending October 15, 1982. The Nuclear Freeze Political Action Committee will file a complete Year End Report in January, 1983 for the year ending December 31, 1982.

The Nuclear Freeze Political Action Committee requests that the Federal Election Commission dismiss the complaint [MUR 1486] filed by the Washington Legal Foundation, as it pertains to the Nuclear Freeze Political Action Committee.

If there is any further information needed by the FEC, please contact me at (212) 479-2566.

Sincerely,

Donald Spector

Donald Spector
Treasurer - Nuclear Freeze Political Action Committee

NUCLEAR FREEZE POLITICAL
ACTION COMMITTEE
1780 BROADWAY - SUITE 1200
NEW YORK, N.Y. 10019

RETURN RECEIPT REQUESTED

CERTIFIED MAIL

P 345 097 362

Mr. Stephen Mims - Office of
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

RECEIVED THE FEC

82 NOV 4 P12:23

NCR232 11/02/82---1:55

Millicent Fenwick

FOR
UNITED STATES SENATE
150 Mount Bethel Road, Warren, New Jersey 07060 (201) 647-7373

Sec # 8845

2 NOV 3 AM 10:26

October 27, 1982

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

ATTN: Charles N. Steele
General Counsel

Re: MUR 1486

Dear Mr. Steele:

This letter is in response to your notification of October 22, 1982 which states that our committee may have violated certain sections of the Federal Campaign Act of 1971, as amended. In accordance with your notice, the information presented below will demonstrate that the Fenwick for Senate Committee should not have any action taken against it in this matter.

In specific reference raised by the complaint filed by the Washington Legal Foundation (WLF), the Fenwick for Senate Committee did not violate the contribution limits of 2 U.S.C. 441a and the reporting requirements of U.S.C. 434 as associated with its arrangement with the Council for a Livable World. As stated in the attached letter, the Council wished to recommend to its supporters the candidacy of Millicent Fenwick. The Fenwick for Senate Committee, however, required that the costs associated with the Council's efforts on Mrs. Fenwick's behalf be borne by the Committee itself. As a result, all costs for mailing lists, postage, stationary, design and printing were paid in full by the Fenwick for Senate Committee. To our knowledge, all costs incurred and associated with Council efforts have been billed to the Fenwick for Senate Committee. Furthermore, individual contributions and receipts for expenditures in excess of $200 were properly reported by the Committee during the appropriate FEC reporting period(s).

The procedure used between the Council for a Livable World and the Fenwick for Senate Committee was as follows: Bills and requests for payment for all items were submitted by the Council to the Fenwick for Senate Committee and were promptly paid. Payments were made by individual check(s) made payable to the applicable vendor(s) for each item. In like manner, the contributions received by the Fenwick for Senate Committee were submitted by individual contributors, made payable to "Fenwick for Senate", and were drawn upon only individual accounts. Individual checks were mailed to the Council's office and

Paid for by the Fenwick for Senate Committee.

were promptly forwarded to the Fenwick for Senate Committee. In keeping with Mrs. Fenwick's personal position, no money ever was - nor will be - received from the Council for a Livable World or from any other political action committee.

The information presented in this letter will serve to clarify the points raised as a result of the complaint filed by the Washington Legal Foundation. Supporting documents for the above information (cancelled checks, invoices, letters of transmittal for checks) will be made available to the Commission should it so request.

In accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a) 12 (A), this matter will remain confidential. Should you have any further inquiries, please call me at (201) 647-7373.

Sincerely,

Maryanne E. Preztunik
Assistant Treasurer and Comptroller

attach. (1)
cc: Stephen Mims (FEC)
Jan Baran, Counsel

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

GEORGE KISTIAKOWSKY
Chairman

JEROME GROSSMAN
President

CATHERINE CLARK
Asst. Executive Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
Legislative Director

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MIT

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Johns Hopkins University

JOHN KENNETH GALBRAITH
Harvard University

JEROME GROSSMAN
Business Executive

GEORGE KISTIAKOWSKY
Harvard University

ADMIRAL JOHN M. LEE
U.S. Navy (Retired)

MATTHEW MESELSON
Harvard University

JAMES PATTON
National Farmers Union

GENE POKORNY
Cambridge Reports

CHARLES PRICE
University of Pa.

EDWARD PURCELL
Harvard University

GEORGE RATHJENS
MIT

ELI SAGAN
Writer

HERBERT SCOVILLE, JR.
Arms Control Association

JANE SHARP
Cornell University

WILLIAM E. TARLOW
Business Executive

STEPHEN THOMAS
Integrative Biomedical Research

KOSTA TSIPIS
MIT

PAUL C. WARNKE
Attorney

JEROME B. WIESNER
MIT

Affiliations For Identification Only

July 29, 1982

The Honorable Millicent Fenwick
1230 Longworth House Office Bldg.
Washington, D.C. 20515

Dear Representative Fenwick:

Your campaign made the following arrangement with Council for a Livable World, a committee founded in 1962 and duly registered with the Federal Election Commission. The Council works for the prevention of nuclear war through nuclear arms control.

The Council wished to recommend to its supporters The Fenwick for Senate Campaign because of your leadership in the effort for nuclear arms control.

Because you do not accept any money from political action committees, your committee has paid for the mailing list, postage, stationary, design and printing costs of the Council's letter to its contributors. Your campaign is the only one which has ever had this relationship with the Council.

The contributions that you received were from individuals who made their checks out directly to your campaign committee. The Council has not made, nor will it make, any contributions to The Fenwick Campaign.

Sincerely,

Jerome Grossman

Jerome Grossman
President

JG:mb

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Baker & Hostetler COUNSEL: Jan Baran

ADDRESS: 818 Connecticut Avenue N.W., Washington, D.C. 20006

TELEPHONE: 202-861-1572

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.

October 27, 1982
Date

Maryanne E. Preztunik
Signature
Maryanne E. Preztunik for
FENWICK FOR SENATE

NAME: Maryanne E. Preztunik

ADDRESS: FENWICK FOR SENATE
150 Mount Bethel Road, Warren, New Jersey 07060

HOME PHONE: 201-484-8439

BUSINESS PHONE: 201-647-7373

Millicent Fenwick

FOR
UNITED STATES SENATE

150 Mount Bethel Road, Warren, New Jersey 07060

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

ATTN: Charles N. Steele

CERTIFIED
P34 5567910
MAIL

FOR
UNITED STATES SENATE
150 Mount Bethel Road, Warren, New Jersey 07060

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

ACC 880

STATEMENT OF DESIGNATION OF COUNSEL

2 00 PM '82 P1:34

NAME OF COUNSEL: Marc E. Lackritz, Wald Harkrader & Ross

ADDRESS: 1300 Nineteenth Street, N.W., Washington D.C. 20036-1697

TELEPHONE: (202) 828-1200

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.

10/26/82
Date

William E. Tarlow
Signature

NAME: WILLIAM E. TARLOW

ADDRESS: 11 HAWES ST
BROOKLINE, MASS. 02146

HOME PHONE: 617 731-3230

BUSINESS PHONE: 617 586-2233

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Marc E. Lackritz, Wald Harkrader & Ross

ADDRESS: 1300 Nineteenth Street, N.W., Washington, D.C. 20036-1697

TELEPHONE: (202) 828-1200

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.

10/26/82
Date

Jerome Grossman
Signature

NAME: Jerome Grossman

ADDRESS: Council for a Livable World
11 Beacon Street, Boston MA 02108

HOME PHONE: (617) 235-4678

BUSINESS PHONE: (617) 742-9395

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Marc E. Lackritz, Wald Harkrader & Ross

ADDRESS: 1300 Nineteenth Street, N.W., Washington, D.C. 20036-1697

TELEPHONE: (202) 828-1200

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.

Council for a Livable World

Jerome Grossman, President

OCTOBER 26, 1982

Date 10/26/82

Signature

NAME: Council for a Livable World

ADDRESS: 11 Beacon Street, Boston MA 02108

HOME PHONE:

BUSINESS PHONE: (617) 742-9395

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

BOSTON MASS OCT 26 '82

U.S. POSTAGE 20¢

90463 ..0.1 ..

Hon. Toby Moffett
127 Cannon HOB
Washington, D. C. 20515

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

ATTENTION: Stephen Mims

82 OCT 20 AM: 12

FC

3 3 0 1 0 1 1 1 3

GCC 8804

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: William O'Daker
Epstein, Becker, Borsody & Green

ADDRESS: 1140 19th St. NW, suite 900
Washington, D.C. 20036

TELEPHONE: (202) 861-0900

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.

October 27, 1982
Date

Toby Moffett
Signature

NAME: Rep. Toby Moffett

ADDRESS: 127 Cannon H.O.B.
Washington, D.C. 20515

HOME PHONE:

BUSINESS PHONE: (202) 225-6427

JOHN CHAFEE
U.S. SENATOR 1150 New London Avenue, Cranston, Rhode Island 02920, Telephone (401) 463-8861

ACC 8798
RECEIVED AT THE FEC
82 OCT 29 P12:06
2 08128 P1:19

October 27, 1982

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Steele:

This letter is in response to your correspondence of October 22, 1982.

The Re-Elect Senator Chafee Committee has been diligent in complying with all FEC reporting requirements.

The Committee has reported all in-kind contributions from the Council for Livable World (CLW) as reported to the Committee. Therefore, any discrepancy over the valuation of in-kind contributions is the responsibility of the CLW.

The Committee, therefore, is not responsible for any violation of the Federal Election Campaign Act of 1971.

Sincerely,

John S. Renza, Jr., CPA

John S. Renza, Jr.
Treasurer

Morton Smith, Chairman
Philip R. Rivers, Campaign Manager
Robyn E. Vaughan, Finance Director

Paid for and authorized by the Re-elect Senator Chafee Committee

JOHN CHAFEE

U.S. SENATOR 1150 New London Avenue, Cranston, Rhode Island 02920

RECEIVED AT THE FEC

82 OCT 29 P12:06

RETURN RECEIPT REQUESTED

CERTIFIED

P 349 862 960

MAIL

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Paid for and authorized by the Re-elect Senator Chafee Committee.

Gcc# 287

WASHINGTON LEGAL FOUNDATION
1612 K STREET, N. W.
SUITE 502
WASHINGTON, D. C. 20006
202-857-0240

June 2, 1983

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

RE: MUR 1486

Dear Gentlemen:

The Washington Legal Foundation hereby supplements its complaint against the Council for a Livable World by enclosing further information concerning the legal status of CLW as opposed to CLW Education Fund, Inc. The enclosed article from the June 2, 1983 Washington Times indicates that CLW's reduced mailing permit was revoked by the Post Office. This evidences the possible further undervaluation of the in-kind contributions if CLW's solicitations did not carry the full postage required. In addition, the CLW's application for the postage permit and other information connected with that matter may be highly relevant to the FEC's investigation of our complaint.

Very truly yours,

Paul D. Kamenar

Paul D. Kamenar
Director of Litigation

PDK:kjb
Enclosure

UNITED STATES POSTAL SERVICE
MAIL CLASSIFICATION CENTER
P.O. BOX 1901
WASHINGTON, D.C. 20013

REPLY TO ATTN OF: F:MC:RIJ:mh-9507

DATE: April 22, 1983

SUBJECT: Peace Pac Mailing - Case #55189

TO:

Mr. B. Eric Sivertsen
Sedam & Herge
Attorneys At Law
Suite 1100
8300 Greensboro Drive
McLean, VA 22102

This is in reference to your letter dated April 19, 1983, subject as above.

The mailing made by Peace PAC under the nonprofit authorization of Council for a Livable World has been investigated.

After a careful review of the material submitted by the Council for a Livable World, the organization was notified that they no longer qualify for the special rate privileges.

R. I. Johnson

R. I. Johnson
Acting Manager
Mail Classification

SOLDIERING

BY FRED REED

It may have flaws, but this tank's fun

ABERDEEN PROVING GROUND, Md. — I flew here this morning from the Pentagon with General Walker, chief of the National Guard Bureau, to try out the M-1 Abrams tank. The motives behind the visit were several. The North Carolina Guard has just received the Guard's first M-1s; I think the general, proud that his boys were getting the hot new tank, wanted to get a little ink for his men.

I came because I knew driving the slab-sided monster would be fun — although I might not put it to my editor in just those words. And the Army, tired of bad press about the M-1, had decided that if they showed the thing to reporters, maybe they'd like it and shut up.

PR-wise, the approach is sound because the Abrams, in person, is one hell of a slick tank. I drove it around a mile-long hard-surfaced track. For someone used to older armor, the beast is from another world. For one thing, it is *fast*. The top speed, held down by a governor, is 30 mph. It accelerates phenomenally — for a 60-

Nuclear freeze PAC loses lower mail rate

BY A WASHINGTON TIMES STAFF WRITER

The Postal Service has revoked the special bulk-rate mailing privileges of the Council for a Livable World (CLW), a political action committee devoted to electing senators favoring a nuclear freeze.

Postal authorities acted after lawyers for the National Conservative Political Action Committee and others complained that an affiliate of CLW, Peace PAC, was using CLW's nonprofit mailing permit to mail fund-raising letters in violation of postal regulations.

Peace PAC and CLW share a common phone number and address in Washington. According to the fundraising material, Peace PAC has "one purpose and one purpose only — to elect a Congress committed to the prevention of nuclear war."

It supported the House campaigns of such nuclear freeze proponents as Reps. Michael D. Barnes, D-Md., and Barney Frank, D-Mass., in the 1982 election campaigns.

McLean, Va., lawyer Eric Sivertsen, who filed the complaint on behalf of NCPAC last year, said that although postal authorities notified him that CLW's special mailing privileges have been revoked, they did not explain the specific grounds on which the revocation was based.

A spokesman for the Postal Service said that because CLW has appealed the ruling to Postal Service headquarters, the Service could not comment on the case.

John Isaacs, Washington director of CLW, said "there is not much to say" about the Postal Service action.

"We feel that we fit under the definitions that have been established for organizations to use the bulk permit. They (the Postal Service) disagreed, and we have appealed."

Isaacs said that he did not have the Postal Service letter before him and did not remember "the specific grounds" on which the revocation was based.

However, Sivertsen said that the mailings by Peace PAC using CLW's permit appeared to violate postal regulations on two grounds — that CLW itself does not qualify for its claimed status as an "educational non-profit" organization because its primary purpose is not educational, and that CLW should not have allowed Peace PAC to use its permit.

"To get a special bulk rate, you have to fall into one of the niches described in postal regulations, and neither of these organizations appears to fit into one of the niches," Sivertsen said.

"CLW apparently received its bulk mailing permit as a 'qualified non-profit organization,' but it is also registered with the Federal Election Commission as a political action committee," Sivertsen said.

According to Sivertsen, PACs do not qualify for the special nonprofit rate, although a few "political committees," such as the Democratic and Republican national committees, do.

But Isaacs disagreed.

"We feel we qualify as an educational institution," he said. "We are educating people on nuclear war issues."

— Tom Diaz

Indian tribe leaders call for curbs on

WASHINGTON LEGAL FOUNDATION
1612 K STREET, N. W.
SUITE 502
WASHINGTON, D. C. 20006

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

82 OCT 21 A11: 16

October 21, 1982

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

SUBJECT: MUR 1486; Complaint received October 18, 1982

On October 15, 1982, the Commission received a complaint from the Washington Legal Foundation alleging possible reporting and contribution limitations violations by the Council For A Livable World, Peace Political Action Committee, Nuclear Freeze Political Action Committee, and officers of those committees, Paul C. Warnke, William E. Tarlow and Jerome Grossman. Specifically the complaint alleges that a number of candidates 1/ benefitted from certain fundraising efforts undertaken by the committees which resulted in excessive contributions being made by the committees and received by the candidates. 2/ 2 U.S.C. § 441a. Additionally, complainant asserts that the committees failed to properly allocate the expenditures associated with the fundraising efforts. 2 U.S.C. § 434(b).

Letters notifying the respondents have been sent. This is a matter which we believe warrants awaiting responses of the persons notified. Our Office will make a recommendation to the Commission upon receipt of these responses.

1/ The candidates are involved by way of implication in the complaint although they are not specifically set out in the heading. Those candidates are: Senators Sarbanes, Kennedy, Metzenbaum, Riegle, Mitchell, Sasser and Chafee; Representatives Moffett, Fenwick, and other candidates Ted Wilson, Roger McDaniel, and David Levinson.

2/ Because the complaint involves possible violations by the principle campaign committees, the candidates have been notified with the usual "cc" letter.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William E. Tarlow
11 Beacon Street
Boston, MA 02108

Re: MUR 1486

Dear Mr. Tarlow:

This letter is to notify you that on October 15,1982, 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 1486. 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.

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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.

If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202) 523-4039. 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

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

1486 10/22

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ..... —¢
- ☐ Show to whom, date, and address of delivery.. —¢
- 2. ☐ RESTRICTED DELIVERY —¢
  (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
William Barlow
Boston, MA 02108

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
438306

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
10/26/82

POSTMARK
BOSTON, MASS. OCT 26 1982

6. ADDRESSEE'S ADDRESS (Only if requested)
Cash Co.

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Nuclear Freeze Political Action Committee
1780 Broadway
Suite 1200
New York, NY 10019

Re: MUR 1486

Dear Sir/Madam:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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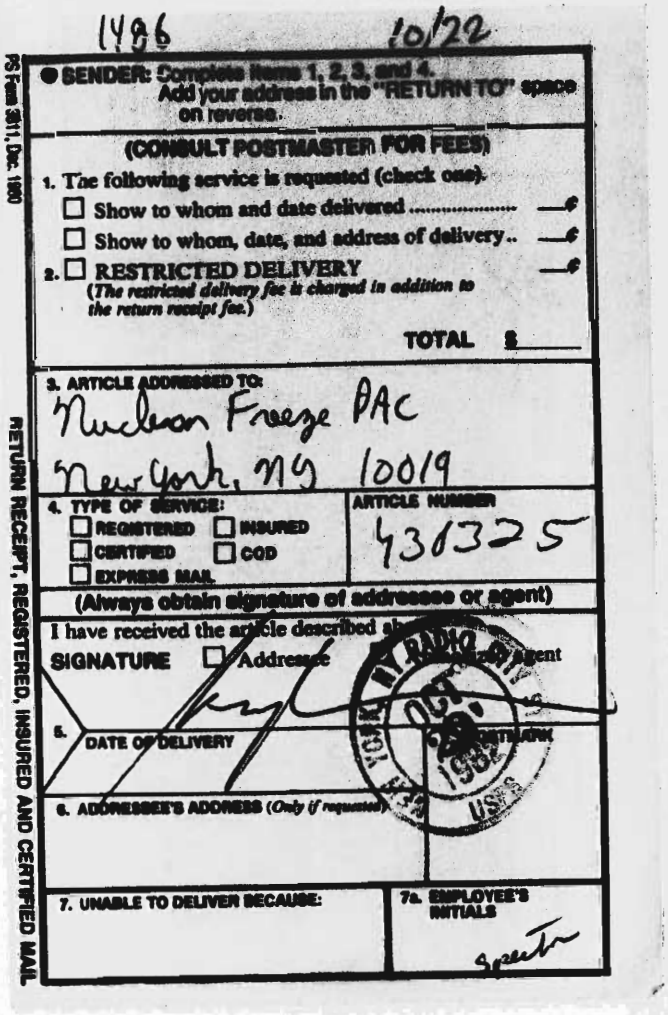
Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement


1496 10/22

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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(CONSULT POSTMASTER FOR FEES)

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☐ Show to whom and date delivered ..... —¢
☐ Show to whom, date, and address of delivery.. —¢
2. ☐ RESTRICTED DELIVERY —¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Nuclear Freeze PAC
New York, NY 10019

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
431325

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

POSTMARK
NEW YORK NY RADIO
OCT 28 1982
USPS

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS
Spector

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peace PAC
100 Maryland Avenue
Washington, D.C. 20002

Re: MUR 1486

Dear Sir/Madam:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

1486 10/22

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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(CONSULT POSTMASTER FOR FEES)

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☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Peace PAC
Wash. D.C. 20002

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
938354

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
10-25-82

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul Warnke
100 Maryland Avenue
Washington, D.C. 20002

Re: MUR 1486

Dear Mr. Warnke:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

1486 10/72

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered ..... ¢
☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Paul Warnke
100 Md. Ave. NE
Wash. D.C. 20002

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
478353

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
10-25-82

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jerome Grossman
11 Beacon Street
Boston, MA 02108

Re: MUR 1486

Dear Mr. Grossman:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
1. Complaint
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3. Designation of Counsel Statement

1486 10/82

PS Form 3811, Dec. 1980

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☐ Show to whom, date, and address of delivery .. ___¢
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(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ___

3. ARTICLE ADDRESSED TO:
Jerome Grossman
Boston, MA 02108

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
438352

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
10/26/82

POSTMARK
BOSTON, MA MOORMARK STA
OCT 26 1982
USPS

6. ADDRESSEE'S ADDRESS (Only if requested)
Cat Co.

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Council for a Livable World
11 Beacon Street
Boston, MA 02108

Re: MUR 1486

Dear Sir/Madam:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
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2. Procedures
3. Designation of Counsel Statement

1486 10/22

PS Form 3811, Dec. 1980

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☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Counal for a Livable World
Boston, MA 02108

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
43832 7

(Always obtain signature of addressee or agent)

[redacted]ceived the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent
Carr Cox

5. DATE OF DELIVERY
10/26/82

POSTMARK
BOSTON, MA McCORMACK S
OCT 26 1982

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable John H. Chafee
United Sates Senate
Washington, D.C. 20515

Re: MUR 1486

Dear Senator Chafee:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
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2. Procedures
3. Designation of Counsel Statement

1486 10/22

PS Form 3811, Dec. 1989

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(CONSULT POSTMASTER FOR FEES)

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☐ Show to whom and date delivered ..... ___¢
☐ Show to whom, date, and address of delivery.. ___¢
2. ☐ RESTRICTED DELIVERY ___¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ___

3. ARTICLE ADDRESSED TO:
Hon. John Chafee
Wash., D.C. 20515

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
P 343 982 [illegible]

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

POSTMARK
STA... OCT 15 '92

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Ted L. Wilson
587 Perrys Hollow Road
Salt Lake City, Utah

Re: MUR 1486

Dear Mayor Wilson:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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1. Complaint
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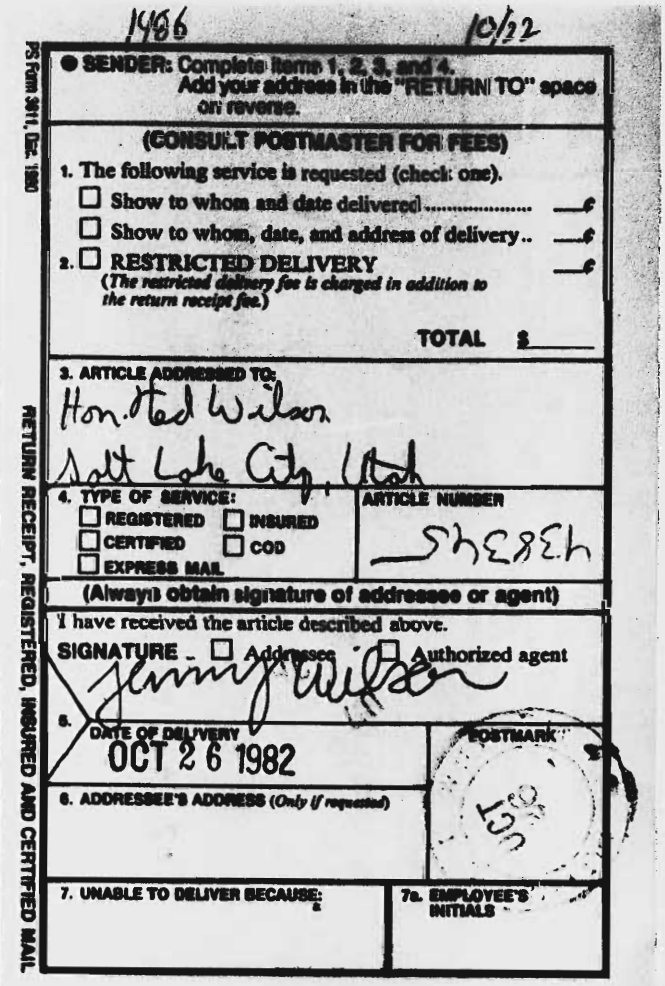
1986 10/22

PS Form 3811, Dec. 1980 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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(CONSULT POSTMASTER FOR FEES)

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☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Hon. Ted Wilson
Salt Lake City, Utah

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
583834

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
OCT 26 1982

POSTMARK
OCT 1982

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable James R. Sasser
United States Senate
Washington, D.C. 20515

Re: MUR 1486

Dear Senator Sasser:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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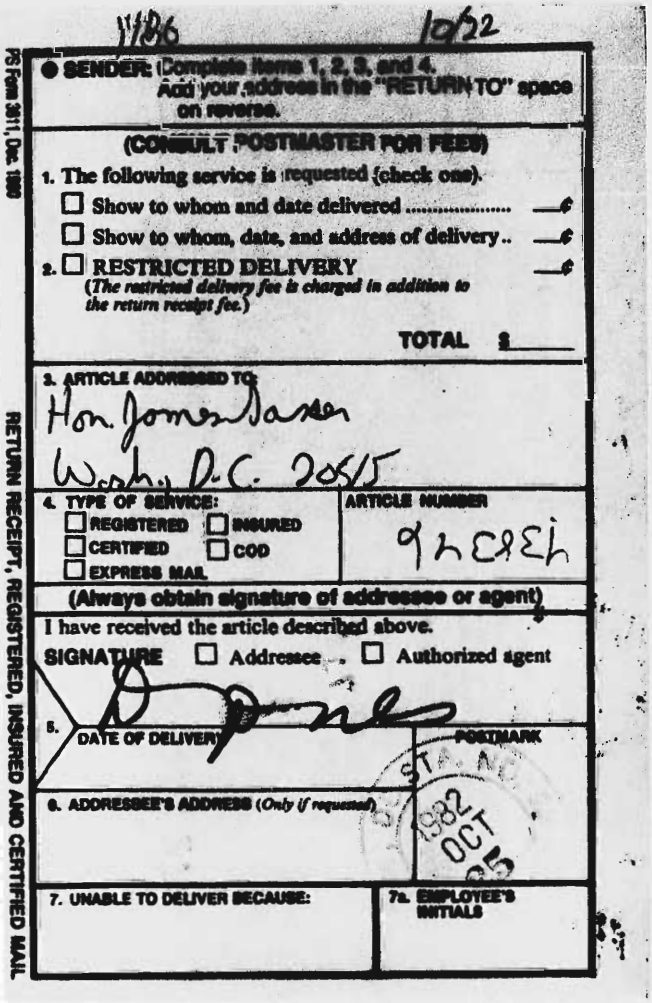
Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement


PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1186 10/22

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(CONSULT POSTMASTER FOR FEES)

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☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Hon. James Baker
Wash. D.C. 20515

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
9 h 8 8 8 h

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

POSTMARK
1982 OCT 15

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Paul S. Sarbanes
United States Senate
Washington, D.C. 20515

Re: MUR 1486

Dear Senator Sarbanes:

This letter is to notify you that on October 15,1982, 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 1486. 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.

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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.

If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202) 523-4039. 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

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

1486 10/22

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered ..... ___¢
☐ Show to whom, date, and address of delivery.. ___¢
2. ☐ RESTRICTED DELIVERY ___¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $___

3. ARTICLE ADDRESSED TO:
Hon. Paul Sarbanes
Wash. D.C. 20515

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
438347

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

POSTMARK
OCT 25 93

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Donald W. Riegle, Jr.
United States Senate
Washington, D.C. 20515

Re: MUR 1486

Dear Senator Riegle:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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TOTAL $

3. ARTICLE ADDRESSED TO:
Hon. Donald Riegle
Wash., D.C. 20515

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
82 E 8 E

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

POSTMARK
OCT 15 86

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Anthony Toby Moffett
U.S. House of Representatives
Washington, D.C. 20515

Re: MUR 1486

Dear Congressman Moffett:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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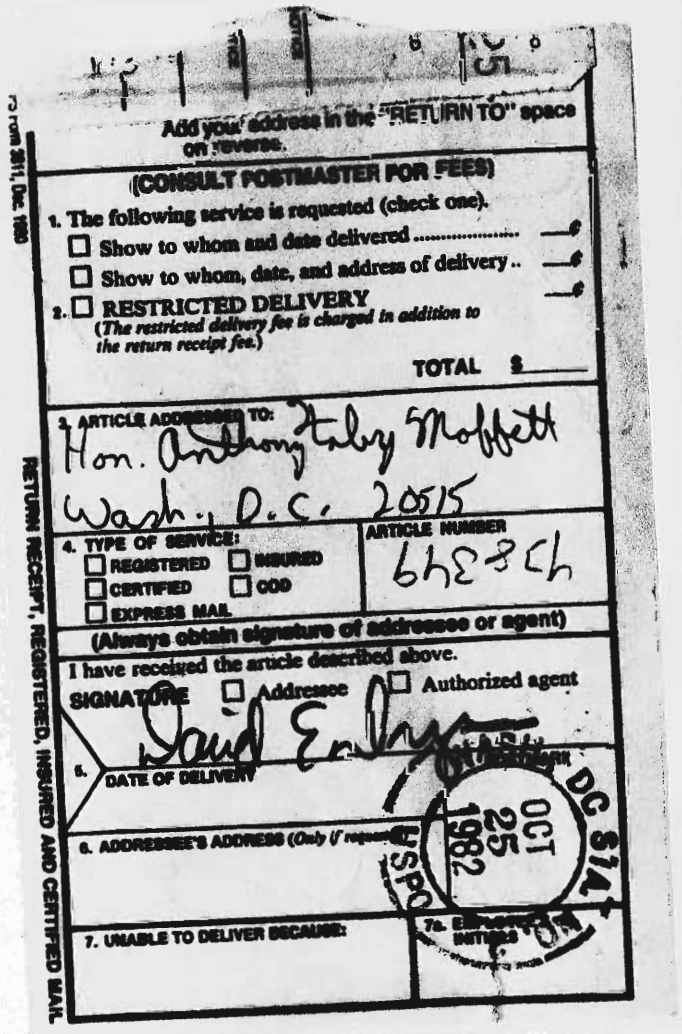
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TOTAL $

3. ARTICLE ADDRESSED TO:
Hon. Anthony Zoby Moffett
Wash. D.C. 20515

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
6785Ch

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Form 3811, Dec. 1980

DC 814

OCT 25 1982

USPO

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable George J. Mitchell
United States Senate
Washington, D.C. 20515

Re: MUR 1486

Dear Senator Mitchell:

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General Counsel

By Kenneth A. Gross
Associate General Counsel

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3. Designation of Counsel Statement

1486 10/22

PS Form 3811, Dec. 1980

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TOTAL $

3. ARTICLE ADDRESSED TO:
Hon. George Mitchell
Wash. D.C. 20515

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
478350

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

POSTMARK
1982 OCT 25

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Howard M. Metzenbaum
United States Senate
Washington, D.C. 20515

Re: MUR 1486

Dear Senator Metzenbaum:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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General Counsel

By Kenneth A. Gross
Associate General Counsel

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1486 1622

PS Form 3811, Dec. 1980

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TOTAL $

3. ARTICLE ADDRESSED TO:
Hon. Howard Metzenbaum
Wash, D.C. 20515

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
738338

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Rodger McDaniel
921 Arapaho Street
Cheyenne, WY 82001

Re: MUR 1486

Dear Mr. McDaniel:

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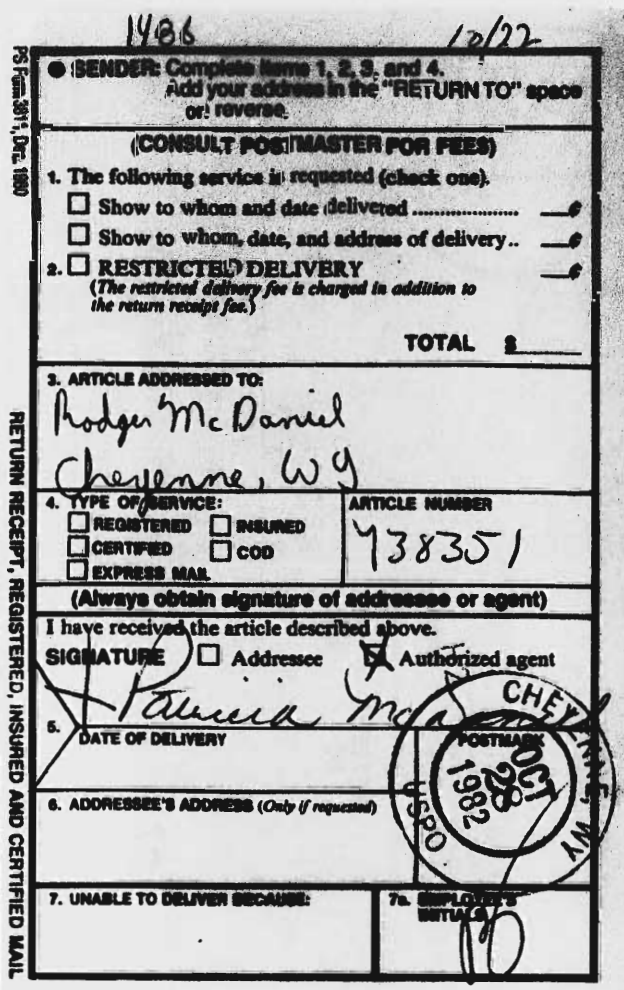
PS Form 3811, Dec. 1980
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1486 10/22

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(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Rodger McDaniel
Cheyenne, WY

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
938351

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

POSTMARK
CHEYENNE WY
OCT 28 1982
USPO

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David N. Levinson
County Road #413
P.O. Box 349
Middletown, DE 19709

Re: MUR 1486

Dear Mr. Levinson:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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General Counsel

By Kenneth A. Gross
Associate General Counsel

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Enclosures
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2. Procedures
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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Edward M. Kennedy
United States Senate
Washington, D.C. 20515

Re: MUR 1486

Dear Senator Kennedy:

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By Kenneth A. Gross
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1486 10/22

PS Form 3811, Dec. 1980

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TOTAL $

3. ARTICLE ADDRESSED TO:
Hon. Edward Kennedy
Wash., D.C. 20515

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
438340

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
POSTMARK
26 100

6. ADDRESSEE'S ADDRESS (*Only if requested*)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Millicent Fenwick
U.S. House of Representatives
Washington, D.C. 20515

Re: MUR 1486

Dear Congresswomen Fenwick:

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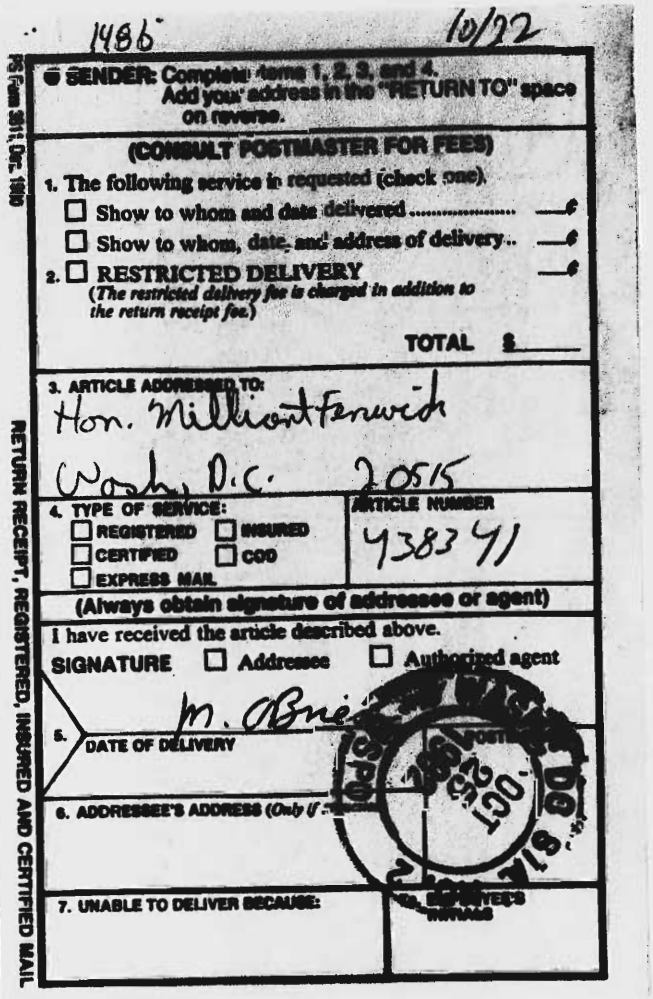
1486 10/22

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TOTAL $

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Hon. Millicent Fenwick
Wash, D.C. 20515

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
438341

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
OCT 23 1986

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

8. ADDRESSEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Toby Moffett for U.S. Senate
Michael A. Schaffer
P.O. Box 745
Bristol, CT 06010

Re: MUR 1486

Dear Mr. Schaffer:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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By Kenneth A. Gross
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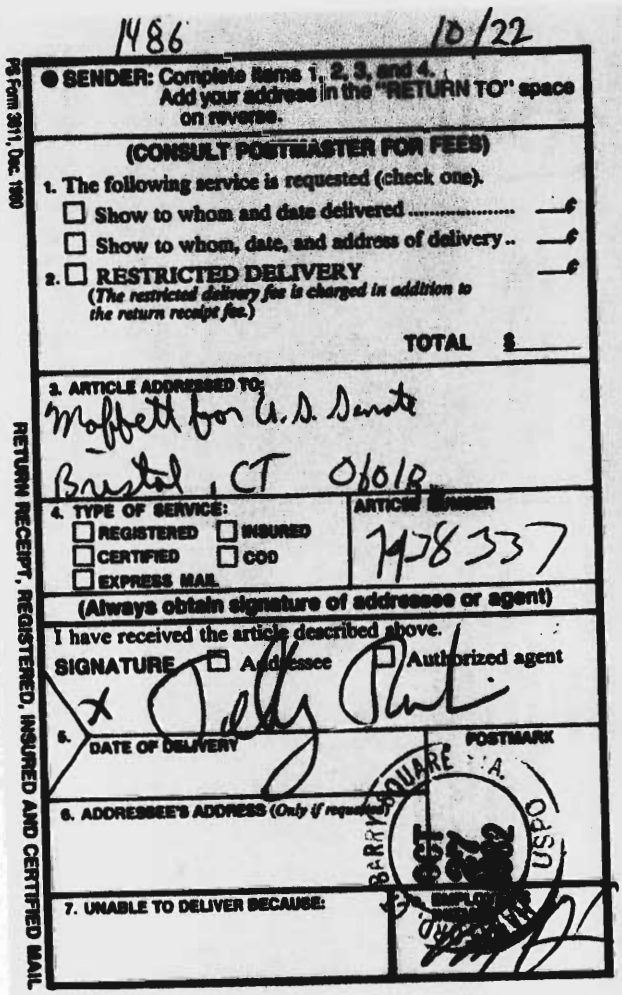
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1. The following service is requested (check one).
☐ Show to whom and date delivered ..... ¢
☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Moffett for U.S. Senate
Bristol, CT 06010

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
748337

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Riegle for Senate in '82 Committee
Sherwood Colburn
27200 Lahser Road
Southfield, MI 48075

Re: MUR 1486

Dear Mr. Colburn:

This letter is to notify you that on October 15,1982, 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 1486. 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.

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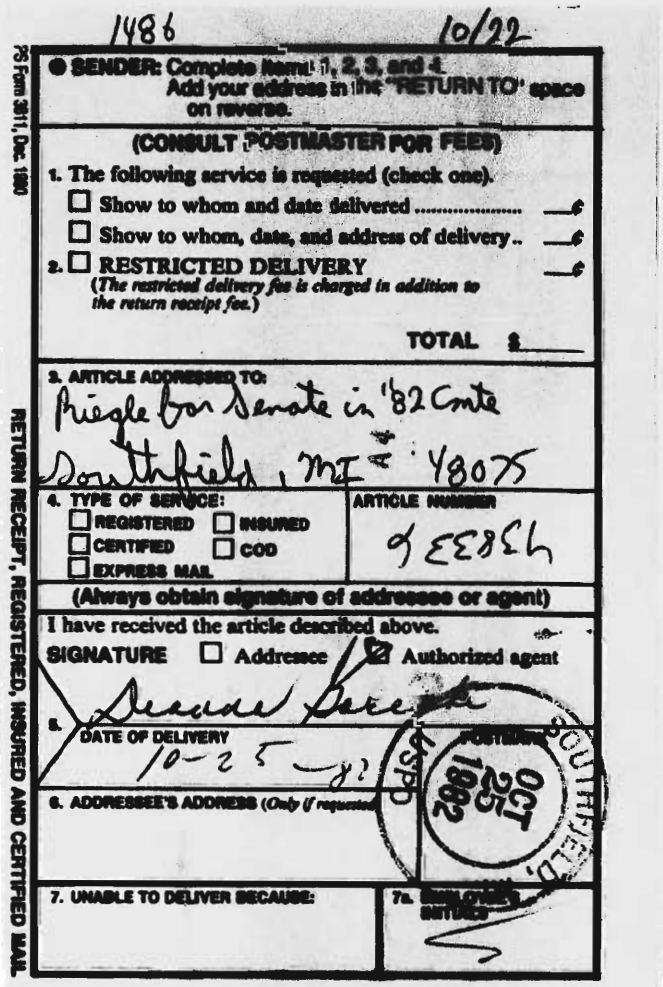
If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202) 523-4039. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement


1486 10/22

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered ..... ¢
☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Riegle for Senate in '82 Cmte
Southfield, MI 48075

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
P 338 [illegible]

(Always obtain signature of addressee or agent)

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

5. [illegible]

DATE OF DELIVERY
10-25-82

POSTMARK
OCT 25 1982
SOUTHFIELD, MICH.

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re-elect Senator Chafee Committee
John S. Renza, Jr.
320 South Main Street
Providence, RI 02903

Re: MUR 1486

Dear Mr. Renza:

This letter is to notify you that on October 15,1982, 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 1486. 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.

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Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

1486 10/22

PS Form 3811, Dec. 1980

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(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Re-elect Sen Chafee Cmte.
Providence, RI 02903

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
438335

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
10/27/82

POSTMARK
OCT 1982

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mitchell for Senate
Ms. Barbara McGough
Box 4554
Portland, ME 04112

Re: MUR 1486

Dear Ms. McGough:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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Associate General Counsel

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1486 10/22

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2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Mitchell Van Dusen
Box 4554
Portland, ME 04112

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
438324

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS
DHM

POSTMARK
PORTLAND MAIN STA.
OCT 22 1982

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Metzenbaum for Senate Committee
Reed J. McGivney
3740 Euclid Avenue
Cleveland, Ohio 44115

Re: MUR 1486

Dear Mr. McGivney:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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By Kenneth A. Gross
Associate General Counsel

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3. Designation of Counsel Statement

1486 10/22

PS Form 3811, Dec. 1980

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TOTAL $

3. ARTICLE ADDRESSED TO:
Metzenbaum for Senate
Cleveland, Ohio

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
438328

(Always obtain signature of addressee or agent.)

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

5. DATE OF DELIVERY
10/25/82

POSTMARK
OCT 25 1982

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

McDaniel Senate Campaign
Leo J. Salazar
P.O. Box 1707
Cheyenne, WY 82001

Re: MUR 1486

Dear Mr. Salazar:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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3 3 0 4 0 4 1 1 5 1

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General Counsel

By Kenneth A. Gross
Associate General Counsel

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1486 10/22

PS Form 3811, Dec. 1980

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☐ Show to whom, date, and address of delivery.. ¢
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(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
McDaniel Senate Crte.
Cheyenne, WY 82001

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
438329

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

CHEYENNE, WY
OCT 1982
USPO

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Levinson for Senate Inc.
George F. Shreppler, Jr.
P.O. Box 349
Middletown, DE 19709

Re: MUR 1486

Dear Mr. Shreppler:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
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1486 10/22

PS Form 3811, Dec. 1980

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TOTAL $

3. ARTICLE ADDRESSED TO:
Levinson for Senate Inc.
Middletown, DE 19709

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
0E383

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
10/25/82

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Friends of Jim Sasser
907 Main Street
Nashville, TN 37206

Re: MUR 1486

Dear Sir/Madam:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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By Kenneth A. Gross
Associate General Counsel

Enclosures
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1486 10/22

PS Form 3811, Dec. 1980

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☐ Show to whom, date, and address of delivery.. ¢
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(*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $

3. ARTICLE ADDRESSED TO:
Friends of Jim Sasser
Nashville, TN 37206

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
1E2856

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
10/25/82

POSTMARK
1982

6. ADDRESSEE'S ADDRESS (*Only if requested*)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fenwick for Congress
John F. Szczepanski
P.O. Box 31
Far Hills, NJ 07931

Re: MUR 1486

Dear Mr. Szczepanski:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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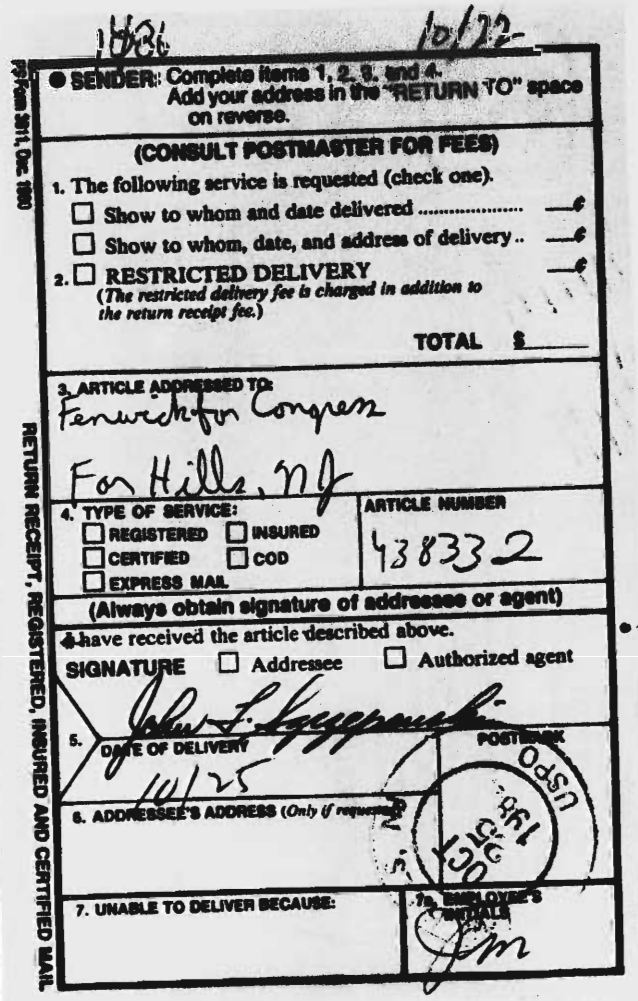
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TOTAL $

3. ARTICLE ADDRESSED TO:
Fenwick for Congress
Fox Hills, NJ

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
438332

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
10/25

POSTMARK
USPO OCT 25 1982

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Committee to Re-elect Senator Kennedy
John F. Zamparelli
140 Federal Street,Suite 1220
Boston, MA 02110

Re: MUR 1486

Dear Mr. Zamparelli:

This letter is to notify you that on October 15,1982, 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 1486. Please refer to this number in all future correspondence.

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By Kenneth A. Gross
Associate General Counsel

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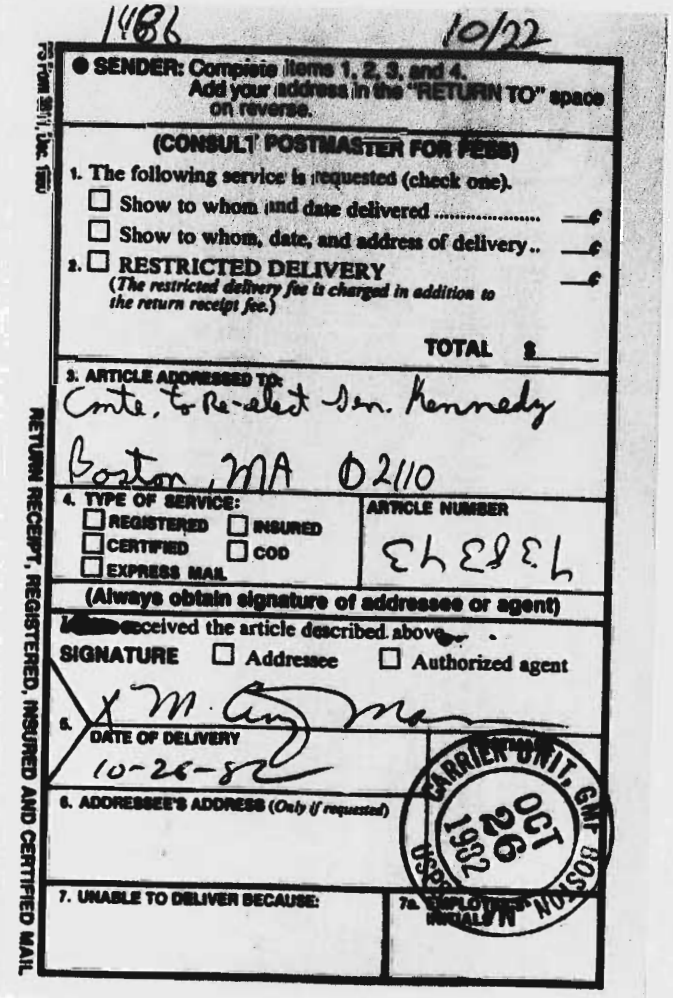
1486 10/22

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Cmte. to Re-elect Sen. Kennedy
Boston, MA 02110

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
P 343 [illegible]

(Always obtain signature of addressee or agent)

I [redacted] received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
X M. [illegible]

5. DATE OF DELIVERY
10-26-82

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

CARRIER UNIT, GMF BOSTON
OCT 26 1982
USPS

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wilson for Utah Committee
Dick Vanklaveren
530 East 400 South
Salt Lake City, UT 84102

Re: MUR 1486

Dear Mr. Vanklaveren:

This letter is to notify you that on October 15,1982, 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 1486. 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.

9 3 0 4 0 4 1 1 5 1

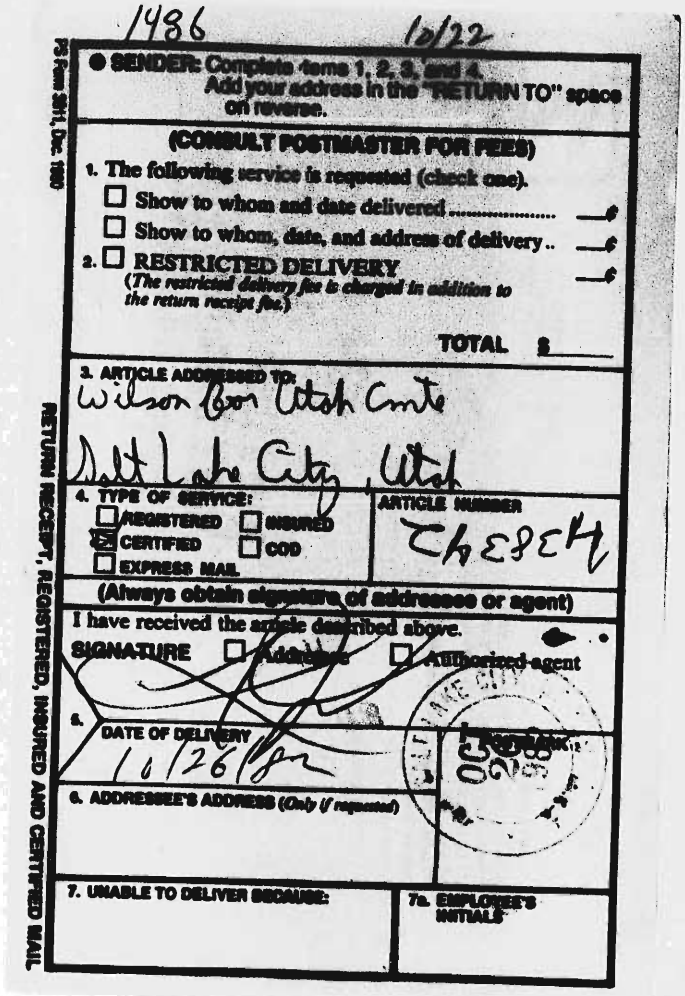
If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202) 523-4039. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement


1486 10/22

PS Form 3811, Dec. 1980

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered ..... ¢
☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Wilson for Utah Cmte
Salt Lake City, Utah

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
Z 148 [illegible]

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
10/26/80

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citizens for Sarbanes
Charles M. Kerr, Treasurer
P.O. Box 10644
Baltimore, MD 21204

Re: MUR 1486

Dear Mr. Kerr:

This letter is to notify you that on October 15,1982, 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 1486. 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.

If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202) 523-4039. 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

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

1486 10/22

PS Form 3811, Dec. 1990

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered ..... ¢
☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Citizens for Sarbanes
Baltimore, MD 21204

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
EEE8Eh

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 1982

Mr. Paul D. Kamenar
Washington Legal Foundation
1612 K Street, NW
Suite 502
Washington, D.C. 20006

Dear Mr. Kamenar:

This letter is to acknowledge receipt of your complaint of October 15,1982, against the Council for a Livable World, Peace Political Action Committee, Paul C. Warnke, William E. Tarlow, Jerome Grossman, and Nuclear Freeze 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

By Kenneth A. Gross
Associate General Counsel

Enclosure

203890

GCC #9416

83 JAN 27 P12:11

WASHINGTON LEGAL FOUNDATION

1612 K STREET, N. W.
SUITE 502
WASHINGTON, D. C. 20006
202-857-0240

January 26, 1983

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

RE: MUR 1486 (Council for Livable World)

Gentlemen:

With respect to the complaint filed by us against the Council for Livable World, et al., please supplement our complaint with the attached material from a civil complaint filed in U.S. District Court describing the organizational structure of Council for Livable World. This information is pertinent to the solicitation violations alleged by us in the complaint.

Thank you.

Very truly yours,

Paul D. Kamenar

Paul D. Kamenar

encl

83 JAN 27 P12: 11

PARKER, J.

83- 0053

Civil Action No.

THE EARTH, INC.
[illegible] Street
San Francisco, California 94111
(415) 433-7373

THE COMMITTEE FOR A SANE NUCLEAR POLICY
110 G Street, S. E.
Washington, D. C. 20003
(202) 546-7100

COALITION FOR A LIVABLE WORLD
[illegible] Street
Boston, Massachusetts 02108
[illegible]-9395

[illegible] LEGAL ACTION, INC.
[illegible] Connecticut Avenue, N. W.
[illegible]
Washington, D. C. 20036
[illegible]-845

[illegible] EDUCATIONS AND COOPERATIVE [illegible] AMERICA, ROCKY MOUNTAIN [illegible]
[illegible] Street
Denver, Colorado 80239
[illegible]-1177

GREENPEACE, U.S.A.
1007 [illegible] Street, N. W.
Washington, D. C. 20009
(202) 462-1177

NEBRASKANS FOR PEACE
130 South 16th Street
Lincoln, Nebraska 68508
(402) 475-4620

SIERRA CLUB
[illegible] Bush Street
San Francisco, California 94108
(415) 981-8634

TRI-STATE MX COALITION
[illegible]estic Building
[illegible]ital Avenue and 16th Street
[illegible]yenne, Wyoming 82001
(307) 632-0622

[illegible] include organizing people on the [illegible]

[illegible] for coordinated lobbying efforts and educating [illegible] to important arms control issues. These activities [illegible] recently been devoted in large part to the MX. In that regard, SANE also heads and houses a national campaign concerning the MX which is composed of approximately fifty environmental, religious, and arms control groups.

(c) SANE has commented in the past on environmental impact statements related to the MX. In the event that environmental impact statements are prepared on "Dense Pack" and the MX missile itself, SANE intends to offer its comments.

5(a). Council for a Livable World ("CLW") is a not-for-profit, membership organization incorporated in Washington, D. C. in 1962 with its principal offices in Boston, Massachusetts. It also maintains a legislative office in Washington, D. C. CLW is dedicated to promoting nuclear arms control.

(b) CLW has approximately 60,000 members located throughout the United States, some of whom live in or around the proposed "Dense Pack" basing area in Southeastern Wyoming.

(c) CLW's activities include fundraising for Congressional candidates, lobbying in Congress and educational activities such as preparing material on nuclear arms control issues. Specific issues with which it has been involved in the past include the SALT II treaty, curtailing the use of nerve gas, and the Nuclear Freeze Campaign. CLW has also conducted seminars for members of Congress including one on the MX and a survivable basing mode.

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SUITE 502
WASHINGTON, D. C. 20006

83 JAN 27 P12:11

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

RECEIVED AT THE FEC
Cod # 8690
82 OCT 15 P1:21

Before the
FEDERAL ELECTION COMMISSION

COUNCIL FOR A LIVABLE WORLD	)	
PEACE POLITICAL ACTION COMMITTEE	)	
PAUL C. WARNKE	)	Matter Under Review
WILLIAM E. TARLOW	)	(MUR) _____
JEROME GROSSMAN	)	
NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	)	

82 OCT 15 P3:57

COMPLAINT

Introduction

The Washington Legal Foundation ("WLF" or "Foundation"), a nonprofit, public interest law center, hereby files this Complaint against the above-named respondents pursuant to 2 U.S.C. §437g, for multiple violations of the Federal Election Campaign Act, 2 U.S.C. §§431, et seq. and the regulations promulgated thereunder by the Federal Election Commission.

1. Respondent Council for a Livable World (CLW), a special interest political action committee, which has raised approximately $400,000 in the first half of 1982,*/ has violated the contribution limits of 2 U.S.C. §441a and the reporting requirements of 2 U.S.C. §434 by undervaluating the in-kind contributions they have made to certain candidates for the U.S. Senate, including Paul Sarbanes (Md.), Ted Kennedy (Mass.), Howard Metzenbaum (Ohio), Toby Moffett (Conn.), Don Reigle (Mich.), and other candidates who share CLW's pro-nuclear freeze, anti-defense spending views, and for whom CLW has acted as a fundraiser and conduit for political

*/ The most recent FEC 933 Report shows that out of all PACs registered, CLW ranks 44th out of the 3,150 PACs in receipts; i.e., CLW raised more money than 98.5% of all other PACs.

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202-857-0240

contributions. By soliciting earmarked contributions for specific candidates from the public, and delivering those checks directly to the various campaigns, CLW has been able to skirt the election law's $5,000 contribution limitation that a PAC can give to a candidate. Instead, CLW is giving candidates $15,000, $25,000 or more each without properly accounting for all the costs of the fundraising scheme, including the salaries of CLW's staff, as in-kind contributions. In essence, CLW is operating as a professional fundraiser for certain candidates with their express approval and cooperation, but without those campaigns having to pay one cent for the costs incurred for such services, or to account for those services fully. To that extent, the Senatorial candidates are unlawfully receiving excessive and/or unreported contributions from CLW. (Exhibits 1-3)

2. Peace Political Action Committee ("Peace PAC") which filed its Statement of Organization on May 4, 1982, and Nuclear Freeze Political Action Committee ("Freeze PAC"), which filed originally on April 9, 1982, have violated the reporting requirements of 2 U.S.C. §434 by failing to file their quarterly disclosure reports required by 2 U.S.C. §434(a)(2)(A)(iii). The reports were due to be filed by July 15, 1982, disclosing transactions for April 1-June 30. As of this date, both groups have yet to file this report. (Exhibits 4-6)

3. CLW has consistently violated 2 U.S.C. §434(a)(4)(A)(iii) by failing to file its various pre-election reports required for all the primaries in 1982 where CLW supported candidates in those primaries.

4. CLW has violated 2 U.S.C. §441e by unlawfully soliciting and receiving political contributions from foreign nationals. (Exhibit 7)

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5. CLW has violated 2 U.S.C. §441a by contributing more than $5,000 to Peace PAC in the form of in-kind contributions. Peace PAC's Statement of Organization lists CLW as a connected or affiliated organization under the category "membership organization." Peace PAC shares the same Washington, D.C. offices with CLW at 100 Maryland Avenue, N.E., and the same personnel. For example, Jerome Grossman, who is paid approximately $40,000 a year as President of CLW and as its registered lobbyist, is listed on Peace PAC's Statement of Organization as its President and Treasurer. John Isaacs, who is also paid approximately $40,000 a year as CLW's "legislative director" and who also is CLW's registered lobbyist, is listed as the Assistant Treasurer of Peace PAC. Accordingly, upon information and belief, the pro-rata share of CLW's expenses for Peace PAC, including rent, salaries, office supplies, telephone, postage, mailing lists, and the like, for the last six months when Peace PAC was formed, has clearly exceeded the $5,000 limit. In turn, Peace PAC has violated 2 U.S.C. §441a by receiving such excess contributions from CLW. (Exhibits 8,12)

6. On information and belief, Peace PAC is operating in a manner similar to that of CLW with respect to its fundraising procedures. The only difference is that Peace PAC is supporting House candidates who support a nuclear freeze whereas CLW supports Senate candidates. Accordingly, Peace PAC is violating the law in the same manner as CLW as noted in Paragraph 1.

7. Peace PAC and CLW have consistently violated 2 U.S.C. §441d by failing to indicate as required by law on their solicitation materials and communications advocating the election or defeat of clearly identified candidates, whether such expenditures

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were paid for and/or authorized by any candidate, any authorized committee of such candidate, or its agents. These violations are particularly egregious considering (1) the questionable nature of the relationship between CLW and the candidates it supports; (2) that the public is entitled under this provision to know whether or not such expenditures were authorized by such candidates; and (3) that Peace PAC and CLW have, on information and belief, violated §441d over one million or more times, and are continuing to violate this provision by soliciting political contributions without the required disclaimers and notifications. (Exhibits 9-14)

7. Respondent William E. Tarlow is Treasurer of CLW; Jerome Grossman is Treasurer of Peace PAC; Paul C. Warnke is Director of CLW and Chairman of Peace PAC. He also signed Peace PAC's fund-raising letter. As officials of these organizations, and as persons who participated in the activities complained of, they are liable for the unlawful conduct.

WHEREFORE, the Foundation hereby requests that the Commission conduct a complete and expeditious investigation of these and any other violations of the election laws that may be uncovered. Furthermore, the Foundation submits that since all or part of these violations are knowing and willful, the Commission should exercise its authority under 2 U.S.C. §437g(a)(5)(C) and refer these violations to the Attorney General. In the alternative, the Commission should exercise its authority under 2 U.S.C. §§437g(a)(5(B); 6(C) and impose a civil penalty of 200 per cent of the unlawfully solicited contributions, which in this case is at least $800,000 for the first half of 1982, and could be $2-3 million counting the violations before 1982 and those occurring from July 1, 1982 to date. Finally, the candidates should be required to return any excessive contributions.

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DESCRIPTION OF RESPONDENTS' ILLEGAL ACTIVITIES

1. CLW's Violation of 2 U.S.C. §§434, 441a.

Respondent Council for a Livable World (CLW) is registered as a political committee with the Federal Election Commission (FEC) and engages in substantial lobbying and educational activities in favor of nuclear freeze proposals and against military defense spending.*/ (Exhibit 13) However, the exact nature of CLW's legal status is unclear.**/

*/ CLW's literature boasts that it was founded in 1962 by a Dr. Leo Szilard. His bizarre views were reported to include the establishment of a U.N. Peace Court which could impose the death penalty on any American citizen or Government official deemed guilty of violating "peace", and that the U.N. Peace Court could deputize any and all Americans to try and execute the sentence. (Exhibit 15)

**/ CLW may be incorporated as a non-profit organization. If so, that would of course mean that CLW has violated yet additional FEC laws regulating solicitations. There does exist a "Council for a Livable World Education Fund, Inc.," a 501(c)(3) corporation which has no members (Article Fourth of Articles of Incorporation), with the same address and officers as CLW. Since CLW claims in its literature that it engages in educational activities, a function that one would normally ascribe to the CLW Education Fund, Inc., it may very well be that CLW is fronting for CLW Education Fund, Inc. and is thus unlawfully engaging in political activities. If CLW is instead a separate entity apart from the Education Fund, Inc., it would appear likely that there have been at least transfers of educational literature, and the like from the Education Fund, Inc. to CLW. In that case, there would be unlawful in-kind contributions being made to CLW and/or a failure by CLW to disclose on its FEC Statement of Organization the existence and identity of an affiliated or connected organization, viz., the CLW Education Fund, Inc. If CLW is, however, an incorporated membership organization, then there also could be violations of the FEC's solicitation rules since CLW solicits contributions from the general public in the first instance, rather than from its members. The Commission's investigation must determine the exact legal status of both CLW and CLW Education Fund, Inc. and their relationship to each other, as well as with Peace PAC.

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CLW solicits political contributions by direct mail from the general public. In November 1981, for example, CLW solicited approximately 200,000 individuals with about a two percent contribution rate. In January 1982, another 500,000 prospect mailings were sent out by CLW. Those who contribute to CLW are considered CLW's supporters. On information and belief, CLW currently has approximately 60,000 supporters. (Exhibit 1)

Meanwhile, CLW selects candidates for the Senate who share CLW's views for CLW's endorsement. CLW staff meet with the candidate and his staff to obtain background information from the candidate, issue papers, the candidate's photograph and other information that would be helpful in CLW preparing soliciation materials. A representative sample of such material for Howard Metzenbaum (Ohio), Toby Moffett (Conn.),*/ and Ted Wilson (Utah) (Exhibit C). The endorsed candidate then agrees that CLW will act as a fundraiser for the campaign and signs an authorization letter to that effect.

CLW then re-solicits those who have already contributed to CLW, but requests in various mailings that the checks be made payable to specific CLW endorsed candidates. Instead of permitting the contributor to send his check directly to the campaign, CLW ensures that all the checks are sent to CLW's offices and then

*/ One reason why CLW supports Toby Moffett is CLW's displeasure with his opponent Senator Weicker who had opposed President Carter's nomination of Paul Warnke as Head of the U.S. Arms Control and Disarmament Agency on the grounds that Warnke was "a gadfly for a radically lower defense budget, for severe limitations on defense spending, and against virtually every major weapon system in the past decade . . . ." (Exhibit 10). Despite Senator Weicker's opposition, Paul Warnke became Director of ACDA (1977-78) and is now a Director of CLW and Chairman of Peace PAC.

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delivers the checks directly to the campaign. A typical CLW mailing would profile two candidates for the Senate and request supporters earmark their contributions to one of the candidates or to CLW itself based on the supporters last name e.g. those whose last name begins with the letters A-G gives to Candidate 1; H-Q to Candidate 2; R-Z to CLW. However, the mailing makes clear that regardless of the supporter's last name, he or she is free to select one or the other candidate. It is significant to note that CLW chooses not to solicit earmarked contributions in CLW's prospect mailings, but only from those who have already given and are thus likely to support CLW's endorsed candidates.

By operating in this fashion, CLW is able to skirt the election law's contribution limits of $5,000 from a PAC to a candidate. 2 U.S.C. §441a(a)(2)(A). In other words, if CLW simply solicited the contributions to itself, informing the solicitee that the money will be given to candidates who share and support the PAC's views, then CLW would only give its endorsed candidates $5,000 per election, as the law intended and as almost all other PACs operate. But by operating their fundraising scheme in the manner that they do, CLW is able to give candidates money far in excess of the $5,000 limit. Indeed, CLW literature indicates that a single candidate may receive "as much as $70,000." (Exhibit 13). CLW maintains that since the checks to the candidates are made out by CLW's supporters, the cash contributions are attributable to the individuals only and not to CLW despite a provision of the law that states that if earmarked contributions are made at the "direction or control" of a PAC, then the contributions are also

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deemed to have been made by the PAC, and the $5,000 limit is applicable. 11 C.F.R. §110.6(d)(2).

The Commission, in a prior enforcement action against CLW, found reason to believe that CLW's fundraising scheme was violating the "earmarking" rules, but eventually closed the file on the case. MUR 1028. Apparently, the Commission felt that CLW did not exercise "direction or control" and thus, the individual checks from CLW supporters to candidates would not count towards CLW's $5,000 limit to those same candidates.*/ However, the Commission has made clear, and the law requires, that the costs incurred by CLW for acting as a fundraising agent and conduit for the candidates are to be considered as "in-kind" contributions to the candidates, and subject to the $5,000 limit. It is these costs which complainant alleges are seriously undervalued, and hence, CLW has violated both the reporting provisions of §434 and the $5,000 limit of §441a.

Computation of Fundraising Costs

It is obvious that CLW's meager attempt to allocate the costs of their fund-raising to the various candidates as indicated in CLW's disclosure reports is undervalued in the following ways:

1. There is no allocation whatsoever of the cost of CLW's staff and officers for obtaining, writing, compiling, and producing the candidate profile brochures. As admitted by Stephen M. Thomas, former Acting Treasurer of CLW, in a letter to the Commission dated November 15, 1978, at page 2, this substantial work is

*/ Complainant disagrees with the FEC's result in MUR 1028. Nevertheless, the violations alleged in the instant complaint were never the subject of MUR 1028 and consequently, the Commission is in no way foreclosed from prosecuting them.

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done "by the staff of the Council for a Livable World." Similarly, there is no allocation for all the other office expenses necessarily expended to conduct the candidate's fundraising, such as rent, telephone, and office supplies. This in itself is a clear violation of the law. The only costs that are allocated are some of the expenses paid by CLW to outside entities for the mailing.*/

2. But even some of the costs that CLW has chosen to allocate do not reflect their true value. For example, expenditures for printing a solicitation package is on the basis of "the percentage of Council supporters in the section of the alphabet that is to consider contributing to a particular candidate." Stephen Thomas letter at 3. Thus, if CLW sends out a typical mailing suggesting that those contributions whose last names begin with A-H give to Candidate 1, CLW allocates 1/3 the cost of the printing to Candidate 1. However, the mailings make clear that all the solicitees can give to Candidate 1. Indeed, a review of the last names of the donors to CLW supported candidates show that many supporters have chosen to ignore CLW's alphabetical suggestion. If this artificial formula is permitted, then CLW could, for example, solicit contributions from all their 60,000 supporters, but suggest that only those whose last name begin with the letter "Q" earmark their contribution, even though the remainder may also do so. Would the "in-kind" contribution in that case be only 1/26 of the costs even though everyone was in fact solicited? Certainly not. The Commission should investigate all of CLW's

*/ For example, on page 29 of CLW's July 15 Report, Schedule B, an expenditure of $500 for postage paid to CLW's "B.R.E. account" (Business Reply Envelope) shows, for example, $4.60 credited to Howard Metzenbaum, and $14.72 to Toby Moffett. This presumably represents the return postage on those B.R.E.'s used for contributions earmarked to those candidates.

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mailings and at a minimum, allocate the costs between the candidates endorsed in the mailing, excluding any share to CLW, since the primary focus of the mailings in terms of copy, candidate profiles, emphasis, is clearly on the candidates and only incidentally on CLW. CLW is, in effect, giving a "free ride" to the candidates by assuming a large percentage of the costs.

3. As noted earlier, CLW chooses not to send the candidate solicitations as part of their prospect mailing; instead, they are mailed only to those who have already given in a prior prospect mailing, i.e, CLW "supporters." The reason why CLW does this is obvious: the expected return on those candidate mailings to CLW supporters who have already expressed their desire to financially support CLW's goals, is substantially higher than the two percent return on a general prospect. Concomitantly, the marginal cost for each dollar raised is substantially lower. Thus, if CLW were to send their candidate solicitation package to 500,000 prospects, the "in-kind" costs would be astronomical, and, of course, clearly in excess of the $5,000 "in-kind" contribution limit to the candidates. The return would also be very low.

Nevertheless, those high prospect costs were in fact incurred by CLW to develop a mailing list that is extremely valuable, especially to pro-nuclear freeze candidates and other groups who share the same views as CLW supporters, and who could likewise benefit from soliciting those persons.*/ The attributable costs to the candidates, therefore, is not simply the costs for the mailing to the proven CLW supporters, but also the costs incurred by CLW to get those valuable names in the first place, i.e., the costs of the

*/ As part of the FEC's investigation, it should be determined whether CLW has ever rented out its names to other anti-nuclear groups, etc., and at what cost.

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prospect mailings. This result is one that is obvious, fair, and reflects the true value of the services given by CLW to the candidates.

If those same CLW supported candidates were to hire, for example, a direct mail company to build up a comparable mailing list from the start, all the expenses clearly have to be paid by the campaign. And if the campaign were then to solicit those who have given once before, those costs too would have to be paid, although the marginal rate-of-return cost at that point would obviously be less. Nevertheless, it is clear that the aggregate prospect and re-soliciting expenses could not simply be given gratis to the candidate by a direct mail company. That would result in a prohibited or excessive contribution.

CLW is, for all intents and purposes, a functional equivalent of a professional fundraiser, but without the campaigns paying one cent for such valuable in-kind services, and only accounting for a fraction of the true costs and benefits bestowed by CLW upon the candidates.

The Commission has had no trouble on prior occasions ruling that the full value of a service or contribution should be taken into account, rather than its nominal value. For example, if a campaign were to use a telephone bank for fundraising, the costs would not simply be the $.07 charged to the owner of telephones. Rather, the Commission has ruled that the costs to be included are all the costs including the costs to install the telephones, and imputed charges or costs for the fair market use of the office space, furniture, and utilities where the telephones are located and used. See FEC Advisory Opinion 1978-34. In the same manner,

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the costs of using CLW as a direct mail operation is not just the nominal postage per envelope (compare to the $.07 per call), but the costs of "installing" the mailing lists, use of CLW's office space, furniture, and the like. Thus, even if a campaign were to use, for example, a telephone bank consisting of four telephones and made only 100 calls, the costs would not be merely $7.00 (100 calls at $.07 rate), but could easily be several hundred dollars counting installation, rentals, and the like. And even if the telephone solicitation generated only $50 in contribution pledges, there would obviously be a net loss, at least if the solicitations were to stop there. Many campaigns who hire direct mail companies are painfully aware of the costs incurred for direct mail fund-raising. It is not unusual for campaigns to go into debt or for candidates to borrow money to pay the direct mail expenses involved in generating a cash flow to the campaign. And yet the campaigns here are enjoying the fruits of CLW's costly labor in a manner that clearly violates the contribution limits.*/ CLW has intentionally designed this fund-raising scheme over many years to operate this way. They incur substantial expenses for prospect mailings knowing full well that they will only re-solicit the "cream" of the original list for the candidates.

*/ The campaigns are also receiving something "of value," which constitutes contribution under the election laws, in addition to the hard cash from CLW supporters. CLW is giving thousands of names and addresses which can be used by the campaigns for their own in-house solicitations without having to pay for those names. If CLW functioned as other PACs do, and solicited unearmarked contributions, the names and addresses of CLW's supporters would, for the most part, remain undisclosed and unitemized because the bulk of the contributions are under the $200 threshold limit. Those few names that CLW would disclose (i.e. over $200) could not be used by anyone for solicitation. 2 U.S.C. §438(a)(4).

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The Commission must stop this fictional charade by CLW which evades the normal contribution limits. The "earmarking" provisions of the election laws were designed to prevent a donor from violating his limits by "using" various committees as a conduit to funnel funds to a certain candidate. The focus of that law was to stop the abuse by individual donors who seek out a conduit which does not incur any expenses acting as such. In this case, however, the situation is reverse. CLW is seeking out small contributors who themselves have no real risk of violating the contribution limits, and offering itself to be used as a conduit. CLW is also incurring substantial costs for having itself to be used as a conduit. This is clearly not the case where a conduit is having to account for an earmarked contribution which was not solicited but given "sua sponte" by a donor. It appears then that CLW's fundraising scheme is unique and that a proper and full accounting of all expenses may very well result in CLW changing their fundraising practices or limiting the number of solicitations made for candidates. Such a ruling would, however, have little, if any effect on the other 3,149 PACs whose main function is to raise and disburse unearmarked funds or engage in independent expenditures. If the FEC sanctions CLW's practice, then CLW is able to exert more influence on candidates than any other PAC. Congress has set the contribution limit of $5,000 per candidate per election. As noted, CLW does not permit the checks to be sent to the campaigns, although they could, but instead to CLW's offices. CLW then forwards the checks to the campaigns in batches so that the campaigns will be reminded who in fact is responsible for raising all the money.

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2. Peace PAC and Nuclear Freeze PAC Violated 2 U.S.C. §434(a)(2)(A)(iii)

Both Peace PAC, an affiliate of CLW, and Nuclear Freeze PAC have failed to file their quarterly disclosure reports as required by 2 U.S.C. §434(a)(2)(A)(iii). Peace PAC registered as a political committee on May 4, 1982. (Exhibit 4). Nuclear Freeze PAC registered on April 9, 1982. (Exhibit 5). Both committees are required to file a disclosure report covering the quarter ending June 30, 1982 no later than July 15. A search of FEC files and a FEC computer printout on both groups show that no such report has been filed to date. (Exhibit 6). This is an obvious and continuing violation of the law which the Commission cannot ignore.

3. CLW Repeated Violations of Failure To File Pre-Election Reports

CLW has consistently violated 2 U.S.C. §434(a)(4)(A)(iii) by failing to file the various pre-election reports required for the primaries in 1982 (as well as previous years) where CLW supported candidates in those primaries. According to CLW's filings, they have given in-kind contributions to a dozen or so Senatorial candidates for the 1982 primaries. The law clearly requires that pre-election reports for each one of those races must be filed in addition to the usual quarterly reports. The only exemption from this requirement is if a PAC chooses instead to file monthly reports, which CLW has not elected to do. 2 U.S.C. §434(a)(4)(B).

These repeated and flagrant violations by CLW must be corrected and, at a minimum, CLW must file these reports, in addition to the imposition of civil penalties and fines.

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4. CLW Unlawfully Solicited and Receive Foreign Contributions

CLW has violated 2 U.S.C. §441e by unlawfully soliciting and receiving political contributions from foreign materials. A cursory check of one of CLW's FEC reports show contributions from residents in foreign contributions, such as England and Canada, who are not, on information and belief, U.S. citizens. (Exhibit 7) The FEC investigation should determine how many other such unlawful foreign contributions have been solicited and received by CLW. Those contributions must be returned by CLW and any candidate who received such illegal contributions.

5. CLW's Illegal Support of Peace PAC

CLW has violated 2 U.S.C §441a by contributing more than the allowable $5,000 to Peace PAC in the form of in-kind contributions. As noted earlier on page 3, CLW makes no secret of its financial support of Peace PAC. They share the same offices and personnel. (Exhibits 4,8) In fact, Peace PAC's literature boasts that the Council for a Livable World "is providing operating expenses so that maximum contributions can be made by PEACE PAC to deserving candidates in critical campaigns." (Exhibit 12)

Considering that PEACE PAC has been operating for some six months, and considering that it has been reported to have raised $50,000 and are mailing 500,000 more pieces (Exhibit 16), it is obvious that CLW's support of Peace PAC is exceeding the $5,000 limit provided by law.

Section 441a(a)(2)(C) states clearly that "[n]o multicandidate political committee in any calendar year which, in the aggregate, exceed $5,000. And if CLW claims that because of their extensive

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lobbying and educational activities that they are really instead a single issue membership organization that is unincorporated, another provision of the law nevertheless limits such in-kind support also to only $5,000. 2 U.S.C §441a(a)(1)(C).

In fact, the FEC waged one of its most extensive and costly investigations and prosecution of a group for providing more than $5,000 in in-kind support to a PAC that it supported. The Commission prosecuted a non-profit, unincorporated assocation of doctors, the California Medical Association, for their spending more than $5,000 in administrative costs for setting up and running a PAC. The case went all the way to the Supreme Court which upheld the FEC's position. California Medical Association v. FEC, 101 S.Ct. 2712 (1981).

Thus, it is clear that whatever legal status CLW claims to be (e.g., incorporated PAC, unincorporated membership organization, etc.) they have clearly violated the laws and should immediately cease all further suport of Peace PAC.

6. Peace PAC Violations of Contributions Limits

On information and belief, Peace PAC is fundraising in much the same manner as CLW and supporting House rather than Senate candidates who share Peace PAC's nuclear freeze positions. They have stated in their solicitation that they are supporting at least 16 House candidates (Exhibit 14) including Mike Barnes (Md.), David Bonior (Mi.), George Brown, Jr. (Ca.), Bob Carr (Mi.), Tom Downey (NY), Dennis Eckart (OH), Bob Edgar (Pa.), Frances Farley (Utah), Barney Frank (Ma.), Sam Gejdenson (Ct.), Jim Leach (Iowa), Ruth

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McFarland (Ore.), Matthew F. McHugh (NY), Claudine Schneider (RH), Paul Simon (Il.), and Howard Wolpe (Mi.).

In addition, Peace PAC has targeted for defeat those candidates who are for a strong national defense and do not support the kind of nuclear freeze proposals that Peace PAC advocates because they would benefit the Soviets. Those so targeted are William V. Chappell, Jr., (Fla.), Samuel S. Stratton (NY), William Garney (NY), John LeBoutillier (NY), Don H. Clausen (Cal.), James K. Coyne (Pa.), Larry Craig (Id.), David D. Marriott (Utah), Robert H. Michael (Il.), John H. Rousselot (Cal.), Denny Smith (Ore.), and Frank R. Wolf (Va.). (Exhibit 16)

The Commission's investigation should include to what extent in-kind and direct contributions were made to House candidates by Peace PAC and order those candidates to return all such contributions and impose other sanctions permitted by law.

7. CLW and Peace PAC' Failure To Make Full Disclaimers on Solicitation Materials

Both CLW and Peace PAC have repeatedly violated 2 U.S.C. §441d by failing to make the proper disclosures on their communications and solicitations as to the identity of those entities who authorized and paid for the communication. The law clearly states that both solicitations and communications advocating the election or defeat of candidates to clearly state who paid for and authorized the expenditure. CLW and Peace PAC have either ignored this provision or are not complying with it fully.

For example, Peace PAC's solicitation from Paul Warnke (Exhibit 14) has no disclaimers on the letter or return contribution card. Similarly, CLW's April 1982 solicitations and return

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card has no disclaimers. (Exhibit 13). The candidate profiles distributed by CLW which is both a communication and a solicitation has no disclaimers. (Exhibits 9 -11) In some instances, Peace PAC only partially complies with the disclaimer provision. For example, one Peace PAC flyer states in minute print "Paid for by PEACE PAC." However, the law states that the disclaimer must also clearly state "that the communication is not authorized by any candidate or candidate's committee." 2 U.S.C. §441d(3). That disclaimer is not made. Furthermore, it is doubtful that the partial disclaimer "Paid for by PEACE PAC" is even true inasmuch as CLW has stated that they are paying PEACE PACs' expenses.

Considering the questionable inter-relationship between PEACE PAC, CLW, and the endorsed candidates, it is all the more important that the law be complied with so that the public can know who in fact is paying for and authorizing these solicitations and expenditures. There is simply no excuse for the respondent's continual flagrant violation of the disclaimer provisions.

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Assessment Penalties and Remedial Relief

As noted earlier, complainant submits that all these violations are "knowing and willful" and, hence, the Commission is authorized under the enforcement provisions of the election laws to impose stiffer penalties upon the respondents.*/ The law allows the Commission to assess civil penalties "the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation." 2 U.S.C. 437g(a)(5)(B). Since all of the respondents' contributions and expenditures are "involved" with the violations, the Commission can assess at a minimum $800,000 in fines against CLW, and more likely several million dollars counting all the contributions raised and disbursed to date.

Even if the respondents claim and prove that these violations were not "knowing and willful", the Commission has the authority to assess for each separate violation "the greater of $5,000 or an amount equal to any contribution or expenditure involved." 2 U.S.C. §437g(a)(5)(A). Thus, the fines can range from $400,000 to $1-2 million. In addition, the Commission has the authority and should require the respondents to return all contributions to the donors and to cease all further solicitations until such time as they can demonstrate compliance with the law. In addition, all endorsed candidates should return all contributions received and/or the amounts in excess of the in-kind $5,000 limit.

*/ CLW is very familiar with the requirements of the election laws and has been operating approximately 20 years. They also have the benefit of experienced legal counsel, Terry Lenzner and Marc E. Lackritz of the law firm Wald, Harkrader & Ross, both of whom served as counsel to the Senate Select Committee on Presidential Campaign Activities (Watergate Committee).

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The Foundation also requests the Commission to prosecute further violations of the laws not specified herein that may be uncovered during the course of its investigation, as well as any additional respondents not named herein. Indeed, it is consistent with past Commission practice not to limit its enforcement to only those violations alleged in a complaint. We also request that we be fully apprised of the status of the Commission's investigation, and we will not hesitate to seek judicial review of any Commission dismissal of these violations as expressly provided by 2 U.S.C. §437g(a)(8).

The Washington Legal Foundation believes that CLW and Peace PAC should not be allowed to continue to act as an outlaw of the election laws while business and other PACs, 98.5% of which are smaller than CLW, comply with both the letter and spirit of the law, despite the adverse and negative publicity given to business PACs which in fact operate responsibly under the law.

Respectfully submitted,

Daniel J. Popeo

DATE: OCTOBER 15, 1982

Daniel J. Popeo
General Counsel

Paul D. Kamenar

Paul D. Kamenar
Director of Litigation

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CERTIFICATE

Washington,)
) ss
District of Columbia)

Pursuant to 2 U.S.C. §437g(a)(1), I hereby swear under the penalty of perjury that the charges and information submitted are made upon personal knowledge and where indicated, on information and belief. This complaint was not filed at the request or suggestion of any candidate.

Paul D. Kamenar

Paul D. Kamenar

Subscribed and sworn to before me this 14 day of October, 1982.

Harris S. Ammerman

Notary Public

Subscribed and sworn to, before me
this 14 day of Oct 19 82

Harris S. Ammerman

Harris S. Ammerman
Notary Public, District of Columbia
My Commission Expires 11/30/83

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Before the
FEDERAL ELECTION COMMISSION

COUNCIL FOR A LIVABLE WORLD	)	
PEACE POLITICAL ACTION COMMITTEE	)	
PAUL C. WARNKE	)	
WILLIAM E. TARLOW	)	Matter Under Review (MUR) _____
JEROME GROSSMAN	)	
NUCLEAR FREEZE POLITICAL ACTION COMMITTEE	)	

EXHIBITS

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Thursday, July 21, 1983 THE WASHINGTON POST

Groups Aiding Candidates Who Favor A-Freeze

Associated Press

Liberal political fund-raising groups say they expect to amass more than $2 million to give to congressional candidates who support a nuclear weapons freeze and to use to defeat those who oppose the idea.

In addition, 14 House members have scheduled a news conference today to announce the formation of the Nuclear Freeze Political Action Committee, whose organizers speak of raising $1 million through rock 'n' roll concerts and mail solicitations.

One of the groups, the Council for a Livable World, already has delivered $221,500 to 12 Senate candidates. The funds were solicited from a mailing list of 60,000 people who had previously given money in the interest of ending the arms race.

The council's two chief beneficiaries are Rep. Toby Moffett (D-Conn.) who got $28,000, and Rep. Millicent Fenwick (R-N.J.) who got $26,500. Both are nuclear freeze advocates making bids for Senate seats in the November election.

The council expects to raise $400,000 for Senate candidates and $250,000 for House candidates who support a nuclear freeze.

The groups will watch forthcoming congressional roll calls to identify their friends. A House vote on the freeze proposal is expected late this month. Freeze proponents hope the Senate also will be compelled to take a stand.

Records of the Federal Election Commission give these tentative totals for the amounts given the pro-freeze candidates who have gotten the most money:

Moffett, $35,200; Fenwick, $26,500; George McDaniel, a Democrat challenging Sen. Malcolm Wallop (R-Wyo.), $25,000; Sen. Howard M.Metzenbaum (D-Ohio), $23,900; Ted Wilson, a Democrat challenging Sen. Orrin G. Hatch (R-Utah), $23,500; Sen. Paul S. Sarbanes (D-Md.), $23,200; Sen. George J. Mitchell (D-Maine), $23,000; Sen. Donald W. Riegle Jr. (D-Mich.), $17,300; Sen. Jim Sasser (D-Tenn.), $14,600; David Levinson, a Democrat challenging Sen. William V. Roth Jr. (R-Del.), $11,300; and Sen. John H. Chafee (R-R.I.), $11,000.

ARMS CONTROL COMMITTEE FUNNELS CAMPAIGN FUNDS

PAC Profile

How does an arms control political action committee tap opposition fallout from the Reagan administration's big defense spending program? The Council for a Livable World does it by making sure candidates it supports know exactly from where their campaign money is coming.

The 20-year-old council, which only endorses Senate candidates because senators have a direct role in shaping U.S. arms policy, uses an unusual technique for fund raising and contributing.

To combat the menace of nuclear war

Council for a Livable World

11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

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Chairman

JEROME GROSSMAN
President

HARRIET M. AVERY
Director

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

JOHN ISAACS
Legislative Director

BOARD OF DIRECTORS

RUTH ADAMS
Bulletin Atomic Scientists

MICHAEL ALLEN

The council mails profiles of candidates it has endorsed to its over 13,000 supporters. Supporters choose the candidate or candidates they wish to help and write their check to the candidate's election committee. But, instead of mailing the check directly to the candidate's committee, they funnel it through the council.

The council acts as a conduit for funds to let candidates know donations reflect their support for arms control. In addition, the group avoids the $5,000 primary and general election contribution limits for PACs because the money doesn't actually come from the council itself.

The council's candidate assistance program garnered a 50 percent success ratio in 1980, a year when defense policy was a central election issue. In addition to $14,000 in direct council contributions, the group channeled $216,267 from its supporters to 14 candidates including Sens. Christopher J. Dodd (D Conn.), Gary Hart (D Colo.), Dale Bumpers (D Ark.), Alan Cranston (D Calif.), Thomas F. Eagleton (D Mo.) and Charles McC. Mathias Jr. (R Md.).

To be endorsed by the council, a candidate must strongly support arms control and have an opponent with clearly opposing views. The council usually stays out of campaigns waged between two major arms control supporters.

Candidates must also have a "solid chance to win," without being considered a lopsided favorite. The council prefers to concentrate on races in smaller states and on primary elections where the money can make a greater difference.

According to John Isaacs, the council's Washington-based legislative director, the organization hopes to double its 1980 financial assistance to candidates in 1982. As of December, the council raised approximately $60,000 to support five candidates: Sens. John H. Chafee (R R.I.), Howard M. Metzenbaum (D Ohio), Paul S. Sarbanes (D Md.) and Jim Sasser (D Tenn.) and Rep. Toby Moffett (D Conn.).

Isaacs anticipates the council will also endorse incumbent Sens. George J. Mitchell (D Maine), Donald W. Riegle Jr. (D Mich.) and Robert T. Stafford (R Vt.).

IN BRIEF:

The Citizens' Research Foundation has published an edited transcript of its April 1981 conference "The Federal Election Campaign Act: After a Decade of Political Reform." The booklet includes chapters on campaign finance reform, disclosure, contribution and spending limits, public funding, PACs, independent expenditures, and the political parties. Among those whose comments appear in the booklet: Republican National Committee Chairman Richard Richards, former House Administration Committee Chairman Wayne L. Hays (D Ohio), Reps. David R. Obey (D Wis.) and Bill Frenzel (R Minn.), Common Cause Chairman Archibald Cox and former FEC Chairman John W. McGarry. The booklet also includes a summary of the foundation's December 1980 Conference on Presidential Campaign Finance Officers. Copies of the booklet are available for $5.00 plus 75¢ postage and handling. For further information, contact: Gloria Cornette, Citizens' Research Foundation, University of Southern California, 3716 South Hope Street, Los Angeles, CA 90007, (213) 743-5211.

"1982 National Party Targeting Strategies" is the title of a Jan. 26, 1982 conference sponsored by the National Association For Association Political Action Committees (NAFAPAC). To be held at the Quality Inn, Washington D.C., the conference will focus on 1982 campaign opportunities and strategies being adopted by the Republican and Democratic parties. Speakers include: GOP pollster Robert Teeter, National Republican Senatorial Committee Chairman Bob Packwood (Ore.), House Republican Congressional Committee Vice Chairman Ed Bethune (Ark.), Republican National Committee Chairman Richard Richards, Deputy Assistant to the President for Political Affairs Edward Rollins, Democratic pollster Peter Hart, Democratic Senatorial Campaign Committee Chairman Wendell H. Ford (Ky.), Democratic Congressional Campaign Committee Chairman Tony Coelho (Calif.), and Democratic National Committee Chairman Charles Manatt. The conference costs $125 for NAFAPAC members ($100 for each additional attendee) or $275 for non-members ($200 for each additional attendee). For further information, contact: Bob Brouse, NAFAPAC, 1299 Woodside Drive, McClean, Va, 22102, (703) 556-9656.

The most recent edition, Vol. 4, No. 2, of "Common Sense: A Republican Journal of Thought and Opinion" consists of articles on the presidential nominating process and election reform. The journal, published by the Republican National Committee (RNC), includes articles titled "The Parties and the Nominating Process," " 'Improving' Presidential Selection," "Changing the Rules of the Game: An Assessment of Three Nominating Reforms for 1984," "The Legal Framework for Reform," and "Presidential Campaign Finance: Its Impact and Future." The journal also contains a 30-page listing of contemporary studies and conferences on election reform. For further information, contact: Commonsense, RNC, 310 First Street, S.E., Washington D.C. 20003, (202) 484-6500.

Rep. Bill Frenzel (R Minn.), ranking minority member of the House Administration Committee, blasted his colleagues for the way they raised their outside earnings limit before Congress adjourned. Frenzel called the no-vote, no-debate procedure by which the House raised its outside earnings limit from 15 percent of members' salaries to 30 percent an "unseemly performance." The Republican, however, argued the benefit hike was justified. "All outside income and its source is reported annually so the world can see and judge whether any of the sources or amounts are improper," he said. The congressman's remarks appear in the Congressional Record for Dec. 16, 1981 (Part III), page H 9898.

PACS MUSHROOM AROUND
NUCLEAR WEAPONS FREEZE

PAC Profile

In less than a year, the nuclear weapons freeze issue has gone from New England town meetings to the floor of the House of Representatives. Such a climb up the national agenda inevitably brings with it the trappings of electoral politics, including political action committees.

New PACs have sprung up around the freeze issue sharing a common goal -- electing candidates who support a freeze and unseating incumbents who don't.

Since 1962, the Council for a Livable World has been contributing to Senate candidates who support nuclear arms control (see CPR, Jan. 18, 1982). But after seeing the House take a greater role in arms control, the council created Peace PAC.

The group hopes to raise $150,000 this year and endorse about 30 House candidates. It will base candidate endorsements on support for a nuclear freeze resolution (HJ Res 521) the House defeated by two votes Aug. 5. Other factors the PAC will consider are candidates' positions on military spending in general, and the MX missile and B1 bomber in particular. Katherine McGraw of Peace PAC said the council is looking for candidates who have "demonstrated potential leadership" on these issues.

The formation of the Nuclear Freeze Political Action Committee -- Freeze PAC -- was announced in late July. Twenty-three members of Congress including Sen. Claiborne Pell (R.I.), senior Democrat on the Foreign Relations Committee, comprise Freeze PAC's board of advisers. They set guidelines for the PAC's activities but are not involved in decisions about who gets contributions. That's left to a board of directors with no congressional members.

Among Freeze PAC's directors are representatives of the music industry. The group plans to raise money with benefit concerts.

Freeze PAC founder Donald Spector, a former staffer for Sen. Daniel Patrick Moynihan (D N.Y.), said he started the PAC because Congress is the proper arena to discuss arms control issues. "It is important to send a signal to the administration through Congress," he said.

How much Freeze PAC spends in 1982 depends on how much it raises by concerts this fall, he said. It is starting a direct-mail campaign but Spector said it probably won't see fruition until 1984.

SANE, a national membership lobbying group that emphasizes defense and nuclear issues, started its PAC in July. A key issue in forming the PAC was a House vote on funding for the MX missile. The attempt to cut the missile system's funding failed by three votes.

SANE PAC hopes to raise $40,000 this year from its members. The group is focusing on 15 House races. All the candidates the PAC is supporting are Democrats, something PAC director Chad Dobson said is "unfortunate."

Other PACs emphasizing the nuclear freeze issue include the National Committee for an Effective Congress, Democrats for the '80s, Fund for a Democratic Majority, and Friends of the Earth.

Cont'd

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JOHN A. WESTBERG **
GERALD B. WETLAUFER
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ANTHONY L. YOUNG
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MARK N. BRAVIN
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PATRICK R. COWLISHAW *
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OF COUNSEL
PHILIP ELMAN
CHARLES H. GUSTAFSON
DON WALLACE, JR.

May 4, 1982

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

Re: Peace Political Action Committee ("Peace PAC")

Dear Sir:

Enclosed please find for filing the original Statement of Organization (FEC Form 1) of the Peace Political Action Committee ("Peace PAC"). A copy of this form has been filed with the Office of Campaign Finance of the District of Columbia.

If you have any questions about the enclosed, please contact me.

Sincerely yours,

Marc E. Lackritz
Wald, Harkrader & Ross
Attorney for Peace Political Action Committee

Enclosure

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. Name of Committee ☐ Check here if name or address is changed. Committee	2. Date May 4, 1982
Street Address (Do not use post office box number) Maryland Ave., N.E.	3. FEC Identification Number
City, State and ZIP Code Washington, D.C. 20002	4. Is this an amended Statement? YES NO

5. TYPE OF COMMITTEE (check one):

☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

☐ (c) This committee supports/opposes only one candidate _____ (name of candidate) and is NOT an authorized committee.

☐ (d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

☐ (e) This committee is a separate segregated fund.

☒ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
Council for a Livable World	11 Beacon Street Boston, Mass. 02108	Affiliated

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

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number – optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position
Jerome Grossman	11 Beacon St.,Boston,Mass. 02108	President/Treasurer

8. Treasurer: List the name and address (phone number – optional) of the treasurer of the committee, and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
Jerome Grossman	11 Beacon St.,Boston,Mass. 02108	President/Treasurer
John Isaacs	100 Maryland Ave.,N.E.,Wash.,D.C. 20002	Asst. Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
United States Trust Co.	30 Court St., Boston, MA 02108

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

Jerome Grossman	Jerome Grossman	May 4, 1982
Type or Print Name of Treasurer	SIGNATURE OF TREASURER	Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-523-4068

Jm 5/6	5/10	5-11				MCW		

FEC FORM 1 (3/80)

RECEIVED FEC 1982 JUN 30 AM 11:25 OFFICE OF GENERAL COUNSEL

RECEIVED

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. (a) Name of Committee (in Full) ☐ Check if name or address is changed.
Nuclear Freeze Political Action Committee

(b) Address (Number and Street)
1780 Broadway, Suite 1200

(c) City, State and ZIP Code
New York, New York 10019

2. Date
April 7, 1982

3. FEC Identification Number

4. Is this an amended Statement? ☐ YES ☐ NO

5. TYPE OF COMMITTEE (check one):

☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below

Name of Candidate | Candidate Party Affiliation | Office Sought | State/Dist

☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized commit
(name of candidate)

☐ (d) This committee is a _____ committee of the _____ Pa
(National, State or subordinate) (Democratic, Republican, etc.)

☐ (e) This committee is a separate segregated fund.

☒ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

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

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Co

7. Custodian of Records: Identify by name, address (phone number – optional) and position, the person in possession of committee be records.

Full Name	Mailing Address and ZIP Code	Title or Position
Donald Spector	(212) 479-2566 1780 Broadway, Suite 1200, NY, NY 10019	Treasurer

8. Treasurer: List the name and address (phone number – optional) of the treasurer of the committee, and the name and address of any di agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
Same as above		

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety depo or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Chemical Bank	11 West 51st Street, New York, NY 10020

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

Donald Spector
Type or Print Name of Treasurer

Donald Spector
SIGNATURE OF TREASURER

4/7/82
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-523-4183

									FEC FOR

8 2 0 3 3 2 2 5 3 0 1 2

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (81-82)

DATE 6OCT82
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	EXPENDITURES	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
PEACE POLITICAL ACTION COMMITTEE				NON-PARTY NON-QUALIFIED		ID #C00135119
	1982 STATEMENT OF ORGANIZATION			4MAY82	3	82HSE/218/1008
	STATEMENT OF ORGANIZATION - AMENDMENT			1JUN82	2	82HSE/218/1011
	TOTAL	0	0	0	5	TOTAL PAGES

COMMITTEE	DOCUMENT	RECEIPTS	EXPENDITURES	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
NUCLEAR FREEZE POLITICAL ACTION COMMITTEE CONNECTED ORGANIZATION: BLANK				NON-PARTY NON-QUALIFIED		ID #C00153429
	1982 STATEMENT OF ORGANIZATION			9APR82	2	82FEC/226/3012
	TOTAL	0	0	0	2	TOTAL PAGES

6

[illegible]
Livable World
[illegible] (617) 742-[illegible]

[illegible]

[illegible] contributions exceeding $100. All contributions were passed on in the form of the contributor's check unless otherwise noted.

Name & Address of Contributor	Date received by Council	Date passed on to intended recipient	Amount of Contribution	Occupation & Principal place of business
Theresa F Alt 206 Eddy St. Ithaca, NY 14850	5/19/82	5/19/82	$ 50	
Brian & Almuth Payne American Embassy USCEL/UNESCO APO NY 09777	5/19/82	5/19/82	25	
Mrs Walter Bohanan 907 Tyson St.(Rear) Baltimore, MD 21201	5/19/82	5/19/82	10	
Olivia F Behlen Embassy Park Lot 1218 096 US 19 South Clearwater, FL 33516	5/19/82	5/19/82	33	
Anthony/Judith D'Augelli 185 Dorum Ave St. College, PA 16801	5/19/82	5/19/82	25	
David & Ruth Booth 395 Orion Crescent Windsor ONT	5/19/82	5/19/82	25	

EXH. 7

Summary of the Detailed Summary Page

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee

Name of Committee (in Full)
COUNCIL FOR A LIVABLE WORLD

Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. Charles Officer 26 Occom Ridge Hanover NH 03755	----------	3/16/82	$250
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation: ----------		
	Aggregate Year-to-Date - $ 250		
B. Michelle E. Pearce 124 Court Lane, Dulwick London SE217EA ENGLAND	Name of Employer: ----------	1/14/82	$300
Receipt For: ☐ Primary ☐ General ☐ Other (specify) XX	Occupation: ----------		
	Aggregate Year-to-Date - $ 300		
C. Louise D. Peck 517 N Salem Road	Name of Employer: ---------	Date (month, day, year)	Amount of Each Receipt This Period

5262

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

1. Name of Committee (In Full)
COUNCIL FOR A LIVABLE WORLD

Address (Number and Street)
11 Beacon Street

City, State and ZIP Code
Boston, MA 02108

☐ Check if address is different than previously reported.

2. FEC Identification Number
C 00029165

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (date)

4. TYPE OF REPORT (check appropriate boxes)

(a)
- ☐ April 15 Quarterly Report
- ☒ July 15 Quarterly Report
- ☐ October 15 Quarterly Report
- ☐ January 31 Year End Report
- ☐ July 31 Mid Year Report (Non-election Year Only)
- ☐ Monthly Report for _____
- ☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- ☐ Thirtieth day report following the General Election on _____ in the State of _____
- ☐ Termination Report

(b) Is this Report an Amendment?
☐ YES ☒ NO

SUMMARY	Column A This Period	Column B Calendar Year-to-Date
5. Covering Period April 1 Through June, 30, 1982		
6 (a) Cash on Hand January 1, 1982		$ 45205.56
(b) Cash on Hand at Beginning of Reporting Period	$110,118.93	
(c) Total Receipts (from Line 18)	$172,861.75	$ 382,461.15
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	$282,980.68	$ 427,666.71
7. Total Disbursements (from Line 28)	$189,925.06	$ 334,611.09
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	$93,055.62	$ 93,055.62
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	$	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	$	

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

William E. Taylor
Type or Print Name of Treasurer

William E. Taylor
SIGNATURE OF TREASURER

7/14/82
Date

For further information, contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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

FEC FORM 3x (3/80)

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (In Full)

COUNCIL FOR A LIVABLE WORLD

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
A. Jerome Grossman c/o 11 Beacon St. Boston MA 02108	salary, President Disbursement for: ☐ Primary ☐ General ☒ Other (specify): annual salary	4/15/82 4/22/82	$1,017.58 1,017.58
B. (same)	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	5/14/82 5/28/82	$1,017.58 1,017.58
C. (same)	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☒ Other (specify):	6/14/82 6/30/82	$1,017.58 1,017.58
D. John Isaacs c/o 100 Maryland Avenue NE Washington D.C. 20002	salary, legislative director Disbursement for: ☐ Primary ☐ General ☒ Other (specify) annual salary	4/15/82 4/30/82	$1,021.03 1,021.03
E. (same)	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	5/15/82 5/25/82	$1,021.03 1,021.03
F. (same)	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/15/82 6/30/82	$1,021.03 1,021.03
G. Catherine Clark c/o 11 Beacon St. Boston MA 02108	salary, asst. executive director Disbursement for: ☐ Primary ☐ General ☒ Other (specify) annual salary	4/15/82 4/30/82	$ 489.91 489.91
H. (same)	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☒ Other (specify):	5/14/82 5/28/82	$ 489.91 489.91
I. (same)	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/14/82 6/30/82	$ 489.91 489.91
SUBTOTAL of Disbursements This Page (optional)			$15,171.12
TOTAL This Period (last page this line number only)			

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DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (in Full)

Report Covering the Period:
From: To:

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
I. RECEIPTS		
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	169,930.66	376,737.11
(Memo Entry Unitemized $ 148,155.66)		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b and 11c)	169,930.66	376,737.11
12 TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13 ALL LOANS RECEIVED		
14 LOAN REPAYMENTS RECEIVED		
15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	1701.71	3494.69
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17. OTHER RECEIPTS (Dividends, Interest, etc.)	1229.38	2229.36
18 TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17)	172,861.75	382,461.15
II. DISBURSEMENTS		
19 OPERATING EXPENDITURES	189,925.06	334,666.71
20 TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
22 INDEPENDENT EXPENDITURES (Use Schedule E)		
23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441a(d)) (Use Schedule F)		
24 LOAN REPAYMENTS MADE		
25 LOANS MADE		
26 REFUNDS OF CONTRIBUTIONS TO		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c)		
27 OTHER DISBURSEMENTS		
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)	189,925.06	334,666.71
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d	169,930.66	376,737.11
30 TOTAL CONTRIBUTION REFUNDS from Line 26d	---	---
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)	169,930.66	376,737.11
32 TOTAL OPERATING EXPENDITURES from Line 19	189,925.06	334,611.09
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	1,701.71	3,494.68
34 NET OPERATING EXPENDITURES (subtract Line 33 from Line 32)	188,223.35	331,116.41

Senator Howard Metzenbaum has been a strong and consistent supporter of sanity in the area of nuclear armament and of fiscal responsibility with regard to defense spending in general. As such, he has earned the endorsement of the Council for a Livable World.

Senator Metzenbaum has a well-deserved reputation for his ability to go to the heart of a problem and for his willingness to fight for the positions he espouses. Those two characteristics—and his views on nuclear arms control—were evident in a letter he wrote to President Carter on August 3, 1979. The letter was co-signed by eight Democratic Senators, including Alan Cranston, Don Riegle, Paul Tsongas and George McGovern.

"Dear Mr. President:

The Senate and the nation are now engaged in full debate on the merits of the SALT II agreement.

In recent days, the debate has shifted, threatening to recast SALT as a vehicle for sharply increased military expenditures. Key witnesses before the Senate Foreign Relations Committee and the Senate Armed Services Committee have linked SALT II with higher defense spending for both strategic and conventional forces.

We believe that these arguments in favor of higher levels of defense spending must be carefully evaluated, but we are greatly disturbed at the prospect that SALT II may become hostage to this debate.

Both the treaty and defense spending should be evaluated in terms of our national security, but each must be considered on its respective merits.

On July 27, you stated that you would not escalate defense requests substantially above what is needed, as a means to gain Senate votes for ratification. We support that commitment.

We are gravely concerned over these attempts to tie arms procurement to arms control. Bargaining with SALT II imperils both a sound national defense and meaningful arms control. We regard such linkage as an unacceptable price to pay for a treaty of strategic arms limitation.

We urge you to remain firm in your determination to enhance our national security through meaningful arms control and a sound, fully debated program of national defense."

Senator Metzenbaum has voted against MX missile development, against a new nuclear carrier and against the outmoded F/A 18 airplane. And although construction of the B-1 bomber would involve substantial work in the Columbus area he stated recently that he

"... will not vote for any military expenditures merely for the purpose of making work."

That is a long standing position for Metzenbaum, who has been a leading critic of wasteful procurement and management practices at the Department of Defense. In that area, he has been able to get other Senators with whom he disagrees on most other issues to join him.

In 1978, for example, Senator Barry Goldwater joined him in filing a suit in federal District Court to block a non-competitive aircraft purchase by the Navy.

On February 25, 1971, Goldwater joined him in sending an eight page letter to defense Secretary Weinberger. "Runaway costs," the letter said, "characterize our entire defense procurement program. These vast expenses have nothing to do with maintaining the strength of our military forces. They are, pure and simple, the result of a system that permits Department of Defense officials to operate as though the public purse has no limits."

The letter went on to specify in detail areas in which major savings could be made. According to the GAO, the Metzenbaum-Goldwater proposals, if fully implemented by the Department of Defense, could save taxpayers up to $10 billion per year by FY1986.

Here is how the effect of that letter was described on the floor of the Congress by Representative Jack Brooks of Texas:

"... this letter has had a chilling effect on those Defense officials and contractors who have over the years mismanaged and wasted the taxpayers' hard earned dollars on costly gadgets that are not needed and do not work. It has dashed the hopes of those in DOD who, in light of the record Defense budget, were preparing hundreds of questionable contracts to be awarded to favorite sole-source suppliers. Most importantly, the letter supports a standard of conduct in DOD procurement that every member, Republican or Democrat, can

[illegible] eed and do so using full and [illegible]"

For this effort, Senator Metzenbaum has received praise from such diverse journalists as Jack Anderson and I.F. Stone.

Political courage is another Metzenbaum characteristic. A Metzenbaum filibuster knocked down a Senate effort this year to remove the windfall profits tax on oil companies. He held hearings in 1980 to find out why retail gasoline prices were not falling rapidly in the face of record supplies. On the Senate Energy Committee, Metzenbaum has been the most intransigent opponent of oil and gas deregulation. He has been a staunch advocate of consumer rights and of social programs for the poor.

Howard Metzenbaum has had three careers: attorney, businessman and politician. As an attorney he founded one of the most prestigious law firms in Ohio. As a businessman he built a firm from scratch that came eventually to be listed on the New York Stock Exchange. A political activist since his youth, Metzenbaum first ran for the Senate in 1970 when he defeated John Glenn in the Democratic Primary, but lost narrowly to Senator Robert Taft, Jr. in the general election. Metzenbaum was appointed to fill a vacancy in the Senate in 1974, but lost a close primary race to John Glenn the same year. In 1976 he gained his seat in the Senate by defeating Senator Taft with the support of the Council for a Livable World.

Metzenbaum is tall, thin and trim. He radiates energy. Neutral observers characterize him as aggressive, tough, consistent, courteous and courageous. Although his Senate record is liberal, he draws support from the entire political spectrum because of his reputation as a fighter. In Ohio, where economic distress has hit the giant factories of Cleveland, Akron, Youngstown, Dayton and Toledo, people know and appreciate that Metzenbaum fights for them.

It should come as no surprise that Metzenbaum has been targeted by the New Right. Typically, Metzenbaum has stood his ground and challenged the conservatives on the issues and on their political tactics.

"I ran for the Senate to promote the views of a lifetime, not to back away from them."

While Metzenbaum may not have opposition in the Democratic primary, two Republicans with access to large campaign funds are expected to contest for the right to oppose him.

U.S. Representative John M. Ashbrook has already announced his candidacy and has begun to organize and collect funds. By any measure, Ashbrook is one of the most conservative persons in the Congress. His lifetime rating by the American Conservative Union, which he formerly chaired, [illegible] had 100% last year. His average rating with Americans for Democratic Action (ADA) is 8%. Ashbrook has been tightfisted on federal spending—except for the military. For example, he voted for the MX missile, for the B-1 bomber, for a nuclear aircraft carrier, and for increasing military spending by cutting social programs. He has supported the neutron bomb and reinstituting draft registration. He was one of two House members to vote against U.S. citizenship for Raoul Wallenberg, the heroic Swede who saved tens of thousands of Jews from Hitler's death camps.

Governor James A. Rhodes is expected to compete with Ashbrook, although he has not yet announced formally. While he is an out and out conservative, he is not an extremist. Now completing his fourth term as governor at the age of 73, Rhodes is prevented by the Ohio Constitution from succeeding himself. For Rhodes, the prime issue has always been jobs. His favorite slogan is "profit is not a dirty word in Ohio." On almost any other issues, Rhodes had few opinions. Rhodes on foreign policy: "You only have one President and one State Department. What you have to do on most issues is support them in what they're trying to do." (*Cleveland Plain Dealer*, July 4, 1981). It is the same way on defense. Rhodes said he was not that familiar with specific projects such as the MX missile. He based his defense views on the general belief that more money should be spent on the military than on other projects, unless those projects affect Ohio.

Nevertheless, Rhodes, if he runs, will be the favorite over Ashbrook in the Republican primary because he is better known, is constantly in the public eye and has maintained a high degree of popularity with the public. Metzenbaum has also attained public acceptance with the residents of Ohio. Early polls show him leading both Ashbrook and Rhodes by comfortable margins. However, this lead is expected to shrink when negative campaigning by conservative groups begins and when the big money flows to his opponents. This campaign may be the most expensive in the history of Ohio—ten million dollars in toto. Metzenbaum himself believes he needs $3.5 billion to compete.

The Council for a Livable World is convinced that the return of Howard Metzenbaum to the U.S. Senate is a necessity for nuclear arms control. If you agree, please make your check payable to "METZENBAUM FOR SENATE COMMITTEE" and mail it to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, MA 02108

TOBY MOFFETT

Congressman

The Council for a Livable World

On November 18, 1981, the House of Representatives passed the largest military appropriation in this nation's history. Representative Toby Moffett voted against this $196 billion bill, and strongly supported efforts to delete funding for expensive, unnecessary weapons systems such as the B-1 bomber and the MX missile. He also offered an amendment to cut the appropriation by two percent. He continues to work hard in opposition to the Administration's arms build-up, and in support of arms control. Moffett is one of a handful of Congressmen who have declared their support for the Nuclear Weapons Freeze.

The following statements were made by Moffett on the House floor in the debate and are typical of his consistent and courageous actions against the arms race:

> . . . Where are we going to be 20 years from now, in terms of all of those warheads and all of those missiles? We will be in much worse shape if we do not have arms negotiations in a very, very serious manner.
>
> So I think that sooner or later this body is going to have to confront that, rather than just feeling boxed in and voting out the largest defense increases and the largest defense bills in history.
>
> Mr. Chairman, the fact is, we are not doing the job the American people expect of us. We are merely reacting to the momentum of the arms race. This body is just climbing on the bandwagon, throwing huge sums of money at something called defense. But in reality we are making a major contribution to world instability. Let's get to the negotiating table. This bloated bill is not the way to do it.
>
> (November 18, 1981)

Moffett was equally forthright in the Congressional debate on the Addabbo Amendment to delete $1.8 billion for procurement of the B-1 bomber:

> . . . If we would only give the same level of scrutiny to the B-1 bomber that we gave to the WIC program, the women, infants, and children's program, it would fail the test. It would absolutely flunk the test. On the issue of cost, if we put the B-1 in here on the table, with the same kind of enthusiasm for budget cutting and cutting out waste as we had during the school lunch debate, it could not possibly survive. . . .

And here is what Moffett had to say in supporting an amendment to delete $1.9 billion for development of the MX missile:

> . . . It makes no sense. It makes absolutely no sense. This weapon represents a provocative step. This very confident, self-assured President does not need MX when he goes to the negotiating table. He has a very powerful defense system now. It might need changes in certain areas, it might need improvements here or there, but the top priority ought to be to get to that table as fast as possible, not to load up with more and more new weapons before we get there.

The vote in the House on final passage of $196 billion appropriation for the Department of Defense was yeas 335, nays 61, not voting 37. Toby Moffett voted nay.

Until Toby Moffett was elected to the House of Representatives in 1974, not a single congressman from Connecticut had ever voted against appropriations for the Department of Defense. While Connecticut ranks 25th among the states in population, 1.37% of U.S. total, in 1979 it received over $4 billion from Defense, the highest military spending per capita in the country. Major industries like Pratt & Whitney and General Dynamics' Electric Boat Shipyard depend upon military contracts.

Moffett has voted consistently right on issues important to Council for a Livable World throughout his terms in Congress:

- 1981 - Right on MX, including both Dellums and Simon amendments
- 1981 - Right on chemical weapons
- 1980 - Right and led fight on chemical weapons
- 1980 - Right on MX, including both Dellums and Simon amendments
- 1980 - Right on budget priorities
- 1979 - Right on draft registration
- 1979 - Right on MX
- 1978 - Right on neutron bomb
- 1978 - Right on 4th nuclear aircraft carrier
- 1977 - Right on B-1 bomber
- 1977 - Right on neutron bomb
- 1977 - Right on Clinch River breeder reactor
- 1976 - Right on B-1 bomber
- 1975 - Right on MaRVs
- 1975 - Right on military spending
- 1975 - Right on binary nerve gas

Toby Moffett was born in 1944 and was raised in Connecticut. He holds a B.A. from Syracuse University and earned in 1968 a Masters Degree in Political Science and Urban Affairs from Boston College. In 1969, Moffett was named first director of the federal government's Office of Students and Youth (HEW). In 1971 he joined the Ralph Nader group to become the first head of the Connecticut Citizen Action Group, a statewide organization that was to become a national

model for [illegible] He worked with this group until 1974 when he [illegible] his successful bid for the Sixth Congressional District in northwestern Connecticut.

As would be expected from a former Naderite, Moffett has been a star advocate of consumer rights and for a more equitable energy policy. Married and the father of a daughter, Moffett is the kind of politician who is always bubbling over with ideas and how they can be put into practice. Moffett has a dynamic and attractive appearance; he is incredibly energetic and fearless. He says what he thinks. In 1979, TIME Magazine chose Moffett as one of the "Fifty Faces of the Future." His colleagues in the House recognized his talents when they elected him over three representatives with greater seniority to chair an important subcommittee, Government Operations, Environment, Energy and Natural Resources. The author of two books, Moffett has been the recipient of a number of awards.

Though an outspoken liberal, Moffett is hardly the brash loner some of his ideological colleagues have been. "I have an excellent relationship with some of the older, more conservative members," he says. "That's very important to me. Even in the confrontation days with Nader, I never felt comfortable with personal antagonism."

About his own party, Moffett said in the early days of the Reagan Administration, "Democrats always want to win. But when they do they often take home empty victories because they have no overriding philosophy. Nobody knows where they stand. Democrats have to come up with an ideology and take the risk of losing."

Representative Moffett was one of the leading opponents of the sale of AWACS planes to Saudi Arabia, repeatedly addressing the Congress and the media.

The incumbent senator is Lowell Weicker, a Republican who was first elected in 1970. Weicker is a political maverick who has voted with the arms controllers a number of times, but also against them in a most perplexing manner. For example, in the key debate on the nomination of Paul Warnke to be Chief U.S. SALT Negotiator and Head of the U.S. Arms Control and Disarmament Agency, Weicker said on the Senate floor:

> "I mention that story, Mr. President, as an illustration of one of the two traits of an arms negotiator—caution. The other one is steadfastness. I shall oppose the nomination of Paul Warnke to the posts of Director of the Arms Control and Disarmament Agency and SALT negotiator, because his considerable testimony before two Senate committees has left me with serious doubts about his possession of those two necessary qualities." . . .
>
> "He has been a gadfly for a radically lower defense budget, for severe limitations on defense spending, and against virtually every major weapons system of the past decade. Mr. President, the gadfly has its place. But it is not in Geneva staring down bears." . . . "Mr. President, in the past several weeks, Mr. Warnke has attempted to fog and muddle a record which up to this time has been as clear as it has been consistent."

In 1979, Senator Weicker never could make up his mind whether or not to support the [illegible] In 1981 he voted for the B-1 bomber.

However, Weicker's positions are likely to be moot because his chances of winning the Republican nomination are slim indeed. Having alienated his Republican constituency and having operated in a political no-man's land, he will probably be defeated for the nomination by Prescott Bush, Jr., of Greenwich, brother of the Vice President and favorite of the conservative Republicans of the state. The Hartford COURANT published a poll on November 26, 1981, showing that among Republicans Bush, who has not even announced yet, leads Weicker 44% to 33% with 23% undecided. Another poll of Republicans likely to vote shows Bush 62, Weicker 31, undecided 7.

Weicker may run as an independent if he determines that he cannot win the Republican nomination. But in that case he will be subject to the erosion that normally overcomes independent candidates as the November election nears. In fact, this situation highlights one of the main differences between Weicker and Moffett. Weicker has no constituency in the Senate because he is inconsistent and operates as a loner. Moffett is respected by friend and foe and knows how to make alliances to get things done.

Other polling information from the Hartford COURANT (and confirmed with other sources) shows Moffett ahead of Weicker 40-36-24, Moffett over Bush 40-26-34. In a three-way race the COURANT has Moffett 31, Weicker 31, Bush 18, undecided 20. However, other polls show Moffett leading by 5-6 points.

Representative Moffett will have opposition in the Democratic primary from John T. Downey, a former head of the Connecticut Department of Public Utility Control and a former agent for the CIA. Both Downey and Bush have expressed views on arms control even more hardline than the Reagan Administration.

The 1982 race for the U.S. Senate will, by all accounts, be the most expensive race in Connecticut history. In either a 2 or 3-way race, opposing candidates are anticipating expenditures to exceed $2 million for each individual. In the cases of Lowell Weicker and Prescott Bush, both millionaires by inheritance, the fund raising is likely to be of manageable proportions. Furthermore, we can expect the notorious right-wing National Conservative Political Action Committee (NCPAC) to help the conservative Bush. However, Toby Moffett, whose father was a caretaker on a Connecticut estate, will be wholly dependent upon the contributions of those who agree with him on the issues.

The Council for a Livable World regards the candidacy of Toby Moffett as an unusual political opportunity at a time when we desperately need one. Moffett is a leader—a potential John Culver. He is young, bright, aggressive, effective, reliable and he has political acumen. If elected to the Senate, he will make his mark on the issues of nuclear arms control.

If you wish to contribute to the Moffett campaign, please make your check payable to TOBY MOFFETT FOR U.S. SENATE and mail to:

COUNCIL FOR A LIVABLE WORLD
11 Beacon Street
Boston, Mass. 02108

WILSON

[illegible] Utah [illegible] by the Council for a Livable World

One of the founding members of the New Right, Senator Orrin Hatch of Utah, is extremely vulnerable this year to a challenge by the Democratic Mayor of Salt Lake City, Ted Wilson. This is a race that will be watched across the country to see if conservative Utah is prepared to send a message to the rest of the country that the radical right has passed its high water mark. Five months before election day, the polls show Hatch with only a slender lead.

Senator Hatch had one of the most rapid rises in American politics. A long-time supporter of Ronald Reagan, he never held political office until he defeated the incumbent Senator Frank Moss in 1976 in a stunning upset. During his first years in the Senate, Hatch seemed almost feverish in his advocacy of New Right causes, and many of his colleagues seemed to regard him as a fanatic.

Hatch's intensity is particularly evident in his record on arms control issues. In 1981, out of eleven bellwether votes selected by the Council for a Livable World, he voted wrong ten times—and was absent for the eleventh. Some of those votes were: for the MX missile; for the B-1 bomber; for the Clinch River Breeder Reactor; for chemical weapons.

In 1982, Hatch voted again for the production of chemical weapons, for the Reagan proposal to build two new aircraft carriers, and against the amendment offered by fellow Republican Senator Nancy Landon Kassebaum to reduce the military budget by 1.3 billion dollars for fiscal year 1983.

Senator Hatch was a vociferous opponent of the SALT II Treaty and led the opposition to the confirmation of Paul Warnke as President Carter's chief arms control negotiator. He opposes a Comprehensive Test Ban and favors construction and deployment of neutron bombs. He is also a declared opponent of the Nuclear Weapons Freeze.

Hatch's political strength has been steadily eroding, partly because of his style and personality. He has been described as pompous and arrogant, an ideologue and a polarizer who has made many enemies. This contrasts sharply with his fellow Republican Senator Jake Garn, who has a similar voting record but is not perceived negatively by the voters of Utah.

Ted Wilson is an entirely different kind of person. He has an easy and winning personality and is respected by both friend and foe. Wilson has been one of the most productive and popular mayors in the history of Salt Lake City. He has worked closely with local officials throughout the state on a number of issues, and consequently has very high and favorable recognition among the voters. Wilson is receiving significant political support from Governor Scott Matheson and former Governor Calvin Rampton, both popular Democrats.

Ted Wilson was born, bred and educated in Utah. Married and the father of five children, he holds degrees in Political Science, Economics and Education. He is currently serving his second term as Mayor of Salt Lake City. Before that he was Social Services Director for Salt Lake County, and Administrative Assistant to Congressman Wayne Owens (D-Utah) in Washington, D.C.

On the national level, Ted Wilson has gained recognition usually reserved for the mayors of much larger cities. He serves on the Board of Directors of the National League of Cities, on the Board of Trustees of the U.S. Conference of Mayors, as Chairman of the Energy and Environment Committee of the U.S. Conference of Mayors, and he has been on the National Water Policy Task Force. He is a strong environmentalist and opponent of Secretary Watt's misnamed Wilderness Protection Act.

The Mormon Church is a dominant institution in Utah. The Mormon hierarchy takes stands on secular matters, economic and political. For example, it came out against the MX missile system that the Carter Administration proposed placing in Utah and Nevada, and has demonstrated great concern about the nuclear arms race. Wilson reflects this position; Hatch does not. Both candidates are Mormons, and the Church is expected to be neutral in the contest.

Wilson supports the Nuclear Freeze: "I'm a very strong proponent. We need to get a mutual and verifiable freeze of nuclear weapons and then get to the negotiating table."

Wilson was an early and strong opponent of deploying the MX missile in Utah.

Wilson says, "I am personally concerned about the shift in our strategic planning regarding the Soviet Union. I cannot and will not accept the idea that the United States of America would initiate a nuclear confrontation. Nuclear war is not winnable."

Wilson supports ratification of the SALT II Treaty.

Wilson opposes abrogation of the 1972 AMB Treaty.

Wilson favors a Comprehensive Test Ban.

Wilson opposes the neutron bomb.

Wilson opposes the production of chemical

weapons.

At the same time Wilson supports a strong national defense policy, but he insists that the money be spent wisely. "The real need is to focus on what kind of defense we need, and what kind of defense is being bought—not how much we should spend—I would support increased defense spending as well as insisting that the money be spent wisely. The goal before us must be to control nuclear arms. No amount of spending can buy us security. The military must be strengthened but strengthening doesn't necessarily mean writing a blank check for the Pentagon. Waste and inefficiency must be eliminated in Defense as well as every other segment of the federal government.

Wilson stresses the need for control of nuclear arms. "It is time to deal not only with limiting the number of these weapons, but the prevention of nuclear war itself. The prevention of a nuclear is a solemn obligation to ourselves and our future generations."

The polls of public opinion show that Wilson has a very good chance of defeating Hatch in November. That is why Hatch is considered "very vulnerable" by most political experts. In September, 1981, even before Mayor Ted Wilson had announced [illegible] United States Senate, he ran only [illegible] behind incumbent Senator Orrin Hatch. The [illegible] taken in January, 1982, revealed Hatch with 46% and Wilson with 42%. The most recent poll conducted on April 28, 1982, shows Wilson only 3 points behind Hatch 45%, Wilson 42%, undecided 13%. This is a remarkable showing by a challenger at this early stage of the campaign and indicates a strong trend toward Wilson.

Wilson predicts that it will cost $750,000 to win. Hatch is expected to spend at least double that amount. The Council for a Livable World urges you to support Mayor Ted Wilson because of his commitment to serious nuclear arms control and because Senator Orrin Hatch deserves to be defeated.

If you would like to make a financial contribution, please make your check payable to WILSON FOR UTAH COMMITTEE and mail to

Council for a Livable World
11 Beacon Street
Boston, Mass 02108

PEACEPAC

For The Prevention Of Nuclear War...

PEACE PAC is the only grassroots political action committee supporting candidates for the U.S. House of Representatives who are committed to specific nuclear arms control measures and the prevention of nuclear war.

How It Started

PEACE PAC is an affiliate of the Council for a Livable World, founded in 1962 by nuclear scientists concerned about the menace of nuclear war.

Since its inception in 1962, the Council has provided more than 2½ million dollars to candidates for the U.S. Senate. More than 60,000 people in 50 states support the Council.

Recognizing the increasing importance of the House of Representatives on such issues as measures to freeze nuclear arms and military spending, the Council for a Livable World helped organize PEACE PAC to support candidates for the House.

To launch PEACE PAC, the Council is providing operating expenses so that maximum contributions can be made by PEACE PAC to deserving candidates in critical campaigns.

How Will Candidates Be Selected?

1. PEACE PAC research staff will review Congressional races throughout the country to identify candidates deserving support, regardless of party.

2. Candidates will also be recommended by PEACE PAC contributors and by cooperating organizations.

3. Candidates will complete and sign a questionnaire on nuclear arms control and military spending.

4. To be selected for support by PEACE PAC, candidates must support measures to freeze the nuclear arms race, reduce nuclear weapons and diminish the risk of nuclear war. They must also have demonstrated leadership on the issues of arms control and military spending.

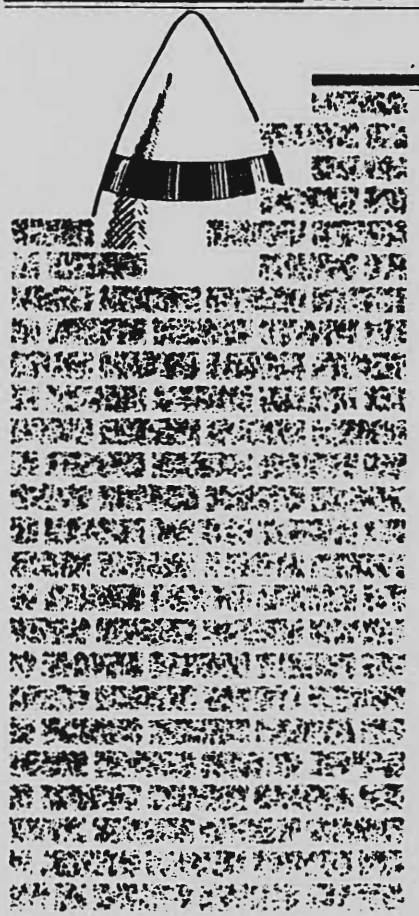
5. PEACE PAC's Board of Directors will make the final decisions for support. The Board was chosen to represent a wide range of political and scientific expertise.

What Kind Of Support Is Provided?

Candidates selected for PEACE PAC support will receive financial contributions for their campaigns, research and speech material prepared by PEACE PAC staff, and the organizational support of PEACE PAC in reaching and organizing committed individuals in their districts.

A clear majority of the 43 members of the House o Representatives must ge behind the Nuclear Freez Resolution—and get i implemented in order t achieve meaningful arm control

218 votes are neede



Peace Political Action Committee

Questionnaire For Candidates On National Security And Arms Control Issues

As a candidate for Congress in 1982, I will support efforts to develop national security and arms control policies for the United States that avoid nuclear confrontation and waste of resources.

Specifically, I will support:

_____ An immediate, verified, mutual freeze on the testing, construction and deployment of new nuclear weapons by both the United States and the Soviet Union.

_____ Continuous negotiations by the Reagan Administration with the Soviet Union to reduce existing nuclear weapons and to prevent nuclear war.

_____ The stated policy of the Reagan Administration to abide by the SALT II limits as long as the Soviet Union does.

_____ The termination of the MX missile program.

_____ The termination of the B-1 program.

_____ A continuation in force of the 1972 anti-ballistic missile (ABM) treaty between the U.S. and the U.S.S.R. that limits the deployment of new ABM systems.

_____ A negotiated end to *all* nuclear testing by the United States, the Soviet Union and other nuclear powers.

_____ Efforts to limit the huge increase in military spending planned over the next five years.

PEACE PAC Board of Directors

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Former Director of U.S. Arms Control and Disarmament Agency and Chief U.S. SALT Negotiator

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Executive Director
Members of Congress for Peace Through Law

Affiliations for Identification Only.

PEACE PAC is supported entirely by donations from individuals throughout the country. Your contribution is urgently needed to support candidates for Congress committed to nuclear arms control.

PEACE PAC
100 Maryland Avenue, N.E.
Washington, D.C. 20002

Paid for by PEACE PAC.
A copy of our report is filed with, and available from, the Federal Election Commission.

PEACEPAC

FOR THE PREVENTION OF NUCLEAR WAR

100 MARYLAND AVENUE, N.E. • WASHINGTON, D.C. 20002

The Council for a Livable World

100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

11 Beacon Street
Boston, Massachusetts 02108
Phone: (617) 742-9395

To combat the menace of nuclear war

George Kistiakowsky
Chairman

April, 1982

Dear Friend:

The Reagan Administration is launching a massive escalation of the nuclear arms race.

This is an escalation that dramatically increases the likelihood of a nuclear war that will destroy your life and the lives of your children and grandchildren.

It is an escalation that will push the military budget of the Pentagon over $220 billion in 1982 -- in five years, 1.5 trillion dollars. Much of this and many additional billions are for new nuclear weapons -- enough money to pay for all of the needed social programs that the Reagan Administration has maimed or killed.

It is an escalation that includes huge weapons systems -- especially the MX missile and the B-1 bomber -- that are almost universally regarded as non-critical to our country's defense -- even by some in the Pentagon.

This is an escalation that only you and I and kindred people can stop. Your help is urgently needed. Needed now!

A few things can be done by all of us. And if we do them well and do them now it will make a difference.

I am going to list these things, tell you briefly what the Council for a Livable World is doing about them and show you how you can fit in if you are willing.

(over, please)

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Jerome Grossman, *President;* Ruth Adams, *Bulletin Atomic Scientists;* Michael Allen, *Attorney;* Bernard Feld, *MIT;* Roger Fisher, *Harvard University;* Maurice Fox, *MIT;* Jerome Frank, *Johns Hopkins University;* John Kenneth Galbraith, *Harvard University;* George Kistiakowsky, *Harvard University;* Admiral John M. Lee, *U.S. Navy (Retired);* Matthew Meselson, *Harvard University;* James Patton, *National Farmers Union;* Gene Pokorny, *Cambridge Reports;* Charles Price, *University of Pa.,* Edward Purcell, *Harvard University;* George Rathjens, *MIT;* Eli Sagan, *Writer;* Herbert Scoville, Jr., *Arms Control Association;* Jane Sharp, *Cornell University;* William E. Tarlow, *Business Executive;* Stephen Thomas, *Management Consultant;* Kosta Tsipis, *MIT;* Paul C. Warnke, *Attorney;* Jerome B. Wiesner, *MIT;* John Isaacs, *Legislative Director;* Catherine Clark, *Assistant Executive Director* □ *Affiliations For Identification Only.*

Founded in 1962 by Leo Szilard

13

- In Washington, more work than ever before needs to be done.

  The decisions on the MX missile and the B-1 bomber are being made in the Senate. That's also where the decisions on international arms control treaties are made. And that's where we focus our efforts. We're on Capitol Hill every day, working to re-establish arms control talks, fighting the proliferation of nuclear weapons, lobbying for nuclear arms control agreements. The votes on the nuclear arms issues are close these days. One or two votes in the Senate can make the difference.

- We must continue to educate on the dangers of nuclear weapons. The Council for a Livable World uses knowledge as a weapon!

  The Gallup poll says the majority of Americans agree with us on stopping nuclear buildup and seeking arms limitation agreements, but we must diligently continue to educate Americans about the consequences of nuclear war. Our Council was founded by a world renowned nuclear physicist and other scientists who worked on the early development of the atom bomb. The scientists and the military, medical and technical experts who work with us are consistently engaged in helping people to think clearly about the unthinkable. The Council holds symposia on Capitol Hill and throughout the nation. We meet the press and appear on TV, and do radio talk shows. Our speakers' bureau and publications reach hundreds of thousands of Americans each year, but it is imperative we spread our message even wider.

- We must back our words with political action and resources.

  The Council for a Livable World has a unique way of doing that. You've heard a lot these days about political fundraising committees.

  We are the one that is different.

  --Our Council channels financial support only to those Senators who stand for nuclear sanity -- our contributors have given over 2.2 million dollars in the past 20 years to Senate candidates -- regardless of party -- people like

(next page)

Bill Bradley of New Jersey, Paul Sarbanes of Maryland, Mark Hatfield of Oregon, Carl Levin of Michigan, Charles Mathias of Maryland, and Alan Cranston of California.

--We have a different way of collecting and distributing political funds -- a way that is most effective. We ask our contributors to decide which candidates they will support and ask them to write checks directly to those campaigns. We sort out these checks and give them as a group to each candidate. Such giving guarantees that the candidate knows that the donations are issue-oriented, are for nuclear arms control. This procedure allows us also to send more than permitted by other political action groups, and it means each contribution will be used with very low overhead. In 1980 we were able to help some candidates for the Senate by giving five or six times the amount we could have given as a single committee. <u>That's the kind of political clout we must have to win elections</u>.

- <u>Now your voice -- your support is vital</u>.

The work of a small group of lobbyists is not enough. Politicians must hear from voters. Many voters! Believe me, they are not hearing enough from people opposed to the wasteful and destructive nuclear arms race, as we are being told by the Senators themselves. That's why we're asking you to help by returning the enclosed cards to us so that we can take them to the offices of your Senators when we go there to talk about nuclear arms control. So we can say "here are people from your state who want your vote for nuclear sanity, for peace."

So, if you want to help, here are two things you can do right now.

-- Fill out and send back the enclosed petition cards to us as soon as possible. We'll address them and start getting them to your Senators immediately.

-- Help us continue our lobbying, our public education, our citizen action programs, and our campaign support to Senate candidates who will work for sensible nuclear policy and need our help.

(over, please)

Don't just write a check, but do write a check if you can.

All over the country -- in town and city council meetings, on college campuses, in churches, in state legislatures -- thousands of people are now activated to run petition drives, ballot referenda and other citizen action programs to let our government know that they want an end to the nuclear arms race.

Your help is urgently needed to support these efforts.

This important decision on our country's future is still in the hands of the people if we will work together.

Please join us now.

Sincerely,

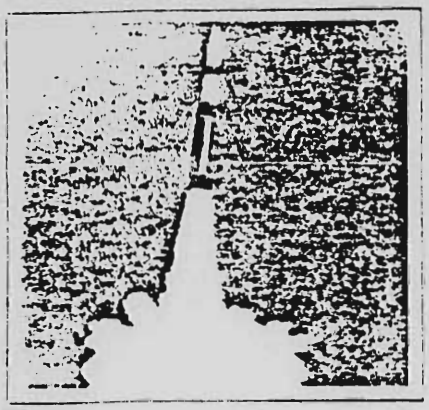
George B. Kistiakowsky

George Kistiakowsky
Professor Emeritus, Harvard University
President Eisenhower's
Chief Science Advisor

P.S. Please remember, there are three cards enclosed in this envelope. We need your name and address on two cards -- one for each of the Senators in your state. The third card is for your contribution -- $30, $50, $100 or whatever you can afford. Any amount you can send is critical to our efforts now.

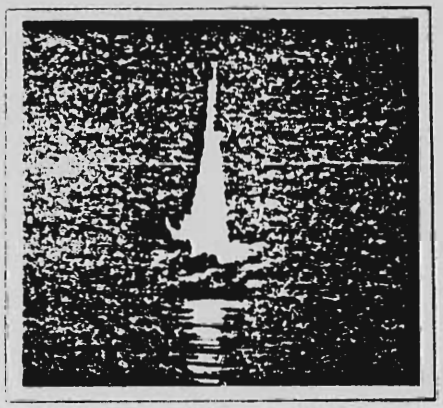
Our NUCLEAR ARMS CONTROL HOTLINE -- (202) 543-0006 is now in 24-hour operation to provide up-to-the minute legislative information on nuclear arms control issues to interested citizens and citizens' groups.

The United States Already Has 26,000 Nuclear Warheads.



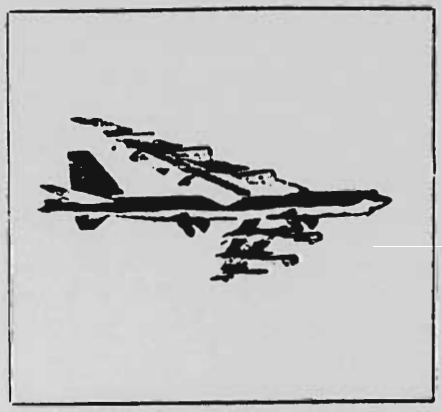
Intercontinental Nuclear Missiles Based on U.S. Land

1,054 missiles with a total of 2,154 warheads



Sea-Based Ballistic Missiles

576 missiles with a total of 4,816 warheads



Long-Range Bombers

1,900 nuclear weapons

Plus

17,000 Short or Medium Range Nuclear Warheads.

The Soviet Union Has Over 20,000 Nuclear Weapons of Their Own.

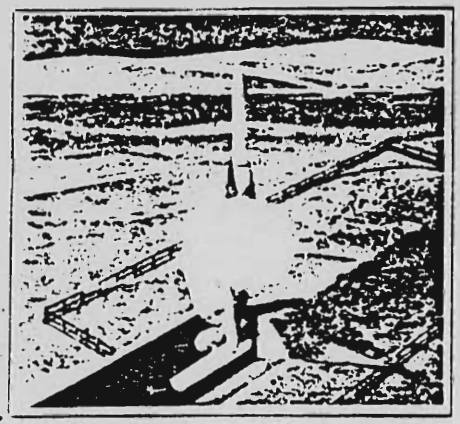
The Council for a Livable World

100 Maryland Avenue, N.E., Washington, D.C. 20002 (202) 543-4100

11 Beacon Street, Boston, Massachusetts 02108 (617) 742-9395

(over please)

Now the Reagan Defense Department Wants More!



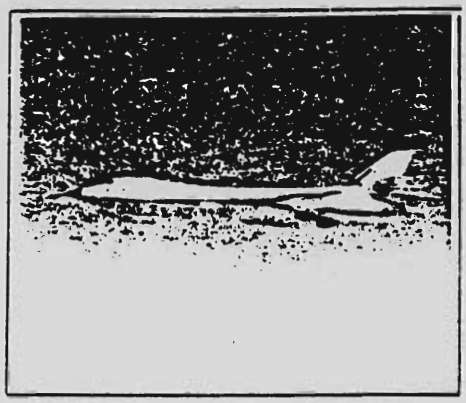
100 MX Missiles
Cost: $27 billion or more

"To continue the development of a system that is already vulnerable, that cannot be fully deployed for ten years, that cannot accomplish its mission when deployed, that increases the attractiveness of the United States as a target . . . is in the author's judgment strategic lunacy."

—Maj. Gen. W.T. Fairbourn (Ret.) of the U.S. Marine Corps, Former Senior Strategic Planner with the U.S. Joint Chiefs of Staff January 14, 1981

"I believe the MX project as presently conceived is a serious mistake... There is little time left to reverse the momentum of the MX... There are great vested and parochial interests in the military and in industry that are intent upon going ahead with the project. But the United States cannot let such interests dictate the course of its security, and indeed, the security of the world."

—Former CIA Director Stansfield Turner March 29, 1981



100 B-1 Bombers
Cost: $400 million each
$39.8 billion total

"In studies conducted since last June, the Strategic Air Command has determined that neither the B-1 version nor the stretched FB-111 can be expected to penetrate and survive against the Soviet threat beyond the 1980s . . ."

—Aviation Week and Space Technology

"To push for a B-1 that will be obsolescent before the first production model takes off from the runway seems to me sort of dumb."

—Former high Pentagon official Robert Komer

Help Stop the Madness.
Support the Council for a Livable World.

"Those of us fighting in the Senate for the necessity of arms control need all the help we can get now. The Council is providing that help in every important way."

Senator Bill Bradley
New Jersey

"On such issues as arms control or military spending, it is hard to think of any more effective and resourceful organization than the Council for a Livable World."

Senator Alan Cranston
California

The Council for a Livable World
100 Maryland Avenue, N.E., Washington, D.C. 20002 (202) 543-4100
11 Beacon Street, Boston, Massachusetts 02108 (617) 742-9395

To the Council for a Livable World:

Enclosed is my contribution to support your lobbying and public education programs in opposition to the massive escalation of the nuclear arms race and to help elect Senators in 1982 who will work for nuclear arms control.

$250 ___ $100 ___ $75 ___ $50 ___ $30 ___ Other $_____

(Please make checks payable to the Council for a Livable World and return with petition cards in the enclosed envelope)

Present Senators aided by Council for a Livable World

Max Baucus . . . . . (D-MT)
Joseph Biden, Jr. . . . . (D-DE)
Bill Bradley . . . . . (D-NJ)
Dale Bumpers . . . . . (D-AR)
Alan Cranston . . . . . (D-CA)
Dennis DeConcini . . . . . (D-AZ)
Chris Dodd . . . . . (D-CT)
Thomas Eagleton . . . . . (D-MO)
Gary Hart . . . . . (D-CO)
Mark Hatfield . . . . . (R-OR)
Edward Kennedy . . . . . (D-MA)
Patrick Leahy . . . . . (D-VT)
Carl Levin . . . . . (D-MI)
Charles Mathias . . . . . (R-MD)
John Melcher . . . . . (D-MT)
Howard Metzenbaum . . . . . (D-OH)
Claiborne Pell . . . . . (D-RI)
Donald Riegle . . . . . (D-MI)
Paul Sarbanes . . . . . (D-MD)
James Sasser . . . . . (D-TN)
Harrison Williams . . . . . (D-NJ)

Who runs the Council for a Livable World

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Kosta Tsipis, Department of Physics, MIT
Paul C. Warnke, Attorney

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Jerome Grossman, President

100 Maryland Avenue, N.E.
Washington, DC 20002
(202) 543-4100
John Isaacs, Legislative Director

To combat the menace of nuclear war

Council for a Livable World

National Office
11 Beacon Street
Boston, Mass. 02108
Phone: (617) 742-9395

Legislative Office
100 Maryland Avenue, N.E.
Washington, D.C. 20002
Phone: (202) 543-4100

Why it exists

The Council for a Livable World was founded in 1962 by the eminent nuclear physicist Dr. Leo Szilard to combat the menace of nuclear war and strengthen national security through rational arms control.

The Council continues to pursue its objectives by blending the resources of its knowledgeable scientists with the skills of practical politics, and by concentrating its efforts on the U.S. Senate which has unique advise and consent powers in foreign affairs.

Those efforts are two-fold:

First, the Council's Washington Program provides Senators with sophisticated technical and scientific information that allows them to make intelligent decisions about nuclear arms control and strategic weapons, both present and planned.

Second, the Council's Candidate Assistance Program helps elect to the Senate men and women who support serious arms control.

The Council has enjoyed significant successes on both fronts: It was instrumental in passing the Nuclear Test Ban Treaty, halting ABM, banning biological weapons, advancing the SALT process under four presidents and slowing nuclear proliferation.

On the election front, the Council has helped elect 59 U.S. Senators since 1962, including 21 Senators now in Washington.

How it works in Washington

The Council's Washington Program monitors and influences arms control legislation in the U.S. Senate.

Council board members and other knowledgeable authorities outside of government provide valuable technical, scientific and strategic information to Senators and their staffs at regular Council Seminars.

These off-the-record sessions, often attended by as much as one third of the Senate, give plain-English explanations of the nature and dangers of present weapons systems, such as the neutron bomb, and of future technologies, such as "charged particle beams," an anti-satellite device still under research.

The Council also helps initiate and draft legislation, monitors appropriate committees — from the initial hearing to final markup, produces expert witnesses for crucial hearings and keeps accurate head-counts before crucial arms control votes are taken.

In addition to its Senate activities, the Council lobbies key members of the Executive Branch, including representatives of the White House, the National Security Council, the Department of State, the Pentagon and the U.S. Arms Control and Disarmament Agency.

Why it succeeds in elections

The success of the Council in helping elect 59 U.S. Senators in 20 years is due to the sophisticated methods of its Candidate Assistance Program.

The program begins with exhaustive political intelligence, gathered months, even years, before the elections take place. (This information is shared with Council members through its newsletter.) The Council carefully assesses every incumbent and every challenger in every state where there is a Senate election.

But the Council does *not* get involved in *every* race. It chooses those races where the differences between the candidates on arms control issues are clear cut. It prefers to concentrate on smaller states and primary elections where campaign dollars go farther. And it recommends close races where funds from Council supporters can be crucial to the outcome.

Unlike any other candidate assistance groups, the Council lets its supporters decide which of its endorsed candidates they prefer to support. Thus, Council supporters make contributions directly to candidates of their choice, but through the Council. This guarantees that the candidates will know that the donations are issue-oriented, for arms control.

Finally, the Council assesses each endorsed candidate's true financial need. Because that need varies widely, Council supporters have in the past provided individual candidates with as little as $1,000 and as much as $70,000.

PEACEPAC
FOR THE PREVENTION OF NUCLEAR WAR
100 MARYLAND AVENUE, N.E. • WASHINGTON, D.C. 20002
Paul Warnke, Chairman

TO: Activists for the Prevention of Nuclear War

FROM: Paul Warnke, Former Chief U.S. SALT Negotiator Paul C. Warnke

SUBJECT: How to elect a U.S. Congress in 1982 committed to freezing and reducing nuclear arms.

This year, we have the best opportunity we have had in many years to make significant progress in controlling the menace of nuclear weapons.

All over the country millions of people -- in town and city council meetings, on college campuses, in churches, in state legislatures -- are now activated to run petition drives, ballot referenda and other citizen action programs to let our government know that we want an end to the nuclear arms race.

Yet all of this effort will be in vain unless we can elect a Congress in 1982 that shares this commitment and is willing to act on it.

We do not have such a Congress now!

- The recent key vote on a Nuclear Freeze Resolution failed by the smallest of margins, 204-202. The MX missile barely survived, 212-209.
- A clear majority of the 435 members of the House of Representatives must get behind the Nuclear Freeze Resolution -- and get it implemented -- in order to achieve meaningful arms control.
- Our current Congress has given its early approval to the Reagan Administration's request for massive increases in military spending -- including billions for the development of new nuclear weapons -- including the MX missile and sea and land-launched cruise missiles that will only escalate the arms race.

PEACE PAC Board of Directors

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Can we translate the current public interest in nuclear arms control into tangible legislative accomplishments?

We can and we must if 1982 is to be the beginning of a new era in world peace.

That is why I have joined with others to begin a new and different kind of political action committee.

We have called it PEACE PAC. It has one purpose and one purpose only -- to elect a Congress committed to the prevention of nuclear war.

This is how it will work:

- PEACE PAC was organized as an affiliate of the Council for a Livable World, founded in 1962 by nuclear scientists concerned with the menace of nuclear war. Since its inception in 1962, the Council has provided more than 2 1/2 million dollars to candidates for the U.S. Senate.

  Recognizing the increasing importance of the House of Representatives on such issues as measures to freeze and reduce nuclear arms and military spending, the Council for a Livable World helped organize PEACE PAC to support candidates for the House.

  To launch PEACE PAC, the Council is providing operating expenses so that maximum contributions can be made by PEACE PAC to deserving candidates in critical House campaigns.

- We are asking people like you to join with us in giving your financial support to create a political action fund that will be used to support candidates for the House, regardless of party, who will work to prevent nuclear war.

- By pooling contributions from thousands of people committed to nuclear arms control, we will be able to provide financial support to candidates -- support that will help to counter the huge political warchests of those opposed to nuclear arms control. It is no surprise that the very candidates PEACE PAC will support are those most vehemently opposed by the Right Wing political action committees.

- In addition to financial assistance, PEACE PAC will provide candidates with research support on nuclear issues and military spending and will assist selected campaigns in reaching committed individuals to act as campaign volunteers.

PEACE PAC has already announced the first group of candidates it will support in 1982. All are fighting for the nuclear freeze resolution and have demonstrated leadership on issues of international peace. They include:

1. Mike Barnes (incumbent - Maryland) Barnes is Chairman of the House subcommittee on Inter-American Affairs where he has opposed current Administration policies on military involvement and covert activities in Latin America.

2. David Bonior (incumbent - Michigan) Bonior has been a leader in the House opposing the resumption of the production of chemical weapons by the U.S.

3. George Brown, Jr. (incumbent - California) Brown is a high-ranking member of the Science and Technology Committee of the House where he has fought attempts to extend the arms race into space.

4. Bob Carr (challenger - Michigan) Carr is trying to recapture a seat he lost in the Reagan landslide. While in the House, he was an activist member of the Armed Services Committee supporting nuclear arms control and reduced military spending.

5. Tom Downey (incumbent - New York) Downey is an expert in the House on the military budget and has focused recently on eliminating the first strike Trident II missile.

6. Dennis Eckart (incumbent - Ohio) Eckart has been the leader on nuclear proliferation issues in the House of Representatives.

7. Bob Edgar (incumbent - Pennsylvania) Like all of the endorsees, Edgar is a signer of the nuclear freeze resolution in the House of Representatives. He has focused on alleviation of world hunger.

8. Frances Farley (challenger - Utah) Ms. Farley led the fight against the MX deployment in Utah.

9. Barney Frank (incumbent - Massachusetts) Frank is an eloquent spokesperson for nuclear arms control in the House of Representatives.

10. Sam Gejdenson (incumbent - Connecticut) Gejdenson is one of the sponsors and leading supporters of the bill opposing U.S. production of chemical weapons.

11. Jim Leach (incumbent - Iowa) Leach has been a leader in the opposition to U.S. chemical arms production, the MX missile, and expansion of the discredited nuclear civil defense programs.

12. Ruth McFarland (challenger - Oregon) Ms. McFarland was a co-sponsor of the nuclear freeze resolution in the Oregon legislature and is trying to unseat hawkish Denny Smith.

13. Matthew F. McHugh (incumbent - New York) McHugh has fought for international human rights and was an organizer of the nuclear freeze debate in the U.S. House of Representatives.

14. Claudine Schneider (incumbent - Rhode Island) Rep. Schneider was one of the organizers of the historic nuclear freeze debate in the House and chairs the arms control committee of the Members of Congress for Peace Through Law.

15. Paul Simon (incumbent - Illinois) Simon has been a consistent leader in the House in the fight against the MX missile. He was previously a member of the U.S. delegation to the United Nations Special Session on Disarmament.

16. Howard Wolpe (incumbent - Michigan) Wolpe is the Chairman of the House Foreign Affairs Subcommittee on Africa.

With your support, PEACE PAC will be endorsing and assisting many other candidates in the 1982 elections. Our support will go only to candidates supporting nuclear arms control, only to those races where our support can make a difference, and only to those races where there is a clear difference between candidates.

Please join with me as an early sponsor of PEACE PAC.

We are at a very critical time in the struggle for a world safe from the threat of nuclear war.

All of our great gains in public and media interest in the nuclear issue will be lost unless we are able to translate it into concrete political action.

I urge you to join PEACE PAC by sending your contribution as soon as possible.

With your help, 1982 can be a landmark year in American politics -- the year in which we turn away from nuclear confrontation and toward a rational and safe world of the future.

Let's not miss this opportunity.

To PeacePAC:

It's time there was a political action committee for those of us who are committed to nuclear arms control and international peace. Enclosed is my contribution to support candidates for the U.S. House of Representatives committed to nuclear arms control.

☐ $500 ☐ $250 ☐ $100 ☐ $50 ☐ $30 ☐ Other $ _____

We have made a considerable effort to eliminate duplications in this mailing, but it is not always possible. If you receive more than one copy of this mailing, you can help PeacePac by forwarding it to a friend.

(Please make checks payable to PEACE PAC and return in the enclosed envelope.)
PEACE PAC · 100 Maryland Avenue, N.E. · Washington, D.C. 20002

Biographical Dictionary Of The Left

Consolidated Volume I

(Combining Volumes I, II, III, and IV of the Previous Series)

by

Francis X. Gannon

WESTERN ISLANDS
PUBLISHERS
BOSTON LOS ANGELES

EXH. 15

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named for Laton's plush hideaway at Pugwash, Nova Scotia. Szilard was a regular at succeeding conferences.

"With the change of administrations in 1961 Szilard suddenly found he had comparatively free access to the White House, to the Disarmament Agency and to high-level Government circles."

In September, 1961, at a Pugwash Conference in Stowe, Vermont, Szilard presented a disarmament plan to his scientific colleagues. Columnist Holmes Alexander summarized Szilard's contribution: "1. An informer system among Americans: The President would post a $1 million tax-free award to any American who reported nuclear treaty violations to a U. N. Control Commission. To enable the squealer to become happily adjusted, Szilard adds that 'the recipient of such an award who wishes to enjoy . . . a life of leisure and luxury abroad . . . would not be hampered by currency restrictions . . .

"2. A head-hunt system: A U. N. Peace Court, following a barbaric precedent of the Middle Ages, would pass the death sentence upon any American citizen or Government official deemed guilty of violating 'peace.' In almost incredible savagery Szilard told this international group, which included some vicious enemies of America, that: 'The Court could deputize any and all Americans to try and execute the sentence. An American citizen killing an 'outlaw' could not be legally tried for murder in an American court, inasmuch as the treaty . . . would be the law of the land.'"

The startling proposals made by Szilard to his Pugwash comrades were not merely the dabblings of a "peace" theoretician. He was determined to be an activist. And, for one of his goals, he set out to establish "the most powerful lobby that ever hit Washington." He was greatly encouraged in his activism as a result of an article in *Life* magazine in September, 1961. The article mentioned that Szilard was in Washington "trying to find out if there was a market for wisdom." According to Szilard, he was immediately besieged with requests from colleges and universities inviting him to give lectures. He declined them all until Brandeis University invited him to attend a special convocation and receive an honorary doctorate. He accepted the offer from Brandeis and spoke informally to the trustees and fellows of the university about his "peace" proposals.

After his experience at Brandeis, Szilard developed a formal speech ("Are We on the Road to War?") which he delivered to the Law School Forum at Harvard University on November 14, 1961. Within a few

Issues Politics: PeacePac, a new political action committee founded by the Council for a Livable World, has targeted a "Doomsday Dozen" House members who oppose a nuclear arms freeze. The PAC has raised $50,000 and has a 500,000-piece mailing to raise $200,000 more.

The targets are Democrats William V. Chappell Jr. (Fla.) and Samuel S. Stratton (N.Y.), Republicans William Carney (N.Y.) and John LeBoutillier (N.Y.), Don H. Clausen (Calif.), James K. Coyne (Pa.), Larry Craig (Idaho), David D. Marriott (Utah), Robert H. Michel (Ill.), John H. Rousselot (Calif.) Denny Smith (Ore.) and Frank R. Wolf (Va.).

—*James R. Dickenson*
and Don Balz

EXH. 16

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

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