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

THIS IS THE END OF MUR # 1518

Date Filmed 8-18-83 Camera No. --- 2

Cameraman BPC

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FEDERAL ELECTION COMMISSION

4pp - Routing slip

13pp - 12 day reports and comments

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

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

Signed [signature]

Date 7/18/83

FEC 9-21-77

83040415277

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 8, 1983

Marion E. Harrison, Esquire
BARNETT & ALAGIA
1000 Thomas Jefferson Street
Washington, D.C. 20007

Re: MUR 1518

Dear Mr. Harrison:

On May 3, 1983, the Commission found reason to believe that your client, Citizens Organized to Replace Kennedy, had violated 2 U.S.C. §§ 434(b)(8), 432(e)(4) and 433(b)(2), provisions of the Federal Election Campaign Act of 1971, as amended, ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file. The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

If you have any questions, please direct them to R. Lee Andersen at (202)523-5071.

Sincerely,

Danny L. McDonald

Danny L. McDonald,
Chairman

83040415278

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 8, 1983

Marion E. Harrison, Esquire
BARNETT & ALAGIA
1000 Thomas Jefferson Street
Washington, D.C. 20007

Re: MUR 1518

Dear Mr. Harrison:

On May 3, 1983, the Commission found reason to believe that your client, Life Amendment Political Action Committee, had violated 2 U.S.C. § 433(b)(2), a provision of the Federal Election Campaign Act of 1971, as amended, ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file. The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

If you have any questions, please direct them to R. Lee Andersen at (202)523-5071.

Sincerely,

Danny L. McDonald

Danny L. McDonald,
Chairman

83040415279

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 8, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard L. Hafer
9530 Elvis Lane
Lanham, Maryland 20801

Re: MUR 1518

Dear Mr. Hafer:

This is in reference to the complaint you filed with the Commission on January 10, 1983, concerning the failure of the Citizens Organized to Replace Kennedy ("CORK") to report certain debts. After conducting an investigation into this matter, the Commission determined there was reason to believe that CORK violated 2 U.S.C. §§ 432(e)(4), 433(b)(2) and 434(b)(8), provisions of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances in this matter, the Commission has determined to take no further action in this matter and close the file.

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4. The file number in this matter is MUR 1518. If you have any questions, contact R. Lee Andersen, the attorney assigned to this matter, at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Attachment
Closing report of the General Counsel

8 3 0 4 0 4 1 5 2 8 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1518
Citizens Organized to Replace Kennedy	)	
Life Amendment Political Action Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 6, 1983, the Commission decided by a vote of 5-0 to take the following actions in MUR 1518:

1. Take no further action in this matter.
2. Approve the letters to the complainant and the respondents as attached to the General Counsel's Report signed June 30, 1983.
3. Close the file.

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

Attest:

7-6-83
Date

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

Received in Office of Commission Secretary: 6-30-83, 4:00
Circulated on 48 hour tally basis: 7-1-83, 2:00

83040415281

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 30, 1983

SUBJECT: MUR 1518 - GC Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[x]	Compliance	[x]
Sensitive	[x]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

8304041528 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Citizens Organized to Replace Kennedy and	)	MUR 1518
	)	
Life Amendment Political Action Committee	)	
	)	

SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
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GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 3, 1983, the Commission found reason to believe that Citizens Organized to Replace Kennedy ("CORK") violated 2 U.S.C. § 434(b)(8) of the Federal Election Campaign Act of 1971, as amended, (the "Act") by failing to report an outstanding debt to complainant Richard L. Hafer. Complainant offered evidence of the outstanding debt in the form of an invoice showing a balance of approximately $9,000 due the complainant's company. At the time of the Commission's first consideration of this matter, respondent CORK had not replied to the Commission's initial notification of complaint. Thus there was no evidence to rebut CORK's failure to report the alleged debt.

Further, the Commission found reason to believe that the unauthorized use of Senator Kennedy's name in the name of the respondent CORK was a violation of 2 U.S.C. § 432(e)(4). However, since CORK had submitted an amended Statement of Organization changing its name from Citizens Organized to Replace Kennedy to simply "CORK," the Commission determined to take no further action on this issue. The Commission also found reason

to believe that CORK and Life Amendment Political Action Committee ("LAPAC") violated 2 U.S.C. § 433(b)(2) by failing to report one another as affiliated committees.

II. FACTUAL AND LEGAL ANALYSIS

On May 4, 1983, the Commission received the affidavit of Paul A. Brown, treasurer for both CORK and LAPAC, with a request by designated counsel that MUR 1518 be dismissed on the ground that no debt exists between CORK and the complainant. The affidavit sets out in detail the progress of the business arrangements, payments and discussions that took place between the complainant and Mr. Brown regarding the transaction at issue. The affidavit denies the existence of any debt to complainant. See Attachment 1. Then on May 20, 1983, the Commission received a signed and sworn letter from complainant, Mr. Hafer, requesting withdrawal of his complaint. See Attachment 2. Given Mr. Brown's affidavit explaining the business transaction between Mr. Hafer and CORK and the signed and sworn request by Mr. Hafer to withdraw his complaint, the Office of General Counsel recommends that the Commission take no further action on the § 434(b)(8) failure to report issue.

As to the violation of § 433(b)(2) against CORK and LAPAC for failure to report one another as affiliated committees, the recent amendments to CORK's Statement of Organization expressing affiliation are adequate to satisfy the requirements of § 433(b)(2). Therefore, the Office of General Counsel recommends that the Commission take no further action on this issue.

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We discussed in the First General Counsel's Report the potential for a violation of 2 U.S.C. § 441a(a)(2)(A) by CORK and LAPAC for exceeding the $5,000 limitation on common contributions by affiliated committees. As we stated in that report, however, CORK operated primarily as an independent expenditure committee opposing the re-election of Senator Kennedy and reported only five direct contributions of $100 each. None of those candidates receiving CORK's direct contributions had received the maximum of $5,000 from LAPAC. Furthermore, since LAPAC reported neither contributions nor independent expenditures in favor of Kennedy's opponent in the general election, Raymond Shamie, it can be concluded that no violation of § 441a(a)(2)(A) is likely. The Office of General Counsel, therefore, recommends that the Commission take no further action with respect to this issue. Furthermore, since all of the alleged violations of the Act appear to be resolved, the Office of General Counsel recommends that the Commission close the file in this matter.

III. RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. take no further action in this matter;

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2. approve the attached letters to complainant and respondents; and

3. close the file.

Charles N. Steele
General Counsel

Date June 30, 1983

BY: Kenneth A. Gross
Associate General Counsel

Attachments
1. Response of CORK dated April 29, 1983 (6 pages)
2. Letter from complainant dated May 23, 1983 (1 page)
3. Letters to complainant and respondents (3 pages)

8 3 0 4 0 4 1 5 2 8 6

Gcc# 9965

LAW OFFICES
BARNETT & ALAGIA
1000 THOMAS JEFFERSON STREET
WASHINGTON, D.C. 20007

TELEPHONE
(202) 342-0342

TELECOPIER
(202) 775-9089

CABLE ALBAR

TELEX 89-2445

83 MAY 11

RUFUS E. WILSON
OF COUNSEL

OFFICES IN:
LOUISVILLE, KENTUCKY
PALM BEACH, FLORIDA
FRANKFORT, KENTUCKY
NASHVILLE, TENNESSEE
JACKSON, MISSISSIPPI
ATLANTA, GEORGIA
NEW ALBANY, INDIANA

NOT ADMITTED-DISTRICT OF COLUMBIA

April 29, 1983

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

Re: MUR #1518

Dear Mr. Gross:

Our client Life Amendment Political Action Committee, Inc., of which Citizens Committee to Replace Kennedy is an adjunct, responds herewith to your letter of January 13, 1983 transmitting the complaint dated January 10, 1983 from Mr. Dick Hafer (Richard LeRoy Hafer).

We attach the affidavit of Mr. Paul A. Brown, Treasurer of Life Amendment Political Action Committee, Inc., and of Citizens Committee to Replace Kennedy.

Based upon the allegations of the complaint, no further answer would seem to be necessary.

The complaint is without basis in fact and should be dismissed forthwith.

If Complainant believes he has a cause of action ex contractu, he should follow the normal procedure and sue

Attachment 1

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in the appropriate court. Our client would defend any such suit.

Sincerely,

MARION EDWYN HARRISON

MEH:kg
Enc
cc Citizens Committee to Replace Kennedy
Life Amendment Political Action Committee, Inc.

83040415288

RECEIVED BY THE FEC
83 MAY 9 PM 1 41

BEFORE THE FEDERAL ELECTION COMMISSION

DICK HAFER (RICHARD LeROY HAFER) v. CITIZENS COMMITTEE TO REPLACE KENNEDY LIFE AMENDMENT POLITICAL ACTION COMMITTEE	MUR #1518

AFFIDAVIT OF MR. PAUL A. BROWN

PAUL A. BROWN, first sworn, deposes and says as follows.

1. I am Treasurer of Life Amendment Political Action Committee, Inc. ("LAPAC") and of Citizens Committee to Replace Kennedy ("CORK"), Respondents herein.

2. Neither LAPAC nor CORK has reported the alleged debt of which Complainant Richard LeRoy Hafer complains because there is no such debt.

3. CORK and Complainant orally contracted for art work to be performed by Complainant for use in a booklet to be published under the auspices of CORK. The agreed price was $10,000.00.

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4. Upon information and belief, Complaint was, and is, in severe financial difficulty, including, but not limited to, an Internal Revenue Service ("IRS") claim in the neighborhood of $9,000.00 and other debts and obligations. Strictly as a favor to Complainant, Affiant arranged for Complainant to be paid in advance of delivery of the product the full sum of $10,000.00. This sum was paid in two $5,000.00 installments and CORK reported these payments (March 24, 1982 and April 14, 1982) to the Federal Election Commission ("FEC").

5. Subsequent thereto, Complainant requested additional money. The sum varied. Affiant, in a series of conversations, advised Complainant that, depending upon the draw of the product, it might be possible to pay more but that there could be no assurance of any particular amount or of any particular timetable. CORK gratuitously paid the additional sum of $1,500.00 on August 25, 1982 and reported the same.

6. As late as January 10, 1983 there were further discussions between Complainant and Affiant. In each such discussion Complainant reiterated his severe financial distress. On January 10, 1983 Com-

plainant visited Affiant at Affiant's home and, in very dramatic language, described his further severe financial distress, including alleged IRS threats to "seize" Complainant's home. Complainant also described alleged pressures upon him from his wife. Affiant again told Complainant that it might be possible to compensate Complainant further if revenues were sufficient but that, as both of them knew, revenues had been far below expectations. In due course Complainant produced his letter of January 10, 1983 to FEC, already sworn and attested, and threatened Affiant with the filing of what is now denominated MUR #1518. The conversation concluded as Complainant departed Affiant's home premises dramatically restating his severe financial jeopardy.

7. The only obligation to Complainant from Respondent was in the sum of $10,000.00, as orally agreed; said obligation was discharged in advance of delivery of the product; the additional payment was in the nature of a gratuity; nothing further was, or is, owed.

8. The filing of the instant action is an attempt to blackmail Affiant and to avoid normal processes of the courts.

83040415291

Further Affiant sayeth not.

PAUL A. BROWN

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Hampton, ss:

Subscribed and sworn to before me this 26th day of April, 1983.

NOTARY PUBLIC

My Commission expires: August 1, 1985.

8304041 5292

Gcc # 232

83 MAY 24 P1:26

(7)

dick hafer
THE COMICS COMMANDO
9530 ELVIS LANE • LANHAM, MARYLAND 20801
phone 301/577-7036
or 577-0738

TO: FEDERAL ELECTION COMMISSION

DATE: MAY 23, 1983

SUBJECT: DICK HAFER (RICHARD LEROY HAFER) V. CITIZENS COMMITTEE TO REPLACE KENNEDY, LIFE AMENDMENT POLITICAL ACTION COMMITTEE - MUR #1518

COMPLAINANT DICK HAFER (RICHARD LEROY HAFER) HEREBY WITHDRAWS THE COMPLAINT FILED ON JANUARY 11, 1983 IN THIS MATTER.

Richard LeRoy Hafer

RICHARD LEROY HAFER
COMPLAINANT

STATE OF MARYLAND
CITY/COUNTY OF Pr. George, SS:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF May, 1983.

Howard G. Galloway

NOTARY PUBLIC

MY COMMISSION EXPIRES: 7-1-86

Attachment 2

Marketing ideas, issues and products through cartoons

83040415293

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard L. Hafer
9530 Elvis Lane
Lanham, Maryland 20801

Re: MUR 1518

Dear Mr. Hafer:

This is in reference to the complaint you filed with the Commission on January 10, 1983, concerning the failure of the Citizens Organized to Replace Kennedy ("CORK") to report certain debts. After conducting an investigation into this matter, the Commission determined there was reason to believe that CORK violated 2 U.S.C. §§ 432(e)(4), 433(b)(2) and 434(b)(8), provisions of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances in this matter, the Commission has determined to take no further action in this matter and close the file.

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4. The file number in this matter is MUR 1518. If you have any questions, contact R. Lee Andersen, the attorney assigned to this matter, at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel

BY:
Kenneth A. Gross
Associate General Counsel

Attachment
Closing report of the General Counsel

Attachment 3

8 3 0 4 0 4 1 5 2 9 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Marion E. Harrison, Esquire
BARNETT & ALAGIA
1000 Thomas Jefferson Street
Washington, D.C. 20007

Re: MUR 1518

Dear Mr. Harrison:

On May 3, 1983, the Commission found reason to believe that your client, Citizens Organized to Replace Kennedy, had violated 2 U.S.C. §§ 434(b)(8), 432(e)(4) and 433(b)(2), provisions of the Federal Election Campaign Act of 1971, as amended, ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file. The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

If you have any questions, please direct them to R. Lee Andersen at (202)523-5071.

Sincerely,

83040415295

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Marion E. Harrison, Esquire
BARNETT & ALAGIA
1000 Thomas Jefferson Street
Washington, D.C. 20007

Re: MUR 1518

Dear Mr. Harrison:

On May 3, 1983, the Commission found reason to believe that your client, Life Amendment Political Action Committee, had violated 2 U.S.C. § 433(b)(2), a provision of the Federal Election Campaign Act of 1971, as amended, ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file. The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

If you have any questions, please direct them to R. Lee Andersen at (202)523-5071.

Sincerely,

83040415296

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83 MAY 4 PM 1:41

BEFORE THE FEDERAL ELECTION COMMISSION

DICK HAFER (RICHARD LeROY HAFER)	]	
v.	]	MUR #1518
CITIZENS COMMITTEE TO REPLACE KENNEDY LIFE AMENDMENT POLITICAL ACTION COMMITTEE	]	

AFFIDAVIT OF MR. PAUL A. BROWN

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8. The filing of the instant action is an attempt to blackmail Affiant and to avoid normal processes of the courts.

Further Affiant sayeth not.

PAUL A. BROWN

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Hampton, ss:

Subscribed and sworn to before me this 26th day of April, 1983.

NOTARY PUBLIC

My Commission expires: August 1, 1985.

dick hafer
THE COMICS COMMANDO
9530 ELVIS LANE • LANHAM, MARYLAND 20801
phone 301/577-7036
577-0738

RECEIVED AT THE FEC
Gcc # 232
83 MAY 24 P1:26
83 MAY 24
GENERAL

TO: FEDERAL ELECTION COMMISSION
DATE: MAY 23, 1983
SUBJECT: DICK HAFER (RICHARD LEROY HAFER) V. CITIZENS COMMITTEE TO REPLACE KENNEDY, LIFE AMENDMENT POLITICAL ACTION COMMITTEE - MUR #1518

COMPLAINANT DICK HAFER (RICHARD LEROY HAFER) HEREBY WITHDRAWS THE COMPLAINT FILED ON JANUARY 11, 1983 IN THIS MATTER.

Richard Leroy Hafer
RICHARD LEROY HAFER
COMPLAINANT

STATE OF MARYLAND
CITY/COUNTY OF Pr. Georges, SS:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF May, 1983.

Howard G. Galloway
NOTARY PUBLIC

MY COMMISSION EXPIRES: 7-1-86

83040415301

Marketing ideas, issues and products through cartoons

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RECEIVED AT THE FEC

83 MAY 24 P 1 : 23

dick hafer
THE COMICS COMMANDO

9530 ELVIS LANE • LANHAM, MARYLAND 20801
phone 301/577-7036
or 577-0738

TO: FEDERAL ELECTION COMMISSION

DATE: MAY 23, 1983

SUBJECT: DICK HAFER (RICHARD LEROY HAFER) V. CITIZENS COMMITTEE TO REPLACE KENNEDY, LIFE AMENDMENT POLITICAL ACTION COMMITTEE - MUR #1518

COMPLAINANT DICK HAFER (RICHARD LEROY HAFER) HEREBY WITHDRAWS THE COMPLAINT FILED ON JANUARY 11, 1983 IN THIS MATTER.

Richard LeRoy Hafer

RICHARD LEROY HAFER
COMPLAINANT

STATE OF MARYLAND
CITY/COUNTY OF Pr. Georges, SS:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF May, 1983.

Donald G. Galloway

NOTARY PUBLIC

MY COMMISSION EXPIRES: 7-1-86

Marketing ideas, issues and products through cartoons

8 3 0 4 0 4 1 5 0 3

RECEIVED AT THE FEC
83 MAY 24 P 1 : 28

dick hafer
THE COMICS COMMANDO

9530 ELVIS LANE • LANHAM, MARYLAND 20801
phone 301/577-7036
or 577-0738

TO: FEDERAL ELECTION COMMISSION

DATE: MAY 23, 1983

SUBJECT: DICK HAFER (RICHARD LEROY HAFER) V. CITIZENS COMMITTEE TO REPLACE KENNEDY, LIFE AMENDMENT POLITICAL ACTION COMMITTEE - MUR #1518

COMPLAINANT DICK HAFER (RICHARD LEROY HAFER) HEREBY WITHDRAWS THE COMPLAINT FILED ON JANUARY 11, 1983 IN THIS MATTER.

Richard LeRoy Hafer

RICHARD LEROY HAFER
COMPLAINANT

STATE OF MARYLAND
CITY/COUNTY OF Pr. Georges, SS:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF May, 1983.

Donald G. Falconer

NOTARY PUBLIC

MY COMMISSION EXPIRES: 7-1-86

Marketing ideas, issues and products through cartoons

6 3 0 4 0 4 1 5 3 0 4

9530 Elvis Lane
Lanham, Md. 20801

dick hafer
THE COMICS COMMANDO

GLENN DALE, MD
MAY 23

ALWAYS
USE ZIP
CODE

GLENN DALE, MD
MAY 23

ALWAYS
USE
USA 20c

CHARLES N. STEELE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OFFICE OF GENERAL COUNSEL

83 MAY 23 P 1:20

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 6, 1983

Paul Brown
Citizens Committee to Replace Kennedy
P.O. Box 1982
Garrisonville, Virginia 22463

Re: MUR 1518

Dear Mr. Brown:

The Federal Election Commission notified you on January 13, 1983, of a complaint which alleges that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, the Commission, on May 3[illegible], 1983, determined that there is reason to believe that your committee has violated 2 U.S.C. §§ 434(b)(8), 432(e)(4) and 433(b)(2) provisions of the Act. The General Counsel's factual and legal analysis, which formed a basis for the Commission's findings, is attached for your information.

As of this date, we have received no response from you in connection with this matter. Please submit answers to the enclosed questions within ten days of your receipt of this letter. Statements should be submitted under oath.

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 committee, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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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 R. Lee Andersen, the attorney assigned to this matter, at (202)523-5071.

Sincerely,

Danny McDonald

DANNY L. McDONALD
Chairman

Enclosures
Procedures
Questions
General Counsel's Factual and Legal Analysis

8304041530 6

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1518
STAFF MEMBER & TEL. NO.
R. Lee Andersen (202)523-5071

RESPONDENT: Citizens Organized to Replace Kennedy

SOURCE OF MUR: Complaint (filed by Mr. Richard L. Hafer)

SUMMARY OF ALLEGATIONS

On January 11, 1983, a signed and sworn complaint was filed by Mr. Richard L. Hafer against the Citizens Organized to Replace Kennedy ("CORK"). CORK is characterized by the complainant as a project of the Life Amendment Political Action Committee ("LAPAC"). However, a review of the relevant reports shows that CORK reports as an independent expenditure committee. The complainant alleges that CORK agreed to pay a total of $20,781 for a piece of politically oriented written and graphic work. A total of $11,500 was paid on the account by CORK leaving a balance of $9,281. Complainant received no further payment and alleges that respondent's failure to report the unpaid balance as a debt constitutes a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), 2 U.S.C. § 431 et seq. See 2 U.S.C. § 434(b)(8).

83040415307

FACTUAL BASIS AND LEGAL ANALYSIS

Section 434(b)(8) of the Act requires a political committee to report the amount and nature of any outstanding debts. An examination of the reports filed with the Commission by CORK revealed only entries for the payment of $11,500. No debt to complainant was reported.

In addition to complainant's assertion of the alleged debt, the complainant submitted an invoice documenting the balance due. (See Attachment 1). Since the Commission has received no response from CORK regarding this matter, and since there is no evidence inconsistent with complainant's allegations, the allegations and the proof offered in support thereof seem sufficient to warrant a finding of reason to believe that CORK violated 2 U.S.C. § 434(b)(8) of the Act. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 434(b)(8) by failing to report an outstanding debt.

2 U.S.C. § 432(e)(4) prohibits unauthorized political committees from including in their name the name of any candidate. Since Senator Kennedy was a candidate for the 1982 Massachusetts Senate election in which CORK made independent expenditures, the use of Kennedy's name in the official title of political committee appears to be a violation of the above mentioned section of the Act. However, CORK has recently filed to change its name from Citizens Organized to Replace Kennedy to simply CORK. (See Attachment 2). Therefore, the Office of

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General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 432(e) by using Senator Kennedy's name in the name of its political committee but take no further action on this issue.

A third issue that has arisen from an examination of CORK reports is whether CORK and LAPAC have been "established or financed or maintained or controlled" by the same "person or persons" within the meaning of 2 U.S.C. § 441a(a)(5). If so, any contribution made to federal candidates by CORK or LAPAC should be considered to have been made by one single committee and subject to a common contribution limitation of $5,000 per federal election. 2 U.S.C. § 441a(a)(2)(A). There would also be a requirement imposed upon the committees to report their affiliation. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 100.5(g)(2).

In the past neither CORK nor LAPAC have reported affiliation with one another in their statements of organization. However, in many of its reports, CORK identifies itself as a project of LAPAC, and in a recent communication to the Commission has requested to be considered a special project of LAPAC. (See Attachment 2). Although the wording of the communication is inexact, CORK appears to be expressing an admission of affiliation with LAPAC. Furthermore, Paul Brown, the original treasurer of CORK is also the treasurer of LAPAC and has filed some reports for CORK using the same address as that reported for LAPAC.

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CORK was principally engaged in making independent expenditures against Senator Kennedy in the Massachusetts senatorial election but did make direct contributions to federal candidates on several occasions. Furthermore, CORK reported making a $3,000 transfer to LAPAC on August 15, 1982. These facts raise the inference that both CORK and LAPAC have been established by the same person and may be affiliated within meaning of 11 C.F.R. § 100.5(g)(2)(E). Such an affiliation would result in at least a reporting violation against CORK for failing to report LAPAC as an affiliated committee under 2 U.S.C. § 433(b)(2) and could result in a violation of 2 U.S.C. § 441a(2)(A) if contributions to any candidate combined with those made by CORK exceed a total of $5,000. However, since CORK reported only five direct contributions of $100 each, and since none of those candidate's receiving CORK contributions received the maximum from LAPAC, the potential for a violation of § 441a(2)(A) is nil. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that both CORK and LAPAC violated 2 U.S.C. § 433(b)(2) by failing to report one another as affiliated committees.

83040415310

BEFORE THE FEDERAL ELECTION COMMISSION

REQUEST TO ANSWER QUESTIONS AND FURNISH DOCUMENTS

TO: Paul Brown
Citizens Committee to Replace Kennedy
P.O. Box 1982
Garrisonville, Virginia 22463

The Federal Election Commission requests that the Citizens Committee to Replace Kennedy ("CORK") answer the following questions and furnish for inspection and copying the documents and materials listed below that are in the possession of CORK its officers, agents, staff members or employees.

1. Please state whether CORK ever requested Mr. Richard L. Hafer to perform services for compensation? If the answer is yes, please answer the following questions:

A. When was(were) the request(s) made?

B. What services did CORK request Mr. Hafer to perform?

C. What services did Mr. Hafer perform for CORK?

D. What price was agreed to be paid for such services?

E. How much has CORK paid to Mr. Hafer?

F. Has Mr. Hafer requested additional payment?

2. Please furnish the Commission with copies of any invoices, agreements or bills pertaining to Mr. Hafer or any services he may have performed for CORK.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 6, 1983

Paul Brown
Life Amendment Political Action Committee
P.O. Box 1982
Garrisonville, Virginia 22463

Re: MUR 1518

Dear Mr. Brown:

On May 3, 1983, the Federal Election Commission determined that there is reason to believe that your committee violated 2 U.S.C. § 433(b)(2) a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by failing to report Citizens Organized to Replace Kennedy as an affiliated Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desire. See 11 C.F.R. § 111.18(d).

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 notification and other communications from the Commission.

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The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter, at 202/523-5071.

Sincerely,

Danny McDonald

DANNY L. McDONALD
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

83040415313

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1518
STAFF MEMBER & TEL. NO.
R. Lee Andersen (202)523-5071

RESPONDENT: Life Amendment Political Action Committee

SOURCE OF MUR: Complaint (filed by Mr. Richard L. Hafer)

SUMMARY OF ALLEGATIONS

On January 11, 1983, a signed and sworn complaint was filed by Mr. Richard L. Hafer against the Citizens Organized to Replace Kennedy ("CORK"). CORK is characterized by the complainant as a project of the Life Amendment Political Action Committee ("LAPAC"). However, a review of the relevant reports shows that CORK reports as an independent expenditure committee. The complainant alleges that CORK agreed to pay a total of $20,781 for a piece of politically oriented written and graphic work. A total of $11,500 was paid on the account by CORK leaving a balance of $9,281. Complainant received no further payment and alleges that respondent's failure to report the unpaid balance as a debt constitutes a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), 2 U.S.C. § 431 et seq. See 2 U.S.C. § 434(b)(8).

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FACTUAL BASIS AND LEGAL ANALYSIS

Section 434(b)(8) of the Act requires a political committee to report the amount and nature of any outstanding debts. An examination of the reports filed with the Commission by CORK revealed only entries for the payment of $11,500. No debt to complainant was reported.

In addition to complainant's assertion of the alleged debt, the complainant submitted an invoice documenting the balance due. (See Attachment 1). Since the Commission has received no response from CORK regarding this matter, and since there is no evidence inconsistent with complainant's allegations, the allegations and the proof offered in support thereof seem sufficient to warrant a finding of reason to believe that CORK violated 2 U.S.C. § 434(b)(8) of the Act. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 434(b)(8) by failing to report an outstanding debt.

2 U.S.C. § 432(e)(4) prohibits unauthorized political committees from including in their name the name of any candidate. Since Senator Kennedy was a candidate for the 1982 Massachusetts Senate election in which CORK made independent expenditures, the use of Kennedy's name in the official title of political committee appears to be a violation of the above mentioned section of the Act. However, CORK has recently filed to change its name from Citizens Organized to Replace Kennedy to simply CORK. (See Attachment 2). Therefore, the Office of

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General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 432(e) by using Senator Kennedy's name in the name of its political committee but take no further action on this issue.

A third issue that has arisen from an examination of CORK reports is whether CORK and LAPAC have been "established or financed or maintained or controlled" by the same "person or persons" within the meaning of 2 U.S.C. § 441a(a)(5). If so, any contribution made to federal candidates by CORK or LAPAC should be considered to have been made by one single committee and subject to a common contribution limitation of $5,000 per federal election. 2 U.S.C. § 441a(a)(2)(A). There would also be a requirement imposed upon the committees to report their affiliation. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 100.5(g)(2).

In the past neither CORK nor LAPAC have reported affiliation with one another in their statements of organization. However, in many of its reports, CORK identifies itself as a project of LAPAC, and in a recent communication to the Commission has requested to be considered a special project of LAPAC. (See Attachment 2). Although the wording of the communication is inexact, CORK appears to be expressing an admission of affiliation with LAPAC. Furthermore, Paul Brown, the original treasurer of CORK is also the treasurer of LAPAC and has filed some reports for CORK using the same address as that reported for LAPAC.

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CORK was principally engaged in making independent expenditures against Senator Kennedy in the Massachusetts senatorial election but did make direct contributions to federal candidates on several occasions. Furthermore, CORK reported making a $3,000 transfer to LAPAC on August 15, 1982. These facts raise the inference that both CORK and LAPAC have been established by the same person and may be affiliated within meaning of 11 C.F.R. § 100.5(g)(2)(E). Such an affiliation would result in at least a reporting violation against CORK for failing to report LAPAC as an affiliated committee under 2 U.S.C. § 433(b)(2) and could result in a violation of 2 U.S.C. § 441a(2)(A) if contributions to any candidate combined with those made by CORK exceed a total of $5,000. However, since CORK reported only five direct contributions of $100 each, and since none of those candidate's receiving CORK contributions received the maximum from LAPAC, the potential for a violation of § 441a(2)(A) is nil. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that both CORK and LAPAC violated 2 U.S.C. § 433(b)(2) by failing to report one another as affiliated committees.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Paul Brown
Citizens Committee to Replace Kennedy
P.O. Box 1982
Garrisonville, Virginia 22463

RVH 5/5/83

Re: MUR 1518

Dear Mr. Brown:

The Federal Election Commission notified you on January 13, 1983, of a complaint which alleges that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, the Commission, on April , 1983, determined that there is reason to believe that your committee has violated 2 U.S.C. §§ 434(b)(8), 432(e)(4) and 433(b)(2) provisions of the Act. The General Counsel's factual and legal analysis, which formed a basis for the Commission's findings, is attached for your information.

As of this date, we have received no response from you in connection with this matter. Please submit answers to the enclosed questions within ten days of your receipt of this letter. Statements should be submitted under oath.

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 committee, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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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 R. Lee Andersen, the attorney assigned to this matter, at (202)523-5071.

Sincerely,

Enclosures
Procedures
Questions
General Counsel's Factual and Legal Analysis

8304041531 9

BEFORE THE FEDERAL ELECTION COMMISSION

REQUEST TO ANSWER QUESTIONS AND FURNISH DOCUMENTS

TO: Paul Brown
Citizens Committee to Replace Kennedy
P.O. Box 1982
Garrisonville, Virginia 22463

The Federal Election Commission requests that the Citizens Committee to Replace Kennedy ("CORK") answer the following questions and furnish for inspection and copying the documents and materials listed below that are in the possession of CORK its officers, agents, staff members or employees.

1. Please state whether CORK ever requested Mr. Richard L. Hafer to perform services for compensation? If the answer is yes, please answer the following questions:

A. When was(were) the request(s) made?

B. What services did CORK request Mr. Hafer to perform?

C. What services did Mr. Hafer perform for CORK?

D. What price was agreed to be paid for such services?

E. How much has CORK paid to Mr. Hafer?

F. Has Mr. Hafer requested additional payment?

2. Please furnish the Commission with copies of any invoices, agreements or bills pertaining to Mr. Hafer or any services he may have performed for CORK.

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1518
STAFF MEMBER & TEL. NO.
R. Lee Andersen (202)523-5071

RESPONDENT: Citizens Organized to Replace Kennedy

SOURCE OF MUR: Complaint (filed by Mr. Richard L. Hafer)

SUMMARY OF ALLEGATIONS

On January 11, 1983, a signed and sworn complaint was filed by Mr. Richard L. Hafer against the Citizens Organized to Replace Kennedy ("CORK"). CORK is characterized by the complainant as a project of the Life Amendment Political Action Committee ("LAPAC"). However, a review of the relevant reports shows that CORK reports as an independent expenditure committee. The complainant alleges that CORK agreed to pay a total of $20,781 for a piece of politically oriented written and graphic work. A total of $11,500 was paid on the account by CORK leaving a balance of $9,281. Complainant received no further payment and alleges that respondent's failure to report the unpaid balance as a debt constitutes a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), 2 U.S.C. § 431 et seq. See 2 U.S.C. § 434(b)(8).

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FACTUAL BASIS AND LEGAL ANALYSIS

Section 434(b)(8) of the Act requires a political committee to report the amount and nature of any outstanding debts. An examination of the reports filed with the Commission by CORK revealed only entries for the payment of $11,500. No debt to complainant was reported.

In addition to complainant's assertion of the alleged debt, the complainant submitted an invoice documenting the balance due. (See Attachment 1). Since the Commission has received no response from CORK regarding this matter, and since there is no evidence inconsistent with complainant's allegations, the allegations and the proof offered in support thereof seem sufficient to warrant a finding of reason to believe that CORK violated 2 U.S.C. § 434(b)(8) of the Act. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 434(b)(8) by failing to report an outstanding debt.

2 U.S.C. § 432(e)(4) prohibits unauthorized political committees from including in their name the name of any candidate. Since Senator Kennedy was a candidate for the 1982 Massachusetts Senate election in which CORK made independent expenditures, the use of Kennedy's name in the official title of political committee appears to be a violation of the above mentioned section of the Act. However, CORK has recently filed to change its name from Citizens Organized to Replace Kennedy to simply CORK. (See Attachment 2). Therefore, the Office of

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General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 432(e) by using Senator Kennedy's name in the name of its political committee but take no further action on this issue.

A third issue that has arisen from an examination of CORK reports is whether CORK and LAPAC have been "established or financed or maintained or controlled" by the same "person or persons" within the meaning of 2 U.S.C. § 441a(a)(5). If so, any contribution made to federal candidates by CORK or LAPAC should be considered to have been made by one single committee and subject to a common contribution limitation of $5,000 per federal election. 2 U.S.C. § 441a(a)(2)(A). There would also be a requirement imposed upon the committees to report their affiliation. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 100.5(g)(2).

In the past neither CORK nor LAPAC have reported affiliation with one another in their statements of organization. However, in many of its reports, CORK identifies itself as a project of LAPAC, and in a recent communication to the Commission has requested to be considered a special project of LAPAC. (See Attachment 2). Although the wording of the communication is inexact, CORK appears to be expressing an admission of affiliation with LAPAC. Furthermore, Paul Brown, the original treasurer of CORK is also the treasurer of LAPAC and has filed some reports for CORK using the same address as that reported for LAPAC.

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CORK was principally engaged in making independent expenditures against Senator Kennedy in the Massachusetts senatorial election but did make direct contributions to federal candidates on several occasions. Furthermore, CORK reported making a $3,000 transfer to LAPAC on August 15, 1982. These facts raise the inference that both CORK and LAPAC have been established by the same person and may be affiliated within meaning of 11 C.F.R. § 100.5(g)(2)(E). Such an affiliation would result in at least a reporting violation against CORK for failing to report LAPAC as an affiliated committee under 2 U.S.C. § 433(b)(2) and could result in a violation of 2 U.S.C. § 441a(2)(A) if contributions to any candidate combined with those made by CORK exceed a total of $5,000. However, since CORK reported only five direct contributions of $100 each, and since none of those candidate's receiving CORK contributions received the maximum from LAPAC, the potential for a violation of § 441a(2)(A) is nil. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that both CORK and LAPAC violated 2 U.S.C. § 433(b)(2) by failing to report one another as affiliated committees.

83040415324

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RWA 5/5/83

Paul Brown
Life Amendment Political Action Committee
P.O. Box 1982
Garrisonville, Virginia 22463

Re: MUR 1518

Dear Mr. Brown:

On May , 1983, the Federal Election Commission determined that there is reason to believe that your committee violated 2 U.S.C. § 433(b)(2) a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by failing to report Citizens Organized to Replace Kennedy as an affiliated Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desire. See 11 C.F.R. § 111.18(d).

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 notification and other communications from the Commission.

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The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter, at 202/523-5071.

Sincerely,

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

83040415326

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1518
STAFF MEMBER & TEL. NO.
R. Lee Andersen (202)523-5071

RESPONDENT: Life Amendment Political Action Committee

SOURCE OF MUR: Complaint (filed by Mr. Richard L. Hafer)

SUMMARY OF ALLEGATIONS

On January 11, 1983, a signed and sworn complaint was filed by Mr. Richard L. Hafer against the Citizens Organized to Replace Kennedy ("CORK"). CORK is characterized by the complainant as a project of the Life Amendment Political Action Committee ("LAPAC"). However, a review of the relevant reports shows that CORK reports as an independent expenditure committee. The complainant alleges that CORK agreed to pay a total of $20,781 for a piece of politically oriented written and graphic work. A total of $11,500 was paid on the account by CORK leaving a balance of $9,281. Complainant received no further payment and alleges that respondent's failure to report the unpaid balance as a debt constitutes a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), 2 U.S.C. § 431 et seq. See 2 U.S.C. § 434(b)(8).

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FACTUAL BASIS AND LEGAL ANALYSIS

Section 434(b)(8) of the Act requires a political committee to report the amount and nature of any outstanding debts. An examination of the reports filed with the Commission by CORK revealed only entries for the payment of $11,500. No debt to complainant was reported.

In addition to complainant's assertion of the alleged debt, the complainant submitted an invoice documenting the balance due. (See Attachment 1). Since the Commission has received no response from CORK regarding this matter, and since there is no evidence inconsistent with complainant's allegations, the allegations and the proof offered in support thereof seem sufficient to warrant a finding of reason to believe that CORK violated 2 U.S.C. § 434(b)(8) of the Act. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 434(b)(8) by failing to report an outstanding debt.

2 U.S.C. § 432(e)(4) prohibits unauthorized political committees from including in their name the name of any candidate. Since Senator Kennedy was a candidate for the 1982 Massachusetts Senate election in which CORK made independent expenditures, the use of Kennedy's name in the official title of political committee appears to be a violation of the above mentioned section of the Act. However, CORK has recently filed to change its name from Citizens Organized to Replace Kennedy to simply CORK. (See Attachment 2). Therefore, the Office of

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General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 432(e) by using Senator Kennedy's name in the name of its political committee but take no further action on this issue.

A third issue that has arisen from an examination of CORK reports is whether CORK and LAPAC have been "established or financed or maintained or controlled" by the same "person or persons" within the meaning of 2 U.S.C. § 441a(a)(5). If so, any contribution made to federal candidates by CORK or LAPAC should be considered to have been made by one single committee and subject to a common contribution limitation of $5,000 per federal election. 2 U.S.C. § 441a(a)(2)(A). There would also be a requirement imposed upon the committees to report their affiliation. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 100.5(g)(2).

In the past neither CORK nor LAPAC have reported affiliation with one another in their statements of organization. However, in many of its reports, CORK identifies itself as a project of LAPAC, and in a recent communication to the Commission has requested to be considered a special project of LAPAC. (See Attachment 2). Although the wording of the communication is inexact, CORK appears to be expressing an admission of affiliation with LAPAC. Furthermore, Paul Brown, the original treasurer of CORK is also the treasurer of LAPAC and has filed some reports for CORK using the same address as that reported for LAPAC.

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CORK was principally engaged in making independent expenditures against Senator Kennedy in the Massachusetts senatorial election but did make direct contributions to federal candidates on several occasions. Furthermore, CORK reported making a $3,000 transfer to LAPAC on August 15, 1982. These facts raise the inference that both CORK and LAPAC have been established by the same person and may be affiliated within meaning of 11 C.F.R. § 100.5(g)(2)(E). Such an affiliation would result in at least a reporting violation against CORK for failing to report LAPAC as an affiliated committee under 2 U.S.C. § 433(b)(2) and could result in a violation of 2 U.S.C. § 441a(2)(A) if contributions to any candidate combined with those made by CORK exceed a total of $5,000. However, since CORK reported only five direct contributions of $100 each, and since none of those candidate's receiving CORK contributions received the maximum from LAPAC, the potential for a violation of § 441a(2)(A) is nil. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that both CORK and LAPAC violated 2 U.S.C. § 433(b)(2) by failing to report one another as affiliated committees.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM JCR

DATE: APRIL 25, 1983

SUBJECT: OBJECTIONS - MUR 1518 First General Counsel's Report dated April 20, 1983

The above-named document was circulated to the Commission on Thursday, April 21, 1983 at 11:00.

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

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

This matter will be placed on the Executive Session agenda for May 3, 1983.

83040415331

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM JCR

DATE: APRIL 25, 1983

SUBJECT: OBJECTION - MUR 1518 First General Counsel's Report dated April 20, 1983

The above-named document was circulated to the Commission on Thursday, April 21, 1983 at 11:00.

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

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

This matter will be placed on the Executive Session agenda for Tuesday, May 3, 1983.

83040415332

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: April 20, 1983

SUBJECT: MUR 1518 - 1st GC Rpt

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[✓]	Compliance	[✓]
Sensitive	[✓]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

8304041533

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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

83 APR 20 P 2: 23

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION: 4-20-83

MUR 1518
DATE COMPLAINT RECEIVED
BY OGC: 01/11/83
DATE OF NOTIFICATION TO
RESPONDENT: 01/18/83
STAFF MEMBER:
R. Lee Andersen

COMPLAINANT'S NAME: Richard L. Hafer

RESPONDENT'S NAME: Paul Brown, Citizens Organized to Replace Kennedy and Life Amendment Political Action Committee

RELEVANT STATUTE: 2 U.S.C. § 434

INTERNAL REPORTS CHECKED: All Reports for Citizens Organized to Replace Kennedy

FEDERAL AGENCIES CHECKED: None

83040415334

SUMMARY OF ALLEGATIONS

On January 11, 1983, a signed and sworn complaint was filed by Mr. Richard L. Hafer against the Citizens Organized to Replace Kennedy ("CORK"). CORK is characterized by the complainant as a project of the Life Amendment Political Action Committee ("LAPAC"). However, a review of the relevant reports shows that CORK reports as an independent expenditure committee. The complainant alleges that CORK agreed to pay a total of $20,781

for a piece of politically oriented written and graphic work. A total of $11,500 was paid on the account by CORK leaving a balance of $9,281. Complainant received no further payment and alleges that respondent's failure to report the unpaid balance as a debt constitutes a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), 2 U.S.C. § 431 et seq. See 2 U.S.C. § 434(b)(8).

FACTUAL AND LEGAL ANALYSIS

Section 434(b)(8) of the Act requires a political committee to report the amount and nature of any outstanding debts. An examination of the reports filed with the Commission by CORK revealed only entries for the payment of $11,500. No debt to complainant was reported.

In addition to complainant's assertion of the alleged debt, the complainant submitted an invoice documenting the balance due. (See Attachment 1). Since the Commission has received no response from CORK regarding this matter, and since there is no evidence inconsistent with complainant's allegations, the allegations and the proof offered in support thereof seem sufficient to warrant a finding of reason to believe that CORK violated 2 U.S.C. § 434(b)(8) of the Act. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 434(b)(8) by failing to report an outstanding debt.

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2 U.S.C. § 432(e)(4) prohibits unauthorized political committees from including in their name the name of any candidate. Since Senator Kennedy was a candidate for the 1982 Massachusetts Senate election in which CORK made independent expenditures, the use of Kennedy's name in the official title of political committee appears to be a violation of the above mentioned section of the Act. However, CORK has recently filed to change its name from Citizens Organized to Replace Kennedy to simply CORK. (See Attachment 2). Therefore, the Office of General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 432(e) by using Senator Kennedy's name in the name of its political committee but take no further action on this issue.

A third issue that has arisen from an examination of CORK reports is whether CORK and LAPAC have been "established or financed or maintained or controlled" by the same "person or persons" within the meaning of 2 U.S.C. § 441a(a)(5). If so, any contribution made to federal candidates by CORK or LAPAC should be considered to have been made by one single committee and subject to a common contribution limitation of $5,000 per federal election. 2 U.S.C. § 441a(a)(2)(A). There would also be a requirement imposed upon the committees to report their affiliation. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 100.5(g)(2)(E).

In the past neither CORK nor LAPAC have reported affiliation with one another in their statements of organization. However, in many of its reports, CORK identifies

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itself as a project of LAPAC, and in a recent communication to the Commission has requested to be considered a special project of LAPAC. (See Attachment 2). Although the wording of the communication is inexact, CORK appears to be expressing an admission of affiliation with LAPAC. Furthermore, Paul Brown, the original treasurer of CORK is also the treasurer of LAPAC and has filed some reports for CORK using the same address as that reported for LAPAC.

CORK was principally engaged in making independent expenditures against Senator Kennedy in the Massachusetts senatorial election but did make direct contributions to federal candidates on several occasions. Furthermore, CORK reported making a $3,000 transfer to LAPAC on August 15, 1982. These facts raise the inference that both CORK and LAPAC have been established by the same person and may be affiliated within meaning of 11 C.F.R. § 100.5(g)(2)(E). Such an affiliation would result in at least a reporting violation against CORK for failing to report LAPAC as an affiliated committee under 2 U.S.C. § 433(b)(2) and could result in a violation of 2 U.S.C. § 441a(a)(2)(A) if contributions to any candidate combined with those made by CORK exceed a total of $5,000. However, since CORK reported only five direct contributions of $100 each, and since none of those candidate's receiving CORK contributions received the maximum from LAPAC, it does not appear that a violation of § 441a(a)(2)(A) has occurred. Therefore, the Office of General Counsel recommends that the Commission find reason to believe

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that both CORK and LAPAC violated 2 U.S.C. § 433(b)(2) by failing to report one another as affiliated committees.

RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. find reason to believe that Citizens Organized to Replace Kennedy violated 2 U.S.C. § 434(b)(8) by failing to report an outstanding debt;

2. find reason to believe that Citizens Organized to Replace Kennedy violated 2 U.S.C. § 432(e)(4) by using Senator Kennedy's name in its committee name but take no further action on this issue;

3. find reason to believe that Citizens Organized to Replace Kennedy violated 2 U.S.C. § 433(b)(2) by failing to report the Life Amendment Political Action Committee as an affiliated committee;

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4. find reason to believe that Life Amendment Political Action Committee violated 2 U.S.C. § 433(b)(2) by failing to report the Citizens Organized to Replace Kennedy as an affiliated committee; and

5. send the attached letters and questions.

Charles N. Steele
General Counsel

April 20, 1983
Date

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

Attachments
1. Complainant's invoice
2. Amendment to Statement of Organization
3. Letters to respondents with questions and General Counsel's Factual and Legal Analysis

8304041539

GCC # 9603

DICK [illegible]
9530 [illegible], [illegible], MD. 20706

OUR NUMBER
1814
DATE
[illegible]
CUSTOMER'S ORDER
SALESMAN
TERMS
F. O. B.

Sold To CORK

Shipped To

Address Via

1	KENNEDY [illegible]			20,000	00
	LESS PROGRESS PAYMENTS			10,000	00
				10,000	00
	EXPENSES FOR BOSTON TRIP			721	84
	TUBE & PHOTOPRINTS			56	40
3	NEWSPAPER ADS			NO CHARGE	
	BALANCE			10,781	24
	PAID 26 AUG 82			1500	00
	BAL.			9,281	24

Redfield 711724

A Hachment 1

C.O.R.K.
Citizens Organized to Replace Kennedy
4 LIBRARY COURT, S. E.
WASHINGTON, D. C. 20003
(202) 544-2113

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(2)

March 29, 1983

Ms. Pat Sheppard
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Sheppard,

Please be advised that as of this date our organization shall be called CORK and the title including Kennedy's name will be removed. We are in the process of obtaining new letterhead and envelopes. We have also notified our fund raisers of the change.

We would like our organization to be listed as a special project of LAPAC. Please note that it is a multi-candidate committee.

In addition I would like to inform you of the existance of another bank account than the one listed with our initial forms. It is used on our behalf by Bruce Eberly and Associates.

The bank is the Central Fidelity Bank, NA
P.O. Box 1156
Bailey's Crossroads, VA 22041
Acc. # 7873506819

I hope that this information will be helpful in clearing up a few of the questions that you have had.

Please let me know if I can be of service to you.

Sincerely,

Paul A. Brown

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83032690097

Attachment 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Paul Brown
Citizens Committee to Replace Kennedy
P.O. Box 1982
Garrisonville, Virginia 22463

Re: MUR 1518

Dear Mr. Brown:

The Federal Election Commission notified you on January 13, 1983, of a complaint which alleges that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, the Commission, on April , 1983, determined that there is reason to believe that your committee has violated 2 U.S.C. §§ 434(b)(8), 434(e) and 433(b)(2) provisions of the Act. The General Counsel's factual and legal analysis, which formed a basis for the Commission's findings, is attached for your information.

As of this date, we have received no response from you in connection with this matter. Please submit answers to the enclosed questions within ten days of your receipt of this letter. Statements should be submitted under oath.

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 committee, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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Attachment 3

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 R. Lee Andersen, the attorney assigned to this matter, at (202)523-5071.

Sincerely,

Enclosures
Procedures
Questions
General Counsel's Factual and Legal Analysis

83040415343

(3)

BEFORE THE FEDERAL ELECTION COMMISSION

REQUEST TO ANSWER QUESTIONS AND FURNISH DOCUMENTS

TO: Paul Brown
Citizens Committee to Replace Kennedy
P.O. Box 1982
Garrisonville, Virginia 22463

The Federal Election Commission requests that the Citizens Committee to Replace Kennedy ("CORK") answer the following questions and furnish for inspection and copying the documents and materials listed below that are in the possession of CORK its officers, agents, staff members or employees.

1. Please state whether CORK ever requested Mr. Richard L. Hafer to perform services for compensation? If the answer is yes, please answer the following questions:

A. When was(were) the request(s) made?

B. What services did CORK request Mr. Hafer to perform?

C. What services did Mr. Hafer perform for CORK?

D. What price was agreed to be paid for such services?

E. How much has CORK paid to Mr. Hafer?

F. Has Mr. Hafer requested additional payment?

2. Please furnish the Commission with copies of any invoices, agreements or bills pertaining to Mr. Hafer or any services he may have performed for CORK.

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1518
STAFF MEMBER & TEL. NO.
R. Lee Andersen (202)523-5071

RESPONDENT: Citizens Organized to Replace Kennedy

SOURCE OF MUR: Complaint (filed by Mr. Richard L. Hafer)

SUMMARY OF ALLEGATIONS

On January 11, 1983, a signed and sworn complaint was filed by Mr. Richard L. Hafer against the Citizens Organized to Replace Kennedy ("CORK"). CORK is characterized by the complainant as a project of the Life Amendment Political Action Committee ("LAPAC"). However, a review of the relevant reports shows that CORK reports as an independent expenditure committee. The complainant alleges that CORK agreed to pay a total of $20,781 for a piece of politically oriented written and graphic work. A total of $11,500 was paid on the account by CORK leaving a balance of $9,281. Complainant received no further payment and alleges that respondent's failure to report the unpaid balance as a debt constitutes a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), 2 U.S.C. § 431 et seq. See 2 U.S.C. § 434(b)(8).

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FACTUAL BASIS AND LEGAL ANALYSIS

Section 434(b)(8) of the Act requires a political committee to report the amount and nature of any outstanding debts. An examination of the reports filed with the Commission by CORK revealed only entries for the payment of $11,500. No debt to complainant was reported.

In addition to complainant's assertion of the alleged debt, the complainant submitted an invoice documenting the balance due. (See Attachment 1). Since the Commission has received no response from CORK regarding this matter, and since there is no evidence inconsistent with complainant's allegations, the allegations and the proof offered in support thereof seem sufficient to warrant a finding of reason to believe that CORK violated 2 U.S.C. § 434(b)(8) of the Act. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 434(b)(8) by failing to report an outstanding debt.

2 U.S.C. § 434(e)(4) prohibits unauthorized political committees from including in their name the name of any candidate. Since Senator Kennedy was a candidate for the 1982 Massachusetts Senate election in which CORK made independent expenditures, the use of Kennedy's name in the official title of political committee appears to be a violation of the above mentioned section of the Act. However, CORK has recently filed to change its name from Citizens Organized to Replace Kennedy to simply CORK. (See Attachment 2). Therefore, the Office of

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General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 434(e) by using Senator Kennedy's name in the name of its political committee but take no further action on this issue.

A third issue that has arisen from an examination of CORK reports is whether CORK and LAPAC have been "established or financed or maintained or controlled" by the same "person or persons" within the meaning of 2 U.S.C. § 441a(a)(5). If so, any contribution made to federal candidates by CORK or LAPAC should be considered to have been made by one single committee and subject to a common contribution limitation of $5,000 per federal election. 2 U.S.C. § 441a(a)(2)(A). There would also be a requirement imposed upon the committees to report their affiliation. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 100.5(g)(2).

In the past neither CORK nor LAPAC have reported affiliation with one another in their statements of organization. However, in many of its reports, CORK identifies itself as a project of LAPAC, and in a recent communication to the Commission has requested to be considered a special project of LAPAC. (See Attachment 2). Although the wording of the communication is inexact, CORK appears to be expressing an admission of affiliation with LAPAC. Furthermore, Paul Brown, the original treasurer of CORK is also the treasurer of LAPAC and has filed some reports for CORK using the same address as that reported for LAPAC.

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CORK was principally engaged in making independent expenditures against Senator Kennedy in the Massachusetts senatorial election but did make direct contributions to federal candidates on several occasions. Furthermore, CORK reported making a $3,000 transfer to LAPAC on August 15, 1982. These facts raise the inference that both CORK and LAPAC have been established by the same person and may be affiliated within meaning of 11 C.F.R. § 100.5(g)(2)(E). Such an affiliation would result in at least a reporting violation against CORK for failing to report LAPAC as an affiliated committee under 2 U.S.C. § 433(b)(2) and could result in a violation of 2 U.S.C. § 441a(2)(A) if contributions to any candidate combined with those made by CORK exceed a total of $5,000. However, since CORK reported only five direct contributions of $100 each, and since none of those candidate's receiving CORK contributions received the maximum from LAPAC, the potential for a violation of § 441a(2)(A) is nil. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that both CORK and LAPAC violated 2 U.S.C. § 433(b)(2) by failing to report one another as affiliated committees.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Paul Brown
Life Amendment Political Action Committee
P.O. Box 1982
Garrisonville, Virginia 22463

Re: MUR 1518

Dear Mr. Brown:

On April , 1983, the Federal Election Commission determined that there is reason to believe that your committee violated 2 U.S.C. § 433(b)(2) a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by failing to report Citizens Organized to Replace Kennedy as an affiliated Committee. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desire. See 11 C.F.R. § 111.18(d).

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 notification and other communications from the Commission.

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The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter, at 202/523-5071.

Sincerely,

Enclosures

General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1518
STAFF MEMBER & TEL. NO.
R. Lee Andersen (202)523-5071

RESPONDENT: Life Amendment Political Action Committee

SOURCE OF MUR: Complaint (filed by Mr. Richard L. Hafer)

SUMMARY OF ALLEGATIONS

On January 11, 1983, a signed and sworn complaint was filed by Mr. Richard L. Hafer against the Citizens Organized to Replace Kennedy ("CORK"). CORK is characterized by the complainant as a project of the Life Amendment Political Action Committee ("LAPAC"). However, a review of the relevant reports shows that CORK reports as an independent expenditure committee. The complainant alleges that CORK agreed to pay a total of $20,781 for a piece of politically oriented written and graphic work. A total of $11,500 was paid on the account by CORK leaving a balance of $9,281. Complainant received no further payment and alleges that respondent's failure to report the unpaid balance as a debt constitutes a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), 2 U.S.C. § 431 et seq. See 2 U.S.C. § 434(b)(8).

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FACTUAL BASIS AND LEGAL ANALYSIS

Section 434(b)(8) of the Act requires a political committee to report the amount and nature of any outstanding debts. An examination of the reports filed with the Commission by CORK revealed only entries for the payment of $11,500. No debt to complainant was reported.

In addition to complainant's assertion of the alleged debt, the complainant submitted an invoice documenting the balance due. (See Attachment 1). Since the Commission has received no response from CORK regarding this matter, and since there is no evidence inconsistent with complainant's allegations, the allegations and the proof offered in support thereof seem sufficient to warrant a finding of reason to believe that CORK violated 2 U.S.C. § 434(b)(8) of the Act. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 434(b)(8) by failing to report an outstanding debt.

2 U.S.C. § 434(e)(4) prohibits unauthorized political committees from including in their name the name of any candidate. Since Senator Kennedy was a candidate for the 1982 Massachusetts Senate election in which CORK made independent expenditures, the use of Kennedy's name in the official title of political committee appears to be a violation of the above mentioned section of the Act. However, CORK has recently filed to change its name from Citizens Organized to Replace Kennedy to simply CORK. (See Attachment 2). Therefore, the Office of

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General Counsel recommends that the Commission find reason to believe that CORK violated 2 U.S.C. § 434(e) by using Senator Kennedy's name in the name of its political committee but take no further action on this issue.

A third issue that has arisen from an examination of CORK reports is whether CORK and LAPAC have been "established or financed or maintained or controlled" by the same "person or persons" within the meaning of 2 U.S.C. § 441a(a)(5). If so, any contribution made to federal candidates by CORK or LAPAC should be considered to have been made by one single committee and subject to a common contribution limitation of $5,000 per federal election. 2 U.S.C. § 441a(a)(2)(A). There would also be a requirement imposed upon the committees to report their affiliation. 2 U.S.C. § 433(b)(2) and 11 C.F.R. § 100.5(g)(2).

In the past neither CORK nor LAPAC have reported affiliation with one another in their statements of organization. However, in many of its reports, CORK identifies itself as a project of LAPAC, and in a recent communication to the Commission has requested to be considered a special project of LAPAC. (See Attachment 2). Although the wording of the communication is inexact, CORK appears to be expressing an admission of affiliation with LAPAC. Furthermore, Paul Brown, the original treasurer of CORK is also the treasurer of LAPAC and has filed some reports for CORK using the same address as that reported for LAPAC.

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CORK was principally engaged in making independent expenditures against Senator Kennedy in the Massachusetts senatorial election but did make direct contributions to federal candidates on several occasions. Furthermore, CORK reported making a $3,000 transfer to LAPAC on August 15, 1982. These facts raise the inference that both CORK and LAPAC have been established by the same person and may be affiliated within meaning of 11 C.F.R. § 100.5(g)(2)(E). Such an affiliation would result in at least a reporting violation against CORK for failing to report LAPAC as an affiliated committee under 2 U.S.C. § 433(b)(2) and could result in a violation of 2 U.S.C. § 441a(2)(A) if contributions to any candidate combined with those made by CORK exceed a total of $5,000. However, since CORK reported only five direct contributions of $100 each, and since none of those candidate's receiving CORK contributions received the maximum from LAPAC, the potential for a violation of § 441a(2)(A) is nil. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that both CORK and LAPAC violated 2 U.S.C. § 433(b)(2) by failing to report one another as affiliated committees.

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Acc# 114

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RECEIVED
GENERAL COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Marion Edwin Harrison Esq.

ADDRESS: 1000 Thomas Jefferson St.
Washington, D.C. 20007

TELEPHONE: 342-0342

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.

5-9-83
Date

Paul A. Brown
Signature

NAME: Paul A. Brown

ADDRESS: P.O. Box 1983
Garrisonville, VA 22463

HOME PHONE:

BUSINESS PHONE: 690-2049

83040415355

LAW OFFICES
BARNETT & ALAGIA
1000 THOMAS JEFFERSON STREET
WASHINGTON, D.C. 20007

TELEPHONE
(202) 342-0342

TELECOPIER
(202) 775-9089

CABLE ALBAR

TELEX 89-2445

April 29, 1983

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

Re: MUR #1518

Dear Mr. Gross:

Our client Life Amendment Political Action Committee, Inc., of which Citizens Committee to Replace Kennedy is an adjunct, responds herewith to your letter of January 13, 1983 transmitting the complaint dated January 10, 1983 from Mr. Dick Hafer (Richard LeRoy Hafer).

We attach the affidavit of Mr. Paul A. Brown, Treasurer of Life Amendment Political Action Committee, Inc., and of Citizens Committee to Replace Kennedy.

Based upon the allegations of the complaint, no further answer would seem to be necessary.

The complaint is without basis in fact and should be dismissed forthwith.

If Complainant believes he has a cause of action ex contractu, he should follow the normal procedure and sue

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in the appropriate court. Our client would defend any such suit.

Sincerely,

MARION EDWYN HARRISON

MEH:kg
Enc
cc Citizens Committee to Replace Kennedy
Life Amendment Political Action Committee, Inc.

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LIFE AMENDMENT POLITICAL
ACTION COMMITTEE, INC.
P.O. BOX 1983
GARRISONVILLE, VA 22463

8304041 5358

GARRISONVILLE, VA
MAY 13
-PM
1983
22463

Library of Congress
USA 20c

Pub. Records

Federal Election Comm.
Washington, D.C. 20463

83 MAY 17 AM 8:53

Att: R. Lee Anderson

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RECEIVED BY THE FEC
83 MAY 4 PM 1:41

BEFORE THE FEDERAL ELECTION COMMISSION

DICK HAFER (RICHARD LeROY HAFER)	]	
v.	]	MUR #1518
CITIZENS COMMITTEE TO REPLACE KENNEDY LIFE AMENDMENT POLITICAL ACTION COMMITTEE	]	

AFFIDAVIT OF MR. PAUL A. BROWN

PAUL A. BROWN, first sworn, deposes and says as follows.

1. I am Treasurer of Life Amendment Political Action Committee, Inc. ("LAPAC") and of Citizens Committee to Replace Kennedy ("CORK"), Respondents herein.

2. Neither LAPAC nor CORK has reported the alleged debt of which Complainant Richard LeRoy Hafer complains because there is no such debt.

3. CORK and Complainant orally contracted for art work to be performed by Complainant for use in a booklet to be published under the auspices of CORK. The agreed price was $10,000.00.

4. Upon information and belief, Complaint was, and is, in severe financial difficulty, including, but not limited to, an Internal Revenue Service ("IRS") claim in the neighborhood of $9,000.00 and other debts and obligations. Strictly as a favor to Complainant, Affiant arranged for Complainant to be paid in advance of delivery of the product the full sum of $10,000.00. This sum was paid in two $5,000.00 installments and CORK reported these payments (March 24, 1982 and April 14, 1982) to the Federal Election Commission ("FEC").

5. Subsequent thereto, Complainant requested additional money. The sum varied. Affiant, in a series of conversations, advised Complainant that, depending upon the draw of the product, it might be possible to pay more but that there could be no assurance of any particular amount or of any particular timetable. CORK gratuitously paid the additional sum of $1,500.00 on August 25, 1982 and reported the same.

6. As late as January 10, 1983 there were further discussions between Complainant and Affiant. In each such discussion Complainant reiterated his severe financial distress. On January 10, 1983 Com-

plainant visited Affiant at Affiant's home and, in very dramatic language, described his further severe financial distress, including alleged IRS threats to "seize" Complainant's home. Complainant also described alleged pressures upon him from his wife. Affiant again told Complainant that it might be possible to compensate Complainant further if revenues were sufficient but that, as both of them knew, revenues had been far below expectations. In due course Complainant produced his letter of January 10, 1983 to FEC, already sworn and attested, and threatened Affiant with the filing of what is now denominated MUR #1518. The conversation concluded as Complainant departed Affiant's home premises dramatically restating his severe financial jeopardy.

7. The only obligation to Complainant from Respondent was in the sum of $10,000.00, as orally agreed; said obligation was discharged in advance of delivery of the product; the additional payment was in the nature of a gratuity; nothing further was, or is, owed.

8. The filing of the instant action is an attempt to blackmail Affiant and to avoid normal processes of the courts.

Further Affiant sayeth not.

PAUL A. BROWN

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Stafford, ss:

Subscribed and sworn to before me this 26th day of April, 1983.

NOTARY PUBLIC

My Commission expires: August 6, 1985

BARNETT & ALAGIA
1000 THOMAS JEFFERSON STREET
WASHINGTON, D.C. 20007

13 MAY 1983

83 MAY 4 PM 4:41

Pause For The Pledge

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

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GCC # 9603

DICK HAYES
9530 ELVIS LANE, CANNHAM, MD. 20706

OUR NUMBER	1814
DATE	MAY 12, 1982
CUSTOMER'S ORDER	
SALESMAN	
TERMS	
F.O.B.	

Sold To CORK

Shipped To

Address Via

1	KENNEDY BOOK			20,000	00
	LESS PROGRESS PAYMENTS			10,000	00
				10,000	0
	EXPENSES FOR BOSTON TRIP			724	84
	TUPE & PHOTOPRINTS			56	40
3	NEWSPAPER ADS			NO CHARGE	
	BALANCE			10,781	24
	PAID 26 AUG 82			1500	00
	BAL.			9,281	24

Rediform 7H724

1518

8 3 0 4 0 4 1 3 ● 6 5

9530 Elvis Lane
Lanham, Md. 20801

dick hafer

THE COMICS COMMANDO

LEE ANDERSON
OFFICE OF GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

PRINCE GEORGES, MD 20740
PM
25 FEB
1983

83 FEB 30 A11:20

83040415366

MUR 1518

Addresses:

Complainant: Richard Leroy Hafer
9530 Elvis Lane
Lanham, MD 20706

Respondent: Citizens Committee to Replace Kennedy
Life Amendment Political Action Committee
P.O. Box 1982
Garrisonville, VA 22463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 13, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citizens Committee to Replace Kennedy
Life Amendment Political Action Committee
P.O. Box 1982
Garrisonville, VA 22463

Re: MUR 1518

Dear Sir/Madam:

This letter is to notify you that on January 11, 1983, 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 1518. Please refer to this number in all future correspondence.

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

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

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

If you intend to be represented by counsel in this matter please advise the Commission by 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.

83040415367

If you have any questions, please contact Lee Andersen, the staff member assigned to this matter at (202) 523-5071. 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

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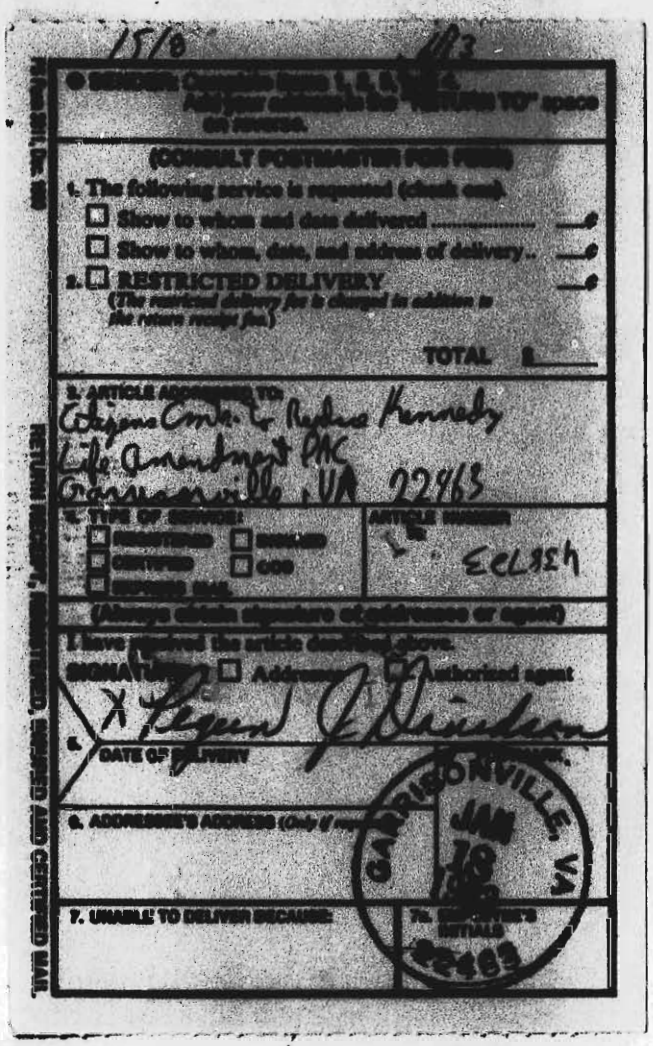

1518 JA3

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 Comm. to Replace Kennedy
Life Amendment PAC
Garrisonville, VA 22463

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

ARTICLE NUMBER: EC1324

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE: ☐ Addressee ☐ Authorized agent
X Regan J. Davidson

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

GARRISONVILLE, VA JAN 18 1983 22463

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 13, 1983

Mr. Richard Leroy Hafer
9530 Elvis Lane
Lanham, MD 20706

Dear Mr. Hafer:

This letter is to acknowledge receipt of your complaint which we received on January 11, 1983, against the Citizens Committee to Replace Kennedy 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

83040415369

GCC# 9312

dick hafer
THE COMICS COMMANDO
9530 ELVIS LANE • LANHAM, MARYLAND 20801
phone 301/577-7036
or 577-0738

A9:31

To: Federal Election Commission

Date: 10 January 83

Subject: Formal Complaint Against The Citizens Committee to Replace Kennedy, a project of the Life Amendment Political Action Committee. P.O. Box 1982, Garrisonville, Virginia 22463.

Name and Address of Complainant: Dick Hafer (Richard LeRoy Hafer), 9530 Elvis Lane, Lanham, Maryland 20706.

Filed in accordance with 11 Federal Code of Regulations; Part 111, Paragrapg 111.4.

The basic thrust of this complaint, is an allegation that the above named PAC, C.O.R.K. failed to report a debt, or obligation to the complainant over a period that included at least three reports to the F.E.C., in violation of Part 104, paragraph 104.11 of the Federal Code. I have personal knowledge that the invoice was rendered on 12 May 82 (See attached, Invoice No. 1814), I have personal knowledge that in repeated conversations Mr. Paul Brown, of C.O.R.K. never disputed the invoice and in fact made consistent pledges to pay when "the funds come in". I also have personal knowledge that the microfilm records of the C.O.R.K. quarterly report of 15 July 82, the Pre-primary report of 17 Sep 82 and the Post-general election report of 2 Nov 82 fail to show any record of this debt.

I do not have any personal knowledge as to the reason behind not listing this debt as required by law. I understand from conversations with the General Counsel's office of the F.E.C. that repeated findings have held that "disputed" debts must also be recorded.

I also understand that if I do not take efforts to collect this debt it may be considered a contribution to the PAC, in excess of the $5,000 limit. I hearby state, by my personal knowledge, that this debt was never intended to, and is not now a contribution of any kind to C.O.R.K. and that I have made efforts, at least weekly in person and by telephone to collect this debt.

83040415370

Marketing ideas, issues and products through cartoons

On the day the job was delivered, prior to the invoice being mailed, I told Mr. Brown that due to various reasons, the cost was going to higher than another book that I had done previously. Early in the negotiations, Mr. Brown had inquired as to the cost to that client. I told him $10,000 - 12,000, but stressed that each job would have variables which would impact on the final invoice. Mr. Brown said that he understood and when I pressed him, he said that he thought he could pay the balance by June 30.

The invoice included all research, writing, layouts and finished art on the book, expenses for a research trip to Boston, authorized by Mr. Brown, type and photoprint expenses and the art for three newspaper ads (the ads were thrown in at no charge). The total invoice was for $20,781.24.

In his F.E.C. reports, Mr. Brown (or whoever filled out the reports) listed three payments to me: $5000 on 3/24/82; $5000 on 4/14/82 and $1500 on 8/25/82. This is a total of $11,500, leaving a balance of $9,281.24.

I wonder why the payments were listed, but not the obligation? Was it because Mr. Brown never planned to pay me at all, regardless of his promises that extended over e period of six months?

Note that his promises continued through the Novemner election, when my services were still needed. Note that the promises continued until after Sen. Kennedy dropped out of the presidential race. At that point I was not needed any longer, so, after telling me for six months that more funds were due from his benefactor in Florida, Mr. Hamilton Foreman, I phoned Mr. Foreman. He told me that it was not true. He had no intention of sending any more money to Mr. Brown, because he was not satisfied with the way his previous contributions had been spent.

On the morning of December 21, 1982, Mr. Brown told me on the telephone that I should just wait until the new year as many contributors were waiting until then, for tax purposes. On that same date he wrote me a letter telling me that he did not plan to pay any more to me, as he did not agree with the bill. The letter arrived on Christmas Eve and Mr. Brown left the state until near mid-January. So, after never once questioning the invoice until after Kennedy had dropped out and I was no longer necessary, he now decided it wasn't worthy of payment.

On request, I will furnish the Commission with the names and adresses of a number of people who I believe to have knowledge of the fact that this bill had been rendered and that Mr. Brown never disputed the accuracy of the invoice to me. This is not based on my personal knowledge.

It is my personal opinion that stories such as these are all too common in the political arena and I would hope that the Federal Election Commission would be able to have some positive influence that would restore the faith of the electorate in the system.

83040415371

The facts as I have outlined them are true, to the best of my knowledge. I understand that these statements are subject to the statutes governing perjury and to 18 U.S.C. 1001.

The contents have been sworn to in the presence of a Notary Public, as attested below.

Complainant: Richard L. Hafer Date: 1/10/83

Notary Public: Charlotte Day Date: 1/10/83

My Com. expires 7/1/84

8304041 5372

Occ# 9302

dick hafer
THE COMICS COMMANDO
9530 ELVIS LANE • LANHAM, MARYLAND 20801
phone 301/577-7036
or 577-0738

11 A9:31

To: Federal Election Commission

Date: 10 January 83

Subject: Formal Complaint Against The Citizens Committee to Replace Kennedy, a project of the Life Amendment Political Action Committee. P.O. Box 1982, Garrisonville, Virginia 22463.

Name and Address of Complainant: Dick Hafer (Richard LeRoy Hafer), 9530 Elvis Lane, Lanham, Maryland 20706.

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83040415373

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On the morning of December 21, 1982, Mr. Brown told me on the telephone that I should just wait until the new year as many contributors were waiting until then, for tax purposes. On that same date he wrote me a letter telling me that he did not plan to pay any more to me, as he did not agree with the bill. The letter arrived on Christmas Eve and Mr. Brown left the state until near mid-January. So, after never once questioning the invoice until after Kennedy had dropped out and I was no longer necessary, he now decided it wasn't worthy of payment.

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83040415374

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The contents have been sworn to in the presence of a Notary Public, as attested below.

Complainant: Richard L. Hofer Date: 1/10/83

Notary Public: Charlotte Dunn Date: 1/10/83

My Comm. expires 7/1/86

8304041537 5

GCC#9302

dick hafer
THE COMICS COMMANDO
9530 ELVIS LANE • LANHAM, MARYLAND 20801
phone 301/577-7036
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13 JAN 17 A9:31

To: Federal Election Commission

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Complainant: Richard L. Hafer Date: 1/10/83

Notary Public: Charlotte Dye Date: 1/10/83

My Comm. expires 7/1/86

8304041 5378

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1518

Date Filmed 8/18/83 Camera No. --- 2

Cameraman SPC