mittees financed their operations through fund raisers and other means and controlled their own activities. The MPC enjoyed no control over the members of the committee.

The Hart Complaint strives to create an aura of impropriety because delegate campaign flyers emphasize the candidate other then the delegates and because the MPC provided delegate committees with legal advice pertaining to federal election law. Obviously, voters will vote for delegates who support the presidential candidate they favor and delegate campaigning naturally focuses on the candidate the particular delegate supports. Furthermore, legal advice on commission regulations is not a basis upon which the Commission may find that delegate committees have affiliated themselves with the national campaign. See 2 U.S.C. §431(8)(B)(ix).

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III. COMMISSION REGULATIONS SHOULD BE INTERPRETED IN LIGHT OF THE DELEGATES CONSTITUTIONAL RIGHTS TO POLITICAL ASSOCIATION THROUGH COMMITTEES.

The FEC is being asked to investigate committee activities which are fully subject to First Amendment protection. The organization of groups to participate in the political process lies at the core of the First Amendment rights of expression and association. As Chief Justice Burger stated for the Supreme Court in Citizens Against Rent Control v. City of Berkeley, 454 U.S. 290, 294 (1982):

> "[T]he practice of persons sharing common views banning together to achieve a common end is deeply embedded in the American political process. . . . The tradition of volunteer committees for collective action has manifested itself in myriad community and public activities; in the political process, it can focus on a candidate or on a ballot measure. Its value is that by collective effort, individuals can make their views known when, individually, their voices would be faint or lost."

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Any interpretation of Commission regulations, or for that matter, any direct regulation either by this Commission or even by the Congress which infringed on the rights of individual delegates to campaign together through delegate committees would be constitutionally suspect:

> Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly.

NAACP v. Alabama, 357 U.S. 449, 460 (1958); Buckley v. Valeo, 424 U.S. 1, 14 (1976); Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 294; Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281, 1284-1285 (11th Cir. 1982). In Buckley v. Valeo, the Supreme Court made clear that:

> "The First Amendment protects political association, as well as political expression. The constitutional right of association explicated in NAACP v. Alabama, 357 U.S. 449 (1958), stems from the Court's recognition that "effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.' Subsequent decisions have made clear that the First and Fourteenth Amendments guarantee 'freedom to associate with others for the common advancement of political beliefs and ideas,' a freedom that encompasses 'the right to associate with the political party of one's choice.' Kusper v. Pontikes, 414 U.S. 51, 56 (1973), quoted in Cousins v. Wigoda, 419 U.S. 477, 487 (1975)."

Because of the importance of free expression and association rights in the context of political campaigns, the Supreme Court in Buckley invalidated limitations on campaign expenditures, and upheld restrictions on contributions only because they were carefully limited to the single interest that the court found legitimate in this area: the perception of undue influence created by large contributions to a candidate.[2/]

Activities by a political party in the primary process are even further insulated from government intrusion. In Democratic

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2/ As the Supreme Court has subsequently stated, "Buckley identified a single narrow exception to the rule that limits on political activity were contrary to the First Amendment. The exception relates to the perception of undue influence of large contributions to a candidate." Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 297 (emphasis in original).

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Party of the United States v. Wisconsin, 450 U.S. 119, the court held that members of the National Democratic Party's associational rights to determine who could participate in the processes leading to the selection of delegates at a national convention could not be limited by Wisconsin's interests in forcing the National Party to honor primary results. In so holding, the court followed its earlier holding in Cousins v. Wigoda, 419 U.S. 477, that state law did not have primacy over national political party's rules in determination of the qualifications and eligibility of delegates to the National Party's Convention. The court stated that "Illinois' interest in protecting the integrity of its electoral process cannot be compelling in the context of the selection of delegates to the National Party Convention." Id. at 491. The Cousins court relied upon the principle that "the National Democratic Party and its adherents enjoy a constitutionally protected right of political association." Id. at 487. For the reasons articulated in these cases, the Commission should be particularly hesitant before launching investigations into primary campaign activities which are, after all, essentially matters for the Democratic Party to resolve.

The constitutional implications of any commission regulation of political activities by delegate committees are clear. First,

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the constitutionally permissible scope of any regulation of delegate committee activities is limited by the Supreme Court's decision in Buckley to the single possibility of the perception of undue influence through contributions to a candidate. Conducting a full scale investigation on other issues is pointless, given the Supreme Court's Buckley ruling. Second, the investigation itself raises significant constitutional questions. By forcing the disclosure of committee workings, and enmeshing the committees in an investigation, the Commission risks infringing and chilling the rights of delegates to form committees to advance their cause. An investigation into the activities of the Florida Mondale Delegate Committees and other delegate committees supporting any candidate, should only be undertaken when there is far stronger evidence of misconduct than that which has been presented in this Complaint. In Federal Election Commission v. Florida Committee, 681 F.2d 1281 (11th Cir. 1982), the Court of Appeals recognized that:

> "A higher degree of scrutiny must attach before courts can compel disclosure of information that may impinge upon First Amendment associational rights."

Federal Election Commission v. Mechanists Non-Particant Political League, 665 F.2d 380 (D.C. Cir.), cert. denied, 454 U.S. 897 (1981). The Court of Appeals followed the Supreme Court's

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holding in Sweezy v. New Hampshire, 354 U.S. 234, 245 (1957), that:

> "It is particularly important that the exercise of the power of compulsory process be carefully circumscribed when the power of compulsory process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of political association and freedom of communication of ideas. . . ."

Third, cast in its best light, the Hart Complaint only points to an ambiguity in the Commission's regulations as to whether delegates may make expenditures as delegate committees, as well as individually. It is a well established constitutional principle that, in cases of statutory ambiguity, a statute should be construed to avoid creating constitutional problems. "If the interpretation complained of 'presents a significant risk that the First Amendment interest will be infringed,' any ambiguity in statute is construed in the manner to avoid such constitutional problems. Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d at 1287. See also Rescue Army v. Municipal Court, 331 U.S. 549 (1947); Ashwander v. T.V.A., 297 U.S. 288, 345 (1936) (Brandeis, J. concurring). The same principle should apply with equal force to the Commission's determinations of whether ambiguity in its regulations should be construed in a manner which is restrictive of political activity protected by the First amendment.

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IV. UNCERTAINTIES ABOUT THE ROLE OF DELEGATE COMMITTEES IN PRIMARY CAMPAIGNS SHOULD BE ADDRESSED THROUGH THE COMMISSION'S RULE MAKING POWERS.

An investigation of delegate committees may well create political effects and ramifications on the presidential campaign. Walter Mondale has stated that he will take steps to refund contributions made to disputed delegate committees supporting his presidential campaign and count monies spent by the committee against overall federal spending limits. In light of these actions by Mr. Mondale, and by the reality that the presidential primary process for the 1984 campaign is at an end, there is no urgency for the Commission to undertake an investigation at this time which may create possible ramifications on the candidates and the election campaign. If the Commission believes there are ambiguities in the delegate regulations which require clarification, the Commission should do so through its rule making authority. In this manner, the Commission can more fully address the broader policy questions at stake without prejudicing the rights and campaigns of any candidate in this election, and without intruding upon the valued rights of free expression and association protected by the United States Constitution.

CONCLUSION

For the foregoing reasons, the Fourth, Eighth, Ninth and Fourteenth Congressional District Delegates for Mondale Com-

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mittees, and the South Florida Delegates for Mondale Group, urges that the Commission should find no reason to believe that a violation under the Federal Election Campaign Act has occurred.

Respectfully submitted,

GREENBERG, TRAURIG, ASKEW,
HOFFMAN, LIPOFF, ROSEN &
QUENTEL, P.A.

By: Marlene K. Silverman
MARLENE K. SILVERMAN

Stuart H. Singer
STUART H. SINGER

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GCC #3697

RECEIVED AT THE FEC

84 JUN 20 AM 11:

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Stuart H. Singer

ADDRESS: Brickell Concours
1401 Brickell Ave.
Miami, FL 33131

TELEPHONE: (305) 579-0637

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.

6/12/84
Date

LaVaunne Miller
Signature

RESPONDENT'S NAME: LaVaunne Miller, Treasurer

ADDRESS: Congressional District 9 Delegates for Mondale
24 Meadow Lark Lane
Land O' Lakes, FL 33539

HOME PHONE: (813) 996-6803

BUSINESS PHONE: (813) 996-2119

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Miller, Treasurer
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dale
w Lark Lane
Lakes, FL 33539

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

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1667

NAME OF COUNSEL: Stuart H. Singer

ADDRESS: Brickell Concours
1401 Brickell Ave.
Miami, FL 33131

TELEPHONE: (305) 579-0637

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.

5/29/84
Date

LaVaunne Miller
Signature

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Congressional District 9 Delegates
for Mondale
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STUART H. SINGER
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GCC # 3313

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May 24, 1984

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FEDERAL EXPRESS

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

Re: Complaint of Americans with Hart, Inc. v. Mondale for President Committee, Inc., MUR-1667

Dear Commissioners:

This firm has been retained by Mondale delegate committees in the Eighth, Ninth and Fourteenth Congressional Districts of Florida in connection with the above-referenced Complaint alleging that the committees may have violated certain sections of the Federal Election Campaign Act. Notification of the Complaint was received by the delegate committee treasurers on May 14, 1984, thereby making a response to the Complaint due no later than May 29, 1984. In order that we may investigate the allegations made in the Complaint and prepare a useful response on behalf of the delegate committees, we respectfully request a ten (10) day extension to the time for filing a response. In support of our request for an extension, we note the following:

1. This firm was not retained as counsel in this matter by any of the delegate committees until May 22, 1984, and did not receive a copy of the Complaint or the three supplemental filings until May 23, 1984. Particularly with the upcoming Memorial Day weekend, there is insufficient time to prepare an adequate response by May 29.

2. We anticipate being retained within the next few days by other Florida delegate committees which support Walter Mondale and intend to file a joint response on behalf of all such committees in connection with this matter.

3. The Complaint and the three supplements to it present broad ranging allegations and novel legal questions which require us to undertake both a certain amount of factual investigation, as well as analysis of the relevant legal issues presented. It is immediately clear that this Complaint poses a serious challenge to the role of delegate committees in the Presidential campaign process and it is important that the delegate committees have a meaningful opportunity to respond to these allegations.

For these reasons, we respectfully request that the Commission grant an extension, allowing us to file a response in this matter no later than June 8, 1984.

Very truly yours,

Stuart H. Singer
STUART H. SINGER

SHS:wp

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

LaVaunne Miller, Treasurer
Congressional District 9
Delegates For Mondale
24 Meadow Lark Lane
Land O'Lakes, FL 33539

Re: MUR 1667

Dear Ms. Miller:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, 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.

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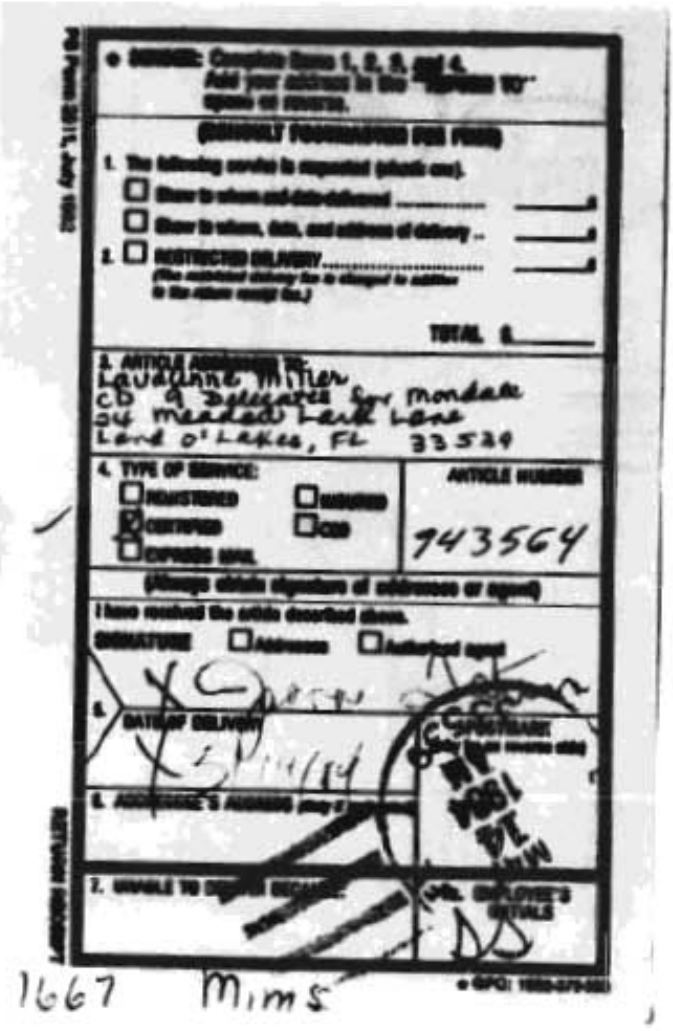
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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



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GCC#3622

BEFORE THE

FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN (BUD) HETTINGA, JR.,	)	
v.	)	MUR 1704
WALTER F. MONDALE AND MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al.	)	

ANSWER OF MONDALE
DELEGATES - D.C. COMMITTEE

The Mondale Delegates - D.C. Committee (hereinafter D.C. Committee) hereby adopts and incorporates by reference its answer to the complaint filed against it by Americans With Hart, Inc. which together with this statement shall constitute the answer to the complaint of the National Right to Work Committee. The answer of the D.C. Committee to the complaint of Americans With Hart, Inc. is attached hereto and incorporated herein as Exhibit 1.

The charges asserted by the complainant in this matter are as frivolous and unsubstantiated as those charges initiated by Americans With Hart, Inc. Furthermore, the National Right to Work Committee has failed to charge the D.C. Committee with any specific violations of the federal election regulations or introduce any new evidence of alleged misconduct by the D.C.

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Committee that has not already been introduced and responded to by the D.C. Committee in its case against Americans With Hart, Inc. Therefore, there exist no grounds justifying a separate response by the D.C. Committee to the complaint by the National Right to Work Committee.

The D.C. Committee has committed no violations of the federal election regulations and remains "unaffiliated" with the Mondale for President Committee and other Mondale delegate committees. The complaint of the National Right to Work Committee is totally without merit and should be dismissed.

Respectfully submitted,

HOGAN & HARTSON

By Vincent H. Cohen
Vincent H. Cohen

By Dianne O'Hara
Dianne O'Hara

815 Connecticut Avenue, N.W.
Washington, D.C. 20006
(202) 331-4586

Counsel for Mondale
Delegates - D.C. Committee

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 1984, a copy of the foregoing Answer of Mondale Delegates - D.C. Committee and exhibit was hand delivered to Charles N. Steele, General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

Vincent H. Cohen

Vincent H. Cohen

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EXHIBIT 1

BEFORE THE

FEDERAL ELECTION COMMISSION

COMPLAINT OF AMERICANS WITH HART, INC.	)	
v.	)	MUR 1667
MONDALE FOR PRESIDENT COMMITTEE, INC.	)	

ANSWER OF MONDALE
DELEGATES - D.C. COMMITTEE

In a desperate attempt to salvage his failing chances for election, Presidential candidate Gary Hart and his committee have launched a scathing and unscrupulous attack on Walter Mondale and the Mondale for President Committee, Inc. In the process, the Hart committee has besmirched the reputations of more than 158 delegate committees whose members are seeking election to represent Walter Mondale at the National Convention this fall. The D.C. Committee is among the group of delegate committees whose formations were encouraged by the Federal Election Commission in order to promote grassroots election campaigning. Through innuendo, falsehood and broadly defined allegations, the Hart Committee claims that the D.C. Committee is party to a "scheme" designed to circumvent the federal election regulations. Nowhere in the complaint or its three supplements has the Hart Committee

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alleged specific violations by the D.C. Committee, nor are there any sworn statements by any member of the Hart Committee claiming to have knowledge of such violations. The truth of the matter is that the D.C. Committee has been the victim of a wholesale attack on all Mondale delegate committees in the nation.

The evidence supporting the charges against the D.C. Committee consist of a total of three documents; two letters and a campaign flyer, which when read in their entirety reveal nothing illegal and at worst amount to a poor choice of words. The truth is that the D.C. Committee has complied with the letter as well as the spirit of every federal election regulation and has always remained an independent organization.

Although it is unjust that the D.C. Committee has been forced to defend itself for the alleged misconduct of a few delegate committees, the democratic voters in the District of Columbia have responded to this unfair criticism in perhaps the most appropriate way; Mr. Hart did not receive one delegate from the District of Columbia to represent him at the National Convention this fall.

I. <u>The Mondale Delegates - D.C. Committee was Formed in Accordance with Federal Law and was Initiated and Controlled by its Delegate Members</u>.

In support of its claim "that the Mondale campaign initiated and organized these 'delegate committees,'" the Hart

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Committee relies mainly on two memoranda from members of the Mondale Committee to prospective Mondale delegates in the District of Columbia. The first memo (Exhibit A) begins by informing prospective delegates of their right to form a committee, a choice specifically allowed by the federal regulations. It also contains a list of guidelines that should be followed in order to be in compliance with regulations should delegate candidates decide to form a committee. A careful reading of that memo dated January 12, 1984 reveals an outlined explanation of the election procedures. It accurately states from what sources delegate committees may accept contributions (including those from Political Action Committees) and explains in detail the types of expenditures that may and may not be made. Ironically, that memo attempted to prevent the very thing the Hart Committee claims the D.C. Committee did; that is, it sought to prevent violations of the federal election regulations. A second memo (Exhibit B) by Bob Beckel urged delegate committees not to accept Political Action Committee (PAC) money but left the decision to the delegates, since such acceptance is allowed under the regulations. Contrary to the Hart Committee's allegations, this memo exemplifies the independence of the Mondale delegate committees. These communications evidence an attempt to comply with the law, not violate it.

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Contrary to the Hart Committee's allegations, the Mondale Delegates - D.C. Committee was formed entirely through its own initiative. On February 4, 1984 a Democratic caucus was held at the Washington Convention Center, where Democrats nominated slates for the election of eleven delegates and three alternates. During the caucus, delegate candidates separated into groups according to the Presidential candidate he or she wished to represent at the National Convention. The prospective Mondale delegates then held a meeting at which time delegate candidates were nominated and chosen. These delegate candidates were then presented with an option to campaign for their delegate election as individuals or to form a delegate committee and campaign as a group (See Affidavit VHC Exhibit C). At no time during this meeting was there a Mondale Committee member urging the delegates to form a committee or influencing their decision in any manner. A majority of delegates chose to form a committee and, soon thereafter, registered with the Commission and filed all reports of contributions as required by 11 C.F.R. Part 102 and 11 C.F.R. Part 104.

II. Delegate Committees are "Delegates" for Purposes of the Expenditures Exemption of Section 110.14(d) of the Regulations.

The Hart Committee next alleges that the D.C. delegate committee was in violation of C.F.R. § 110.14(e) (relating to

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reporting and contribution limits of delegate committees) because that section also limits expenditures by delegate committees. The Hart Committee is redrafting the regulations to include language which simply is not there. The complainant further argues that section 110.14(d) is only applicable to delegates, not delegate committees, and therefore expenditures by them are not exempt from the spending limit imposed by that section. That analysis is flawed in several respects.

First, section 110.14(d) allows a delegate to make expenditures for his own campaign election without subjecting them to the limitations under C.F.R. part 110 and 2 U.S.C. 441(a). A delegate may also spend, free from limitation, any amount for campaign materials provided they are used in connection with volunteer activities. The only additional requirement imposed by section 110.14(d) refers to section 110.14(e) "for reporting requirements relating to delegate committees" (emphasis added). Nowhere in the entire code does it state that delegate committees are subject to different rules than delegates where expenditures are involved. The only section which treats delegate committees differently than delegates is section 110.14(e), which sets out the additional requirements of filing, registering and reporting contributions and expenditures, and which limits contributions to delegate committees to $5,000 per individual provided that individual has not exceeded the $25,000 ceiling of section 441a(a). There

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is nothing in section 110.14(e) that states anything about expenditure limitations.

Delegate committees must be included as delegates for basically two reasons. Section 110.5(e)(5) defines "delegate committee" to "include[] a group of delegates." If delegate committees are not delegates within the meaning of section 110.14(d), then that section must also exclude a group of individual delegates. It is unlikely that Congress would treat a "group" of delegates differently than "individual" delegates without specifically stating so. Furthermore, Congress has shown that, where it wishes such a disparity of treatment, it knows how to clearly provide for it. Section 110.14(e) sets out additional requirements relating explicitly to delegate committees. If Congress also wanted to limit expenditures by delegate committees, it could easily have added expenditures to its list of requirements in that section. The fact that Congress chose not to, evidences an intent that delegate committees are included in the expenditure provision of section 110.14(d) dealing with delegates.

The complainant assumes that since delegate committees are treated differently for some purposes, they must be treated differently for all purposes. This is just not true. Therefore, delegates who have formed a committee, as did the delegates in D.C., are free to spend unlimited amounts on volunteer campaign material under sections 110.14(c) and (d).

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This conclusion is not only consistent with the plain meaning of the Act, but encourages the type of grassroots campaigning sought to be achieved by Congress and the Commission.

Complainant's fear that according delegate committees unlimited expenditure power will somehow eliminate any limitation for expenditures by Presidential candidates is entirely misplaced and grossly exaggerated. It falsely assumes that every delegate committee will have the funds to support the Presidential candidate's campaign and will intentionally aid the Mondale campaign in avoiding its spending limitations. As applied to the D.C. Committee, both of these contentions are without merit. The truth is that the D.C. Committee did not contribute one cent to the Mondale campaign. This fact alone should put all doubt to rest concerning the practices of the D.C. Committee.

III. The D.C. Committee is not "Affiliated" with the Mondale Committee Under the Regulations or as Part of a Scheme to Undermine Them.

The complainant seeks to further limit the spending ability of delegate committees to $1,000 in the aggregate. In essence, it confuses the regulations involving independent expenditures and in-kind contributions with those specifically referring to delegates. Then, through a loosely defined "affiliation" argument, complainant arrives at a $1,000 expenditure limit for all delegate committees.

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Complainant argues that the expenditures made by delegate committees were made "with the cooperation, consultation or request of the Presidential candidate," and therefore are treated as in-kind contributions to him, 11 C.F.R. § 110.14(d)(2)(ii), and thus are subject to a $1,000 limit pursuant to 11 C.F.R. § 110.8(a). Furthermore, since all Mondale delegate committees are really "affiliates" of the Mondale Committee, they should be treated as one, and thus limited to $1,000 in the aggregate. As part of its affiliation argument, the Hart Committee asserts (with isolated events from news articles) that the delegate committees are sham operations and are merely a scheme to funnel money into Mondale's campaign beyond the stated limits.

First, all expenditures by the D.C. Committee were made independently, not at the request or with the cooperation of the Mondale Committee (Affidavit VHC). Aside from the memos by the committee introducing the delegate candidates to the election procedure, the complainant has failed to produce one shred of evidence establishing that the Mondale Committee controlled or influenced the expenditure decisions of the D.C. Committee. These types of blanket accusations, devoid of any support, should not be tolerated by the Commission.

Second, as stated above, throughout their complaint the Hart Committee charges that the delegate committees are "affiliated" with the Mondale Committee and are sham operations

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to circumvent the law. To support these claims, the complaint contains unsubstantiated news articles containing alleged examples of unethical and, in some instances, what may be illegal behavior. However, these examples involve other delegate committees including those in Pennsylvania, New York and Illinois. The only evidence specifically aimed at the D.C. Committee to support the complainant's bold accusations include two D.C. Committee letters and a two-page flyer. This evidence does not amount to a "clear and concise statement of facts which are alleged to constitute a violation," as required by the complaint under 11 C.F.R. § 111.2(b)(2). Even assuming that the alleged examples of D.C. Committee misbehavior are enough to warrant action by the Commission, when read in their entirety, the letters and flyer show compliance with the law not a violation of it.

The first letter cited by the complainant as evidencing a scheme is from Charlene Drew Jarvis to prospective contributors (Exhibit D). The main problem with the complainant's view is that it draws two isolated sentences of the letter out of context. At the top of the page it states that the letter is from the D.C. Committee. Directly following the sentence quoted by complainant, the letter states, "Mondale Delegates - D.C. Committee is a legally separate entity from Mondale for President." The letter makes it clear to what entity the contributor will be donating when it states, "[T]he

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Mondale Delegates - D.C. Committee can accept contributions . . . " and later that "[m]money raised on behalf of the Mondale Delegates - D.C. Committee will go towards covering the costs for phones, printing . . . ." When the letter is read as a whole, any potential donator can easily determine that he or she is supporting the D.C. Delegate Committee. However, the D.C. Committee went one step further. Under federal regulations, a delegate committee can accept up to $5,000 from an individual. Under the D.C. Code, applicable to elections in the District of Columbia, a delegate committee can accept only $4,000 in contributions from one individual. As the letter by Jarvis indicates, by limiting its contributions to $4,000, the D.C. Committee conscientiously adhered to the dictates of both Acts.

The second letter claimed by the Hart Committee to evidence a "scheme" by the D.C. Committee is a letter by its campaign coordinators (Exhibit E). Again, the complaint focuses on two sentences which admittedly are an unfortunate choice of words, but hardly amount to a "sham" operation. The letter clearly states that money will be "supporting the local campaign to elect delegate candidates," not the Mondale campaign. It states that checks are to be "made out to <u>Mondale Delegates - D.C.</u>" and contains a disclaimer at the bottom of the letter.

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Far from being a scheme, the D.C. Committee complied in good faith with the regulations in their attempt to raise money for their election. The irony of this argument is that, as a practical matter, not one penny donated to the D.C. Committee went to finance the Mondale campaign. The third and last example of misconduct specifically aimed at the D.C. Committee as part of its affiliation argument is a two-page flyer distributed to potential voters (Exhibit F). The first page is concededly devoted to the Mondale election. However, the second page clearly urges support for the delegate candidates themselves and names each one. There is nothing illegal or unethical about the contents of the flyer and it certainly does not evidence "affiliation" with the Mondale Committee. Distributing campaign material that also encourages the Presidential candidate is entirely legitimate under the regulations (11 C.F.R. § 110.14(d)(2)(i)). Moreover, there is nothing in the regulations that specifies what portion of the material must be devoted to the delegate candidates. Respondents suggest Mr. Hart take his grievance to the Congress and save his complaint for actual violations of the Act.

It must be remembered that the success or failure of a delegate in the District of Columbia is directly dependent upon the success of the Presidential candidate he seeks to represent. Therefore, a delegate cannot effectively nor realistically campaign for himself without also campaigning for

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his Presidential candidate (Affidavit VHC). This type of activity was obviously envisioned by the Commission, which specifically provides for it in the regulations.

A. The D.C. Committee has not Engaged in Any Other Acts Alleged in the Complaint Constituting Affiliation with the Mondale Committee.

In its complaint, the Hart Committee lists several alleged instances of activity tending to show that all Mondale delegate committees were "affiliated" with the Mondale Committee.

The D.C. Committee, however, did not commit one act allegedly occurring throughout the country. Specifically, the D.C. Committee never hired a laid-off Mondale worker. It did not seek legal advice from Mondale counsel (Affidavit VHC). The Mondale Committee never consulted with or controlled any of the D.C. Committee operations. The D.C. Committee used original campaign material and made its own decisions regarding their contents. As stated earlier, the D.C. Committee did not contribute any money to the Mondale campaign or any other delegate committee. In fact, aside from the memoranda introducing the delegate committees to the election process, there was virtually no communication between the D.C. Committee and the Mondale Committee.

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B. The D.C. Committee Committed No Violations of the Regulations.

To support its overall "scheme" argument and to generally discredit the delegate committees as a whole, the Hart Committee cites instances of additional violations of the regulations by individual committees. Stated simply, the D.C. Committee is not among them. It never accepted more than $4,000 from any one individual, and all expenditures were made for legitimate grassroots campaigning. Finally, the D.C. Committee never accepted contributions from prohibited sources. With respect to the acceptance of Political Action Committee (PAC) contributions, the D.C. Committee decided independently to accept such contributions, a right specifically granted to it under the regulations. Again, if the Hart Committee feels these contributions are improper, it should appeal to the Congress. By implying that the acceptance of PAC money is illegal, the Hart Committee has unjustly injured the reputation of the D.C. Committee in the eyes of the American public.

CONCLUSION

By elevating the alleged misconduct of a few delegate committees to a national level, the Hart Committee has succeeded in casting doubt on the entire delegate election process of this country, while distracting the public's attention from the relevant issues surrounding this year's

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election. In its complaint, the Hart Committee has failed to establish with any documented evidence, any violations committed specifically by the D.C. Committee, a failure which should not have been permitted by the Commission. Nevertheless, the D.C. Committee has shown positively that it has always been an independent organization and that it has complied with the letter as well as the spirit of the regulations governing this election. The Complaint of Americans with Hart, Inc. should be dismissed.

Respectfully submitted,

HOGAN & HARTSON

By Vincent H. Cohen
Vincent H. Cohen

By Dianne O'Hara
Dianne O'Hara

815 Connecticut Avenue, N.W.
Washington, D.C. 20006
(202) 331-4586

Counsel for Mondale Delegates - D.C. Committee

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of May, 1984, a copy of the foregoing Answer of the Mondale Delegates - D.C. Committee and Exhibits was mailed, postage prepaid, to the following: Charles N. Steele, General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

Vincent H. Cohen

Vincent H. Cohen

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Mondale for President
[illegible] Wisconsin Avenue, N.W.
Washington, D.C. [illegible]
Telephone: [illegible]

MONDALE

EXHIBIT A

TO: MONDALE DELEGATES

FROM: ELAINE KAMARCK

DATE: JANUARY 12, 1984

RE: CONDUCTING YOUR CAMPAIGN FOR DELEGATE TO THE NATIONAL CONVENTION

Under the federal election laws, persons seeking election as delegates or alternates to the National Convention can form committees which are allowed to raise and expend money to support their candidacies. Care must be taken to assure that the enclosed legal guidelines are followed. This program can be of enormous benefit in assuring your election as a delegate. Following is a brief outline on how these committees should work.

I. Forming the Committee

Immediately upon being slated as a Mondale delegate, the campaign will assist each slate of delegates in forming a committee if they so desire. A memorandum explaining the legal procedures for forming a committee and registering and reporting to the FEC accompany this memo.

II. Raising Money

As soon as possible, the delegate committees should develop a fundraising plan which contains the following components:

1. Plan one or more grass roots fundraisers in your Congressional District

2. Solicit other Mondale supporters in your district for contributions to the Committee. (IMPORTANT NOTE: A person who has contributed the maximum amount to the Mondale campaign is allowed to make a contribution of up to $5,000 per person to each Mondale delegate committee subject only to the annual $25,000 limit per individual on contributions to all federal candidates.)

3. Solicit local organizations to which you may belong for contributions. (IMPORTANT NOTE: Contributions by corporations, labor unions, foreign nationals and federal contractors are not permitted. But

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Mondale for President
[illegible] Wisconsin Avenue, N.W.
Washington, D.C. [illegible]
Telephone: [illegible]

MONDALE

contributions from Political Action Committees of issue groups or labor unions are permitted. Individuals and Political Action Committees can contribute up to five thousand dollars to a delegate committee. Walter Mondale has made a decision not to accept money from P.A.C.'s for his campaign. Each delegate committee may make their own decision regarding P.A.C. money.)

III. Spending Money

The money raised by Delegate Committees must be spent in the district on the conduct of a grassroots campaign. Under no circumstances can money be spent for general public advertising such as T.V., radio, newspaper ads, billboards or direct mail.

Money can be spent for campaign materials to be used by volunteers such as bumper stickers, handbills, brochures, posters and yard signs which advocate the selection of a group of delegates. These materials may include information about the Mondale candidacy as well as information about the delegate candidates. There are no requirements as to the the amount of space which must be devoted to the delegate-candidates versus the amount of space devoted to Mondale, provided the purpose and message are directed towards the selection of the delegate candidates.

Before spending any money:

- Design your campaign materials.
- Arrange for a volunteer group to distribute materials.
- Plan a "Get Out the Vote" program using volunteers. (IMPORTANT NOTE: Delegate Committees can reimburse volunteers for their expenses.)

IV. Reporting

You will have to file quarterly reports with the Federal Election Commission. Therefore be sure to:

- Keep careful records of all receipts and expenditures.
- Write checks whenever possible for all expenditures so that record keeping is easier.
- Please follow the instructions on the enclosed memorandum and when in doubt do not hesitate to call the Office of the Legal Counsel here at the campaign headquarters.

85 0 4 0 5 0 0 6 0

[illegible] Avenue, N.W.
Washington, D.C. 20007
Telephone 202-625-1980

MONDALE

EXHIBIT B

TO: DELEGATE EXPENDITURE COMMITTEE TREASURERS

FROM: BOB BECKEL, CAMPAIGN MANAGER

DATE: JANUARY 12, 1984

RE: DELEGATE EXPENDITURE COMMITTEES

Dear Mondale Delegate:

Congratulations on your selection as a Democratic National Convention delegate pledged to Walter F. Mondale. With that selection you have taken the first step in a process which will hopefully lead to a seat on the convention floor in San Francisco.

As you probably know, National Convention delegate candidates are allowed to raise and expend money to support their candidacies. The purpose of this letter is to familiarize you with the Mondale Campaign's policy with respect to contributions from Political Action Committees.

It is the policy of the Mondale Campaign not to accept money from organized Political Action Committees. This policy was announced prior to the start of the campaign. It is our sincere hope that Delegate Expenditure Committees will follow suit and decline to accept Political Action Committee contributions.

Good luck and best wishes in the weeks ahead.

Sincerely,

Bob Beckel
Campaign Manager

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Paid for by Mondale for President, Inc.

EXHIBIT C

FEDERAL ELECTION COMMISSION
1325 K STREET, N.W.
WASHINGTON, D.C. 20005

Complaint of Americans With Hart, Inc.,	)	
v.	)	MUR 1667
Mondale for President Committee, Inc.	)	

AFFIDAVIT OF VINCENT H. COHEN

I, VINCENT H. COHEN, ESQUIRE, being first duly sworn, state that based on personal knowledge and based on information obtained after investigating and questioning a campaign official depose and say that:

1) I am a member of the District of Columbia Bar and have been general counsel to Mondale Delegates - D.C. Committee (hereinafter "D.C. Committee") since its inception.

2) On April 14, 1983 the District of Columbia Democratic State Committee unanimously adopted a plan to select nineteen delegates and six alternates to the 1984 Democratic National Convention in San Francisco.

3) On February 4, 1984 a Democratic caucus was held at the Washington Convention Center to nominate slates for the election of eleven delegates and three alternates from two "congressional districts".

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4) Following the caucus, a meeting was held by Mondale delegate candidates which I attended. At the meeting, the Mondale delegate candidates were presented with the option of campaigning as individuals or forming a delegate committee pursuant to 11 C.F.R. § 100.5 and 2 U.S.C. 431(4).

After having been presented with the option, the majority of Mondale delegate candidates voted to form a delegate committee. The Mondale for President Committee, Inc. (hereinafter "Mondale Committee") did not initiate nor influence the decision of the Mondale D.C. delegates to form a delegate committee.

5) Upon formation, the D.C. Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. 433, and thereafter complied with 11 C.F.R. part 104 and 2 U.S.C. 434 with respect to reporting contributions and expenditures.

6) The "communication" between the Mondale Committee and the D.C. Committee consisted primarily of two memoranda. The first contained a description of the rules governing the election process to ensure that all committees were in strict compliance with the regulations. In fact, the D.C. Committee took additional steps to ensure its compliance with the law. The District of Columbia Code, which also governs the election process in the District of Columbia, limits contributions to

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delegate committees to $4,000 per individual, $1,000 less than federal regulations allow. The D.C. Committee, through its own initiative, established a limit on contributions it would accept of $4,000 per individual.

7) A second letter from Bob Beckel, Mondale's campaign manager, urged delegate committees not to accept contributions from Political Action Committees despite their ability to do so under the Code of Federal Regulations. Aside from these two letters, there was no further communication between the D.C. Committee and the Mondale Committee.

8) At no time did the D.C. Committee seek legal advice from the Mondale Committee since I, Vincent H. Cohen, served as general counsel to the D.C. Committee since its inception.

9) At no time did the Mondale Committee exert control over the D.C. Committee with respect to any of its operations including the contents of its campaign materials or the Committee's lawful decision to accept contributions from Political Action Committees.

10) The D.C. Committee never hired a Mondale campaign worker who had been laid-off.

11) The D.C. Committee never contributed any money to the Mondale Committee.

12) The D.C. Committee did not contribute one cent to any other delegate committee.

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13) Since delegate selection in the District of Columbia is based in part on the success of the Presidential candidate, a delegate cannot realistically nor effectively campaign for its own election without also campaigning for the Presidential candidate he seeks to represent. However, except in their capacity as delegates, members did not actively campaign for Walter Mondale.

14) The headquarters of the Mondale and D.C. Committees are not in close proximity to each other. In fact, the Mondale Committee is located at 2201 Wisconsin Ave., N.W. Washington, D.C., while the D.C. Committee is located several blocks away at 1200 Massachusetts Ave., N.W. Washington, D.C.

15) The D.C. Committee never accepted contributions in excess of the proscribed limitations of 11 C.F.R. § 110.1 and 2 U.S.C. 441a(a).

16) At no time did the D.C. Committee accept contributions from sources prohibited under 11 C.F.R. § 110.4(a) and part 114, and 2 U.S.C. 441(b) and 441(e).

17) The D.C. Committee at no time ever used a direct mailing company to distribute campaign literature.

18) At all times, the D.C. Committee acted in full compliance with the Code of Federal Regulations, and remained an independent organization, unaffiliated with the Mondale for President Committee, Inc.

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19) The statements herein are true and correct to the best of my knowledge.

Vincent H. Cohen
D.C. Bar No. 22871

Subscribed and sworn to
before me this 14th
day of May, 1984.

Notary Public
District of Columbia

My Commission Expires: Jan. 14, 1985

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Affidavit was mailed, postage prepaid, this 14th day of May, 1984 to: Charles Steele at 1325 K Street, Northwest, Washington, D.C. 20005.

Vincent H. Cohen

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EXHIBIT D

MONDALE DELEGATES - D.C. COMMITTEE
1200 Massachusetts Avenue, N.W.
289-6926

April 5, 1984

[redacted]

You are among Walter Mondale's most valuable supporters because you have translated your belief in his candidacy for President into critically needed financial support. Knowing of your commitment to Fritz Mondale and your interest in the District of Columbia, I am writing to ask for your assistance in the Mondale effort in the District of Columbia.

The Mondale Delegates - D.C. Committee, organized in accordance with Federal Elections Commission regulations and with the assistance of the Mondale national campaign office, is the principal finance committee for Fritz Mondale and Mondale delegate candidates, in the District of Columbia. Mondale Delegates - D.C. Committee is a legally separate entity from Mondale for President.

The Mondale Delegates - D.C. Committee can accept contributions from any supporter, including those who have given the maximum to the national campaign committee. Individuals, organizations and political action committees may give up to $4000.00 to the Mondale Delegates - D.C. Committee.

Arthur Rothkopf has graciously agreed to assist the committee in coordinating fundraising. Money raised on behalf of the Mondale Delegates - D.C. Committee will go towards covering the costs for phones, printing, postage and literature. Checks may be mailed to the above stated address.

The Mondale Delegates - D.C. Committee appreciates your assistance and looks forward to your continued support for Walter Mondale and Mondale delegate candidates in the District of Columbia.

Sincerely,

Charlene Drew Jarvis

CHARLENE DREW JARVIS
Chairperson
Mondale Delegates D.C. Committee

thought you might like to chair th

We really need your help!

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DC DEMS FOR MONDALE

1200 Massachusetts Ave. NW Washington, DC 20005 · 289-6926

EXHIBIT E

Dear Friend:

The local campaign for delegate candidates pledged to Walter F. Mondale urgently needs your support.

Given the hard fight and exciting nature of the overall campaign to date, it's no wonder that you who have given so generously to the national Mondale effort feel your share is done. But now the national campaign is bumping against its legal spending limits and must reserve remaining funds for expensive media costs in states like Texas and California. Local-level Mondale delegate election committees are now expected to finance voter outreach efforts the national campaign cannot.

We're eager to do just that but lack the funds to spread the Mondale message to D.C. Democrats. Although our fixed costs are covered, voter outreach expenses remain: 7¢ a phone call, 17¢ for 100 mailing labels, 9.3¢ for each piece of literature mailed, a goal of 40,000 voters to contact. The more you can help, the more people we can reach.

Voter turnout for Mondale at the May 1st primary is important. The national media will eye the results here carefully: after all, it's their own backyard.

It's also where Fritz Mondale and his family have lived for 20 years, sending their children to public schools, supporting home rule, backing the arts, working as Vice President to procure additional Federal funding for more judges, making sure D.C. becomes a better place for us all.

Right now you can help him most by supporting the local campaign to elect delegate candidates pledged on Fritz's behalf. Call 289-6926 if you can volunteer your time. Or send a check for $25, $30, $50 or more made out to Mondale Delegates--DC to 1200 Massachusetts Ave. NW, D.C. 20005 and let us spread the word for you.

Unlike any other presidential candidate, Fritz Mondale has already shown us what a good neighbor can be, a neighbor to count on when we need him. Send the nation a message. Back a proven friend.

Sincerely,

Tom Collier Gregory Dyson

Tom Collier & Gregory Dyson
Campaign Coordinators

Paid for by Mondale Delegates--DC

EXHIBIT F

Mondale for President
D.C. Delegates Committee
1200 Massachusetts Avenue, N.W.
Washington, D.C. 20005

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Mondale Delegates — D.C. Committee
1200 Massachusetts Avenue, N.W.
Washington, D.C. 20005

Vote Walter Mondale — Tuesday, May 1

How You Can Help Walter Mondale

On Tuesday, May 1, 1984, all registered Democrats in the District of Columbia may vote in the Presidential Preference Primary. You can cast your ballot for Walter Mondale and choose Mondale Delegates to the Democratic National Convention.

If you live in Ward 1, 2, 6 or 8, you'll vote the ballot for Congressional District #1. You may vote for Walter Mondale and up to 6 Mondale Delegates —

— up to 3 women:	and up to 3 men:
Betty Ann Kane	Bernard Demczuk
Virginia Johnson	Ramon Bahurinsky
Carol Ridker	Paul Grossberg
Jane Pierson McMichael	Paul Kuntzler
Linda G. Greenthal	L. Page "Dooner" Masenhilin
Judith E. Rosin	Robert Evans Love
Grace Meinhoff	Phinis Jones
Althea Miner	William Saunders
Helen Marek	Neil S. Buchanan

If you live in Ward 3, 4, 5 or 7, you'll vote the ballot for Congressional District #2. You may vote for Walter Mondale and up to 6 Mondale Delegates —

— up to 4 women:	and up to 4 men:
Charlene Drew Jarvis	William H. Simons
Anne Howard	William R. Spaulding
Sheri Kherasch	Marshal Smiley
Janette Hosten-Harris	James W. Baldwin
Sharon Pratt Dixon	Leonard C. Bell
Barbara P. Van Blake	William R. Riggs
Victoria Street	Arthur Taylor
Diane Flanagan-Montgomery	William J. Otwell
Ruby Huntley	Joseph L. Jackson
Carol Anderson	James E. Nathanson
Jan Welch	William O. Woodson
Carolyn W. Kiesnek	Francis Threadgill

An Important Message About Walter Mondale and You

We are your friends and neighbors, seeking election as Delegates for Mondale in the Democratic Presidential Preference Primary on Tuesday, May 1, 1984. We support Walter Mondale because he has been a good neighbor and friend of all District of Columbia citizens.

- Walter ("Fritz") and Joan Mondale and their children have lived in D.C. for 20 years.
- The Mondales have been active participants in their neighborhood, in projects such as a community food co-op. They have vigorously championed academic excellence in our public schools.
- Walter Mondale co-sponsored the District of Columbia Home Rule Act.
- Walter Mondale has campaigned in state legislatures across the country for passage of our Voting Rights Act for District of Columbia citizens.

It's time to elect a President who is sensitive to the needs of District of Columbia citizens — who understands the diverse fabric of our community.

Walter Mondale cares. His children have attended D.C. public schools. His wife, Joan, has worked to win support for the arts in this city.

For 20 years, Walter Mondale has stood up for the District of Columbia. Now we're standing up for Walter Mondale for President. Please stand with us.

On Tuesday, May 1, 1984, vote for your friend and neighbor Walter Mondale and for Mondale Delegate candidates.

You Can Help Walter Mondale Ne

You can also help right away by finding more friends and neighbors to support Walter Mondale and the Mondale Delegate candidates in your own precinct.

You can be part of a program that will have a major impact on Walter Mondale's campaign in the District of Columbia by joining

FIVE FOR FRITZ

It's easy. Just . . .

A. Find four friends, relatives or neighbors who support Walter Mondale and the Mondale Delegates (you are the fifth).

My ward is #_____ My precinct is #_____

My polling place is _____

B. Fill in the names, addresses and phone numbers of your four new Mondale supporters in the spaces below.

1. Name _____
   Address _____
   Phone _____
2. Name _____
   Address _____
   Phone _____
3. Name _____
   Address _____
   Phone _____
4. Name _____
   Address _____
   Phone _____
5. Your name _____
   Address _____
   Phone _____

Please mail this card today! Thank you.

Paid for by the Mondale Delegates [illegible] DC Committee, [illegible]

RECEIVED FEC
HAND DELIVERED
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LAW OFFICES

GREENBERG, TRAURIG, ASKEW, HOFFMAN, LIPOFF, ROSEN & QUENTEL, P.A.

LINDA ROOSRICK ADLER
MICHAEL O. ALBERTINE
CESAR L. ALVAREZ
RUDOLPH F. ARAGON
RICHARD A. ARKIN
REUBIN O'D. ASKEW
JAMES L. BACCHUS
HILARIE BASS
NORMAN J. BENFORD
MARK D. BLOOM
BURT BRUTON
STEVE BULLOCK
ROBERT K. BURLINGTON
ALAN R. CHASE
SUE M. COBB
KENDALL B. COFFEY
MARK B. DAVIS
ALAN T. DIMOND
CHARLES W. EDGAR, III
GARY M. EPSTEIN
THOMAS K. EQUELS
RICHARD G. GARRETT
LAWRENCE GODOFSKY
ALAN S. GOLD
HARVEY A. GOLDMAN
STEVEN E. GOLDMAN
STEVEN M. GOLDSMITH
BRIAN K. GOODMIND
LAWRENCE S. GORDON
MATTHEW S. GORDON
MELVIN N. GREENBERG
MARILYN D. GREENBLATT
ROBERT L. GROSSMAN
GARY M. HELD
LARRY J. HOFFMAN
ARNOLD M. JAFFEE
MARTIN KALB
ROBERT A. KAPLAN
TIMOTHY E. KISH
ALAN B. KOBLOW
STEVEN J. KRAVITZ
STEVEN A. LANDY
STEVEN B. LAPIDUS
ALAN S. LEDERMAN
LAWRENCE S. LEVY
NORMAN H. LIPOFF
GARY D. LIPSON
CARLOS E. LOUMIET
JUAN P. LOUMIET
DEBBIE RUTH MALINSKY
GREGORY A. MARTIN
PEDRO A. MARTIN
ALAN H. MITCHEL
LOUIS NOSTRO
ANTHONY J. O'DONNELL, JR.
ROGER D. OSBURN
BYRON S. PETERSEN
VICTOR H. POLK, JR.
ALBERT D. QUENTEL
NICHOLAS ROCKWELL
MARVIN S. ROSEN
DAVID L. ROSS
DAVID P. ROWE
ROBERT H. RUBENSTEIN
CLIFFORD A. SCHULMAN
MARK SCHWIMMER
MARTIN B. SHAPIRO
MARLENE K. SILVERMAN
STUART H. SINGER
TIMOTHY A. SMITH
DANIEL A. SUCHMAN
HERBERT H. SUSKIN
YOLANDA MELLON TARAFA
ROBERT H. TRAURIG
STANLEY H. WASHNIAG
JONATHAN H. WARNER
DAVID H. WELLS
JULIE A. S. WILLIAMSON
JERROLD A. WISH

AMBLER H. MOSS, JR.
ZACHARY H. WOLFF
OF COUNSEL

BRICKELL CONCOURS
1401 BRICKELL AVENUE
MIAMI, FLORIDA 33131

TELEPHONES
MIAMI (305) 579-0500
BROWARD (305) 523-5111
TELEX 80-3484
TELECOPY (305) 579-0718
WRITER'S DIRECT NO.

FEDERAL EXPRESS

June 25, 1984

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

Re: Complaint of the National Right to Work Committee, et al v. Walter F. Mondale and Mondale for President Campaign Committee, et al, MUR-1704

Dear Commissioners:

Please accept the enclosed Affidavits as a supplemental filing to the response that was filed on behalf of certain Florida delegate committees in the above-referenced matter.

Very truly yours,

Stuart H. Singer

STUART H. SINGER

SHS/ch
Enc.

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BEFORE THE
FEDERAL ELECTION COMMISSION

NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN HETTINGA, JR.,	)	MUR 1704
Complainants,	)	
v.	)	AFFIDAVIT OF SUE MOORE
WALTER F. MONDALE and MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al.,	)	
Respondents.	)	

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared, SUE MOORE, who, after first being duly sworn, deposes and says that:

1. I am treasurer of the 8th Congressional Delegates for Mondale Committee.

2. That the 8th Congressional Delegates for Mondale Committee was formed and has been operated independent of the Mondale for President Committee and of other delegate committees supporting the candidacy of Mr. Mondale.

3. That upon formation, the 8th Congressional Delegates for Mondale Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. §433, and thereafter complied with 11 C.F.R. part 104 and 2

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U.S.C. §434 with respect to reporting contributions and expenditures.

4. That the only assistance provided by the Mondale campaign staff in the formation of the delegate committees is a memorandum provided by the Mondale for President Committee describing the laws and Commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations.

5. That the 8th Congressional Delegates for Mondale Committee has not accepted any contributions from union political action committees or from any other contributors in excess of the $5,000.00 contribution limit established by the Federal Election Campaign Act.

6. That the 8th Congressional Delegates for Mondale Committee was not at any time subject to control of the Mondale for President Committee or the Mondale Presidential Campaign with respect to any of its operations, including the contents of its campaign materials or the Committees' decisions regarding contributions.

7. That the 8th Congressional Delegates for Mondale Committee has never hired a Mondale campaign worker who has been laid off.

8. That the 8th Congressional Delegates for Mondale Committee has never contributed any money to the Mondale for President Committee or to any other delegate committees.

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9. That the 8th Congressional Delegates for Mondale Committee has not at any time accepted contributions from sources prohibited under the Federal Election Campaign Act or the regulations promulgated thereunder.

10. That the 8th Congressional Delegates for Mondale Committee has acted in full compliance with the Federal Election Campaign Act, the regulations of Federal Election Commission and has remained an independent organization unaffiliated with the Mondale for President Committee or with other delegate committees supporting Walter Mondale.

11. That the statements made herein are true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

Sue Moore
SUE MOORE

SWORN TO AND SUBSCRIBED before me this 21st day of June, 1984.

Carol Fuska
NOTARY PUBLIC
State of Florida at Large

My Commission Expires: NOTARY PUBLIC-STATE OF FLORIDA
MY COMMISSION EXP. AUG 24,1987
BONDED THRU GEN. INSURANCE UND

85040501914

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ECC
#3728

June 19, 1984

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

Re: Complaint of the National Right to Work Committee, et al. v. Walter F. Mondale and Mondale For President Campaign Committee, et al., MUR 1704

Dear Commissioners:

This response is filed on behalf of Florida Delegate Committees which support the candidacy of Walter Mondale in the Fourth, Fifth, Eighth, Ninth, Northern Twelfth, Thirteenth and Fourteenth Congressional Districts and the South Florida Delegates for Mondale Committee and is being filed in opposition to the above-referenced complaint of the National Right to Work Committee and Ralph Martin Hettinga, Jr. filed on May 21, 1984. In its complaint, the National Right To Work Committee ("NRWC") asserts that a number of union-related political action committees have

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evaded the contribution limits of the Federal Election Campaign Act by making contributions to delegate committees which NRMWC assets are affiliated with one another and with the Mondale for President Committee ("MPC"). The complainant requests that the Commission hold the independent Mondale delegate committees throughout the country, along with the MPC, to a single common contribution limitation.

For the reasons set forth below, we submit that the allegations presented by the complainant do not warrant further investigation by the Commission. Initially, we would urge the Commission to require a "high threshold" of proof before commencing such an investigation. Investigations of allegedly improper campaign activities, once launched, attract considerable public attention, notwithstanding the confidentiality provisions of the Federal Election Campaign Act, and may impact upon the presidential campaign itself. Indeed, creating such publicity may be a prime purpose behind the filing of this Complaint. Moreover, such investigations may infringe upon or "chill" the exercise of political expression and associational rights by grass roots groups such as the Florida delegate committees by enmeshing the committees in often protracted, costly and burdensome proceedings. Unless such investigations are carefully limited, they may hinder the very type of local volunteer activity which the Chair-

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man of the Commission has characterized as "the essence of healthy election campaigning," Federal Election Campaign Act Amendments of 1979, "Hearings before the Senate Committee on Rules and Administration," 96th Congress, 1st Sess. at 8 (1979), and which Congress has sought to encourage in enacting the coattails provisions of the Federal Election Campaign Act Amendments of 1979. 2 U.S.C. §431(8)(b)(i).[1/] The Commission has also acted to facilitate in the delegate selection process similar campaign activity to that encouraged in the general election by the statutory coattails provision. See FEC Explanation and Justification, 1 Federal Election Campaign Finance Guide (CCH), ¶ 864 at 1561-1567. The Commission's objective would be undermined if full scale investigations are undertaken upon such wide ranging and unconfirmed accusations of affiliation as those made in the NRWC Complaint. Although the Commission has not articulated the level of cause which must exist before proceeding to a formal investigation, at least in the context of grass roots campaign activity, the burden of proof upon a complainant should be substantial.

1/ Under these provisions, candidates for public office, including presidential candidates, may coordinate grass roots campaigning without violating the Act.

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I. THE FEDERAL ELECTION CAMPAIGN ACT DOES NOT PROHIBIT "AFFILIATION" AMONG COMMITTEES RECEIVING CONTRIBUTIONS.

The NRWC Complaint is predicated on 2 U.S.C. § 441a(a)(5), which states that all contributions made by political committees "established, financed, maintained, or controlled by [the same] person" shall be considered to have been made by a single political committee. NRWC, however, is not alleging affiliation among the contributing sources but rather among the recipient delegate committees. Neither 2 U.S.C. § 441a(a)(5), nor any other provision of the Act authorizes the Commission to treat contributions made to delegate committees as contributions made to the candidate. That the Commission should not assume such authority is implicit from § 441a(a)(7)(A) which states only that contributions made to a political committee "authorized by such candidate to accept contributions on his behalf" shall be considered as contributions made to the candidate. If Congress had intended to consider other contributions -- such as those involved here -- as contributions to the candidate, it would have so legislated.

This interpretation is supported by § 441a(a)(5)(A) which states that the "affiliation" provisions of that section do not limit "transfers between political committees of funds raised through joint fund raising efforts." Moreover, § 441a(a)(4) stipulates that the limitations on contributions "do not apply to transfers between and among political committees which are

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national, state, district or local committees (including any subordinate committee thereof) of the same political party," although clearly the activities of such committees are closely coordinated. The Supreme Court gave related provisions of the Act, allowing such transfers for Senatorial campaigns, an expansive interpretation in upholding the Commission's interpretation in Federal Election Comm. v. Democratic Senatorial Campaign Committee, 454 U.S. 27 (1981).

Not only did Congress not authorize the Commission to take the action complainant requests, but there is an obvious reason why delegate committees should not be subject to single contribution limits. Unless the committees do in fact coordinate their actions and exchange records, there is no way one delegate committee can determine whether a given contribution tendered to it violates the Act's contribution limits.

II. FLORIDA DELEGATE COMMITTEES ARE NOT AFFILIATED WITH EACH OTHER OR WITH THE MONDALE FOR PRESIDENT COMMITTEE.

Florida delegate committees filing this response are independently established autonomous committees who are not affiliated either with other committees operating throughout the state and nation or with the MPC. Thus, even if the standards for affiliation for the purpose of the Act's contribution limitations set forth at 2 U.S.C. § 441a(a)(5) are relevant to this com-

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plaint, the Florida delegate committees have not been so affiliated. The Commission has interpreted the general statutory standards set forth in § 441a(a)(5) by prescribing five factors to be used in determining whether committees are affiliated 11 C.F.R. § 100.5(g)(2)(ii): (1) ownership by one committee of a controlling interest in voting shares or securities in another committee; (2) provisions of by-laws, constitutions or other documents by which one committee has the authority, power or ability to direct another committee; (3) the authority, power or ability of one committee to hire, appoint, discipline, discharge, demote or remove or otherwise influence the decision of the officer or members of the other committees; (4) similar patterns of contributions by the committees in questions; and (5) the transfer of funds between committees which represent a substantial portion of the funds of the committees in question.

The allegations in the NRWC Complaint, even if accepted on their face, do not satisfy the Commission's affiliation criteria. Moreover, the Florida delegate committees on whose behalf this response is filed are not specifically mentioned by the allegations concerning affiliation. Until the complainant establishes that the affiliation standards have been met, there is no reason for a formal investigation. As documented by the attached

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affidavits,[2] the Florida delegate committees filing this response were established by delegates independently of the MPC. The formation of the committees, appointment of treasurers, the choice of a committee name, opening of a bank account and other actions were all performed independently by each committee. The delegate committees financed their operations through fund raisers and other means and controlled their own activities. The MPC enjoyed no control over the members of the committee.

Relying on various news accounts,[3] the complaint asserts that the national Modale staff "instructed" delegate committees on how to organize and operate, that Mondale staff were transfer-

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[2] Supporting affidavits on behalf of other committees will be forwarded as soon as possible as a supplemental filing to this response.

[3] For the most part, the news accounts relied upon in the complaint failed to meet the Commission's policy with regard to the opening of compliance actions on the basis of newspaper accounts. See Commission Memorandum No. 663 November 15, 1979. That policy requires a news account to be well documented, substantial, and to meet all of the requirements of a complaint in order to constitute a sufficient basis for an enforcement action. The news accounts relied upon in the NWRC complaint do not meet this standard. They are based on speculative and conclusory quotes which do not set forth a substantive statement of facts. For this reason, the allegations concerning the affiliation of delegate committees with each other and with the MPC based on newspaper articles do not create a sufficient basis for further investigation.

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red to the delegate committees, that committees declined PAC contributions at Mr. Mondale's request, that the MPC's office of legal counsel was made available to advise delegate committees, that funds were transferred from a delegate committee in one state to a sister group in another, that certain registration statements for different committees were purportedly written by the same person and mailed in envelopes typed on the same typewriter and reported joint spending at the same print shops, and that delegate committees started disbanding after Walter Mondale requested them to do so. Each of these allegations is addressed below, and the response to these allegations is supported by sworn affidavits from the delegate committee treasurers.

1. The only assistance provided by the Mondale staff in the formation of the delegate committees filing this response was a memorandum provided by the MPC describing the laws and commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations. The provision of such legal assistance is expressly authorized by 2 U.S.C. § 431(8)(B)(ix).

2. The Florida delegate committees represented herein have not hired any MPC campaign workers.

3. Mr. Mondale's decision to request delegate committees supporting his candidacy not to accept PAC contributions hardly

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can be the basis for a finding of an affiliation among the committees and the MPC. In the first place, there is nothing whatever to suggest that the committees followed Mr. Mondale's direction in this regard. In Florida, at least, the primary had already been conducted at this time and contributions from any source, including political action committees, were no longer needed. A committee's decision not to accept further contributions hardly demonstrates that the delegate committees actions were being orchestrated by Mr. Mondale or the MPC. To the contrary, the delegate committees' earlier decisions to accept limited contributions from political action committee sources while Mr. Mondale had decided not to accept such contributions for the purposes of his own campaign illustrates the independence of decisionmaking between the MPC and the delegate committees.

4. The availability of legal advice to the delegate committees is not a basis on which affiliation may be found. Indeed, even the provision of legal advice regarding Commission regulations is not a basis upon which the Commission may find the delegate committees to have affiliated themselves with the national campaign. See 2 U.S.C. § 431(8)(B)(ix).

5. The delegate committees represented in this response have not contributed any money to the MPC or to any other delegate committees.

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6. The allegations concerning the use of a similar typewriter or printer, even if true, hardly support a finding of affiliation as set forth under the Commission's regulations.

7. The fact that some delegate committees disbanded after the purpose for which they were created -- the primary elections -- concluded is hardly surprising and is not indicative of any affiliation among the committees or affiliation with the national campaign.

In sum, the alleged coordination and control of the delegate committees by the Mondale campaign has not been established, at least with respect to the Florida delegate committees filing this response. Furthermore, the private investigatory reports discussed on page 6 of the complaint do not identify any of the Florida delegate committees filing this response as having been involved in any allegedly "affiliated" activity. For these reasons, there is no basis for concluding that the Mondale delegate committees are affiliates of the Mondale campaign and share a single limit on contributions that they may receive from any one source for the election.

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III. COMMISSION INTERPRETATIONS SHOULD BE INTERPRETED IN LIGHT OF THE DELEGATES' CONSTITUTIONAL RIGHTS TO POLITICAL ASSOCIATION THROUGH COMMITTEES.

The FEC is being asked to investigate committee activities which are fully subject to First Amendment protection. The organization of groups to participate in the political process lies at the core of the First Amendment rights of expression and association. As Chief Justice Burger stated for the Supreme Court in Citizens Against Rent Control v. City of Berkeley, 454 U.S. 290, 294 (1982):

> "[T]he practice of persons sharing common views banning together to achieve a common end is deeply embedded in the American political process. . . . The tradition of volunteer committees for collective action has manifested itself in myriad community and public activities; in the political process, it can focus on a candidate or on a ballot measure. Its value is that by collective effort, individuals can make their views known when, individually, their voices would be faint or lost."

Any interpretation of Commission regulations, or for that matter, any direct regulation either by this Commission or even by the Congress which infringed on the rights of individual delegates to campaign together through delegate committees would be constitutionally suspect:

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> Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly.

NAACP v. Alabama, 357 U.S. 449, 460 (1958); Buckley v. Valeo, 424 U.S. 1, 14 (1976); Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 294; Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281, 1284-1285 (11th Cir. 1982). In Buckley v. Valeo, the Supreme Court made clear that:

> "The First Amendment protects political association, as well as political expression. The constitutional right of association explicated in NAACP v. Alabama, 357 U.S. 449 (1958), stems from the Court's recognition that "effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.' Subsequent decisions have made clear that the First and Fourteenth Amendments guarantee 'freedom to associate with others for the common advancement of political beliefs and ideas,' a freedom that encompasses 'the right to associate with the political party of one's choice.' Kusper v. Pontikes, 414 U.S. 51, 56 (1973), quoted in Cousins v. Wigoda, 419 U.S. 477, 487 (1975)."

Because of the importance of free expression and association rights in the context of political campaigns, the Supreme Court in Buckley invalidated limitations on campaign expenditures, and upheld restrictions on contributions only because they were care-

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fully limited to the single interest that the court found legitimate in this area: the perception of undue influence created by large contributions to a candidate.[4/]

Activities by a political party in the primary process are even further insulated from government intrusion. In Democratic Party of the United States v. Wisconsin, 450 U.S. 119, the court held that members of the National Democratic Party's associational rights to determine who could participate in the processes leading to the selection of delegates at a national convention could not be limited by Wisconsin's interests in forcing the National Party to honor primary results. In so holding, the court followed its earlier holding in Cousins v. Wigoda, 419 U.S. 477, that state law did not have primacy over national political party's rules in determination of the qualifications and eligibility of delegates to the National Party's Convention. The court stated that "Illinois' interest in protecting the integrity of its electoral process cannot be compelling in the context of the selection of delegates to the National Party Convention."

4/ As the Supreme Court has subsequently stated, "Buckley identified a single narrow exception to the rule that limits on political activity were contrary to the First Amendment. The exception relates to the perception of undue influence of large contributions to a candidate." Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 297 (emphasis in original).

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Id. at 491. The Cousins court relied upon the principle that "the National Democratic Party and its adherents enjoy a constitutionally protected right of political association." Id. at 487. For the reasons articulated in these cases, the Commission should be particularly hesitant before launching investigations into primary campaign activities which are, after all, essentially matters for the Democratic Party to resolve.

The constitutional implications of any commission regulation of political activities by delegate committees are clear. First, the constitutionally permissible scope of any regulation of delegate committee activities is limited by the Supreme Court's decision in Buckley to the single possibility of the perception of undue influence through contributions to a candidate. Conducting a full scale investigation on other issues is pointless, given the Supreme Court's Buckley ruling. Second, the investigation itself raises significant constitutional questions. By forcing the disclosure of committee workings, and enmeshing the committees in an investigation, the Commission risks infringing and chilling the rights of delegates to form committees to advance their cause. An investigation into the activities of the Florida Mondale Delegate Committees and other delegate committees supporting any candidate, should only be undertaken when there is far stronger evidence of misconduct than that which has been

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presented in this Complaint. In Federal Election Commission v. Florida Committee, 681 F.2d 1281 (11th Cir. 1982), the Court of Appeals recognized that:

> "A higher degree of scrutiny must attach before courts can compel disclosure of information that may impinge upon First Amendment associational rights."

Federal Election Commission v. Mechanists Non-Particant Political League, 665 F.2d 380 (D.C. Cir.), cert. denied, 454 U.S. 897 (1981). The Court of Appeals followed the Supreme Court's holding in Sweezy v. New Hampshire, 354 U.S. 234, 245 (1957), that:

> "It is particularly important that the exercise of the power of compulsory process be carefully circumscribed when the power of compulsory process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of political association and freedom of communication of ideas. . . ."

While the Supreme Court upheld the constitutionality of the $5,000 contribution limit for committees in California Medical Association v. Federal Election Commission, 453 U.S. 182 (1981), that decision does not authorize the Commission to take an expansive view of the affiliation standards which would effectively nullify the opportunity provided under the Federal Election Campaign Act for individuals to form delegate committees in support of their own election as delegates to the National convention.

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IV. UNCERTAINTIES ABOUT THE ROLE OF UNION-RELATED PAC CONTRIBUTIONS TO DELEGATE COMMITTEES SHOULD BE ADDRESSED THROUGH THE COMMISSION'S RULE MAKING POWERS.

An investigation of delegate committees may well create political effects and ramifications on the presidential campaign. Walter Mondale has stated that he will take steps to refund contributions made to disputed delegate committees supporting his presidential campaign. In light of this action by Mr. Mondale, and by the reality that the presidential primary process for the 1984 campaign is at an end, there is no urgency for the Commission to undertake an investigation at this time which may create possible ramifications on the candidates and the general election campaign.

Ironically, the only way independent delegate committees could monitor political action committee contributions to ensure that the aggregate amount contributed by a single union-related PAC did not exceed the Act's limits would be to engage in the type of affiliated activity that the NRWC protests in this complaint. If the Commission believes it necessary, it should resolve the tension between the affiliation rules and the contribution limits through its rulemaking authority. As the law is currently written, individual delegate committees are not responsible for contributions that may be made to and received by other delegate committees. For this reason alone, there is no basis

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for subjecting the delegate committees to a formal investigation into the allegations of this complaint.

CONCLUSION

For the foregoing reasons, the Fourth, Fifth, Eighth, Ninth, Twelfth, Thirteenth and Fourteenth Congressional District Delegates for Mondale Committees, and the South Florida Delegates for Mondale Committee, urges that the Commission should find no reason to believe that a violation under the Federal Election Campaign Act has occurred.

Respectfully submitted,

GREENBERG, TRAURIG, ASKEW,
HOFFMAN, LIPOFF, ROSEN &
QUENTEL, P.A.

By: Marlene K. Silverman
MARLENE K. SILVERMAN

Stuart H. Singer
STUART H. SINGER

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BEFORE THE
FEDERAL ELECTION COMMISSION

NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN HETTINGA, JR., Complainants,	)	MUR 1704
v.	)	AFFIDAVIT OF GEORGE E. COMERFORD
WALTER F. MONDALE and MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al., Respondents.	)	

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STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared, GEORGE E. COMERFORD, who, after first being duly sworn, deposes and says that:

1. I am treasurer of the 14th Congressional District Delegates for Mondale Committee.

2. That the 14th Congressional District Delegates for Mondale Committee was formed and has been operated independent of the Mondale for President Committee and of other delegate committees supporting the candidacy of Mr. Mondale.

3. That upon formation, the 14th Congressional District Delegates for Mondale Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. §433, and thereafter complied with 11 C.F.R. part 104 and 2 U.S.C. §434 with respect to reporting contributions and expenditures.

4. That the only assistance provided by the Mondale campaign staff in the formation of the delegate committees is a memorandum provided by the Mondale for President Committee describing the laws and Commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations.

5. That the 14th Congressional District Delegates for Mondale Committee has not accepted any contributions from union political action committees or from any other contributors in excess of the $5,000.00 contribution limit established by the Federal Election Campaign Act.

6. That the 14th Congressional District Delegates for Mondale Committee was not at any time subject to control of the Mondale for President Committee or the Mondale Presidential Campaign with respect to any of its operations, including the contents of its campaign materials or the Committees' decisions regarding contributions.

7. That the 14th Congressional District Delegates for Mondale Committee has never hired a Mondale campaign worker who has been laid off.

8. That the 14th Congressional District Delegates for Mondale Committee has never contributed any money to the Mondale for President Committee or to any other delegate committees.

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9. That the 14th Congressional District Delegates for Mondale Committee has not at any time accepted contributions from sources prohibited under the Federal Election Campaign Act or the regulations promulgated thereunder.

10. That the 14th Congressional District Delegates for Mondale Committee has acted in full compliance with the Federal Election Campaign Act, the regulations of Federal Election Commission and has remained an independent organization unaffiliated with the Mondale for President Committee or with other delegate committees supporting Walter Mondale.

11. That the statements made herein are true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

George E. Comerford
GEORGE E. COMERFORD

SWORN TO AND SUBSCRIBED before me this 15 day of June, 1984.

Robert L. Murray
NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

Notary Public, State of Florida
My Commission Expires [illegible] 1983

85040501934

BEFORE THE
FEDERAL ELECTION COMMISSION

NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN HETTINGA, JR.,	)	MUR 1704
Complainants,	)	
v.	)	AFFIDAVIT OF CALVIN D. DEVONEY
WALTER F. MONDALE and MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al.,	)	
Respondents.	)	

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared, CALVIN D. DEVONEY, who, after first being duly sworn, deposes and says that:

1. I am treasurer of the 4th Congressional District Delegates for Mondale Committee.

2. That the 4th Congressional District Delegates for Mondale Committee was formed and has been operated independent of the Mondale for President Committee and of other delegate committees supporting the candidacy of Mr. Mondale.

3. That upon formation, the 4th Congressional District Delegates for Mondale Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. §433, and thereafter complied with 11 C.F.R. part 104 and 2 U.S.C. §434 with respect to reporting contributions and expenditures.

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4. That the only assistance provided by the Mondale campaign staff in the formation of the delegate committees is a memorandum provided by the Mondale for President Committee describing the laws and Commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations.

5. That the 4th Congressional District Delegates for Mondale Committee has not accepted any contributions from union political action committees or from any other contributors in excess of the $5,000.00 contribution limit established by the Federal Election Campaign Act.

6. That the 4th Congressional District Delegates for Mondale Committee was not at any time subject to control of the Mondale for President Committee or the Mondale Presidential Campaign with respect to any of its operations, including the contents of its campaign materials or the Committees' decisions regarding contributions.

7. That the 4th Congressional District Delegates for Mondale Committee has never hired a Mondale campaign worker who has been laid off.

8. That the 4th Congressional District Delegates for Mondale Committee has never contributed any money to the Mondale for President Committee or to any other delegate committees.

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9. That the 4th Congressional District Delegates for Mondale Committee has not at any time accepted contributions from sources prohibited under the Federal Election Campaign Act or the regulations promulgated thereunder.

10. That the 4th Congressional District Delegates for Mondale Committee has acted in full compliance with the Federal Election Campaign Act, the regulations of Federal Election Commission and has remained an independent organization unaffiliated with the Mondale for President Committee or with other delegate committees supporting Walter Mondale.

11. That the statements made herein are true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

CALVIN D. DEVONEY

SWORN TO AND SUBSCRIBED before me this 15 day of June, 1984.

NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Oct. 11, 1987

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Stuart Singer + Marvin Rosen

ADDRESS: Law Firm of Greenberg, Traurig, Askew, Hoffman, Lipoff, Rosen, + Quentel, P.A.
1401 Brickell Ave., Miami, FL 33131

TELEPHONE: (305) 579-0500

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.

2 June 1984
Date

Sue Moore
Signature

RESPONDENT'S NAME: Sue Moore - Treasurer, Mondale Delegates Congressional District #8

ADDRESS: 94 Bayswood Ave.
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HOME PHONE: (813) 799-1250

BUSINESS PHONE:

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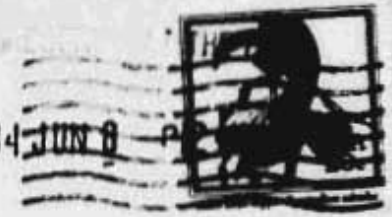

Federal Election Commission
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LAW OFFICES

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TELEX 80-3184
TELECOPY (305) 579-0718
WRITER'S DIRECT NO.
(305) 579-0637

May 24, 1984

8504050194 0

FEDERAL EXPRESS

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

Re: Complaint of Americans with Hart, Inc. v. Mondale for President Committee, Inc., MUR-1667

Dear Commissioners:

This firm has been retained by Mondale delegate committees in the Eighth, Ninth and Fourteenth Congressional Districts of Florida in connection with the above-referenced Complaint alleging that the committees may have violated certain sections of the Federal Election Campaign Act. Notification of the Complaint was received by the delegate committee treasurers on May 14, 1984, thereby making a response to the Complaint due no later than May 29, 1984. In order that we may investigate the allegations made in the Complaint and prepare a useful response on behalf of the delegate committees, we respectfully request a ten (10) day extension to the time for filing a response. In support of our request for an extension, we note the following:

1. This firm was not retained as counsel in this matter by any of the delegate committees until May 22, 1984, and did not receive a copy of the Complaint or the three supplemental filings until May 23, 1984. Particularly with the upcoming Memorial Day weekend, there is insufficient time to prepare an adequate response by May 29.

2. We anticipate being retained within the next few days by other Florida delegate committees which support Walter Mondale and intend to file a joint response on behalf of all such committees in connection with this matter.

3. The Complaint and the three supplements to it present broad ranging allegations and novel legal questions which require us to undertake both a certain amount of factual investigation, as well as analysis of the relevant legal issues presented. It is immediately clear that this Complaint poses a serious challenge to the role of delegate committees in the Presidential campaign process and it is important that the delegate committees have a meaningful opportunity to respond to these allegations.

For these reasons, we respectfully request that the Commission grant an extension, allowing us to file a response in this matter no later than June 8, 1984.

Very truly yours,

Stuart H. Singer
STUART H. SINGER

SHS:wp

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GCC#3308

RECEIVED AT THE FEC

84 MAY 25 A8:

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1667

NAME OF COUNSEL: Marvin Rosen + Stuart Singer

ADDRESS: Law Firm of Greenberg, Traurig, Askew, Hoffman, Lipoff, Rosen, + Quentel, PA.
1401 Brickell Ave, Miami, FL 33131

TELEPHONE: (305) 579-0500

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.

22 May 1984
Date

Sue Moore
Signature

RESPONDENT'S NAME: Sue Moore (Treasurer, Mondale Delegates Congressional District #8)

ADDRESS: 94 Baywood Ave.
Clearwater, FL
33575

HOME PHONE: (813) 799-1250

BUSINESS PHONE:

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wood Ave.
lo, Fl 33525

PM

84 MAY 25

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sue Moore, Treasurer
Mondale Delegates
Congressional
District #8
94 Baywood Avenue
Clearwater, FL 33575

Re: MUR 1667

Dear Ms. Moore:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, 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.

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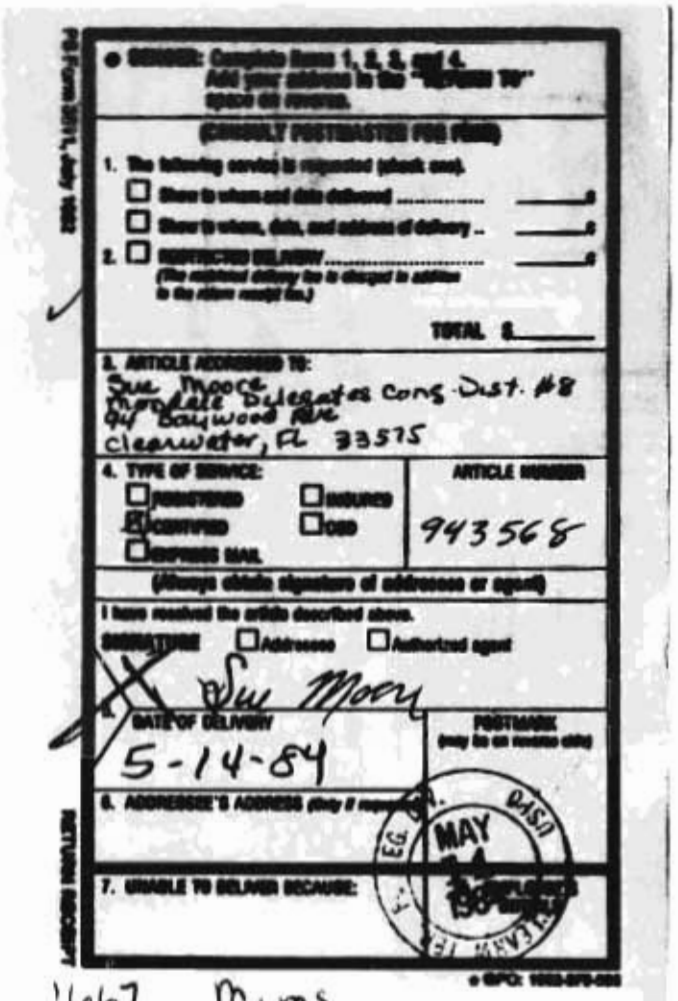
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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



1667 Mims

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James L. Ghiotto, Treasurer
Congressional District 7
Delegates For Mondale
2925 Alline Avenue
Tampa, FL 33611

Re: MUR 1667

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Dear Mr. Ghiotto:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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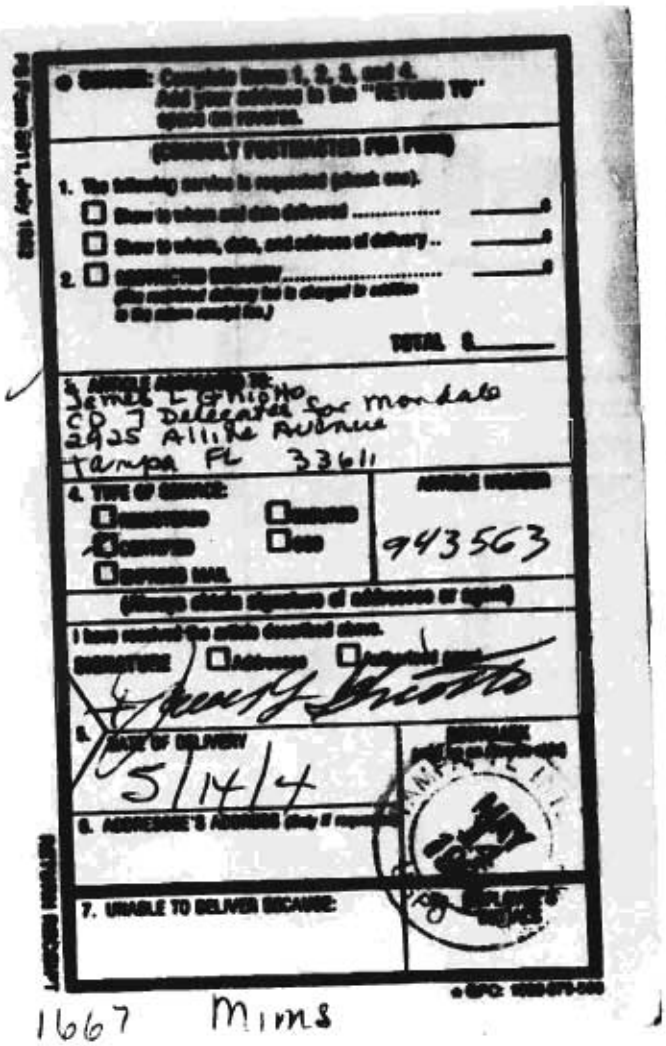
Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement



1667 Mims

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C.D. 6 Delegates for Mondale
2375 S.W. College Road
Ocala, FL 32674

Re: MUR 1704

Dear Sir or Madam:

This letter is to notify you that on May 18, 1984 the Federal Election Commission received a complaint which alleges that the committee and its treasurer, 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 1704. 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 the committee and its treasurer, 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.

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If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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

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RECEIVED AT THE FEC
Ga# 3899
84 JUL 2 A8:48

LAW OFFICES

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BROWARD (305) 523-8111
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TELECOPY (305) 579-0718
WRITER'S DIRECT NO.

84 JUL 1 P12:57

June 27, 1984

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

Re: Complaint of the National Right to Work Committee, et al v. Walter F. Mondale and Mondale for President Campaign Committee, et al, MUR-1704

Dear Commissioners:

Please accept the enclosed affidavit as a supplemental filing to the response that was filed on behalf of the 5th Congressional District Delegate for Mondale Committee in the above-referenced matter.

Very truly yours,

Stuart H. Singer

STUART H. SINGER

SHS/ch
Enc.

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RECEIVED AT THE FEC

84 JUL 2 A8:48

BEFORE THE
FEDERAL ELECTION COMMISSION

NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN HETTINGA, JR., Complainants, v. WALTER F. MONDALE and MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al., Respondents.	MUR 1704 AFFIDAVIT OF CHERYL B. FRAZIER

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared, CHERYL B. FRAZIER, who, after first being duly sworn, deposes and says that:

1. I am treasurer of the 5th Congressional District Delegates for Mondale Committee.

2. That the 5th Congressional District Delegates for Mondale Committee was formed and has been operated independent of the Mondale for President Committee and of other delegate committees supporting the candidacy of Mr. Mondale.

3. That upon formation, the 5th Congressional District Delegates for Mondale Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. §433, and thereafter complied with 11 C.F.R. part 104 and 2 U.S.C. §434 with respect to reporting contributions and expenditures.

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4. That the only assistance provided by the Mondale campaign staff in the formation of the delegate committees is a memorandum provided by the Mondale for President Committee describing the laws and Commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations.

5. That the 5th Congressional District Delegates for Mondale Committee has not accepted any contributions from union political action committees or from any other contributors in excess of the $5,000.00 contribution limit established by the Federal Election Campaign Act.

6. That the 5th Congressional District Delegates for Mondale Committee was not at any time subject to control of the Mondale for President Committee or the Mondale Presidential Campaign with respect to any of its operations, including the contents of its campaign materials or the Committees' decisions regarding contributions.

7. That the 5th Congressional District Delegates for Mondale Committee has never hired a Mondale campaign worker who has been laid off.

8. That the 5th Congressional District Delegates for Mondale Committee has never contributed any money to the Mondale for President Committee or to any other delegate committees.

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9. That the 5th Congressional District Delegates for Mondale Committee has not at any time accepted contributions from sources prohibited under the Federal Election Campaign Act or the regulations promulgated thereunder.

10. That the 5th Congressional District Delegates for Mondale Committee has acted in full compliance with the Federal Election Campaign Act, the regulations of Federal Election Commission and has remained an independent organization unaffiliated with the Mondale for President Committee or with other delegate committees supporting Walter Mondale.

11. That the statements made herein are true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

Cheryl B. Frazier

CHERYL B. FRAZIER

SWORN TO AND SUBSCRIBED before me this 25 day of June, 1984.

Salem Melchione

NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

Notary Public, State of Florida
My Commission Expires April 19, 1988
Bonded thru Troy Fain - Insurance, Inc.

85040501953

LAW OFFICES

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TELECOPY (305) 579-0718
WRITER'S DIRECT NO.

FILED
1984 JUN 5 3:50
GCC# 2476

June 4, 1984

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

Re: Complaint of Americans with Hart, Inc. v. Mondale for President Committee, Inc. filed April 6, 1984, MUR 1667

Dear Commissioners:

This response is filed on behalf of Florida delegate committees which support the candidacy of Walter Mondale in the Fourth, Eighth, Ninth and Fourteenth Congressional Districts and the South Florida Delegates for Mondale Committee and is being filed in opposition to the above-referenced Complaint of Americans with Hart, Inc. filed on April 6, 1984 and subsequently supplemented or amended on April 18, April 27, May 2 and May 22, 1984. In its Complaint, the Hart Committee asserts that delegate committees may not make expenditures for grass roots campaign activities on the terms available to delegates when they act individually. The Hart Committee also requests that the Federal

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Election Commission ("Commission") rule that all committees established by Mondale delegates are affiliated with one another and with the Mondale for President Committee ("MPC"). In this way, the complainant attempts to subject the delegates, along with the MPC, to a common contribution and expenditure limitation.

For the reasons set forth below, we submit that the allegations presented by Americans with Hart, Inc. do not warrant further investigation by the Commission. Initially, we would urge the Commission to require a "high threshold" of proof before commencing such an investigation. Investigations of allegedly improper campaign activities, once launched, attract considerable public attention, notwithstanding the confidentiality provisions of the Federal Election Campaign Act, and may impact upon the presidential campaign itself. Indeed, creating such publicity may be a prime purpose behind the filing of this Complaint. Moreover, such investigations may infringe upon or "chill" the exercise of political expression and associational rights by grass roots groups such as the Florida delegate committees by enmeshing the committees in often protracted, costly and burdensome proceedings. Unless such investigations are carefully limited, they may hinder the very type of local volunteer activity which the Chairman of the Commission has characterized as

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"the essence of healthy election campaigning," Federal Election Campaign Act Amendments of 1979, "Hearings before the Senate Committee on Rules and Administration," 96th Congress, 1st Sess. at 8 (1979), and which Congress has sought to encourage in enacting the coattails provisions of the Federal Election Campaign Act Amendments of 1979. 2 U.S.C. §431(8)(b)(i).[1/] The Commission has also acted to facilitate in the delegate selection process similar campaign activity to that encouraged in the general election by the statutory coattails provision. See FEC Explanation and Justification, 1 Federal Election Campaign Finance Guide (CCH), ¶ 864 at 1561-1567. The Commission's objective would be undermined if full scale investigations are undertaken upon such wide ranging and unconfirmed accusations as those made in the Hart Committee Complaint. Although the Commission has not articulated the level of cause which must exist before proceeding to a formal investigation, at least in the context of grass roots campaign activity, the burden of proof upon a complainant should be substantial.

1/ Under these provisions, candidates for public office, including presidential candidates, may coordinate grass roots campaigning without violating the Act.

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I. THE HART COMMITTEE COMPLAINT FAILS TO MEET THE SPECIFICITY REQUIREMENTS ESTABLISHED BY THE COMMISSION.

The Federal Election Campaign Act, 2 U.S.C. §437G(a)(1), and Commission regulations promulgated thereunder, 11 C.F.R. §111.4, require, inter alia, that a complaint must clearly identify as a respondent each person or entity who is alleged to have committed a violation. 11 C.F.R. §111.4. None of the allegations submitted in the Hart Committee's Complaint, or the supplements thereto, have identified any activities conducted by the Fourth, Eighth, Ninth or Fourteenth Congressional District's Delegates for Mondale Committees or the South Florida Delegates for Mondale group. Indeed the only allegations directed at any Florida committees in the Complaint are vague charges that funds were transferred by New Hampshire committee to several Florida committees and that three Florida committees happened to use the same commercial printer in Hollywood, Florida. Not only do these allegations fail to constitute violations of the Federal Election Campaign Act or regulations promulgated thereunder, but neither the Complaint nor the underlying source identifies the Florida delegate committees which purportedly have received impermissible contributions or have improperly coordinated their activities. This is a fatal defect in the Complaint which should lead the Commission to take no further action at this time. It is precisely such open-ended allegations as these which require far-

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ranging investigations threatening the confidentiality of the investigatory process and interfering with the associational rights of the delegates.

Furthermore, the Hart Complaint is based on inaccurate and undocumented newspaper articles which fail to meet the Commission's policy with regard to the opening of compliance actions on the basis of newspaper accounts. See Commission Memorandum No. 663 (November 15, 1979). That policy requires a news account to be well documented, substantial, and to meet all of the requirements of a complaint in order to constitute a sufficient basis for an enforcement action. The news accounts relied upon in the Hart Complaint do not meet this standard. They are based on speculative and conclusory quotes which do not set forth a substantive statement of facts. For this reason the allegations set forth in the Hart Complaint, particularly those allegations concerning the affiliation of delegate committees with each other and with the MPC, do not create a sufficient basis for further investigation.

The Florida delegate committees filing this response have fully complied with the Federal Election Campaign Act and the Commission's regulations. If and when a complaint is filed which alleges violations by one of the Florida delegate committees filing this response, said committee will welcome the opportunity to demonstrate to the Commission that the allegation is bareless.

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II. THE HART COMPLAINT IS BASED ON AN ERRONEOUS VIEW OF THE COMMISSION'S DELEGATE COMMITTEE REGULATIONS.

A. Delegates, Acting Through A Committee, May Make Expenditures For Volunteer Activities On The Same Terms Available When Delegates Act Individually.

The Commission's Regulations, §110.14, deal with contributions to and expenditures by delegates. The regulations entitle all delegates to spend unlimited amounts for advocating their own selection and for volunteer campaign materials which promote both delegates and their presidential candidate, as long as such materials are used in volunteer activities and do not involve general public advertising. The applicability of these provisions to delegate committees is reflected in the language in these very rules requiring delegates who exercise these rights through committees to register and report with the Commission. The rule also makes clear that committees must observe the Federal Election Campaign Act's limits when making or receiving contributions. The regulation does not, however, establish any limitations on expenditures for delegate committees. It follows that all delegates, whether acting individually or through committees may make the exempt expenditures allowed under §110.14(d)(1). The Commission was certainly aware of the fact that delegate committees would make such expenditures, and would have spelled out such restrictions if they were intended.

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The Commission's summary of rules pertaining to delegate committee expenditures confirms this interpretation. The Commission stated that all expenditures by delegate committees are reportable, and "an expenditure for public political advertising which advocates the selection of a delegate which also refers to a presidential primary candidate is considered either an allocable in-kind contribution or an allocable independent expenditure on behalf of the presidential candidate." FEC Record, December 1983. No other limitation for delegate committee expenditures is stated. Accordingly, delegate committees enjoy the rights afforded to individual delegates to make expenditures advocating their selection in supporting their presidential candidate, as long as such expenditures are limited to volunteer campaign materials. Moreover, any other interpretation would discourage the team campaigning that Congress and the Commission sought to encourage in enacting the coattail provisions enacted in the Federal Election Campaign Act of 1979. 2 U.S.C. §431(8)(b)(xi); 11 C.F.R. §100.7(b)(16).

Neither the Hart Committee Complaint, nor anything in the regulatory history of the regulations at issue suggest any policy reason for treating delegate committees differently than individual delegates. Clearly, the delegate committees are not a "scheme" to evade the contribution and expenditure limitations.

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Under the regulations, individual delegates may raise and spend unlimited amounts on volunteer campaign materials without any disclosure. Second, contributions for individual delegates are not subject to any limitations when made by a political committee and are subject only, to a $25,000 limitation when made by individuals. If the MPC had intended to follow a scheme to evade the contribution and expenditure limitations, as the Hart Committee Complaint suggests, using individual delegates - who need not even register and report, unlike delegate committees - would have been a far easier path.

B. Delegate Committees Are Not Affiliated With Each Other Or With The Mondale For President Committee.

Florida delegate committees represented in this response are independently established autonomous committees who are not affiliated either with other committees operating throughout the state and nation or with the MPC. The standards for affiliation for the purpose of the Act's contribution limitations are set forth at 2 U.S.C. §441A(a)(5). That section states that all contributions made by political committees "established, financed, maintained or controlled by [the same] person" shall be considered to have been made by a single political committee. The Commission has interpreted the general statutory standards set forth in §441A(a)(5) by prescribing five

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factors to be used in determining whether committees are affiliated 11 C.F.R. §100.5(g)(2)(ii): (1) ownership by one committee of a controlling interest in voting shares or securities in another committee; (2) provisions of by-laws, constitutions or other documents by which one committee has the authority, power or ability to direct another committee; (3) the authority, power or ability of one committee to hire, appoint, discipline, discharge, demote or remove or otherwise influence the decision of the officer or members of the other committees; (4) similar patterns of contributions by the committees in questions; and (5) the transfer of funds between committees which represent a substantial portion of the funds of the committees in question.

The allegations in the Hart Committee Complaint, even if accepted on their face, do not satisfy the Commission's affiliation criteria. Moreover, the Florida delegate committees, on whose behalf this response is filed, are not even mentioned. Until the complainant establishes that the affiliation standards have been met, there is no reason for a formal investigation. The Florida delegate committees filing this response were established by delegates independently of the MPC. The formation of the committees, appointment of treasurers, the choice of a committee name, opening of a bank account and other actions were all performed independently by each committee. The delegate com-

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mittees financed their operations through fund raisers and other means and controlled their own activities. The MPC enjoyed no control over the members of the committee.

The Hart Complaint strives to create an aura of impropriety because delegate campaign flyers emphasize the candidate other then the delegates and because the MPC provided delegate committees with legal advice pertaining to federal election law. Obviously, voters will vote for delegates who support the presidential candidate they favor and delegate campaigning naturally focuses on the candidate the particular delegate supports. Furthermore, legal advice on commission regulations is not a basis upon which the Commission may find that delegate committees have affiliated themselves with the national campaign. See 2 U.S.C. §431(8)(B)(ix).

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III. COMMISSION REGULATIONS SHOULD BE INTERPRETED IN LIGHT OF THE DELEGATES CONSTITUTIONAL RIGHTS TO POLITICAL ASSOCIATION THROUGH COMMITTEES.

The FEC is being asked to investigate committee activities which are fully subject to First Amendment protection. The organization of groups to participate in the political process lies at the core of the First Amendment rights of expression and association. As Chief Justice Burger stated for the Supreme Court in Citizens Against Rent Control v. City of Berkeley, 454 U.S. 290, 294 (1982):

> "[T]he practice of persons sharing common views banning together to achieve a common end is deeply embedded in the American political process. . . . The tradition of volunteer committees for collective action has manifested itself in myriad community and public activities; in the political process, it can focus on a candidate or on a ballot measure. Its value is that by collective effort, individuals can make their views known when, individually, their voices would be faint or lost."

Any interpretation of Commission regulations, or for that matter, any direct regulation either by this Commission or even by the Congress which infringed on the rights of individual delegates to campaign together through delegate committees would be constitutionally suspect:

> Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly.

NAACP v. Alabama, 357 U.S. 449, 460 (1958); Buckley v. Valeo, 424 U.S. 1, 14 (1976); Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 294; Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281, 1284-1285 (11th Cir. 1982). In Buckley v. Valeo, the Supreme Court made clear that:

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> "The First Amendment protects political association, as well as political expression. The constitutional right of association explicated in NAACP v. Alabama, 357 U.S. 449 (1958), stems from the Court's recognition that "effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.' Subsequent decisions have made clear that the First and Fourteenth Amendments guarantee 'freedom to associate with others for the common advancement of political beliefs and ideas,' a freedom that encompasses 'the right to associate with the political party of one's choice.' Kusper v. Pontikes, 414 U.S. 51, 56 (1973), quoted in Cousins v. Wigoda, 419 U.S. 477, 487 (1975)."

Because of the importance of free expression and association rights in the context of political campaigns, the Supreme Court in Buckley invalidated limitations on campaign expenditures, and upheld restrictions on contributions only because they were carefully limited to the single interest that the court found legitimate in this area: the perception of undue influence created by large contributions to a candidate.[2/]

Activities by a political party in the primary process are even further insulated from government intrusion. In Democratic

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2/ As the Supreme Court has subsequently stated, "Buckley identified a single narrow exception to the rule that limits on political activity were contrary to the First Amendment. The exception relates to the perception of undue influence of large contributions to a candidate." Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 297 (emphasis in original).

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Party of the United States v. Wisconsin, 450 U.S. 119, the court held that members of the National Democratic Party's associational rights to determine who could participate in the processes leading to the selection of delegates at a national convention could not be limited by Wisconsin's interests in forcing the National Party to honor primary results. In so holding, the court followed its earlier holding in Cousins v. Wigoda, 419 U.S. 477, that state law did not have primacy over national political party's rules in determination of the qualifications and eligibility of delegates to the National Party's Convention. The court stated that "Illinois' interest in protecting the integrity of its electoral process cannot be compelling in the context of the selection of delegates to the National Party Convention." Id. at 491. The Cousins court relied upon the principle that "the National Democratic Party and its adherents enjoy a constitutionally protected right of political association." Id. at 487. For the reasons articulated in these cases, the Commission should be particularly hesitant before launching investigations into primary campaign activities which are, after all, essentially matters for the Democratic Party to resolve.

The constitutional implications of any commission regulation of political activities by delegate committees are clear. First,

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the constitutionally permissible scope of any regulation of delegate committee activities is limited by the Supreme Court's decision in Buckley to the single possibility of the perception of undue influence through contributions to a candidate. Conducting a full scale investigation on other issues is pointless, given the Supreme Court's Buckley ruling. Second, the investigation itself raises significant constitutional questions. By forcing the disclosure of committee workings, and enmeshing the committees in an investigation, the Commission risks infringing and chilling the rights of delegates to form committees to advance their cause. An investigation into the activities of the Florida Mondale Delegate Committees and other delegate committees supporting any candidate, should only be undertaken when there is far stronger evidence of misconduct than that which has been presented in this Complaint. In Federal Election Commission v. Florida Committee, 681 F.2d 1281 (11th Cir. 1982), the Court of Appeals recognized that:

> "A higher degree of scrutiny must attach before courts can compel disclosure of information that may impinge upon First Amendment associational rights."

Federal Election Commission v. Mechanists Non-Particant Political League, 665 F.2d 380 (D.C. Cir.), cert. denied, 454 U.S. 897 (1981). The Court of Appeals followed the Supreme Court's

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holding in Sweezy v. New Hampshire, 354 U.S. 234, 245 (1957), that:

> "It is particularly important that the exercise of the power of compulsory process be carefully circumscribed when the power of compulsory process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of political association and freedom of communication of ideas. . . ."

Third, cast in its best light, the Hart Complaint only points to an ambiguity in the Commission's regulations as to whether delegates may make expenditures as delegate committees, as well as individually. It is a well established constitutional principle that, in cases of statutory ambiguity, a statute should be construed to avoid creating constitutional problems. "If the interpretation complained of 'presents a significant risk that the First Amendment interest will be infringed,' any ambiguity in statute is construed in the manner to avoid such constitutional problems. Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d at 1287. See also Rescue Army v. Municipal Court, 331 U.S. 549 (1947); Ashwander v. T.V.A., 297 U.S. 288, 345 (1936) (Brandeis, J. concurring). The same principle should apply with equal force to the Commission's determinations of whether ambiguity in its regulations should be construed in a manner which is restrictive of political activity protected by the First amendment.

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IV. UNCERTAINTIES ABOUT THE ROLE OF DELEGATE COMMITTEES IN PRIMARY CAMPAIGNS SHOULD BE ADDRESSED THROUGH THE COMMISSION'S RULE MAKING POWERS.

An investigation of delegate committees may well create political effects and ramifications on the presidential campaign. Walter Mondale has stated that he will take steps to refund contributions made to disputed delegate committees supporting his presidential campaign and count monies spent by the committee against overall federal spending limits. In light of these actions by Mr. Mondale, and by the reality that the presidential primary process for the 1984 campaign is at an end, there is no urgency for the Commission to undertake an investigation at this time which may create possible ramifications on the candidates and the election campaign. If the Commission believes there are ambiguities in the delegate regulations which require clarification, the Commission should do so through its rule making authority. In this manner, the Commission can more fully address the broader policy questions at stake without prejudicing the rights and campaigns of any candidate in this election, and without intruding upon the valued rights of free expression and association protected by the United States Constitution.

CONCLUSION

For the foregoing reasons, the Fourth, Eighth, Ninth and Fourteenth Congressional District Delegates for Mondale Com-

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mittees, and the South Florida Delegates for Mondale Group, urges that the Commission should find no reason to believe that a violation under the Federal Election Campaign Act has occurred.

Respectfully submitted,

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ECC #3728

June 19, 1984

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

Re: Complaint of the National Right to Work Committee, et al. v. Walter F. Mondale and Mondale For President Campaign Committee, et al., MUR 1704

Dear Commissioners:

This response is filed on behalf of Florida Delegate Committees which support the candidacy of Walter Mondale in the Fourth, Fifth, Eighth, Ninth, Northern Twelfth, Thirteenth and Fourteenth Congressional Districts and the South Florida Delegates for Mondale Committee and is being filed in opposition to the above-referenced complaint of the National Right to Work Committee and Ralph Martin Hettinga, Jr. filed on May 21, 1984. In its complaint, the National Right To Work Committee ("NRWC") asserts that a number of union-related political action committees have

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evaded the contribution limits of the Federal Election Campaign Act by making contributions to delegate committees which NRWWC assets are affiliated with one another and with the Mondale for President Committee ("MPC"). The complainant requests that the Commission hold the independent Mondale delegate committees throughout the country, along with the MPC, to a single common contribution limitation.

For the reasons set forth below, we submit that the allegations presented by the complainant do not warrant further investigation by the Commission. Initially, we would urge the Commission to require a "high threshold" of proof before commencing such an investigation. Investigations of allegedly improper campaign activities, once launched, attract considerable public attention, notwithstanding the confidentiality provisions of the Federal Election Campaign Act, and may impact upon the presidential campaign itself. Indeed, creating such publicity may be a prime purpose behind the filing of this Complaint. Moreover, such investigations may infringe upon or "chill" the exercise of political expression and associational rights by grass roots groups such as the Florida delegate committees by enmeshing the committees in often protracted, costly and burdensome proceedings. Unless such investigations are carefully limited, they may hinder the very type of local volunteer activity which the Chair-

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man of the Commission has characterized as "the essence of healthy election campaigning," Federal Election Campaign Act Amendments of 1979, "Hearings before the Senate Committee on Rules and Administration," 96th Congress, 1st Sess. at 8 (1979), and which Congress has sought to encourage in enacting the coattails provisions of the Federal Election Campaign Act Amendments of 1979. 2 U.S.C. §431(8)(b)(i).[1/] The Commission has also acted to facilitate in the delegate selection process similar campaign activity to that encouraged in the general election by the statutory coattails provision. See FEC Explanation and Justification, 1 Federal Election Campaign Finance Guide (CCH), ¶ 864 at 1561-1567. The Commission's objective would be undermined if full scale investigations are undertaken upon such wide ranging and unconfirmed accusations of affiliation as those made in the NRWC Complaint. Although the Commission has not articulated the level of cause which must exist before proceeding to a formal investigation, at least in the context of grass roots campaign activity, the burden of proof upon a complainant should be substantial.

1/ Under these provisions, candidates for public office, including presidential candidates, may coordinate grass roots campaigning without violating the Act.

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I. THE FEDERAL ELECTION CAMPAIGN ACT DOES NOT PROHIBIT "AFFILIATION" AMONG COMMITTEES RECEIVING CONTRIBUTIONS.

The NRWC Complaint is predicated on 2 U.S.C. § 441a(a)(5), which states that all contributions made by political committees "established, financed, maintained, or controlled by [the same] person" shall be considered to have been made by a single political committee. NRWC, however, is not alleging affiliation among the contributing sources but rather among the recipient delegate committees. Neither 2 U.S.C. § 441a(a)(5), nor any other provision of the Act authorizes the Commission to treat contributions made to delegate committees as contributions made to the candidate. That the Commission should not assume such authority is implicit from § 441a(a)(7)(A) which states only that contributions made to a political committee "authorized by such candidate to accept contributions on his behalf" shall be considered as contributions made to the candidate. If Congress had intended to consider other contributions -- such as those involved here -- as contributions to the candidate, it would have so legislated.

This interpretation is supported by § 441a(a)(5)(A) which states that the "affiliation" provisions of that section do not limit "transfers between political committees of funds raised through joint fund raising efforts." Moreover, § 441a(a)(4) stipulates that the limitations on contributions "do not apply to transfers between and among political committees which are

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national, state, district or local committees (including any subordinate committee thereof) of the same political party," although clearly the activities of such committees are closely coordinated. The Supreme Court gave related provisions of the Act, allowing such transfers for Senatorial campaigns, an expansive interpretation in upholding the Commission's interpretation in Federal Election Comm. v. Democratic Senatorial Campaign Committee, 454 U.S. 27 (1981).

Not only did Congress not authorize the Commission to take the action complainant requests, but there is an obvious reason why delegate committees should not be subject to single contribution limits. Unless the committees do in fact coordinate their actions and exchange records, there is no way one delegate committee can determine whether a given contribution tendered to it violates the Act's contribution limits.

II. FLORIDA DELEGATE COMMITTEES ARE NOT AFFILIATED WITH EACH OTHER OR WITH THE MONDALE FOR PRESIDENT COMMITTEE.

Florida delegate committees filing this response are independently established autonomous committees who are not affiliated either with other committees operating throughout the state and nation or with the MPC. Thus, even if the standards for affiliation for the purpose of the Act's contribution limitations set forth at 2 U.S.C. § 441a(a)(5) are relevant to this com-

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plaint, the Florida delegate committees have not been so affiliated. The Commission has interpreted the general statutory standards set forth in § 441a(a)(5) by prescribing five factors to be used in determining whether committees are affiliated 11 C.F.R. § 100.5(g)(2)(ii): (1) ownership by one committee of a controlling interest in voting shares or securities in another committee; (2) provisions of by-laws, constitutions or other documents by which one committee has the authority, power or ability to direct another committee; (3) the authority, power or ability of one committee to hire, appoint, discipline, discharge, demote or remove or otherwise influence the decision of the officer or members of the other committees; (4) similar patterns of contributions by the committees in questions; and (5) the transfer of funds between committees which represent a substantial portion of the funds of the committees in question.

The allegations in the NRWC Complaint, even if accepted on their face, do not satisfy the Commission's affiliation criteria. Moreover, the Florida delegate committees on whose behalf this response is filed are not specifically mentioned by the allegations concerning affiliation. Until the complainant establishes that the affiliation standards have been met, there is no reason for a formal investigation. As documented by the attached

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affidavits,[2] the Florida delegate committees filing this response were established by delegates independently of the MPC. The formation of the committees, appointment of treasurers, the choice of a committee name, opening of a bank account and other actions were all performed independently by each committee. The delegate committees financed their operations through fund raisers and other means and controlled their own activities. The MPC enjoyed no control over the members of the committee.

Relying on various news accounts,[3] the complaint asserts that the national Modale staff "instructed" delegate committees on how to organize and operate, that Mondale staff were transfer-

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2/ Supporting affidavits on behalf of other committees will be forwarded as soon as possible as a supplemental filing to this response.

3/ For the most part, the news accounts relied upon in the complaint failed to meet the Commission's policy with regard to the opening of compliance actions on the basis of newspaper accounts. See Commission Memorandum No. 663 November 15, 1979. That policy requires a news account to be well documented, substantial, and to meet all of the requirements of a complaint in order to constitute a sufficient basis for an enforcement action. The news accounts relied upon in the NWRC complaint do not meet this standard. They are based on speculative and conclusory quotes which do not set forth a substantive statement of facts. For this reason, the allegations concerning the affiliation of delegate committees with each other and with the MPC based on newspaper articles do not create a sufficient basis for further investigation.

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red to the delegate committees, that committees declined PAC contributions at Mr. Mondale's request, that the MPC's office of legal counsel was made available to advise delegate committees, that funds were transferred from a delegate committee in one state to a sister group in another, that certain registration statements for different committees were purportedly written by the same person and mailed in envelopes typed on the same typewriter and reported joint spending at the same print shops, and that delegate committees started disbanding after Walter Mondale requested them to do so. Each of these allegations is addressed below, and the response to these allegations is supported by sworn affidavits from the delegate committee treasurers.

1. The only assistance provided by the Mondale staff in the formation of the delegate committees filing this response was a memorandum provided by the MPC describing the laws and commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations. The provision of such legal assistance is expressly authorized by 2 U.S.C. § 431(8)(B)(ix).

2. The Florida delegate committees represented herein have not hired any MPC campaign workers.

3. Mr. Mondale's decision to request delegate committees supporting his candidacy not to accept PAC contributions hardly

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can be the basis for a finding of an affiliation among the committees and the MPC. In the first place, there is nothing whatever to suggest that the committees followed Mr. Mondale's direction in this regard. In Florida, at least, the primary had already been conducted at this time and contributions from any source, including political action committees, were no longer needed. A committee's decision not to accept further contributions hardly demonstrates that the delegate committees actions were being orchestrated by Mr. Mondale or the MPC. To the contrary, the delegate committees' earlier decisions to accept limited contributions from political action committee sources while Mr. Mondale had decided not to accept such contributions for the purposes of his own campaign illustrates the independence of decisionmaking between the MPC and the delegate committees.

4. The availability of legal advice to the delegate committees is not a basis on which affiliation may be found. Indeed, even the provision of legal advice regarding Commission regulations is not a basis upon which the Commission may find the delegate committees to have affiliated themselves with the national campaign. See 2 U.S.C. § 431(8)(B)(ix).

5. The delegate committees represented in this response have not contributed any money to the MPC or to any other delegate committees.

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6. The allegations concerning the use of a similar typewriter or printer, even if true, hardly support a finding of affiliation as set forth under the Commission's regulations.

7. The fact that some delegate committees disbanded after the purpose for which they were created -- the primary elections -- concluded is hardly surprising and is not indicative of any affiliation among the committees or affiliation with the national campaign.

In sum, the alleged coordination and control of the delegate committees by the Mondale campaign has not been established, at least with respect to the Florida delegate committees filing this response. Furthermore, the private investigatory reports discussed on page 6 of the complaint do not identify any of the Florida delegate committees filing this response as having been involved in any allegedly "affiliated" activity. For these reasons, there is no basis for concluding that the Mondale delegate committees are affiliates of the Mondale campaign and share a single limit on contributions that they may receive from any one source for the election.

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III. COMMISSION INTERPRETATIONS SHOULD BE INTERPRETED IN LIGHT OF THE DELEGATES' CONSTITUTIONAL RIGHTS TO POLITICAL ASSOCIATION THROUGH COMMITTEES.

The FEC is being asked to investigate committee activities which are fully subject to First Amendment protection. The organization of groups to participate in the political process lies at the core of the First Amendment rights of expression and association. As Chief Justice Burger stated for the Supreme Court in Citizens Against Rent Control v. City of Berkeley, 454 U.S. 290, 294 (1982):

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Any interpretation of Commission regulations, or for that matter, any direct regulation either by this Commission or even by the Congress which infringed on the rights of individual delegates to campaign together through delegate committees would be constitutionally suspect:

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> Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly.

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> "The First Amendment protects political association, as well as political expression. The constitutional right of association explicated in NAACP v. Alabama, 357 U.S. 449 (1958), stems from the Court's recognition that "effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.' Subsequent decisions have made clear that the First and Fourteenth Amendments guarantee 'freedom to associate with others for the common advancement of political beliefs and ideas,' a freedom that encompasses 'the right to associate with the political party of one's choice.' Kusper v. Pontikes, 414 U.S. 51, 56 (1973), quoted in Cousins v. Wigoda, 419 U.S. 477, 487 (1975)."

Because of the importance of free expression and association rights in the context of political campaigns, the Supreme Court in Buckley invalidated limitations on campaign expenditures, and upheld restrictions on contributions only because they were care-

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fully limited to the single interest that the court found legitimate in this area: the perception of undue influence created by large contributions to a candidate.[4/]

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4/ As the Supreme Court has subsequently stated, "Buckley identified a single narrow exception to the rule that limits on political activity were contrary to the First Amendment. The exception relates to the perception of undue influence of large contributions to a candidate." Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 297 (emphasis in original).

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Id. at 491. The Cousins court relied upon the principle that "the National Democratic Party and its adherents enjoy a constitutionally protected right of political association." Id. at 487. For the reasons articulated in these cases, the Commission should be particularly hesitant before launching investigations into primary campaign activities which are, after all, essentially matters for the Democratic Party to resolve.

The constitutional implications of any commission regulation of political activities by delegate committees are clear. First, the constitutionally permissible scope of any regulation of delegate committee activities is limited by the Supreme Court's decision in Buckley to the single possibility of the perception of undue influence through contributions to a candidate. Conducting a full scale investigation on other issues is pointless, given the Supreme Court's Buckley ruling. Second, the investigation itself raises significant constitutional questions. By forcing the disclosure of committee workings, and enmeshing the committees in an investigation, the Commission risks infringing and chilling the rights of delegates to form committees to advance their cause. An investigation into the activities of the Florida Mondale Delegate Committees and other delegate committees supporting any candidate, should only be undertaken when there is far stronger evidence of misconduct than that which has been

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presented in this Complaint. In Federal Election Commission v. Florida Committee, 681 F.2d 1281 (11th Cir. 1982), the Court of Appeals recognized that:

> "A higher degree of scrutiny must attach before courts can compel disclosure of information that may impinge upon First Amendment associational rights."

Federal Election Commission v. Mechanists Non-Particant Political League, 665 F.2d 380 (D.C. Cir.), cert. denied, 454 U.S. 897 (1981). The Court of Appeals followed the Supreme Court's holding in Sweezy v. New Hampshire, 354 U.S. 234, 245 (1957), that:

> "It is particularly important that the exercise of the power of compulsory process be carefully circumscribed when the power of compulsory process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of political association and freedom of communication of ideas. . . ."

While the Supreme Court upheld the constitutionality of the $5,000 contribution limit for committees in California Medical Association v. Federal Election Commission, 453 U.S. 182 (1981), that decision does not authorize the Commission to take an expansive view of the affiliation standards which would effectively nullify the opportunity provided under the Federal Election Campaign Act for individuals to form delegate committees in support of their own election as delegates to the National convention.

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IV. UNCERTAINTIES ABOUT THE ROLE OF UNION-RELATED PAC CONTRIBUTIONS TO DELEGATE COMMITTEES SHOULD BE ADDRESSED THROUGH THE COMMISSION'S RULE MAKING POWERS.

An investigation of delegate committees may well create political effects and ramifications on the presidential campaign. Walter Mondale has stated that he will take steps to refund contributions made to disputed delegate committees supporting his presidential campaign. In light of this action by Mr. Mondale, and by the reality that the presidential primary process for the 1984 campaign is at an end, there is no urgency for the Commission to undertake an investigation at this time which may create possible ramifications on the candidates and the general election campaign.

Ironically, the only way independent delegate committees could monitor political action committee contributions to ensure that the aggregate amount contributed by a single union-related PAC did not exceed the Act's limits would be to engage in the type of affiliated activity that the NRWC protests in this complaint. If the Commission believes it necessary, it should resolve the tension between the affiliation rules and the contribution limits through its rulemaking authority. As the law is currently written, individual delegate committees are not responsible for contributions that may be made to and received by other delegate committees. For this reason alone, there is no basis

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for subjecting the delegate committees to a formal investigation into the allegations of this complaint.

CONCLUSION

For the foregoing reasons, the Fourth, Fifth, Eighth, Ninth, Twelfth, Thirteenth and Fourteenth Congressional District Delegates for Mondale Committees, and the South Florida Delegates for Mondale Committee, urges that the Commission should find no reason to believe that a violation under the Federal Election Campaign Act has occurred.

Respectfully submitted,

GREENBERG, TRAURIG, ASKEW,
HOFFMAN, LIPOFF, ROSEN &
QUENTEL, P.A.

By: Marlene E. Silverman
MARLENE E. SILVERMAN

Stuart H. Singer
STUART H. SINGER

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BEFORE THE
FEDERAL ELECTION COMMISSION

NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN HETTINGA, JR.,	)	MUR 1704
Complainants,	)	
v.	)	AFFIDAVIT OF GEORGE E. COMERFORD
WALTER F. MONDALE and MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al.,	)	
Respondents.	)	

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared, GEORGE E. COMERFORD, who, after first being duly sworn, deposes and says that:

1. I am treasurer of the 14th Congressional District Delegates for Mondale Committee.

2. That the 14th Congressional District Delegates for Mondale Committee was formed and has been operated independent of the Mondale for President Committee and of other delegate committees supporting the candidacy of Mr. Mondale.

3. That upon formation, the 14th Congressional District Delegates for Mondale Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. §433, and thereafter complied with 11 C.F.R. part 104 and 2 U.S.C. §434 with respect to reporting contributions and expenditures.

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4. That the only assistance provided by the Mondale campaign staff in the formation of the delegate committees is a memorandum provided by the Mondale for President Committee describing the laws and Commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations.

5. That the 14th Congressional District Delegates for Mondale Committee has not accepted any contributions from union political action committees or from any other contributors in excess of the $5,000.00 contribution limit established by the Federal Election Campaign Act.

6. That the 14th Congressional District Delegates for Mondale Committee was not at any time subject to control of the Mondale for President Committee or the Mondale Presidential Campaign with respect to any of its operations, including the contents of its campaign materials or the Committees' decisions regarding contributions.

7. That the 14th Congressional District Delegates for Mondale Committee has never hired a Mondale campaign worker who has been laid off.

8. That the 14th Congressional District Delegates for Mondale Committee has never contributed any money to the Mondale for President Committee or to any other delegate committees.

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9. That the 14th Congressional District Delegates for Mondale Committee has not at any time accepted contributions from sources prohibited under the Federal Election Campaign Act or the regulations promulgated thereunder.

10. That the 14th Congressional District Delegates for Mondale Committee has acted in full compliance with the Federal Election Campaign Act, the regulations of Federal Election Commission and has remained an independent organization unaffiliated with the Mondale for President Committee or with other delegate committees supporting Walter Mondale.

11. That the statements made herein are true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

George E. Comerford
GEORGE E. COMERFORD

SWORN TO AND SUBSCRIBED before me this 15 day of June, 1984.

Robert Z. Murray
NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

Notary Public, State of Florida
My Commission Expires May 1 [illegible] 1983

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BEFORE THE
FEDERAL ELECTION COMMISSION

NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN HETTINGA, JR.,	)	MUR 1704
Complainants,	)	
v.	)	AFFIDAVIT OF CALVIN D. DEVONEY
WALTER F. MONDALE and MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al.,	)	
Respondents.	)	

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared, CALVIN D. DEVONEY, who, after first being duly sworn, deposes and says that:

1. I am treasurer of the 4th Congressional District Delegates for Mondale Committee.

2. That the 4th Congressional District Delegates for Mondale Committee was formed and has been operated independent of the Mondale for President Committee and of other delegate committees supporting the candidacy of Mr. Mondale.

3. That upon formation, the 4th Congressional District Delegates for Mondale Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. §433, and thereafter complied with 11 C.F.R. part 104 and 2 U.S.C. §434 with respect to reporting contributions and expenditures.

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4. That the only assistance provided by the Mondale campaign staff in the formation of the delegate committees is a memorandum provided by the Mondale for President Committee describing the laws and Commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations.

5. That the 4th Congressional District Delegates for Mondale Committee has not accepted any contributions from union political action committees or from any other contributors in excess of the $5,000.00 contribution limit established by the Federal Election Campaign Act.

6. That the 4th Congressional District Delegates for Mondale Committee was not at any time subject to control of the Mondale for President Committee or the Mondale Presidential Campaign with respect to any of its operations, including the contents of its campaign materials or the Committees' decisions regarding contributions.

7. That the 4th Congressional District Delegates for Mondale Committee has never hired a Mondale campaign worker who has been laid off.

8. That the 4th Congressional District Delegates for Mondale Committee has never contributed any money to the Mondale for President Committee or to any other delegate committees.

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9. That the 4th Congressional District Delegates for Mondale Committee has not at any time accepted contributions from sources prohibited under the Federal Election Campaign Act or the regulations promulgated thereunder.

10. That the 4th Congressional District Delegates for Mondale Committee has acted in full compliance with the Federal Election Campaign Act, the regulations of Federal Election Commission and has remained an independent organization unaffiliated with the Mondale for President Committee or with other delegate committees supporting Walter Mondale.

11. That the statements made herein are true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

CALVIN D. DEVONEY

SWORN TO AND SUBSCRIBED before me this 15 day of June, 1984.

NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Oct. 11, 1987

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LAW OFFICES
ENBERG, TRAURIG, ASKEW, HOFFMAN, LIPOFF, ROSEN & QUENTEL, P.A.
BRICKELL CONCOURS
1401 BRICKELL AVENUE
MIAMI, FLORIDA 33131

MIAMI, FL 331
PM
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Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

15010109647

STATEMENT OF DESIGNATION OF COUNSEL

Gen H 3623

84 JUN 15 A8:08

MUR 1667 and 1704

NAME OF COUNSEL: Stuart H. Singer

ADDRESS: Greenberg, Traurig, et.al.
1401 Brickell Avenue
Miami, Florida 33131

TELEPHONE: (305) 579-0637

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.

6-12-84
Date

Cheryl B. Frazier
Signature

RESPONDENT'S NAME: Cheryl B. Frazier, Treasurer
Congressional District 5
Delegates for Mondale

ADDRESS: 1310 West Colonial Drive
Suite 29
Orlando, Florida 32804

HOME PHONE: 305-657-2008

BUSINESS PHONE: 305-423-4552

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84 JUN 15 A8:00

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1667 and 1704

NAME OF COUNSEL: Stuart H. Singer

ADDRESS: Greenberg, Traurig, et.al.
1401 Brickell Avenue
Miami, Florida 33131

TELEPHONE: (305) 579-0637

84 JUN 15 A9:05

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6-12-84
Date

Cheryl B. Frazier
Signature

RESPONDENT'S NAME: Cheryl B. Frazier, Treasurer
Congressional District 5
Delegates for Mondale

ADDRESS: 1310 West Colonial Drive
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Orlando, Florida 32804

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Cheryl B. Frazier
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Congressional District 5
Delegates for Mondale

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Orlando, Florida 32804

HOME PHONE: 305-657-2008

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AFSCME FLORIDA COUNCIL 79
American Federation of State, County and Municipal Employees
50 Blountstown Highway • Suite D • Tallahassee, Florida 32304 • (904) 576-8155

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General Counsel Office
1325 K Street, N.W.
7th Floor
Washington, D.C. 20463

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1667 and 1704

NAME OF COUNSEL: Stuart H. Singer

ADDRESS: Greenberg, Traurig, et.al.
1401 Brickell Avenue
Miami, Florida 33131

TELEPHONE: (305) 579-0637

84 JUN 15 A9:05

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6-12-84
Date

Cheryl B. Frazier
Signature

RESPONDENT'S NAME: Cheryl B. Frazier, Treasurer
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cheryl B. Frazier, Treasurer
Congressional District 5
Delegates For Mondale
1310 West Colonial Drive
Suite 29
Orlando, FL 32804

Re: MUR 1667

Dear Ms. Frazier:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, 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.

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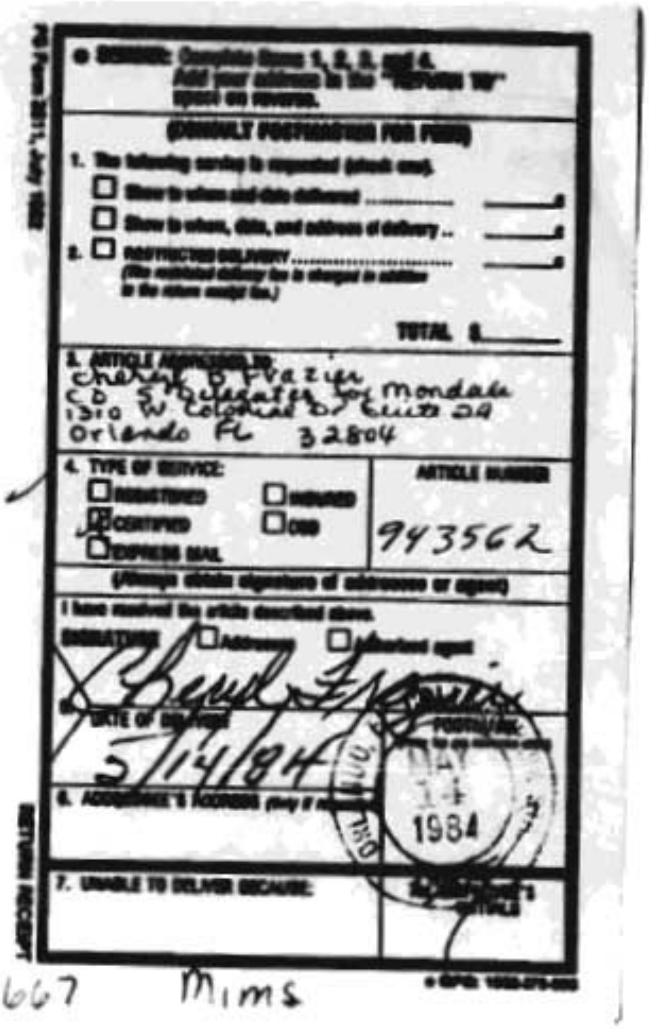
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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



1667 Mims

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LAW OFFICES

GREENBERG, TRAURIG, ASKEW, HOFFMAN, LIPOFF, ROSEN & QUENTEL, P.A.

HAND DELIVERED

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LINDA ROOBRICK ADLER
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WEST PALM BEACH, FLORIDA 33401
(305) 659-6333

WRITER'S DIRECT NO:
(305) 579-0619

June 19, 1984

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Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

Re: Complaint of the National Right to Work Committee, et al. v. Walter F. Mondale and Mondale For President Campaign Committee, et al., MUR 1704

Dear Commissioners:

This response is filed on behalf of Florida Delegate Committees which support the candidacy of Walter Mondale in the Fourth, Fifth, Eighth, Ninth, Northern Twelfth, Thirteenth and Fourteenth Congressional Districts and the South Florida Delegates for Mondale Committee and is being filed in opposition to the above-referenced complaint of the National Right to Work Committee and Ralph Martin Hettinga, Jr. filed on May 21, 1984. In its complaint, the National Right To Work Committee ("NRWC") asserts that a number of union-related political action committees have

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evaded the contribution limits of the Federal Election Campaign Act by making contributions to delegate committees which NRWWC assets are affiliated with one another and with the Mondale for President Committee ("MPC"). The complainant requests that the Commission hold the independent Mondale delegate committees throughout the country, along with the MPC, to a single common contribution limitation.

For the reasons set forth below, we submit that the allegations presented by the complainant do not warrant further investigation by the Commission. Initially, we would urge the Commission to require a "high threshold" of proof before commencing such an investigation. Investigations of allegedly improper campaign activities, once launched, attract considerable public attention, notwithstanding the confidentiality provisions of the Federal Election Campaign Act, and may impact upon the presidential campaign itself. Indeed, creating such publicity may be a prime purpose behind the filing of this Complaint. Moreover, such investigations may infringe upon or "chill" the exercise of political expression and associational rights by grass roots groups such as the Florida delegate committees by enmeshing the committees in often protracted, costly and burdensome proceedings. Unless such investigations are carefully limited, they may hinder the very type of local volunteer activity which the Chair-

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man of the Commission has characterized as "the essence of healthy election campaigning," Federal Election Campaign Act Amendments of 1979, "Hearings before the Senate Committee on Rules and Administration," 96th Congress, 1st Sess. at 8 (1979), and which Congress has sought to encourage in enacting the coattails provisions of the Federal Election Campaign Act Amendments of 1979. 2 U.S.C. §431(8)(b)(i).[1/] The Commission has also acted to facilitate in the delegate selection process similar campaign activity to that encouraged in the general election by the statutory coattails provision. See FEC Explanation and Justification, 1 Federal Election Campaign Finance Guide (CCH), ¶ 864 at 1561-1567. The Commission's objective would be undermined if full scale investigations are undertaken upon such wide ranging and unconfirmed accusations of affiliation as those made in the NRWC Complaint. Although the Commission has not articulated the level of cause which must exist before proceeding to a formal investigation, at least in the context of grass roots campaign activity, the burden of proof upon a complainant should be substantial.

1/ Under these provisions, candidates for public office, including presidential candidates, may coordinate grass roots campaigning without violating the Act.

I. THE FEDERAL ELECTION CAMPAIGN ACT DOES NOT PROHIBIT "AFFILIATION" AMONG COMMITTEES RECEIVING CONTRIBUTIONS.

The NRWC Complaint is predicated on 2 U.S.C. § 441a(a)(5), which states that all contributions made by political committees "established, financed, maintained, or controlled by [the same] person" shall be considered to have been made by a single political committee. NRWC, however, is not alleging affiliation among the contributing sources but rather among the recipient delegate committees. Neither 2 U.S.C. § 441a(a)(5), nor any other provision of the Act authorizes the Commission to treat contributions made to delegate committees as contributions made to the candidate. That the Commission should not assume such authority is implicit from § 441a(a)(7)(A) which states only that contributions made to a political committee "authorized by such candidate to accept contributions on his behalf" shall be considered as contributions made to the candidate. If Congress had intended to consider other contributions -- such as those involved here -- as contributions to the candidate, it would have so legislated.

This interpretation is supported by § 441a(a)(5)(A) which states that the "affiliation" provisions of that section do not limit "transfers between political committees of funds raised through joint fund raising efforts." Moreover, § 441a(a)(4) stipulates that the limitations on contributions "do not apply to transfers between and among political committees which are

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national, state, district or local committees (including any subordinate committee thereof) of the same political party," although clearly the activities of such committees are closely coordinated. The Supreme Court gave related provisions of the Act, allowing such transfers for Senatorial campaigns, an expansive interpretation in upholding the Commission's interpretation in Federal Election Comm. v. Democratic Senatorial Campaign Committee, 454 U.S. 27 (1981).

Not only did Congress not authorize the Commission to take the action complainant requests, but there is an obvious reason why delegate committees should not be subject to single contribution limits. Unless the committees do in fact coordinate their actions and exchange records, there is no way one delegate committee can determine whether a given contribution tendered to it violates the Act's contribution limits.

II. FLORIDA DELEGATE COMMITTEES ARE NOT AFFILIATED WITH EACH OTHER OR WITH THE MONDALE FOR PRESIDENT COMMITTEE.

Florida delegate committees filing this response are independently established autonomous committees who are not affiliated either with other committees operating throughout the state and nation or with the MPC. Thus, even if the standards for affiliation for the purpose of the Act's contribution limitations set forth at 2 U.S.C. § 441a(a)(5) are relevant to this com-

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plaint, the Florida delegate committees have not been so affiliated. The Commission has interpreted the general statutory standards set forth in § 441a(a)(5) by prescribing five factors to be used in determining whether committees are affiliated 11 C.F.R. § 100.5(g)(2)(ii): (1) ownership by one committee of a controlling interest in voting shares or securities in another committee; (2) provisions of by-laws, constitutions or other documents by which one committee has the authority, power or ability to direct another committee; (3) the authority, power or ability of one committee to hire, appoint, discipline, discharge, demote or remove or otherwise influence the decision of the officer or members of the other committees; (4) similar patterns of contributions by the committees in questions; and (5) the transfer of funds between committees which represent a substantial portion of the funds of the committees in question.

The allegations in the NRWC Complaint, even if accepted on their face, do not satisfy the Commission's affiliation criteria. Moreover, the Florida delegate committees on whose behalf this response is filed are not specifically mentioned by the allegations concerning affiliation. Until the complainant establishes that the affiliation standards have been met, there is no reason for a formal investigation. As documented by the attached

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affidavits,[2] the Florida delegate committees filing this response were established by delegates independently of the MPC. The formation of the committees, appointment of treasurers, the choice of a committee name, opening of a bank account and other actions were all performed independently by each committee. The delegate committees financed their operations through fund raisers and other means and controlled their own activities. The MPC enjoyed no control over the members of the committee.

Relying on various news accounts,[3] the complaint asserts that the national Modale staff "instructed" delegate committees on how to organize and operate, that Mondale staff were transfer-

---

2/ Supporting affidavits on behalf of other committees will be forwarded as soon as possible as a supplemental filing to this response.

3/ For the most part, the news accounts relied upon in the complaint failed to meet the Commission's policy with regard to the opening of compliance actions on the basis of newspaper accounts. See Commission Memorandum No. 663 November 15, 1979. That policy requires a news account to be well documented, substantial, and to meet all of the requirements of a complaint in order to constitute a sufficient basis for an enforcement action. The news accounts relied upon in the NWRC complaint do not meet this standard. They are based on speculative and conclusory quotes which do not set forth a substantive statement of facts. For this reason, the allegations concerning the affiliation of delegate committees with each other and with the MPC based on newspaper articles do not create a sufficient basis for further investigation.

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red to the delegate committees, that committees declined PAC contributions at Mr. Mondale's request, that the MPC's office of legal counsel was made available to advise delegate committees, that funds were transferred from a delegate committee in one state to a sister group in another, that certain registration statements for different committees were purportedly written by the same person and mailed in envelopes typed on the same typewriter and reported joint spending at the same print shops, and that delegate committees started disbanding after Walter Mondale requested them to do so. Each of these allegations is addressed below, and the response to these allegations is supported by sworn affidavits from the delegate committee treasurers.

1. The only assistance provided by the Mondale staff in the formation of the delegate committees filing this response was a memorandum provided by the MPC describing the laws and commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations. The provision of such legal assistance is expressly authorized by 2 U.S.C. § 431(8)(B)(ix).

2. The Florida delegate committees represented herein have not hired any MPC campaign workers.

3. Mr. Mondale's decision to request delegate committees supporting his candidacy not to accept PAC contributions hardly

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can be the basis for a finding of an affiliation among the committees and the MPC. In the first place, there is nothing whatever to suggest that the committees followed Mr. Mondale's direction in this regard. In Florida, at least, the primary had already been conducted at this time and contributions from any source, including political action committees, were no longer needed. A committee's decision not to accept further contributions hardly demonstrates that the delegate committees actions were being orchestrated by Mr. Mondale or the MPC. To the contrary, the delegate committees' earlier decisions to accept limited contributions from political action committee sources while Mr. Mondale had decided not to accept such contributions for the purposes of his own campaign illustrates the independence of decisionmaking between the MPC and the delegate committees.

4. The availability of legal advice to the delegate committees is not a basis on which affiliation may be found. Indeed, even the provision of legal advice regarding Commission regulations is not a basis upon which the Commission may find the delegate committees to have affiliated themselves with the national campaign. See 2 U.S.C. § 431(8)(B)(ix).

5. The delegate committees represented in this response have not contributed any money to the MPC or to any other delegate committees.

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6. The allegations concerning the use of a similar typewriter or printer, even if true, hardly support a finding of affiliation as set forth under the Commission's regulations.

7. The fact that some delegate committees disbanded after the purpose for which they were created -- the primary elections -- concluded is hardly surprising and is not indicative of any affiliation among the committees or affiliation with the national campaign.

In sum, the alleged coordination and control of the delegate committees by the Mondale campaign has not been established, at least with respect to the Florida delegate committees filing this response. Furthermore, the private investigatory reports discussed on page 6 of the complaint do not identify any of the Florida delegate committees filing this response as having been involved in any allegedly "affiliated" activity. For these reasons, there is no basis for concluding that the Mondale delegate committees are affiliates of the Mondale campaign and share a single limit on contributions that they may receive from any one source for the election.

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III. COMMISSION INTERPRETATIONS SHOULD BE INTERPRETED IN LIGHT OF THE DELEGATES' CONSTITUTIONAL RIGHTS TO POLITICAL ASSOCIATION THROUGH COMMITTEES.

The FEC is being asked to investigate committee activities which are fully subject to First Amendment protection. The organization of groups to participate in the political process lies at the core of the First Amendment rights of expression and association. As Chief Justice Burger stated for the Supreme Court in Citizens Against Rent Control v. City of Berkeley, 454 U.S. 290, 294 (1982):

> "[T]he practice of persons sharing common views banning together to achieve a common end is deeply embedded in the American political process. . . . The tradition of volunteer committees for collective action has manifested itself in myriad community and public activities; in the political process, it can focus on a candidate or on a ballot measure. Its value is that by collective effort, individuals can make their views known when, individually, their voices would be faint or lost."

Any interpretation of Commission regulations, or for that matter, any direct regulation either by this Commission or even by the Congress which infringed on the rights of individual delegates to campaign together through delegate committees would be constitutionally suspect:

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> Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly.

NAACP v. Alabama, 357 U.S. 449, 460 (1958); Buckley v. Valeo, 424 U.S. 1, 14 (1976); Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 294; Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281, 1284-1285 (11th Cir. 1982). In Buckley v. Valeo, the Supreme Court made clear that:

> "The First Amendment protects political association, as well as political expression. The constitutional right of association explicated in NAACP v. Alabama, 357 U.S. 449 (1958), stems from the Court's recognition that "effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.' Subsequent decisions have made clear that the First and Fourteenth Amendments guarantee 'freedom to associate with others for the common advancement of political beliefs and ideas,' a freedom that encompasses 'the right to associate with the political party of one's choice.' Kusper v. Pontikes, 414 U.S. 51, 56 (1973), quoted in Cousins v. Wigoda, 419 U.S. 477, 487 (1975)."

Because of the importance of free expression and association rights in the context of political campaigns, the Supreme Court in Buckley invalidated limitations on campaign expenditures, and upheld restrictions on contributions only because they were care-

fully limited to the single interest that the court found legitimate in this area: the perception of undue influence created by large contributions to a candidate.[4/]

Activities by a political party in the primary process are even further insulated from government intrusion. In Democratic Party of the United States v. Wisconsin, 450 U.S. 119, the court held that members of the National Democratic Party's associational rights to determine who could participate in the processes leading to the selection of delegates at a national convention could not be limited by Wisconsin's interests in forcing the National Party to honor primary results. In so holding, the court followed its earlier holding in Cousins v. Wigoda, 419 U.S. 477, that state law did not have primacy over national political party's rules in determination of the qualifications and eligibility of delegates to the National Party's Convention. The court stated that "Illinois' interest in protecting the integrity of its electoral process cannot be compelling in the context of the selection of delegates to the National Party Convention."

4/ As the Supreme Court has subsequently stated, "Buckley identified a single narrow exception to the rule that limits on political activity were contrary to the First Amendment. The exception relates to the perception of undue influence of large contributions to a candidate." Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 297 (emphasis in original).

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Id. at 491. The Cousins court relied upon the principle that "the National Democratic Party and its adherents enjoy a constitutionally protected right of political association." Id. at 487. For the reasons articulated in these cases, the Commission should be particularly hesitant before launching investigations into primary campaign activities which are, after all, essentially matters for the Democratic Party to resolve.

The constitutional implications of any commission regulation of political activities by delegate committees are clear. First, the constitutionally permissible scope of any regulation of delegate committee activities is limited by the Supreme Court's decision in Buckley to the single possibility of the perception of undue influence through contributions to a candidate. Conducting a full scale investigation on other issues is pointless, given the Supreme Court's Buckley ruling. Second, the investigation itself raises significant constitutional questions. By forcing the disclosure of committee workings, and enmeshing the committees in an investigation, the Commission risks infringing and chilling the rights of delegates to form committees to advance their cause. An investigation into the activities of the Florida Mondale Delegate Committees and other delegate committees supporting any candidate, should only be undertaken when there is far stronger evidence of misconduct than that which has been

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presented in this Complaint. In Federal Election Commission v. Florida Committee, 681 F.2d 1281 (11th Cir. 1982), the Court of Appeals recognized that:

> "A higher degree of scrutiny must attach before courts can compel disclosure of information that may impinge upon First Amendment associational rights."

Federal Election Commission v. Mechanists Non-Particant Political League, 665 F.2d 380 (D.C. Cir.), cert. denied, 454 U.S. 897 (1981). The Court of Appeals followed the Supreme Court's holding in Sweezy v. New Hampshire, 354 U.S. 234, 245 (1957), that:

> "It is particularly important that the exercise of the power of compulsory process be carefully circumscribed when the power of compulsory process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of political association and freedom of communication of ideas. . . ."

While the Supreme Court upheld the constitutionality of the $5,000 contribution limit for committees in California Medical Association v. Federal Election Commission, 453 U.S. 182 (1981), that decision does not authorize the Commission to take an expansive view of the affiliation standards which would effectively nullify the opportunity provided under the Federal Election Campaign Act for individuals to form delegate committees in support of their own election as delegates to the National convention.

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IV. UNCERTAINTIES ABOUT THE ROLE OF UNION-RELATED PAC CONTRIBUTIONS TO DELEGATE COMMITTEES SHOULD BE ADDRESSED THROUGH THE COMMISSION'S RULE MAKING POWERS.

An investigation of delegate committees may well create political effects and ramifications on the presidential campaign. Walter Mondale has stated that he will take steps to refund contributions made to disputed delegate committees supporting his presidential campaign. In light of this action by Mr. Mondale, and by the reality that the presidential primary process for the 1984 campaign is at an end, there is no urgency for the Commission to undertake an investigation at this time which may create possible ramifications on the candidates and the general election campaign.

Ironically, the only way independent delegate committees could monitor political action committee contributions to ensure that the aggregate amount contributed by a single union-related PAC did not exceed the Act's limits would be to engage in the type of affiliated activity that the NRWC protests in this complaint. If the Commission believes it necessary, it should resolve the tension between the affiliation rules and the contribution limits through its rulemaking authority. As the law is currently written, individual delegate committees are not responsible for contributions that may be made to and received by other delegate committees. For this reason alone, there is no basis

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for subjecting the delegate committees to a formal investigation into the allegations of this complaint.

CONCLUSION

For the foregoing reasons, the Fourth, Fifth, Eighth, Ninth, Twelfth, Thirteenth and Fourteenth Congressional District Delegates for Mondale Committees, and the South Florida Delegates for Mondale Committee, urges that the Commission should find no reason to believe that a violation under the Federal Election Campaign Act has occurred.

Respectfully submitted,

GREENBERG, TRAURIG, ASKEW,
HOFFMAN, LIPOFF, ROSEN &
QUENTEL, P.A.

By: Marlene K. Silverman
MARLENE K. SILVERMAN

Stuart H. Singer
STUART H. SINGER

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BEFORE THE
FEDERAL ELECTION COMMISSION

NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN HETTINGA, JR., Complainants, v. WALTER F. MONDALE and MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al., Respondents.	MUR 1704 AFFIDAVIT OF GEORGE E. COMERFORD

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared, GEORGE E. COMERFORD, who, after first being duly sworn, deposes and says that:

1. I am treasurer of the 14th Congressional District Delegates for Mondale Committee.

2. That the 14th Congressional District Delegates for Mondale Committee was formed and has been operated independent of the Mondale for President Committee and of other delegate committees supporting the candidacy of Mr. Mondale.

3. That upon formation, the 14th Congressional District Delegates for Mondale Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. §433, and thereafter complied with 11 C.F.R. part 104 and 2 U.S.C. §434 with respect to reporting contributions and expenditures.

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4. That the only assistance provided by the Mondale campaign staff in the formation of the delegate committees is a memorandum provided by the Mondale for President Committee describing the laws and Commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations.

5. That the 14th Congressional District Delegates for Mondale Committee has not accepted any contributions from union political action committees or from any other contributors in excess of the $5,000.00 contribution limit established by the Federal Election Campaign Act.

6. That the 14th Congressional District Delegates for Mondale Committee was not at any time subject to control of the Mondale for President Committee or the Mondale Presidential Campaign with respect to any of its operations, including the contents of its campaign materials or the Committees' decisions regarding contributions.

7. That the 14th Congressional District Delegates for Mondale Committee has never hired a Mondale campaign worker who has been laid off.

8. That the 14th Congressional District Delegates for Mondale Committee has never contributed any money to the Mondale for President Committee or to any other delegate committees.

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9. That the 14th Congressional District Delegates for Mondale Committee has not at any time accepted contributions from sources prohibited under the Federal Election Campaign Act or the regulations promulgated thereunder.

10. That the 14th Congressional District Delegates for Mondale Committee has acted in full compliance with the Federal Election Campaign Act, the regulations of Federal Election Commission and has remained an independent organization unaffiliated with the Mondale for President Committee or with other delegate committees supporting Walter Mondale.

11. That the statements made herein are true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

George E. Comerford
GEORGE E. COMERFORD

SWORN TO AND SUBSCRIBED before me this 15 day of June, 1984.

Robert L Murry
NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

Notary Public, State of Florida
My Commission Expires March 20, 1988
Bonded Thru Troy Fain - Insurance, Inc.

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BEFORE THE
FEDERAL ELECTION COMMISSION

NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN HETTINGA, JR.,	)	MUR 1704
Complainants,	)	
v.	)	AFFIDAVIT OF CALVIN D. DEVONEY
WALTER F. MONDALE and MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al.,	)	
Respondents.	)	

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared, CALVIN D. DEVONEY, who, after first being duly sworn, deposes and says that:

1. I am treasurer of the 4th Congressional District Delegates for Mondale Committee.

2. That the 4th Congressional District Delegates for Mondale Committee was formed and has been operated independent of the Mondale for President Committee and of other delegate committees supporting the candidacy of Mr. Mondale.

3. That upon formation, the 4th Congressional District Delegates for Mondale Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. §433, and thereafter complied with 11 C.F.R. part 104 and 2 U.S.C. §434 with respect to reporting contributions and expenditures.

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4. That the only assistance provided by the Mondale campaign staff in the formation of the delegate committees is a memorandum provided by the Mondale for President Committee describing the laws and Commission regulations governing the primary election process to insure that all committees were in strict compliance with these regulations.

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8. That the 4th Congressional District Delegates for Mondale Committee has never contributed any money to the Mondale for President Committee or to any other delegate committees.

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9. That the 4th Congressional District Delegates for Mondale Committee has not at any time accepted contributions from sources prohibited under the Federal Election Campaign Act or the regulations promulgated thereunder.

10. That the 4th Congressional District Delegates for Mondale Committee has acted in full compliance with the Federal Election Campaign Act, the regulations of Federal Election Commission and has remained an independent organization unaffiliated with the Mondale for President Committee or with other delegate committees supporting Walter Mondale.

11. That the statements made herein are true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

CALVIN D. DEVONEY

SWORN TO AND SUBSCRIBED before me this 15 day of June, 1984.

NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Oct. 11, 1987

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LAW OFFICES

GREENBERG, TRAURIG, ASKEW, HOFFMAN, LIPOFF, ROSEN & QUENTEL

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84 JUN 5 A11:24

June 4, 1984

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Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20005

Re: Complaint of Americans with Hart, Inc. v. Mondale for President Committee, Inc. filed April 6, 1984, MUR 1667

Dear Commissioners:

This response is filed on behalf of Florida delegate committees which support the candidacy of Walter Mondale in the Fourth, Eighth, Ninth and Fourteenth Congressional Districts and the South Florida Delegates for Mondale Committee and is being filed in opposition to the above-referenced Complaint of Americans with Hart, Inc. filed on April 6, 1984 and subsequently supplemented or amended on April 18, April 27, May 2 and May 22, 1984. In its Complaint, the Hart Committee asserts that delegate committees may not make expenditures for grass roots campaign activities on the terms available to delegates when they act individually. The Hart Committee also requests that the Federal

Election Commission ("Commission") rule that all committees established by Mondale delegates are affiliated with one another and with the Mondale for President Committee ("MPC"). In this way, the complainant attempts to subject the delegates, along with the MPC, to a common contribution and expenditure limitation.

For the reasons set forth below, we submit that the allegations presented by Americans with Hart, Inc. do not warrant further investigation by the Commission. Initially, we would urge the Commission to require a "high threshold" of proof before commencing such an investigation. Investigations of allegedly improper campaign activities, once launched, attract considerable public attention, notwithstanding the confidentiality provisions of the Federal Election Campaign Act, and may impact upon the presidential campaign itself. Indeed, creating such publicity may be a prime purpose behind the filing of this Complaint. Moreover, such investigations may infringe upon or "chill" the exercise of political expression and associational rights by grass roots groups such as the Florida delegate committees by enmeshing the committees in often protracted, costly and burdensome proceedings. Unless such investigations are carefully limited, they may hinder the very type of local volunteer activity which the Chairman of the Commission has characterized as

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"the essence of healthy election campaigning," Federal Election Campaign Act Amendments of 1979, "Hearings before the Senate Committee on Rules and Administration," 96th Congress, 1st Sess. at 8 (1979), and which Congress has sought to encourage in enacting the coattails provisions of the Federal Election Campaign Act Amendments of 1979. 2 U.S.C. §431(8)(b)(i).[1/] The Commission has also acted to facilitate in the delegate selection process similar campaign activity to that encouraged in the general election by the statutory coattails provision. See FEC Explanation and Justification, 1 Federal Election Campaign Finance Guide (CCH), ¶ 864 at 1561-1567. The Commission's objective would be undermined if full scale investigations are undertaken upon such wide ranging and unconfirmed accusations as those made in the Hart Committee Complaint. Although the Commission has not articulated the level of cause which must exist before proceeding to a formal investigation, at least in the context of grass roots campaign activity, the burden of proof upon a complainant should be substantial.

1/ Under these provisions, candidates for public office, including presidential candidates, may coordinate grass roots campaigning without violating the Act.

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I. THE HART COMMITTEE COMPLAINT FAILS TO MEET THE SPECIFICITY REQUIREMENTS ESTABLISHED BY THE COMMISSION.

The Federal Election Campaign Act, 2 U.S.C. §437G(a)(1), and Commission regulations promulgated thereunder, 11 C.F.R. §111.4, require, inter alia, that a complaint must clearly identify as a respondent each person or entity who is alleged to have committed a violation. 11 C.F.R. §111.4. None of the allegations submitted in the Hart Committee's Complaint, or the supplements thereto, have identified any activities conducted by the Fourth, Eighth, Ninth or Fourteenth Congressional District's Delegates for Mondale Committees or the South Florida Delegates for Mondale group. Indeed the only allegations directed at any Florida committees in the Complaint are vague charges that funds were transferred by New Hampshire committee to several Florida committees and that three Florida committees happened to use the same commercial printer in Hollywood, Florida. Not only do these allegations fail to constitute violations of the Federal Election Campaign Act or regulations promulgated thereunder, but neither the Complaint nor the underlying source identifies the Florida delegate committees which purportedly have received impermissible contributions or have improperly coordinated their activities. This is a fatal defect in the Complaint which should lead the Commission to take no further action at this time. It is precisely such open-ended allegations as these which require far-

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ranging investigations threatening the confidentiality of the investigatory process and interfering with the associational rights of the delegates.

Furthermore, the Hart Complaint is based on inaccurate and undocumented newspaper articles which fail to meet the Commission's policy with regard to the opening of compliance actions on the basis of newspaper accounts. See Commission Memorandum No. 663 (November 15, 1979). That policy requires a news account to be well documented, substantial, and to meet all of the requirements of a complaint in order to constitute a sufficient basis for an enforcement action. The news accounts relied upon in the Hart Complaint do not meet this standard. They are based on speculative and conclusory quotes which do not set forth a substantive statement of facts. For this reason the allegations set forth in the Hart Complaint, particularly those allegations concerning the affiliation of delegate committees with each other and with the MPC, do not create a sufficient basis for further investigation.

The Florida delegate committees filing this response have fully complied with the Federal Election Campaign Act and the Commission's regulations. If and when a complaint is filed which alleges violations by one of the Florida delegate committees filing this response, said committee will welcome the opportunity to demonstrate to the Commission that the allegation is bareless.

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II. THE HART COMPLAINT IS BASED ON AN ERRONEOUS VIEW OF THE COMMISSION'S DELEGATE COMMITTEE REGULATIONS.

A. Delegates, Acting Through A Committee, May Make Expenditures For Volunteer Activities On The Same Terms Available When Delegates Act Individually.

The Commission's Regulations, §110.14, deal with contributions to and expenditures by delegates. The regulations entitle all delegates to spend unlimited amounts for advocating their own selection and for volunteer campaign materials which promote both delegates and their presidential candidate, as long as such materials are used in volunteer activities and do not involve general public advertising. The applicability of these provisions to delegate committees is reflected in the language in these very rules requiring delegates who exercise these rights through committees to register and report with the Commission. The rule also makes clear that committees must observe the Federal Election Campaign Act's limits when making or receiving contributions. The regulation does not, however, establish any limitations on expenditures for delegate committees. It follows that all delegates, whether acting individually or through committees may make the exempt expenditures allowed under §110.14(d)(1). The Commission was certainly aware of the fact that delegate committees would make such expenditures, and would have spelled out such restrictions if they were intended.

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The Commission's summary of rules pertaining to delegate committee expenditures confirms this interpretation. The Commission stated that all expenditures by delegate committees are reportable, and "an expenditure for public political advertising which advocates the selection of a delegate which also refers to a presidential primary candidate is considered either an allocable in-kind contribution or an allocable independent expenditure on behalf of the presidential candidate." FEC Record, December 1983. No other limitation for delegate committee expenditures is stated. Accordingly, delegate committees enjoy the rights afforded to individual delegates to make expenditures advocating their selection in supporting their presidential candidate, as long as such expenditures are limited to volunteer campaign materials. Moreover, any other interpretation would discourage the team campaigning that Congress and the Commission sought to encourage in enacting the coattail provisions enacted in the Federal Election Campaign Act of 1979. 2 U.S.C. §431(8)(b)(xi); 11 C.F.R. §100.7(b)(16).

Neither the Hart Committee Complaint, nor anything in the regulatory history of the regulations at issue suggest any policy reason for treating delegate committees differently than individual delegates. Clearly, the delegate committees are not a "scheme" to evade the contribution and expenditure limitations.

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Under the regulations, individual delegates may raise and spend unlimited amounts on volunteer campaign materials without any disclosure. Second, contributions for individual delegates are not subject to any limitations when made by a political committee and are subject only, to a $25,000 limitation when made by individuals. If the MPC had intended to follow a scheme to evade the contribution and expenditure limitations, as the Hart Committee Complaint suggests, using individual delegates - who need not even register and report, unlike delegate committees - would have been a far easier path.

B. Delegate Committees Are Not Affiliated With Each Other Or With The Mondale For President Committee.

Florida delegate committees represented in this response are independently established autonomous committees who are not affiliated either with other committees operating throughout the state and nation or with the MPC. The standards for affiliation for the purpose of the Act's contribution limitations are set forth at 2 U.S.C. §441A(a)(5). That section states that all contributions made by political committees "established, financed, maintained or controlled by [the same] person" shall be considered to have been made by a single political committee. The Commission has interpreted the general statutory standards set forth in §441A(a)(5) by prescribing five

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factors to be used in determining whether committees are affiliated 11 C.F.R. §100.5(g)(2)(ii): (1) ownership by one committee of a controlling interest in voting shares or securities in another committee; (2) provisions of by-laws, constitutions or other documents by which one committee has the authority, power or ability to direct another committee; (3) the authority, power or ability of one committee to hire, appoint, discipline, discharge, demote or remove or otherwise influence the decision of the officer or members of the other committees; (4) similar patterns of contributions by the committees in questions; and (5) the transfer of funds between committees which represent a substantial portion of the funds of the committees in question.

The allegations in the Hart Committee Complaint, even if accepted on their face, do not satisfy the Commission's affiliation criteria. Moreover, the Florida delegate committees, on whose behalf this response is filed, are not even mentioned. Until the complainant establishes that the affiliation standards have been met, there is no reason for a formal investigation. The Florida delegate committees filing this response were established by delegates independently of the MPC. The formation of the committees, appointment of treasurers, the choice of a committee name, opening of a bank account and other actions were all performed independently by each committee. The delegate com-

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mittees financed their operations through fund raisers and other means and controlled their own activities. The MPC enjoyed no control over the members of the committee.

The Hart Complaint strives to create an aura of impropriety because delegate campaign flyers emphasize the candidate other then the delegates and because the MPC provided delegate committees with legal advice pertaining to federal election law. Obviously, voters will vote for delegates who support the presidential candidate they favor and delegate campaigning naturally focuses on the candidate the particular delegate supports. Furthermore, legal advice on commission regulations is not a basis upon which the Commission may find that delegate committees have affiliated themselves with the national campaign. See 2 U.S.C. §431(8)(B)(ix).

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III. COMMISSION REGULATIONS SHOULD BE INTERPRETED IN LIGHT OF THE DELEGATES CONSTITUTIONAL RIGHTS TO POLITICAL ASSOCIATION THROUGH COMMITTEES.

The FEC is being asked to investigate committee activities which are fully subject to First Amendment protection. The organization of groups to participate in the political process lies at the core of the First Amendment rights of expression and association. As Chief Justice Burger stated for the Supreme Court in Citizens Against Rent Control v. City of Berkeley, 454 U.S. 290, 294 (1982):

> "[T]he practice of persons sharing common views banning together to achieve a common end is deeply embedded in the American political process. . . . The tradition of volunteer committees for collective action has manifested itself in myriad community and public activities; in the political process, it can focus on a candidate or on a ballot measure. Its value is that by collective effort, individuals can make their views known when, individually, their voices would be faint or lost."

Any interpretation of Commission regulations, or for that matter, any direct regulation either by this Commission or even by the Congress which infringed on the rights of individual delegates to campaign together through delegate committees would be constitutionally suspect:

> Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly.

NAACP v. Alabama, 357 U.S. 449, 460 (1958); Buckley v. Valeo, 424 U.S. 1, 14 (1976); Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 294; Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d 1281, 1284-1285 (11th Cir. 1982). In Buckley v. Valeo, the Supreme Court made clear that:

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> "The First Amendment protects political association, as well as political expression. The constitutional right of association explicated in NAACP v. Alabama, 357 U.S. 449 (1958), stems from the Court's recognition that "effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association.' Subsequent decisions have made clear that the First and Fourteenth Amendments guarantee 'freedom to associate with others for the common advancement of political beliefs and ideas,' a freedom that encompasses 'the right to associate with the political party of one's choice.' Kusper v. Pontikes, 414 U.S. 51, 56 (1973), quoted in Cousins v. Wigoda, 419 U.S. 477, 487 (1975)."

Because of the importance of free expression and association rights in the context of political campaigns, the Supreme Court in Buckley invalidated limitations on campaign expenditures, and upheld restrictions on contributions only because they were carefully limited to the single interest that the court found legitimate in this area: the perception of undue influence created by large contributions to a candidate.[2/]

Activities by a political party in the primary process are even further insulated from government intrusion. In Democratic

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2/ As the Supreme Court has subsequently stated, "Buckley identified a single narrow exception to the rule that limits on political activity were contrary to the First Amendment. The exception relates to the perception of undue influence of large contributions to a candidate." Citizens Against Rent Control v. City of Berkeley, 454 U.S. at 297 (emphasis in original).

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Party of the United States v. Wisconsin, 450 U.S. 119, the court held that members of the National Democratic Party's associational rights to determine who could participate in the processes leading to the selection of delegates at a national convention could not be limited by Wisconsin's interests in forcing the National Party to honor primary results. In so holding, the court followed its earlier holding in Cousins v. Wigoda, 419 U.S. 477, that state law did not have primacy over national political party's rules in determination of the qualifications and eligibility of delegates to the National Party's Convention. The court stated that "Illinois' interest in protecting the integrity of its electoral process cannot be compelling in the context of the selection of delegates to the National Party Convention." Id. at 491. The Cousins court relied upon the principle that "the National Democratic Party and its adherents enjoy a constitutionally protected right of political association." Id. at 487. For the reasons articulated in these cases, the Commission should be particularly hesitant before launching investigations into primary campaign activities which are, after all, essentially matters for the Democratic Party to resolve.

The constitutional implications of any commission regulation of political activities by delegate committees are clear. First,

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the constitutionally permissible scope of any regulation of delegate committee activities is limited by the Supreme Court's decision in Buckley to the single possibility of the perception of undue influence through contributions to a candidate. Conducting a full scale investigation on other issues is pointless, given the Supreme Court's Buckley ruling. Second, the investigation itself raises significant constitutional questions. By forcing the disclosure of committee workings, and enmeshing the committees in an investigation, the Commission risks infringing and chilling the rights of delegates to form committees to advance their cause. An investigation into the activities of the Florida Mondale Delegate Committees and other delegate committees supporting any candidate, should only be undertaken when there is far stronger evidence of misconduct than that which has been presented in this Complaint. In Federal Election Commission v. Florida Committee, 681 F.2d 1281 (11th Cir. 1982), the Court of Appeals recognized that:

> "A higher degree of scrutiny must attach before courts can compel disclosure of information that may impinge upon First Amendment associational rights."

Federal Election Commission v. Mechanists Non-Particant Political League, 665 F.2d 380 (D.C. Cir.), cert. denied, 454 U.S. 897 (1981). The Court of Appeals followed the Supreme Court's

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holding in Sweezy v. New Hampshire, 354 U.S. 234, 245 (1957), that:

> "It is particularly important that the exercise of the power of compulsory process be carefully circumscribed when the power of compulsory process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of political association and freedom of communication of ideas. . . ."

Third, cast in its best light, the Hart Complaint only points to an ambiguity in the Commission's regulations as to whether delegates may make expenditures as delegate committees, as well as individually. It is a well established constitutional principle that, in cases of statutory ambiguity, a statute should be construed to avoid creating constitutional problems. "If the interpretation complained of 'presents a significant risk that the First Amendment interest will be infringed,' any ambiguity in statute is construed in the manner to avoid such constitutional problems. Federal Election Commission v. Florida for Kennedy Committee, 681 F.2d at 1287. See also Rescue Army v. Municipal Court, 331 U.S. 549 (1947); Ashwander v. T.V.A., 297 U.S. 288, 345 (1936) (Brandeis, J. concurring). The same principle should apply with equal force to the Commission's determinations of whether ambiguity in its regulations should be construed in a manner which is restrictive of political activity protected by the First amendment.

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IV. UNCERTAINTIES ABOUT THE ROLE OF DELEGATE COMMITTEES IN PRIMARY CAMPAIGNS SHOULD BE ADDRESSED THROUGH THE COMMISSION'S RULE MAKING POWERS.

An investigation of delegate committees may well create political effects and ramifications on the presidential campaign. Walter Mondale has stated that he will take steps to refund contributions made to disputed delegate committees supporting his presidential campaign and count monies spent by the committee against overall federal spending limits. In light of these actions by Mr. Mondale, and by the reality that the presidential primary process for the 1984 campaign is at an end, there is no urgency for the Commission to undertake an investigation at this time which may create possible ramifications on the candidates and the election campaign. If the Commission believes there are ambiguities in the delegate regulations which require clarification, the Commission should do so through its rule making authority. In this manner, the Commission can more fully address the broader policy questions at stake without prejudicing the rights and campaigns of any candidate in this election, and without intruding upon the valued rights of free expression and association protected by the United States Constitution.

CONCLUSION

For the foregoing reasons, the Fourth, Eighth, Ninth and Fourteenth Congressional District Delegates for Mondale Com-

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mittees, and the South Florida Delegates for Mondale Group, urges that the Commission should find no reason to believe that a violation under the Federal Election Campaign Act has occurred.

Respectfully submitted,

GREENBERG, TRAURIG, ASKEW,
HOFFMAN, LIPOFF, ROSEN &
QUENTEL, P.A.

By: Marlene K. Silverman
MARLENE K. SILVERMAN

Stuart A. Singer
STUART A. SINGER

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Calvin D. DeVoney, Treasurer
Congressional District 4
Delegates For Mondale
P.O. Box 668, 3141 Howland Blvd.
Orange City, FL 32763

Re: MUR 1667

Dear Mr. DeVoney:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, 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.

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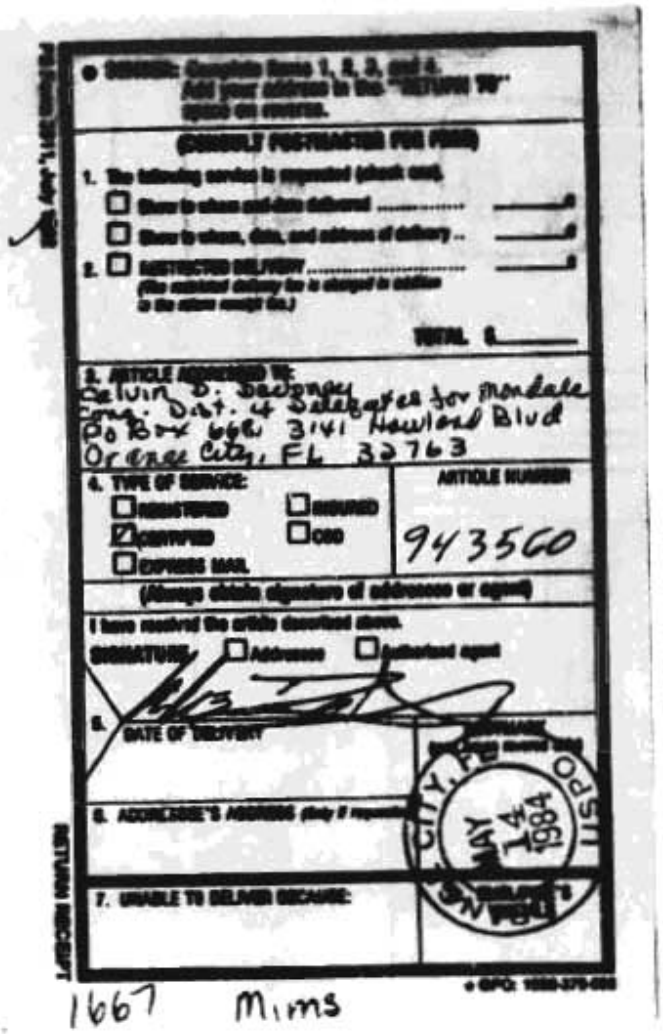
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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



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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jo Anna Conte, Treasurer
C D 2 Delegates For Mondale,
Florida
P.O. Box 10403
Tallahassee, FL 32302

Re: MUR 1667

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Dear Ms. Conte:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. Please refer to this number in all future correspondence.

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Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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

GOO#9351

RECEIVED AT THE FEC

84 MAY 29 P12:30

CD#1 Delegates for Mondale
7830 North Palafox Street
Pensacola, Florida 32514

May 21, 1984

MUR 1667
Memo

Federal Election Commission
1325 "K" Street, N. W.
Washington, D. C. 20005

Re: Complaint of Americans With Hart, Inc.
V. Mondale for President Committee, Inc.
Notice May 11, 1984, MUR 1667

Dear Commissioners:

No action should be taken against the above named Committee and me, J. Gordon Pennington, Treasurer, in conection with this matter.

As Treasurer, our committee filed its final report April 3, 1984, which covered the period from February 21, 1984 through March 31, 1984. The committe raised $400.11 and was not required to even file with the Federal Election Commission, according to the legal information I have, since we did not raise or spend more than $1,000.00. We had disbursements for delegates campaign material of $140.52 and to close the account the balance of $259.59 was sent to Blake Wordal, Treasurer, Montana at Large Delegates, 1st. CD Delegates for Mondale.

If, as charged, any PAC money was used I am not aware of it.

On March 29, 1984, I filed a complaint with the Federal Election Commission, and to this date the Commission has not even acknowledged receiving my complaint.

Sincerely,

J. Gordon Pennington

J. Gordon Pennington

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6121 Arbutus Drive
Pensacola, Fla. 32504
March 29, 1984

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

Dear Sirs.

I ran as a delegate for Mondale March 13, 1984, in Florida and was told that it was not legal to make expenditures for communications which mention the Presidential candidate that aimed at the general public, including billboards, radio, newspaper and television advertising.
General advertising, as I was told, may occur only if the communication mentions the individaul delegates and does not in any manner refer to the candidate for democrat nominee for President.

Enclosed, herewith, are copies of newspaper adds that I consider to be unfair campaign ethics and a violation of the Federal Election Code. The Askew-Hart adds were run in the local newspaper and other area newspapers in all sections of the paper for five days before the election. They were also run on some of the local radio stations. The advertising agent, Hemmer and Yates, said that the adds were paid for in the Pensacola News-Journal by the local Treasurer for Hart Committee.

I would like for the proper authorities to investigate these violations and take proper action against the violators, if in fact these are violations of the Federal Election Code.

Sincerely yours,

J. Gordon Pennington

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don Pennington
. Palafox St.
la, Fla. 32514

RETURN RECEIPT REQUESTED

CERTIFIED
P 435 908 175
MAIL

Office of the General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20005

Official

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Gordon Pennington, Treasurer
C D #1 Delegates For Mondale
7830 North Palafox Street
Pensacola, FL 35214

Re: MUR 1667

Dear Mr. Pennington:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. Please refer to this number in all future correspondence.

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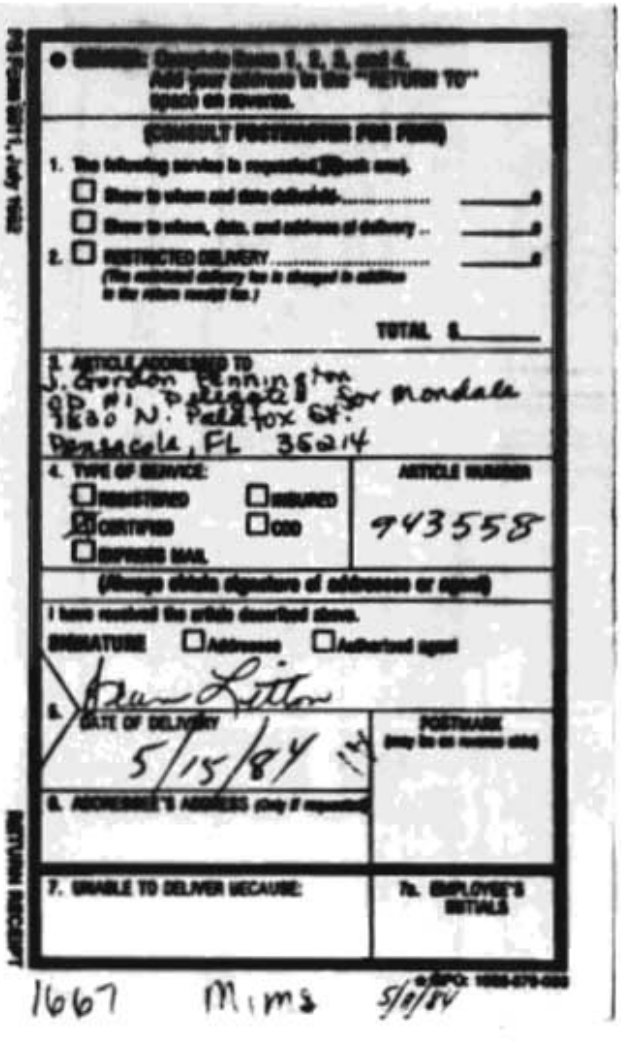
Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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


(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 additional delivery fee is charged in addition to the return receipt fee.)
TOTAL $
3. ARTICLE ADDRESSED TO
J. Gordon Pennington
OD #1 Pensacola Sor Mondale
1640 N. Palafox St.
Pensacola, FL 36214
4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL
ARTICLE NUMBER
943558
(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Dan Litton
5. DATE OF DELIVERY
5/15/84
POSTMARK
6. ADDRESSEE'S ADDRESS (Only if requested)
7. UNABLE TO DELIVER BECAUSE:
7a. EMPLOYEE'S INITIALS
1667 Mims 5/8/84

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FROM VHCOHEN

HOGAN & HARTSON

815 CONNECTICUT AVENUE

WASHINGTON, D. C. 20006-4072

Charles N. Steele, General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

GCC#3622

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Vincent H. Cohen and Dianne O'Hara

ADDRESS: 815 Connecticut Avenue, N.W.
Washington, D.C. 20006 - 4072

TELEPHONE: (202) 331-4586

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

June 13, 1984
Date

Charlene Drew Jarvis
Signature

RESPONDENT'S NAME: Mondale Delegates - D.C. Committee

ADDRESS: 1200 Massachusetts Avenue, N.W.
Washington, D.C. 20005

HOME PHONE:

BUSINESS PHONE: (202) 289-6926

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4:26

GCC# 3159

BEFORE THE

FEDERAL ELECTION COMMISSION

COMPLAINT OF AMERICANS WITH HART, INC.	)	
v.	)	MUR 1667
MONDALE FOR PRESIDENT COMMITTEE, INC.	)	

ANSWER OF MONDALE
DELEGATES - D.C. COMMITTEE

In a desperate attempt to salvage his failing chances for election, Presidential candidate Gary Hart and his committee have launched a scathing and unscrupulous attack on Walter Mondale and the Mondale for President Committee, Inc. In the process, the Hart committee has besmirched the reputations of more than 158 delegate committees whose members are seeking election to represent Walter Mondale at the National Convention this fall. The D.C. Committee is among the group of delegate committees whose formations were encouraged by the Federal Election Commission in order to promote grassroots election campaigning. Through innuendo, falsehood and broadly defined allegations, the Hart Committee claims that the D.C. Committee is party to a "scheme" designed to circumvent the federal election regulations. Nowhere in the complaint or its three supplements has the Hart Committee

alleged specific violations by the D.C. Committee, nor are there any sworn statements by any member of the Hart Committee claiming to have knowledge of such violations. The truth of the matter is that the D.C. Committee has been the victim of a wholesale attack on all Mondale delegate committees in the nation.

The evidence supporting the charges against the D.C. Committee consist of a total of three documents; two letters and a campaign flyer, which when read in their entirety reveal nothing illegal and at worst amount to a poor choice of words. The truth is that the D.C. Committee has complied with the letter as well as the spirit of every federal election regulation and has always remained an independent organization.

Although it is unjust that the D.C. Committee has been forced to defend itself for the alleged misconduct of a few delegate committees, the democratic voters in the District of Columbia have responded to this unfair criticism in perhaps the most appropriate way; Mr. Hart did not receive one delegate from the District of Columbia to represent him at the National Convention this fall.

I. <u>The Mondale Delegates - D.C. Committee was Formed in Accordance with Federal Law and was Initiated and Controlled by its Delegate Members</u>.

In support of its claim "that the Mondale campaign initiated and organized these 'delegate committees,'" the Hart

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Committee relies mainly on two memoranda from members of the Mondale Committee to prospective Mondale delegates in the District of Columbia. The first memo (Exhibit A) begins by informing prospective delegates of their right to form a committee, a choice specifically allowed by the federal regulations. It also contains a list of guidelines that should be followed in order to be in compliance with regulations should delegate candidates decide to form a committee. A careful reading of that memo dated January 12, 1984 reveals an outlined explanation of the election procedures. It accurately states from what sources delegate committees may accept contributions (including those from Political Action Committees) and explains in detail the types of expenditures that may and may not be made. Ironically, that memo attempted to prevent the very thing the Hart Committee claims the D.C. Committee did; that is, it sought to prevent violations of the federal election regulations. A second memo (Exhibit B) by Bob Beckel urged delegate committees not to accept Political Action Committee (PAC) money but left the decision to the delegates, since such acceptance is allowed under the regulations. Contrary to the Hart Committee's allegations, this memo exemplifies the independence of the Mondale delegate committees. These communications evidence an attempt to comply with the law, not violate it.

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Contrary to the Hart Committee's allegations, the Mondale Delegates - D.C. Committee was formed entirely through its own initiative. On February 4, 1984 a Democratic caucus was held at the Washington Convention Center, where Democrats nominated slates for the election of eleven delegates and three alternates. During the caucus, delegate candidates separated into groups according to the Presidential candidate he or she wished to represent at the National Convention. The prospective Mondale delegates then held a meeting at which time delegate candidates were nominated and chosen. These delegate candidates were then presented with an option to campaign for their delegate election as individuals or to form a delegate committee and campaign as a group (See Affidavit VHC Exhibit C). At no time during this meeting was there a Mondale Committee member urging the delegates to form a committee or influencing their decision in any manner. A majority of delegates chose to form a committee and, soon thereafter, registered with the Commission and filed all reports of contributions as required by 11 C.F.R. Part 102 and 11 C.F.R. Part 104.

II. Delegate Committees are "Delegates" for Purposes of the Expenditures Exemption of Section 110.14(d) of the Regulations.

The Hart Committee next alleges that the D.C. delegate committee was in violation of C.F.R. § 110.14(e) (relating to

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reporting and contribution limits of delegate committees) because that section also limits expenditures by delegate committees. The Hart Committee is redrafting the regulations to include language which simply is not there. The complainant further argues that section 110.14(d) is only applicable to delegates, not delegate committees, and therefore expenditures by them are not exempt from the spending limit imposed by that section. That analysis is flawed in several respects.

First, section 110.14(d) allows a delegate to make expenditures for his own campaign election without subjecting them to the limitations under C.F.R. part 110 and 2 U.S.C. 441(a). A delegate may also spend, free from limitation, any amount for campaign materials provided they are used in connection with volunteer activities. The only additional requirement imposed by section 110.14(d) refers to section 110.14(e) "for reporting requirements relating to delegate committees" (emphasis added). Nowhere in the entire code does it state that delegate committees are subject to different rules than delegates where expenditures are involved. The only section which treats delegate committees differently than delegates is section 110.14(e), which sets out the additional requirements of filing, registering and reporting contributions and expenditures, and which limits contributions to delegate committees to $5,000 per individual provided that individual has not exceeded the $25,000 ceiling of section 441a(a). There

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is nothing in section 110.14(e) that states anything about expenditure limitations.

Delegate committees must be included as delegates for basically two reasons. Section 110.5(e)(5) defines "delegate committee" to "include[] a group of delegates." If delegate committees are not delegates within the meaning of section 110.14(d), then that section must also exclude a group of individual delegates. It is unlikely that Congress would treat a "group" of delegates differently than "individual" delegates without specifically stating so. Furthermore, Congress has shown that, where it wishes such a disparity of treatment, it knows how to clearly provide for it. Section 110.14(e) sets out additional requirements relating explicitly to delegate committees. If Congress also wanted to limit expenditures by delegate committees, it could easily have added expenditures to its list of requirements in that section. The fact that Congress chose not to, evidences an intent that delegate committees are included in the expenditure provision of section 110.14(d) dealing with delegates.

The complainant assumes that since delegate committees are treated differently for some purposes, they must be treated differently for all purposes. This is just not true. Therefore, delegates who have formed a committee, as did the delegates in D.C., are free to spend unlimited amounts on volunteer campaign material under sections 110.14(c) and (d).

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This conclusion is not only consistent with the plain meaning of the Act, but encourages the type of grassroots campaigning sought to be achieved by Congress and the Commission.

Complainant's fear that according delegate committees unlimited expenditure power will somehow eliminate any limitation for expenditures by Presidential candidates is entirely misplaced and grossly exaggerated. It falsely assumes that every delegate committee will have the funds to support the Presidential candidate's campaign and will intentionally aid the Mondale campaign in avoiding its spending limitations. As applied to the D.C. Committee, both of these contentions are without merit. The truth is that the D.C. Committee did not contribute one cent to the Mondale campaign. This fact alone should put all doubt to rest concerning the practices of the D.C. Committee.

III. The D.C. Committee is not "Affiliated" with the Mondale Committee Under the Regulations or as Part of a Scheme to Undermine Them.

The complainant seeks to further limit the spending ability of delegate committees to $1,000 in the aggregate. In essence, it confuses the regulations involving independent expenditures and in-kind contributions with those specifically referring to delegates. Then, through a loosely defined "affiliation" argument, complainant arrives at a $1,000 expenditure limit for all delegate committees.

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Complainant argues that the expenditures made by delegate committees were made "with the cooperation, consultation or request of the Presidential candidate," and therefore are treated as in-kind contributions to him, 11 C.F.R. § 110.14(d)(2)(ii), and thus are subject to a $1,000 limit pursuant to 11 C.F.R. § 110.8(a). Furthermore, since all Mondale delegate committees are really "affiliates" of the Mondale Committee, they should be treated as one, and thus limited to $1,000 in the aggregate. As part of its affiliation argument, the Hart Committee asserts (with isolated events from news articles) that the delegate committees are sham operations and are merely a scheme to funnel money into Mondale's campaign beyond the stated limits.

First, all expenditures by the D.C. Committee were made independently, not at the request or with the cooperation of the Mondale Committee (Affidavit VHC). Aside from the memos by the committee introducing the delegate candidates to the election procedure, the complainant has failed to produce one shred of evidence establishing that the Mondale Committee controlled or influenced the expenditure decisions of the D.C. Committee. These types of blanket accusations, devoid of any support, should not be tolerated by the Commission.

Second, as stated above, throughout their complaint the Hart Committee charges that the delegate committees are "affiliated" with the Mondale Committee and are sham operations

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to circumvent the law. To support these claims, the complaint contains unsubstantiated news articles containing alleged examples of unethical and, in some instances, what may be illegal behavior. However, these examples involve other delegate committees including those in Pennsylvania, New York and Illinois. The only evidence specifically aimed at the D.C. Committee to support the complainant's bold accusations include two D.C. Committee letters and a two-page flyer. This evidence does not amount to a "clear and concise statement of facts which are alleged to constitute a violation," as required by the complaint under 11 C.F.R. § 111.2(b)(2). Even assuming that the alleged examples of D.C. Committee misbehavior are enough to warrant action by the Commission, when read in their entirety, the letters and flyer show compliance with the law not a violation of it.

The first letter cited by the complainant as evidencing a scheme is from Charlene Drew Jarvis to prospective contributors (Exhibit D). The main problem with the complainant's view is that it draws two isolated sentences of the letter out of context. At the top of the page it states that the letter is from the D.C. Committee. Directly following the sentence quoted by complainant, the letter states, "Mondale Delegates - D.C. Committee is a legally separate entity from Mondale for President." The letter makes it clear to what entity the contributor will be donating when it states, "[T]he

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Mondale Delegates - D.C. Committee can accept contributions . . . " and later that "[m]money raised on behalf of the Mondale Delegates - D.C. Committee will go towards covering the costs for phones, printing . . . ." When the letter is read as a whole, any potential donator can easily determine that he or she is supporting the D.C. Delegate Committee. However, the D.C. Committee went one step further. Under federal regulations, a delegate committee can accept up to $5,000 from an individual. Under the D.C. Code, applicable to elections in the District of Columbia, a delegate committee can accept only $4,000 in contributions from one individual. As the letter by Jarvis indicates, by limiting its contributions to $4,000, the D.C. Committee conscientiously adhered to the dictates of both Acts.

The second letter claimed by the Hart Committee to evidence a "scheme" by the D.C. Committee is a letter by its campaign coordinators (Exhibit E). Again, the complaint focuses on two sentences which admittedly are an unfortunate choice of words, but hardly amount to a "sham" operation. The letter clearly states that money will be "supporting the local campaign to elect delegate candidates," not the Mondale campaign. It states that checks are to be "made out to Mondale Delegates - D.C." and contains a disclaimer at the bottom of the letter.

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Far from being a scheme, the D.C. Committee complied in good faith with the regulations in their attempt to raise money for their election. The irony of this argument is that, as a practical matter, not one penny donated to the D.C. Committee went to finance the Mondale campaign. The third and last example of misconduct specifically aimed at the D.C. Committee as part of its affiliation argument is a two-page flyer distributed to potential voters (Exhibit F). The first page is concededly devoted to the Mondale election. However, the second page clearly urges support for the delegate candidates themselves and names each one. There is nothing illegal or unethical about the contents of the flyer and it certainly does not evidence "affiliation" with the Mondale Committee. Distributing campaign material that also encourages the Presidential candidate is entirely legitimate under the regulations (11 C.F.R. § 110.14(d)(2)(i)). Moreover, there is nothing in the regulations that specifies what portion of the material must be devoted to the delegate candidates. Respondents suggest Mr. Hart take his grievance to the Congress and save his complaint for actual violations of the Act.

It must be remembered that the success or failure of a delegate in the District of Columbia is directly dependent upon the success of the Presidential candidate he seeks to represent. Therefore, a delegate cannot effectively nor realistically campaign for himself without also campaigning for

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his Presidential candidate (Affidavit VHC). This type of activity was obviously envisioned by the Commission, which specifically provides for it in the regulations.

A. The D.C. Committee has not Engaged in Any Other Acts Alleged in the Complaint Constituting Affiliation with the Mondale Committee.

In its complaint, the Hart Committee lists several alleged instances of activity tending to show that all Mondale delegate committees were "affiliated" with the Mondale Committee.

The D.C. Committee, however, did not commit one act allegedly occurring throughout the country. Specifically, the D.C. Committee never hired a laid-off Mondale worker. It did not seek legal advice from Mondale counsel (Affidavit VHC). The Mondale Committee never consulted with or controlled any of the D.C. Committee operations. The D.C. Committee used original campaign material and made its own decisions regarding their contents. As stated earlier, the D.C. Committee did not contribute any money to the Mondale campaign or any other delegate committee. In fact, aside from the memoranda introducing the delegate committees to the election process, there was virtually no communication between the D.C. Committee and the Mondale Committee.

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B. The D.C. Committee Committed No Violations of the Regulations.

To support its overall "scheme" argument and to generally discredit the delegate committees as a whole, the Hart Committee cites instances of additional violations of the regulations by individual committees. Stated simply, the D.C. Committee is not among them. It never accepted more than $4,000 from any one individual, and all expenditures were made for legitimate grassroots campaigning. Finally, the D.C. Committee never accepted contributions from prohibited sources. With respect to the acceptance of Political Action Committee (PAC) contributions, the D.C. Committee decided independently to accept such contributions, a right specifically granted to it under the regulations. Again, if the Hart Committee feels these contributions are improper, it should appeal to the Congress. By implying that the acceptance of PAC money is illegal, the Hart Committee has unjustly injured the reputation of the D.C. Committee in the eyes of the American public.

CONCLUSION

By elevating the alleged misconduct of a few delegate committees to a national level, the Hart Committee has succeeded in casting doubt on the entire delegate election process of this country, while distracting the public's attention from the relevant issues surrounding this year's

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election. In its complaint, the Hart Committee has failed to establish with any documented evidence, any violations committed specifically by the D.C. Committee, a failure which should not have been permitted by the Commission. Nevertheless, the D.C. Committee has shown positively that it has always been an independent organization and that it has complied with the letter as well as the spirit of the regulations governing this election. The Complaint of Americans with Hart, Inc. should be dismissed.

Respectfully submitted,

HOGAN & HARTSON

By Vincent H. Cohen
Vincent H. Cohen

By Dianne O'Hara
Dianne O'Hara

815 Connecticut Avenue, N.W.
Washington, D.C. 20006
(202) 331-4586

Counsel for Mondale Delegates - D.C. Committee

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of May, 1984, a copy of the foregoing Answer of the Mondale Delegates - D.C. Committee and Exhibits was mailed, postage prepaid, to the following: Charles N. Steele, General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

Vincent H. Cohen

Vincent H. Cohen

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Mondale for President
[illegible] Wisconsin Avenue, N.W.
Washington, D.C. [illegible]
Telephone: [illegible]

MONDALE

EXHIBIT A

TO: MONDALE DELEGATES

FROM: ELAINE KAMARCK

DATE: JANUARY 12, 1984

RE: CONDUCTING YOUR CAMPAIGN FOR DELEGATE TO THE NATIONAL CONVENTION

Under the federal election laws, persons seeking election as delegates or alternates to the National Convention can form committees which are allowed to raise and expend money to support their candidacies. Care must be taken to assure that the enclosed legal guidelines are followed. This program can be of enormous benefit in assuring your election as a delegate. Following is a brief outline on how these committees should work.

I. Forming the Committee

Immediately upon being slated as a Mondale delegate, the campaign will assist each slate of delegates in forming a committee if they so desire. A memorandum explaining the legal procedures for forming a committee and registering and reporting to the FEC accompany this memo.

II. Raising Money

As soon as possible, the delegate committees should develop a fundraising plan which contains the following components:

1. Plan one or more grass roots fundraisers in your Congressional District

2. Solicit other Mondale supporters in your district for contributions to the Committee. (IMPORTANT NOTE: A person who has contributed the maximum amount to the Mondale campaign is allowed to make a contribution of up to $5,000 per person to each Mondale delegate committee subject only to the annual $25,000 limit per individual on contributions to all federal candidates.)

3. Solicit local organizations to which you may belong for contributions. (IMPORTANT NOTE: Contributions by corporations, labor unions, foreign nationals and federal contractors are not permitted. But

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Mondale for President
[illegible] Wisconsin Avenue, N.W.
Washington, D.C. [illegible]
Telephone: [illegible]

MONDALE

contributions from Political Action Committees of issue groups or labor unions are permitted. Individuals and Political Action Committees can contribute up to five thousand dollars to a delegate committee. Walter Mondale has made a decision not to accept money from P.A.C.'s for his campaign. Each delegate committee may make their own decision regarding P.A.C. money.)

III. Spending Money

The money raised by Delegate Committees must be spent in the district on the conduct of a grassroots campaign. Under no circumstances can money be spent for general public advertising such as T.V., radio, newspaper ads, billboards or direct mail.

Money can be spent for campaign materials to be used by volunteers such as bumper stickers, handbills, brochures, posters and yard signs which advocate the selection of a group of delegates. These materials may include information about the Mondale candidacy as well as information about the delegate candidates. There are no requirements as to the the amount of space which must be devoted to the delegate-candidates versus the amount of space devoted to Mondale, provided the purpose and message are directed towards the selection of the delegate candidates.

Before spending any money:

- Design your campaign materials.
- Arrange for a volunteer group to distribute materials.
- Plan a "Get Out the Vote" program using volunteers. (IMPORTANT NOTE: Delegate Committees can reimburse volunteers for their expenses.)

IV. Reporting

You will have to file quarterly reports with the Federal Election Commission. Therefore be sure to:

- Keep careful records of all receipts and expenditures.
- Write checks whenever possible for all expenditures so that record keeping is easier.
- Please follow the instructions on the enclosed memorandum and when in doubt do not hesitate to call the Office of the Legal Counsel here at the campaign headquarters.

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Mondale for President
[illegible] Wisconsin Avenue N.W.
Washington, D.C. 20007
Telephone: [illegible]

MONDALE

EXHIBIT B

TO: DELEGATE EXPENDITURE COMMITTEE TREASURERS

FROM: BOB BECKEL, CAMPAIGN MANAGER

DATE: JANUARY 12, 1984

RE: DELEGATE EXPENDITURE COMMITTEES

Dear Mondale Delegate:

Congratulations on your selection as a Democratic National Convention delegate pledged to Walter F. Mondale. With that selection you have taken the first step in a process which will hopefully lead to a seat on the convention floor in San Francisco.

As you probably know, National Convention delegate candidates are allowed to raise and expend money to support their candidacies. The purpose of this letter is to familiarize you with the Mondale Campaign's policy with respect to contributions from Political Action Committees.

It is the policy of the Mondale Campaign not to accept money from organized Political Action Committees. This policy was announced prior to the start of the campaign. It is our sincere hope that Delegate Expenditure Committees will follow suit and decline to accept Political Action Committee contributions.

Good luck and best wishes in the weeks ahead.

Sincerely,

Bob Beckel
Campaign Manager

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Paid for by Mondale for President, Inc.

EXHIBIT C

FEDERAL ELECTION COMMISSION
1325 K STREET, N.W.
WASHINGTON, D.C. 20005

Complaint of Americans With Hart, Inc.,	)	
	)	
v.	)	MUR 1667
	)	
Mondale for President Committee, Inc.	)	
	)	
	)	

AFFIDAVIT OF VINCENT H. COHEN

I, VINCENT H. COHEN, ESQUIRE, being first duly sworn, state that based on personal knowledge and based on information obtained after investigating and questioning a campaign official depose and say that:

1) I am a member of the District of Columbia Bar and have been general counsel to Mondale Delegates - D.C. Committee (hereinafter "D.C. Committee") since its inception.

2) On April 14, 1983 the District of Columbia Democratic State Committee unanimously adopted a plan to select nineteen delegates and six alternates to the 1984 Democratic National Convention in San Francisco.

3) On February 4, 1984 a Democratic caucus was held at the Washington Convention Center to nominate slates for the election of eleven delegates and three alternates from two "congressional districts".

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4) Following the caucus, a meeting was held by Mondale delegate candidates which I attended. At the meeting, the Mondale delegate candidates were presented with the option of campaigning as individuals or forming a delegate committee pursuant to 11 C.F.R. § 100.5 and 2 U.S.C. 431(4).

After having been presented with the option, the majority of Mondale delegate candidates voted to form a delegate committee. The Mondale for President Committee, Inc. (hereinafter "Mondale Committee") did not initiate nor influence the decision of the Mondale D.C. delegates to form a delegate committee.

5) Upon formation, the D.C. Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. 433, and thereafter complied with 11 C.F.R. part 104 and 2 U.S.C. 434 with respect to reporting contributions and expenditures.

6) The "communication" between the Mondale Committee and the D.C. Committee consisted primarily of two memoranda. The first contained a description of the rules governing the election process to ensure that all committees were in strict compliance with the regulations. In fact, the D.C. Committee took additional steps to ensure its compliance with the law. The District of Columbia Code, which also governs the election process in the District of Columbia, limits contributions to

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delegate committees to $4,000 per individual, $1,000 less than federal regulations allow. The D.C. Committee, through its own initiative, established a limit on contributions it would accept of $4,000 per individual.

7) A second letter from Bob Beckel, Mondale's campaign manager, urged delegate committees not to accept contributions from Political Action Committees despite their ability to do so under the Code of Federal Regulations. Aside from these two letters, there was no further communication between the D.C. Committee and the Mondale Committee.

8) At no time did the D.C. Committee seek legal advice from the Mondale Committee since I, Vincent H. Cohen, served as general counsel to the D.C. Committee since its inception.

9) At no time did the Mondale Committee exert control over the D.C. Committee with respect to any of its operations including the contents of its campaign materials or the Committee's lawful decision to accept contributions from Political Action Committees.

10) The D.C. Committee never hired a Mondale campaign worker who had been laid-off.

11) The D.C. Committee never contributed any money to the Mondale Committee.

12) The D.C. Committee did not contribute one cent to any other delegate committee.

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13) Since delegate selection in the District of Columbia is based in part on the success of the Presidential candidate, a delegate cannot realistically nor effectively campaign for its own election without also campaigning for the Presidential candidate he seeks to represent. However, except in their capacity as delegates, members did not actively campaign for Walter Mondale.

14) The headquarters of the Mondale and D.C. Committees are not in close proximity to each other. In fact, the Mondale Committee is located at 2201 Wisconsin Ave., N.W. Washington, D.C., while the D.C. Committee is located several blocks away at 1200 Massachusetts Ave., N.W. Washington, D.C.

15) The D.C. Committee never accepted contributions in excess of the proscribed limitations of 11 C.F.R. § 110.1 and 2 U.S.C. 441a(a).

16) At no time did the D.C. Committee accept contributions from sources prohibited under 11 C.F.R. § 110.4(a) and part 114, and 2 U.S.C. 441(b) and 441(e).

17) The D.C. Committee at no time ever used a direct mailing company to distribute campaign literature.

18) At all times, the D.C. Committee acted in full compliance with the Code of Federal Regulations, and remained an independent organization, unaffiliated with the Mondale for President Committee, Inc.

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19) The statements herein are true and correct to the best of my knowledge.

Vincent H. Cohen
Vincent H. Cohen
D.C. Bar No. 22871

Subscribed and sworn to
before me this 14th
day of May, 1984.

Notary Public
District of Columbia

My Commission Expires: Jan. 14, 1985

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Affidavit was mailed, postage prepaid, this 14th day of May, 1984 to: Charles Steele at 1325 K Street, Northwest, Washington, D.C. 20005.

Vincent H. Cohen
Vincent H. Cohen

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EXHIBIT D

MONDALE DELEGATES - D.C. COMMITTEE
1200 Massachusetts Avenue, N.W.
289-6926

April 5, 1984

[redacted]

You are among Walter Mondale's most valuable supporters because you have translated your belief in his candidacy for President into critically needed financial support. Knowing of your commitment to Fritz Mondale and your interest in the District of Columbia, I am writing to ask for your assistance in the Mondale effort in the District of Columbia.

The Mondale Delegates - D.C. Committee, organized in accordance with Federal Elections Commission regulations and with the assistance of the Mondale national campaign office, is the principal finance committee for Fritz Mondale and Mondale delegate candidates, in the District of Columbia. Mondale Delegates - D.C. Committee is a legally separate entity from Mondale for President.

The Mondale Delegates - D.C. Committee can accept contributions from any supporter, including those who have given the maximum to the national campaign committee. Individuals, organizations and political action committees may give up to $4000.00 to the Mondale Delegates - D.C. Committee.

Arthur Rothkopf has graciously agreed to assist the committee in coordinating fundraising. Money raised on behalf of the Mondale Delegates - D.C. Committee will go towards covering the costs for phones, printing, postage and literature. Checks may be mailed to the above stated address.

The Mondale Delegates - D.C. Committee appreciates your assistance and looks forward to your continued support for Walter Mondale and Mondale delegate candidates in the District of Columbia.

Sincerely,

Charlene Drew Jarvis

CHARLENE DREW JARVIS
Chairperson
Mondale Delegates D.C. Committee

We really need your help!

thought you might like to chair

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DC DEMS FOR MONDALE

1200 Massachusetts Ave. NW Washington, DC 20005 · 289-6926

EXHIBIT E

Dear Friend:

The local campaign for delegate candidates pledged to Walter F. Mondale urgently needs your support.

Given the hard fight and exciting nature of the overall campaign to date, it's no wonder that you who have given so generously to the national Mondale effort feel your share is done. But now the national campaign is bumping against its legal spending limits and must reserve remaining funds for expensive media costs in states like Texas and California. Local-level Mondale delegate election committees are now expected to finance voter outreach efforts the national campaign cannot.

We're eager to do just that but lack the funds to spread the Mondale message to D.C. Democrats. Although our fixed costs are covered, voter outreach expenses remain: 7¢ a phone call, 17¢ for 100 mailing labels, 9.3¢ for each piece of literature mailed, a goal of 40,000 voters to contact. The more you can help, the more people we can reach.

Voter turnout for Mondale at the May 1st primary is important. The national media will eye the results here carefully: after all, it's their own backyard.

It's also where Fritz Mondale and his family have lived for 20 years, sending their children to public schools, supporting home rule, backing the arts, working as Vice President to procure additional Federal funding for more judges, making sure D.C. becomes a better place for us all.

Right now you can help him most by supporting the local campaign to elect delegate candidates pledged on Fritz's behalf. Call 289-6926 if you can volunteer your time. Or send a check for $25, $30, $50 or more made out to Mondale Delegates--DC to 1200 Massachusetts Ave. NW, D.C. 20005 and let us spread the word for you.

Unlike any other presidential candidate, Fritz Mondale has already shown us what a good neighbor can be, a neighbor to count on when we need him. Send the nation a message. Back a proven friend.

Sincerely,

Tom Collier Gregory Dyson

Tom Collier & Gregory Dyson
Campaign Coordinators

Paid for by Mondale Delegates--DC

EXHIBIT F

Place Stamp Here

Mondale for President
D.C. Delegates Committee
1200 Massachusetts Avenue, N.W.
Washington, D.C. 20005

Mondale Delegates — D.C. Committee
1200 Massachusetts Avenue, N.W.
Washington, D.C. 20005

Vote Walter Mondale — Tuesday, May 1

How You Can Help Walter Mondale

On Tuesday, May 1, 1984, all registered Democrats in the District of Columbia may vote in the Presidential Preference Primary. You can cast your ballot for Walter Mondale and choose Mondale Delegates to the Democratic National Convention.

If you live in Ward 1, 2, 6 or 8, you'll vote the ballot for Congressional District #1. You may vote for Walter Mondale and up to 6 Mondale Delegates —

— up to 3 women:	and up to 3 men:
Betty Ann Kane	Bernard Demczuk
Virginia Johnson	Roman Bubowinsky
Carol Richer	Paul Greenberg
Jane Pierson McMichael	Paul Kuntzler
Linda G. Greenthal	L. Page "Deacon" Macrubbin
Judith E. Beale	Robert Evans Love
Grace Mainhoff	Phinis Jones
Althea Minor	William Saunders
Helen Marek	Neil S. Buchanan

If you live in Ward 3, 4, 5 or 7, you'll vote the ballot for Congressional District #2. You may vote for Walter Mondale and up to 8 Mondale Delegates —

— up to 4 women:	and up to 4 men:
Charlene Drew Jarvis	William H. Simons
Anne Howard	William R. Spaulding
Shari Kharasch	Marchel Bailey
Janette Heston-Harris	James W. Baldwin
Sharon Pratt Dixon	Leonard C. Ball
Barbara P. Van Blake	William R. Riggs
Victoria Street	Arthur Taylor
Diane Flanagan-Montgomery	William J. Olwell
Ruby Huntley	Joseph L. Jackson
Carol Anderson	James E. Nathanson
Jan Welch	William O. Woodson
Carolyn W. Ricanek	Francis Throndgill

An Important Message About Walter Mondale and You

We are your friends and neighbors, seeking election as Delegates for Mondale in the Democratic Presidential Preference Primary on Tuesday, May 1, 1984. We support Walter Mondale because he has been a good neighbor and friend of all District of Columbia citizens.

- Walter ("Fritz") and Joan Mondale and their children have lived in D.C. for 20 years.
- The Mondales have been active participants in their neighborhood, in projects such as a community food co-op. They have vigorously championed academic excellence in our public schools.
- Walter Mondale co-sponsored the District of Columbia Home Rule Act.
- Walter Mondale has campaigned in state legislatures across the country for passage of our Voting Rights Act for District of Columbia citizens.

It's time to elect a President who is sensitive to the needs of District of Columbia citizens — who understands the diverse fabric of our community.

Walter Mondale cares. His children have attended D.C. public schools. His wife, Joan, has worked to win support for the arts in this city.

For 20 years, Walter Mondale has stood up for the District of Columbia. Now we're standing up for Walter Mondale for President. Please stand with us.

On Tuesday, May 1, 1984, vote for your friend and neighbor Walter Mondale and for Mondale Delegate candidates.

You Can Help Walter Mondale Now

You can also help right away by finding more friends and neighbors to support Walter Mondale and the Mondale Delegate candidates in your own precinct.

You can be part of a program that will have a major impact on Walter Mondale's campaign in the District of Columbia by joining

FIVE FOR FRITZ

It's easy. Just . . .

A. Find four friends, relatives or neighbors who support Walter Mondale and the Mondale Delegate candidates (you are the fifth).

My ward is #_____ My precinct is #_____

My polling place is _____

B. Fill in the names, addresses and phone numbers of four new Mondale supporters in the spaces below.

1. Name _____
   Address _____
   Phone _____
2. Name _____
   Address _____
   Phone _____
3. Name _____
   Address _____
   Phone _____
4. Name _____
   Address _____
   Phone _____
5. Your name _____
   Address _____
   Phone _____

Please mail this card today! Thank you.

Paid for by the Mondale Delegates [illegible] D.C. Committee, a copy of our report is filed [illegible]

GCC#3160

FEDERAL ELECTION COMMISSION
1325 K STREET, N.W.
WASHINGTON, D.C. 20005

Complaint of Americans With Hart, Inc.,	)	
	)	
v.	)	MUR 1667
	)	
Mondale for President Committee, Inc.	)	
	)	
	)	

AFFIDAVIT OF VINCENT H. COHEN

I, VINCENT H. COHEN, ESQUIRE, being first duly sworn, state that based on personal knowledge and based on information obtained after investigating and questioning a campaign official depose and say that:

1) I am a member of the District of Columbia Bar and have been general counsel to Mondale Delegates - D.C. Committee (hereinafter "D.C. Committee") since its inception.

2) On April 14, 1983 the District of Columbia Democratic State Committee unanimously adopted a plan to select nineteen delegates and six alternates to the 1984 Democratic National Convention in San Francisco.

3) On February 4, 1984 a Democratic caucus was held at the Washington Convention Center to nominate slates for the election of eleven delegates and three alternates from two "congressional districts".

4) Following the caucus, a meeting was held by Mondale delegate candidates which I attended. At the meeting, the Mondale delegate candidates were presented with the option of campaigning as individuals or forming a delegate committee pursuant to 11 C.F.R. § 100.5 and 2 U.S.C. 431(4).

After having been presented with the option, the majority of Mondale delegate candidates voted to form a delegate committee. The Mondale for President Committee, Inc. (hereinafter "Mondale Committee") did not initiate nor influence the decision of the Mondale D.C. delegates to form a delegate committee.

5) Upon formation, the D.C. Committee timely registered with the Federal Election Commission pursuant to 11 C.F.R. part 102 and 2 U.S.C. 433, and thereafter complied with 11 C.F.R. part 104 and 2 U.S.C. 434 with respect to reporting contributions and expenditures.

6) The "communication" between the Mondale Committee and the D.C. Committee consisted primarily of two memoranda. The first contained a description of the rules governing the election process to ensure that all committees were in strict compliance with the regulations. In fact, the D.C. Committee took additional steps to ensure its compliance with the law. The District of Columbia Code, which also governs the election process in the District of Columbia, limits contributions to

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delegate committees to $4,000 per individual, $1,000 less than federal regulations allow. The D.C. Committee, through its own initiative, established a limit on contributions it would accept of $4,000 per individual.

7) A second letter from Bob Beckel, Mondale's campaign manager, urged delegate committees not to accept contributions from Political Action Committees despite their ability to do so under the Code of Federal Regulations. Aside from these two letters, there was no further communication between the D.C. Committee and the Mondale Committee.

8) At no time did the D.C. Committee seek legal advice from the Mondale Committee since I, Vincent H. Cohen, served as general counsel to the D.C. Committee since its inception.

9) At no time did the Mondale Committee exert control over the D.C. Committee with respect to any of its operations including the contents of its campaign materials or the Committee's lawful decision to accept contributions from Political Action Committees.

10) The D.C. Committee never hired a Mondale campaign worker who had been laid-off.

11) The D.C. Committee never contributed any money to the Mondale Committee.

12) The D.C. Committee did not contribute one cent to any other delegate committee.

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13) Since delegate selection in the District of Columbia is based in part on the success of the Presidential candidate, a delegate cannot realistically nor effectively campaign for its own election without also campaigning for the Presidential candidate he seeks to represent. However, except in their capacity as delegates, members did not actively campaign for Walter Mondale.

14) The headquarters of the Mondale and D.C. Committees are not in close proximity to each other. In fact, the Mondale Committee is located at 2201 Wisconsin Ave., N.W. Washington, D.C., while the D.C. Committee is located several blocks away at 1200 Massachusetts Ave., N.W. Washington, D.C.

15) The D.C. Committee never accepted contributions in excess of the proscribed limitations of 11 C.F.R. § 110.1 and 2 U.S.C. 441a(a).

16) At no time did the D.C. Committee accept contributions from sources prohibited under 11 C.F.R. § 110.4(a) and part 114, and 2 U.S.C. 441(b) and 441(e).

17) The D.C. Committee at no time ever used a direct mailing company to distribute campaign literature.

18) At all times, the D.C. Committee acted in full compliance with the Code of Federal Regulations, and remained an independent organization, unaffiliated with the Mondale for President Committee, Inc.

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19) The statements herein are true and correct to the best of my knowledge.

Vincent H. Cohen

Vincent H. Cohen
D.C. Bar No. 22871

Subscribed and sworn to
before me this 14th
day of May, 1984.

Lora A. Stanes

Notary Public
District of Columbia

My Commission Expires: Jan. 14, 1985

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Affidavit was mailed, postage prepaid, this 14th day of May, 1984 to: Charles Steele at 1325 K Street, Northwest, Washington, D.C. 20005.

Vincent H. Cohen

Vincent H. Cohen

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HOGAN & HARTSON

815 CONNECTICUT AVENUE

WASHINGTON, D. C. 20006-4072

FROM

HOGAN & HARTSON

815 CONNECTICUT AVENUE

WASHINGTON, D. C. 20006-4072

HAND DELIVERED

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

HAND DELIVERED

84 MAY 30 P3:53

GCC#3364

BLUM, NASH & RAILSBACK
ATTORNEYS AT LAW
1015 EIGHTEENTH STREET, N. W.
WASHINGTON, D. C. 20036

JACK A. BLUM
BERNARD NASH
THOMAS F. RAILSBACK
RONALD L. FLEISHER
GREGG P. SKALL
EDWARD G. MORRILL
JANIE A. KINNEY
DONALD KARIN
ALAN R. SCHWARTZ
DANA G. BOYD
JACK W. WHITLEY

TELEPHONE: (202) 857-0800
TELECOPY: (202) 857-0809
TELEX: (202) 701-[illegible]

MUR 1667
Memo

May 29, 1984

Ms. Lee Ann Elliott
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1667

Dear Ms. Elliott:

This letter is in response to your correspondence of May 11, 1984, advising that you have received a complaint which alleges that the ADA Campaign Committee ("the Committee") and Leon Shull, its Treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, a complaint filed by Americans with Hart, Inc. (the "Hart Committee"), alleges that the Mondale for President Committee, Inc. (the "Mondale Committee") has established "delegate committees" that purport to be independent of the Mondale Committee and thus are making illegal expenditures and soliciting contributions in excess of those permitted by law.

In response to this complaint, the ADA Campaign Committee states, simply, that it is not a delegate committee. Section 110.14(b)(2) of the FEC rules defines "delegate commitee" as "a political committee which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention. The term 'delegate committee' includes a group of delegates, a group of individuals seeking selection as delegates and a group of individuals supporting delegates." The ADA Campaign Committee does not fall within this definition of a delegate committee.

The Committee is a political committee established by Americans for Democratic Action, a membership organization, to support the candidacy of Walter Mondale. The Committee has publicly endorsed Mondale's candidacy and has notified its members of that fact. To date, the Committee has received $2,900 in contributions but has made no expenditures within the meaning of the Act, 2 U.S.C. § 431(9); 11 C.F.R. § 100.8. The Committee has carried out no campaign activities other than to notify its

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members of its endorsement of Mondale. The Committee has not participated in any way in state primaries or caucuses and is not supporting the election of specific delegates for Mondale.

The ADA Campaign Committee was not established at the behest of the Mondale Committee and is in no way connected to the Mondale Committee other than by virtue of the committees' common support of the Mondale candidacy. The Committee has not consulted with the Mondale Committee or received any advice from it.

In sum, the ADA Campaign Committee was not established as a delegate committee, was never intended to be a delegate committee, and is not functioning as a delegate committee. Therefore, it is not necessary for the Committee to address the questions raised by the Hart Committee regarding the legality of delegate committees and their independence from candidate committees.

We hope the foregoing satisfies the Commission that the Hart Committee complaint sets forth no possible violation of the Federal Election Campaign Act by the ADA Campaign Committee.

If you have any questions regarding this matter or require any additional information, please call me or Dana Boyd at the above number.

Sincerely,

Jack A. Blum

Jack A. Blum

JAB/DGB/pq
Enclosure
cc: Lawrence M. Noble
Deputy General Counsel
Federal Election Commission

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AFFIDAVIT

CITY OF WASHINGTON, }
DISTRICT OF COLUMBIA } SS:

I, Leon Shull, of 6417 Western Avenue, N.W., Washington, D.C., hereby attest and affirm as follows:

1. I am National Director of Americans for Democratic Action ("ADA"), a membership organization located at 1411 K Street, N.W., Washington, D.C. 20005.

2. I serve as Treasurer of the ADA Campaign Committee ("Committee"), a political committee established by ADA to support the candidacy of Walter Mondale for President of the United States. The Committee has publicly endorsed Mondale's candidacy and has notified its members of that fact. The Committee has carried out no campaign activities other than to notify its members of its endorsement of Mondale.

3. To date, the Committee has received $2,900 in contributions but has made no expenditures within the meaning of the Act, 2 U.S.C. § 7431(9); 11 C.F.R. § 100.8.

4. The ADA Campaign Committee was not established as a delegate committee, was never intended to be a delegate committee, and is not functioning as a delegate committee.

8 5 0 4 0 5 0 2 0 8 7

5. The ADA Campaign Committee was not established at the behest of the Mondale Committee and is in no way connected to the Mondale Committee. The Committee has not consulted with the Mondale Committee or received any advice from it.

6. The Committee has not participated in any way in state primaries or caucuses and is not supporting the election of specific delegates for Mondale.

Leon Shull

Leon Shull

SUBSCRIBED AND SWORN to before me this 29th day of May, 1984.

Notary Public - District of Columbia

My commission expires: Feb. 28, 1989

85040502090

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1667

NAME OF COUNSEL: Jack A. Blum; Dana G. Boyd

ADDRESS: Blum, Nash & Railsback
1015 Eighteenth Street, N.W.
Washington, D.C. 20036

TELEPHONE: (202) 857-0220

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.

May 29, 1984
Date

Signature

RESPONDENT'S NAME: Leon Shull

ADDRESS: ADA Campaign Committee
1411 K Street, N.W.
Washington, D.C. 20005

HOME PHONE: (202) 244-7817

BUSINESS PHONE: (202) 638-6447

8504050209 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leon Shull, Treasurer
ADA Campaign Committee
1411 K. Street, N.W.
Washington, D.C. 20005

Re: MUR 1667

Dear Mr. Shull:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, 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.

8 5 0 4 0 5 0 2 0 9 2

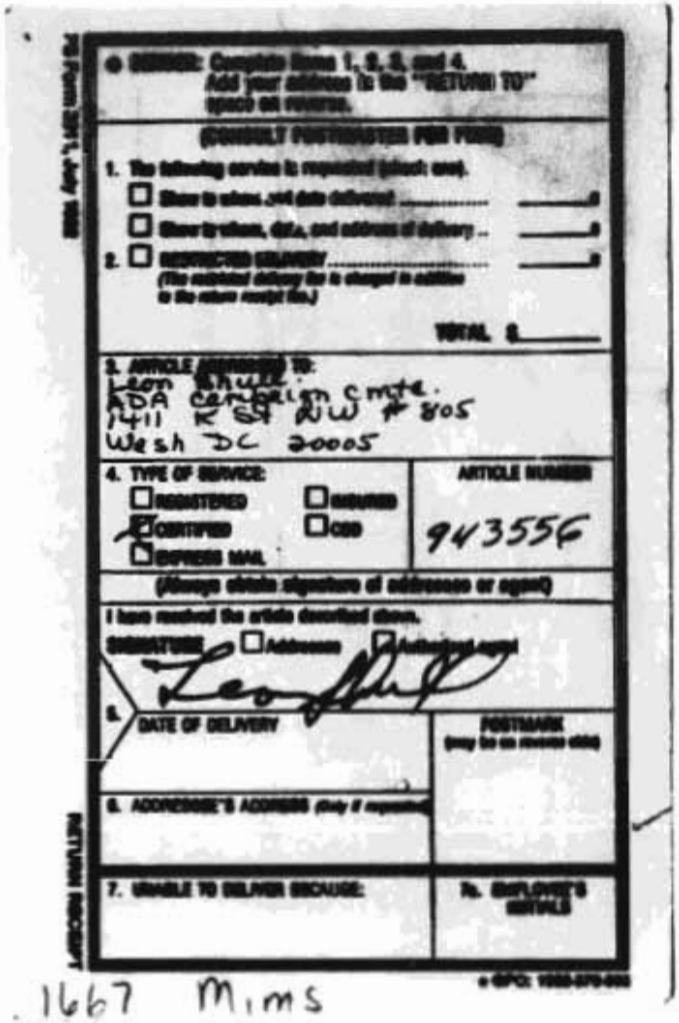
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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


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:
Leon Shull
ADA Campaign Cmte.
1411 K St NW # 805
Wash DC 20005
4. TYPE OF SERVICE:
REGISTERED
INSURED
CERTIFIED
COD
EXPRESS MAIL
ARTICLE NUMBER
943556
(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE
Addressee
Authorized agent
Leon Shull
5. DATE OF DELIVERY
POSTMARK
6. ADDRESSEE'S ADDRESS (Only if requested)
7. UNABLE TO DELIVER BECAUSE:
8. EMPLOYEE'S INITIALS
PS Form 3811, June 1988
RETURN RECEIPT

1667 Mims

8 5 0 4 0 5 0 2 0 9 3

HOWARD ROITMAN
Attorney

2225 Birch Street
Denver, Colorado 80207
(303) 322-1955

RECEIVED AT THE FEC
Gen Counsel
84 JUN 12 PM 2:04

June 6, 1984

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

Re: MUR 1704

Dear Mr. Steele:

This letter constitutes my response in the above numbered matter on behalf of the Mondale Colorado Delegate Selection Committee Statewide.

As with the earlier matter, this complaint contains no allegations or even references to the activities of this committee. In fact, we are not even named as a party in this action and believe it was inappropriate to have served it on us. We believe that the activities of our committee have been consistent with applicable law and regulations.

I note further that this committee received no funds from political action committees, which appears to be the chief concern of the complainants in this action. This is confirmed by the termination report which we filed on May 24, 1984. There have no been allegations regarding our committee and we believe that you should approve termination of our committee.

Thank you for this opportunity to comment on this matter.

Sincerely,

Howard Roitman

Howard Roitman
Treasurer

8 5 0 4 0 5 0 2 0 9 1

Birch Street
r, CO 80207

PM
6 JUN
1984

84 JUN

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

HOWARD ROITMAN
Attorney

2225 Birch Street
Denver, Colorado 80207
(303) 322-1955

RECEIVED AT THE FEC
84 MAY 29 P12:59

6a# 3347

May 24, 1984

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

MUR 1667
Memp

84 MAY 29 A4:45

Re: MUR 1667

Dear Mr. Steele:

This letter constitutes my response in the above numbered matter on behalf of the Mondale Colorado Delegate Selection Committee Statewide.

The committee and I have reviewed the complaint which you sent in this matter and find that there are no allegations or even references to the activities of this committee. Accordingly, we feel that there is no basis for maintaining a complaint against this committee and we ask that you dismiss the complaint as it relates to this committee.

Further, we believe that the activities of our committee have been consistent with applicable law and regulations.

With this letter I am attaching a copy of the FEC Form 3X which we have filed this date which details our activities through today. This report indicates that we have no cash on hand and no outstanding debts or obligations. The committee will accept no further contributions and will not incur any further obligations. The committee is, therefore, terminating its existence. This report constitutes our July 15 Quarterly Report and our Termination Report. Accordingly, we believe that there is no requirement on our part to make further reports after this date.

Thank you for this opportunity to respond in this matter.

Sincerely,

Howard Roitman

Howard Roitman
Treasurer

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RECEIVED AT THE FEC

84 MAY 29 PM 12:58

REPORT OF RECEIPTS AND DISBURSEMENTS

For a Political Committee Other Than an Authorized Committee

(Summary Page)

ALIGN AREA | ALIGN AREA

1. Name of Committee (In Full)

Mondale Colorado Delegate Selection Committee - Statewide

Address (Number and Street)

2225 Birch St.

City, State and ZIP Code

Denver, Co. 80207

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C00151412

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

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report

☒ July 15 Quarterly Report ☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-Election Year Only)

☐ Monthly Report for _____

☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____ in the State of _____

☒ Termination Report

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

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period 4/1/84 through 5/24/84		
6. (a) Cash on hand January 1, 19 84		$ 0
(b) Cash on Hand at Beginning of Reporting Period	$ 1,100.	
(c) Total Receipts (from Line 18)	$ 575.	$ 1,675.
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 1,675.	$ 1,675.
7. Total Disbursements (from Line 28)	$ 1,675.	$ 1,675.
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 0	$ 0
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	$ 0	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	$ 0	

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

HOWARD ROITMAN
Type or Print Name of Treasurer

Howard Roitman
SIGNATURE OF TREASURER

5-24-84
Date

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

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

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

FEC FORM 3X (3/80)

8504050209 7

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

Name of Committee (In Full): Hondale Colorado Delegate Selection Committee

Report Covering the Period: From: 4/1/84 To: 5/31/84

*Statewide

	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees (Memo Entry Unitemized $)	$575.00	$1,675.00	11(a)
(b) Political Party Committees	0	0	11(b)
(c) Other Political Committees	0	0	11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))	$575.00	$1,675.00	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	0	0	12
13. ALL LOANS RECEIVED	0	0	13
14. LOAN REPAYMENTS RECEIVED	0	0	14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0	0	15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	0	0	16
17. OTHER RECEIPTS (Dividends, Interest, etc.)	0	0	17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	$575.00	$1,675.00	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES	$1,388.92	$1,388.92	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	0	0	20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	0	0	21
22. INDEPENDENT EXPENDITURES (use Schedule E)	0	0	22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. § 441 a(d)) (Use Schedule F)	0	0	23
24. LOAN REPAYMENTS MADE	0	0	24
25. LOANS MADE	0	0	25
26. REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees	$286.08	$286.08	26(a)
(b) Political Party Committees	0	0	26(b)
(c) Other Political Committees	0	0	26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))	$286.08	$286.08	26(d)
27. OTHER DISBURSEMENTS	0	0	27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	$1,675.00	$1,675.00	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	$575.00	$1,675.00	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)	286.08	286.08	30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	288.92	1,388.92	31
32. TOTAL OPERATING EXPENDITURES from Line 19	$1,388.92	$1,388.92	32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	0	0	33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	$1,388.92	$1,388.92	34

8504050209 3

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Page 1 of 1 for
LINE NUMBER 19
(Use separate schedule(s) for each category of the Detailed Summary Page)

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

Name of Committee (In Full)

Mondale Colorado Delegate Selection Committee - Statewide

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☒ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
A. Patricia Goss 9600 E. Girard #5-C Denver, Co. 80237	Coordination of committee activities Caucuses	4/16/84 5/24/84	$150.00 $300.00
B. BC Printing 264 S. Pierce Denver, Co. 80226	Printing Caucuses	4/11/84	$163.60
C. Denver Election Commission 414 14th Street Denver, Co. 80202	Purchase precinct map & locations Caucuses	4/11/84	$ 9.00
D. U.S. Postmaster	Postage Caucuses	4/19/84	$100.00
E. United Bank of Skyline 1055 16th Street Denver, Co. 80202	Check purchase charge Caucuses	4/18/84	$ 21.30
F. Patricia Goss 9600 E. Girard Denver, Co. 80237	Reimbursement for postal box rental Caucuses	4/16/84	$12.00
G. Precise Printing 870 Santa Fe Denver, Co. 80204	Printing Caucuses	5/24/84	$333.62
H. Donna Good 3005 E. 8th Ave. Denver, Co. 80206	In-kind contribution printing and postage Caucuses	4/25/84	$300.00
I.	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			$1,388.12
TOTAL This Period (last page this line number only)			$1,388.12

8504050209 7

SCHEDULE A **ITEMIZED RECEIPTS**

Page 1 of 1 for LINE NUMBER (enter 11)
(Use separate schedule(s) for each category of the Detailed Summary Page)

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

Name of Committee (in Full)
Mondale-Colorado Delegate Selection Committee - Statewide

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Charles Brennan 3131 E. Alameda #1801 Denver, CO. 80209 Receipt For: ☒ Primary ☐ General ☒ Other (specify): caucuses	Occupation: attorney Aggregate Year-to-Date-$ 250.	4/12/84	$250.
B. Mari Lu McGinnis 451 Clarkson Denver, Co. 80218 Receipt For: ☐ Primary ☐ General ☒ Other (specify): caucuses	Occupation: realtor Aggregate Year-to-Date-$ 25.	4/4/84	$25.
C. Donna Good 3005 E. 8th Ave Denver, Co. 80206 Receipt For: ☐ Primary ☐ General ☒ Other (specify): caucuses - In-Kind contribution	Occupation Aggregate Year-to-Date-$ 300	4/25/84	$300.
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer / Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			~~$275~~ $575.

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SCHEDULE B **ITEMIZED DISBURSEMENTS**

Page 1 of 1 for
LINE NUMBER 20a
(Use separate schedule(s) for each category of the Detailed Summary Page)

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

Name of Committee (in Full)

Mondale Colorado Delegate Selection Committee - Statewide

A. Full Name, Mailing Address and ZIP Code Charles Brennan 3131 E. Alameda #1501 Denver, Co. 80209	Purpose of Disbursement Contribution refund Disbursement for: ☐ Primary ☐ General ☒ Other (specify): refund	Date (month, day, year) 5/24/84	Amount of Each Disbursement This Period $250.00
B. Full Name, Mailing Address and ZIP Code Martin Miller 1901 W. Littleton Blvd. Littleton, Co 80120	Purpose of Disbursement Contribution refund Disbursement for: ☐ Primary ☐ General ☒ Other (specify): refund	Date (month, day, year) 5/24/84	Amount of Each Disbursement This Period $36.08
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			$286.08
TOTAL This Period (last page this line number only)			$286.08

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Birch Street
r, CO 80207

84 MAY 28 P12:58

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

CERTIFIED
P 660 941 133
MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Howard A. Roitman, Treasurer
Mondale Colorado Delegate
Selection Committee Statewide
2225 Birch Street
Denver, CO 80207

Re: MUR 1667

Dear Mr. Roitman:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, 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.

8 5 0 4 0 5 0 2 1 0 3

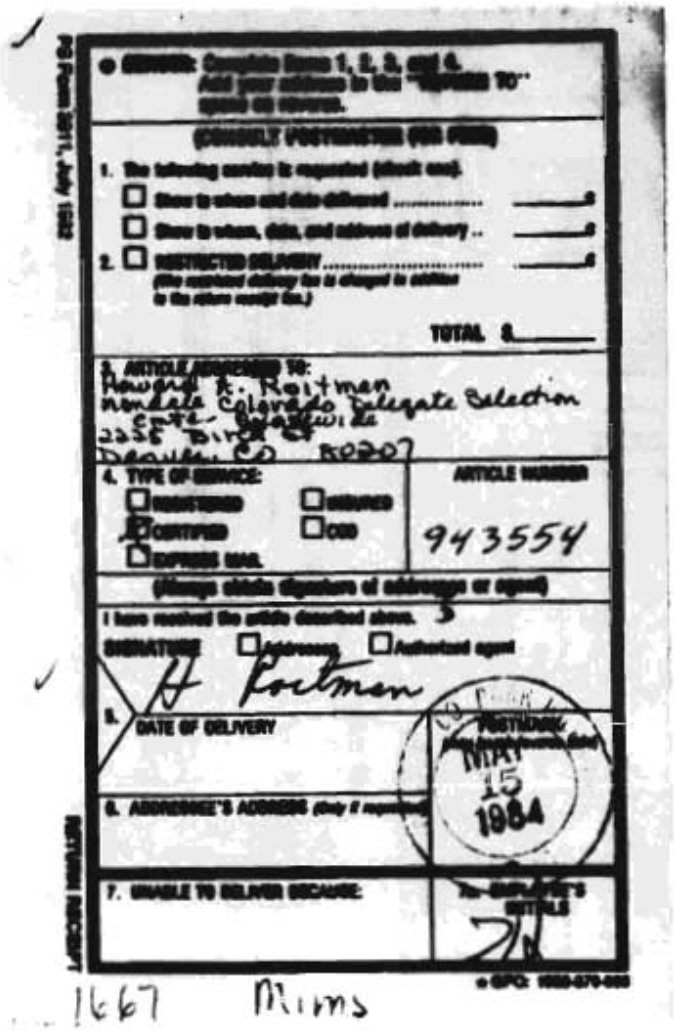
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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



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BCC #3702

RECEIVED AT THE FEC

84 JUN 21 A9:

37th Congressional District Delegate Advisory Committee
1766 Camino Parocela
Palm Springs, CA. 92262

June 18, 1984

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

Re: MUR 1704

Dear Sir:

Enclosed within, please find copies of the relevant factual documents, which we believe shows that the above named committee violated no statute or regulation of the United States.

Sincerely yours,

Susan K. Sweeney

Susan K. Sweeney
Treasurer

SKS

8504050210 5

87th Congressional District Delegate Advisory Committee
1786 Camino Parcela
Palm Springs, CA. 92262

May 30, 1984

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

Re: FEC ID# C00182998

Gentlemen:

The purpose of this letter is to inform the Commission that, as of this date, the above mentioned committee is terminating its activities in conformance with 11CFR102.3 (a).

During its existence the committee collected contributions from its membership in the amount of $235.00 (see attached balance sheet). On April 24, 1984, the committee authorized the expenditure of $184.00 for the printing of political literature.

As of this date the committee has a balance of $51.00, which it intends to spend on drinks for its membership after the Democratic Primary victory on June 5, 1984.

Sincerely yours,

Susan K. Sweeney

Susan K. Sweeney
Treasurer

SKS

85040502105

37th Congressional District Delegate Advisory Committee Expense Fund Contributions:

4/23/84	Gail Fabian	10.00	
	Jerry Schuford	20.00	
		30.00	30.00
4/17/84	Jackie Suett	20.00	
	Magdalena Molina	25.00	
	Margaret Spencer	5.00	
	Debra Cucci	5.00	
		55.00	55.00
4/10/84	Frank Mott	4.00	
	Sue Sweeney	4.00	
	Patsy Lahti	4.00	
	Margaret Spencer	4.00	
	Gail Fabian	4.00	
		20.00	20.00
4/4/84	Abe Blumenfeld	5.00	
	Barnard Grogan	20.00	
	Gail Fabian	5.00	
	Debra Cucci	5.00	
	Larry Kelly	5.00	
	Jackie Suett	20.00	
	Jerry Schuford	20.00	130.00
	Manuel Arreondo	30.00	
		130.00	$ 213.00

4/24/84

- 184.00 (Tribe Printing)

51.00 - total

8 0 4 0 5 0 2 K 0 7

Uribe Printing

(714) 689-6188

6888 Indiana Avenue, Suite 1 • Riverside, CA 92503

RECEIVED JUN 1 5

INVOICE NO. 0012

DATE 6-14-84

ACCOUNT NO.

TERMS

INVOICE

57TH CONGRESSIONAL DIST.
C/o GAIL FABIAN
471 E. TAHQUITZ McCALLUM WAY
PALM SPRINGS, CA 92262

QTY.	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1500		3½ x 5½ Post Cards		184 00
		(DREGATE SLATE)		
		PAID		

PLEASE PAY FROM THIS INVOICE

SUB TOTAL	184 00
TAX	
TOTAL	184 00

8504050210 9

VOTE
Tuesday, June 5th

for

Jackie Suitt
Gail Fabian
Manuel Arredondo
Frank Mott
Debra Cucci

37th Congressional District Delegates for

MONDALE

VOTE
Tuesday, June 5th

for

Jackie Suitt
Gail Fabian
Manuel Arredondo
Frank Mott
Debra Cucci

37th Congressional District Delegates for

MONDALE

8 5 0 4 0 5 0 2 1 1 0

ngressional District
e Advisory Committee
mino Parocela
rings, CA. 92262

PALM SPRINGS CA 92262
PM
18 JUN
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USA

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Susan K. Sweeney, Treasurer
37th Congressional District
Delegate Advisory Committee
1766 Camino Parocela
Palm Springs, CA 92262

Re: MUR 1667

Dear Ms. Sweeney:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, 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.

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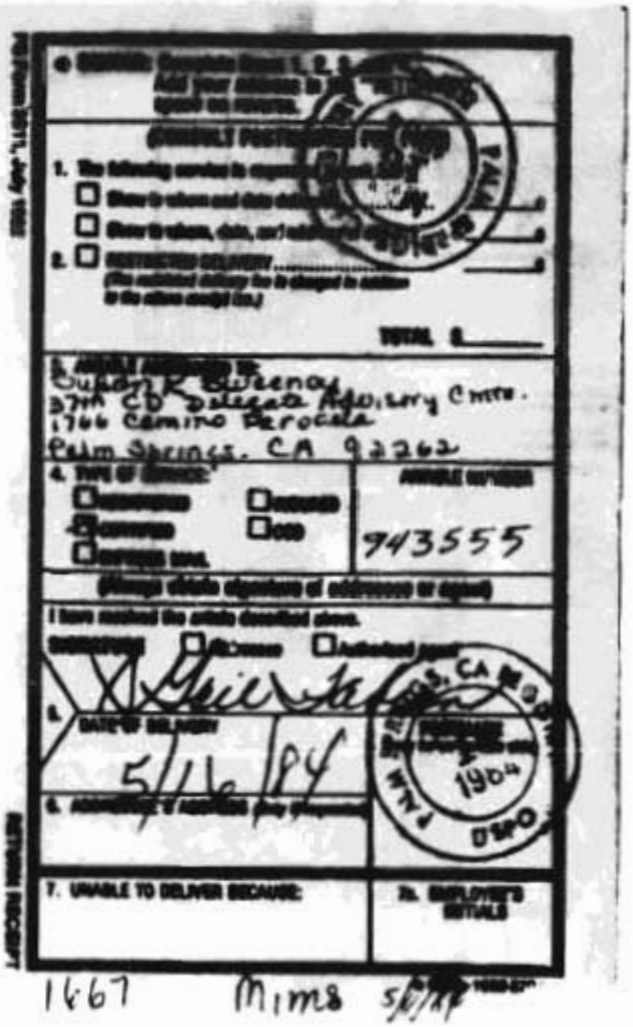
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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



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GCC 4014
RECEIVED AT THE FEC

LAW OFFICES
HESSION, CREEDON, HAMLIN, KELLY, HANSON & BROWN
PROFESSIONAL CORPORATION
SUITE 500 • CROCKER BANK BUILDING
181 SECOND AVENUE • POST OFFICE BOX 1069
SAN MATEO, CALIFORNIA 94401-0068
TELEPHONE (415) 342-5511

HARRY A. HANSON, JR.*
HARRON L. BROWN**
GORDON E. McCLINTOCK
RICHARD J. ROMANSKI
MARTIN E. HANSAND
JOHN R. DETTNER
JACQUELINE WILLSON HOLSINGER
CHRISTOPHER E. COBEY
BASIL P. FTHENAKIS
LARA L. HORNE
MAUREEN A. BRATTAN
SUSAN A. BUTLER
DENA A. KLEEMAN
ROBERT J. ROSATI

*CERTIFIED SPECIALIST-FAMILY LAW
**CERTIFIED SPECIALIST-TAXATION LAW

PAUL F. KELLY
ROSS E. HAMLIN
W. HOWARD HARTLEY
EUGENE S. MORGOLI, JR.
OF COUNSEL

July 25, 1984

Stephen N. Mims
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1704

Dear Mr. Mims:

Enclosed please find the Statement of Designation of Counsel of the Eleventh [California] Congressional District Mondale Delegate Committee.

As the same basic issues are raised in this MUR as were raised in MUR 1667, on behalf of this Committee, we incorporate by reference our Response in MUR 1667.

If you have any further questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

Christopher E. Cobey

CHRISTOPHER E. COBEY

CEC:kp
10800-P

Enclosure: Statement of Designation of Counsel

8 5 0 4 0 5 0 2 1 1 4

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: CHRISTOPHER E. COBEY

ADDRESS: Hession, Creedon, Hamlin, Kelly, Hanson & Brown
181 Second Avenue, Suite 500, P.O. Box 1929
San Mateo, CA 94401

TELEPHONE: (415) 348-5611

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.

July 25, 1984
Date

Signature

RESPONDENT'S NAME: Eleventh [California] Congressional District
~~Mondale Delegate Committee~~

ADDRESS: Suite 520, 520 South El Camino Real
San Mateo, CA 94402

HOME PHONE:

BUSINESS PHONE:

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LAW OFFICES
CREEDON, HAMLIN, KELLY, HANSON & BROWN
PROFESSIONAL CORPORATION
TE 500 - CROCKER BANK BUILDING
OND AVENUE • POST OFFICE BOX 1929
MATEO, CALIFORNIA 94401-0958

JUL 31 A 8:47

Stephen N. Mims

Federal Election Commission

Washington, C.D. 20463

HARRY A. HANSON, JR.*
MARION L. BROWN**
GORDON E. McCLINTOCK
RICHARD J. ROMANSKI
MARTIN E. HARBAND
JOHN R. DETTNER
JACQUELINE WILLSON HOLSINGER
CHRISTOPHER E. COBEY
BASIL P. FTHENAKIS
LANA L. NORRIS
MAUREEN A. GRATTAN
SUSAN A. BUTLER

*CERTIFIED SPECIALIST-FAMILY LAW
**CERTIFIED SPECIALIST-TAXATION LAW

LAW OFFICES
HESSION, CREEDON, HAMLIN, KELLY, HANSON & BROWN
PROFESSIONAL CORPORATION
SUITE 500 • CROCKER BANK BUILDING
181 SECOND AVENUE • POST OFFICE BOX 1989
SAN MATEO, CALIFORNIA 94401
TELEPHONE (415) 348-5511

PAUL F. KELLY (1917-1980)

ROGG E. HAMLIN
W. HOWARD HARTLEY
EUGENE S. NERGOLI, JR.
OF COUNSEL

RECEIVED AT THE FEC
HAND DELIVERED

MUR 1667
Mims

GCC # 3498

June 5, 1984

Mr. Stephen Mims
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1667

Dear Mr. Mims:

Pursuant to our conversation last week, enclosed please find the response on behalf of the Eleventh [California] Congressional District Mondale Delegate Committee. Also enclosed is the Statement of Designation of Counsel of the Committee.

If you have any further questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

Christopher E. Cobey

CHRISTOPHER E. COBEY

CEC:kp

Enclosures: Statement of Designation of Counsel
Response of Eleventh [California] Congressional District Mondale Delegate Committee

EXPRESS MAIL

8 5 0 4 0 5 0 2 1 1 7

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1667

NAME OF COUNSEL: CHRISTOPHER E. COBEY

ADDRESS: 181 Second Avenue, Suite 500
San Mateo, CA 94401

TELEPHONE: (415) 348-5611

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.

June 5, 1984
Date

Christopher E. Cobey
Signature

RESPONDENT'S NAME: Eleventh [California] Congressional District Mondale Delegate Committee [Janet Epstein, Treasurer]

ADDRESS: Suite 520
520 S. El Camino Real
San Mateo, CA 94402

HOME PHONE:

BUSINESS PHONE:

8504050211 3

Christopher E. Cobey, Esq.

HESSION, CREEDON, HAMLIN,
KELLY, HANSON & BROWN
Professional Corporation
181 Second Avenue, Suite 500
P. O. Box 1929
San Mateo, California 94401

Telephone: (415) 348-5611

BEFORE THE ELECTION COMMISSION

In the Matter of the Complaint of Americans With Hart, Inc. Complainant, -against- Mondale for President Committee, Inc., Respondent.	MUR 1667 RESPONSE OF ELEVENTH [California] CONGRESSIONAL DISTRICT MONDALE DELEGATE COMMITTEE

INTRODUCTION

In a complaint filed April 6, 1984, Americans With Hart, Inc. ("AWH") alleges that the Mondale for President Committee, Inc. ("MFP") has encouraged the formation in concerted activity of campaign committees which are supposed to be "independent" for the purposes of the Federal Election Campaign Act of 1971 (see 2 USC 431(17, 434(c); 11 CFR 109 et seq).

RESPONSE

The Eleventh Congressional District Mondale Delegate Committee ("Committee") is, in fact and law, an independent committee. Further, its level of activity clearly makes it one of the lesser committees of the kind challenged by "AWH".

BACKGROUND

The Committee was formed in April 1984. It was formed because the delegate candidates for Mondale in San Mateo County wanted to run their own campaign for election at the June Primary. On April 13, 1984, the Committee opened an account with the money it had raised in the previous ten days. It had raised $1,000 by April 13, with its first receipt on April 1.

To date, the Committee has raised a total of $1,620, and spent $1,575. The primary expenses have been payments to the Committee's consultant for her management services.

The Committee does not, as of this date, expect to raise any more money except that necessary to pay a $250 bill for printing a "slate" card.

In the course of its operation, the Committee has neither been directed nor controlled by "MFP". The raising of money, and the decision as to how to spend it, was done by consultation among the Mondale delegate candidates in San Mateo County. The only "direction" the Committee has taken from "MFP" is to heed Walter Mondale's request that any delegate committee supporting his candidacy wind up their affairs and cease operation as soon as possible (see Exhibit "F" to Americans With Hart's May 2, 1984 letter to the FEC).

CONCLUSION

Nothing in the complaint of "AWH" specifically implicates this Committee. The complaint is directed primarily at committees in New Jersey, Illinois, New York and other areas. These

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committees, according to exhibits to the complaint, raised as much as $47,000 each (Exhibit "A", April 18, 1984 "AWH" letter to FEC).

This Committee has raised only a fraction of that amount. More importantly, the Commission has no evidence whatsoever before it, in the "AWH" complaint, that this Committee is anything but independent.

Dated: June 5, 1984.

Respectfully submitted,

HESSION, CREEDON, HAMLIN, KELLY, HANSON & BROWN
Professional Corporation

By Christopher E. Cobey
CHRISTOPHER E. COBEY
Attorney for Respondent
Eleventh [California] Congressional District Mondale Delegate Committee

//

//

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1667

NAME OF COUNSEL: CHRISTOPHER E. COBEY

ADDRESS: 181 Second Avenue, Suite 500
San Mateo, CA 94401

TELEPHONE: (415) 348-5611

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.

June 5, 1984
Date

Christopher E. Cobey
Signature

RESPONDENT'S NAME: Eleventh [California] Congressional District ~~Mondale Delegate Committee~~ [Janet Epstein, Treasurer]

ADDRESS: Suite 520
520 S. El Camino Real
San Mateo, CA 94402

HOME PHONE:

BUSINESS PHONE:

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Janet Epstein, Treasurer
11th Congressional District
Mondale Delegate Committee
520 S. El Camino Real
Suite 520
San Mateo, CA 94402

Re: MUR 1667

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Dear Ms. Epstein:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

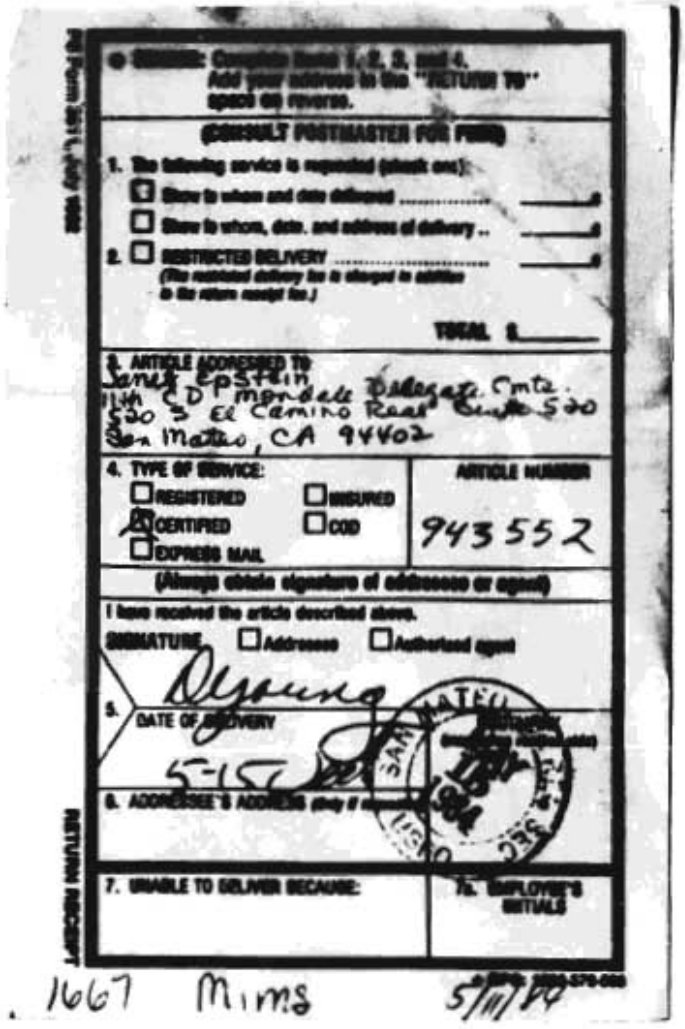
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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



1667 Mims 5/11/94

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RECEIVED AT THE FEC
GCC#5277
84 OCT 23 P12:28

116 Oak Street
Petaluma, CA 94952

October 17, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 OCT 23 P2:17

Stephen Mims, Esq.
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

Re: Mondale Delegate Election Committee -- 6th Congressional District (MUR 1704)

Dear Mr. Mims:

On behalf of Ray Castell-Blanch, Treasurer of the Mondale Delegate Election Committee -- 6th Congressional District (the "6th CD"), I am responding to a complaint filed on May 18, 1984 by The National Right to Work Committee (the "NRWC complaint"). According to a letter dated May 29, 1984, sent to Mr. Castell-Blanch by the Federal Election Commission (the "FEC"), the NRWC complaint alleges that the 6th CD, among others, may have violated the Federal Elections Campaign Act of 1974, as amended (the "Act"). It is the position of Mr. Castell-Blanch and the 6th CD that neither has violated the Act or the regulations of the FEC promulgated thereunder (the "Regulations"). Therefore, the 6th CD urges the General Counsel to recommend to the FEC, and that the FEC find, that there is no reason to believe that a violation of the Act or the Regulations has been committed or is about to be committed by Mr. Castell-Blanch and/or the 6th CD.

The NRWC complaint charges that certain groups, organized to help certain individuals become delegates to the 1984 Democratic National Convention, violated the Act and the Regulations by receiving contributions from separate segregated funds established by labor organizations in excess of $5,000. These sweeping allegations, in effect, assert that any group which participated in the Democratic primaries by supporting the election of delegates who favored the Mondale candidacy acted contrary to the Act and the Regulations.

These general charges are not true with respect to the 6th CD. As demonstrated by the statement of Mr. Castell-Blanch (attached hereto as Exhibit A), Treasurer of the 6th CD, at no time has the 6th CD since its inception received any contributions from sources other than individual contributors. Moreover, according to Mr. Castell-Blanch, the 6th CD has never received any contributions from separate segregated funds established by labor organizations.

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The NRWC complaint makes the additional sweeping claim that groups organized to help elect delegates favoring Mondale "should be regarded as affiliated with one another" so that contributions received by all of them are aggregated for purposes of determining whether 11 C.F.R. 110.19(a) has been violated.

Once again, this general charge is not true with respect to the 6th CD. According to the Act, affiliation is required only where "all contributions [are] made by political committees established or financed or maintained or controlled" by any person or group of persons. 2 U.S.C.A. § 441a(a)(5). As demonstrated by the statement of Mr. Castell-Blanch, the 6th CD does not fall within the definition of "political committee" set forth at 2 U.S.C.A. § 431(4) and, hence, cannot be considered affiliated with any other political committee. Not only has the 6th CD failed to receive or expend amounts in excess of $1,000, it has not even come close to the statutory threshold. Additionally, as stated by Mr. Castell-Blanch, the 6th CD does not constitute a separate segregated fund established by an entity pursuant to 2 U.S.C.A. § 441b(b). Therefore, the 6th CD is not a "political committee" and, contrary to the unfounded assertions of the NRWC complaint, cannot be considered affiliated with any other political committee, including those allegedly making expenditures in support of the Mondale candidacy. Thus, the 6th CD has not acted in violation of 11 C.F.R. 110.19(a) as alleged by the NRWC complaint.

Finally, aside from the fact that the 6th CD did not violate the Act or the Regulations, the NRWC complaint utterly fails to recite one single fact which would suggest that the 6th CD falls into the category of so-called "delegate committees" charged by that complaint to have functioned in violation of the Act and the Regulations. This failure clearly warrants dismissal of the NRWC complaint with respect to Mr. Castell-Blanch and the 6th CD. First, by omitting any reference to the activities of the 6th CD, the NRWC complaint does not comply with 11 C.F.R. 111.4(d)(3), which requires that a complaint "contain a clear and concise recitation of the facts which describe a violation . . ." (emphasis added). Second, 11 C.F.R. 111.5(b) directs the FEC's General Counsel to notify complainants that he or she cannot take any action on a complaint that is deficient with regard to the basic requirements recited in 11 C.F.R. 111.4, thereby effectively requiring dismissal of defective complaints. Finally, 11 C.F.R. 111.7 effectively requires dismissal of a complaint, unless the General Counsel has "reason to believe that a respondent has committed" a

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violation of the Act or the Regulations, a standard that cannot be met in the instant matter when one considers the lack of specifics in the NRWC complaint.

On the basis of the foregoing, I respectfully request that the General Counsel recommend that the FEC find, and that the FEC so find, that there is no reason to believe that the 6th CD and/or Mr. Castell-Blanch violated the Act and/or the Regulations and that the NRWC complaint should be dismissed pursuant to 11 C.F.R. 111.7(b) with respect to the 6th CD and Mr. Castell-Blanch.

If you have any questions, please call me at (415) 392-1122.

Very truly yours,

Richard V. Smith

Richard V. Smith

RVS:ew

8504050021 27

STATEMENT OF RAY CASTELL-BLANCH

1. My name is Ray Castell-Blanch and I reside at 106 Oak Crest Road, San Anselmo, California 94960.

2. I am the Treasurer of an organization known as the Mondale Delegate Election Committee -- 6th Congressional District (the "6th CD) and have been the Treasurer of the 6th CD since its formation.

3. As Treasurer, my responsibilities include overall management of the finances of the 6th CD.

4. From its formation until the date hereof, the 6th CD has received contributions totalling no more than $835.00 from only the following individuals in the following amounts:

Name/Address	Telephone #	Amount
Margaret Azevedeo 1877 Centro West Tiburon, CA 94920	(415) 435-4279	$ 50.00
Carole A. Burnett 150 Harward Avenue Mill Valley, CA 94941	(415) 388-1991	50.00
Robert L. Dunn Villa Madera Corte Madera, CA 94925	(415) 924-1515	25.00
Albin Gruhn 35 Van Tassel Court San Anselmo, CA 94960	(415) 454-1579	50.00
Edward Halperin 55 Professional Center Parkway San Rafael, CA 94903	(415) 454-2546	50.00
Alfred E. Heller 300 Tamal Plaza Corte Madera, CA 94925	(415) 461-9308	100.00
Ruth B. Heller 121 Woodland Road Kentfield, CA 94904	(415) 461-9308	100.00

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Name/Address	Telephone #	Amount
Charles Mc Leran P.O. Box 356 Kentfield, CA 94914	(415) 461-5657	$ 50.00
Katherine Ballentine Naftalis 1299 Fourth Street San Rafael, CA 94901	(415) 459-2711	25.00
Edward Ratner 100 Lower Via Casitas Greenbrae, CA 94904	(415) 461-7438	25.00
Carol S. Shawn 219 Baltimore Avenue Corte Madera, CA 94925	(415) 924-5621	25.00
Lorna Strand 340 West Baltimore Larkspur, CA 94939	(415) 924-7468	100.00
Lewis Vogler 124 Bayview Belvedere, CA 94920	(415) 435-0459	50.00
Rebecca Watkin P.O. Box 554 Kentfield, 94914	(415) 461-5404	50.00
Charles B. Weers 11 Palm Lane Novato, CA 94947	(415) 897-9484	10.00
Gail Wilhelm 21 Hayes Street Novato, CA 94947	(415) 892-3390	50.00
Alice Yarish 1 Cypress San Anselmo, CA 94960	(415) 454-8829	25.00
		$835.00

5. To the best of my knowledge, none of said contributions were made (i) by corporations, labor organizations, federal government contractors or other persons or entities forbidden by federal law from making contributions in connection with a Presidential campaign or (ii) by separate segregated funds established by any labor organization or any corporation.

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6. From its formation to the date hereof, the 6th CD has made expenditures totalling no more than $535.59 for the following purposes and in the following amounts:

Purpose	Amount
Rent	$125.00
Rent	25.00
Bulk Mail Fee	40.00
Voter Registration List	32.00
Invitations	183.91
Telephone Installation	67.17
Stationery	27.14
Telephone Security Deposit	31.37*
Banking Service Charge	4.00
TOTAL	$535.59

*/ Originally, $400 was paid to Pacific Bell as a deposit, but subsequently $368.63 was refunded by Pacific Bell.

7. The 6th CD is not and never has been a separate segregated fund established pursuant to 2 U.S.C.A. § 441b(b).

IN WITNESS WHEREOF, I have executed this Statement on October ___, 1984.

Ray Castell-Blanch
Ray Castell-Blanch

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Ray Castell-Blanch
Ray Castell-Blanch

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ratell - Blanch
ak Crest Rd
reetmo
4960

RETURN RECEIPT
REQUESTED

CERTIFIED
P 364 155 927
MAIL

Stephen Mine, Esq.
Federal Elections Commission
1325 K St. NW
Washington DC 20463

RECEIVED AT THE FEC
GCC#5278
84 OCT 23 P12:26

116 Oak Street
Petaluma, CA 94952

October 15, 1984

Stephen Mims, Esq.
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

84 OCT 23 P2:14
RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Re: Mondale Delegate Election Committee -- 6th Congressional District (MUR 1667)

Dear Mr. Mims:

On behalf of Ray Castell-Blanch, Treasurer of the Mondale Delegate Election Committee -- 6th Congressional District (the "6th CD"), I am responding to a complaint filed on April 6, 1984 by Americans With Hart, Inc. (the "Hart Committee complaint" 1/). According to letters dated May 11 and May 25, 1984, sent to Mr. Castell-Blanch by the Federal Election Commission (the "FEC"), the Hart Committee complaint alleges that the 6th CD, among others, may have violated the Federal Elections Campaign Act of 1974, as amended (the "Act"). It is the position of Mr. Castell-Blanch and the 6th CD that neither has violated the Act or the regulations of the FEC promulgated thereunder (the "Regulations"). Therefore, the 6th CD urges the General Counsel to recommend to the FEC, and that the FEC find, that there is no reason to believe that a violation of the Act or the Regulations has been committed or is about to be committed by Mr. Castell-Blanch and/or the 6th CD.

The Hart Committee complaint charges that certain groups, organized to help certain individuals become delegates to the 1984 Democratic National Convention, violated the Act and the Regulations by making expenditures and/or contributions to the Presidential campaign of Walter Mondale in excess of $1,000. These sweeping allegations, in effect, assert that any group which participated in the Democratic primaries by supporting the election of delegates who favored the Mondale candidacy acted contrary to the Act and the Regulations.

These general charges are not true with respect to the 6th CD. As demonstrated by the statement of Mr. Castell-Blanch (attached hereto as Exhibit A), Treasurer

---

1/ For purposes of this letter, references to the Hart Committee complaint include supplements received by the FEC on April 18, April 27, May 2 and May 22, 1984.

8504050213 2

of the 6th CD, at no time has the 6th CD since its inception made expenditures in excess of $1,000. To date, the 6th CD has spent only $535.59, well under the ceiling established by the Act.

The Hart Committee complaint makes the sweeping claim that groups organized to help elect delegates favoring Mondale "should be regarded as affiliated with one another" so that expenditures made by all of them are aggregated for purposes of determining whether 11 C.F.R. 110.1 has been violated.

Once again, this general charge is not true with respect to the 6th CD. According to the Act, affiliation is required only where "all contributions [are] made by political committees established or financed or maintained or controlled" by any person or group of persons. 2 U.S.C.A. § 441a(a)(5). As demonstrated by the statement of Mr. Castell-Blanch, the 6th CD does not fall within the definition of "policital committee" set forth at 2 U.S.C.A. § 431(4) and, hence, cannot be considered affiliated with any other political committee. Not only has the 6th CD failed to receive or expend amounts in excess of $1,000, it has not even come close to the statutory threshold. Additionally, as stated by Mr. Castell-Blanch, the 6th CD does not constitute a separate segregated fund established by an entity pursuant to 2 U.S.C.A. § 441b(b). Therefore, the 6th CD is not a "political committee" and, contrary to the unfounded assertions of the Hart Committee complaint, cannot be considered affiliated with any other political committee, including those allegedly making expenditures in support of the Mondale candidacy. Thus, the 6th CD has not acted in violation of 11 C.F.R. 110.1 as alleged by the Hart Committee complaint.

Finally, aside from the fact that the 6th CD did not violate the Act or the Regulations, the Hart Committee complaint utterly fails to recite one single fact which would suggest that the 6th CD falls into the category of so-called "delegate committees" charged by that complaint to have functioned in violation of the Act and the Regulations. This failure clearly warrants dismissal of the Hart Committee complaint with respect to Mr. Castell-Blanch and the 6th CD. First, by omitting any reference to the activities of the 6th CD, the Hart Committee complaint does not comply with 11 C.F.R. 111.4(d)(3), which requires that a complaint "contain a clear and concise recitation of the facts which describe a violation . . ." (emphasis added). Second, 11 C.F.R. 111.5(b) directs the FEC's General Counsel to notify complainants that he or she cannot take any action

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If you have any questions, please call me at (415) 392-1122.

Very truly yours,

Richard V. Smith

Richard V. Smith

RVS:ew

8 5 0 4 0 5 0 2 1 3 4

STATEMENT OF RAY CASTELL-BLANCH

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2. I am the Treasurer of an organization known as the Mondale Delegate Election Committee -- 6th Congressional District (the "6th CD) and have been the Treasurer of the 6th CD since its formation.

3. As Treasurer, my responsibilities include overall management of the finances of the 6th CD.

4. From its formation until the date hereof, the 6th CD has received contributions totalling no more than $835.00 from only the following individuals in the following amounts:

Name/Address	Telephone #	Amount
Margaret Azevedeo 1877 Centro West Tiburon, CA 94920	(415) 435-4279	$ 50.00
Carole A. Burnett 150 Harward Avenue Mill Valley, CA 94941	(415) 388-1991	50.00
Robert L. Dunn Villa Madera Corte Madera, CA 94925	(415) 924-1515	25.00
Albin Gruhn 35 Van Tassel Court San Anselmo, CA 94960	(415) 454-1579	50.00
Edward Halperin 55 Professional Center Parkway San Rafael, CA 94903	(415) 454-2546	50.00
Alfred E. Heller 300 Tamal Plaza Corte Madera, CA 94925	(415) 461-9308	100.00
Ruth B. Heller 121 Woodland Road Kentfield, CA 94904	(415) 461-9308	100.00

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Name/Address	Telephone #	Amount
Charles Mc Leran P.O. Box 356 Kentfield, CA 94914	(415) 461-5657	$ 50.00
Katherine Ballentine Naftalis 1299 Fourth Street San Rafael, CA 94901	(415) 459-2711	25.00
Edward Ratner 100 Lower Via Casitas Greenbrae, CA 94904	(415) 461-7438	25.00
Carol S. Shawn 219 Baltimore Avenue Corte Madera, CA 94925	(415) 924-5621	25.00
Lorna Strand 340 West Baltimore Larkspur, CA 94939	(415) 924-7468	100.00
Lewis Vogler 124 Bayview Belvedere, CA 94920	(415) 435-0459	50.00
Rebecca Watkin P.O. Box 554 Kentfield, 94914	(415) 461-5404	50.00
Charles B. Weers 11 Palm Lane Novato, CA 94947	(415) 897-9484	10.00
Gail Wilhelm 21 Hayes Street Novato, CA 94947	(415) 892-3390	50.00
Alice Yarish 1 Cypress San Anselmo, CA 94960	(415) 454-8829	25.00
		$835.00

5. To the best of my knowledge, none of said contributions were made by corporations, labor organizations, federal government contractors or other persons or entities forbidden by federal law from making contributions in connection with a Presidential campaign.

85040502136

6. From its formation to the date hereof, the 6th CD has made expenditures totalling no more than $535.59 for the following purposes and in the following amounts:

Purpose	Amount
Rent	$125.00
Rent	25.00
Bulk Mail Fee	40.00
Voter Registration List	32.00
Invitations	183.91
Telephone Installation	67.17
Stationery	27.14
Telephone Security Deposit	31.37*
Banking Service Charge	4.00
TOTAL	$535.59

*/ Originally, $400 was paid to Pacific Bell as a deposit, but subsequently $368.63 was refunded by Pacific Bell.

7. The 6th CD is not and never has been a separate segregated fund established pursuant to 2 U.S.C.A. § 441b(b).

IN WITNESS WHEREOF, I have executed this Statement on October ___, 1984.

Ray Castell-Blanch
Ray Castell-Blanch

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Ray Castell-Blanch
Ray Castell-Blanch

85040502137

tell-Blanch
k Crest Rd
Anselmo
4960

RETURN RECEIPT
REQUESTED

CERTIFIED
P 364 155 926
MAIL

SAN ANSELMO
OCT 21 '94
CALIF

172

Stephen Mims, Esq.
Federal Elections Commission
1325 K St. NW
Washington, DC 20463

OCT 23 '94 12:26

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ray Castell-Blanch, Treasurer
Mondale Delegate Election
Committee - 6th C D
1518 5th Avenue
San Rafael, CA 94901

Re: MUR 1667

8 5 0 4 0 5 0 2 1 3 9

Dear Mr. Castell-Blanch:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

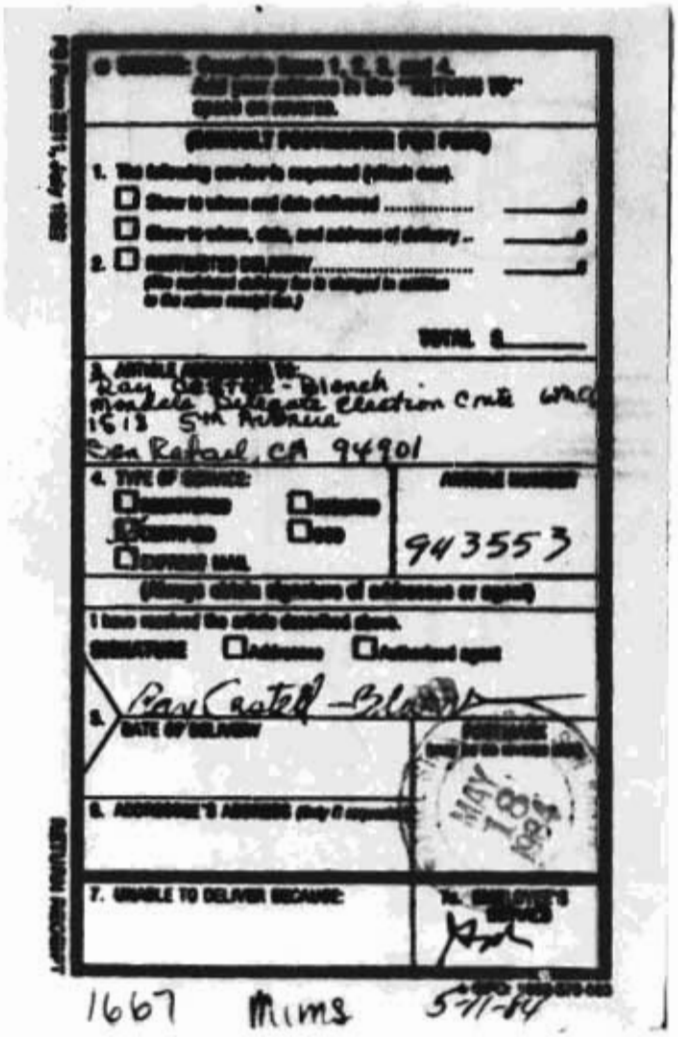
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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



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RECEIVED AT THE FEC
84 JUN 4 A8:46

JUN 4 P10:44

Arizona Mondale Delegate Committee
c/o 20226 North 13th Drive
Phoenix, Arizona 85027
June 1, 1984

MUR 1667
Memo

Lawrence M. Noble
Deputy General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1667

Dear Mr. Noble:

I have received your letter of May 25, 1984, concerning an additional supplement of May 22, 1984, to the Complaint of Americans With Hart, Inc. v. Mondale for President Committee, Inc., filed April 6, 1984.

The May 22, 1984, supplement, like the original Complaint and previous supplements, makes no specific charges against the Arizona Mondale Delegate Committee.

I have no knowledge of the truth or falsity of the charges which the supplement does make, and cannot, therefore, answer them.

As to the newspaper reports attached as Exhibits A, B, C and E, and the transcript attached as Exhibit D, they are at best hearsay, and possibly double, triple, or more hearsay. Again, none of the exhibits make any specific reference to the Arizona Mondale Delegate Committee, and there is nospecific charge which I am competent to answer.

Let me again mention that the Arizona Mondale Delegate Committee has filed a final report of all receipts, donations, and expenditures, which speaks for itself.

Please call or write if you would like to discuss the matter further.

Very truly yours,

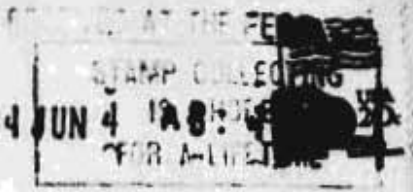
David J. Cantelme

David J. Cantelme

DJC:mt

8 5 0 4 0 5 0 2 1 4 1

Mondale Delegate Committee
26 North 13th Drive
, Arizona 85027



Lawrence M. Noble
Deputy General Counsel
Federal Election Commission
Washington, D.C. 20463

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ACC 3460
RECEIVED AT THE FEC

84 JUN 4 P2:52

JUN 4 P3:48

Arizona Mondale Delegate Committee
c/o 20226 North 13th Drive
Phoenix, Arizona 85027
May 31, 1984

CONFIDENTIAL

Ident. No: C00182139

Lawrence M. Noble, Deputy
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1667

Dear Mr. Noble:

I received your letter of May 11, 1984, on May 17, 1984. I have reviewed the Complaint of Americans with Hart, Inc. v. Mondale for President Committee, Inc., filed April 6, 1984, with the FEC, and the supplements to the Complaint dated April 18, 1984, April 27, 1984, and May 2, 1984. Neither the Complaint nor its supplements make any specific charges against the Arizona Mondale Delegate Commission. As to the charges which the Complaint and supplements make against other delegate committees, I have no specific knowledge of the truth or falsity of the charges, and cannot answer them.

The Arizona Mondale Delegate Committee has filed a final report listing all contributions, receipts, and expenditures as of its date. The report speaks for itself.

Please call or write if you would like to discuss the matter further.

Very truly yours,

David J. Cantelme

David J. Cantelme

DJC:mt

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ona Mondale Delegate Committee
20226 North 13th Drive
nix, Arizona 85027

RECEIVED AT THE F

84 JUN 4 PM 12:5

IDENTIAL

Lawrence M. Noble, Deputy
General Counsel
Federal Election Commission
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

May 11, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David J. Cantelme, Treasurer
Arizona Mondale Delegate
Committee
826 N. Central Avenue
Phoenix, AZ 85003

Re: MUR 1667

Dear Mr. Cantelme:

This letter is to notify you that on April 6, 1984 the Federal Election Commission received a complaint and supplements on April 18, April 27 and May 2, 1984, which allege that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint makes allegations against the Mondale for President Committee, Inc., and the delegate committees supporting Walter Mondale and, as such, you are being notified of this matter. A copy of the complaint and the supplements are enclosed. We have numbered this matter MUR 1667. 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 the committee and you, as treasurer, 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.

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If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

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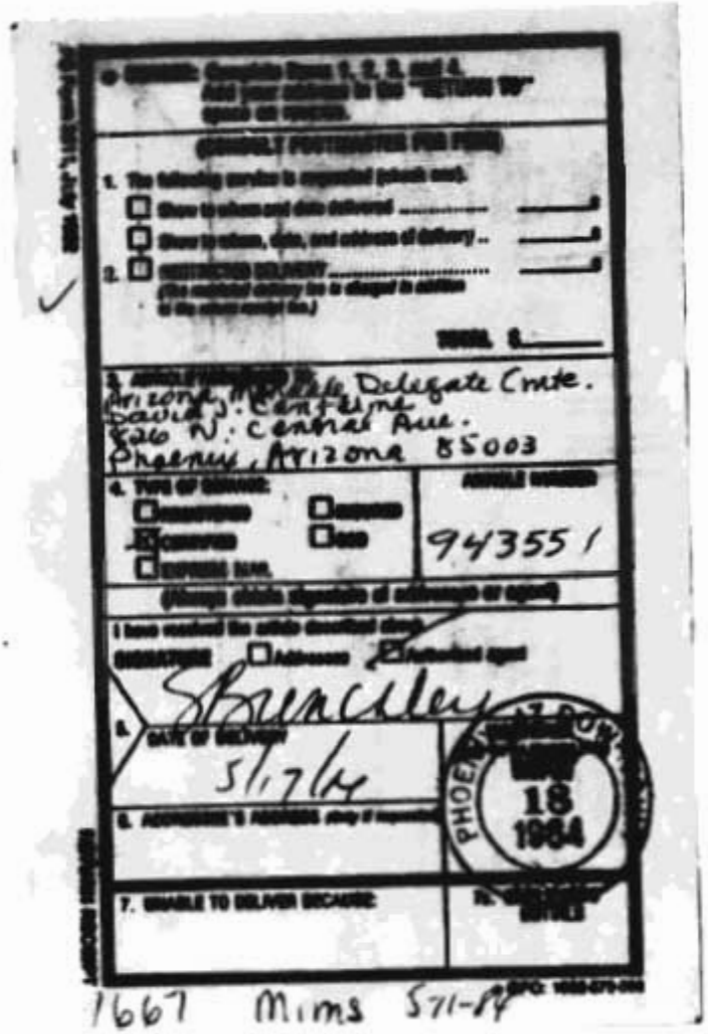
Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

OWEN F. BIEBER, PRESIDENT RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

September 7, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 7 P1:32

Ms. Lee Ann Elliott
Chairman
Federal Election Commission
1325 K Street, N. W., 7th floor
Washington, D. C. 20463

Re: MUR 1704

3 5 0 4 0 5 0 2 1 4 7

Dear Chairman Elliott:

This statement is submitted on behalf of respondents UAW V-CAP and Donald J. Moll (hereafter collectively referred to as "UAW V-CAP") in response to the Commission's letter dated August 14, 1984. That letter advised UAW V-CAP that the Commission had determined that there is reason to believe that it violated Section 441a(a)(2)(A) of the Federal Election Campaign Act (FECA), 2 U.S.C. $441a(a)(2)(A), by making "contributions to the Mondale campaign which, in the aggregate, were excessive." The letter also stated that the Commission had decided to merge MUR 1704 with MUR 1667, "a matter that involves similar allegations, but does not specifically name your clients as respondents." The letter indicated that the Office of the General Counsel "would like to settle this matter through conciliation prior to a finding of probable cause", but warned that the Office of the General Counsel would have to proceed to the next compliance stage in the absence of any information demonstrating that no further action should be taken against UAW V-CAP. Finally, the letter invited UAW V-CAP to submit additional factual or legal materials relevant to the Commission's consideration of this case.

UAW V-CAP vigorously denies that it violated section 441a(a)(2)(A) of the FECA by making excess contributions to the Mondale campaign. The record clearly shows that UAW V-CAP did not make any contributions to the Mondale for President Campaign Committee. Although UAW V-CAP did make contributions to a number of delegate committees, the amount of these contributions did not exceed $5,000 to any single delegate committee. As set forth in more detail in our previous submission dated June 18, 1984, UAW V-CAP is not "affiliated" with any of the other union SSFs named as respondents in the present case. Accordingly, UAW V-CAP and the other union SSFs were not subject to a single contribution limit in making donations to the delegate committees. Furthermore, UAW V-CAP made its contributions to the various delegate committees based on the advice of counsel that such contributions were expressly permitted under section 110.14 of the Commission's regulations, 11 C.F.R. $110.14, and on the good faith belief that the delegate committees were not "affiliated" with the Mondale for President Campaign Committee. Since section 438(e) of the FECA, 2

U.S.C. §438(e), provides that persons who act in good faith reliance on any rule or regulation prescribed by the Commission "shall not . . . be subject to any sanction", there is no basis for the Commission to take any further action against UAW V-CAP in connection with the present case. Even assuming arguendo that the Commission has determined that the delegate committees should be considered "affiliated" with the Mondale for President Campaign Committee, it would be inequitable for the Commission to apply this determination retroactively so as to render unlawful UAW V-CAP's contributions to the various delegate committees. Indeed, in a similar situation involving the political action committees established by the American Medical Association and the various State Medical Associations, even though the Commission eventually determined that these political action committees were "affiliated" and thus subject to a single contribution limit, it declined to take any action against doctors who had made excess contributions to or candidates who had received excess contributions from these political action committees. See MUR 253. In light of this past precedent, UAW V-CAP submits that there is no basis for imposing any liability on UAW V-CAP in connection with the present case.

UAW V-CAP also strenuously objects to the procedures being followed by the Commission in the present case. Before the Commission proceeds any further, it should be required to provide UAW V-CAP with a detailed statement of the factual basis supporting its reason to believe determination.

Section 437g(a)(2) of the FECA, 2 U.S.C. §437g(a)(2), provides in pertinent part:

> If the Commission . . . determines . . . that it has reason to believe that a person has committed . . . a violation of this Act . . . the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. (emphasis supplied)

Similarly, section 111.9(a) of the Commission's regulations, 11 C.F.R. §111.9(a), provides that "If the Commission . . . determines . . . that it has reason to believe that a respondent has violated a statute or regulation over which the Commission has jurisdiction, its Chairman or Vice Chairman shall notify such respondent of the Commission's finding by letter, setting forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding." (emphasis supplied) Thus, the FECA and the Commission's own regulations require, in clear and unambiguous terms, that the Commission notify a respondent in writing of the factual basis supporting any reason to believe finding.

The Commission's letter of August 14th plainly fails to comply with this mandate. The August 14th letter:

-- does not indicate whether the Commission's determination that there is reason to believe UAW V-CAP made excessive contributions to the Mondale campaign is based on a finding that all of the union SSFs listed as respondents should be treated as "affiliated" with each other, or on a finding that the delegate committees should be treated as "affiliated" with the Mondale for President Campaign Committee;

-- does not set forth any specific facts to support either of these possible findings;

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— does not even identify which contributions by UAW V-CAP and/or the other union SSFs listed as respondents in the present case were allegedly excessive, and thus form the basis for the reason to believe determination.

In addition, the Commission's August 14th letter does not adequately inform the UAW of the allegations and facts involved in MUR 1667, with which the present case has now been consolidated. Although the Commission's letter asserts that MUR 1667 "involves similar allegations", because UAW V-CAP was not named as a respondent in that case, it has never been served with a copy of the complaint, and therefore has no basis for knowing what the precise nature of the allegations are in MUR 1667, let alone what the factual basis is for the Commission's decision to consolidate that case with MUR 1704.

In addition to the clear and unambiguous provisions in the FECA and the Commission's regulations, fundamental notions of procedural due process also dictate that the Commission should provide UAW V-CAP with a specific statement of the factual basis supporting its reason to believe determination, before the Commission takes any further action in this case. Simply stated, it is impossible for UAW V-CAP to be in a position to respond intelligently to the reason to believe determination, and to provide the Commission with additional legal and factual materials as requested in the Commission's August 14th letter, until UAW V-CAP is first appraised of the factual basis supporting the reason to believe determination. UAW V-CAP should not be placed in the position of having to guess what is the basis for the Commission's determination.

Finally, the Commission should provide UAW V-CAP with a specific statement of the factual basis supporting the reason to believe determination in order to facilitate the conciliation process. UAW V-CAP is willing to consider possible settlement through conciliation at this point in time, as suggested in the Commission's August 14th letter. However, it is impossible for UAW V-CAP to be in a positon to make a judgment about any possible settlement proposals, until it knows the exact nature of the allegations against it, and the factual basis supporting those allegations, which form the basis for the Commission's reason to believe determination.

For all of the foregoing reasons, UAW V-CAP submits that the Commission should first provide it with a detailed statement setting forth the factual basis for the reason to believe determination, before proceeding any further with the present case.

Sincerely,

Alan Reuther

Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

cc: Charles Steele, Esq.
Stephen Mims, Esq.

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

84 SEP 1 P1:32

8504050215 0

From

UAW

1757 N Street, N.W. — Washington, D. C. 20036

for

Stephen Mims, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N. W., 7th Floor
Washington, D. C. 20563

FIRST CLASS MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 6, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ROB BONHAM

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1704 - UAW-V-CAP

Please review the attached Request for Additional Information which is to be sent to the UAW-V-CAP for the 1984 May Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 5:00 p.m. on Monday, September 10, 1984. Thank you.

COMMENTS:

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Donald J. Moll, Treasurer
UAW-V-CAP (UAW Voluntary
Community Action Program)
8000 East Jefferson
Detroit, MI 48214

Identification Number: C00002840

Reference: May Monthly Report (4/1/84-4/30/84)

Dear Mr. Moll:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Line 11a of the Detailed Summary Page discloses a figure for the total amount of contributions from individuals/persons other than political committees. In addition, the memo entry portion of the Detailed Summary Page is blank, and no supporting schedules have been provided. Please amend your report by itemizing all contributions from individuals/persons, which aggregate greater than $200 in the calendar year, and/or provide a figure for the total amount of unitemized contributions from individuals/persons, which have been received during the reporting period. 11 CFR 104.3(a)(2).

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Edward Ryan

Edward Ryan
Reports Analyst
Reports Analysis Division

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RECEIVED BY THE FEC

84 JUN 8 A8:54

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

OWEN F. BIEBER, PRESIDENT

RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 828-8500

June 7, 1984

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1704

Dear Mr. Steele:

This is to advise you that I will be representing respondent UAW V-CAP in connection with the above referenced case. Please direct all future communications regarding this matter to my attention at the above address and phone number.

Due to the length and complexity of the matters raised in the complaint, it will take some time to evaluate and prepare a response to the issues raised therein. Accordingly, I hereby request that the Commission grant UAW V-CAP an extension until July 20th in which to file a response to the complaint. I would appreciate it if you would advise me as soon as possible concerning this request, so that I may plan accordingly.

Sincerely,

Alan Reuther

Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

cc: Stephen Mims, Esq.

8504050215 4

BILE · AEROSPACE · AGRICULTURAL IMPLEMENT WORKERS
✓ AMERICA (UAW)
WASHINGTON OFFICE
1757 N STREET N.W.
WASHINGTON, D.C. 20036

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 19, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ROB BONHAM / S. Nims

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1704 -- SERVICE EMPLOYEES INTERNATIONAL UNION COMMITTEE ON POLITICAL EDUCATION POLITICAL CAMPAIGN COMMITTEE (SEIU COPE/PCC)

Please review the attached Request for Additional Information (RFAI) and Informational Notice (IN) which are to be sent to the SEIU COPE/PCC for the 1984 October Monthly and 12 Day Pre-General Reports, respectively. If no response or an inadequate response is received for the RFAI, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 12:00 noon on Wednesday, November 21, 1984. Thank you.

COMMENTS:

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Richard Cordtz, Treasurer
Service Employees International
Union Committee on Political
Education Political Campaign
Committee
2020 K Street, NW, Suite 200
Washington, DC 20006

Identification Number: C00004036

Reference: October Monthly Report (9/1/84-9/30/84)

Dear Mr. Cordtz:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-The total amount of contributions itemized on Schedule A, plus the total amount of unitemized contributions reported on the Detailed Summary Page, should equal the total reported on Line 11(a) of the Detailed Summary Page. Please amend either Schedule A or the Detailed Summary figures to correct this discrepancy. 11 CFR 104.3(a).

-Your report discloses a total of $5,661.05 in disbursements to S.E.I.U. (pertinent portion(s) attached). 2 U.S.C. §441b prohibits a corporation or labor organization from contributing or expending funds for the purpose of influencing any Federal election, except that the connected organization may pay for the solicitation and administrative costs of its separate segregated fund.

Please provide the original date of deposit and an explanation of the aforementioned transaction. Although the Commission may take further legal steps concerning this matter, your prompt action will be taken into consideration.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need

85040502157

assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Lisa Stolaruk

Lisa Stolaruk
Senior Reports Analyst
Reports Analysis Division

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 2 of 6 for Line Number ____ (this amount schedule for category of the Summary Page)

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

Name of Committee (in Full)

S.E.I.U. Committee on Political Education, Political Campaign Committe

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Paul Simon for Senate 30 W. Washington Street Chicago, IL. 60602	Contribution	9/17/84	5,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
S.E.I.U. to reimb. SEIU for money that should have been depo. into their Gen. funds	This ck. was depo. in cope fund in error Error	9/18/84	5,661.05
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Citizens for Fitzgerald P.O. Box 584 Fort Dodge, IA. 50501	Contribution	9/19/84	500.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Democratic Senatorial Camp. Committee 400 N. Capitol St., Suite 316 Washington, DC. 20001	Contribution	9/20/84	500.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Democratic National Comm. 1625 Massachusetts Av. NW Washington, DC. 20036	Cont. to help Demo. Cand. run for Fed Off.	9/25/84	15,000.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Jane Wells-Schooley for Cong. P.O. Box 3034 Allentown, PA. 18106	Contribution	9/27/84	2,409.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Wachob for Congress '84 Comm. P.O. Box 53 Johnsonburg, PA. 15845	Contribution	9/27/84	600.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Edgar for Congress Comm. 66 North State Road Media, PA. 19063	Contribution	9/27/84	1,000.00
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Hoeffel for Congress Comm. 1150 Old York Road Abington, PA. 19001	Contribution	9/27/84	500.00
SUBTOTAL of Disbursements This Page (optional)			31,170.05
TOTAL This Period (last page this line number only)			

4 1 0 3 3 7 9 4 1 2 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

Richard Cordtz, Treasurer
Service Employees International
Union Committee on Political
Education Political Campaign
Committee
2020 K Street, NW, Suite 200
Washington, DC 20006

Identification Number: C00004036

Reference: 12 Day Pre-General Election Report (10/1/84-10/17/84)

Dear Mr. Cordtz:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-The total amount of contributions itemized on Schedule A, plus the total amount of unitemized contributions reported on the Detailed Summary Page, should equal the total reported on Line 11(a) of the Detailed Summary Page. Please amend either Schedule A or the Detailed Summary figures to correct this discrepancy. 11 CFR 104.3(a).

Any amendment or clarification should be filed with the Federal Election Commission. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Lisa Stolaruk
Senior Reports Analyst
Reports Analysis Division

8504050216 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ROB BONHAM

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1704 - SERVICE EMPLOYEES INTERNATIONAL UNION COMMITTEE OF POLITICAL EDUCATION POLITICAL CAMPAIGN COMMITTEE (SEIU COPE/PCC)

Please review the attached Informational which is to be sent to the SEIU COPE/PCC for the 1984 September Monthly.

Any comments which you may have should be forwarded to RAD by 2:00 p.m. on Thursday, November 1, 1984. Thank you.

COMMENTS:

Attachment

8504050216!

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

Richard Cordtz, Treasurer
Service Employees International
Union Committee on Political Education
Political Campaign Committee
2020 K Street, NW, Suite 200
Washington, DC 20006

Identification Number: C00004036

Reference: September Monthly Report (8/1/84-8/31/84)

Dear Mr. Cordtz:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-For future reporting, please be advised that contributions to Federal candidates and political committees should be itemized on a separate Schedule B supporting Line 21 of the Detailed Summary Page. Contributions to non-Federal candidates and committees should be itemized on Schedule B supporting Line 27.

Any amendment or clarification should be filed with the Federal Election Commission. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Lisa Stolaruk

Lisa Stolaruk
Senior Reports Analyst
Reports Analysis Division

8 5 0 4 0 5 0 2 1 5 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ROB BONHAM

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1704 - SERVICE EMPLOYEES INTERNATIONAL UNION, COMMITTEE ON POLITICAL EDUCATION (SEIU-COPE)

Please review the attached Request for Additional Information which is to be sent to the SEIU-COPE for the 1984 July Quarterly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 5:00 p.m. on Friday, August 31, 1984. Thank you.

COMMENTS:

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Richard Corditz, Treasurer
Service Employees International
Union, Committee on Political
Education
2020 K Street, NW #200
Washington, DC 20006

Identification Number: C70000591

Reference: July Quarterly Report (8/30/83-6/30/84)

Dear Mr. Corditz:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please amend your report by providing the class or category communicated with and the dates of communication on FEC Form 7.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Brian J. Hancock
Reports Analyst
Reports Analysis Division

8504050215

GIS

RECEIVED AT THE GCC # 49

SERVICE EMPLOYEES INTERNATIONAL UNION
AFL-CIO, CLC

2020 K Street, N.W. Washington, D.C. 20006-1846

John J. Sweeney
International President

Richard W. Cordtz
International Secretary-Treasurer

August 20, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 4 P2:02

Ms. Lee Ann Elliott
Chairman
Federal Elections Commission
Washington, D.C. 20436

RE: MUR 1704
Service Employees International Union (SEIU) COPE
PCC Richard W. Cordtz, Treas.

Dear Ms. Elliott:

This is in reference to your letter dated August 14, 1984, regarding the above-captioned matter.

We are requesting that you grant us a delay in the time specified in your letter with respect to submitting any additional, factual or legal materals which we believe are relevant to the Commissions' consideration in this matter. The reason that we are requesting this delay is that the chief officers of this International Union will not be available to us for discussions for the next couple of weeks because of their unavailability in the City of Washington, D.C., and our schedules with respect to be ing outside of the City of Washington, D.C: Therefore, we are requesting that we be given until September 7, 1984, to respond to the August 14, 1984, letter.

Sincerely,

Lester Asher, Esq.

Gerald Sommer
Counsel to the President

LA/GIS:dap

8504050216 7

PLOYEES INTERNATIONAL UNION, AFL-CIO, CLC
REET, N.W. • WASHINGTON, D.C. 20006-1846

RECEIVED AT THE FE

84 AUG 4 A9:07

Ms. Lois Lerner
Federal Elections Commission
1325 K Street N.W., 7th Flr.
Washington, D.C. 20463

0 4 0 0 5 0 2 1 5 3

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: LESTER ASHER and

ADDRESS: 2 North La Salle Street, Room 1200

Chicago, IL 60602

Gerald I. Sonner
Counsel to the President
Service Employees Intl. Union
2020 K Street, N.W.
Washington, DC 20006

TELEPHONE: (312) 263-1500

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.

June 11, 1984
Date

Signature

RESPONDENT'S NAME: Service Employees International Union COPE PCC

ADDRESS: 2020 K Street, N.W.

Washington, D.C. 20006

HOME PHONE:

BUSINESS PHONE: (202) 452-8750

3 5 0 4 0 5 0 2 1 6 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ROB BONHAM

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1704 - MACHINISTS NON-PARTISAN POLITICAL LEAGUE (MNPL)

Please review the attached Request for Additional Information which is to be sent to the MNPL for the 1984 June Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 5:00 p.m. on Friday, August 31, 1984. Thank you.

COMMENTS:

Attachment

8 5 0 4 0 5 0 2 1 5 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Eugene Glover, Treasurer
Machinists Non-Partisan Political
League
1300 Connecticut Avenue, NW
Suite 413
Washington, DC 20036

Identification Number: C00002469

Reference: June Monthly Report (5/1/84-5/31/84)

Dear Mr. Glover:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-The total of contributions received should appear on Line 11d of the Detailed Summary Page.

-Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule B of your report to clarify the following descriptions: reimbursed expenses and get-out-the-vote. For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR 104.3(b)(3).

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Lisa Stolaruk
Senior Reports Analyst
Reports Analysis Division

8 5 0 4 0 5 0 2 1 6 9

RECEIVED AT THE FEC

84 JUN 6 P12:10

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Joseph P. Manners

ADDRESS: 1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

TELEPHONE: 202-857-5250

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.

June 1, 1984
Date

Eugene Glover
Signature

RESPONDENT'S NAME: Machinists Non-Partisan Political League

ADDRESS: 1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

HOME PHONE:

BUSINESS PHONE: 202-857-5200

8504050217 0

RECEIVED BY THE FEC

84 JUN 6 P12:10

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Joseph P. Manners

ADDRESS: 1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

TELEPHONE: 202-857-5250

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.

June 1, 1984
Date

Eugene Glover
Signature

RESPONDENT'S NAME: Machinists Non-Partisan Political League

ADDRESS: 1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

HOME PHONE:

BUSINESS PHONE: 202-857-5200

8504050217 1

BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, et al.,	)	MUR 1704
Complainants,	)	
v.	)	
WALTER F. MONDALE, et al.,	)	
Respondents.	)	

RESPONDENT'S, MACHINISTS NON-PARTISAN POLITICAL LEAGUE, REQUEST FOR EXTENSION OF TIME

Comes now the Respondent, Machinists Non-Partisan Political League, by and through its undersigned attorney and respectfully requests a 20-day extension of time for an opportunity to demonstrate that no action be taken against the Machinists Non-Partisan Political League (MNPL) and for reasons thereto sets forth as follows:

1. Mr. Eugene Glover, the Treasurer of MNPL, as of Saturday, June 2, 1984, departed for the West Coast and will not be returning to Washington, D.C. until on or about June 18 or 19, 1984.

2. Mr. Glover was served by certified mail on or about 3:30 p.m. on June 1, 1984, just as he was leaving the office.

3. The undersigned counsel was furnished a copy of the Complaint together with a cover letter and attachments at approximately 4:30 p.m. on Friday, June 1, and has had no opportunity to discuss the factual situation with Mr. Glover whatsoever.

8 5 0 4 0 5 0 2 1 7 2

4. Bringing together of any and all information relating to the Complaint will require a time-consuming effort from individual or individuals who, at this time, remain unknown to the undersigned counsel.

5. It appears from a cursory reading of the Complaint that a real opportunity to demonstrate that no action should be taken against this union exists and that being furnished a proper opportunity to so respond can alleviate a lot of time and unnecessary governmental involvement.

WHEREFORE, because of the aforesaid, it is respectfully requested that a continuance be granted to afford the MNPL time to demonstrate in writing that no action be taken against it or the International Association of Machinists and Aerospace Workers, and that this continuance be granted to and including July 6, 1984.

Respectfully submitted,

Machinists Non-Partisan Political League, International Association of Machinists and Aerospace Workers

By: _____
Joseph P. Manners
GENERAL COUNSEL

I hereby certify that on this 4th day of June, 1984, I have mailed the original and five copies of this Motion for Extension of Time to Stephen Mims, c/o the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, by certified mail, return receipt requested.

_____

8 5 0 4 0 5 0 2 1 7 5

BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, et al.,	)	MUR 1704
Complainants,	)	
v.	)	
WALTER F. MONDALE, et al.,	)	
Respondents.	)	

RESPONDENT'S, MACHINISTS NON-PARTISAN POLITICAL LEAGUE, REQUEST FOR EXTENSION OF TIME

Comes now the Respondent, Machinists Non-Partisan Political League, by and through its undersigned attorney and respectfully requests a 20-day extension of time for an opportunity to demonstrate that no action be taken against the Machinists Non-Partisan Political League (MNPL) and for reasons thereto sets forth as follows:

1. Mr. Eugene Glover, the Treasurer of MNPL, as of Saturday, June 2, 1984, departed for the West Coast and will not be returning to Washington, D.C. until on or about June 18 or 19, 1984.

2. Mr. Glover was served by certified mail on or about 3:30 p.m. on June 1, 1984, just as he was leaving the office.

3. The undersigned counsel was furnished a copy of the Complaint together with a cover letter and attachments at approximately 4:30 p.m. on Friday, June 1, and has had no opportunity to discuss the factual situation with Mr. Glover whatsoever.

8 5 0 4 0 5 0 2 1 7 4

4. Bringing together of any and all information relating to the Complaint will require a time-consuming effort from individual or individuals who, at this time, remain unknown to the undersigned counsel.

5. It appears from a cursory reading of the Complaint that a real opportunity to demonstrate that no action should be taken against this union exists and that being furnished a proper opportunity to so respond can alleviate a lot of time and unnecessary governmental involvement.

WHEREFORE, because of the aforesaid, it is respectfully requested that a continuance be granted to afford the MNPL time to demonstrate in writing that no action be taken against it or the International Association of Machinists and Aerospace Workers, and that this continuance be granted to and including July 6, 1984.

Respectfully submitted,

Machinists Non-Partisan Political League, International Association of Machinists and Aerospace Workers

By: Joseph P. Manners
GENERAL COUNSEL

I hereby certify that on this 4th day of June, 1984, I have mailed the original and five copies of this Motion for Extension of Time to Stephen Mims, c/o the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, by certified mail, return receipt requested.

8 5 0 4 0 5 0 2 1 7 5

BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, et al.,	)	MUR 1704
Complainants,	)	
v.	)	
WALTER F. MONDALE, et al.,	)	
Respondents.	)	

RESPONDENT'S, MACHINISTS NON-PARTISAN POLITICAL LEAGUE, REQUEST FOR EXTENSION OF TIME

Comes now the Respondent, Machinists Non-Partisan Political League, by and through its undersigned attorney and respectfully requests a 20-day extension of time for an opportunity to demonstrate that no action be taken against the Machinists Non-Partisan Political League (MNPL) and for reasons thereto sets forth as follows:

1. Mr. Eugene Glover, the Treasurer of MNPL, as of Saturday, June 2, 1984, departed for the West Coast and will not be returning to Washington, D.C. until on or about June 18 or 19, 1984.

2. Mr. Glover was served by certified mail on or about 3:30 p.m. on June 1, 1984, just as he was leaving the office.

3. The undersigned counsel was furnished a copy of the Complaint together with a cover letter and attachments at approximately 4:30 p.m. on Friday, June 1, and has had no opportunity to discuss the factual situation with Mr. Glover whatsoever.

8 5 0 4 0 5 0 2 1 7 6

4. Bringing together of any and all information relating to the Complaint will require a time-consuming effort from individual or individuals who, at this time, remain unknown to the undersigned counsel.

5. It appears from a cursory reading of the Complaint that a real opportunity to demonstrate that no action should be taken against this union exists and that being furnished a proper opportunity to so respond can alleviate a lot of time and unnecessary governmental involvement.

WHEREFORE, because of the aforesaid, it is respectfully requested that a continuance be granted to afford the MNPL time to demonstrate in writing that no action be taken against it or the International Association of Machinists and Aerospace Workers, and that this continuance be granted to and including July 6, 1984.

Respectfully submitted,

Machinists Non-Partisan Political League, International Association of Machinists and Aerospace Workers

By: _____
Joseph P. Manners
GENERAL COUNSEL

I hereby certify that on this 4th day of June, 1984, I have mailed the original and five copies of this Motion for Extension of Time to Stephen Mims, c/o the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, by certified mail, return receipt requested.

_____

8 5 0 4 0 5 0 2 1 7 7

BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, et al.,	)	MUR 1704
Complainants,	)	
v.	)	
WALTER F. MONDALE, et al.,	)	
Respondents.	)	

RESPONDENT'S, MACHINISTS NON-PARTISAN POLITICAL LEAGUE, REQUEST FOR EXTENSION OF TIME

Comes now the Respondent, Machinists Non-Partisan Political League, by and through its undersigned attorney and respectfully requests a 20-day extension of time for an opportunity to demonstrate that no action be taken against the Machinists Non-Partisan Political League (MNPL) and for reasons thereto sets forth as follows:

1. Mr. Eugene Glover, the Treasurer of MNPL, as of Saturday, June 2, 1984, departed for the West Coast and will not be returning to Washington, D.C. until on or about June 18 or 19, 1984.

2. Mr. Glover was served by certified mail on or about 3:30 p.m. on June 1, 1984, just as he was leaving the office.

3. The undersigned counsel was furnished a copy of the Complaint together with a cover letter and attachments at approximately 4:30 p.m. on Friday, June 1, and has had no opportunity to discuss the factual situation with Mr. Glover whatsoever.

8 5 0 4 0 5 0 2 1 7 9

4. Bringing together of any and all information relating to the Complaint will require a time-consuming effort from individual or individuals who, at this time, remain unknown to the undersigned counsel.

5. It appears from a cursory reading of the Complaint that a real opportunity to demonstrate that no action should be taken against this union exists and that being furnished a proper opportunity to so respond can alleviate a lot of time and unnecessary governmental involvement.

WHEREFORE, because of the aforesaid, it is respectfully requested that a continuance be granted to afford the MNPL time to demonstrate in writing that no action be taken against it or the International Association of Machinists and Aerospace Workers, and that this continuance be granted to and including July 6, 1984.

Respectfully submitted,

Machinists Non-Partisan Political League, International Association of Machinists and Aerospace Workers

By: _____
Joseph P. Manners
GENERAL COUNSEL

I hereby certify that on this 4th day of June, 1984, I have mailed the original and five copies of this Motion for Extension of Time to Stephen Mims, c/o the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, by certified mail, return receipt requested.

_____

8 5 0 4 0 5 0 2 1 7 9

BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, et al.,	)	MUR 1704
Complainants,	)	
v.	)	
WALTER F. MONDALE, et al.,	)	
Respondents.	)	

RESPONDENT'S, MACHINISTS NON-PARTISAN POLITICAL LEAGUE, REQUEST FOR EXTENSION OF TIME

Comes now the Respondent, Machinists Non-Partisan Political League, by and through its undersigned attorney and respectfully requests a 20-day extension of time for an opportunity to demonstrate that no action be taken against the Machinists Non-Partisan Political League (MNPL) and for reasons thereto sets forth as follows:

1. Mr. Eugene Glover, the Treasurer of MNPL, as of Saturday, June 2, 1984, departed for the West Coast and will not be returning to Washington, D.C. until on or about June 18 or 19, 1984.

2. Mr. Glover was served by certified mail on or about 3:30 p.m. on June 1, 1984, just as he was leaving the office.

3. The undersigned counsel was furnished a copy of the Complaint together with a cover letter and attachments at approximately 4:30 p.m. on Friday, June 1, and has had no opportunity to discuss the factual situation with Mr. Glover whatsoever.

8 5 0 4 0 5 0 2 1 8 0

4. Bringing together of any and all information relating to the Complaint will require a time-consuming effort from individual or individuals who, at this time, remain unknown to the undersigned counsel.

5. It appears from a cursory reading of the Complaint that a real opportunity to demonstrate that no action should be taken against this union exists and that being furnished a proper opportunity to so respond can alleviate a lot of time and unnecessary governmental involvement.

WHEREFORE, because of the aforesaid, it is respectfully requested that a continuance be granted to afford the MNPL time to demonstrate in writing that no action be taken against it or the International Association of Machinists and Aerospace Workers, and that this continuance be granted to and including July 6, 1984.

Respectfully submitted,

Machinists Non-Partisan Political League, International Association of Machinists and Aerospace Workers

By: _____
Joseph P. Manners
GENERAL COUNSEL

I hereby certify that on this 4th day of June, 1984, I have mailed the original and five copies of this Motion for Extension of Time to Stephen Mims, c/o the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, by certified mail, return receipt requested.

_____

8 5 0 4 0 5 0 2 1 3 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 7, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ROB BONHAM

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1704 - IRONWORKERS POLITICAL ACTION LEAGUE

Please review the attached Request for Additional Information which is to be sent to the Ironworkers Political Action League for the 1984 October Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 5:00 p.m. on Friday, November 9, 1984. Thank you.

COMMENTS:

Attachment

8 5 0 4 0 5 0 2 1 3 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

John T. Traylor, Treasurer
Ironworkers Political Action
League
1750 New York Avenue, NW
Suite 400
Washington, DC 20006

Identification Number: C00027359

Reference: October Monthly Report (9/1/84-9/30/84)

Dear Mr. Traylor:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-According to 11 CFR 104.3(b)(3)(B), the terms "voter registration" and "get-out-the-vote" are not adequate to describe the purpose of expenditures. Please provide a statement or description which clarifies such expenditures. In addition, if any of the voter registration or get-out-the-vote activities referenced House or Senate candidates, they should be allocated accordingly, unless merely incidental to the overall activity. If a portion or all of these expenditures were made on behalf of Federal candidates, they should be reported on Schedule B or E for Line 21 or 22 of the Detailed Summary Page, as appropriate.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Pamela Brown

Pamela Brown
Senior Reports Analyst
Reports Analysis Division

85040502193

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ROB BONHAM

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1704 - IRONWORKERS POLITICAL ACTION LEAGUE

Please review the attached Request for Additional Information which is to be sent to the Ironworkers Political Action League for the 1984 September Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 12:00 noon on Thursday, October 18, 1984. Thank you.

COMMENTS:

Attachment

8 5 0 4 0 5 0 2 1 9 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

John T. Traylor, Treasurer
Ironworkers Political Action
League
1750 New York Avenue, NW
Suite 400
Washington, D.C. 20006

Identification Number: C00027359

Reference: September Monthly Report (8/1/84-8/31/84)

Dear Mr. Traylor:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please clarify all expenditures made for printing disclosed on Schedule B for Line 19. If a portion or all of these expenditures were made on behalf of specifically identified Federal candidates, they should be disclosed on Schedule B or E for Line 21 or 22 and include the amount, name, address and office sought by each candidate. 11 CFR 104.3(b) and 106.1.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Pamela Brown

Pamela Brown
Senior Reports Analyst
Reports Analysis Division

8 5 0 4 0 5 0 2 1 8 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

John T. Traylor, Treasurer
Ironworkers Political Action
League
1750 New York Avenue, NW
Suite 400
Washington, D.C. 20006

Identification Number: C00027359

Reference: September Monthly Report (8/1/84-8/31/84)

Dear Mr. Traylor:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please clarify all expenditures made for printing disclosed on Schedule B for Line 19. If a portion or all of these expenditures were made on behalf of specifically identified Federal candidates, they should be disclosed on Schedule B or E for Line 21 or 22 and include the amount, name, address and office sought by each candidate. 11 CFR 104.3(b) and 106.1.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Pamela Brown

Pamela Brown
Senior Reports Analyst
Reports Analysis Division

8504050219 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ROBERT BONHAM

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1704 - IRONWORKERS POLITICAL ACTION LEAGUE

Please review the attached Request for Additional Information which is to be sent to the Ironworkers Political Action League for the 1984 July Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 5:00 p.m. on Thursday, August 16, 1984. Thank you.

COMMENTS:

Attachment

8 5 0 4 0 5 0 2 1 3 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

John T. Traylor, Treasurer
Ironworkers Political Action League
1750 New York Avenue, NW, Suite 400
Washington, DC 20006

Identification Number: C00027359

Reference: July Monthly Report (6/1/84-6/30/84)

Dear Mr. Traylor:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-The aggregate year-to-date total for the transfer in from the Ironworkers Local Union 401 Political Action Committee appears to be incorrect. Please amend your report accordingly.

-Please clarify the nature of the expenditure made to Palmer Mailing (Schedule B supporting Line 19). If the expenditure represents a partisan communication to your membership under 11 CFR 114.3, the same information must be disclosed as if the connected organization were to file FEC Form 7. This information includes: 1) the type of communication (such as direct mail, telephone, or telegram); 2) the date of the communication; 3) the name of the candidate(s) (allocation per candidate needed if more than one candidate), office sought, whether the communication was for the primary or general election; 4) whether the communication was in support or opposition to the candidate(s); and (5) the cost of the communication.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Pamela Brown

Pamela Brown
Senior Reports Analyst
Reports Analysis Division

85040502183

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ROBERT BONHAM

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1704 - AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES PEOPLE QUALIFIED

Please review the attached Request for Additional Information which is to be sent to the American Federation of State, County and Municipal Employees PEOPLE Qualified for the 1984 June Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 5:00 p.m. on Thursday, August 16, 1984. Thank you.

COMMENTS:

Attachment

8504050219

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

William Lucy, Treasurer
American Federation of State
County and Municipal Employees
PEOPLE Qualified
1625 L Street, NW
Washington, DC 20036

Identification Number: C00011114

Reference: June Monthly Report (5/1/84-5/31/84)

Dear Mr. Lucy:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-The total amount of contributions itemized on Schedule A, plus the total amount of unitemized contributions reported on the Detailed Summary Page, should equal the total reported on Line 11(a) of the Detailed Summary Page. Please amend the Detailed Summary figures so that receipts which are itemized on Schedule A for Lines 12 and 16 do not reduce the sum reported for individual contributors on the memo entry for Line 11(a). 11 CFR 104.3(a).

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Mike Tangney

Mike Tangney
Reports Analyst
Reports Analysis Division

8 5 0 4 0 5 0 2 1 9 0

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Michael H. Holland, General Counsel; Earl R. Pfeffer

ADDRESS: United Mine Workers of America
900 15th St., N.W.
Washington, D.C. 20005

TELEPHONE: 842-7330

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.

6/15/84
Date

John J. Barrie
Signature

RESPONDENT'S NAME: Coal Miners Political Action Committee (COMPAC)

ADDRESS: 900 15th St., N.W.
Washington, D.C. 20005

HOME PHONE:

BUSINESS PHONE: 842-7280

8 5 0 4 0 5 0 2 1 9 1

RECEIVED AT THE FEC
GCC#5922
84 DEC 10 P1:06

PEPPER, HAMILTON & SCHEETZ

ATTORNEYS AT LAW

1777 F STREET, N.W.
WASHINGTON, D.C. 20006
202-872-0100

10 SOUTH MARKET SQUARE
HARRISBURG, PA 17108
717-255-1155

100 RENAISSANCE CENTER
DETROIT, MI 48243
313-259-7110

20TH FLOOR
THE FIDELITY BUILDING
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109-1099
215-893-3000
CABLE ADDRESS "PEPPIL PHILADELPHIA"
TELECOPIER (9408) 215-732-8089 · (9380) 215-985-9884
DEX (4380) 215-546-3477 · TWX 710-670-0777

600 SOUTH OLIVE STREET
LOS ANGELES, CA 90014
213-617-8151

518 HAMILTON STREET
ALLENTOWN, PA 18101
215-434-0104

SIX CORPORATE PARK DRIVE
WHITE PLAINS, NY 10604
914-694-4600

(215) 893-3995

December 6, 1984

Mr. Stephen Mims, Esquire
General Counsel's Office
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Re: MUR 1667, 1704

Dear Steve:

I am pleased to learn that the Commission has seen fit to terminate proceedings against the various Mondale Delegate Committees which I represent. Apparently, the Commission is also closing out proceedings against the Fourteenth Congressional District Committee as well. Unfortunately, I have never represented this committee, nor do I know how to contact Mr. Brabender.

I am, therefore, returning the notice I received regarding the 14th District. As I suspect that Mr. Brabender would appreciate knowing the good news, I request that you take steps to notify him directly.

Yours truly,

James M. Beck

JMB:jtm

Enclosure

RECEIVED
GENERAL COUNSEL
84 DEC 11 A9:33

3 5 0 4 0 5 0 2 1 9 2

JAMES M. BECK
PEPPER, HAMILTON & SCHEETZ
20TH FLOOR
THE FIDELITY BUILDING
123 SOUTH BROAD STREET
PHILADELPHIA, PA. 19109-1083

Mr. Stephen Mims, Esquire
General Counsel's Office
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

04 DEC 10 P1:36

BCC#4444 RECEIVED AT THE FEC

LAW OFFICES

GREENBERG, TRAURIG, ASKEW, HOFFMAN, LIPOFF, ROSEN & QUENTEL

84 AUG 27 A8:

LINDA KOOGRICK ADLER
MICHAEL O. ALBERTINE
CESAR L. ALVAREZ
RUDOLPH F. ARAGON
RICHARD A. ARKIN
REUBIN O'D. ASKEW
HILARIE BASS
NORMAN J. BENFORD
MARK D. BLOOM
BURT BRUTON
STEVE BULLOCK
ROBERT K. BURLINGTON
ALAN R. CHASE
SUE H. COBB
KENDALL B. COFFEY
MARK B. DAVIS
RAFAEL O. DIAZ
ALAN T. DIMOND
CHARLES W. EDGAR, III
GARY M. EPSTEIN
THOMAS K. EQUELS
RICHARD G. GARRETT
DAVID J. GAYNOR
LAWRENCE GODOFSKY
ALAN S. GOLD
HARVEY A. GOLDMAN
STEVEN E. GOLDMAN
STEVEN H. GOLDSMITH
LAWRENCE S. GORDON
MATTHEW B. GORSON
MELVIN N. GREENBERG
MARILYN D. GREENBLATT
ROBERT L. GROSSMAN
GARY M. HELD
LARRY J. HOFFMAN
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ROBERT A. KAPLAN
TIMOTHY E. KISH
ALAN B. KOSLOW
STEVEN J. KRAVITZ
STEVEN A. LANDY
STEVEN B. LAPIDUS
ALAN S. LEDERMAN
LAWRENCE S. LEVY
NORMAN H. LIPOFF
GARY D. LIPSON
CARLOS E. LOUMIET
JUAN P. LOUMIET
DEBBIE RUTH MALINSKY
GREGORY A. MARTIN
PEDRO A. MARTIN
ALAN M. MITCHEL
ALICIA M. MORALES
LOUIS NOSTRO
ANTHONY J. O'DONNELL, JR.
MARSHALL R. PASTERNACK
BYRON G. PETERSEN
ALBERT D. QUENTEL
DALE S. RECINELLA
NICHOLAS ROCKWELL
MARVIN S. ROSEN
RONALD M. ROSENGARTEN
DAVID L. ROSS
DAVID P. ROWE
STEVEN T. SAMILIAN
CLIFFORD A. SCHULMAN
MARK SCHWIMMER
MARTIN S. SHAPIRO
MARLENE K. SILVERMAN
STUART H. SINGER
TIMOTHY A. SMITH
DANIEL A. SUCHMAN
HERBERT M. SUSKIN
YOLANDA MELLON TARAFA
CAROLYN J. THOMAS
ROBERT H. TRAURIG
STANLEY H. WAKSHLAG
JONATHAN H. WARNER
DAVID M. WELLS
JULIE A. S. WILLIAMSON
JERROLD A. WISH

AMBLER H. MOSS, JR.
ZACHARY H. WOLFF
OF COUNSEL

BRICKELL CONCOURS
1401 BRICKELL AVENUE
MIAMI, FLORIDA 33131
TELEPHONES
MIAMI (305) 579-0500
BROWARD (305) 523-8111
TELEX 80-3184
TELECOPY (305) 579-0718

340 CLEMATIS STREET
WEST PALM BEACH, FLORIDA 33401
(305) [illegible]
WRITER'S DIRECT NO. [illegible]

RECEIVED
FEC
GENERAL COUNSEL
84 AUG 27 P1:19

August 22, 1984

Stephen Mims, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MUR-1704

Dear Mr. Mims:

This firm represent a number of the Florida Delegate Committees supporting Walter Mondale in the above-referenced matter. I have been informed by Mr. Gross of your office that MUR-1667 has been merged with MUR-1704. I am writing to inquire as to whether the Federal Election Commission has taken any action with respect to the complaints filed in either of these matters.

Sincerely yours,

Stuart H. Singer

STUART H. SINGER

SHS/ch

3 5 0 4 0 5 0 2 1 9 4

LAW OFFICES
GREENBERG, TRAURIG, ASKEW, HOFFMAN, LIPOFF, ROSEN & QUENTEL, P.A.
BRICKELL CONCOURS
1401 BRICKELL AVENUE
MIAMI, FLORIDA 33131

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84 AUG 27 A8:24

Stephen Mims, Esq.
Federal Election Commission
Washington, D.C. 20463

8 5 0 0 0 2 1 9 5 6

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SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) 293-3631

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-7000

ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 573-9000

ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 429-8900

300 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 486-4600

333 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601
(312) 938-4000

August 20, 1984

GCC
#4393

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

Dear Mr. Mims:

This letter responds to your notifications of the Mondale 19th CD Delegate Committee (the "Committee"), Mr. Joseph Miller, Treasurer, concerning MURs 1667 and 1704. Please be advised that I have been designated as counsel to represent the Committee in these two matters.

Your notifications to the Committee state that the complaints and supplements allege that the Committee "may have violated certain sections of the Federal Election Campaign Act of 1971, as amended." Although the complaint in MUR 1704 refers to the Committee as the recipient of certain funds, neither MUR 1704 nor MUR 1667 names the Committee or its officers as respondents. Given that there are no specific allegations against the Committee, it is very difficult to respond to these complaints in a substantive manner. Consequently, while the Committee and its officers appreciate the opportunity to respond, it should be noted that they are under no obligation to do so.

The Committee and its officers wish to cooperate with the Commission, and will be pleased to answer any specific questions in aid of an appropriate investigation. If you have any questions or requests for materials, please let me know.

Sincerely,

Carol Darr

Carol Darr

cc: Mr. Joseph Miller
Stanley K. Schlein, Esq.

8 5 0 4 0 5 0 2 1 9 5

EN, ARPS, SLATE, MEAGHER & FLOM
EIGHTEENTH STREET, N. W.
WASHINGTON, D.C. 20006

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84 AUG 21 A 8:37

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

RECEIVED AT THE FEC

84 AUG 3 A8:28

LAW OFFICES
FRIEDMAN & KOVEN
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
208 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60604
(312) 346-8500
CABLE ADDRESS "FREEZOR"
TELEX 254083

MICHAEL D. SHER
DIRECT TELEPHONE NUMBER:
(312) 269-6608

GCC #4255

July 31, 1984

Stephen Mims, Esq.
Federal Election Commission
1325 K Street, N. W.
Washington, DC 20463

Re: MUR 1667 and 1704

Dear Mr. Mims:

I am in receipt of Mr. Steele's letter of July 26, 1984, which suggests that I address additional questions regarding the above-referenced matters to you. In his letter, Mr. Steele states that "neither 2 U.S.C. § 433(d)(1), nor 11 C.F.R. § 102.3 expressly state that a political committee can cease its reporting activities on its own initiative." However, Mr. Steele's proposed construction of the statute and regulation pays insufficient attention to the plain language of the statute which provides that "[a] political committee may terminate only when such a committee files a written statement . . . that it will no longer receive any contributions or make any disbursements or that such committee has no outstanding debts or obligations." 2 U.S.C.S 433(d)(1). In other words, a political committee has the right to terminate when it is no longer conducting any activities, i.e., it is no longer receiving any contributions or making any expenditures and has no outstanding debts or obligations. Section 102.3(a) of the Code of Federal Regulations merely codifies this statutory provision. Mr. Steele suggests in his letter that "This language does not prevent the Commission from refusing to approve requests for termination from a political committee during the pendency of an investigation." However, noticeably absent from Mr. Steele's letter is any reference to any statute or regulation supporting this conclusion.

Accordingly, I reiterate my request that I be advised of what statutory or other authority the Commission relies upon to support its position that the subject delegate committees from the State of Illinois are not entitled to terminate without the approval of the Commission.

Very truly yours,

Michael D. Sher

Michael D. Sher

MDS:jl

8 5 0 4 0 5 0 2 1 2 9

MAN & KOVEN
OUTH LASALLE STREET
GO, ILLINOIS 60604

RECEIVED AT

84 AUG 3 A8:29

Stephen Mims, Esq.
Federal Election Commission
1325 K Street, N. W.
Washington, DC 20463

RECEIVED AT THE FEC
84 AUG 2 P12:38

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1667

NAME OF COUNSEL: Richard W. Smith, Esq.

ADDRESS: 600 Montgomery Street
12th Floor
San Francisco, CA 94111

TELEPHONE: (415) 392-1122

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.

July 30, 1984
Date

Ray Castell-Blanch
Signature

RESPONDENT'S NAME: Ray Castell-Blanch

ADDRESS: 106 Oak Crest Road
San Anselmo, CA 94960

HOME PHONE: (415) 453-2900

BUSINESS PHONE:

8504050220

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Richard V. Smith, Esq.

ADDRESS: 600 Montgomery Street
12th Floor
San Francisco, CA 94111

TELEPHONE: (415) 392-1122

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.

July 30, 1984
Date

Ray Castell-Blanch
Signature

RESPONDENT'S NAME: Ray Castell-Blanch

ADDRESS: 106 Oak Crest Road
San Anselmo, CA 94960

HOME PHONE: (415) 453-2900

BUSINESS PHONE:

8504050201

MONTGOMERY STREET
CALIFORNIA 94111

Mr. Stephen Mims, Esq.
Federal Election Commission
1325 K Street, N.W.
Washington, C.D. 20463

RECEIVED AT THE FEC

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) 293-3934

NEW YORK, NEW YORK
(212) 371-7000

BOSTON, MASSACHUSETTS
(617) 573-4800

WILMINGTON, DELAWARE
(302) 429-8900

LOS ANGELES, CALIFORNIA
(213) 468-4800

CHICAGO, ILLINOIS
(312) 836-4000

84 JUL 26 A8:08

July 24, 1984

GCC #4162

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

Dear Mr. Mims:

This letter responds to your notifications of the 16th CD Delegates for Mondale (the "Committee"), Mr. Heyward Davenport, Treasurer, concerning MURs 1667 and 1704. Please be advised that I have been designated as counsel to represent the Committee in these two matters.

Your notifications to the Committee state that the complaints and supplements allege that the Committee "may have violated certain sections of the Federal Election Campaign Act of 1971, as amended." Although the complaint in MUR 1704 refers to the Committee as the recipient of certain funds, neither MUR 1704 nor MUR 1667 names the Committee or its officers as respondents. Given that there are no specific allegations against the Committee, it is very difficult to respond to these complaints in a substantive manner. Consequently, while the Committee and its officers appreciate the opportunity to respond, it should be noted that they are under no obligation to do so.

The Committee and its officers wish to cooperate with the Commission, and will be pleased to answer any specific questions in aid of an appropriate investigation. If you have any such questions or requests for materials, please let me know.

Sincerely,

Carol Darr

Carol Darr

cc: Mr. Heyward Davenport

8 5 0 4 0 5 0 2 2 0 3

N, ARPS, SLATE, MEAGHER & FLOM
EIGHTEENTH STREET, N. W.
WASHINGTON, D.C. 20006

PM
JUL

84 JUL 26 AM 9:53

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

RECEIVED AT THE FEC
84 JUL 26 A8:52

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) 293-2331

515 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-7000

ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-0002

ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 429-8800

515 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 486-4800

333 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601
(312) 236-4000

July 24, 1984

GCC #4163

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

Dear Mr. Mims:

This letter responds to your notifications of the Delegates for Mondale 25th District (the "Committee"), Francis J. Kloster, Treasurer, concerning MURs 1667 and 1704. Please be advised that I have been designated as counsel to represent the Committee in these two matters.

Your notifications to the Committee state that the complaints and supplements allege that the Committee "may have violated certain sections of the Federal Election Campaign Act of 1971, as amended." Although the complaint in MUR 1704 refers to the Committee as the recipient of certain funds, neither MUR 1704 nor MUR 1667 names the Committee or its officers as respondents. Given that there are no specific allegations against the Committee, it is very difficult to respond to these complaints in a substantive manner. Consequently, while the Committee and its officers appreciate the opportunity to respond, it should be noted that they are under no obligation to do so.

The Committee and its officers wish to cooperate with the Commission, and will be pleased to answer any specific questions in aid of an appropriate investigation. If you have any questions or requests for materials, please let me know.

Sincerely,

Carol Darr

Carol Darr

cc: Francis J. Kloster

8 5 0 4 0 5 0 2 2 0 5

N, ARPS, SLATE, MEAGHER & FLOM
EIGHTEENTH STREET, N. W.
WASHINGTON, D.C. 20006

84 JUL 23 A8:52

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

RECEIVED AT THE FEC
84 JUL 26 P12:00

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) [illegible]-3931

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-7000

ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) [illegible]

ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) [illegible]

525 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) [illegible]

333 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601
(312) 938-4000

July 24, 1984

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

Dear Mr. Mims:

This letter responds to your notifications of the Mondale Team 32nd CD (the "Committee"), Ms. Jean M. Kroetsch, Treasurer, concerning MURs 1667 and 1704. Please be advised that I have been designated as counsel to represent the Committee in these two matters.

Your notifications to the Committee state that the complaints and supplements allege that the Committee "may have violated certain sections of the Federal Election Campaign Act of 1971, as amended." Although the complaint in MUR 1704 refers to the Committee as the recipient of certain funds, neither MUR 1704 nor MUR 1667 names the Committee or its officers as respondents. Given that there are no specific allegations against the Committee, it is very difficult to respond to these complaints in a substantive manner. Consequently, while the Committee and its officers appreciate the opportunity to respond, it should be noted that they are under no obligation to do so.

The Committee and its officers wish to cooperate with the Commission, and will be pleased to answer any specific questions in aid of an appropriate investigation. If you have any such questions or requests for materials, please let me know.

Sincerely,

Carol Darr

Carol Darr

Ms. Jean M. Kroetsch

8 5 0 4 0 5 0 2 2 0 7

N, ARPS, SLATE, MEAGHER & FLOM
EIGHTEENTH STREET, N. W.
WASHINGTON, D.C. 20006

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

Gen# 4026

RECEIVED FEC

84 JUL 12 P12:08

JUL 12 P2:51

LAW OFFICES

FRIEDMAN & KOVEN

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

208 SOUTH LA SALLE STREET

CHICAGO, ILLINOIS 60604

(312) 346-6300

CABLE ADDRESS "FREEZOR"

TELEX 254083

MICHAEL D. SHER

DIRECT TELEPHONE NUMBER

(312) 269-9605

July 10, 1984

Stephen Mims, Esq.
Federal Election Commission
1325 K Street, N. W.
Washington, DC 20463

Re: MUR 1667 / MUR 1704

Dear Mr. Mims:

As you requested during our telephone conversation of June 29, this will advise you that the 12th District Delegate Committee has not received nor expended any funds since April 12, 1984, the last day of the reporting period covered by the Termination Report filed by that Committee with the Commission in April, 1984. This will further advise you that as of July 1, 1984, the 12th District Delegate Committee had no funds in its accounts.

This information is being voluntarily provided to the Commission by the Committee and is provided without prejudice to any and all rights which that Committee has or may have. This will also reaffirm the position previously expressed in my letters to the Commission dated June 8 and June 27, 1984. To date, I have not received a response to either of those letters.

Very truly yours,

Michael D. Sher

Michael D. Sher

MDS:ji

cc: Mr. George A. Moser

3 5 0 4 0 5 0 2 2 0 2

RECEIVED BY THE FEC

84 JUL 12 P12:08

LAW OFFICES

FRIEDMAN & KOVEN

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

208 SOUTH LA SALLE STREET

CHICAGO, ILLINOIS 60604

(312) 346-8500

CABLE ADDRESS "FREEZOR"

TELEX 254083

MICHAEL D. SHER

DIRECT TELEPHONE NUMBER

(312) 368-8605

July 10, 1984

Stephen Mims, Esq.
Federal Election Commission
1325 K Street, N. W.
Washington, DC 20463

Re: MUR 1667 / MUR 1704

Dear Mr. Mims:

As you requested during our telephone conversation of June 29, this will advise you that the 11th District Delegate Committee has not received nor expended any funds since May 7, 1984, the last day of the reporting period covered by the Termination Report filed by that Committee with the Commission in May, 1984. This will further advise you that as of July 1, 1984, the 11th District Delegate Committee had no funds in its accounts.

This information is being voluntarily provided to the Commission by the Committee and is provided without prejudice to any and all rights which that Committee has or may have. This will also reaffirm the position previously expressed in my letters to the Commission dated June 8 and June 27, 1984. To date, I have not received a response to either of those letters.

Very truly yours,

Michael D. Sher

Michael D. Sher

MDS:ji

cc: Thomas A. Foran, Esq.

3 5 0 4 0 5 0 2 2 1 0

MAN & KOVEN
OUTH LA SALLE STREET
GO, ILLINOIS 60604

91 JUL 12 P12:07

Stephen Mims, Esq.
Federal Election Commission
1325 K Street, N. W.
Washington, DC 20463

Gen # 3970

LAW OFFICES OF

MILLER, CANFIELD, PADDOCK AND STONE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

SUITE 900

ONE MICHIGAN AVENUE

LANSING, MICHIGAN 48933

TELEPHONE (517) 487-2070

TELECOPIER (517) 483-4956

ROBERT P. GRIFFIN *
CLEVELAND THURBER
JAMES F. SCHOENER *
WILLIAM G. BUTLER
FITCH R. WILLIAMS
MICHAEL J. HODGE
COUNSEL

EMMETT E. EAGAN
CONSULTING PARTNER

SIDNEY T. MILLER 1884-1940
GEORGE L. CANFIELD 1886-1966
LEWIS H. PADDOCK 1886-1930
FERRIS G. STONE 1882-1941

JOHN A. GILRAY, JR., P.C.
JAMES E. TOBIN
STRATTON S. BROWN
RICHARD S. GUSHEE, P.C.
PETER P. THURBER
LAWRENCE A. KING, P.C.
ROBERT E. HAMMELL
JOSEPH F. MAYCOCK, JR.
ALLEN SCHMARTZ
JOHN W. GELDER, P.C. *
GEORGE E. PARKER III *
RICHARD A. JONES, P.C.
STEVAN UZELAC, P.C.
GILBERT E. GOVE
WOLFGANG HOPPE
GEORGE F. McCLAIRE *
ROBERT S. KETCHUM, P.C.
SAMUEL J. McKIN III, P.C.
ROCQUE E. LIFFORD, P.C.

JOEL L. PHILL
ROBERT E. GILBERT
MICHAEL P. KNAPP
BRUCE D. SINGBAUER
DAVID OLMSTEAD
GEORGE T. STEVENSON
JOHN A. THURBER, P.C.
ORIN G. BRUSTAD, P.C.
CARL H. VAN EKOE
GORDON A. BECKER
DAVID G. JOBNICK, P.C. *
CHARLES L. BURLEIGH, JR.
JOHN A. MARKER, P.C.
GREGORY L. CURTNER, P.C.
DENNIS R. NEIMAN
KENNETH E. KONOP
LEONARD D. GIVENS
W. HACK FAISON
THOMAS J. HEIDEN

MICHAEL D. HULCAHY
JAMES W. WILLIAMS
THOMAS P. HUSTOLES
JOHN D. PIRICH
WILLIAM J. DANHOF
CLARENCE L. ROZSA, JR.
JERRY T. RUPLEY
MICHAEL W. HARTMANN
KEIT E. SHAFER
JOHN J. COLLINS, JR.
LAWRENCE D. OWEN
DENNIS K. LOY
THOMAS W. LINN
STEPHEN G. PALMS
GILLIAN STEINHAUER
JEROME R. WATSON
FRANK L. ANDREWS
DONNA J. DONATI
DONALD W. KEIN

DETROIT, MICHIGAN
BIRMINGHAM, MICHIGAN
BOCA RATON, FLORIDA
GRAND RAPIDS, MICHIGAN
MONROE, MICHIGAN
TRAVERSE CITY, MICHIGAN
WASHINGTON, D.C.

LARRY J. BAYLOR *
CHARLES E. SCHOLL
RICHARD J. BERYAK
MICHAEL R. ATKINS *
MAUREEN P. AUGHTON
LELAND D. BARRINGER *
TIMOTHY D. SOCHOCKI
THOMAS C. PHILLIPS
HUGH M. SMITH
MARJORY G. BABLE
TERRENCE H. CRAWFORD
RYAN H. HAYWOOD
GEORGE G. MARTIN
CHARLES H. McCUEN *
GERALD E. ROSEN
J. KEVIN TRIMMER
STEVEN D. WEYHING
BRANT A. FREER
JOHN D. STOUT

RICHARD A. GAFFIN
AMANDA VAN DUSEN
BRIAN A. KABER
GARY A. BRUDER
SALLY L. GEIS
KAY I. JOHNSON
E. ELIZABETH PERLMAN
J. SCOTT TINKER
CHARLES L. BREERS
BEVERLY HALL BURNS
JOHN D. RAYIS
STEPHEN J. OTT
LINDA D. GOLDBERG
THOMAS S. APPLEMAN
KAREN A. PULLIAM
NANETTE RUTKA
HAROLD W. BULGER, JR.
GREGORY V. DiCENSO
NANCY KEPPELMAN
CYNTHIA S. FAULHABER

RICK A. RACYNSKI
NOAH YARICH
LISA B. ARCHER
MICHAEL P. COMLEY
STEVEN B. HERPEL
MICHAEL L. LEHCKONE
KIRK D. HESSNER
PATRICIA T. QUINN
KEVIN L. SMITH
TIMOTHY S. KNOWLTON
JEFFREY M. MONUSH
DIANE M. SOUBLY
KAREN A. McCOY
THOMAS F. CANALLER
GERARD McGUIRE
JOHN J. AYRUS
JAMES D. ROSS
CLAUDIA J. ROBERTS
LINDA G. SKLAREK

* ALSO ADMITTED IN DISTRICT OF COLUMBIA
* ALSO ADMITTED IN FLORIDA

84 JUL 9 A9:18

July 6, 1984

Charles N. Steele, Esq.,
General Counsel, and
Stephen Mims, Esq.,
Deputy General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Matter Under Review No. 1704
15th District Delegates for Mondale Committee,
F.E.C. Id. No. C00180380

Gentlemen:

This letter constitutes the response of the 15th District Delegates for Mondale Committee, F.E.C. Id. No. C00180380 (the "Committee") in M.U.R. 1704. Enclosed herewith is the Committee's Statement of Designation of Counsel.

The Committee has previously indicated and documented, in response to M.U.R. 1667, that the Committee received only three contributions totalling $25.48 and made no expenditure or contribution to another committee. The three contributions of $15.00, $7.23, and $3.25 were all made by Patricia Tallmadge, the Committee's Treasurer. The Committee's total receipts were consumed by checking account service charges.

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The Federal Election Campaign Act defines a "political committee" as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year," 2 U.S.C. § 431(4)(A); cf. 11 C.F.R. § 100.5(a). The 15th District Delegates for Mondale Committee never met either threshold criterion, and therefore never became a "political committee" subject to the Federal Election Campaign Act.

Because the 15th District Delegates for Mondale Committee never became a "political committee" subject to the Act:

1. The Committee never became a "delegate committee", which 11 C.F.R. § 100.5(e)(5) defines as a special case of a political committee;

2. The Committee is not required to file the reports prescribed by 2 U.S.C. § 434(a), (c); and

3. The affiliated political committee provisions of 2 U.S.C. § 441a(a)(5) do not apply to the Committee.

Ms. Tallmadge intends to count her $25.48 in contributions to the Committee against the $25,000 limit on total annual contributions.

Regardless of the merits the complaint filed by the National Right to Work Committee may have with respect to other delegate committees-- and the 15th District Delegates for Mondale Committee considers the complaint's construction of the Act and regulations to be clearly incorrect-- it has no application whatever to the brief life of the 15th District Delegates for

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Mondale Committee. The Committee therefore asks the Commission to find no reason to believe that the complaint sets forth a possible violation of the Act by the Committee or its Treasurer, and to close its file with respect to this matter and this Committee.

Please do not hesitate to call me if you have any questions or require further information.

Very truly yours,

MILLER, CANFIELD, PADDOCK and STONE

By Kirk D. Messmer
Kirk D. Messmer

Enclosures
pc: Patricia Tallmadge

KDMD:053

8 5 0 4 0 5 0 2 2 1 4

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: John Pirich

ADDRESS: Miller, Canfield, Paddock & Stone
One Michigan Avenue, Suite 900
Lansing, Michigan 48933

TELEPHONE: 517/487-2070

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.

June 6, 1984
Date

Patricia Tallmadge
Signature

RESPONDENT'S NAME: Patricia Tallmadge, Treasurer

ADDRESS: 15th District Delegates for Mondale Committee
34451 Harroun
Wayne, Michigan 48184

HOME PHONE: 313/721-6884

BUSINESS PHONE: 313/722-1411

8504050221 5

LAW OFFICES OF
CANFIELD, PADDOCK AND STONE
SUITE 900
ONE MICHIGAN AVENUE
LANSING, MICHIGAN 48933

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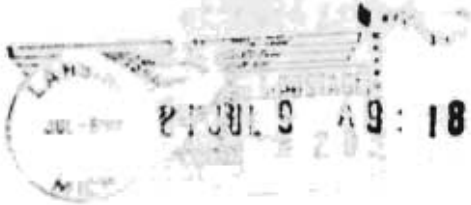

Charles N. Steele, Esq., Gen'l Counsel and
Stephen Mims, Esq., Deputy General Counsel
Federal Election Commission
Washington, D.C. 20463

RECEIVED
84 JUL 9 PM 2:45

July 6, 1984

Federal Elections Commission
Washington, D.C. 20463

RE: MUR 1704
C.D. 11, Delegates For Mondale

On 3/2/84 an account was opened at the Barnett Bank of Cocoa, Florida, Account No. 2861079167, as Congressional District 11, Delegates For Mondale Campaign, with a deposit of $575.00, which was $500.00 from AFT/COPE, $25 each from Monnie Yungkans, Frances Baer and Charles Kinker as the candidates for delegates.

No Federal report was made due to the fact that no other funds would be forthcoming to make the amount $1,000 or more which would have required reporting.

On May 7, 1984, this account was closed with the return of checks to each of the above contributors in the amount contributed. No other contributions being received and no other expenditures made.

Please find enclosed copies of deposit, bank statement and cancelled checks.

I affirm the above statements given this July 6, 1984 as being, complete, true and correct.

Monnie Yungkans
Monnie Yungkans, Treasurer
C.D. 11 Delegates for Mondale

Sworn and subscribed to before me this 6th day of July, 1984.

Victoria Dyer

Notary Public, State of Florida
My commission expires 1/28/87

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07

Barnett Bank

DIRECT INQUIRIES TO
930 DELEVAN AVENUE
MAIL 130
COCOA, FLORIDA 32922
305 631-2400

C D II DELEGATES FOR
MONDALE CAMPAIGN
931 CHURCH ST
RUCKLEDGE FL 32955

STATEMENT DATE
03-30-84

CHECKING ACCOUNT SUMMARY
03-02-84 THRU 03-30-84

ACCOUNT NUMBER
2861079167

BALANCE LAST STATEMENT	.00
1 DEPOSITS AND CREDITS TOTALING	575.00
0 CHECKS AND DEBITS TOTALING	.00
SERVICE CHARGE	.00
AVERAGE COLLECTED BALANCE	575.00
CURRENT BALANCE	575.00

CHECKING ACCOUNT TRANSACTIONS

DATE	AMOUNT	DESCRIPTION	DATE	BALANCE
03-02	575.00	DEPOSIT	03-02	575.00

NO. OF ENCLOSURES 0

3 5 0 4 0 5 0 2 2 1 8

Deposit/Withdrawal

Barnett Bank

Insured by FDIC

THIS IS YOUR RECEIPT

All items credited/debited subject to conditions noted on Deposit/Withdrawal slips and/or signature cards.

The total of this deposit/withdrawal may be changed due to errors in addition or listing. In that event you will be notified by mail. Always obtain official receipt when making deposit/withdrawal.

023310• 030184 Date
•2861079167 AN
1410 •575000 D

Amount

07

Barnett Bank

DIRECT INQUIRIES TO
430 BREVARD AVENUE
BOX 190
COCOA, FLORIDA 32922
305 631-2400

C D II DELEGATES FOR
MONDALE CAMPAIGN
981 CHURCH ST
ROCKLEDGE FL 32955

STATEMENT DATE
04-30-84

CHECKING ACCOUNT SUMMARY
03-30-84 THRU 04-30-84

ACCOUNT NUMBER
2861079167

BALANCE LAST STATEMENT	575.00
0 DEPOSITS AND CREDITS TOTALING	.00
0 CHECKS AND DEBITS TOTALING	.00
SERVICE CHARGE	.00
AVERAGE COLLECTED BALANCE	575.00
CURRENT BALANCE	575.00

CHECKING ACCOUNT TRANSACTIONS

DATE	AMOUNT	DESCRIPTION	DATE	BALANCE
			04-30	575.00

NO. OF ENCLOSURES 0

3504050221 9

07

Barnett Bank

DIRECT INQUIRIES TO
430 BREVARD AVENUE
BOX 190
COCOA, FLORIDA 32922
305 631-2400

C D II DELEGATES FOR
MONDALE CAMPAIGN
981 CHURCH ST
ROCKLEDGE FL 32955

STATEMENT DATE
05-31-84

CHECKING ACCOUNT SUMMARY
04-30-84 THRU 05-31-84

ACCOUNT NUMBER
2861079167

BALANCE LAST STATEMENT	575.00
0 DEPOSITS AND CREDITS TOTALING	.00
3 CHECKS AND DEBITS TOTALING	550.00
SERVICE CHARGE	.00
AVERAGE COLLECTED BALANCE	304.00
CURRENT BALANCE	25.00

CHECKING ACCOUNT TRANSACTIONS

DATE	AMOUNT	DESCRIPTION	DATE	BALANCE
05-07	25.00	CHECK	05-07	550.00
05-17	500.00	CHECK	05-17	50.00
05-21	25.00	CHECK	05-21	25.00

NO. OF ENCLOSURES 3

8504050222 0

C D 11, Delegates For Mondale Campaign
981 Church St.
Rockledge, Florida 32955

2 NUMBER

May 7 19 84

PAY TO THE ORDER OF Fran Baer $ 25.00

****** Twenty-Five Dollars and No/1.00 ********** DOLLARS

Barnett Bank 430 Brevard Avenue Cocoa, Florida 32922

FOR Refund of Delegate Assistance

Monnie J. Yungkans - Treas.

⑆063103193⑆ 286107916 7⑈ ⑈0000002500⑈

C D 11, Delegates For Mondale Campaign
981 Church St.
Rockledge, Florida 32955

4 NUMBER

May 7 19 84

PAY TO THE ORDER OF Monnie J. Yungkans $ 25.00

****** Twenty Five Dollars and No/1.00 ********** DOLLARS

Barnett Bank 430 Brevard Avenue Cocoa, Florida 32922

FOR Refund of Contributions

Monnie J. Yungkans - Treas

⑆063103193⑆ 286107916 7⑈ ⑈0000002500⑈

C D 11 Delegates For Mondale Campaign
981 Church St.
Rockledge, Florida 32955

1 NUMBER

May 7 19 84

7367 7377 1E 08-17-84 22257 40867

PAY TO THE ORDER OF AFT COPE/ P E A $500.00

**********Five Hundred Dollars and No/1.00 ********** DOLLARS

Barnett Bank 430 Brevard Avenue Cocoa, Florida 32922

FOR Refund of Delegate Assistance
Mondale.

Monnie J. Yungkans - Treas

⑆063103193⑆ 286107916 7⑈ ⑈0000050000⑈

Barnett Bank

DIRECT INQUIRIES TO
430 BREVARD AVENUE
BOX 190
COCOA, FLORIDA 32922
305 631-2400

C D 11 DELEGATES FOR
MONDALE CAMPAIGN
981 CHURCH ST
ROCKLEDGE FL 32955

STATEMENT DATE
06-29-84

CKING ACCOUNT SUMMARY
51-84 THRU 06-29-84

ACCOUNT NUMBER
2861079167

ANCE LAST STATEMENT	25.00
EPOSITS AND CREDITS TOTALING	.00
HECKS AND DEBITS TOTALING	25.00
VICE CHARGE	.00
RAGE COLLECTED BALANCE	.00
RENT BALANCE	.00

CKING ACCOUNT TRANSACTIONS

AMOUNT	DESCRIPTION	DATE	BALANCE
25.00	CHECK	06-12	.00

H ENCLOSURES 1

8 5 0 4 0 5 9 2 2 2

C D 11, Delegates for Mondale Campaign
981 Church St.
Rockledge, Florida 32955

3 NUMBER

06128-4

May 7 1984

63-319/631 21

PAY TO THE ORDER OF Charles Kinker $ 25.00

***** Twenty -Five Dollars and No/100 DOLLARS

Barnett Bank
430 Brevard Avenue
Cocoa, Florida 32922

FOR Refund of Contribution.

Monroe J. Humphreys - Treas

⑆063103193⑆ 2861079167⑈ ⑈0000002500⑈

Church St.
Ogb, Fla 32835

ORLANDO, FL 328
JUL 6
1984 PM

ORLANDO, FL 328
JUL 6
1984 PM

Federal Election Commission
Washington, D.C. 20463

Class

Gaff
3969

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84 JUL 9 A8:18

2375 S. W. College Road
Ocala, FL. 32674

July 6, 1984

Mr. Stephen Mims
Federal Elections Commission
Washington, D. C. 20463

Re: MUR-1704

Dear Mr. Mims:

In regard to the complaint which alleges that the Committee and its Treasurer may have violated certain sections of the Federal Elections Campaign Act of 1971, as Treasurer of the committee, I was of the opinion that I was operating in a legal manner.

Sincerely,

Carl W. Harner

Carl W. Harner

CWH:sp

JUL 9 P12:41

8 5 0 4 0 5 0 2 2 2 4

Carl W. Harner
2375 S.W. College Road
Ocala, FL. 32674

6 JUL 1984

USE ZIP CODE

84 JUL 9 A9:18

Mr. Stephen Mims
FEDERAL ELECTIONS COMMISSION
Washington, D. C. 20463

6a7

RECEIVED 3467/

84 JUL 9 A9:16

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: CAROLYN DARR

ADDRESS: SKADDEN, ARPS, SLATE MEAGHER & FLOM
919 18TH ST N.W.
WASHINGTON D.C. 20006

TELEPHONE: 202-463 8200

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.

July 3, 1984
Date

Sean M. Kroetsch
Signature

RESPONDENT'S NAME: SEAN M. KROETSCH - THE MONDALE TEAM *
32nd Congressional DISTRICT

ADDRESS: 504 WITMER RD.
NORTH TONAWANDA, N.Y.
14120

HOME PHONE: (716) 692-7960

BUSINESS PHONE:

8 5 0 4 0 5 0 2 2 2 6

* The filing of this form should not constitute a waiver of any right. I and the Committee do not consider ourselves respondents in this matter

Sean M. Kroetsch

Mondale Team

M Kroetsch
Witmer Rd.
th Tonawanda, N.Y. 14120
Congressional Dist

2
2
0
5
0

n:Kenneth A. Gross
Associate General Counsel

5
3

BUFFALO, NY
PM

ALWAY

FEDERAL ELECTION COMMISSION
Washington D.C.

20463

GCC#3373

RECEIVED BY THE FEC

HAND DELIVERED

84 MAY 30 AM: 11

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 1667
Memo

In the matter of the Complaint of

Americans With Hart, Inc.

Complainant,

against,

Mondale For President Committee, Inc.

Respondent. MUR 1667

TO: Lawrence M. Noble, Deputy General Counsel
Federal Elections Commission

The undersigned, as Chairman of the Congressional District 4 Delegates for Mondale and on behalf of Calvin D. DeVoney, Treasurer of the Congressional District 4 Delegates for Mondale, this partial response is filed to notify the Federal Election Commission that the Congressional District 4 Delegates for Mondale will be represented by the law firm of Greenberg, Traurig, Askew, Hoffman, Lipoff, Quentill and Wolf, P.A. A response to the Complaint is being filed at the present time with the Federal Election Commission on behalf of the Congressional District 4 Delegates for Mondale. We hope that the Commission will understand any minor delays which may occur in the response to the Complaint. However, please be advised that any delay is not intentional and the defense of the Complaint is being prepared in good faith.

Please consider this matter confidential in accordance with 2 U.S.C. §437G(A)(4)(B) and §437G(a)(12)(A).

Thank you very much for your understanding and assistance in this matter.

Very truly yours,

Marvin Samuels

MARVIN SAMUELS

MS:jw

9 5 0 4 0 5 0 2 2 2 9

84 MAY 31 AM 12: 24

RECEIVED AT THE FEC
GCC #2184
84 MAY 17 P1:20

ONE CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005

MUR 1667
Memo

May 14, 1984

84 MAY 17 P3:04

Re: MUR 1667

Dear Mr. Steele:

We have today received a copy of your letter to Mr. Straub dated May 4, 1984, transmitting to him the "additional supplement" to the complaint of Americans With Hart dated April 27, 1984. I understand that Mr. Straub received your letter late last Friday, May 11.

We also received today your letter to Mr. Barr and me dated May 11, 1984, stating that our request for an extension of time to respond to the complaint has been refused, and that our response is due today, May 14.

We wish to note that Mr. Barr's letter to you dated May 11, 1984 was written without any opportunity to review the material set forth in the "additional supplement" that Mr. Straub received last Friday. We understand both from your letter to Mr. Straub and from your letter to us that you or the Commission have determined that we will not receive any additional time to respond to this new material. We believe that this decision is unfortunate, but it appears there is nothing we can do about it.

Inasmuch as Mr. Barr's letter of May 11 was dispatched to you on the date it bears by overnight mail, we trust that you received it today, consistent with the deadline set forth in the letter we received today.

Very truly yours,

Ellen S. Oran

Ellen S. Oran

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

131A

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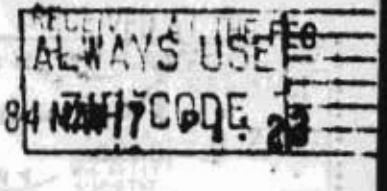


Charles N. Steele, Esq.,
General Counsel,
Federal Election Commission,
1325 K Street, N.W.,
Washington, D.C. 20463

3 0 4 0 2 3 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1984

Kevin D. O'Connor, Treasurer
Fifth District Mondale
Delegate Committee
538 N32
Milwaukee, WI 53208

RE: MUR 1667

Dear Mr. O'Connor:

You were previously sent copies of the complaint and supplements thereto submitted in the above-captioned matter. Additional supplemental materials have now been filed. Enclosed is a copy of such materials for your information.

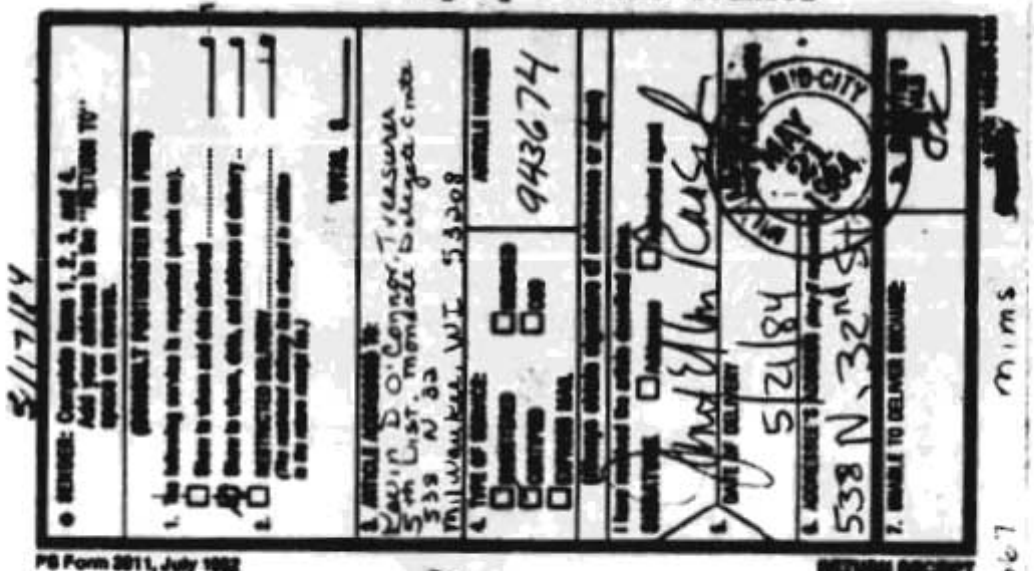
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures



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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1984

Nancy Ryan, Treasurer
New Hampshire First District
Delegates For Mondale
5 Haines
Merrimack, NH 03054

RE: MUR 1667

Dear Ms. Ryan:

You were previously sent copies of the complaint and supplements thereto submitted in the above-captioned matter. Additional supplemental materials have now been filed. Enclosed is a copy of such materials for your information.

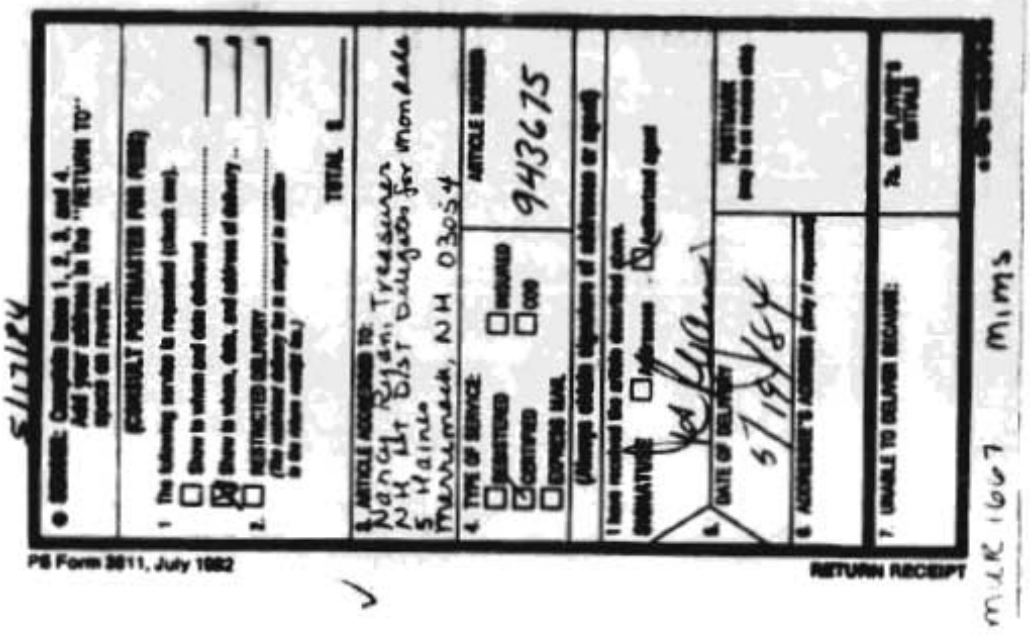
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Lawrence M. Noble
Deputy General Counsel

Enclosures



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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1984

Anthony Redington, Treasurer
New Hampshire Second District
Delegates For Mondale
4 Neil Drive
Allenstown, NH 03275

RE: MUR 1667

Dear Mr. Redington:

You were previously sent copies of the complaint and supplements thereto submitted in the above-captioned matter. Additional supplemental materials have now been filed. Enclosed is a copy of such materials for your information.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Lawrence M. Noble
Deputy General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1984

Kansas At-Large Delegate
Committee
c/o Terry Scanlon
715 W. Tenth Street
Topeka, KS 66612

RE: MUR 1667

Dear Mr. Scanlon:

You were previously sent copies of the complaint and supplements thereto submitted in the above-captioned matter. Additional supplemental materials have now been filed. Enclosed is a copy of such materials for your information.

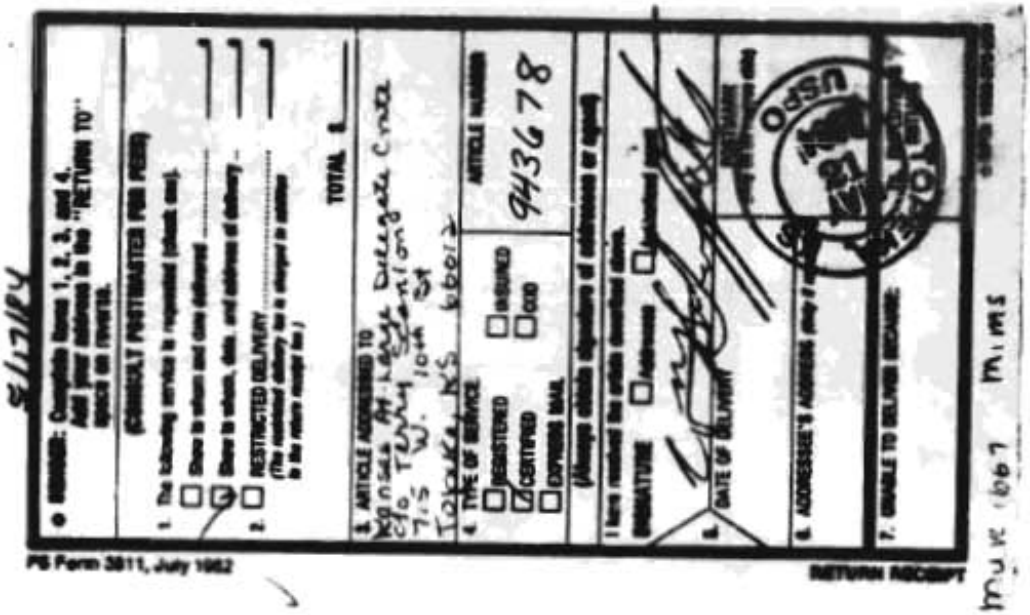
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Lawrence M. Noble
Deputy General Counsel

Enclosures



mur 1667 Mims

8504050223 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1984

Blake Wordal, Treasurer
Montana At-Large Delegates
For Mondale Committee
846 E. Sixth Avenue
Helena, MT 59601

RE: MUR 1667

Dear Mr. Wordal:

You were previously sent copies of the complaint and supplements thereto submitted in the above-captioned matter. Additional supplemental materials have now been filed. Enclosed is a copy of such materials for your information.

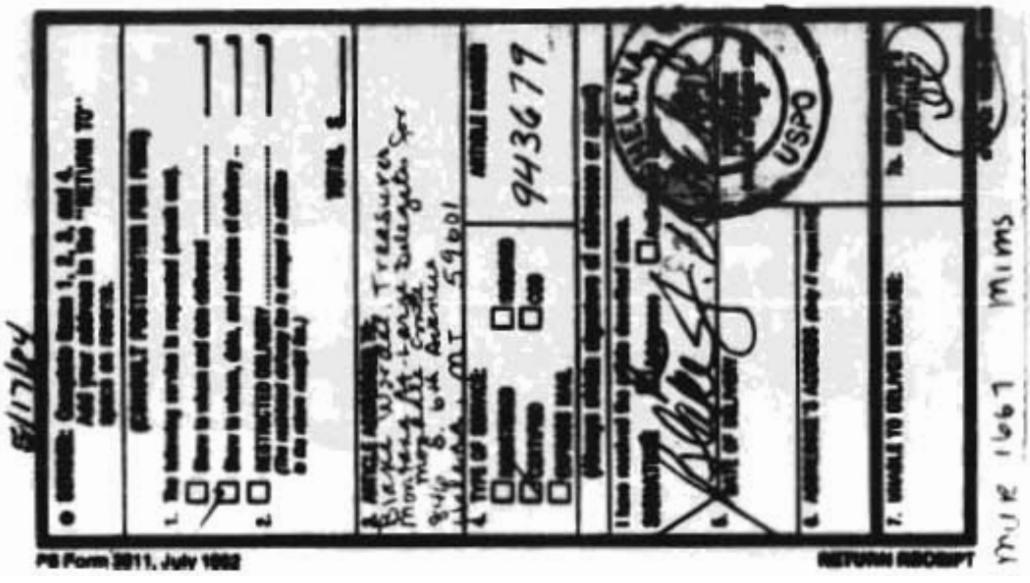
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Lawrence M. Noble
Deputy General Counsel

Enclosures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1984

Larry D. Owen, Treasurer
Sixth District Delegates
For Mondale Committee
1019 Huntington
East Lansing, MI 48823

RE: MUR 1667

Dear Mr. Owens:

You were previously sent copies of the complaint and supplements thereto submitted in the above-captioned matter. Additional supplemental materials have now been filed. Enclosed is a copy of such materials for your information.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Lawrence M. Noble
Deputy General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1984

Patrick C. Brumleve, Treasurer
22nd Congressional District
Delegates For Mondale
P.O. Box 111
Cobden, Illinois 60451

RE: MUR 1667

Dear Mr. Brumleve:

You were previously sent copies of the complaint and supplements thereto submitted in the above-captioned matter. Additional supplemental materials have now been filed. Enclosed is a copy of such materials for your information.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Lawrence M. Noble
Deputy General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1984

Terrie L. Hanus, Treasurer
Fourth District Mondale
Delegate Committee
1210 Timber Place, Apt 1B
New Lenox, Illinois 60451

RE: MUR 1667

Dear Ms. Hanus:

You were previously sent copies of the complaint and supplements thereto submitted in the above-captioned matter. Additional supplemental materials have now been filed. Enclosed is a copy of such materials for your information.

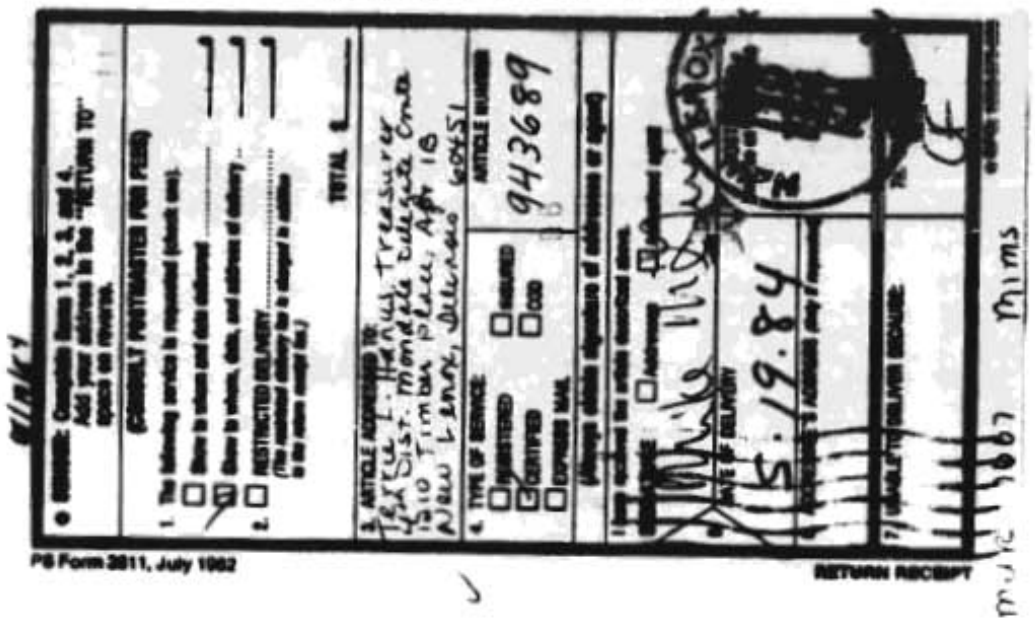
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Lawrence M. Noble
Deputy General Counsel

Enclosures



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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1984

Nicholas Spaeth, Treasurer
North Dakota Delegates For
Mondale Committee
70 N 5
Fargo, North Dakota 58107

RE: MUR 1667

Dear Mr. Spaeth:

You were previously sent copies of the complaint and supplements thereto submitted in the above-captioned matter. Additional supplemental materials have now been filed. Enclosed is a copy of such materials for your information.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By:- Lawrence M. Noble
Deputy General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1984

Ralph Coldiron, Treasurer
Kentucky At-Large Delegates
For Mondale Committee
1513 Pinemeadow Drive
Lexington, Kentucky 40504

RE: MUR 1667

Dear Mr. Coldiron:

You were previously sent copies of the complaint and supplements thereto submitted in the above-captioned matter. Additional supplemental materials have now been filed. Enclosed is a copy of such materials for your information.

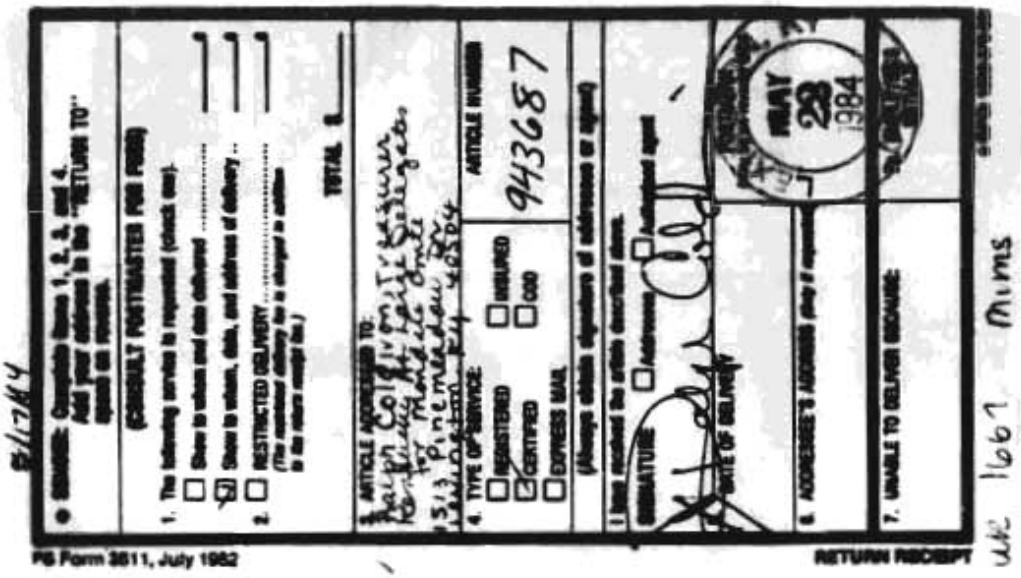
If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Lawrence M. Noble
Deputy General Counsel

Enclosures



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RECEIVED BY THE FEC
84 MAY 14 A10:18
G DOC #3145

THOMAS D. BARR
ONE CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005

May 11, 1984

Re: MUR 1667

Dear Mr. Steele:

I understand that the Commission has refused our request for an extension of time to respond to your letter of April 26, 1984, and that our response to that letter is, therefore, due on Tuesday, May 15. As I think you know, I have been out of the country for a good part of this period and a previous commitment requires that I again leave the country on Monday, May 14.

Moreover, as I am sure you fully appreciate, it is extremely difficult to determine what, if anything, one should say in response to the broad innuendos which may or may not be intended to relate to the client we represent.

I understand that the New York At-Large Delegates For Mondale Committee has filed with the Commission all reports which it is required to file and that they are in form and substance adequate and satisfactory. The New York At-Large Delegates For Mondale Committee wishes to cooperate with any investigation which the Commission may deem appropriate and to answer any specific questions you or the Commission may wish to put to them in aid of an appropriate investigation. If there are any such questions or requests for material, would you please direct them either to me or to Ellen Oran. Particularly, should you have any questions concerning the material attached to the complaint as Appendix D, please let us know promptly.

Under these circumstances we have concluded that there is nothing in the present complaint to

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which a further response is either necessary or appropriate. Should you have any questions, please call me.

Very truly yours,

Thomas D. Barr

Thomas D. Barr

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

X

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RECEIVED AT THE FEC
84 SEP 7 A8:42

UFCW

Legal Department
(202) 466-1520 / 1523

GCC# 4590

September 5, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 7 A9:10

Stephen Mims, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1704

Dear Mr. Mims:

I am writing in response to the Commission's letter of August 14, 1984, in which Chairman Elliott stated that the Commission determined that there is reason to believe that the UFCW Active Ballot Club violated 2 U.S.C. Section 441(a)(2)(A). The letter states "(s)pecifically, it appears that the United Food and Commercial Workers (UFCW) Active Ballot Club made contributions to the Mondale campaign which, in the aggregate, were excessive." The letter concludes that the Office of the General Counsel would like to settle the matter through conciliation prior to a finding of probable cause, but that in the absence of any information which demonstrates that no further action should be taken, the Office of the General Counsel must proceed to the next compliance stage.

The only previous communication on this matter between the Federal Election Commission and the UFCW Active Ballot Club was a copy of the complaint filed in MUR 1704, which the FEC sent to the Active Ballot Club and to which we responded by letter of June 12, 1984. While we attempted to respond to the allegations contained in the complaint, we pointed out that "(t)he Complaint contains a great deal of newspaper articles and the like, but few specific allegations with regard to the United Food and Commercial Workers Active Ballot Club." The Commission's letter of August 14, 1984 is the only response we have received to our June 12 letter. The August 14 letter from the Commission contains no statement with regard to any specific facts that would amount to a violation of the Federal Election Campaign Act. The failure to provide the UFCW Active Ballot Club with any factual basis for alleged violations is a total denial of due process in this case. We are being informed that the Commission has determined that there is reason to believe that the UFCW Active Ballot Club has violated the Federal Election Campaign Act, while at the same time

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William H. Wynn
International
President

Anthony J. Lutty
International
Secretary-Treasurer

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111

we are given absolutely no facts with regard to what the alleged violations are. We are apparently being asked to guess what the Commission considers to be a violation and then to conciliate on the basis of our assumptions. Nothing could be more lacking in basic due process. Moreover, the action of the Commission is in direct contravention of its own regulations. Section 111.9(a) provides that if the Commission determines that it has reason to believe that a respondent has violated the statute,

> its Chairman or Vice Chairman shall notify such respondent of the Commission's finding by letter, setting forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding (emphasis added).

The Commission's August 14 letter makes not even a rudimentary attempt to give any alleged factual basis supporting the finding.

Chairman Elliott's August 14 letter also stated that, "(i)n addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not name your clients as respondents." The reference to MUR 1667 raises the question of whether we are being asked to respond to a complaint which has not been served upon us and which does name the UFCW Active Ballot Club as a respondent.

If the UFCW Active Ballot Club was given the factual basis for the Commission's "reason to believe" that a violation has occurred, we could consider whether conciliation was possible. In its absence, we have no idea what the Commission alleges to be a violation, what we are being asked to defend ourselves against, or what might be the possibility of concilation. Accordingly, we request that the Commission provide us with the factual basis supporting its finding as called for by its regulations and by elementary standards of due process, so that we can properly respond to the Commission.

Sincerely,

Edward P. Wendel

Edward P. Wendel
Assistant General Counsel

3 5 0 4 0 5 0 2 2 4 1

FCW

ood & Commercial Workers
onal Union, AFL-CIO & CLC
Street, N.W.
on, D.C. 20006

84 SEP 7 A8:42

Stephen Mims, Esquire
Federal Election Commission
Washington, D.C. 20463

RECEIVED AT THE

UFCW

Legal Department
(202) 466-1520 / 1523

August 20, 1984

Charles Steele, Esquire
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1704

Dear Mr. Steele:

In connection with MUR 1704, which was received on August 15, undersigned counsel requests a one-week extension until September 7, in which to file a response. Counsel, who has handled all of the legal matters relating to the Federal Election Campaign and for the Active Ballot Club, has long been scheduled to be out of the city for vacation the week of August 20, 1984. Counsel also has briefs due in two other cases, one an arbitration and the second an NLRB case, the last week of August.

Sincerely,

Edward P. Wendel/sg

Edward P. Wendel
Assistant General Counsel

cc: Stephen Sims, Esquire

EPW:sgg

AUG 21 2:14

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William H. Wynn
International
President

Anthony J. Lutty
International
Secretary-Treasurer

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111

FCW

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n, D.C. 20006

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84 AUG 21 AM 11:38

Charles Steele, Esquire
General Counsel
Federal Election Commission
Washington, D.C. 20463

RECEIVED AT THE FEC

UFCW

Gen # 3600

Legal Department
(202) 466-1520 / 1523

June 12, 1984

Mr. Stephen Mims
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1704

Dear Mr. Mims:

This is in response to the Complaint filed in MUR 1704. The Complaint contains a great deal of newspaper articles and the like, but few specific allegations with regard to the United Food and Commercial Workers Active Ballot Club. I will attempt to answer those few allegations. The UFCW Active Ballot Club did make contributions to a number of Mondale Delegate Committees. These contributions were made with the understanding and belief that all of the delegate committees were independent committees and not, as alleged in the Complaint, that they were "branch offices" of the Mondale campaign. In any event, both the Delegate Committees and the Mondale campaign are entities that were neither established, nor controlled in any fashion by the UFCW Active Ballot Club. Accordingly, not only is it not within our ability, but we do not believe it is legally our role or responsibility to defend those Mondale Delegate Committees or the Mondale campaign organization.

The decision to make contributions to the Mondale Delegate committees by the UFCW Active Ballot Club was decided upon solely by UFCW officials. The procedure for contributions made by the Active Ballot Club is for William J. Olwell, International Vice President and Director of Public Affairs and Communications, to make recommendations to the Office of the International Union President, which must approve the contributions. No outside organization or individual takes part in this process. I would note that the Active Ballot Club is the separate, segregated fund of the United Food and Commercial Workers International Union and was not established by, nor is it financed, maintained, or controlled by the AFL-CIO COPE Political Contribution Committee, or any other labor organization or political committee. Contrary to the Complainant's assertions,

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'84 JUN 13 P2:44

William H. Wynn
International
President

Anthony J. Lutty
International
Secretary-Treasurer

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111

the UFCW Active Ballot Club is not an affiliated committee of any other organization under 11 C.F.R. §100.5(a)(See attached Affidavit of William J. Olwell).

We would be most happy to answer any questions you may have or to supply any additional affidavits you may deem necessary to support the positions set forth in this letter.

Sincerely yours,

Edward P. Wendel /ecc

Edward P. Wendel
Assistant General Counsel
United Food and Commercial
Workers International
Union

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AFFIDAVIT

My name is William J. Olwell. My office address is 1775 K Street, N.W., Washington, D.C. 20006. I am an International Vice President and Director of Public Affairs and Communications of the United Food and Commercial Workers International Union. As part of my responsibilities I administer the Active Ballot Club, the separate, segregated fund of the UFCW. The Active Ballot Club is solely the creation of and exclusively under the control of the United Food and Commercial Workers International Union. It is not controlled or administered in any manner by any other organization. As part of my responsibilities in administering the Active Ballot Club, I am exclusively responsible for making recommendations to the Office of the International President with regard to political contributions. Following my recommendations and the approval of the Office of the International President, the contributions would then be made. I was solely responsible for making the recommendations to various Mondale Delegate Committees, which recommendations were then approved by the Office of the International President.

6/12/84
Date

William J. Olwell
International Vice President
and Director of Public
Affairs and Communications

District of Columbia, ss:

Subscribed and sworn to before me
this 12th day of June, 1984.
My Commission Expires September 14, 1988

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UFCW

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006

84 JUN 13 P12:2

Mr. Stephen Mims
Federal Election Commission
Washington, D.C. 20463

Legal Department
(202) 466-1520 / 1523

GCC#3576

June 7, 1984

Mr. Stephen Mims
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1704

Dear Mr. Mims:

In connection with the above-captioned case, due to the length of the complaint filed by the complainants, the length of the various attachments, and the number of points raised therein, I would request on behalf of the United Food and Commercial Workers Active Ballot Club, an extension of time from June 15, 1984 to June 30 in which to file a response.

Sincerely yours,

Edward P. Wendel

Edward P. Wendel
Assistant General Counsel

EPW:sgg

William H. Wynn
International
President

Anthony J. Lutty
International
Secretary-Treasurer

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111

FCW
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n, D.C. 20006

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'84 JUN 7 AM : 22

Mr. Stephen Mims
Federal Election Commission
Washington, D.C. 20463

BCC 3462

RECEIVED AT THE FEC

84 JUN 4 P12:48

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Edward R. Wendel, Assistant General Counsel

ADDRESS: United Food & Commercial Workers International Union
1775 K Street, N.W., Suite 900
Washington, D.C. 20006

TELEPHONE: (202) 466-1522

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.

6/1/84
Date

Anthony J. Lutty
Signature

RESPONDENT'S NAME: Anthony J. Lutty

ADDRESS: Treasurer, Active Ballot Club
1775 K Street, N.W.
Washington, D.C. 20006

HOME PHONE:

BUSINESS PHONE: (202) 223-3111

8504050225 4

UFCW

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006

RECEIVED BY THE FEC

84 JUN 4 P12:45

Mr. George Derrougeot
Federal Election Commission
Washington, D.C. 20463

BCC # 4594

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW

OWEN F. BIEBER, PRESIDENT RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

September 7, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
SEP 7 P 1:33

Ms. Lee Ann Elliott
Chairman
Federal Election Commission
1325 K Street, N. W., 7th floor
Washington, D. C. 20463

Re: MUR 1704

Dear Chairman Elliott:

This statement is submitted on behalf of respondents UAW V-CAP and Donald J. Moll (hereafter collectively referred to as "UAW V-CAP") in response to the Commission's letter dated August 14, 1984. That letter advised UAW V-CAP that the Commission had determined that there is reason to believe that it violated Section 441a(a)(2)(A) of the Federal Election Campaign Act (FECA), 2 U.S.C. §441a(a)(2)(A), by making "contributions to the Mondale campaign which, in the aggregate, were excessive." The letter also stated that the Commission had decided to merge MUR 1704 with MUR 1667, "a matter that involves similar allegations, but does not specifically name your clients as respondents." The letter indicated that the Office of the General Counsel "would like to settle this matter through conciliation prior to a finding of probable cause", but warned that the Office of the General Counsel would have to proceed to the next compliance stage in the absence of any information demonstrating that no further action should be taken against UAW V-CAP. Finally, the letter invited UAW V-CAP to submit additional factual or legal materials relevant to the Commission's consideration of this case.

UAW V-CAP vigorously denies that it violated section 441a(a)(2)(A) of the FECA by making excess contributions to the Mondale campaign. The record clearly shows that UAW V-CAP did not make any contributions to the Mondale for President Campaign Committee. Although UAW V-CAP did make contributions to a number of delegate committees, the amount of these contributions did not exceed $5,000 to any single delegate committee. As set forth in more detail in our previous submission dated June 18, 1984, UAW V-CAP is not "affiliated" with any of the other union SSFs named as respondents in the present case. Accordingly, UAW V-CAP and the other union SSFs were not subject to a single contribution limit in making donations to the delegate committees. Furthermore, UAW V-CAP made its contributions to the various delegate committees based on the advice of counsel that such contributions were expressly permitted under section 110.14 of the Commission's regulations, 11 C.F.R. §110.14, and on the good faith belief that the delegate committees were not "affiliated" with the Mondale for President Campaign Committee. Since section 438(e) of the FECA, 2

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U.S.C. §438(e), provides that persons who act in good faith reliance on any rule or regulation prescribed by the Commission "shall not . . . be subject to any sanction", there is no basis for the Commission to take any further action against UAW V-CAP in connection with the present case. Even assuming arguendo that the Commission has determined that the delegate committees should be considered "affiliated" with the Mondale for President Campaign Committee, it would be inequitable for the Commission to apply this determination retroactively so as to render unlawful UAW V-CAP's contributions to the various delegate committees. Indeed, in a similar situation involving the political action committees established by the American Medical Association and the various State Medical Associations, even though the Commission eventually determined that these political action committees were "affiliated" and thus subject to a single contribution limit, it declined to take any action against doctors who had made excess contributions to or candidates who had received excess contributions from these political action committees. See MUR 253. In light of this past precedent, UAW V-CAP submits that there is no basis for imposing any liability on UAW V-CAP in connection with the present case.

UAW V-CAP also strenuously objects to the procedures being followed by the Commission in the present case. Before the Commission proceeds any further, it should be required to provide UAW V-CAP with a detailed statement of the factual basis supporting its reason to believe determination.

Section 437g(a)(2) of the FECA, 2 U.S.C. §437g(a)(2), provides in pertinent part:

> If the Commission . . . determines . . . that it has reason to believe that a person has committed . . . a violation of this Act . . . the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. (emphasis supplied)

Similarly, section 111.9(a) of the Commission's regulations, 11 C.F.R. §111.9(a), provides that "If the Commission . . . determines . . . that it has reason to believe that a respondent has violated a statute or regulation over which the Commission has jurisdiction, its Chairman or Vice Chairman shall notify such respondent of the Commission's finding by letter, setting forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding." (emphasis supplied) Thus, the FECA and the Commission's own regulations require, in clear and unambiguous terms, that the Commission notify a respondent in writing of the factual basis supporting any reason to believe finding.

The Commission's letter of August 14th plainly fails to comply with this mandate. The August 14th letter:

- does not indicate whether the Commission's determination that there is reason to believe UAW V-CAP made excessive contributions to the Mondale campaign is based on a finding that all of the union SSFs listed as respondents should be treated as "affiliated" with each other, or on a finding that the delegate committees should be treated as "affiliated" with the Mondale for President Campaign Committee;

- does not set forth any specific facts to support either of these possible findings;

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— does not even identify which contributions by UAW V-CAP and/or the other union SSFs listed as respondents in the present case were allegedly excessive, and thus form the basis for the reason to believe determination.

In addition, the Commission's August 14th letter does not adequately inform the UAW of the allegations and facts involved in MUR 1667, with which the present case has now been consolidated. Although the Commission's letter asserts that MUR 1667 "involves similar allegations", because UAW V-CAP was not named as a respondent in that case, it has never been served with a copy of the complaint, and therefore has no basis for knowing what the precise nature of the allegations are in MUR 1667, let alone what the factual basis is for the Commission's decision to consolidate that case with MUR 1704.

In addition to the clear and unambiguous provisions in the FECA and the Commission's regulations, fundamental notions of procedural due process also dictate that the Commission should provide UAW V-CAP with a specific statement of the factual basis supporting its reason to believe determination, before the Commission takes any further action in this case. Simply stated, it is impossible for UAW V-CAP to be in a position to respond intelligently to the reason to believe determination, and to provide the Commission with additional legal and factual materials as requested in the Commission's August 14th letter, until UAW V-CAP is first appraised of the factual basis supporting the reason to believe determination. UAW V-CAP should not be placed in the position of having to guess what is the basis for the Commission's determination.

Finally, the Commission should provide UAW V-CAP with a specific statement of the factual basis supporting the reason to believe determination in order to facilitate the conciliation process. UAW V-CAP is willing to consider possible settlement through conciliation at this point in time, as suggested in the Commission's August 14th letter. However, it is impossible for UAW V-CAP to be in a positon to make a judgment about any possible settlement proposals, until it knows the exact nature of the allegations against it, and the factual basis supporting those allegations, which form the basis for the Commission's reason to believe determination.

For all of the foregoing reasons, UAW V-CAP submits that the Commission should first provide it with a detailed statement setting forth the factual basis for the reason to believe determination, before proceeding any further with the present case.

Sincerely,

Alan Reuther

Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

cc: Charles Steele, Esq.
Stephen Mims, Esq.

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

84 SEP 7 P1:38

8504050225 9

From

UAW

1757 N Street, N.W. — Washington, D. C. 20036

for

Ms. Lee Ann Elliott
Chairman
Federal Election Commission
1325 K Street, N. W., 7th Floor

Washington, D. C. 20463

FIRST CLASS MAIL

GC 1254

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW

OWEN F. BIEBER, PRESIDENT

RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

August 17, 1984

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

AUG 17 P1:00

35040502269

RE: MUR 1704

Dear Mr. Mims:

The UAW hereby requests an extension of time until September 7th in which to respond to the Commission's "reason to believe" finding in connection with the above referenced case. This extension is necessary because I am currently on vacation and will not be returning to Washington until the last week of August. I would appreciate it if you could advise my office as soon as possible as to whether this requested extension is approved by the Commission. Thanks for your consideration in this matter.

Sincerely,

Alan Reuther /cw

Alan V. Reuther
Assistant General Counsel

AVR:cw
opeiu494
SD15

(Dictated but not read).

TOMOBILE · AEROSPACE · AGRICULTURAL IMPLEMENT WORKERS
✓ AMERICA (UAW)
WASHINGTON OFFICE
1757 N STREET N.W.
WASHINGTON D.C. 20036

Metro. Delivery

MAR 17 P1:00

4050226!

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

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW

OWEN F. BIEBER, PRESIDENT

RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

June 18, 1984

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

Re: MUR 1704

Dear Mr. Steele:

This statement is submitted on behalf of UAW V-CAP in response to the complaint filed by the National Right to Work Committee (NRWC) against the Mondale for President Campaign Committee, UAW V-CAP and various other union separate, segregated funds (SSFs) in the above referenced case.

The complaint makes two basic allegations against the union SSFs. First, the NRWC alleges that the union SSFs coordinated their efforts on behalf of, and made a similar pattern of contributions to the various Mondale delegate committees. According to the NRWC, the union SSFs should therefore be treated as "affiliated" with each other, and thus subject to a single contribution limit. Since the union SSFs taken together gave more than $5,000 to a number of delegate committees, they allegedly violated the contribution limits set forth in section 441a(a)(2) of the Federal Election Campaign Act (FECA).

The simple response to this allegation is that UAW V-CAP is not "affiliated" with any of the other union SSFs, and therefore is not subject to a single contribution limit. Since UAW V-CAP itself did not give more than $5,000 to any delegate committee, it did not exceed the contribution limits contained in section 441a(a)(2).

The NRWC made a similar allegation in MUR 1605, which is currently pending before the Commission. For the sake of brevity, UAW V-CAP will not repeat all of the legal and factual arguments set forth in its response to the NRWC's complaint in that case. Suffice it to say that the legislative history of the 1976 amendments to the FECA unequivocally demonstrates that Congress did not intend for the SSFs maintained by various international unions, such as UAW V-CAP, to be treated as "affiliated" with each other or with the SSFs maintained by the AFL-CIO. Rather, each SSF was considered to be a separate entity, and thus subject to distinct contribution limits.

Based on this clear legislative history, the Commission has ruled on two previous occasions that the SSFs maintained by various international unions should not be treated as "affiliated" with each other or the SSFs maintained by the AFL-CIO under section 441a(a)(5) of the FECA or sections 100.3 & 100.5(g)(2) of the Commission's regulations. See MUR 354 (76) and MUR 783 (78). This judgment has also been upheld by the courts. In re Federal Election Campaign Act Litigation, 2 Fed. Camp. Fin. Guide (CCH) 9082 (D.D.C. June 14, 1979), p. 50655.

In addition, as was set forth in our response to MUR 1605, the record clearly demonstrates that UAW V-CAP is not in fact "affiliated" with any other union SSFs. UAW V-CAP has not been established, financed, maintained or controlled by any other unions or their SSFs. It is a completely autonomous and independent entity, and is not under the direction or control of any other union SSFs. In particular, neither AFL-CIO COPE nor any other union SSFs have exercised any control over the decisions by UAW V-CAP to make contributions to various candidates and political committees — including the Mondale delegate committees.

Significantly, the NRWC's complaint in the present case does not offer any credible evidence that would tend to show that UAW V-CAP should be treated as "affiliated" with any other union SSFs. Indeed, except for a list of contributions which UAW V-CAP made to various Mondale delegate committees, the complaint does not contain any specific allegations pertaining to UAW V-CAP. For this reason alone, the complaint is deficient on its face, and should be dismissed with respect to UAW V-CAP.

The only "evidence" offered by the NRWC to support its contention that all of the union SSFs are "affiliated" is that: (1) the union SSFs all made contributions to various Mondale delegate committees, and (2) AFL-CIO COPE allegedly held a meeting on March 22, 1984, which was attended by a number of unions. This so-called "evidence" is patently insufficient to establish that the union SSFs should be treated as "affiliated".

To begin with, contrary to the NRWC's assertions, when the list of contributions from union SSFs to the various Mondale delegate committees is closely examined, it becomes apparent that in fact there is no discernable pattern of contributions. Specifically, there is no pattern with respect to the amount, timing, donor, or recipient of the contributions. Different union SSFs supported different delegate committees, at different times, and in different amounts. Thus, the list of contributions actually refutes the NRWC's allegation that the union SSFs are "affiliated".

Even assuming arguendo that there was a pattern of contributions, that standing alone would not constitute any evidence of "affiliation". After all, it is to be expected that SSFs connected with organizations which have similar economic and political interests will wind up making contributions to the same candidates and committees who are supportive of their interests. For example, an examination of the contributions made by SSFs connected with various corporations and trade associations would undoubtedy show similarities in their contributions. But certainly this does not mean that all of those SSFs are "affiliated".

Furthermore, it is simply irrelevant whether or not AFL-CIO COPE held a meeting on March 22nd which was attended by various unions. As was set forth in detail in UAW V-CAP's response to the NRWC's complaint in MUR 1605, the legislative history of

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the 1976 amendments to the FECA demonstrates that the AFL-CIO has the right to communicate with its constitutent unions and their members, and that such internal communciations do not constitute any evidence of "affiliation". Congress was well aware that labor unions and corporations had conducted massive programs involving partisan internal communications. Although it added a new reporting requirement pertaining to certain internal communications, Congress clearly affirmed the right of the AFL-CIO and trade associations to continue to engage in such programs with their member unions and corporations, without being considered "affiliated" with each other. This interpretation of the FECA was subsequently confirmed by the Commission in MUR 354 (76).

In any event, no representatives from the UAW or UAW V-CAP were present at the meeting which AFL-CIO COPE allegedly held March 22nd. Thus, this alleged meeting certainly cannot provide any basis for concluding that UAW V-CAP is "affiliated" with the other union SSFs.

Second, the NRWC also alleges that UAW V-CAP and the other union SSFs knowingly and willfully violated the contribution limits in section 441a(a)(2) because, either together or separately, they gave more than $5,000 to all of the Mondale delegate committees combined. According to the NRWC, all of the Mondale delegate committees should be treated as "affiliated" with each other and the Mondale for President Campaign Committee, and thus subject to a single contribution limit.

Again, however, the NRWC does not offer any evidence which would tend to show that UAW V-CAP or the other union SSFs knowingly and willfully violated section 441a(a)(2) in this manner. The regulations promulgated by the Commission expressly contemplate that individuals who are candidates for delegate to a national nominating convention can join together and form delegate committees. These delegate committees are treated like other political committees under the FECA. Specifically, they may solicit and receive contributions from union and corporate SSFs, as well as individual donors. See 11 C.F.R. 110.14. Thus, under the FECA, UAW V-CAP and other union SSFs clearly have the right to make contributions to delegate committees.

UAW V-CAP made contributions to the various Mondale delegate committees based on the advise of counsel that such contributions were expressly permitted under the Commission's regulations set forth in 11 C.F.R. 110.14. UAW V-CAP therefore made the contributions in the good faith belief that they were perfectly lawful under the FECA and the Commission's regulations. Certainly UAW V-CAP had no reason to believe that, as a matter of law, the Mondale delegate committees would be considered "affiliated" with each other and the Mondale for President Campaign Committee, and thus subject to a single contribution limit. Since the NRWC does not offer any evidence to suggest otherwise, UAW V-CAP and the other union SSFs cannot be considered to have violated section 441a(a)(2) by knowingly and willfully making excess contributions to all of the Mondale delegate committees combined.

Finally, it is our understanding that the Mondale for President Campaign Committee has offered to treat all of the Mondale delegate committees as "affiliated",

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and to refund all of the contributions which they received from union SSFs. Since this would cure any inadvertent violations, if such were deemed to exist, UAW V-CAP submits that there is no basis for taking any further action against UAW V-CAP or the other union SSFs in the present case.

For the foregoing reasons, UAW V-CAP respectfully submits that the Commission should dismiss the NRWC's complaint forthwith.

Sincerely,

Alan Reuther

Alan V. Reuther
Counsel for UAW V-CAP
1757 N Street, N. W.
Washington, D. C. 20036
(202) 828-8500

AVR:njk
opeiu494

cc: Stephen Mims

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UNITED AUTOMOBILE · AEROSPACE · AGRICULTURAL IMPLEMENT WORKERS of AMERICA (UAW)
INTERNATIONAL UNION
UAW
WASHINGTON OFFICE
1757 N STREET N.W.
WASHINGTON, D.C. 20036

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N. W., 7th floor
Washington, D. C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 28, 1984

Alan V. Reuther
Assistant General Counsel
International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America - UAW
1757 N Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
International Union, United
Automobile, Aerospace and
Agricultural Implement Workers
of America - UAW
UAW-V-CAP
Donald J. Moll, Treasurer

Dear Mr. Reuther:

Enclosed for your records is a notification that the Commission did not grant your requested extension. The letter was returned to us because it was incorrectly addressed. As you have already submitted your response, however, the issue is moot.

Sincerely,

Lois G. Lerner

Lois G. Lerner
Assistant General Counsel

Enclosure

8504050226 7

GCC #3598
RECEIVED AT THE FEC
84 JUN 8 A8:54

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA - UAW

OWEN F. BIEBER, PRESIDENT RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

June 7, 1984

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1704

Dear Mr. Steele:

This is to advise you that I will be representing respondent UAW V-CAP in connection with the above referenced case. Please direct all future communications regarding this matter to my attention at the above address and phone number.

Due to the length and complexity of the matters raised in the complaint, it will take some time to evaluate and prepare a response to the issues raised therein. Accordingly, I hereby request that the Commission grant UAW V-CAP an extension until July 20th in which to file a response to the complaint. I would appreciate it if you would advise me as soon as possible concerning this request, so that I may plan accordingly.

Sincerely,

Alan Reuther

Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

cc: Stephen Mims, Esq.

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ILE · AEROSPACE · AGRICULTURAL IMPLEMENT WORKERS
of AMERICA (UAW)
WASHINGTON OFFICE
1757 N STREET, N.W.
WASHINGTON, D.C. 20036

WASHINGTON, D.C. 20036
PM
7 JUN
1984

FEC
84 JUN 8 A8:54

Charles Steele
General Counsel
Federal Election Commission
1325 K Street, N. W., 7th floor
Washington, D. C. 20463

RECEIVED

SERVICE EMPLOYEES INTERNATIONAL UNION
AFL-CIO, CLC

2020 K Street, N.W. Washington, D.C. 20006-1846

John J. Sweeney
International President

Richard W. Cordtz
International Secretary-Treasurer

September 5, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 10 P3:

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1704, Service Employees International Union (SEIU) COPE/PCC Richard W. Cordtz, Secretary Treasurer

Dear Mr. Steele:

This is in reference to the letter we received dated August 14, 1984, in the above-captioned matter. We were informed that the Federal Election Commission upon further review of the allegations contained in the complaint and information supplied by us, had determined that there is reason-to-believe that SEIU COPE/PCC and Richard W. Cordtz, as Treasurer, violated 2 U.S.C. Section 441a(a)(2)(A), of the Federal Election Campaign Act.

The letter stated that we may submit any factual or legal materials which we believe are relevant to the Commission's consideration of this matter. Unfortunately, we are unable to add anything to our original letter of June 18, 1984, because the Commission's August 14 letter to us does not set out any specific facts or factual basis for the Commission's determination that there is reason-to-believe that the Service Employees International Union COPE/PCC and Richard W. Cordtz made "contributions to the Mondale campaign which in the aggregate were excessive" in violation of 2 U.S.C. Section 441a(a)(2)(A). The Commission's regulations require that reason-to-believe notifications "/set/ forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding." (11 C.F.R. Section 11.9/a/). It is obvious that this regulation is based upon due process considerations and embodies the principle that anyone accused of violating the law must be given the specific allegations of the charges against him so that he may be able to respond to the charges.

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It seems to us that the Commission's failure to set forth the factual basis for its determination that respondents have violated 2 U.S.C. Section 441a(a)(2)(A), is violative of its own regulations and makes it impossible for respondents to go beyond the arguments which were made in our previous communications.

Respectfully submitted,

Lester Asher

Lester Asher

Gerald I. Sommer

Gerald I. Sommer
Counsels for the Service Employees International Union

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OYEES INTERNATIONAL UNION, AFL-CIO, CLC
ET, N.W. • WASHINGTON, D.C. 20006-1846

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Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

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GCC # 4557

202-452-8710

SERVICE EMPLOYEES INTERNATIONAL UNION
AFL-CIO, CLC

2020 K Street, N.W. Washington, D.C. 20006-1846

John J. Sweeney
International President

Richard W. Cordtz
International Secretary-Treasurer

August 20, 1984

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY
84 SEP 4 P 3:55

Ms. Lee Ann Elliott
Chairman
Federal Elections Commission
Washington, D.C. 20436

RE: MUR 1704
Service Employees International Union (SEIU) COPE
PCC Richard W. Cordtz, Treas.

Dear Ms. Elliott:

This is in reference to your letter dated August 14, 1984, regarding the above-captioned matter.

We are requesting that you grant us a delay in the time specified in your letter with respect to submitting any additional, factual or legal materals which we believe are relevant to the Commissions' consideration in this matter. The reason that we are requesting this delay is that the chief officers of this International Union will not be available to us for discussions for the next couple of weeks because of their unavailability in the City of Washington, D.C., and our schedules with respect to be ing outside of the City of Washington, D.C: Therefore, we are requesting that we be given until September 7, 1984, to respond to the August 14, 1984, letter.

RECEIVED
GENERAL COUNSEL
84 SEP 5 A 8:43

Sincerely,

Lester Asher

Lester Asher, Esq.

Gerald Sommer

Gerald Sommer
Counsel to the President

LA/GIS:dap

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PLOYEES INTERNATIONAL UNION, AFL-CIO, CLC
REET, N.W. • WASHINGTON, D.C. 20006-1846

Mr. Lee Ann Elliott
Chairman
Federal Election Commission
Washington, D.C. [redacted]

GCC 3689

202-452-8730

SERVICE EMPLOYEES INTERNATIONAL UNION
AFL-CIO, CLC

2020 K Street, N.W. Washington, D.C. 20006-1846

John J. Sweeney
International President

Richard W. Cordtz
International Secretary-Treasurer

June 18, 1984

Mr. Charles N. Steele
General Counsel
Federal Elections Commission
Washington, D.C. 20006

Re: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the Service Employees International Union COPE PCC in the above captioned matter. The National Right to Work Committee has alleged that the Service Employees International Union COPE PCC (hereinafter "SEIU COPE PCC") is affiliated with the other union political committees named in its complaint and that SEIU COPE PCC has violated the contribution limits of the Federal Election Campaign Act by making contributions to delegate committees. For the reasons stated below, we deny that SEIU COPE PCC violated the Federal Election Campaign Act.

SEIU COPE PCC is the federal segregated fund of the Service Employees International Union. SEIU COPE PCC is not affiliated with the other organizations named in the complaint or with anybody else within the meaning of 2 USC 441a(a)(5) of the Federal Election Campaign Act.

SEIU COPE PCC made its decision to contribut to delegate committees independently based on the fact that members of SEIU Locals were on the delegate committees. The contributions to the delegate committees were made in the good faith understanding that each committee was separate from the other committees and that they were all separate and unrelated to the Mondale Campaign. Each separate committee was provided with contributions that were within the limits of the Federal Election Campaign Act as was contained in the complaint. The contributions were made to the separate and unrelated committees that were separate and unrelated to the

le Campaign in reliance on the FEC Regulation F.R.110.14.

For the above reasons, we respectfully request that Commission find no reason to determine that SEIU PCC violated the Federal Election Campaign Act the complaint should be dismissed.

Respectfully submitted,

Lester Asher

Lester Asher

Gerald Sommer

Gerald Sommer
Legal Counsel for Service
Employees International Union

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Mondale Campaign in reliance on the FEC Regulation 11 C.F.R.110.14.

For the above reasons, we respectfully request that the Commission find no reason to determine that SEIU COPE PCC violated the Federal Election Campaign Act and the complaint should be dismissed.

Respectfully submitted,

Lester Asher (G)
Lester Asher

Gerald Sommer
Gerald Sommer
Legal Counsel for Service
Employees International Union

8 5 0 4 0 5 0 2 2 7 6

Gcc# 3574

LAW OFFICES

ASHER, PAVALON, GITTLER, GREENFIELD AND SEGALL, LTD.

TWO NORTH LA SALLE STREET

CHICAGO, ILLINOIS 60602

(312) 263-1500

LESTER ASHER

June 8, 1984

Mr. Stephen Mims
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1704

Dear Mr. Mims:

Please be advised that the undersigned is Counsel for Service Employees International Union and for Service Employees International Union COPE PCC. As such, I have been requested to respond to the Complaint filed under the above number.

At the present time, John Sweeney, International President, is out of the country on an ILO assignment and he will not return until the beginning of July. The undersigned has commitments relating to the preparation of briefs, negotiations and other matters, which also make it impossible to respond to the Complaint within the 15-day time period prescribed.

It is accordingly requested that an extension of time be granted to and including July 10, 1984, for the purpose of responding to the Complaint. An executed copy of the Statement of Designation of Counsel is being furnished to you together with this letter.

Very truly yours,

Lester Asher

Lester Asher

LA:rlr
encl.

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JUN 12 AM 11:17

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: LESTER ASHER and

ADDRESS: 2 North La Salle Street, Room 1200
Chicago, IL 60602

TELEPHONE: (312) 263-1500

Gerald I. Sonner
Counsel to the President
Service Employees Intl. Union
2020 K Street, N.W.
Washington, DC 20006

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.

June 14, 1984
Date

Signature

RESPONDENT'S NAME: Service Employees International Union COPE PCC

ADDRESS: 2020 K Street, N.W.
Washington, D.C. 20006

HOME PHONE:

BUSINESS PHONE: (202) 452-8750

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LA

ASHER, PAVALON, GITTLER, GREENFIELD AND SEGALL, LTD.
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Mr. Stephen Mims
Federal Election Commission
Washington, D.C. 20463
(1325 K Street)

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OGC # 4904

EPSTEIN BECKER BORSODY & GREEN, P.C.

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DAVID C. MAIR, JR.
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EDWIN H. EPSTEIN
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MALCOLM MASON***
STUART ORSHER, M.D.*
DONALD PARTLAND*
FREDERICK E. SMITHLINE*
J. ROBERT STEELMAN
SIDNEY TOORES*

† P.C. NEW YORK AND WASHINGTON, D.C. ONLY

October 1, 1984

8 5 0 4 0 5 0 2 2 8 0

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

Re: MUR 1704 - Machinists Non-Partisan Poltical League and Eugene Glover, its Treasurer

Dear Mr. Steele:

This responds to your letter dated August 30, 1984, in which you notified us that the Office of General Counsel has declined our request for a copy of MUR 1667 and all documents pertaining thereto. We both reassert our objection to your determination and additionally request an explanation of the factual basis supporting the Commission's "reason to believe" finding, as required pursuant to 11 C.F.R. § 111.9(a).

As stated in our letter to you dated August 22, 1984, we believe that the Commission's decision to merge MUR 1704, a complaint in which we are a named respondent, with MUR 1667, a matter in which we are not a named respondent, necessitates that we be provided with a copy of MUR 1667 and documents relevant

thereto. Our review of these documents is essential if we are to have a full and fair opportunity to prepare a complete defense for our clients. Insofar as the Commission has determined that the focus of both complaints is so similiar as to justify merger of the matters, then it only logically follows that Commission consideration of the specific allegations, supporting documentation and other evidence relating to MUR 1667 will affect any Commission determinations with respect to our clients. We cannot defend against allegations or rebut evidence of which we are not privy. Accordingly, due process mandates that we be able to review MUR 1667 along with all documents relevant thereto.

We therefore vigorously protest the Office of General Counsel's determination on this issue, and reserve our right to reassert this due process challenge at a later date in either Commission or court proceedings involving this complaint.

In addition, we request an explanation of the factual basis supporting the Commission's finding of "reason to believe" that the Machinists Non-Partisan Political League and Eugene Glover, its treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to the Mondale campaign which, in the aggregate, were excessive. As you are aware, we are entitled to such an explanation pursuant to 11 C.F.R. § 111.9(a).

Though we have not been notified of such, presumably this "reason to believe" finding was based on a Commission determination or belief that the Mondale for President Campaign Committee ("the Mondale Committee") and the individual delegate committees which supported the candidacy of Mondale delegates ("the Delegate Committees") were affiliated committees pursuant to 2 U.S.C. § 441a(a)(5) and, therefore, aggregate contributions by the Machinists Non-Partisan Political League to these committees were excessive. If this presumption is correct, we would like to know whether the Commission has to this date determined that the Mondale Committee is affiliated pursuant to 2 U.S.C. § 441a(a)(5) with the Delegate Committees. If the Commission has determined that the Mondale Committee and the Delegate Committees are affiliated committees, then we also request information concerning when this determination was made and how the public was informed of this determination.

However, if the Commission, with its resources, has been unable to this date to determine whether the Mondale Committee and the Delegate Committees are affiliated commit-

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tees, it is unreasonable to expect contributors to have ascertained that the committees were affiliated. Accordingly, if the Commission believes that contributors have an obligation to determine whether political committees are affiliated, then we request an enunciation of the standard of conduct, along with its legal basis, to which contributors are apparently being held.

Note that the information requested above is both necessary in order that we may properly respond to the Commission's request for information and required to be provided to us pursuant to 11 C.F.R. § 111.9(a).

Sincerely,

William C. Oldaker

William C. Oldaker

Leslie J. Kerman

Leslie J. Kerman

Counsel for the Machinists
Non-Partisan Political League
and Eugene Glover, its Treasurer

WCO/LJK:ses

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EPSTEIN BECKER BORSODY & GREEN, P. C.
ATTORNEYS AT LAW
1140 19TH STREET, N. W.
WASHINGTON, D. C. 20036

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

GCC #444

EPSTEIN BECKER BORSODY & GREEN, P.C.
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FOUR EMBARCADERO
SAN FRANCISCO, CALIFORNIA 94111†
(415) 362-8665

August 22, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 AUG 23 A11:03

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

Re: MUR 1704

Dear Mr. Steele:

On August 15, 1984, we received a letter from the Commission notifying us that the Commission had found "reason to believe" that the Machinists Non-Partisan Political League and Eugene Glover, its treasurer, violated 2 U.S.C. § 441a(a)(2)(A) with respect to the allegations contained in MUR 1704. The letter stated that "the Commission [had] decided to decline to enter into pre-probable cause conciliation negotiations with your clients at this time."

We respectfully request an explanation from the Commission of the rationale behind its highly unusual and apparently arbitrary decision to decline to conduct pre-probable cause conciliation negotiations with our clients, particularly in light of our understanding that the Commission has agreed to begin conciliation discussions with other respondents named in MUR 1704. We do not understand why our clients are being treated in this disparate manner, and seek further clarification of this decision from the Commission.

Additionally, we were further informed in the Commission's letter that "the Commission voted to merge MUR 1704 with MUR 1667, a matter that involves similiar allegations, but does not specifically name your clients as respondents." The Commission, however, failed to provide us with a copy of MUR 1667 or even a synopsis of the exact allegations and the named respondents involved in that complaint.

In light of the Commission's decision to merge MUR 1704 with MUR 1667, a complaint with which we are unfamiliar, we hereby request a copy of MUR 1667, along with all responses,

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submissions, Commission reports and determinations, and other documents in the Commission's possession pertaining to MUR 1667. Our review of these documents is essential if we are to have a full and fair opportunity to prepare a complete defense for our clients, and is certainly mandated by due process standards.

Finally, we request an extension of the time in which we may submit materials relevant to the Commission's further consideration of this matter. Until we have had an opportunity to carefully review all of the factual and legal allegations made against our clients, including any contained in MUR 1667, we will be unable to adequately prepare all relevant materials for the Commission.

Sincerely,

William C. Oldaker
Counsel for the Machinists Non-Partisan Political League and Eugene Glover, Treasurer

WCO/LJK:ses

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EPSTEIN BECKER BORSODY & GREEN, P. C.
ATTORNEYS AT LAW
1140 19TH STREET, N. W.
WASHINGTON, D. C. 20036

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
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FREDERICK E. SMITHLINE*
J. ROBERT STEELMAN
SIDNEY TOORES*

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GCC #3745

June 22, 1984

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

Re: MUR 1704

Dear Mr. ~~Mims~~: Steve

Enclosed please find response of the Machinists Non-Partisan Political League to the above-entitled matter.

Should the Commission decide to proceed further, Respondent respectfully requests that this matter be handled through voluntary informal conciliation at this stage in the Commission's proceedings.

Sincerely,

William C. Oldaker

WCO/LJK:ses
Enclosure

85040502287

'84 JUN 22 P1:58

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† P.C. NEW YORK AND WASHINGTON, D.C. ONLY

June 22, 1984

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

Re: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the Machinists Non-Partisan Political League (hereinafter "the MACHINISTS-PAC" or "the Respondent") to a complaint, MUR 1704, which alleges that Respondent may have violated the Federal Election Campaign Act, 2 U.S.C. § 431, et seq. (hereinafter "FECA" or "the Act").

The complaint involves three distinct allegations of "discretionary affiliation" pursuant to 2 U.S.C. § 441a(a)(5) between various political committees, which allegedly subject the committees involved to aggregate contribution limitations. First, the complaint alleges that the Mondale for President Campaign Committee (hereinafter "the Mondale Committee") and individual delegate committee which support the election of Mondale delegates (hereinafter "Delegate Committees") are all "affiliated committees" pursuant to § 441a(a)(5), and thus subject to an aggregate contribution limitation. Alternatively, the complaint alleges that the individual Delegate Committees are all "affiliated committees" and share an aggregate contribution limitation under the Act. Third, the complaint alleges that the political action committees (hereinafter "PACs") of the Respondent unions are "affiliated committees" with an aggregate contribution limitation, pursuant to 441a(a)(5).

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Thus, the complaint contends that the MACHINISTS-PAC, AFL-CIO COPE-PCC and other Respondent union PACs, may have violated the Act, by contributing in aggregate more than $5,000 to "affiliated committees." Alternatively, the complaint alleges that the MACHINISTS-PAC, individually, may have violated the Act by contributing more than $5,000 in aggregate to "affiliated committees."

Respondent denies each and every allegation set forth in MUR 1704. As discussed below, Respondent contends that: (1) the MACHINISTS-PAC is not affiliated, pursuant to § 441a(a)(5), with AFL-CIO COPE-PCC or any of the political committees of the other Respondent unions; (2) Contributions made by the MACHINISTS-PAC to individual Delegate Committees were based on Respondent's belief that the individual Delegate Committees were not affiliated pursuant to § 441a(a)(5) with each other or with the Mondale Committee; and (3) Respondent's contributions to the individual Delegate Committees were based on a reasonable reliance on FEC regulations and decisions establishing separate contribution limitations for individual delegate committees.

Thus, Respondent requests that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Act.

1) The MACHINISTS-PAC IS NOT AFFILIATED, PURSUANT TO § 441a(a)(5), WITH ANY OF THE OTHER RESPONDENT POLITICAL COMMITTEES.

The allegation that the MACHINISTS-PAC is affiliated with the political committees of the AFL-CIO and other international unions for the purpose of the Act's contribution limitations has been raised by the Complainant on numerous occasions, and consistently rejected by the Commission. See MURs 783-803, 821-844, 861-881; also see MUR 354(76). Further, this same allegation by Complainant is the subject of a complaint, MUR 1605, currently pending before the Commission.

Accordingly, Respondent reasserts its previously established position that the allegation of "FECA-affiliation" between itself, AFL-CIO COPE-PCC, and other Respondent union PACs is legally and factually without merit. (See Respondent's Response to MUR 1605 for a detailed discussion of Respondent's position).

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Further, Respondent contends that any alleged "additional evidence of affiliation" proferred by Complainant in the instant MUR is extraneous and meaningless. For example, evidence that contributions by the Respondent PACs to individual Delegate Committees were often made within several weeks of the pertinent delegate election reveals a "fact-of-life" in the world of political contributions, rather than any coordinated contribution-making effort; to draw additional inferences from such information is patently absurd. Likewise, Complainant's reliance on a calculation that thirty-nine percent of Respondent's contributions to Delegate Committees during the months of February and March, 1984 were made on or within seven days of a March 22, 1984 AFL-CIO COPE-PCC meeting vividly illustrates the weakness, rather than the strength, of Complainant's allegation.

In accordance with Respondent's customary practice, MACHINISTS-PAC contributions to individual Delegate Committees were the result of independent decisions made by the Respondent, and were in no way controlled by AFL-CIO COPE-PCC or any other Respondent union PAC. Similarly, the MACHINISTS-PAC did not exercise control over contributions made by AFL-CIO COPE-PCC or other Respondent union PACs to the Delegate Committees.

Therefore, Respondent requests the Commission to again determine that Complainant's allegation of "FECA-affiliation" between the Respondent political committee is meritless.

2) CONTRIBUTIONS MADE BY THE MACHINISTS-PAC TO INDIVIDUAL DELEGATE COMMITTEES WERE BASED ON RESPONDENT'S BELIEF, SUPPORTED BY FEC RECORDS AND INFORMATION IN ITS POSSESSION, THAT THE INDIVIDUAL DELEGATE COMMITTEES WERE NOT AFFILIATED PURSUANT TO § 441a(a)(5) WITH EACH OTHER OR WITH THE MONDALE COMMITTEE.

Respondent denies, on information and belief, Complainant's allegations that the Mondale Committee is affiliated pursuant to § 441a(a)(5) with the Delegate Committees and that, alternatively, the individual Delegate Committees are affiliated with each other. Additionally, Respondent asserts that Complainant proffers no evidence of such alleged affiliation.

Further, Respondent asserts that MACHINISTS-PAC contributions to individual Delegate Committees were based on its belief, supported by FEC records and information in its possession, that the individual delegate committees were not "affiliated" with each other or with the Mondale Committee, and contends that Complainant does not proffer any evidence to the contrary.

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3) RESPONDENT'S CONTRIBUTIONS TO THE DELEGATE COMMITTEES WERE BASED ON REASONABLE RELIANCE ON FEC REGULATIONS AND DECISIONS ESTABLISHING SEPARATE CONTRIBUTION LIMITATIONS FOR INDIVIDUAL DELEGATE COMMITTEES.

As defined in FEC regulations, a delegate committee "is a political committee which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention." 11 C.F.R. § 110.14(b)(2). The prohibitions, limitations and requirements applicable under the Act to delegates and delegate committees are set forth in their entirety in 11 C.F.R. § 110.14, with the requirements relating to delegate committees contained solely in § 110.14(e) and (f).

These regulations provide that contributions by and to delegate committees are subject to the contribution limits of 2 U.S.C. § 441a. 11 C.F.R. § 110.14(e). Relying on this regulation, Respondent's contributions to individual delegate committees were made within the permissible limits, and thus in accordance with the Act.

Significantly, Respondent's position is supported by the Commission's decision in MUR 1240, the only decided MUR to our knowledge concerning the Delegate Committee regulations. In this internally-generated MUR, the Commission found that there were separate contribution limits under the Act for a candidate's authorized committee and a delegate committee which supports the candidate, and, therefore, that individuals who contributed $1,000 to both of these committees had not exceeded the statutory contribution limits.

Thus, Respondent's reliance on the above-discussed regulations and Commission decisions that individual delegate committees have separate contributions limits was reasonable. Accordingly, Respondent's contributions to the individual Delegate Committees were within permissible FEC limits, and Respondent should not be subject to any sanctions, including a determination of "reason to believe" in the instant MUR, with regard to its contributions to the Delegate Committees. See 2 U.S.C. § 438(e).

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CONCLUSION

For the foregoing reasons, we request that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. by Respondent.

Respectfully submitted,

BY: _____
William C. Oldaker

BY: _____
Leslie J. Kerman

1140 19th Street, N.W.
Suite 900
Washington, D.C. 20036
(202) 861-0900

Attorneys for the Machinists
Non-Partisan Political League

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ATTORNEYS AT LAW
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WASHINGTON, D. C. 20036

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

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED THE FEC
Case 3798
84 JUN 26 PM 12:34

MUR 1704

NAME OF COUNSEL: William C. Oldaker, Esq.

ADDRESS: Epstein Becker Borsody & Green
1140 19th Street, N.W., Suite 900
Washington, D.C. 20036

TELEPHONE: (202) 861-0900

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

6/22/84
Date

Eugene G. Glover
Signature

RESPONDENT'S NAME: Machinists Non-Partisan Political League

ADDRESS: 1300 Connecticut Avenue, N. W.
Washington, D. C. 20036

HOME PHONE:

BUSINESS PHONE: 202-857-5200

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INTERNATIONAL
ASSOCIATION OF
MACHINISTS AND
AEROSPACE WORKERS
MACHINISTS BUILDING, 1300 CONNECTICUT AVENUE, WASHINGTON, D.C. 20036
Office of the INTERNATIONAL PRESIDENT

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84 JUN 25 P12: 34

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

bcc 3646

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DONALD PARTLAND*
FREDERICK E. SMITHLINE*
SIDNEY TODRES*
OF COUNSEL

†N.C. NEW YORK AND WASHINGTON, D.C. ONLY

1984 JUN 18 AM 11:10

June 15, 1984

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

Re: FEC MUR 1704

Dear Mr. Steele:

We are writing to you to request an extension of time from June 19, 1984 to June 25, 1984 for respondent Machinists Non-Partisan Political League to reply to the complaint filed in the above-noted matter.

The respondent received the complaint herein on June 4, 1984. The length of the complaint (26 pages with hundreds of pages of attachments), coupled with previous commitments of this office in other matters, renders it virtually impossible for us to prepare a proper reply within the normal 15-day reply period.

Accordingly, we hereby request an extension of time in which to file the reply of respondent Machinists Non-Partisan Political League from June 19, 1984 until June 25, 1984.

Sincerely,

William C. Oldaker
Counsel for Respondent
Machinists Non-Partisan Political League

WO/LK:ses
cc: Stephen Mims

8504050229 6

BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, et al.,	)	MUR 1704
Complainants,	)	
v.	)	
WALTER F. MONDALE, et al.,	)	
Respondents.	)	

RESPONDENT'S, MACHINISTS NON-PARTISAN POLITICAL LEAGUE, REQUEST FOR EXTENSION OF TIME

Comes now the Respondent, Machinists Non-Partisan Political League, by and through its undersigned attorney and respectfully requests a 20-day extension of time for an opportunity to demonstrate that no action be taken against the Machinists Non-Partisan Political League (MNPL) and for reasons thereto sets forth as follows:

1. Mr. Eugene Glover, the Treasurer of MNPL, as of Saturday, June 2, 1984, departed for the West Coast and will not be returning to Washington, D.C. until on or about June 18 or 19, 1984.

2. Mr. Glover was served by certified mail on or about 3:30 p.m. on June 1, 1984, just as he was leaving the office.

3. The undersigned counsel was furnished a copy of the Complaint together with a cover letter and attachments at approximately 4:30 p.m. on Friday, June 1, and has had no opportunity to discuss the factual situation with Mr. Glover whatsoever.

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4. Bringing together of any and all information relating to the Complaint will require a time-consuming effort from individual or individuals who, at this time, remain unknown to the undersigned counsel.

5. It appears from a cursory reading of the Complaint that a real opportunity to demonstrate that no action should be taken against this union exists and that being furnished a proper opportunity to so respond can alleviate a lot of time and unnecessary governmental involvement.

WHEREFORE, because of the aforesaid, it is respectfully requested that a continuance be granted to afford the MNPL time to demonstrate in writing that no action be taken against it or the International Association of Machinists and Aerospace Workers, and that this continuance be granted to and including July 6, 1984.

Respectfully submitted,

Machinists Non-Partisan Political
League, International Association
of Machinists and Aerospace Workers

By: _____
Joseph P. Manners
GENERAL COUNSEL

I hereby certify that on this 4th day of June, 1984, I have mailed the original and five copies of this Motion for Extension of Time to Stephen Mims, c/o the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, by certified mail, return receipt requested.

_____

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84 JUN 6 P12: 10

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Joseph P. Manners

ADDRESS: 1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

TELEPHONE: 202-857-5250

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.

June 1, 1984
Date

Eugene Glover
Signature

RESPONDENT'S NAME: Machinists Non-Partisan Political League

ADDRESS: 1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

HOME PHONE:

BUSINESS PHONE: 202-857-5200

8504050229 9

EPSTEIN BECKER BORSODY & GREEN, P. C.
ATTORNEYS AT LAW
1140 19TH STREET, N. W.
WASHINGTON, D. C. 20036

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

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INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

OFFICE OF THE INTERNATIONAL PRESIDENT

1300 CONNECTICUT AVE., N.W. WASHINGTON, D. C. 20036

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

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TELEPHONE (415) 954-4000

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November 15, 1984

Charles N. Steele, General Counsel
Federal Election Commission
Washington, D.C. 20463

ATTENTION: Stephen Mims, Esq.

RE: MUR 1704 (MUR 1667)

Dear Mr. Steele:

We wrote to you concerning this matter on October 24, 1984. Under the rules of the Commission, is any further response necessary at the present time?

Sincerely,

VICTOR J. VAN BOURG

VJVB:GP
opeiu3(1)
afl-cio

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LIVER BOND
25% COTTON FIBER
USA
8504050230 2

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VAN BOURG, WEINBERG, ROGER & ROSENFELD
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TELEPHONE (415) 981-6630

October 24, 1984

Charles N. Steele, General Counsel
Federal Election Commission
Washington, D.C. 20463

ATTENTION: Stephen Mims, Esq.

RE: MUR 1704

Dear Mr. Steele:

The position of the Ironworkers Political Action League, alleged Respondent in the referenced matter, is that all contributions made to all Mondale delegate committees were appropriate. The IPAL understood and believed, and still does understand and believe, that each delegate committee was a separate entity, separately created and separately governed, and was so represented.

Sincerely,

VICTOR J. VAN BOURG

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RECEIVED
OFFICE OF THE GENERAL COUNSEL
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VAN BOURG, WEINBERG, ROGER & ROSENFELD
A PROFESSIONAL CORPORATION
575 BATTERY STREET • THIRD FLOOR
SAN FRANCISCO, CALIFORNIA 94111

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 31, 1984

Michael H. Holland
General Counsel
UMWA
900 - 15th Street, N.W.
Washington, D.C. 20005

Re: MUR 1704
United Mine Workers of America

Dear Mr. Holland:

This responds to your request of August 29, 1984, for an extension of time in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant an extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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Sec 4474

VAN BOURG, ALLEN, WEINBERG & ROGER
A PROFESSIONAL CORPORATION
875 BATTERY STREET, SAN FRANCISCO, CALIFORNIA
TELEPHONE (415) 981-4000

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

August 23, 1984

84 AUG 27 P2:21

Lee Ann Elliott, Chairman
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1704 (Ironworkers Political Action League; John T. Traylor, as treasurer)

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Dear Ms. Elliott:

Your letter of August 14, 1984, was received in our offices on August 16th. I would very much appreciate it if the Commission would allow me, on behalf of my clients, an additional 45 days--until October 10th--to review the records and file an appropriate submission. Please let me know by return mail whether you can grant my request. Thank you for your consideration in this matter.

Sincerely,

VICTOR J. VAN BOURG

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G. ALLEN, WEINBERG & ROGER
A PROFESSIONAL CORPORATION
5 BATTERY STREET • THIRD FLOOR
AN FRANCISCO, CALIFORNIA 94111

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VAN BOURG, ALLEN, WEINBERG & ROGER
A PROFESSIONAL CORPORATION
576 BATTERY STREET, SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE (415) 864-4000

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June 13, 1984

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: Mr. Kenneth A. Gross
Associate General Counsel

Re: MUR 1704

Dear Mr. Gross:

Enclosed herewith please find a response on behalf of the indicated parties with respect to the above-entitled matter.

Very truly yours,

VICTOR J. VAN BOURG

VVB:dlt
Enclosure

Registered Mail -
Return Receipt Requested

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RESPONSE BY WAY OF SPECIAL APPEARANCE

Comes now Ironworkers Political Action League, alleged Respondent herein, and by way of special appearance responds to the alleged complaint on file herein as follows:

1. In response to the first unnumbered paragraph on page 2 of the alleged complaint said respondent has no knowledge, information or belief of how the National Right to Work Committee is constituted or what it is nor who Ralph Martin (Bud) Hettinga, Jr. is and based upon such lack of knowledge, information and belief denies, generally and specifically, each and every, all and singular, of the allegations contained in said paragraph; it is further affirmatively stated by way of special appearance that said Committee and said Hettinga have no standing of any nature or kind, whatsoever to make this alleged complaint with respect to this specially responding respondent.

2. In response to the second, third, fourth, fifth, sixth, eighth, nineth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first unnumbered paragraphs contained on pages 2 through 25 of the alleged complaint, respectively, said respondent, consistent with its special appearance, denies, generally and specifically, each and every, all and singular, of the allegations, assumptions or conclusions alleging or construed to allege a violation of any law, rule, regulation, decision or ruling or alleging any unlawful conduct of any nature or kind, whatsoever; and lacks any knowledge, information or belief as to any facts alleged with respect to any entity, person, firm or organization other than this specially answering respondent and based upon such lack of knowledge,

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information or belief denies, generally and specifically, each and every, all and singular, of the said allegations.

3. In response to the nineth unnumbered paragraph commencing on page 7 and ending on page 20 of the alleged complaint, said respondent, consistent with its special appearance, and in addition to the denials as to that paragraph specified in paragraph 2 of this response, denies, generally and specifically, each and every, all and singular, of the allegations, assumptions or conclusions specified in the first three lines at the top of page 7 and in addition, consistent with its special appearance, said respondent, has no knowledge of the facts alleged in said unnumbered paragraph on pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20 and based upon such lack of knowledge, information or belief, denies, generally and specifically, each and every, all and singular, of the allegations contained in said nineth unnumbered paragraph on said pages; said answering respondent, consistent with its special appearance, affirmatively states and alleges that it is not affiliated with any other alleged respondent specified in the alleged complaint.

4. In response to the nineth unnumbered paragraph on page 16 of the alleged complaint, said respondent, consistent with its special appearance, denies, generally and specifically, each and every, all and singular, of the allegations contained in the first, second and eighth entries contained on that page.

5. In response to the twelfth unnumbered paragraph contained on pages 21 and 22 of the alleged complaint, and in addition to the response made with respect to that paragraph above, save and accept as admitted as to the nineth unnumbered paragraph, said respondent, consistent with

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its special appearance, denies, generally and specifically, each and every, all and singular, of the allegations, assumptions or conclusions contained therein and as to those matters as to which it has no knowledge, information or belief and based upon such lack of knowledge, information or belief, denies, generally and specifically, each and every, all and singular, of the allegations. A review of the alleged attachments shows no reference to alleged respondent, Ironworkers Political Action League, and is based upon purported statements by private investigators whose employment is not disclosed and whose signatures cannot be verified or identified. No reference in said attachments is made to alleged respondent, Ironworkers Political Action League.

6. This response by this respondent is made by way of special appearance and without waiver of any legal, technical or substantive defense available to it and without conceding that the Federal Election Commission has jurisdiction over the subject matter raised in the alleged complaint, statutory or constitutional, or over the person of the alleged respondent, Ironworkers Political Action League.

Signed by: _____
Victor J. Van Bourg, Attorney for Iron Workers Political Action League

Dated: 6/13/84

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IN FIVE DAYS TO

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YORK AVE. N.W.
TON, D.C.

AFL-CIO

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FROM
THE INTERNATIONAL ASSOCIATION OF BRIDGE,
STRUCTURAL AND ORNAMENTAL
IRON WORKERS
1750 New York Ave., N.W.
Suite 400
Washington, D.C. 20006

To Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: Mr. Kenneth A. Gross
Associate General Counsel

FIRST CLASS MAIL

REGISTERED MAIL

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RECEIVED AT THE FEC

HAND DELIVERED

United Mine Workers of America

MICHAEL H. HOLLAND
GENERAL COUNSEL

TELEPHONE
(202) 842-7220

UNITED MINE WORKERS' BUILDING
900 FIFTEENTH STREET, N.W.
Washington, D.C.
20005

September 7, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 10 P 3:50

HAND-DELIVERED

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

Gentlemen and Mesdames:

By this letter I acknowledge receipt of Chairman Elliott's communication of August 14, 1984, notifying United Mine Workers of America Coal Miners Political Action Committee (COMPAC) that upon review of the allegations contained in the complaint in MUR 1704 and the information supplied by COMPAC pursuant to 11 CFR § 111.6(a) the Commission has found reason to believe that COMPAC has violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Commission Act, as amended.

In providing COMPAC with that notification, the Commission failed to comply with its own regulations governing matters under review. As a result, COMPAC is unable, at this time, to submit additional factual or legal materials which might be relevant to the Commission's consideration of this matter. According to 11 CFR § 111.8(b), the letter received by COMPAC on August 14, 1984, should have been accompanied by a copy of a staff report setting forth the legal basis and the alleged facts which support the Commission's action. No such report was received. Furthermore, pursuant to 11 CFR § 111.9(a), Chairman Elliott's letter should have set forth the alleged factual basis supporting the reason to believe finding as well.

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Not having received that mandatory documentation in support of the Commission's finding, COMPAC has no knowledge of the legal or factual issues involved in this matter beyond those raised in the original complaint filed on May 21, 1984. As a result, COMPAC can only, and hereby does, reassert the arguments raised in its June 18, 1984, memorandum seeking the dismissal of the complaint. In so doing, we incorporate by reference that document into this letter.

Chairman Elliott's letter notes that the Office of the General Counsel of the FEC would like to settle this matter through conciliation prior to a finding of probable cause. Absent the aforementioned legal and factual bases, COMPAC will not seek conciliation on the matter. Without a specific recitation of facts upon which the complaint has been sustained and absent a demonstration of the legal basis for the Commission's reason to believe finding, COMPAC is at a loss to know what further information would be relevant to its claim that this matter should be dismissed. In fact, in our view the Commission's failure to supply the mandated legal and factual documentation raises a presumption that beyond the hearsay allegations raised by the complainants, there is no substance to the complaint, and the matter should be dismissed forthwith.

We would, of course, reevaluate our position on participating in the conciliation process if and when the legal and factual bases for this action are explained to us.

Should you have any questions with respect to the above, or should you wish to discuss this matter further, please communicate with the undersigned or with Mr. Earl Pfeffer.

Very truly yours,

Michael H. Holland

Michael H. Holland
General Counsel

MHH:jh

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. DEPARTMENT
WORKERS OF AMERICA
ENTH STREET, N. W.
GTON, D. C. 20005

HAND DELIVERED
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HAND-DELIVERED

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

GCC# 4508

United Mine Workers of America

MICHAEL H. HOLLAND
GENERAL COUNSEL

TELEPHONE
(202) 842-7330

UNITED MINE WORKERS' BUILDING
900 FIFTEENTH STREET, N.W.
Washington, D.C.
20005

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL
84 AUG 30 AM 8:08

August 29, 1984

HAND DELIVERED

Ms. Lois Lerner
Associate General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20005

Re: MUR 1704

Dear Ms. Lerner:

By this letter, I confirm our telephone conversation of this date whereby you have agreed to extend until September 7, 1984, our time to submit any factual legal materials which we believe are relevant to the Federal Election Commission's consideration of this matter.

Thank you very much for your courtesy and consideration in this regard; if you have any questions whatsoever with respect to this request, please do not hesitate to communicate with me.

Very truly yours,

Michael H. Holland

Michael H. Holland
General Counsel

cc: Earl Pfeffer

MHH:pr

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MICHAEL H. HOLLAND
UNITED MINE WORKERS OF AMERICA
900 FIFTEENTH STREET, N. W.
WASHINGTON, D. C. 20005

'84 AUG 30 A10:06

HAND DELIVERED

Ms. Lois Lerner
Associate General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20005

GC # 3674

United Mine Workers of America

MICHAEL H. HOLLAND
GENERAL COUNSEL

TELEPHONE
(202) 842-7550

UNITED MINE WORKERS' BUILDING
900 FIFTEENTH STREET, N.W.
Washington, D.C.
20005

HAND-DELIVERED

June 18, 1984

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

Re: MUR 1704

Gentlemen and Mesdames:

By this letter I am acknowledging receipt of your letter of May 29, 1984, received by us on June 1, 1984, notifying United Mine Workers of America Coal Miners Political Action Committee ("COMPAC") of a complaint filed on May 18, 1984 and designated as MUR 1704.

Enclosed herewith please find on behalf of COMPAC a Memorandum filed pursuant to 11 C.F.R. §111.6(a) as well as a designation of the undersigned and Earl Pfeffer to represent COMPAC in this preceeding.

Please call the undersigned or Mr. Pfeffer should you have any questions or should there be any need to discuss this matter.

Very truly yours,

Michael H. Holland

Michael H. Holland

MHH:am

Enclosure

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BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN (BUD) HETTINGA, JR., Complainants, v. WALTER F. MONDALE AND MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, AFL-CIO COPE POLITICAL CONTRIBUTION COMMITTEE, AFSCME PUBLIC EMPLOYEES ORGANIZED TO PROMOTE LEGISLATIVE EQUALITY QUALIFIED, AMERICAN FEDERATION OF TEACHERS COPE, UNITED FOOD AND COMMERCIAL WORKERS, ACTIVE BALLOT CLUB, INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTSMEN PAC, CARPENTERS LEGISLATIVE IMPROVEMENT COMMITTEE, IRONWORKERS POLITICAL ACTION LEAGUE, MACHINISTS NON-PARTISAN POLITICAL LEAGUE, AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION PAC, CWA-COPE PCC, SERVICE EMPLOYEES INTERNATIONAL UNION COPE PCC, UAW V CAP, and UNITED MINE WORKERS OF AMERICA COAL MINERS PAC, Respondents.	)	MUR 1704

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MEMORANDUM PURSUANT TO 11 C.F.R. §111.6(a) SETTING FORTH REASONS WHY THE COMMISSION SHOULD TAKE NO ACTION ON AND DISMISS THE COMPLAINT AGAINST RESPONDENT UNITED MINE WORKERS OF AMERICA COAL MINERS POLITICAL ACTION COMMITTEE

Michael H. Holland
Earl R. Pfeffer
900 15th Street N.W.
Washington, D.C. 20005
(202) 842-7330

Attorneys for United Mineworkers of America Coal Miners Political Action Committee

BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN (BUD) HETTINGA, JR., Complainants, v. WALTER F. MONDALE AND MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, AFL-CIO COPE POLITICAL CONTRIBUTION COMMITTEE, AFSCME PUBLIC EMPLOYEES ORGANIZED TO PROMOTE LEGISLATIVE EQUALITY QUALIFIED, AMERICAN FEDERATION OF TEACHERS COPE, UNITED FOOD AND COMMERCIAL WORKERS, ACTIVE BALLOT CLUB, INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTSMEN PAC, CARPENTERS LEGISLATIVE IMPROVEMENT COMMITTEE, IRONWORKERS POLITICAL ACTION LEAGUE, MACHINISTS NON-PARTISAN POLITICAL LEAGUE, AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION PAC, CWA-COPE PCC, SERVICE EMPLOYEES INTERNATIONAL UNION COPE PCC, UAW V CAP, and UNITED MINE WORKERS OF AMERICA COAL MINERS PAC, Respondents.	MUR 1704

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MEMORANDUM PURSUANT TO 11 C.F.R. §111.6(a) SETTING FORTH REASONS WHY THE COMMISSION SHOULD TAKE NO ACTION ON AND DISMISS THE COMPLAINT AGAINST RESPONDENT UNITED MINE WORKERS OF AMERICA COAL MINERS POLITICAL ACTION COMMITTEE

I.

STATEMENT OF THE CASE

On May 18, 1984, The National Right to Work Committee and Ralph Martin Hettinga, Jr., filed a complaint with the Federal Election Commission against Walter F. Mondale, the

Mondale for President Campaign Committee and thirteen political action committees of labor organizations, alleging certain violations of the Federal Election Campaign Act of 1971, as amended. The United Mine Workers of America Coal Miners Political Action Committee ("COMPAC"), a named Respondent, submits this memorandum, pursuant to 11 C.F.R. §111.6(a), setting forth reasons why the Commission should take no action and dismiss the complaint as to COMPAC.

Attached hereto as Appendix I is the sworn verification of John J. Banovic, Treasurer of COMPAC, as to factual matters contained herein.

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II.

ARGUMENT

A complaint filed pursuant to 2 U.S.C. §437g(a)(1) alleging a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"), should contain a clear and concise recitation of the facts which describe a violation of the statute or regulation over which the Commission has jurisdiction. 11 C.F.R. §111.4(d)(3). Obviously, a complaint should contain equally clear and concise recitations of facts describing violations by each named Respondent. The Complainants have failed to recite any facts describing any violation of any statute or regulation by Respondent COMPAC. This memorandum addresses each of the allegations which directly or indirectly implicate COMPAC in any claimed wrongdoing. In each instance, the Complainants

have either failed to allege any violations by COMPAC as a matter of law or they have failed to clearly and concisely recite any facts which constitute a violation of the Act. Further action by the Commission is therefore unwarranted and the complaint should be dismissed as to COMPAC.

The complaint is a "shotgun" attack on a variety of labor supported political organizations. Allegations and propounded supporting evidence differ for each named labor PAC. There is no credible support for any allegations against COMPAC. No evidence is offered that COMPAC operated in concert with any other PAC or organization.

A. Complainants have not recited any facts which demonstrate that Respondent COMPAC knowingly and/or willingly funneled excessive contributions to the Mondale Campaign through Mondale delegate Committees.

In their Complaint (p.3), Complainants allege that all Respondents "have engaged in a concentrated effort to circumvent contribution limitations established by Congress....by funneling excessive contributions through Mondale 'delegate committees' which, in actuality, have been branch offices of the Mondale Campaign." This allegation is apparently an assertion that COMPAC knowingly and willfully violated §§441a(a)(2)(A) and 441a(f) of the Act by conspiring with other respondents to effec-

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tively contribute more than $5,000 to the Mondale Campaign. The crux of this allegation is that COMPAC knew the delegate committees were controlled, maintained, established and financed by the Mondale Campaign. See 11 C.F.R. §100.5(g)(2). Yet the Complainants have failed to establish any basis for concluding either that COMPAC knew the Mondale delegate committees were affiliated with the Mondale Campaign or that COMPAC willfully violated the law by channelling contributions in excess of the legal limit to Mondale through those delegate committees.

The mere allegation of wrongdoing by a third party is not enough to trigger the investigative and prosecutorial powers of the Commission. Potential respondents are protected from baseless and frivolous charges by the Commission's regulations which reasonably demand that such charges be based on "a clear and concise recitation of any facts which describe" any violation. See 11 C.F.R. §111.4(d)(3).[1/] There is no "clear" description of any legal violation by COMPAC. The alleged participation by COMPAC in a concerted effort to circumvent the law's limits on contributions presupposes knowledge and/or willingness on the part of the respondent. There being no recitation of facts demonstrating either a knowing or willful effort to avoid the statutory limit on contributions, the Complainants have clearly failed to describe a violation.

1/ "Clear" means plain, evident, obvious, free from doubt or conjecture, beyond reasonable doubt. Richard v. Western Fire Insurance Co., 161 F. Supp. 115, 118 (D. Minn. 1958).

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B. The Respondent Union PAC's are not affiliated within the meaning of 11 C.F.R. §100.5(g) and are therefore not subject to a single contribution limit.

The complaint alleges that "[t]he evidence further demonstrates that Respondent union PACs have coordinated their efforts to support Mondale's delegate committees" and have engaged in similar patterns of contributions to the 'delegate committees,' which establish that the union PACs are and have been affiliated within the meaning of 11 C.F.R. §100.5(g)." (Complaint, pp. 4 and 25.)

Committees are deemed to be affiliated if they are established, financed, maintained or controlled by the same organization or committee. 11 C.F.R. §100.5(g)(2). (Complaint, pp. 4 and 25.) Complainants, however, have not introduced any evidence suggesting that COMPAC is or has been "established, financed, maintained, or controlled" by any organization other than the United Mine Workers of America.

While the complaint alleges that AFL-CIO COPE (p. 24) has coordinated contributions with fifteen or sixteen union PAC's, there is no specific allegation of COMPAC involvement in such coordination.[2/] In fact, there is no specific description

2/ Underlying Complainants' approach is an inference that because a variety of labor-sponsored political committees are all supporting national nominating convention delegates committed to one candidate, there is some impermissible collusion involved. In fact, various independent and autonomous units of separate and distinct unions are merely independently supporting delegates and delegate slates often

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of COMPAC's coordination with any other PAC in making contributions to the delegate committees. The only facts offered by Complainants consist of a list of six contributions to various Mondale delegate committees in five states made between February 16, 1984 and March 21, 1984. Rather than indicating any inpropriety, the simultaneous contributions by various labor PAC's to delegate committees merely and obviously coincide with the statutory dates for nominating primaries and the beginning of the caucus process in particular states.3/ To conclude from the facts recited in the complaint that COMPAC coordinated its contributions with other PAC's amounts to pure conjecture and speculation. The dates of the primaries and caucuses alone dictated when contributions were made. The overlap of COMPAC contributions with many of the contributions of other PAC's is instead merely the result of the fact that many primaries and caucuses occurred in March and April.4/

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including members of the accrued unions, committed to former Vice President Mondale, who has long been identified with support of labor issues, and who was elected to the U.S. Senate from Minnesota as a candidate of the Democratic Farm-Labor Party. (Emphasis supplied)

3/ New Hampshire: February 28, 1984 (primary).
Illinois: March 21, 1984 (primary).
Pennsylvania: April 10, 1984 (primary).
Virginia: April 24, 1984 (caucus).
Kentucky: April 31, 1984 (caucus).

4/ The complaint urges that COMPAC's four $5,000 contributions to delegate committees on March 21, 1984, is suggestive of wrongdoing. But the timing of the contributions merely suggests that COMPAC approved the delegate committee contributions on the same day and made a policy decision to give maximum donations to certain delegate committees. The Complainants also suggest that these donations were coordi-

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Finally, the Complainants are required to submit, along with their complaint, "any documentation supporting the facts alleged if such documentation is known of, or available to, the Complainant." 11 C.F.R. §111.4(d)(4) (emphasis supplied). The Complainants have failed to document, either by exhibit or by reference, facts establishing some coordination between COMPAC and other union-PAC's. Their failure to provide such documentation must be taken to mean that no such documentation exists.

Even if Complainants were to factually document some cooperation or coordination between COMPAC and the political committee of another labor organization, which they clearly do not, they will not have described a violation of the Act.5/

---

nated with other labor PAC's. See Complaint, pp. 22-23. Such coordination is not a per se violation of the Act and absent findings of control, authority, or the transfer of substantial portion of funds, PAC's which coordinate occasional contributions are not deemed to be affiliated. In fact, such coordination is an exercise of association guaranteed by the First Amendment to the Constitution. Cousins v. Wigoda, 409 U.S. 1201 (1972).

5/ While "similar patterns of contributions" is one of the indicia used to determine if two or more ostensibly independent political committees are under the control of the same organization (See 11 C.F.R. §110.3(a)(1)(iii)), there is no prohibition against PAC's making parallel decisions as to where their contributions and expenditures will have optimum political impact. In Advisory Opinion 1976-104, two committees were deemed to be affiliated because one contributed approximately 40% of its receipts to the other and a "similar pattern of contribution," was found to have been made with approximately 67% of the first committee's remaining receipts. CCH ¶¶5255. In other words, a single PAC was found to exist because approximately 80% of the first committee's contributions were made to or in conjunction with the other committee. COMPAC's election year receipts to date have totalled approximately $900,000. The $30,000 alleged to have been made in cooperation with other Union-PACs constitutes only 3.3% of COMPAC's total receipts.

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The right to engage in "vigorous advocacy" of candidates for federal office is no less a First Amendment right than is the right to engage in abstract discussion of the relative merits of candidates, Buckley v. Valeo, 424 U.S. 1, 48 (1976). This First Amendment right, which extends to groups as well as individuals, encompasses group contributions. In order that advocacy be "optimally effective" it is sometimes necessary to "pool money" and efforts. 424 U.S. at 65 to 66. While contributions out of pooled funds is appropriately subject to statutory limitations, group members may express the will of the group by making donations in their individual capacity. For example, members of an association or trade union, as well as directors of a corporation, may not collectively make contributions on behalf of candidates for federal office, yet they may collectively discuss political candidates and issues with the object of deciding which causes they will support by their individual contributions. See California Medical Association v. F.E.C., 641 F.2d 619, 627 (9th Cir. 1980), affirmed, 453 U.S. 182 (1981).

Complainants have therefore not only failed to recite any facts which demonstrate an affiliation between COMPAC and any of the other named Respondents, they have failed, as well, to allege a violation of a statute or regulation over which the Commission has jurisdiction.

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C. COMPAC has not violated the contribution limits of the Act by giving more than $5,000 to Mondale.

Section 441a(a) of the Act establishes limitations on contributions to political committees engaged in the support of candidates for federal office. 2 U.S.C. §§441a(a)(1)(C), 441a(a)(2)(C). The Act also establishes a scheme of civil penalties to be imposed when these limitations are violated. 2 U.S.C. §437g(a). The Act essentially establishes a two-tiered scheme of enforcement, one for those violations which are knowing and willful and another for those which are per se.

The complaint alleges both kinds of violations and seeks Commission enforcement at each level of the two-tiered scheme. The complaint should be dismissed as to both allegations of per se violations and willful and knowing violations.

1. Complainants have failed to recite any facts describing willfulness or knowledge on the part of COMPAC that it was violating the law.

Complainants allege that the various union-PAC's knowingly and willfully violated the contribution limits of the Act (Complaint, pp. 25-26). The regulations, however, require the charging party to clearly and concisely recite facts which describe a violation. 11 C.F.R. §111.4(d)(3). In other words, the regulations require the complainants to do more than allege a

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violation; they require a clear and concise factual description of that violation.

The complaint in the instant proceeding is devoid of <u>any</u> facts describing knowledge on the part of COMPAC that the Mondale Campaign and the delegate committees to which it contributed were in fact one committee. Nor are there any facts recited which describe any willfulness by COMPAC to violate any contribution limitation established by the Act. Due to the Complainants' failure to provide the factual background necessary to trigger a Commission investigation of a willful and knowing violation, the Commission should take no action on the complaint insofar as it alleges willfulness and knowledge by COMPAC.

2. <u>The Complaint fails to describe a per se violation</u>.

The complaint alleges that the Mondale Campaign and the Mondale delegate committees to which COMPAC contributed are affiliated and, as a result, COMPAC's contributions in excess of $5,000 to those delegate committees constitute a violation of the Act. (Complaint, pp. 24-25.) Conceivably, if it were true that the Mondale Campaign and the delegate committees to which COMPAC contributed were affiliated, then COMPAC's multiple contributions might constitute a violation of the Act, regardless of COMPAC's knowledge or willfulness. <u>See</u> 2 U.S.C. 437g(a). However, there is no recitation whatsoever of any facts which

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establish that the delegate committees to which COMPAC contributed are affiliated.[6/]

The Commission has issued regulations setting forth the criteria to be used in assessing whether committees are affiliated. If a committee is "established, financed, maintained, or controlled" by another committee, then both committees are deemed to be affiliates and a single contribution limit applies to the aggregate of money donated by a person to both committees. 11 C.F.R. §100.5(g)(2). The Commission has also promulgated indicia to be used in determining whether or not one committee is controlled, established, maintained, or financed by another. They are:

> (A) Ownership of a controlling interest;
>
> (B) Provisions of by-laws, constitutions, or other documents by which one entity has authority, power, or ability to direct the other entity;
>
> (C) The authority, power, or ability to hire, discipline, discharge, demote, or remove or otherwise influence the decisions of the officers or members of an entity;
>
> (D) Similar patterns of contributions;
>
> (E) The transfer of funds between committees which represent a substantial portion of funds of either the transferor or the transferee committee.

11 C.F.R. §110.3(a)(1)(iii).

6/ Considerable concern must also be expressed as to how a court would review any statute imposing per se violations in the protected areas of speech and association. See U.S. v. Robel, 389 U.S. 258, 268 (1967). See also NAACP v. Button, 371 U.S. 415, (1963).

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Clearly, what the Commission deems to be determinative of affiliation between committees is control of one by the other. Since there is no clear and concise recitation of facts which establishes that the delegate committees to which COMPAC contributed were controlled by the Mondale Campaign, then the complaint has failed to describe a violation over which the Commission has jurisdiction. The facts alleged in the complaint do no more than speculate as to some degree of cooperation and consultation between the national campaign and the delegate committees. Whether or not these allegations are true, they do not state a violation of the Act. The freedom to associate and the freedom to share ideas on campaign literature are protected by the First Amendment. The Supreme Court has recognized the potential "chilling effect" on political committees by a broad reading of the Commission's guidelines, NAACP v. Alabama, 357 U.S. 449 (1958), and accordingly gave a narrow construction to the definition of "political committees" in Buckley v. Valeo, 424 U.S. 1 (1976). Recently, the D.C. Circuit recognized the need to give more protection to First Amendment rights of those engaged in political organizing and held that presidential candidate "draft" groups in question who had merely a "common aim" in "some day [producing] a candidate acceptable to them" did not become subject to the Act's proscriptions. F.E.C. v. Machinists Non-Partisan Political League, 655 F.2d 380, 392 (D.C. Cir. 1981), cert. denied, 454 U.S. 897 (1981).

Machinists Non-Partisan Political League is particularly relevant here. There is no more showing in the complaint that COMPAC is affiliated with Mondale operations or other cited labor organizations than there was in the Commission's proceeding there under review that 1980 "draft" Kennedy operations in several states were affiliated with each other and/or Senator Kennedy. Judge Wald's reasoning should apply here. COMPAC should be dismissed as a Respondent in these proceedings.

Moreover, the nature of political campaigns is such that communication among various volunteers and sympathizers cannot be and should not be controlled by the campaign and/or the delegate committees.7/ Based on a random assortment of unverified news accounts (Complainants' Attachments A-1 through A-17) the complaint alleges that the Mondale staff "instructed" unnamed committees on how to organize and operate. Such consultation is not evidence of control, and is not included in the Commission's own indicia of affiliation. The Complaint further alleges that unnamed Mondale staffers were transferred to unnamed delegate committees. (Complaint, p. 5.) This overly broad allegation fails to cite any "concise or clear" facts showing that the delegate committees to which COMPAC contributed were controlled by

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7/ Primary contests have their "own form of strangeness" which actually thwarts communication between various elements of mythically highly organized and mechanized national campaigns and local volunteer efforts, like congressional district-level delegate committees, because of the rapid pace and complexity of events. Elizabeth Drew, Portrait of an Election, p.175 (1981).

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former Mondale staffers. Aside from the insufficient specificity of the latter allegation, if true, it would show only minimal (possibly social) contacts between campaign organizations and operatives (involving the exercise of protected associational rights) at the basic precinct level -- hardly "control." Moreover, it would seem that after the Mondale Campaign Committee itself left Pennsylvania for the next primary state, the most qualified and likely candidates to fill vacant staff positions for the delegate committees would be former Mondale Campaign workers. This is completely inadequate evidence of control.

The only allegation which approximates a recitation of facts describing control by Mondale of the delegate committees is that the delegate committees stopped accepting PAC contributions after Mondale urged them to stop. This allegation, like the others, was based on attached "news" accounts. Yet those news stories carried as much, if not more, information tending to show that Mondale had no control over the delegate committees: Various delegate committees accepted and continued to accept PAC money despite candidate Mondale's requests that they not do so. (See "Mondale Directs Disputed Groups to End Operation," New York Times, April 26, 1984; "The More Mondale Flails, The Deeper He Gets Into PAC Mess," Washington Post, April 26, 1984; "How PAC-Man Pulled It Off," Richmond Times Dispatch, April 28, 1984; and "Mr. Mondale UnPACs," New York Times, April 29, 1984.) (Attachments A-9, A-11, A-16, and A-17, respectively) Additionally, some delegate committees have refused to shut down despite

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Mondale's requests for them to do so. ("Mondale Agrees to Return Disputed Funds," Washington Post, April 28, 1984.) (Attachment A-14) The Complainants' own exhibits thus contradict and counter these allegations that Mondale controls the delegate committees.

It would be irresponsible, if not absurd, for the Commission to instigate a formal proceeding based upon such unsupported newspaper accounts including opinion columns and editorials (See Attachments A-11, A-12, A-16 and A-17) in addition to putative "news" stories. It should be noted there is no mention whatsoever of COMPAC in any such story, opinion piece or editorial.

Finally, there are no facts demonstrating any connection between Mondale and the delegate committees to which COMPAC contributed. The complaint alleges that Mondale's control of the delegate committees is confirmed by the reports of private investigators appended to the complaint as Attachments B through K. Yet those reports do not contain one scintilla of evidence showing any control by Mondale over the committees. In fact, these affidavits betray the rank speculation and quicksand upon which Complaints' case is made.[8/] How the presence of Mondale Campaign literature in delegate committee offices demonstrates

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8/ See, for example, Complaint Attachment F: "She appeared to be a Mondale staffer as opposed to a volunteer, especially in the way that she associated with Mike Hachman, described in "b" below and the man described in "c" below, whom I also believe to be Mondale staff people." (p. 2) (Emphasis supplied). Idle gossip and conjecture alone cannot fuel formal proceedings by this Commission.

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affiliation is never explained by Complainants, who apparently advocate an especially harsh rule, which would prohibit the exchange of ideas between committees which share a political goal.

The private investigators' reports "supporting" the complaint amount to no more than speculation and conjecture about a hoped for connection between Mondale and the delegate committees. The Complainants claim that paid Mondale staff were coordinating operations at the Philadelphia Mondale At-Large Delegate Committee offices. This bold pronouncement is based on nothing more than the fact that certain persons wore gold Mondale pins and that they visited Mondale's traveling headquarters in a different hotel. In fact, the Complainants, despite their distasteful spying and eavesdropping, are unable to factually document a single instance where a Mondale staffer controlled a delegate committee. Moreover, they have totally failed to demonstrate such a connection involving any delegate committee to which COMPAC contributed.9/

Read as a whole the affidavits of various private investigators employed by Complainants represent only pathetic

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9/ The 22nd Cong. Dist. Delegates for Mondale in Cobden, Illinois, a committee to which COMPAC contributed $5,000, allegedly paid two individuals salary and reimbursed gasoline expense by transmitting them through Mondale's campaign headquarters in Washington. In addition, that committee used an "Illinois for Mondale" envelope allegedly addressed by the same person who allegedly addressed two other delegate committee envelopes. These are hardly indicia of control, showing at most a small degree of cooperation and perhaps a peripatetic volunteer.

detective fiction and inept political espionage. More importantly, no affidavit pertains to any delegate committee to which COMPAC contributed.

Because the complaint fails to recite any facts describing clearly and concisely that the delegate committees to which COMPAC contributed were controlled, financed, established, or maintained by COMPAC or anyone else, the complaint fails to describe a violation of the Act and the allegation that COMPAC contributed over $5,000 to Mondale should be dismissed.

COMPAC hereby expressly reserves any rights that it may have under the Act or otherwise against the Commission or Complainants.

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CONCLUSION

In summary, Complainants have failed to clearly and concisely describe a violation of the Act or the Commission's regulations with respect to COMPAC's contributions to any delegate committees. On the one hand, they allege wrongdoing where the acts complained of are constitutionally protected association and communication. Where they allege acts, which, if committed, would be violations, they have relied on conjecture, speculation and inuendo rather than facts.

The Complainants have gone on a "fishing expedition" and have found no evidence of wrongdoing on the part of COMPAC. In fact, it appears that the Complainants have named COMPAC as a respondent as part of a scheme of harassment and intimidation,

designed to discredit various components of the American labor movement, in the false hope that something incriminating or embarassing might develop.

The Commission's procedures are not meant to be used as part of a "witch hunt" for wrongdoers. The Commission is not the investigative arm of Complainant National Right to Work Committee. It can investigate only if it has "reason to believe that a violation of a statute or regulation. . . has occurred or is about to occur." 2 U.S.C. §437g(a)(2). A "reason" is the circumstances, proofs, facts or motives generating a conviction, and is not merely a whim or curiosity. Hunt v. Personnel Commission, 115 N.H. 713, 715, 349 A.2d 605, 607 (1975). Based on the complaint, there is no "reason" for further investigation of COMPAC.[10/]

The Commission's business is not to scan the horizon for possible violations by Complainants' political foes. Only if Complainants present the Commission with a "clear and concise recitation of the facts which describe a violation of the statute" accompanied by "documentation supporting the facts alleged" should the Commission proceed with an investigation. As a consequence of the Complainants' failure to meet their burden,

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10/ The "deferential attitude" judicially applied upon the review of action by authorities regulating corporate, commercial or labor activities does not extend to this Commission, whose creation raises "weighty Constitutional objections." Thus, where the Federal Trade Commission and the Securities and Exchange Commission "are vested with broad duties to gather and compile information and to conduct periodic investigations concerning business practices..., the FEC has no such roving functions." F.E.C. v. Machinists Non Partisan Political League, 655 F.2d at 387.

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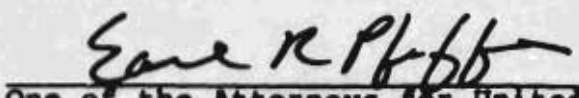
this complaint should be dismissed in its entirety as to Respondent United Mine Workers of America Coal Miners Political Action Committee.

Respectfully submitted,



One of the Attorneys for United Mine Workers of America Coal Miners Political Action Committee

Michael H. Holland
Earl R. Pfeffer
900 15th Street N.W.
Washington, D.C. 20005
(202) 842-7330

85040502339

DISTRICT OF COLUMBIA: SS.

VERIFICATION

JOHN J. BANOVIC, Treasurer of United Mine Workers of America Coal Miners Political Action Committee ("COMPAC"), having been duly sworn, on oath hereby states that he has read the foregoing Memorandum Pursuant to 11 C.F.R. §111.6(a) Setting Forth Reasons Why The Commission Should Take No Action On and Dismiss The Complaint Against COMPAC, and that all factual matters set forth therein are true and correct.

Dated: June 18, 1984

John J. Banovic

John J. Banovic

SUBSCRIBED AND SWORN to
before me this 18th day
of June, 1984.

Carolyn A. Green
Notary Public
mce: 1/31/89

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Michael H. Holland, General Counsel; Earl R. Pfeffer

ADDRESS: United Mine Workers of America
900 15th St., N.W.
Washington, D.C. 20005

TELEPHONE: 842-7330

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.

6/15/84
Date

John J. Barrie
Signature

RESPONDENT'S NAME: Coal Miners Political Action Committee (COMPAC)

ADDRESS: 900 15th St., N.W.
Washington, D.C. 20005

HOME PHONE:

BUSINESS PHONE: 842-7280

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 17, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTN: STEVE MIMS

FROM: SHAWN WOODHEAD
COMPLIANCE BRANCH, RAD

SUBJECT: MUR 1704 - CWA-COPE POLITICAL CONTRIBUTIONS COMMITTEE (CWA-COPE-PCC)

Please review the attached Requests for Additional Information (RFAIs) which are to be sent to CWA-COPE-PCC on the 1984 May and June Monthly Reports. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by noon on Thursday, July 19th. Thank you.

COMMENTS:

Attachments

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Louis B. Knecht, Treasurer
CWA-COPE Political Contributions
Committee
1925 K Street, NW
Washington, DC 20006

Identification Number: C00002089

Reference: May Monthly Report (4/1/84-4/30/84)

Dear Mr. Knecht:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please clarify all expenditures made for the purpose of material and mailing. If a portion or all of these expenditures were made on behalf of Federal candidates, they should be identified as such on Schedule B or E for Line 21 or 22 as appropriate, to include the amount, name, address and office sought by each candidate. (11 CFR 104.3(b) & 106.1)

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Alva E. Smith
Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Louis B. Knecht, Treasurer
CWA-COPE Political Contributions
Committee
1925 K Street, NW
Washington, DC 20006

Identification Number: C00002089

Reference: June Monthly Report (5/1/84-5/31/84)

Dear Mr. Knecht:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please clarify all expenditures made for the purpose of mailings. If a portion or all of these expenditures were made on behalf of Federal candidates, they should be identified as such on Schedule B or E for Line 21 or 22 as appropriate, to include the amount, name, address and office sought by each candidate. (11 CFR 104.3(b) & 106.1)

-Your calculations for Line 21 appear to be incorrect. FEC calculations disclose this amount to be $81,375. Please explain the difference and amend your report accordingly. (11 CFR 104.3)

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Alva E. Smith

Alva E. Smith
Reports Analyst
Reports Analysis Division

85040502344

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

- - - - - - - - - - - - - - - - - - - -

THE NATIONAL RIGHT TO WORK COMMITTEE, et al.,	)	
Complainants,	)	
v.	)	MUR 1704
WALTER F. MONDALE AND MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al.,	)	
Respondents.	)	

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RESPONSE OF RESPONDENT
CARPENTERS LEGISLATIVE IMPROVEMENT COMMITTEE

In accordance with the Federal Election Campaign Act, 2 U.S.C. § 437g(a)(1), and the Rules and Regulations of the Federal Election Commission, 11 CFR § 111.6(a), the Respondent Carpenters Legislative Improvement Committee (hereafter "CLIC") submits the following response demonstrating that no action should be taken against it pursuant to the Complaint in the above-captioned matter.

INTRODUCTION

The National Right to Work Committee filed the instant Complaint against Presidential Candidate Walter F. Mondale, the Can-

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didate's authorized Campaign Committee, and 13 separate political action committees (hereafter "PACs") established as separate segregated funds by 13 autonomous labor organizations.

The Complaint alleges that all 13 named Union PACs are "affiliated" with each other, within the meaning of 11 CFR § 100.5(g), and that they are therefore subject collectively to a single $5,000 limit on contributions to the Mondale for President Campaign Committee together with any and all committees of delegates backing candidate Mondale, which the Complainants allege to be "affiliated" committees. The Complaint further charges that the 13 Respondent Union PACs "knowingly and willfully" violated 2 U.S.C. § 441a by contributing, whether as affiliated entities or on an individual basis, more than $5,000 to delegate committees comprising Mondale supporters.

We submit that the Complaint and accompanying documents fail to establish a legal or factual basis for these allegations. With respect to Respondent CLIC, Complainants have failed to show, and we specifically deny, that CLIC is "affiliated" with any other of the named Respondent political committees. Moreover, Complainants cannot establish that CLIC knowingly and willfully made excessive contributions prohibited by § 441a. Accordingly, as set forth below, there is no basis for taking any action against Respondent CLIC in this matter.

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DISCUSSION

A. CLIC is Not Affiliated With Any or All Other Respondent Committees

CLIC is a separate, segregated fund within the meaning of 2 U.S.C. § 441b(b), established in 1966 by the United Brotherhood of Carpenters and Joiners of America (hereafter "UBC"), an autonomous International Union. The UBC is CLIC's sole "connected organization" and CLIC's governing documents vest control of this PAC exclusively in UBC officers. CLIC is not established, administered, financed, or controlled by any other labor organization outside of the UBC, and CLIC is not affiliated with any of the other Respondent committees named in this proceeding.

The conduct of CLIC cited by the Complainants herein consists solely of making contributions of $5,000 or less to five separate delegate committees in three states, during the periods when those respective states conducted their Democratic primary election and delegate selection processes. The decision to contribute CLIC funds to those recipients was an independent decision made by CLIC, based on its assessment of how best to further its espoused political and trade union principles, interests, and objectives in the upcoming Democratic National Convention. Such action, we submit, cannot establish CLIC's "affiliation" with any other named Respondent.

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B. CLIC Did Not Knowingly and Willfully Make Excessive Contributions

Under 2 U.S.C. § 441a(a)(2)(C), a multicandidate political committee may lawfully contribute $5,000 to any "political committee" in a calendar year. The applicable regulations (11 CFR § 100.5(e)(5)) specifically include, within the definition and examples of a "political committee", a "delegate committee" which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention. The regulations further provide (11 CFR § 220.14(b)(2), (e), and (f)) that contributions to such delegate committees are governed as to amount and source by 2 U.S.C. §§ 441a(a) and 441b.

In making contributions to the five recipient delegate committees mentioned in the Complaint, CLIC relied on the above statutory provisions and FEC regulations which, as construed by legal counsel, authorized CLIC as a separate segregated fund and qualifying multicandidate committee to contribute $5,000 or less from its funds to each "delegate committee". Each of CLIC's contributions was of $5,000 or less, in accordance with those statutory provisions and regulations and in the reasonable belief that each recipient committee should be individually deemed a delegate committee.

To substantiate the allegation of "knowingly and willfully" making excessive contributions, it must be established that CLIC knew and understood that its contributions would violate the Act, yet nonetheless proceeded to make the contributions in conscious

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and deliberate disregard of the statute and regulations. This condition cannot be met with respect to CLIC, since CLIC acted in reliance upon the legality of its contributions under the statute and specifically applicable regulations.

CONCLUSION

Because the record shows that CLIC is not affiliated with any other Respondent political committee in this matter, within the meaning of 11 CFR § 100.5(g), the amount of contributions made by the other Respondent Union PACs is not chargeable to CLIC for purposes of this proceeding. It cannot be established that CLIC "knowingly and willfully" exceeded the contribution limit of $5,000 per recipient committee under 2 U.S.C. § 441a(a)(2). Accordingly, the Complaint should be dismissed as to Respondent CLIC.

Respectfully submitted,

Kathy L. Krieger
Counsel for Respondent CLIC
101 Constitution Avenue N.W.
Washington, D.C. 20001
202/546-6206

Dated at Washington, D.C.

this day of June, 1984.

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE AND RALPH MARTIN (BUD) HETTINGA, JR., Complainants,	)	
v.	)	MUR 1704
WALTER F. MONDALE AND MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al., Respondents.	)	

REQUEST OF RESPONDENT
CARPENTERS LEGISLATIVE IMPROVEMENT COMMITTEE
FOR EXTENSION OF TIME

The Respondent Carpenters Legislative Improvement Committee ("CLIC"), by its counsel, hereby requests an extension of time from June 15 to and including June 30, 1984, in which to submit its written response to the complaint filed in the above-captioned proceeding. In support of this request CLIC states as follows:

1. The complaint and supporting documents filed in this proceeding were received by Respondent CLIC on May 31, 1984.

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2. The materials served upon CLIC comprise a 26-page complaint and approximately 80 pages of affidavits and attachments. Complainants have made extensive factual assertions pertaining to numerous separate labor organizations, political committees, delegate committees, and individuals, and have instituted a comprehensive legal challenge to the structure, operations, financial transactions, and other conduct of such entities and individuals over a period of time. Given the complexity and variety of the factual and legal issues raised herein, counsel for Respondent CLIC will require substantial time to investigate the circumstances alleged, compile relevant documentation, and prepare a legal response to the Commission.

3. Counsel for CLIC is currently engaged in other litigation, including proceedings before the U.S. Court of Appeals for the D.C. Circuit, the National Labor Relations Board, and the Occupational Safety and Health Administration, which will prevent completion of a response in the instant matter by the June 15 deadline. Furthermore, counsel will require additional time in which to consult with political committee and delegate committee representatives who are not currently available in Washington, D.C. Accordingly, in order to permit an informed response and adequate investigation in this matter, CLIC believes that at least a 15-day extension of time is warranted.

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WHEREFORE, for all the above reasons Respondent CLIC respectfully asks that its request be granted and that the time for responding to the complaint herein be extended from June 15 to and including June 30, 1984.

Respectfully submitted,

Kathy L. Krieger

Kathy L. Krieger
Counsel for Respondent
Carpenters Legislative
Improvement Committee
101 Constitution Ave. N.W.
Washington, D.C. 20001
202/546-6206

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Kathy L. Krieger

ADDRESS: 101 Constitution Ave. N.W.
Washington, D.C. 20001

TELEPHONE: 202/546-6206

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.

6/5/84
Date

Signature
Treasurer, CLIC

RESPONDENT'S NAME: Carpenters Legislative Improvement Committee

ADDRESS: 101 Constitution Avenue N.W.
Washington, D.C. 20001

HOME PHONE:

BUSINESS PHONE: 202/546-6206

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Kathy L. Krieger

ADDRESS: 101 Constitution Ave. N.W.
Washington, D.C. 20001

TELEPHONE: 202/546-6206

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.

6/5/84
Date

Signature
Treasurer, CLIC

RESPONDENT'S NAME: Carpenters Legislative Improvement Committee

ADDRESS: 101 Constitution Avenue N.W.
Washington, D.C. 20001

HOME PHONE:

BUSINESS PHONE: 202/546-6206

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Sarah Fox

ADDRESS: Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W.
Washington, D.C. 20005

TELEPHONE: (202) 783-3788

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.

6/4/84
Date

Edward M. Bellucci
Signature

RESPONDENT'S NAME: Edward M. Bellucci

ADDRESS: Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W.
Washington, D.C. 20005

HOME PHONE: (301) 299-8069

BUSINESS PHONE: (202) 783-3788

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTN: STEVE MIMS

FROM: SHAWN WOODHEAD
COMPLIANCE BRANCH, RAD

SUBJECT: MUR 1704 - AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES P.E.O.P.L.E. QUALIFIED (AFSCME P.E.O.P.L.E. QUALIFIED)

Please review the attached Requests for Additional Information (RFAIs) which are to be sent to AFSME P.E.O.P.L.E. Qualified for the 1984 February and March Monthly Reports. If no response or an inadequate response is received for either RFAI, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 3:00 p.m. on Thursday, July 5th. Thank you.

COMMENTS:

Attachments

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

William Lucy, Treasurer
American Federation of State
County and Municipal Employees
P.E.O.P.L.E. Qualified
1625 L Street, NW
Washington, DC 20036

Identification Number: C00011114

Reference: February Monthly Report (1/1/84-1/31/84)

Dear Mr. Lucy:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please provide a Schedule A to support the entry on Line 12 of the Detailed Summary Page. All transfers from affiliates received by your committee must be itemized on Schedule A, regardless of the amount. (2 U.S.C. 434(b)(3)(D))

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Mike Tangney

Mike Tangney
Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

William Lucy, Treasurer
American Federation of State
County and Municipal Employees
P.E.O.P.L.E. Qualified
1625 L Street, NW
Washington, DC 20036

Identification Number: C00011114

Reference: March Monthly Report (2/1/84-2/29/84)

Dear Mr. Lucy:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Line 11a of the Detailed Summary Page discloses a figure for the total amount of contributions from individuals/persons other than political committees. In addition, the memo entry portion of the Detailed Summary Page is blank. Please amend your report by itemizing all contributions from individuals/persons, which aggregate greater than $200 in the calendar year, and/or provide a figure for the total amount of unitemized contributions from individuals/persons, which have been received during the reporting period. (11 CFR 104.3(a)(2))

-The calculations for Schedule B supporting Line 21 appear to be incorrect. FEC calculations disclose the amount of contributions to be $69,025. Please amend this and any other reports that require corrected totals.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Mike Tangney

Mike Tangney
Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTN: STEVE MIMS

FROM: SHAWN WOODHEAD
COMPLIANCE BRANCH, RAD

SUBJECT: MUR 1704 - AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES P.E.O.P.L.E. QUALIFIED (AFSCME P.E.O.P.L.E. QUALIFIED)

Please review the attached Requests for Additional Information (RFAIs) which are to be sent to AFSME P.E.O.P.L.E. Qualified for the 1984 February and March Monthly Reports. If no response or an inadequate response is received for either RFAI, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 3:00 p.m. on Thursday, July 5th. Thank you.

COMMENTS:

No comment.
S. Mims
7/2/84

Attachments

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

William Lucy, Treasurer
American Federation of State
County and Municipal Employees
P.E.O.P.L.E. Qualified
1625 L Street, NW
Washington, DC 20036

Identification Number: C00011114

Reference: February Monthly Report (1/1/84-1/31/84)

Dear Mr. Lucy:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please provide a Schedule A to support the entry on Line 12 of the Detailed Summary Page. All transfers from affiliates received by your committee must be itemized on Schedule A, regardless of the amount. (2 U.S.C. 434(b)(3)(D))

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Mike Tangney

Mike Tangney
Reports Analyst
Reports Analysis Division

8504050235 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

William Lucy, Treasurer
American Federation of State
County and Municipal Employees
P.E.O.P.L.E. Qualified
1625 L Street, NW
Washington, DC 20036

Identification Number: C00011114

Reference: March Monthly Report (2/1/84-2/29/84)

Dear Mr. Lucy:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Line 11a of the Detailed Summary Page discloses a figure for the total amount of contributions from individuals/persons other than political committees. In addition, the memo entry portion of the Detailed Summary Page is blank. Please amend your report by itemizing all contributions from individuals/persons, which aggregate greater than $200 in the calendar year, and/or provide a figure for the total amount of unitemized contributions from individuals/persons, which have been received during the reporting period. (11 CFR 104.3(a)(2))

-The calculations for Schedule B supporting Line 21 appear to be incorrect. FEC calculations disclose the amount of contributions to be $69,025. Please amend this and any other reports that require corrected totals.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Mike Tangney

Mike Tangney
Reports Analyst
Reports Analysis Division

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Larry P. Weinberg

ADDRESS: Kirschner, Weinberg, Dempsey Walters & Willig

1100 17th Street, N.W., Suite 800

Washington, D.C. 20036

TELEPHONE: (202)775-5900

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.

6/4/84
Date

William Lucy
Signature

RESPONDENT'S NAME: AFSCME-Public Employees Organized to Promote Legislative Equality-Qualified

ADDRESS: 1625 L Street, N.W.

Washington, D.C. 20036

(202) 429-1000

HOME PHONE:

BUSINESS PHONE:

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTN: STEVE MIMS

FROM: SHAWN WOODHEAD
COMPLIANCE BRANCH, RAD

SUBJECT: MUR 1704 - AFL-CIO COMMITTEE ON POLITICAL EDUCATION/ POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE/PCC)

Please review the attached Request for Additional Information (RFAI) which is to be sent to the AFL-CIO COPE/PCC for the 1984 March Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 3:00 p.m. on Thursday, July 5th. Thank you.

COMMENTS:

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Thomas R. Donahue, Treasurer
AFL-CIO Committee on Political
Education/Political Contributions
Committee
815 16th Street, NW
Washington, DC 20006

Identification Number: C00003806

Reference: March Monthly (2/1/84-2/29/84)

Dear Mr. Donahue:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-The total amount of contributions itemized on Schedule A plus the total amount of unitemized contributions reported on the Detailed Summary Page should equal the total reported on Line 11(a) of the Detailed Summary Page. Please amend either Schedule A or the Detailed Summary figures to correct this discrepancy. (11 CFR 104.3(a))

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Eugene LaCroce
Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTN: STEVE MIMS

FROM: SHAWN WOODHEAD
COMPLIANCE BRANCH, RAD

SUBJECT: MUR 1704 - AFL-CIO COMMITTEE ON POLITICAL EDUCATION/
POLITICAL CONTRIBUTIONS COMMITTEE (AFL-CIO COPE/PCC)

Please review the attached Request for Additional Information (RFAI) which is to be sent to the AFL-CIO COPE/PCC for the 1984 March Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 3:00 p.m. on Thursday, July 5th. Thank you.

COMMENTS:

No comment.
S. Mims
7/2/84

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Thomas R. Donahue, Treasurer
AFL-CIO Committee on Political
Education/Political Contributions
Committee
815 16th Street, NW
Washington, DC 20006

Identification Number: C00003806

Reference: March Monthly (2/1/84-2/29/84)

Dear Mr. Donahue:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-The total amount of contributions itemized on Schedule A plus the total amount of unitemized contributions reported on the Detailed Summary Page should equal the total reported on Line 11(a) of the Detailed Summary Page. Please amend either Schedule A or the Detailed Summary figures to correct this discrepancy. (11 CFR 104.3(a))

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Eugene LaCroce
Reports Analyst
Reports Analysis Division

85040502366

GCC# 3734

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

John H. Lyons, S. Frank Raftery, Glenn E. Watts, Angelo Fosco, Lloyd McBride, Wm. W. Winpisinger, Wayne E. Glenn, John J. Sweeney, Barbara Hutchinson, Gerald W. McEntee, Patrick J. Campbell, Thomas W. Gleason, Murray H. Finley, Sol C. Chaikin, Charles H. Pillard, Kenneth T. Blaylock, William H. Wynn, Robert P. Goss, Frank Drozak, Richard I. Kilroy, William H. Bywater, Kenneth J. Brown, Frederick O'Neal, Albert Shanker, Edward T. Hanley, J. C. Turner, Alvin E. Heaps, John DeConcini, Joyce D. Miller, James E. Hatfield, Vincent R. Sombrotto, Marvin J. Boede, Owen Bieber

June 21, 1984

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C.

Re: FEC MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), the AFL-CIO Committee on Political Education Political Contributions Committee ("AFL-CIO COPE/PCC") and its treasurer Thomas R. Donahue (hereinafter "respondents") to the complaint filed by the National Right to Work Committee ("N.R.T.W.C.") on May 18, 1984 and numbered FEC MUR 1704 by the Commission.

In its complaint the N.R.T.W.C. alleges that AFL-CIO COPE/PCC and the international union political committees also named as respondents in the complaint (hereinafter referred to as "respondent union political committees") are "affiliated" within the meaning of 11 C.F.R. §100.5(g) and have "knowingly and willfully" exceeded the contribution limits of the Federal Election Campaign Act by contributing, in the aggregate, in excess of $5,000 to various Mondale delegate committees alleged by complainant to be affiliated with each other and with the Mondale for President Committee. Complainant alleges in the alternative that even if respondent AFL-CIO COPE/PCC and respondent union political committees are not affiliated and are not therefore subject to a single contribution limit, the committees should nevertheless be found to have "knowingly and willfully" exceeded the contribution limits of the Act because each one has made contributions totalling more than $5,000 to various Mondale delegate committees which, according to the complainant, are affiliated within the meaning of 11 C.F.R. §100.5(g).

As we show below, the complaint against respondents lacks any basis either in law or in fact. Accordingly, the Federal Election Commission should find no reason to believe that respondents have violated the Act and should dismiss the complaint against them.

1. <u>The AFL-CIO COPE/PCC Is Not Affiliated With the International Union Political Committees Named As Respondents In The Complaint.</u>

Complainant's allegation that the respondent AFL-CIO COPE/PCC and respondent union political committees are affiliated within the meaning of 11 C.F.R. §100.5(g) rests entirely on a claim that respondents have "coordinated" their

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support of Mondale delegate committees and have "engaged in similar patterns of contributions" to the delegate committees.

A. Complainant's affiliation argument is without any support in law. Complainant makes no attempt to articulate any legal basis for the claim that "coordination" of contributions and "similar patterns" of contributions, even if established, support the conclusion that respondent AFL-CIO COPE/PCC and respondent union political committees are affiliated within the meaning of 2 U.S.C. §441a(a)(5) and of 11 C.F.R. §100.5(g) and §110.3. This is not surprising since in fashioning the complaint the complainant has studiously ignored both the language and the legislative history of the statute and the Commission's regulations.

The general test for affiliation is set out in §100.5(g)(2) of the Commission's regulations:

> [a]ll committees ... established, financed, maintained, or controlled by the same corporation, labor organization, person, or group of persons including any parent, subsidiary, branch, division, department or local unit thereof, are affiliated.

Even if this test were applicable to the relationship between the AFL-CIO and its member unions, which it is not, complainant has not offered a shred of evidence that either the AFL-CIO COPE/PCC or any of the other union political committees named in the complaint "established, financed, maintained or controlled" any of the other union political committees.

Complainant's lone attempt to demonstrate one of the indicia of establishment, financing, maintenance, or control set forth in §100.5(g) — "similar patterns of contributions" — is, as we show below, unsupported by the facts. But such a pattern, standing alone, is not sufficient to establish affiliation in any case since there is bound to be similarity in the contributions made by any group of individuals or organizations that share similar political, social and economic views. Complainant's reliance on alleged "coordination" of contributions to establish affiliation is also without merit. As the statute and the Commission's regulations reflect, "control" not "coordination" is the test for determining affiliation. While coordination of contributions may well be present where there is actual control by one political committee over another, such coordination alone, even if established, is not in itself proof of control where, as here, political committees retain and exercise the right to make their own decisions with regard to contributions.

Moreover, the legislative history of §441a(a)(5), setting forth the Act's antiproliferation rules, clearly demonstrates that Congress in enacting that section did not intend to subject the AFL-CIO and its member national and international unions, as those unions operated then and continue to operate now, to a single contribution limit. See Respondents' reply to FEC MUR 1605 dated January 27, 1984, at 2-18. The Commission's regulation at §100.5(g)(2)(i) specifically incorporates Congress' directions with regard to the proper application of the antiproliferation rules to the AFL-CIO and its member national and international unions:

> (B) All political committees set up by a single national or international union and/or its local unions or other subordinate organizations of the national or international union are affiliated;

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(C) All of the political committees set up by an organization of national or international unions [e.g., the AFL-CIO] and all of its State and/or local central bodies are affiliated.

These rules require rejection of the complainant's assertion that respondents can be found to be affiliated on the strength of a showing of "coordination" of and a similar pattern of" contributions.1/

B. The only evidence cited by complainant in support of its claim that the AFL-CIO COPE/PCC and respondent union political committees "coordinated" their contributions to Mondale delegate committees is that representatives of 15 or 16 international unions attended a meeting on March 22, 1984 chaired by AFL-CIO COPE Director John Perkins, and that 39 percent of all of the delegate committee contributions made by respondent AFL-CIO COPE/PCC and respondent union political committees during February and March of 1984 occurred on or within seven days of that meeting.

Complainant is correct in stating that AFL-CIO COPE Director John Perkins met with representatives of certain AFL-CIO affiliated international unions on March 22, 1984 at one of a series of regular meetings of the political directors of AFL-CIO member unions held for the purpose of discussing internal political education and get-out-the-vote activities jointly undertaken by the AFL-CIO and those unions.2/ At the March 22 meeting Mr. Perkins did provide information on New York Mondale delegate committees and urged the unions represented at the meeting to consider making contributions to those committees. Neither Mr. Perkins nor any other AFL-CIO staff member made any effort to control the decision of any union political committee on whether to make such a contribution. Nor did the AFL-CIO monitor union political committee contributions to New York delegate committtees; until the complaint herein was served, Mr. Perkins had no knowledge, except where the information was volunteered by an international union, concerning the extent of such contributions.

1/ Respondents call to the Commission's attention the fact that one of the union political committees named in the complaint, the UMWA Coal Miners PAC, is the political committee of a union that is not affiliated with the AFL-CIO. Respondents acknowledge that the test for determining whether the United Mine Workers of America Coal Miners PAC is affiliated with the AFL-CIO COPE/PCC is the general test for affiliation set out in §100.5(g)(2) of the Committee's regulations (i.e., whether the committees are "established, financed, maintained or controlled by the same corporation, labor organization, person or group of persons"), but denies any such relationship with the UMWA Coal Miners PAC and notes that complainant has proffered no evidence whatsover of any such relationship.

2/ No UMWA representative was present at the March 22, 1984 meeting chaired by COPE Director John Perkins, nor do UMWA representatives participate in the regular meetings of the political directors of AFL-CIO member unions held for the purpose of discussing internal political education and get-out-the-vote activities jointly undertaken by the AFL-CIO COPE and those member unions.

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In sum, the March 22 meeting constituted an exercise of the AFL-CIO's statutory right to communicate on any subject with its members. See 2 U.S.C. §441b(b)(2)(A). The exercise of that right does not make AFL-CIO COPE/PCC affiliated with the international union political committees with whom the AFL-CIO communicates. The legislative history of §441a(a)(5) clearly demonstrates that in framing the antiproliferation rules Congress fully understood that the AFL-CIO had a statutory right to communicate with its member unions and their members and families and that the Federation exercised that right. Congress nevertheless determined that the exercise of that right should not prevent the AFL-CIO and its affiliated national and international unions from sponsoring separate political committees with separate contribution limits. See respondents' reply to FEC MUR 1605 dated January 27, 1984, at 5-7. A determination of affiliation based on communications between the AFL-CIO and its affiliates would not only be contrary to the language and legislative intent of §441a(a)(5) but would also lead to the absurdity that any political committee that exchanged information with any other political committee regarding campaign related matters becomes affiliated with the recipient of the information.

Complainant's observation that 39 percent of the cited contributions by the respondent union political committees during the months of February and March, 1984, occurred on or within seven days of the March 22 meeting discussed above is nothing more than playing with numbers. The New York primary took place on April 3, 1984 and the Pennsylvania primary on April 10, 1984. In light of the sequence of Democratic Presidential primaries and caucuses beginning February 20 in Iowa and February 28 in New Hampshire, followed by primaries and caucuses in 25 states during the first three weeks in March, the end of March is when one would expect contributions to New York and Pennsylvania committees to be made. And, due to the large number of delegates at stake, the relatively large number of Mondale delegate committees in operation, the large number of union members serving on delegate committees, and the large number of union members in these two highly industrialized states, it is not surprising that union political committees should have determined to concentrate resources on the election of Mondale delegates in those primaries. In contrast, the earlier primaries had been in states having far fewer delegates and union members. Moreover, complainant fails to mention that 23 percent of the total contributions for February and March made to Mondale delegate committees by the respondent union political committees were made in the week preceding the March 22 meeting, or that three of the political committees named as respondents — AFL-CIO COPE/PCC, the Bricklayers and Allied Craftsmen PAC, and the United Mine Workers of America Coal Miners PAC — made no contributions whatsoever to Mondale delegate committees during the week following the March 22 meeting. Thus, the timing of the contributions made by respondent union political committees does nothing to prove complainant's allegations.

While it is claimed that the list of contributions to Mondale delegate committees during February and March "demonstrates that respondent union PACs ... have engaged in similar patterns of contributions," no pattern is described nor is any pattern that supports complainant's theory discernible. Upon receipt of the complaint, respondent AFL-CIO COPE/PCC prepared from FEC reports a list of the February and March contributions by the respondent political committees on a state-by-state, committee-by-committee basis. That list, a copy of which is appended hereto as Attachment A, shows that approximately 60% half of the

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committees received contributions from only one of the respondent union political committees, while the other 40% received contributions from as few as two and as many as nine different union political committees. The particular combinations of union political committees that gave to the delegate committees, the dates on which the contributions were made, and the amounts of the contributions all vary widely from delegate committee to delegate committee. This lack of a pattern belies complainant's allegations.

2. The AFL-CIO COPE/PCC Has Not Knowingly and Willfully Made Excess Contributions To The Mondale For President Committee or To Any Mondale Delegate Committee

AFL-CIO COPE/PCC's contributions to Mondale delegate committees are set out in the margin.3/ In making these contributions, the AFL-CIO COPE/PCC and its treasurer, Thomas R. Donahue, relied on a memorandum, a copy of which is appended hereto as Attachment B, prepared by the committee's counsel, describing the Commission's delegate regulations governing contributions to and expenditures by delegates and delegate committees. (11 C.F.R. 110.14.) The memorandum states that contributions from labor organizations' voluntary separate segregated funds to delegate committees are lawful but are subject to the $5000 per political committee per year contribution limit stated in 2 U.S.C. §441a(a)(2)(C).

Respondents' contributions to delegate committees were made with the good faith belief that each of the committees were independent from each other and from the Mondale For President Committee and that each delegate committee had a separate contribution limit for purposes of 2 U.S.C. §441a. Respondents made the independent decision to contribute to those delegate committees based on their own assessment of what contributions would further the AFL-CIO's interest in achieving the election of Mondale delegates in general and labor union delegates in particular.

Based on the above, respondents deny that they have "knowingly and willfully" violated 2 U.S.C. §441a. Furthermore, since respondents acted in good faith reliance on §110.14 of the Commission's regulations in making contributions to delegate committees, respondents submit that they should not be subject to any sanctions under the Act in relation to the making of those contributions. See 2 U.S.C. §438(e).4/

3/ A $1000 contribution to the South Florida Delegates For Mondale Committee on 3/8/84; a $3000 contribution to the Mondale 15th District Delegate Committee (Florida) on 3/9/84; a $1000 contribution to the Mondale Delegate Congressional District Eight Committee (Florida) on 3/9/84; a $5000 contribution to the Delegates Committee With Mondale (Puerto Rico) on 3/12/84; a $3200 contribution to the 17th District Mondale Delegate Committee (Illinois) on 3/15/84; a $3200 contribution to the 22nd District Mondale Delegate Committee on 3/15/84; a $3200 contribution to the 19th District Mondale Delegate Committee (ILL) on 3/15/84; a $600 contribution to the Mondale Delegates D.C. Commmittee on 3/16/84; and a $5000 contribution to the Mondale Delegates At Large Committee of Maryland on 4/19/84.

4/ The complaint (at pp. 22-23) offers the suggestion that the respondent AFL-CIO COPE/PCC and respondent union political committees are somehow affiliated with the Mondale for President Committee and various delegate committees. The basis for this suggestion, so far as we understand it, is the allegation that for

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For the foregoing reasons, respondents respectfully request that the Commission find no reason to believe that respondents have violated the Federal Election Campaign Act and that the Commission dismiss the complaint against them.5/

Sincerely,

Laurence Gold

Laurence Gold

Margaret E. McCormick

Margaret E. McCormick

(footnote 4 continued): certain periods some of the delegate committees named in the complaint received a "significant part" of their contributions from union political committees and the further allegation that an individual who is an officer of a Florida county AFL-CIO is also an assistant treasurer to a delegate committee in Florida. These allegations are plainly insufficient to demonstrate affiliation. See FEC Advisory Opinion 1982-21. We add only that there is nothing in the Act that puts individuals who are officers of local labor organizations to the choice between resigning their union officer position or foregoing their right to seek delegate status.

5/ The supporting documents submitted by complainants includes affidavits from two persons who allege that they found COPE materials at the office of the Mondale At-Large Delegate Committee at 1420 Walnut Street in Philadelphia. The affidavit of private investigator Albert Brown (Attachment D of the complaint) states that Mr. Brown discovered and stole an AFL-CIO COPE poster headed "Reaganism: A Price Too High" from the bathroom of the delegate committee office. Copies of the AFL-CIO COPE poster described above were distributed solely to AFL-CIO members and their families. The AFL-CIO has no knowledge of how one copy of that poster found its way into the bathroom of the above-described delegate committee. In any event, it is clear that the recirculation of a single COPE poster outside the AFL-CIO's restricted class is de minimis and therefore does not violate the statute or the Commission's regulations. See FEC Advisory Opinions 80-139; 79-50.

The affidavit of Nicole Chambers (Attachment E of the complaint) states that among the "campaign material" that she was asked to distribute to unidentified individuals coming into the delegate committee office was a two-page flyer bearing the logo of the Pennsylvania AFL-CIO Committee on Political Education. The flyer, appended as Exhibit 9 to Attachment E, was prepared by the Pennsylvania AFL-CIO for distribution to AFL-CIO members and their families. Copies of the flyer were distributed only to AFL-CIO local central bodies. The Pennsylvania AFL-CIO has repeatedly instructed such local central bodies not to distribute COPE materials to anyone but AFL-CIO members and their families. The Pennsylvania AFL-CIO has no knowledge of how copies of the flyer came to be in the office of the delegate committee.

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ATTACHMENT A

MONDALE DELEGATE COMMITTEE

CONTRIBUTIONS RECEIVED FROM AFL-CIO COPE/PCC OR RESPONDENT UNION POLITICAL COMMITTEES FEBRUARY - MARCH 1984

FLORIDA

So. Fla. Dels for Mondale
1) CWA 3/5 $1,000
2) AFT 2/21 $2,000
3) AFSCME 3/7 $5,000
4) COPE 3/9 $1,000

C.D. 2 Dels. for Mondale
1) AFSCME 2/22 $1,000

Dels. for Mondale 3rd C.D.
1) CWA 3/8 $1,000
2) AFT 2/13 $2,000
3) AFSCME 3/12 $2,000

5th C.D. Dels. for Mondale
1) CWA 3/5 $1,000
2) AFSCME 2/22 $1,000

C.D. 6th Dels. for Mondale
1) AFT 2/16 $500

C.D. 7th Dels. for Mondale
1) AFSCME 3/1 $1,000

Mondale Dels. C.D. 8th
1) COPE 3/9 $1,000 ($500 returned)

C.D. 9th Dels. for Mondale
1) AFT 2/17 $2,000

C.D. 11th Dels. for Mondale
1) AFT 2/27 $500

Northern C.D. (12th) Dels. for Mondale
1) AFT 2/27 $500

Mondale Dels. C.D. 13
1) AFSCME 2/22 $1,000

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14th C.D. Dels. for Mondale
1) AFT 2/16 $500

Mondale 15th Dist. Del. Comm.
1) AFT 2/16 $1,500
2) COPE 3/9 $3,000

Mondale 16th Dist. Del. Comm
1) AFSCME 3/12 $2,000

ILLINOIS

1st C.D. of Ill. Del. Comm. to Mondale
1) AFT 2/15 $1,000

2nd C.D. Mondale Comm.
1) CWA 3/2 $1,000
2) AFT 2/15 $1,000

3rd C.D. Mondale Del. Comm
1) Ironworkers 3/14 $5,000 (voided)
2) AFT 2/15 $1,000
3) AFSCME 2/17 $2,000

4th C.D. Mondale Dels.
1) AFT 3/2 $1,000

Dels. for Mondale Comm. (6th C.D.)
1) AFT 2/15 $1,000

Ill. 7th Dist. Mondale Del. Comm.
1) Bricklayers 3/1 $500
2) ACTWU 3/8 $1,000
3) AFT 3/16 $1,500

9th C.D. Mondale Dels.
1) AFSCME 2/17 $2,000

11 C.D. Mondale Del. Comm.
1) SEIU 2/24 $1,000
2) AFSCME 2/29 $1,000

12th Dist. Mondale Dels.
1) UAW 2/14 $2,000 ($1,717.74 Returned)

15th Dist. Dels. for Mondale
1) AFSCME 2/10 $5,000

16th Dist. Mondale Dels.
1) UAW 2/14 $2,000

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17th Dist. Mondale Dels.
1) UAW 2/14 $2,000
2) COPE 3/15 $3,200 ($1,563.36 Returned)

18th Dist. Mondale Dels
1) UAW 2/14 $2,000

19th Dist. Mondale Dels.
1) UAW 2/14 $2,000
2) COPE 3/15 $3,200

20th Dist. Dels. for Mondale
1) Carpenters 2/29 $5,000
2) UAW 2/14 $2,000

22nd District Mondale Del. Comm.
1) COPE 3/15 $3,200
2) UMWA 2/16 $200
3) UMWA 2/8 $4,800

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KENTUCKY

Kentucky At-Lge. Mondale Comm.
1) UFCW 3/21 $5,000
2) UMWA 3/21 $5,000

MARYLAND

Montgomery Co. Mondale Del. Comm.
1) Machinists 3/23 $500 (Returned)

MASSACHUSETTS

6th Dist. Dels. for Mondale
1) SEIU 3/5 $500

MICHIGAN

6th Dist. Dels. for Mondale
1) UAW 3/15 $3,000

MONTANA

Mt. At-Lge. Dels. for Mondale
1) AFT 3/21 $1,000

NEW HAMPSHIRE

N.H. 1st Dist. Dels. to Mondale
1) Bricklayers 2/9 $5,000
2) ACTWU 2/16 $5,000
3) AFT 2/9 $5,000
4) AFSCME 2/10 $5,000

N.H. 2nd Dist. Dels. for Mondale
1) CWA 2/10 $5,000
2) UFCW 2/23 $5,000
3) AFSCME 3/23 $1,350
4) UMWA 2/22/84 $5,000

NEW YORK

N.Y. State At-Lge. Del. Comm. for Mondale
1) ACTWU 3/23 $2,500
2) CWA 3/23 $5,000
3) UFCW 3/23 $5,000
4) Ironworkers 3/28 $5,000 ($1,000 Returned)
5) Machinists 3/23 $5,000
6) AFT 3/22 $5,000
7) SEIU 3/22 $5,000
8) UAW 3/23 $5,000
9) AFSCME 3/23 $5,000

Lower Hudson Dels. for Mondale
1) AFSCME 3/23 $565

Northern County Dels. for Mondale
1) AFSCME 3/23 $1,210

Northern N.Y. Dels. for Mondale
1) Machinists 3/26 $1,000

Southern Tier Comm. for Mondale
1) AFT 3/22 $1,500
2) AFSCME 3/23 $500

Long Island 1st C.D. Dels.
1) AFT 3/22 $2,000

Long Island Mondale Del. Comm. (2nd C.D.)
1) CWA 3/20 $2,500

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Long Island Mondale 4th C.D.
1) AFSCME 3/23 $2,055

6th C.D. Dels. for Mondale
1) AFSCME 3/23 $1,910 (2)

7th C.D. Dist. Dels. for Mondale
1) AFT 3/23 $500
2) AFSCME 3/23 $45

8th C.D. Dels. for Mondale
1) AFSCME 3/23 $610

9th C.D. Dels. for Mondale
1) AFT 3/23 $250
2) AFSCME 3/23 $625 (2)

10th C.D. Dels. for Mondale
1) AFT 3/23 $500

Dels. for Mondale 11th C.D.
1) AFT 3/23 $250
2) AFSCME 3/23 $760

Dels. for Mondale 12th C.D.
1) AFT 3/23 $250
2) AFSCME 3/23 $760 (2)

Dels. for Mondale 13th C.D.
1) AFSCME 3/23 $15

Dels. for Mondale 14th C.D.
1) AFT 3/23 $250
2) AFSCME 3/23 $605 (2)

15th C.D. Dels. Coalition for Mondale
1) AFT 3/23 $750
2) AFSCME 3/23 $ 1,710 (2)
3) AFT (N.Y.) 2/27 & 31 $370

16th C.D. Dels. for Mondale
1) AFSCME 3/23 $835 (2)

Mondale 19th C.D. Dels. Comm.
1) AFT 3/23 $750
2) AFSCME 3/23 $1,610 (2)

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18th C.D. Dels. for Mondale
1) AFSCME 3/23 $400 (2)

Mondale 19th C.D. Dels. Comm.
1) AFT 3/23 $300
2) AFSCME 3/23 $1,225 (2)

22nd C.D. Dels. for Mondale
1) Carpenters 3/29 $2,000

23rd C.D. Dels. for Mondale
1) AFSCME 3/23 $3,000

Naples Mondale for Pres. Slate (24th C.D.)
1) AFT 3/23 $1,300
2) AFSCME 3/23 $715

25th Dels. for Mondale
1) AFSCME 3/23 $775

28th C.D. Dels. for Mondale
1) AFT 3/22 $2,000

Comm. for Western N.Y. Demo. Del. (31st C.D.)
1) Carpenters 3/20 $2,000
2) ACTWU 3/20 $1,000 & 3/23 $1,000
3) UFCW 3/23 $2,000
4) AFT 3/22 $3,000

Mondale's Team (32nd C.D.)
1) Carpenters 3/29 $1,000
2) CWA 3/26 $500
3) AFT 3/22 $3,000
4) AFSCME 3/23 $1,215

PENNSYLVANIA

PA. At-Large Dels. for Mondale
1) Bricklayers-3/21/84 $2,000.00
2) CWA-3/23/84 $5,000.00
3) UFCW-3/22/84 $5,000.00 - ($1,000.00 Returned)
4) Ironworkers-3/28-29/84 $5,000.00
5) AFT-3/21/84 $5,000.00
6) SEIU-3/22/84 $4,000.00
7) UAW-3/23/84 $5,000.00
8) AFSCME-3/23/84 $5,000.00

Phila. Demo. Co. Exec. Comm.
1) Machinists-3/23/84 $5,000.00
2) SEIU-3/22/84 $5,000.00

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2nd C.D. Dels. for Mondale Comm.
1) AFT-3/21/84 $5,000.00
2) AFSCME-3/24/84 $1,000.00

3rd C.D. Dels. for Mondale Comm.
1) AFT-3/21/84 $1,500.00

10th C.D. Dels. for Mondale Comm.
1) AFT-3/21/84 $1,000.00

12th C.D. Dels. for Mondale
1) SEIU-3/19/84 $1,000.00
2) UMWA-3/21/84 $5,000.00

14th C.D. Dels. for Mondale
1) Machinists-3/23/84 $2,500.00
2) AFT-3/21/84 $2,000.00

PA. 17th C.D. Dels. for Mondale Comm.
1) SEIU-3/26/84 $1,000.00 (Returned)

PA. 18th C.D. Dels. for Mondale
1) Bricklayers 3/21/84 $3,000.00

21st Mondale Del. Comm.
1) AFSCME-3/23/84 $1,500.00

22nd C.D. Dels. for Mondale
1) UMWA 3/21/84 $5,000.00

23rd Mondale Del. Comm.
1) AFSCME-3/23/84 $1,000.00

PUERTO RICO

Delegates Comm. With Mondale
1) COPE 3/12 $5,000

RHODE ISLAND

1st C.D. Mondale Del. Comm.
1) AFSCME-3/12/84 $2,500.00

2nd C.D. Mondale Del. Comm.
1) AFSCME-3/12/84 $2,500.00

VIRGINIA

3rd C.D. Mondale Del. Selection Comm.
1) UMWA 3/21/84 $5,000

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WISCONSIN

Wisconsin At-Large Mondale Dels.
1) CWA-3/21/84 $5,000.00
2) APSCME-3/24/84 $5,000.00

Wisconsin 5th C.D. Mondale Del. Comm.
1) CWA-3/21/84 $5,000.00

DISTRICT OF COLUMBIA

Mondale Dels. D.C. Comm.
1) AFT-3/19/84 $500.00
2) APSCME-3/7/84 $1,000.00
3) COPE 3/16 $600.00

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ATTACHMENT B

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT SECRETARY-TREASURER THOMAS R. DONAHUE

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Alvin E. Heaps
John DeConcini
Joyce D. Miller
Frank Drozak
Richard I. Gilroy
William H. Bywater

September 28, 1983

MEMORANDUM

TO: John Perkins

FROM: Larry Gold and Peggy McCormick

RE: FECA Rules on Contributions to and Expenditures by Individuals

The purpose of this memorandum is to summarize the Federal Election Campaign Act's (FECA) provisions and the Federal Election Commission's (FEC) regulations that govern contributions to and expenditures by individuals who seek to become delegates to a national nominating convention. The rules set out below apply to all levels of the delegate selection process — from the precinct level up — and to all methods of delegate selection — by primary, by convention, by caucus.

Since the FEC regulations on contributions to and expenditures by delegate(s) running individually differ significantly from the regulations applying to delegates running as a delegate committee, the rules applicable to each type of delegate campaign are treated separately below.

The term "delegate" as used herein includes: any individual who becomes or seeks to become a delegate, as defined by state law or party rule, to a national nominating convention, or to a State, district, or local convention, caucus, or primary which is held to select delegates to a national nominating convention.

The term "delegate committee" as included herein includes: a group of delegates, a group of individuals jointly seeking selection as delegates and a group of individuals supporting delegate(s) which has either jointly received contributions aggregating more than $1000 or jointly made expenditures aggregating more than $1000 during a calendar year. (For example, a delegate slate that receives more than a $1000 in contributions or spends more than $1000 is a "delegate committee.")

NOTE: While delegates are not federal "candidates" within the meaning of the FECA, funds donated to or spent by or on behalf of delegates and delegate committees are treated as "contributions" and "expenditures" made in connection with a federal election". Labor organizations, therefore, are: (1) prohibited from making such contributions or expenditures out of treasury funds (11 C.F.R. 110.14(f)); (2) permitted to contribute to delegates and delegate committees

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from their voluntary separate segregated funds (PACs), subject to the limits discussed below; and (3) permitted to spend treasury money on partisan communications in connection with the delegate selection process aimed at the organizations' members and their families. (The rules governing the use of treasury money for registration/get-out-the-vote drives depend on the type of delegate selection process; because of the resulting complexity, those rules are not summarized in this memorandum.

I. Delegates Running Individually

A. Registration/Reporting

Individual delegates do not have to register with the Federal Election Commission nor are they required to file reports of the contributions they receive or the expenditures they make with the FEC.

B. Contributions To

1. Individual delegates may not accept treasury money contributions (including in-kind contributions of goods or services) from labor organizations, corporations, incorporated membership organizations, trade associations, government contractors or foreign nationals. 11 C.F.R. 110.14(f).

2. Political committees, including PACs and party committees, may contribute unlimited amounts of voluntary money to an individual delegate(s).

3. Individual delegates may spend unlimited amounts of their personal funds on their own delegate campaigns.

4. Other individuals may contribute up to $25,000 to an individual delegate, to the extent that such other individuals have not already depleted their annual contribution limit of $25,000.

5. Individual delegates may accept contributions from a Presidential candidate's campaign committee. Such contributions count against the contributing Presidential candidate's primary expenditure limits.

6. Contributions made to a delegate for the purpose of furthering his or her selection are not treated as a contribution to a Presidential candidate even if that delegate is pledged to or has announced his or her support of a particular Presidential candidate.

C. Expenditures By

1. General Rule. An individual delegate may make unlimited expenditures out of personal funds or from funds contributed to his or her delegate campaign to promote his or her own selection as a delegate. Such expenditures may include: expenditures for campaign materials and communications solely advocating the individual's own selection as a delegate, as well as, expenditures for travel and subsistence during the delegate selection process and during the national convention. Such expenditures do not count as contributions to or towards the spending limits of a Presidential candidate to whom the delegate may be pledged or

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by whom the delegate may be authorized.

2. Grassroots Campaign Materials. An individual delegate may spend unlimited amounts of personal funds or funds contributed to his/her delegate campaign on grassroots campaign materials which mention both the individual delegate's name and the name of a Presidential candidate whom the delegate supports. Grassroots campaign materials include: buttons, bumperstickers, leaflets, brochures, posters, yard signs and similar items. These items may only be used in connection with volunteer activity (they may not be distributed by a commercial vendor) and not for general public advertising. A delegate's expenditures for these items will not count as a contribution to a Presidential campaign, even though the name of a Presidential candidate is mentioned. Delegates should not reproduce or otherwise incorporate a Presidential candidate's campaign materials in preparing these items. (See section 3(c) below.)

3. General Public Advertising

(a) An individual delegate may make unlimited expenditures for general public advertising (e.g., broadcast media, newspaper advertisements, magazine ads, billboards, and direct mail by commercial vendors or to lists purchased from commercial sources and similar types of advertising) provided that such advertising only advocates the delegate's own selection and does not mention the name of a Presidential candidate.

(b) If a delegate spends money for general public advertising (as defined above) advocating his or her selection and that advertising also mentions the name of a Presidential candidate an allocated share of the delegate's expenditure will be treated as: (1) a contribution-in-kind to that Presidential candidate if the expenditure(s) in question is made in cooperation or consultation with, or at the request or suggestion of, or is authorized by the Presidential candidate or any agent of the candidate, e.g., a member of his campaign staff. Such contributions by individual delegates may not exceed $1000 for the primary; or (2) an independent expenditure if the advertisement(s) expressly advocates the election of the named Presidential candidate and is not requested, suggested or authorized by or made in consultation or cooperation with that candidate or his campaign. Independent expenditures are not limited by the FECA but individuals must file reports with the FEC if their independent expenditures exceed $250 during a calendar year. The Act's disclaimer requirements apply to such "independent expenditures".

(c) Expenditures by a delegate to finance the distribution or republication in whole or in part of any broadcast or campaign materials prepared by a Presidential candidate or his campaign/agents will be treated as a contribution to that candidate if made in cooperation or consultation with or with the consent or at the request/suggestion of the candidate or his agents.

II. Delegate Committees

These rules apply to groups of individuals supporting delegate(s), to groups of individuals seeking selection as delegates, as well as to groups of delegates, if such individuals, acting as a group, either receive joint contributions aggregating more than $1000 or make joint expenditures aggregating more than $1000 during a calendar year. In general "delegate committees" are treated like any other "political committee" under the FECA.

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A. Registration and Reporting

A delegate committee must register as a political committee with the FEC within 10 days after it either receives contributions or makes expenditures totalling more than $1000. In order to register, such a committee must designate a treasurer and open a bank account. The committee must also maintain the contribution and expenditure records required by the FECA and file periodic reports of all contributions received by and all expenditures made by the committee with the FEC. Reporting information and forms may be obtained by calling the Commission toll free at 800-424-9530.

B. Contributions To

1. Political committees, including separate segregated funds, may contribute up to $5000 of voluntary money per year to a delegate committee. There is no limit on the number of delegate committees to which a political committee, including a separate segregated fund, may contribute.

2. Delegate committees may not accept treasury money contributions from labor organizations, corporations, incorporated membership organizations, trade associations, government contractors or foreign nationals.

3. Individuals, including individual delegates who are part of a delegate committee, may contribute up to $5000 per calendar year to a delegate committee, subject to their overall $25,000 annual contribution limit.

4. Contributions to a delegate committee do not count as contributions to a Presidential candidate to whom members of that committee may be pledged or whom they may support.

C. Expenditures By

1. General Rule. Delegate committees may spend unlimited amounts of the committee's funds on campaign materials or public advertising which advocates the selection of delegates but does not mention the name of a Presidential candidate.

2. Grassroots Campaign Materials. It also appears that delegate committees may spend unlimited amounts of the committee's funds on grassroots campaign materials which mention delegates' names and the name of a Presidential candidate provided that those materials are used for volunteer activity and not for general public advertising.

3. General Public Advertising. Delegate committee expenditures for general public advertising which urges the selection of delegates and also mentions the name of a Presidential candidate will be treated as allocable contributions-in-kind to the Presidential candidate whose name is mentioned, if the expenditures are made in cooperation or consultation with, or at the suggestion or request of, or are authorized by the Presidential candidate or his campaign. Delegate committees may not contribute more than $1000 to a Presidential primary campaign.

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Delegate committee expenditures for general public advertising which which urges the selection of delegates and also expressly advocates the election of a Presidential candidate will be treated as allocable independent expenditures (and thus will not count as a contribution to that candidate) provided that those expenditures are not made in cooperation or consultation with, or at the suggestion or request of, or with the authorization of the Presidential candidate whose name is mentioned or his agents, e.g., campaign staff. There is no limit on such "independent expenditures" but they must be reported by the delegate committee on its regular FEC reports.

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GCC # 3004

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

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Marvin J. Boede
Owen Bieber

June 7, 1984

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

RE: FEC MUR 1704

Dear Mr. Steele:

The Office of the General Counsel notified me today of the Commission's decision to deny the request of respondents AFL-CIO, AFL-CIO COPE/PCC, and Thomas R. Donahue for a 15 day extension to reply to the complaint in the above-referenced matter.

The purpose of this letter is to ask the Commission to reconsider that decision at least to the extent of granting respondents a brief extension of six days, from June 15 until June 21, 1984 in which to file their response.

As explained in his letter dated June 4, 1984, my co-counsel Laurence Gold is presently in Geneva, Switzerland participating in meetings of the International Labor Organization and must remain there until June 25, 1984. Therefore the preparation of our response to the complaint in this matter will necessarily require the transmission of information and written materials from one continent to another and back. Under these circumstances, it would be virtually impossible for us to prepare and file our response any sooner than June 21st.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick

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American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

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Owen Bieber

83:12

Mur 1704
Memo

June 4, 1984

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

Re: FEC Mur 1704

Dear Mr. Steele:

Pursuant to 11 C.F.R. 111.23, the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), the AFL-CIO Committee on Political Education Political Contributions Committee, and the undersigned hereby designate Laurence Gold and Margaret E. McCormick as our counsel with respect to the above-referenced matter.

Mr. Gold and Ms. McCormick are authorized to receive any notifications and other communications from the Commission in connection with this matter and to act on our behalf before the Federal Election Commission.

Mr. Gold's and Ms. McCormick's address is AFL-CIO Legal Department, 815 16th Street, N. W., Room 808, Washington, D. C. 20006. Their office telephone number is (202) 637-5390. Mr. Gold's home telephone number is (202) 966-9331; Ms. McCormick's home telephone number is (301) 656-9612.

Sincerely,

Thomas R. Donahue

Thomas R. Donahue
Secretary-Treasurer

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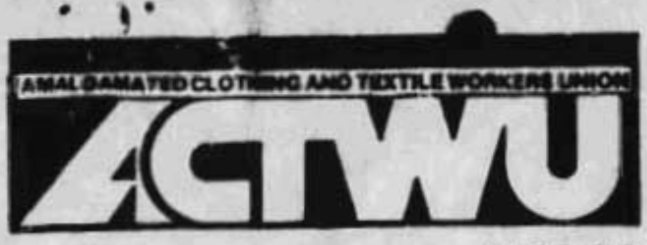
84 SEP 10 A9:17



MURRAY H. FINLEY
President

JACK SHEINKMAN
Secretary-Treasurer

SCOTT HOYT
Executive Vice President

AFL-CIO, CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 10 P3:50

September 6, 1984

EXPRESS MAIL #B38663394

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

Re: MUR 1704 - ACTWU-PAC

Dear Mr. Steele:

The following is the response of the Amalgamated Clothing and Textile Workers Union Political Action Committee ("ACTWU-PAC") to the notification in a letter dated August 14, 1984, that the Federal Election Commission determined there is reason to believe that ACTWU-PAC and John Fox, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) of the Federal Election Campaign Act of 1971, as amended (the "Act").1/

The Commission has failed to provide the factual basis supporting the finding that ACTWU-PAC violated the Act in its notification of reason to believe, as required by 11 C.F.R. § 111.9(a) of the Commission's own Regulations. The absence of any factual support for the vague allegations deprives Respondent ACTWU-PAC of the essential due process right to notice of its alleged wrong doing.

1/ For clarification, Jack Sheinkman is the treasurer of ACTWU-PAC, located at 15 Union Square, New York, New York, and named as Respondent in the Complaint. John Fox is the treasurer of an affiliated PAC, the Philadelphia Joint Board ACTWU-PAC, located at 22 South 22nd Street, Philadelphia, Pennsylvania.

VICE PRESIDENTS
JOHN ALLERUZZO
SAMUEL J. AZZINARO
KUMER CABAN
LES CALDER
FRANK CALECA
CHARLES RUC CLARK
ED CLARK
JEAN MARC COUTURE
OLGA DIAZ
JAMES DILLON
HENRY DROPKIN
BRUCE DUNTON
GARRY FERRARIS
JOHN FOX
SAM FOX
ANGELO G. GEORGIAN
HARRY GORDON
MARION E. GROCE
NICHOLAS GYORY
WILLIAM HALL
JOSEPH HUGHE
JAMES JACKSON
JAMES A. JOHNSON
ARTHUR LOEVY
RICHARD MacFADYEN
JOYCE D. MILLER
VERA MILLER
MURRAY MORENO
FRANK NICHOLAS JR
CARMEN PAPALE
BRUCE RAYNOR
CHARLES SALLEE
LEON SPITZER
PETER J. SWITSKA
CECIL TOPPIN
JIM WALRAVEN

The notification letter states that ACTWU-PAC made excessive contributions to the Mondale campaign. In fact, ACTWU-PAC has not made any contributions to the Mondale Campaign. The Commission has failed to set forth the dates and amounts of the specific campaign contribution it believes to be in excess of statutory limits.

The reason to believe letter further notifies ACTWU-PAC that the Commission voted to merge MURs 1667 and 1704, although MUR 1667 does not specifically name ACTWU-PAC as a respondent. The undersigned requested a copy of MUR 1667 from Federal Election Commission Attorney Stephen Mims, and was advised that the Commission's rules of confidentiality prevented him from providing a copy of MUR 1667. Consequently, ACTWU-PAC has been denied relevant information as to the basis of the merger of MURs 1667 and 1704 and the nature of the "similar allegations" as referenced in the reason to believe letter.

The serious procedural due process defects depriving ACTWU of the requisite notice of the specific allegations of violations of the Act make it inappropriate and impossible for ACTWU-PAC to provide any additional relevant information in this response. In the absence of any factual foundations for the alleged excessive contributions, ACTWU-PAC can only reassert its position as stated in its original response dated June 19, 1984. ACTWU-PAC made contributions to the various delegate committees listed in the Complaint based upon information and requests of local union representatives. ACTWU-PAC at all times acted in good faith reliance on the independent nature of the delegate committees and that contributions to each delegate committee were subject to a $5,000.00 maximum limit. ACTWU-PAC has at all times made best efforts to comply with the statutory limits as provided for in the Act and knows of no excessive contribution activity in violation of §441a(a)(2)(A) of the Act.

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For the above reasons, ACTWU-PAC respectfully requests that the complaint be dismissed as against ACTWU-PAC and that no further action be taken on MUR 1704.

Very truly yours,

Jean Ruby

Jean Ruby
Assistant General Counsel

JR/pb

cc: Lee Ann Elliot
✓Stephen Mims
Arthur M. Goldberg
Elizabeth Smith

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8 5 0 4 0 5 0 2 3 AP Cod. CLC
15 UNION SQUARE • NEW YORK, N.Y. 10003-3377

NEW YORK SEP 1 '84
84 SEP 10 A 8:

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

GC 4696

AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION
ACTWU
AFL-CIO, CLC

MURRAY H. FINLEY, President
JACK SHEINKMAN, Secretary-Treasurer
SCOTT HOYMAN, Executive Vice President

15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

RECEIVED OFFICE OF THE COMMISSION SECRETARY
84 SEP 10 P5:04

RECEIVED OFFICE OF THE GENERAL COUNSEL
84 SEP 11 A10:26

September 6, 1984

EXPRESS MAIL #B38663394

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

Re: MUR 1704 - ACTWU-PAC

Dear Mr. Steele:

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1/ For clarification, Jack Sheinkman is the treasurer of ACTWU-PAC, located at 15 Union Square, New York, New York, and named as Respondent in the Complaint. John Fox is the treasurer of an affiliated PAC, the Philadelphia Joint Board ACTWU-PAC, located at 22 South 22nd Street, Philadelphia, Pennsylvania.

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FRANK NICHOLAS JR.
CARMEN PAPALE
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JIM WALRAVEN

8504050239 2

The notification letter states that ACTWU-PAC made excessive contributions to the Mondale campaign. In fact, ACTWU-PAC has not made any contributions to the Mondale Campaign. The Commission has failed to set forth the dates and amounts of the specific campaign contribution it believes to be in excess of statutory limits.

The reason to believe letter further notifies ACTWU-PAC that the Commission voted to merge MURs 1667 and 1704, although MUR 1667 does not specifically name ACTWU-PAC as a respondent. The undersigned requested a copy of MUR 1667 from Federal Election Commission Attorney Stephen Mims, and was advised that the Commission's rules of confidentiality prevented him from providing a copy of MUR 1667. Consequently, ACTWU-PAC has been denied relevant information as to the basis of the merger of MURs 1667 and 1704 and the nature of the "similar allegations" as referenced in the reason to believe letter.

The serious procedural due process defects depriving ACTWU of the requisite notice of the specific allegations of violations of the Act make it inappropriate and impossible for ACTWU-PAC to provide any additional relevant information in this response. In the absence of any factual foundations for the alleged excessive contributions, ACTWU-PAC can only reassert its position as stated in its original response dated June 19, 1984. ACTWU-PAC made contributions to the various delegate committees listed in the Complaint based upon information and requests of local union representatives. ACTWU-PAC at all times acted in good faith reliance on the independent nature of the delegate committees and that contributions to each delegate committee were subject to a $5,000.00 maximum limit. ACTWU-PAC has at all times made best efforts to comply with the statutory limits as provided for in the Act and knows of no excessive contribution activity in violation of §441a(a)(2)(A) of the Act.

8504050239 3

For the above reasons, ACTWU-PAC respectfully requests that the complaint be dismissed as against ACTWU-PAC and that no further action be taken on MUR 1704.

Very truly yours,

Jean Ruby
Assistant General Counsel

JR/pb

cc: Lee Ann Elliot
Stephen Mims
Arthur M. Goldberg
Elizabeth Smith

8504050239 4

15 UNION SQUARE • NEW YORK, N.Y. 10003-3377
AR-CID CLC

RECEIV
84 SEP 1

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

AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION
ACTWU
AFL-CIO, CLC
15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

MURRAY H. FINLEY
President
JACK SHEINKMAN
Secretary-Treasurer
SCOTT
Executive Vice President

RECEIVED AT THE FEC
AM

GCC #4368

August 16, 1984

CERTIFIED MAIL NO. P17 2894298

Lee Ann Elliott, Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1704, ACTWU-PAC

Dear Chairman Elliott:

Respondent ACTWU-PAC requests a two week extension of time until September 10, 1984 to submit a response to the notification of the Commission's finding of reason to believe in MUR 1704 received in this office on August 16, 1984. The additional time is needed because of the out-of-town work schedule of the undersigned and the difficulty in reaching persons with relevant information due to vacation schedules.

Thank you for your prompt consideration of this request.

Very truly yours,

Joan Ruby

Joan Ruby
Assistant General Counsel

JR/pb

cc: Stephen Mims ✓
Arthur M. Goldberg
George A. Kirschenbaum

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VICE PRESIDENTS
JOHN ALLERUZZO
SAMUEL J. AZZINARO
KILMER CABAN
LES CALDER
FRANK CALECA
CHARLES BUD CLARK
ED CLARK
JEAN MARC COUTURE
OLGA DIAZ
JAMES DILLON
HENRY DROPKIN
BRUCE DUNTON
GARRY FERRARIS
JOHN FOX
SAM FOX
ANGELO G. GEORGIAN
HARRY GORDON
MARION E. GROCE
NICHOLAS GYORI
WILLIAM HALL
JOSEPH HUGHE
JAMES JACKSON
JAMES A. JOHNSON
ARTHUR LOEVY
RICHARD MacFADYEN
JOYCE D. MILLER
VERA MILLER
MURRAY MORENO
FRANK NICHOLAS JR
CARMEN PAPALE
BRUCE RAYNOR
CHARLES SALLEE
LEON SPITZER
PETER J. SWOBODA
CECIL TOPPIN
JIM WALRAVEN

15 UNION SQUARE • NEW YORK, N.Y. 10003-3377

RECEIVED AT THE FEC
84 AUG 20 A8:41

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

AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION

MURRAY H. FINLEY
President

JACK SHERMAN
Secretary-Treasurer

SCOTT NOVAK
Executive Vice President

FEC
BCC #36 98
JUN 20 AM 11:38

AFL-CIO, CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

June 19, 1984

Express Mail #38663435

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

Re: MUR 1704

Dear Mr. Steele:

The following is the response to the Complaint filed in MUR 1704 on behalf of the Amalgamated Clothing and Textile Workers Union (ACTWU) and Amalgamated Clothing and Textile Workers Union Political Action Committee (ACTWU-PAC).

The Complaint alleges that ACTWU-PAC is affiliated with other political committees named as Respondents in the Complaint, and made excessive contributions to Mondale Delegate Committees. ACTWU-PAC denies these allegations which are unsupported by any evidence proffered with the Complaint.

ACTWU-PAC is the federal separate, segregated fund and is not affiliated with any other political committee, including the other political committees named in the Complaint, within the meaning of the Federal Election Campaign Act (FECA) or the Regulations 11 CFR §100.5(g). ACTWU-PAC acted independently in deciding which delegate committees to contribute to, and in determining the timing and amounts of those contributions. The contributions to the various delegate committees listed in the Complaint were based on information and requests from ACTWU's local union representatives and members.

In making these contributions, ACTWU-PAC acted in good faith reliance on FEC regulations permitting such contributions and abided by the statutory contribution limits. 11 CFR §110.2(a)(3) and §110.14. ACTWU-PAC relied on the independent nature of these delegate committees in restricting contributions to the

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VICE PRESIDENTS

JOHN ALLEFUCO
SAMUEL J. AZZNARO
OLIVER CABAN
LES CALDER
FRANK CALICA
CHARLES BUD CLARK
ED CLARK
JEAN-MARC COUTURE
OLGA DIAZ
JAMES DILLON
HENRY DROPKIN
BRUCE DUNTON
GARRY FERRARIS
JOHN FOX
SAM FOX
ANGELO G. GEORGIAN
HARRY GORDON
MARION E. GROCE
NICHOLAS GHORI
WILLIAM HALL
JOSEPH HUGHE
JAMES JACKSON
JAMES A. JOHNSON
ARTHUR LOEW
RICHARD MCFADYEN
JOYCE D. MILLER
JERRY MILLER
MURRAY MORENO
FRANK NICHOLAS JR
CARMEN PARALI
BRUCE RAYNOR
CHARLES SALLEE
LEON SPITZER
PETER J. SNIDEROS
CECIL TOPPIN
JIM WALRAVEN

$5,000 maximum contribution limit to each delegate committee.

No specific allegation or proof has been presented in the Complaint to establish any wrong doing on the part of ACTWU-PAC or ACTWU.[1/] Therefore, Respondent ACTWU-PAC respectfully requests that the Complaint be dismissed as against ACTWU-PAC and that no further action be taken on MUR 1704.

Very truly yours,

Joan Ruby/gk

Joan Ruby
Assistant General Counsel

JR/mdc
cc: Stephen Mims
George A. Kirschenbaum

1/ The affidavit of Howard L. Miller, Jr., (Attachment K) is cited in support for the allegation that the ACTWU was operating in "close cooperation" with the Mondale Campaign (Complaint at 23). Although this allegation is unrelated to the gravaman of the Complaint and prayer for relief, a brief response follows.

First, it must be noted that statements in the affidavit are all hearsay reports from other investigators. Secondly, no illegal conduct on the part of ACTWU is described in the Affidavit, Attachment K.

No impropriety or violation of the FECA is committed if someone from the Mondale Campaign should suggest that a volunteer help out at a Union operated phone-bank. Nor is there any impropriety or violation if a Union should accept help from Volunteers in communicating to the restricted class of members and their families. Finally, there is no violation in volunteers addressing AFL-CIO mailings to be sent to AFL-CIO members and their families.

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Arthur M. Goldberg, George A. Kirschenbaum
Joan Ruby, Barbara Carey

ADDRESS: ACTWU
15 Union Square West
New York, N.Y. 10003

TELEPHONE: 212 242-0700

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.

June 6, 1984
Date

Signature

RESPONDENT'S NAME: Amalgamated Clothing & Textile Workers Union-PAC

ADDRESS: 15 Union Square West
New York, N.Y. 10003

HOME PHONE:

BUSINESS PHONE: 212 242-0700

8504050240

BCC#4358

LAW OFFICES
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SUITE 401
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WASHINGTON, D.C. 20006

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FREDERICK W. CODY (Ga.)
DONALD R. LAUGHRIDGE (Ga.)
J. MICHAEL WELLS (Ga.)
JAMES B. COPPESS (D.C. & Ga.)
J. PAUL BOUTWELL (D.C.)
MARGARET M. CLARK (D.C.)
DEBORAH GREENFIELD (D.C.)
MARY KATHRYN LYNCH (Ga.)
PATRICIA M. BIRA (D.C.)
MARCIA R. FREEMAN (Ga.)

August 17, 1984

AUG 17 P2:50

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

Re: MUR 1704
CWA-COPE PCC
Louis B. Knecht, Treasurer

Dear Mr. Steele:

This is to request an extension of time until September 7, 1984 to respond to the Commission's letter of August 14, 1984. This would amount to an extension of eleven days.

This additional time is necessary because, in addition to my normal duties, which entail a large amount of day-to-day administrative work, I am presently working on a court of appeals brief and on several cases pending in federal district court which will require close attention during the next two weeks. In addition, the Commission's letter comes immediately on the heals of the Communications Workers' annual convention--a time when it is customary for the staff and officers of the union to take vacation--and this may make it difficult to review this matter with the necessary persons.

Yours truly,

James B. Coppess

JBC/pbh

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LAW OFFICES
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SUITE 411
1925 K STREET, N.W.
WASHINGTON, D.C. 20006

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

APR 17 P 2:50

GCC#4588

LAW OFFICES
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PHILLIPPE W. CORY (Ga.)
DONALD R. LUNDBERG (Ga.)
J. MICHAEL WALLS (Ga.)
JAMES B. CRAVEN (D.C. & Ga.)
J. PAUL BRIDWELL (D.C.)
MARGARET M. CLARK (D.C.)
DEBORAH OSBORNE (D.C.)
MARY KATHRYN LYNCH (Ga.)
PATRICIA M. SIMS (D.C.)
MARTHA E. PERRIMAN (Ga.)

September 6, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 7 A9:03

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

Re: MUR 1704
Communications Workers of America
COPE PCC
Louis B. Knecht, as Treasurer

Dear Mr. Steele:

The Commission's letter of August 14, 1984, with respect to the above matter states:

> On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the CWA COPE PCC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents.

The letter contains no further explanation of the Commission's determination.

In our response to the complaint in this matter, we explained that CWA COPE-PCC contributed no more than $5,000 to any one delegate committee, and that it made contributions to delegate committees in the good faith belief that they were independent from one another and from the Mondale for President Committee in reliance upon the regulations of the Commission which state that contributions to a delegate committee are subject to a separate $5,000 limit for each delegate committee. Moreover, CWA COPE-PCC made no contributions to the Mondale for President Committee itself. Thus, we cannot understand the Commission's determination that there is reason to believe that CWA COPE-PCC "made contributions to the Mondale campaign, which, in the aggregate, were excessive."

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The Commission's letter offers no explanation whatsoever of the basis for its determination and makes no attempt to set forth the alleged factual basis supporting the finding. The problems created by the letter's failure to explain the basis for the Commission's determination are compounded by its reference to a complaint in another matter -- the contents of which are unknown to us because we are not respondents in that other matter. For these reasons, we find it impossible to respond to the Commission's letter beyond the statement in our earlier response to the complaint, which we have reiterated above.

Respectfully submitted,

James B. Comness

JBC/ver

8504050240 4

LAW OFFICES
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SUITE 411
1925 K STREET, N.W.
WASHINGTON, D.C. 20006

OFFICE OF THE
GENERAL COUNSEL

'94 SEP 7 A9:03

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

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84 JUN 20 A8:51

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J. PAUL BOUTWELL (D.C.)
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DEBORAH GREENFIELD (D.C.)
MARY KATHRYN LYNCH (Ga.)
PATRICIA M. BERA (D.C.)
MARCIA E. FREEMAN (Ga.)

GCC #3692

June 15, 1984

12 JUN 20 A9:21

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1704
CWA-COPE PCC
Louis B. Knecht, Treasurer

Dear Mr. Steele:

Enclosed is the form authorizing me to appear on behalf of the CWA COPE-PCC and its treasurer, Louis B. Knecht in the above matter. In accordance with your letter of June 8, 1984 to Ron Krouse, the response on behalf of CWA COPE-PCC and Mr. Knecht will be filed on Monday, June 18, 1984.

Yours truly,

James B. Coppess

JBC/stp

Enclosure

85040302406

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: James B. Coppess

ADDRESS: 1925 K Street, N.W., Suite 411
Washington, D.C. 20006

TELEPHONE: 202-728-2462

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.

6/15/84
Date

Signature

RESPONDENT'S NAME: Louis B. Knecht, Treas. CWA-COPE PCC

ADDRESS: 1925 K Street, N.W.
Washington, D.C. 20006

HOME PHONE:

BUSINESS PHONE: 202-728-2319

8504050240 7

LAW OFFICES
, SCANLON AND McHUGH, P.C.
SUITE 411
1825 K STREET, N.W.
WASHINGTON, D.C. 20006

84 JUN 20 A 8:5

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

6003670

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84 JUN 18 P 3: 25

LAW OFFICES
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WASHINGTON, D.C. 20006

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William A. McHugh, Jr. (Ga.)
Patrick M. Scanlon (D.C. & Ga.)
Frederick W. Coty (Ga.)
Donald R. Livingston (Ga.)
J. Michael Walls (Ga.)
James B. Coppess (D.C. & Ga.)
J. Paul Boutwell (D.C.)
Margaret M. Clark (D.C.)
Deborah Greenfield (D.C.)
Mary Katheryn Lynch (Ga.)
Patricia M. Siska (D.C.)
Marcia E. Fishman (Ga.)

Atlanta, Georgia Office:
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404/876-7100
Telecopier 404/874-9139

June 18, 1984

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1704
CWA-COPE PCC
Louis B. Knecht, Treasurer

Dear Mr. Steele:

This is the response on behalf of the Communications Workers of America Committee on Political Education PCC and its Treasurer Louis B. Knecht to the complaint filed in MUR 1704.

The complaint sets forth two general allegations against the respondent union political committees. First, it alleges that all of the union political committees named in the complaint are affiliated with each other and therefore subject to a single $5,000 contribution limit, and that they have exceeded that limit by contributing more than $5,000 in aggregate to each of the delegate committees named in the complaint. Second, the complaint alleges that even if the respondent union political committees are not affiliated with each other, each union political committee has "knowingly and willfully" violated 2 U.S.C. §441(a)(2)(C) by contributing in excess of $5,000 to the named delegate committees, which the complaint alleges are all affiliated with the Mondale for President Committee.

With respect to the first allegation, CWA COPE PCC is the separate segregated fund affiliated with the Communications Workers of America. CWA COPE PCC was established by and is maintained by the Communications Workers of America. The decisions with respect to contributions by CWA COPE PCC are made by the officers and staff of that organization and these decisions are based on the organization's view of which candidates will best serve the interests of workers represented by the Communications Workers of America. Thus, CWA COPE PCC is not affiliated, within the meaning of 2 U.S.C. §441a(a)(5), with any of the union political committees named in the complaint or with any other organization or committee besides the Communications Workers of America.

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With respect to the second allegation, CWA COPE PCC contributed to delegate committees in the good faith belief that these committees were independent of the Mondale for President Committee and that therefore each has a separate contribution limit. CWA COPE PCC contributed no more than $5,000 to any one delegate committee. In so doing, CWA COPE PCC relied upon the regulations of the Federal Election Commission, which state that contributions to a delegate committee are subject to a separate $5,000 limit for each delegate committee. 11 CFR §110.14. It remains the belief of CWA COPE PCC that the delegate committees to which it has contributed are independent of the Mondale for President Committee.

For these reasons, we request that the Commission dismiss the complaint against CWA COPE PCC in MUR 1704.

Respectfully submitted,

James B. Coppess

JBC/ver

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LAW OFFICES
ANLON AND McHUGH, P.C.
SUITE 411
25 K STREET, N.W.
HINGTON, D.C. 20006

HAND DELIVERED

84 JUN 18 P1:18

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

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GCC # 4580
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United Brotherhood of Carpenters and Joiners of America

WILLIAM A. McGOWAN
GENERAL COUNSEL
ROBERT J. PLEASURE
ASSOCIATE GENERAL COUNSEL
KATHY L. KRIEGER
ASSISTANT GENERAL COUNSEL
EDWARD J. GORMAN, III

101 CONSTITUTION AVE., N. W.
WASHINGTON, D. C. 20001

September 5, 1984

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

ATTN: Charles N. Steele
General Counsel

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 6 P2:00

RE: MUR 1704

Dear Mr. Steele:

The Respondent Carpenters Legislative Improvement Committee ("CLIC") hereby replies to the Commission's August 14, 1984 "reason to believe" finding in the above-captioned proceeding.

The Commission's letter asserts that "it appears that the CLIC made contributions to the Mondale campaign which, in the aggregate, were excessive" under 2 U.S.C. § 441a(a)(2)(A). That letter, however, does not apprise us of any of the alleged facts on which the Commission relied in reaching this conclusion. Since it is clear that CLIC never made any contributions to Mondale for President, the Commission's finding must have been premised on some other factual grounds nowhere articulated in the letter. We submit that such a "reason to believe" letter fails to comply with the Commission's own regulations, 11 CFR § 111.9 (a), which require the Commission to "[set] forth...the alleged factual basis supporting the finding".

Moreover, we believe that it is inconsistent with fundamental due process principles for the Commission to require that CLIC respond to an unspecified allegation of wrongdoing. CLIC cannot reasonably evaluate the conciliation option or demonstrate "that no further action should be taken against" it, without knowing in what respect the Commission believes CLIC made excessive contributions.

We note further that the Commission has officially "merged" the instant proceeding with another pending case, MUR 1667. Although we are now a formal respondent in this consolidated and expanded proceeding, CLIC has never even been furnished a copy of the complaint in MUR 1667. Here, again, the Commission's course of action fails to satisfy elemental notions of fairness and due process.

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Accordingly, at this point we are unable to respond in greater factual detail to the Commission's conclusory "reason to believe" notice in this proceeding.

Very truly yours,

Kathy L. Krieger

Kathy L. Krieger
Counsel for Respondent CLIC

KLK/mkd

8504050241 3

Y L. KRIEGER
T GENERAL COUNSEL
OF C. AND J. OF A.
TITUTION AVE., N.W.
STON, D. C. 20001

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

Charles N. Steele
General Counsel

RECEIVED AT THE FEC

84 AUG 22 A8:37

GCC #4405

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, et al.,	)	
Complainants,	)	
v.	)	MUR 1704
WALTER F. MONDALE, et al.,	)	
Respondents.	)	

AUG 22 A9:43

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REQUEST OF RESPONDENT
CLIC FOR EXTENSION OF TIME

The Respondent Carpenters Legislative Improvement Committee by its counsel hereby requests an extension of time from August 25 to and including September 7, 1984, in which to respond to the Commission's "reason to believe" letter, and states as follows in support of this request.

1. The Commission's August 14 letter was received by CLIC on August 15, 1984. Accordingly, CLIC was given until August 25 to submit any legal and factual materials relevant to the Commission's consideration of further action in this proceeding.

2. The wide-ranging legal and factual allegations made in the underlying complaint in this proceeding challenge the operations, structure, and finances of numerous unrelated organizations, separate segregated funds, and delegate committees throughout the United States, as well as a presidential candidate's campaign committee. Since the Commission's August 14 letter gives

no notice of what legal issues and theory the FEC is pursuing as possible violations with respect to CLIC, CLIC is unable to narrow the scope of issues for preparation of its response or evaluation of its posture regarding the conciliation process.

3. Due to the press of litigation and conflicts with previously scheduled proceedings, counsel for Respondent CLIC will be unable to compile and evaluate factual information and obtain sworn statements by the August 25 deadline. We believe that the requested extension of time is reasonable and will not prejudice any party. CLIC has not obtained any prior extensions of time in this matter.

WHEREFORE, CLIC respectfully urges the Commission to grant its request and extend the time for responding to and including September 7, 1984.

Respectfully submitted,

Kathy L. Krieger

Kathy L. Krieger
Counsel for Respondent Carpenters Legislative Improvement Committee
101 Constitution Avenue N.W.
Washington, D.C. 20001
202/546-6206

Dated at Washington, D.C.
this 21st day of August, 1984.

8 5 0 4 0 5 0 2 4 1 6

Y L. KRIEGER
GENERAL COUNSEL
F G. AND J. OF A.
TITUTION AVE., N. W.
TON, D. C. 20001

84 AUG 2 8:3

USA 20c

Federal Election Commission
Washington, D.C 20463

Re MUR 1704

85 AUG 24 P 3:43

6 cutt 3629

United Brotherhood of Carpenters and Joiners of America

WILLIAM A. McSWAIN
GENERAL COUNSEL
ROBERT J. PLEASURE
ASSOCIATE GENERAL COUNSEL
KATHY L. KRIEGER
ASSISTANT GENERAL COUNSEL
EDWARD J. SORMAN, III

101 CONSTITUTION AVE., N. W.
WASHINGTON, D. C. 20001

June 15, 1984

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

ATTN: Charles N. Steele, General Counsel
Kenneth A. Gross, Assoc. General Counsel

RE: MUR 1704

Dear Sirs:

Enclosed please find the Response of the Carpenters Legislative Improvement Committee to the Complaint in the above matter.

Very truly yours,

Kathy L. Krieger

Kathy L. Krieger
Counsel for Respondent CLIC

KLK/mkd

Enclosure

85040502419

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, et al.,	)	
Complainants,	)	
v.	)	MUR 1704
WALTER F. MONDALE AND MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al.,	)	
Respondents.	)	

RESPONSE OF RESPONDENT
CARPENTERS LEGISLATIVE IMPROVEMENT COMMITTEE

In accordance with the Federal Election Campaign Act, 2 U.S.C. § 437g(a)(1), and the Rules and Regulations of the Federal Election Commission, 11 CFR § 111.6(a), the Respondent Carpenters Legislative Improvement Committee (hereafter "CLIC") submits the following response demonstrating that no action should be taken against it pursuant to the Complaint in the above-captioned matter.

INTRODUCTION

The National Right to Work Committee filed the instant Complaint against Presidential Candidate Walter F. Mondale, the Can-

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didate's authorized Campaign Committee, and 13 separate political action committees (hereafter "PACs") established as separate segregated funds by 13 autonomous labor organizations.

The Complaint alleges that all 13 named Union PACs are "affiliated" with each other, within the meaning of 11 CFR § 100.5(g), and that they are therefore subject collectively to a single $5,000 limit on contributions to the Mondale for President Campaign Committee together with any and all committees of delegates backing candidate Mondale, which the Complainants allege to be "affiliated" committees. The Complaint further charges that the 13 Respondent Union PACs "knowingly and willfully" violated 2 U.S.C. § 441a by contributing, whether as affiliated entities or on an individual basis, more than $5,000 to delegate committees comprising Mondale supporters.

We submit that the Complaint and accompanying documents fail to establish a legal or factual basis for these allegations. With respect to Respondent CLIC, Complainants have failed to show, and we specifically deny, that CLIC is "affiliated" with any other of the named Respondent political committees. Moreover, Complainants cannot establish that CLIC knowingly and willfully made excessive contributions prohibited by § 441a. Accordingly, as set forth below, there is no basis for taking any action against Respondent CLIC in this matter.

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DISCUSSION

A. CLIC is Not Affiliated With Any or All Other Respondent Committees

CLIC is a separate, segregated fund within the meaning of 2 U.S.C. § 441b(b), established in 1966 by the United Brotherhood of Carpenters and Joiners of America (hereafter "UBC"), an autonomous International Union. The UBC is CLIC's sole "connected organization" and CLIC's governing documents vest control of this PAC exclusively in UBC officers. CLIC is not established, administered, financed, or controlled by any other labor organization outside of the UBC, and CLIC is not affiliated with any of the other Respondent committees named in this proceeding.

The conduct of CLIC cited by the Complainants herein consists solely of making contributions of $5,000 or less to five separate delegate committees in three states, during the periods when those respective states conducted their Democratic primary election and delegate selection processes. The decision to contribute CLIC funds to those recipients was an independent decision made by CLIC, based on its assessment of how best to further its espoused political and trade union principles, interests, and objectives in the upcoming Democratic National Convention. Such action, we submit, cannot establish CLIC's "affiliation" with any other named Respondent.

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B. CLIC Did Not Knowingly and Willfully Make Excessive Contributions

Under 2 U.S.C. § 441a(a)(2)(C), a multicandidate political committee may lawfully contribute $5,000 to any "political committee" in a calendar year. The applicable regulations (11 CFR § 100.5(e)(5)) specifically include, within the definition and examples of a "political committee", a "delegate committee" which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention. The regulations further provide (11 CFR § 220.14(b)(2), (e), and (f)) that contributions to such delegate committees are governed as to amount and source by 2 U.S.C. §§ 441a(a) and 441b.

In making contributions to the five recipient delegate committees mentioned in the Complaint, CLIC relied on the above statutory provisions and FEC regulations which, as construed by legal counsel, authorized CLIC as a separate segregated fund and qualifying multicandidate committee to contribute $5,000 or less from its funds to each "delegate committee". Each of CLIC's contributions was of $5,000 or less, in accordance with those statutory provisions and regulations and in the reasonable belief that each recipient committee should be individually deemed a delegate committee.

To substantiate the allegation of "knowingly and willfully" making excessive contributions, it must be established that CLIC knew and understood that its contributions would violate the Act, yet nonetheless proceeded to make the contributions in conscious

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and deliberate disregard of the statute and regulations. This condition cannot be met with respect to CLIC, since CLIC acted in reliance upon the legality of its contributions under the statute and specifically applicable regulations.

CONCLUSION

Because the record shows that CLIC is not affiliated with any other Respondent political committee in this matter, within the meaning of 11 CFR § 100.5(g), the amount of contributions made by the other Respondent Union PACs is not chargeable to CLIC for purposes of this proceeding. It cannot be established that CLIC "knowingly and willfully" exceeded the contribution limit of $5,000 per recipient committee under 2 U.S.C. § 441a(a)(2). Accordingly, the Complaint should be dismissed as to Respondent CLIC.

Respectfully submitted,

Kathy L. Krieger

Kathy L. Krieger
Counsel for Respondent CLIC
101 Constitution Avenue N.W.
Washington, D.C. 20001
202/546-6206

Dated at Washington, D.C.
this 15th day of June, 1984.

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

Hand
Deliver

RECEIVED AT THE FEC

United Brotherhood of Carpenters and Joiners of America

84 JUN 8 AM 11:57

WILLIAM A. McSOWAN
GENERAL COUNSEL
ROBERT J. PLEASURE
ASSOCIATE GENERAL COUNSEL
KATHY L. KRIEGER
ASSISTANT GENERAL COUNSEL
EDWARD J. GORMAN, III

101 CONSTITUTION AVE., N. W.
WASHINGTON, D. C. 20001

June 5, 1984

GCC # 3486
mms

Federal Election Commission
Washington, D.C. 20463

ATTN: Charles N. Steele, General Counsel
Kenneth A. Gross, Assoc. General Counsel

RE: MUR 1704

Dear Sir:

Enclosed please find the request of Respondent Carpenters Legislative Improvement Committee for an extension of time to respond in the above-captioned matter, together with a completed Designation of Counsel form.

Very truly yours,

Kathy L. Krieger

Kathy L. Krieger
Counsel for Respondent CLIC

KLK/mkd

Enclosure

8504050242 5

JUN 8 AM 9:53

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Kathy L. Krieger

ADDRESS: 101 Constitution Ave. N.W.
Washington, D.C. 20001

TELEPHONE: 202/546-6206

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.

6/5/84
Date

Signature
Treasurer, CLIC

RESPONDENT'S NAME: Carpenters Legislative Improvement Committee

ADDRESS: 101 Constitution Avenue N.W.
Washington, D.C. 20001

HOME PHONE:

BUSINESS PHONE: 202/546-6206

85040502426

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE AND RALPH MARTIN (BUD) HETTINGA, JR., Complainants,	)	
v.	)	MUR 1704
WALTER F. MONDALE AND MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al., Respondents.	)	

REQUEST OF RESPONDENT
CARPENTERS LEGISLATIVE IMPROVEMENT COMMITTEE
FOR EXTENSION OF TIME

The Respondent Carpenters Legislative Improvement Committee ("CLIC"), by its counsel, hereby requests an extension of time from June 15 to and including June 30, 1984, in which to submit its written response to the complaint filed in the above-captioned proceeding. In support of this request CLIC states as follows:

1. The complaint and supporting documents filed in this proceeding were received by Respondent CLIC on May 31, 1984.

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2. The materials served upon CLIC comprise a 26-page complaint and approximately 80 pages of affidavits and attachments. Complainants have made extensive factual assertions pertaining to numerous separate labor organizations, political committees, delegate committees, and individuals, and have instituted a comprehensive legal challenge to the structure, operations, financial transactions, and other conduct of such entities and individuals over a period of time. Given the complexity and variety of the factual and legal issues raised herein, counsel for Respondent CLIC will require substantial time to investigate the circumstances alleged, compile relevant documentation, and prepare a legal response to the Commission.

3. Counsel for CLIC is currently engaged in other litigation, including proceedings before the U.S. Court of Appeals for the D.C. Circuit, the National Labor Relations Board, and the Occupational Safety and Health Administration, which will prevent completion of a response in the instant matter by the June 15 deadline. Furthermore, counsel will require additional time in which to consult with political committee and delegate committee representatives who are not currently available in Washington, D.C. Accordingly, in order to permit an informed response and adequate investigation in this matter, CLIC believes that at least a 15-day extension of time is warranted.

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WHEREFORE, for all the above reasons Respondent CLIC respectfully asks that its request be granted and that the time for responding to the complaint herein be extended from June 15 to and including June 30, 1984.

Respectfully submitted,

Kathy L. Krieger

Kathy L. Krieger
Counsel for Respondent
Carpenters Legislative
Improvement Committee
101 Constitution Ave. N.W.
Washington, D.C. 20001
202/546-6206

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WILLIAM KONYHA

FIRST CLASS

PLEASE DO NOT FOLD

Federal Election Commission
Washington, D.C. 20463

GCC #4597

International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005 • Phone 202/ 783-3788

Office of the President

7 September 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 7 P2:50

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

RE: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the International Union of Bricklayers & Allied Craftsmen Political Action Committee (BACPAC) and its treasurer, Edward M. Belluscci, to the Federal Election Commission's letter of 14 August 1984, stating that the F.E.C. has determined that there is reason to believe that the respondents violated 2 U.S.C. § 441 a(a)(2)(A), a provision of the Federal Election Campaign Act.

The respondents specifically deny any violation of the Act, and respectfully urge the Commission to dismiss the complaint in MUR 1704.

The respondents are unable to respond in detail to the Commission's finding that there is reason to believe the respondents violated the Act, since the letter of 14 August 1984 fails to specify any factual basis for that determination. Under the applicable regulations, the Commission is required to specify in its notification of "reason to believe" not only the sections of the statute or regulations alleged to have been violated, but also "the alleged factual basis supporting the finding." Thus the Commission's reason-to-believe notification in the instant matter appears to violate 11 C.F.R. § 111.9 (a), a provision of the Commission's own regulations.

The only hint of the basis for the Commission's determination set forth in the letter of 14 August 1984 is the statement that ". . .it appears that the BACPAC made contributions to the Mondale campaign which, in the aggregate, were excessive." Respondents specifically deny that BACPAC has made contributions to the Mondale for President campaign in excess of any applicable contributions limit.

The complaint in MUR 1704 is based on allegations of affiliation between a variety of political committees. Respondents specifically deny that BACPAC is affiliated with any other political committee within the meaning of 11 C.F.R. § 100.5 (g). To the best of respondents' knowledge and belief, the delegate committees to which BACPAC made contributions are not affiliated with each other or with any other political committee. Since respondents are unfamiliar with the basis of the complaint in MUR 1667, which, according to the FEC's 14 August 1984 letter, has been merged with MUR 1704, we are unable to respond to any allegations set forth therein. Without more specific notice of the factual basis for the FEC's finding of reason to believe, respondents cannot effectively respond to the allegations.

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The contributions made by respondent BACPAC to delegate committees were made in good faith, with the understanding that said committees were independent from each other and from any other political committee. In making these contributions, respondents relied upon the Commission's regulations concerning contributions to delegate committees, which allow each separate delegate committee a separate contribution limit. 11 C.F.R. § 110.14.

Under the Federal Election Campaign Act, "any person who relies upon any rule or regulation prescribed by the Commission. . .and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act." 2 U.S.C. § 438 (e). Accordingly, since respondents relied upon the Commission's regulations concerning contributions to delegate committees, and acted in good faith in accordance with those regulations, respondents respectfully request that the Federal Election Committee dismiss the complaint in MUR 1704.

Sincerely yours,

Sarah Fox

Sarah M. Fox
Counsel for Respondent BACPAC

SF/kyp

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International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005

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

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International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005 • Phone 202/ 783-3788

Office of the President

GCC#4401

21 August 1984

Mr. Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20006

RE: FEC MUR 1704

Dear Mr. Steele:

This is in response to your letter of 14 August 1984 stating that the Federal Election Commission, upon review of the allegations contained in the complaint in MUR 1704 and the response to the complaint filed by the International Union of Bricklayers and Allied Craftsman Political Action Committee (BACPAC), has found reason to believe that the Federal Election Campaign Act has been violated.

The purpose of this letter is to request further time in which to submit material relevant to the Commission's consideration of this matter. Because I have been on vacation for the past 12 days, I have only today received your letter of 14 August. It is my understanding that the Commission's finding extends to each of the allegations in the complaint, and that it will therefore be necessary for respondent BACPAC to address in its response each of the number of theories advanced by the complainant in support of its claim that BACPAC has made excessive contributions to the Mondale campaign. In view of the broad range of legal and factual issues raised by the complaint, respondent BACPAC is unable to prepare the materials necessary to adequately respond within what remains of the 10-day reply period specified in your letter. Moreover, since I am the only staff attorney for the International Union in Washington and serve in that capacity on a part-time basis, it would be extremely difficult, if not impossible, for me to assemble these materials by the end of this month.

It is therefore respectfully requested that an extension be granted to and including 7 September 1984 in which to file the response of respondent BACPAC and its treasurer, Edward M. Bellucci, in this matter.

Sincerely,

Sarah Fox

Sarah Fox
Staff Attorney

SF/atd

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International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005

Steve Mims

~~Mr. Charles N. Steele~~
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20009

85140502435

BCC#3701

International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005 • Phone 202/ 783-3788

Office of the President

20 June 1984

Mr. Stephen Mims
General Counsel's Office
Federal Election Commission
Washington, D.C. 20463

RE: FEC MUR 1704

Dear Mr. Mims:

Enclosed please find a corrected version of the final page of the response of the International Union of Bricklayers and Allied Craftsmen Political Action Committee (BACPAC) to the complaint filed by the National Right to Work Committee in the above-referenced case. The change is in the fourth-to-last line of the second-to-last paragraph, and is intended to correct minor errors which occurred in typing the final response from hand-written revisions made on the initial draft.

Thank you for allowing me to submit this correction.

Sincerely yours,

Sarah Fox

Sarah Fox
Staff Attorney

enclosure

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P 5:45

In response to complainant's proferred "evidence" of affiliation, respondent BACPAC notes first that each of its four cited contributions to Mondale delegate committees was made prior to the March 22 meeting which complainant indicates was the impetus for the contributions. Second, respondent fails to see any "pattern" in the contributions made by BACPAC and the other union political committees named in the complaint, except insofar as three of the four delegate committees to which BACPAC made contributions also received contributions from various other union political committees. If complainant is suggesting that in a presidential primary race among three candidates, the fact that otherwise independent political committees with similar political goals all choose to support the election of delegates committed to the nomination of the candidate widely perceived to be the one most likely to support those goals is in and of itself sufficient to demonstrate "affiliation" within the meaning of 11 CFR §100.5(g), we submit that the separate contribution limits for separate political committees would be rendered meaningless.

For the foregoing reasons, respondent BACPAC respectfully requests that the Commission find no reason to believe that BACPAC violated the Federal Election Campaign Act and that the complaint be dismissed.

Sincerely yours,

Sarah Fox

Sarah Fox
Counsel for Respondent BACPAC

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International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005

Mr. Stephen Mims
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

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GCC#3686

International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005 • Phone 202/ 783-3788

Memo

Office of the President

June 18, 1984

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the International Union of Bricklayers and Allied Craftsmen Political Action Committee (BACPAC) to the complaint filed by the National Right to Work Committee in the above referenced matter.

The complaint alleges that respondent BACPAC "knowingly and willfully" violated the contribution limits of the Federal Election Campaign Act by making contributions of $5,000 or less during the months of February and March 1984 to four committees of delegates supporting the presidential candidacy of Walter Mondale in the states of New Hampshire, Illinois and Pennsylvania. In support of this claim, the complainant asserts that the delegate committees are affiliated with each other and with the Mondale for President campaign within the meaning of 11 CFR §100.5(g) and that no union political committee is therefore entitled to contribute more than $5,000 in the aggregate to Mondale delegate committees. The complainant further asks the Commission to find that the thirteen union political committees named in the complaint are "affiliated" with each other within the meaning of 11 CFR §100.5(g) and that they are therefore subject collectively to a single $5,000 limit on contributions to the allegedly "affiliated" Mondale delegate committees.

Respondent BACPAC specifically denies that its contributions to Mondale delegate committees were made in knowing and willful violation of any established contribution limit, or that BACPAC is "affiliated" with the other union political committees named in the complaint. Since, as we show below, the complainant has failed to establish a legal of factual basis for either of these allegations, we respectfully request that the Commission take no further action against respondent BACPAC with regard to this complaint.

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1. Respondent BACPAC Did Not Knowingly and Willfully Make Excessive Contributions to Any Mondale Delegate Committee

Section 441a(a)(2) of the Federal Election Campaign Act and the regulations interpreting that section specifically authorize multicandidate political committees such as respondent BACPAC to contribute up to $5,000 a year to any "political committee," including delegate committees that receive contributions and make expenditures for the purpose of influencing the selection of delegates to a national nominating convention. Respondent BACPAC's contributions to the four delegate committees cited in the complaint were made in good faith reliance on the statutory language and the regulations, and on the advice of legal counsel.

Respondent BACPAC made its contributions to the delegate committees in the good faith belief that the committees to which it made contributions were not "affiliated" as a matter of law, and the complainant has produced no evidence of any knowledge to the contrary on the part of BACPAC. Indeed neither the complaint nor the supporting documents submitted by the complainant even mention the Bricklayers union or its separate segregated fund, except to list its four contributions to delegate committees. Thus the complainant has failed entirely to substantiate its claim that BACPAC's contributions to Mondale delegate committees were made in deliberate disregard of the applicable contribution limits.

2. Respondent BACPAC is Not Affiliated With Any of the Other Union Political Committees Named in the Complaint

The only basis for complainant's claim that BACPAC is "affiliated" within the meaning of 11 CFR §100.5(g) is its assertion that the respondent union political committees "coordinated" their contributions to Mondale delegate committees and engaged in a "similar pattern of contributions" to delegate committees. In turn, the only evidence offered in support of the claim of "coordination" is that contributions by the respondent union political committees to Mondale delegate committees increased toward the end of March of 1984, after a March 22 meeting of representatives of a number of AFL-CIO affiliated unions chaired by AFL-CIO COPE Director John Perkins.

Respondent BACPAC is a separate segregated fund controlled solely by the International Union of Bricklayers and Allied Craftsmen and is not "affiliated" with any other organization within the meaning of 11 CFR §100.5(g). Decisions as to which candidates and political committees receive contributions from respondent BACPAC are and have in each case been made independently by John T. Joyce President of the International Union and Chairman of BACPAC, based on the recommendations of Bricklayers Communications Director Joan Baggett. In the case of the contributions to Mondale delegate committees that are the subject matter of the complaint, Ms. Baggett made her recommendations and President Joyce made his decisions as to which contributions would be made based on their assessments as to how BACPAC funds could be most effectively used to further the selection of delegates who are members of the Bricklayers Union in particular, and delegates who support the candidacy of Walter Mondale in general.

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In response to complainant's proferred "evidence" of affiliation, respondent BACPAC notes first that each of its four cited contributions to Mondale delegate committees was made prior to the March 22 meeting which complainant indicates was the impetus for the contributions. Second, respondent fails to see any "pattern" in the contributions made by BACPAC and the other union political committees named in the complaint, except insofar as three of the four delegate committees to which BACPAC made contributions also received contributions from various other union political committees. If complainant is suggesting that in a presidential primary race among three candidates, the fact that otherwise independent political committees with similar political goals all choose to support the election of delegates committed to the nomination of a candidate widely perceived to be the candidate most likely to support the goals is in and of itself sufficient to demonstrate "affiliation" within the meaning of 11 CFR §100.5(g), we submit that the separate contribution limits for separate political committees would be rendered meaningless.

For the foregoing reasons, respondent BACPAC respectfully requests that the Commission find no reason to believe that BACPAC violated the Federal Election Campaign Act and that the complaint be dismissed.

Sincerely yours,

Sarah Fox

Sarah Fox
Counsel for Respondent BACPAC

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International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Hand Delivered

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International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005 • Phone 202/ 783-3788

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84 JUN 8 PM 1:13

Office of the President

June 6, 1984

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1704

Dear Mr. Steele:

Enclosed please find the notice signed by Edward M. Bellucci, secretary-treasurer of the International Union of Bricklayers and Allied Craftsmen and treasurer of the Union's political action committee, designating the undersigned as counsel in the above-captioned matter.

Respondent received the complaint on June 1, 1984. Due to the length of the complaint and the complexity of the matters alleged, Respondent respectfully requests a 15-day extension of time to July 1, 1984 in which to respond to the complaint. The undersigned is the only staff attorney for the International Union and serves in that capacity on a three-day-a-week basis. Because of the large volume of internal administrative matters that must be attended to and my responsibilities in overseeing and coordinating ongoing litigation by and against the International Union in various fora, it would be extremely difficult to prepare an adequate response to the complaint within the period specified.

Respectfully submitted,

Sarah Fox

Sarah Fox
Staff Attorney

SF/kyp
enclosure

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Sarah Fox

ADDRESS: Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W.
Washington, D.C. 20005

TELEPHONE: (202) 783-3788

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.

6/4/84
Date

Edward M. Bellucci
Signature

RESPONDENT'S NAME: Edward M. Bellucci

ADDRESS: Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W.
Washington, D.C. 20005

HOME PHONE: (301) 299-8069

BUSINESS PHONE: (202) 783-3788

8504050244

International Union of
Layers & Allied Craftsmen
eenth Street, N.W., Washington, D.C. 20005

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

CERTIFIED
P 397 889 023

OGC # 4903

EPSTEIN BECKER BORSODY & GREEN, P.C.

ATTORNEYS AT LAW

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WASHINGTON, D.C. 20036
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(415) 398-5969

1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067†
(213) 556-8661

JEFFREY H. BECKER
ROBERT R. BORSODY
WILLIAM A. CARNELL*
STEVEN H. CARGEY**
STEVEN B. EPSTEIN
STUART H. GERSON
GILBERT J. GINSBURG
RONALD H. GREEN
WILLIAM A. HELVESTINE*
GREGORY R. HIESTAND*
ROBERT L. JAUVTIS*
WILLIAM G. KOPIT
DAVID C. MAIN, JR.
FRANK C. MORRIS, JR.
JAMES P. MULREEN*
WILLIAM C. OLDAKER
JOSEPH P. PARKER**
SUSAN SCHENKEL-SAVITT*
FRANKLIN R. SEARS**
HARRY N. TURK*
KENNETH B. WECKSTEIN

DANIEL B. ABRAHAMS
BRIAN A. BANNON
AMY J. BEECH*
PHILIP M. BERKOWITZ*
CAROL S. BERNHEIM*
STEPHEN B. BOOCHEVER
PAMELA S. BOVEY*
PAUL BROWNSTEIN*
DALE E. CALLENDER*

VICTORIA E. DeGANON*
ROBERT A. DOLINAS*
KAREN BONNIE EATON
THOMAS H. FARAH
LAURENCE W. FUTTERMAN*
PHILIP M. GASSEL*
PETER S. GRAY
DOUGLAS A. HASTINGS
LINDA S. HERSHA*
LESLIE J. KERMAN
WAYNE A. KEUP
SANDRA R. KING
BETTYE S. KITCH**
LAWRENCE W. KOLTUN
DENNIS A. LALLI*
DAVID H. LARRY
STEPHEN R. HILLS*
ROBERT J. MOSES
JOY D. OBERMAN*
INA A. PLOTSKY*
RICHARD J. REIBSTEIN*
ROBERT D. REIF
ARTHUR R. ROSE
LYNN E. SHAPIRO
RICHARD L. STEER*
PETER M. STEIN
LINDA V. TIANO*
CARRIE VALIANT
JEFFREY M. VILLET
PATRICK WESTERKAMP*
KATHLEEN M. WILLIAMS
MICHAEL L. ZIEGLER*

EDWIN N. EPSTEIN
KENNETH HARFENIST*
ARNOLD R. LEVY*
MALCOLM MASON***
STUART ORSHER, M.D.*
DONALD PARTLAND*
FREDERICK E. SMITHLINE*
J. ROBERT STEELMAN
SIDNEY TORRES*

* NOT ADMITTED WASHINGTON
** ADMITTED TEXAS ONLY
*** ADMITTED IN ENGLAND AND WALES ALSO

†P.C. NEW YORK AND WASHINGTON, D.C. ONLY

October 1, 1984

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

Re: MUR 1704 - American Federation of Teachers, Committee on Political Education and Robert G. Porter, its Treasurer

Dear Mr. Steele:

This responds to your letter dated August 30, 1984, in which you notified us that the Office of General Counsel has declined our request for a copy of MUR 1667 and all documents pertaining thereto. We both reassert our objection to your determination and additionally request an explanation of the factual basis supporting the Commission's "reason to believe" finding, as required pursuant to 11 C.F.R. § 111.9(a).

As stated in our letter to you dated August 22, 1984, we believe that the Commission's decision to merge MUR 1704, a complaint in which we are a named respondent, with MUR 1667, a matter in which we are not a named respondent, necessitates that

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we be provided with a copy of MUR 1667 and documents relevant thereto. Our review of these documents is essential if we are to have a full and fair opportunity to prepare a complete defense for our clients. Insofar as the Commission has determined that the focus of both complaints is so similiar as to justify merger of the matters, then it only logically follows that Commission consideration of the specific allegations, supporting documentation and other evidence relating to MUR 1667 will affect any Commission determinations with respect to our clients. We cannot defend against allegations or rebut evidence of which we are not privy. Accordingly, due process mandates that we be able to review MUR 1667 along with all documents relevant thereto.

We therefore vigorously protest the Office of General Counsel's determination on this issue, and reserve our right to reassert this due process challenge at a later date in either Commission or court proceedings involving this complaint.

In addition, we request an explanation of the factual basis supporting the Commission's finding of "reason to believe" that the American Federation of Teachers, Committee on Political Education ("AFT-COPE") and Robert G. Porter, its treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to the Mondale campaign which, in the aggregate, were excessive. As you are aware, we are entitled to such an explanation pursuant to 11 C.F.R. § 111.9(a).

Though we have not been notified of such, presumably this "reason to believe" finding was based on a Commission determination or belief that the Mondale for President Campaign Committee ("the Mondale Committee") and the individual delegate committees which supported the candidacy of Mondale delegates ("the Delegate Committees") were affiliated committees pursuant to 2 U.S.C. § 441a(a)(5) and, therefore, aggregate contributions by AFT-COPE to these committees were excessive. If this presumption is correct, we would like to know whether the Commission has to this date determined that the Mondale Committee is affiliated pursuant to 2 U.S.C. § 441a(a)(5) with the Delegate Committees. If the Commission has determined that the Mondale Committee and the Delegate Committees are affiliated committees, then we also request information concerning when this determination was made and how the public was informed of this determination.

However, if the Commission, with its resources, has been unable to this date to determine whether the Mondale

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Committee and the Delegate Committees are affiliated committees, it is unreasonable to expect contributors to have ascertained that the committees were affiliated. Accordingly, if the Commission believes that contributors have an obligation to determine whether political committees are affiliated, then we request an enunciation of the standard of conduct, along with its legal basis, to which contributors are apparently being held.

Note that the information requested above is both necessary in order that we may properly respond to the Commission's request for information and required to be provided to us pursuant to 11 C.F.R. § 111.9(a).

Sincerely,

William C Oldaker /LK

William C. Oldaker

Leslie J Kerman

Leslie J. Kerman

Counsel for the American Federation of Teachers, Committee on Political Education, and Robert G. Porter, Treasurer

WCO/LJK:ses

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August 22, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 AUG 23 A11:08

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

Re: MUR 1704

Dear Mr. Steele:

On August 15, 1984, we received a letter from the Commission notifying us that the Commission had found "reason to believe" that the American Federation of Teachers, Committee on Political Education and Robert G. Porter, its treasurer, violated 2 U.S.C. § 441a(a)(2)(A) with respect to the allegations contained in MUR 1704. The letter stated that "the Commission [had] decided to decline to enter into pre-probable cause conciliation negotiations with your clients at this time."

We respectfully request an explanation from the Commission of the rationale behind its highly unusual and apparently arbitrary decision to decline to conduct pre-probable cause conciliation negotiations with our clients, particularly in light of our understanding that the Commission has agreed to begin conciliation discussions with other respondents named in MUR 1704. We do not understand why our clients are being treated in this disparate manner, and seek further clarification of this decision from the Commission.

Additionally, we were further informed in the Commission's letter that "the Commission voted to merge MUR 1704 with MUR 1667, a matter that involves similiar allegations, but does not specifically name your clients as respondents." The Commission, however, failed to provide us with a copy of MUR 1667 or even a synopsis of the exact allegations and the named respondents involved in that complaint.

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In light of the Commission's decision to merge MUR 1704 with MUR 1667, a complaint with which we are unfamiliar, we hereby request a copy of MUR 1667, along with all responses, submissions, Commission reports and determinations, and other documents in the Commission's possession pertaining to MUR 1667. Our review of these documents is essential if we are to have a full and fair opportunity to prepare a complete defense for our clients, and is certainly mandated by due process standards.

Finally, we request an extension of the time in which we may submit materials relevant to the Commission's further consideration of this matter. Until we have had an opportunity to carefully review all of the factual and legal allegations made against our clients, including any contained in MUR 1667, we will be unable to adequately prepare all relevant materials for the Commission.

Sincerely,

William C. Oldaker
Counsel for the American Federation of Teachers, Committee on Political Education, and Robert G. Porter, Treasurer

WCO/LJK:ses

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GCC # 3744

June 22, 1984

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

Re: MUR 1704

Dear Mr. Mims: Steve

Enclosed please find response of the American Federation of Teachers Committee on Political Education to the above-entitled matter.

Should the Commission decide to proceed further, Respondent respectfully requests that this matter be handled through voluntary informal conciliation at this stage in the Commission's proceedings.

Sincerely,

William C. Oldaker

WCO/LJK:ses
Enclosure

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†P.C. NEW YORK AND WASHINGTON, D.C. ONLY

June 22, 1984

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

Re: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the American Federation of Teachers Committee on Political Education (hereinafter "AFT-COPE" or "the Respondent") to a complaint, MUR 1704, which alleges that Respondent may have violated the Federal Election Campaign Act, 2 U.S.C. § 431, et seq. (hereinafter "FECA" or "the Act").

The complaint involves three distinct allegations of "discretionary affiliation" pursuant to 2 U.S.C. § 441a(a)(5) between various political committees, which allegedly subject the committees involved to aggregate contribution limitations. First, the complaint alleges that the Mondale for President Campaign Committee (hereinafter "the Mondale Committee") and individual delegate committee which support the election of Mondale delegates (hereinafter "Delegate Committees") are all "affiliated committees" pursuant to § 441a(a)(5), and thus subject to an aggregate contribution limitation. Alternatively, the complaint alleges that the individual Delegate Committees are all "affiliated committees" and share an aggregate contribution limitation under the Act. Third, the complaint alleges that the political action committees (hereinafter "PACs") of the Respondent unions are "affiliated committees" with an aggregate contribution limitation, pursuant to 441a(a)(5).

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Thus, the complaint contends that AFT-COPE, AFL-CIO COPE-PCC and other Respondent union PACs, may have violated the Act, by contributing in aggregate more than $5,000 to "affiliated committees." Alternatively, the complaint alleges that AFT-COPE, individually, may have violated the Act by contributing more than $5,000 in aggregate to "affiliated committees."

Respondent denies each and every allegation set forth in MUR 1704. As discussed below, Respondent contends that: (1) AFT-COPE is not affiliated, pursuant to § 441a(a)(5), with AFL-CIO COPE-PCC or any of the political committees of the other Respondent unions; (2) Contributions made by AFT-COPE to individual Delegate Committees were based on Respondent's belief that the individual Delegate Committees were not affiliated pursuant to § 441a(a)(5) with each other or with the Mondale Committee; and (3) Respondent's contributions to the individual Delegate Committees were based on a reasonable reliance on FEC regulations and decisions establishing separate contribution limitations for individual delegate committees.

Thus, Respondent requests that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Act.

1) AFT-COPE IS NOT AFFILIATED, PURSUANT TO § 441a(a)(5), WITH ANY OF THE OTHER RESPONDENT POLITICAL COMMITTEES.

The allegation that AFT-COPE is affiliated with the political committees of the AFL-CIO and other international unions for the purpose of the Act's contribution limitations has been raised by the Complainant on numerous occasions, and consistently rejected by the Commission. See MURs 783-803, 821-844, 861-881; also see MUR 354(76). Further, this same allegation by Complainant is the subject of a complaint, MUR 1605, currently pending before the Commission.

Accordingly, Respondent reasserts its previously established position that the allegation of "FECA-affiliation" between itself, AFL-CIO COPE-PCC, and other Respondent union PACs is legally and factually without merit. (See Respondent's Response to MUR 1605 for a detailed discussion of Respondent's position).

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Further, Respondent contends that any alleged "additional evidence of affiliation" proferred by Complainant in the instant MUR is extraneous and meaningless. For example, evidence that contributions by the Respondent PACs to individual Delegate Committees were often made within several weeks of the pertinent delegate election reveals a "fact-of-life" in the world of political contributions, rather than any coordinated contribution-making effort; to draw additional inferences from such information is patently absurd. Likewise, Complainant's reliance on a calculation that thirty-nine percent of Respondent's contributions to Delegate Committees during the months of February and March, 1984 were made on or within seven days of a March 22, 1984 AFL-CIO COPE-PCC meeting vividly illustrates the weakness, rather than the strength, of Complainant's allegation.

In accordance with Respondent's customary practice, AFT-COPE contributions to individual Delegate Committees were the result of independent decisions made by the Respondent, and were in no way controlled by AFL-CIO COPE-PCC or any other Respondent union PAC. Similarly, AFT-COPE did not exercise control over contributions made by AFL-CIO COPE-PCC or other Respondent union PACs to the Delegate Committees.

Therefore, Respondent requests the Commission to again determine that Complainant's allegation of "FECA-affiliation" between the Respondent political committee is meritless.

2) CONTRIBUTIONS MADE BY AFT-COPE TO INDIVIDUAL DELEGATE COMMITTEES WERE BASED ON RESPONDENT'S BELIEF, SUPPORTED BY FEC RECORDS AND INFORMATION IN ITS POSSESSION, THAT THE INDIVIDUAL DELEGATE COMMITTEES WERE NOT AFFILIATED PURSUANT TO § 441a(a)(5) WITH EACH OTHER OR WITH THE MONDALE COMMITTEE.

Respondent denies, on information and belief, Complainant's allegations that the Mondale Committee is affiliated pursuant to § 441a(a)(5) with the Delegate Committees and that, alternatively, the individual Delegate Committees are affiliated with each other. Additionally, Respondent asserts that Complainant proffers no evidence of such alleged affiliation.

Further, Respondent asserts that AFT-COPE contributions to individual Delegate Committees were based on its belief, supported by FEC records and information in its possession, that the individual delegate committees were not "affiliated" with each other or with the Mondale Committee, and contends that Complainant does not proffer any evidence to the contrary.

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3) **RESPONDENT'S CONTRIBUTIONS TO THE DELEGATE COMMITTEES WERE BASED ON REASONABLE RELIANCE ON FEC REGULATIONS AND DECISIONS ESTABLISHING SEPARATE CONTRIBUTION LIMITATIONS FOR INDIVIDUAL DELEGATE COMMITTEES.**

As defined in FEC regulations, a delegate committee "is a political committee which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention." 11 C.F.R. § 110.14(b)(2). The prohibitions, limitations and requirements applicable under the Act to delegates and delegate committees are set forth in their entirety in 11 C.F.R. § 110.14, with the requirements relating to delegate committees contained solely in § 110.14(e) and (f).

These regulations provide that contributions by and to delegate committees are subject to the contribution limits of 2 U.S.C. § 441a. 11 C.F.R. § 110.14(e). Relying on this regulation, Respondent's contributions to individual delegate committees were made within the permissible limits, and thus in accordance with the Act.

Significantly, Respondent's position is supported by the Commission's decision in MUR 1240, the only decided MUR to our knowledge concerning the Delegate Committee regulations. In this internally-generated MUR, the Commission found that there were separate contribution limits under the Act for a candidate's authorized committee and a delegate committee which supports the candidate, and, therefore, that individuals who contributed $1,000 to both of these committees had not exceeded the statutory contribution limits.

Thus, Respondent's reliance on the above-discussed regulations and Commission decisions that individual delegate committees have separate contributions limits was reasonable. Accordingly, Respondent's contributions to the individual Delegate Committees were within permissible FEC limits, and Respondent should not be subject to any sanctions, including a determination of "reason to believe" in the instant MUR, with regard to its contributions to the Delegate Committees. See 2 U.S.C. § 438(e).

CONCLUSION

For the foregoing reasons, we request that the Commission find no reason to believe that the Complaint sets

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forth a possible violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. by Respondent.

Respectfully submitted,

BY: William C. Oldaker

William C. Oldaker

BY: Leslie J. Kerman

Leslie J. Kerman

1140 19th Street, N.W.
Suite 900
Washington, D.C. 20036
(202) 861-0900

Attorneys for AFT-COPE

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: William C. Oldaker, Esq.

ADDRESS: Epstein, Becker, Borsody, & Green
1140 19th Street, NW, Suite 900
Washington, DC 20036

TELEPHONE: (202) 861-0900

GCC # 3832

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.

June 21-1984
Date

Robert G. Porter
Signature

RESPONDENT'S NAME: Robert Porter, Secretary-Treasurer

ADDRESS: American Federation of Teachers
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MUR 1704

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June 15, 1984

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

Re: FEC MUR 1704

Dear Mr. Steele:

We are writing to you to request an extension of time from June 19, 1984 to June 25, 1984 for respondent American Federation of Teachers Committee on Political Education ("AFT COPE") to reply to the complaint filed in the above-noted matter.

The respondent received the complaint herein on June 4, 1984. The length of the complaint (26 pages with hundreds of pages of attachments), coupled with previous commitments of this office in other matters, renders it virtually impossible for us to prepare a proper reply within the normal 15-day reply period.

Accordingly, we hereby request an extension of time in which to file the reply of respondent AFT COPE from June 19, 1984 until June 25, 1984.

Sincerely,

William C. Oldaker
Counsel for Respondent
AFT COPE

WO/LK:ses
cc: Stephen Mims

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September 7, 1984

Charles N. Steele, Esquire
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1325 K Street, N.W.
Washington, D.C. 20463

Hand Delivered

Re: MUR 1704, AFSCME Public Employees Organized to Promote Legislative Equality -- Qualified (AFSCME PEOPLE)

Dear Mr. Steele:

By letter dated August 14, 1984 I was informed that the Commission had determined that there was reason to believe that AFSCME PEOPLE and William Lucy, as Treasurer, had violated 2 U.S.C. §441(a)(2)(A). The Commission's description of the alleged violation consists, in its entirety, of a statement that "it appears that the AFSCME PEOPLE made contributions to the Mondale campaign which, in the aggregate, were excessive." In addition the Commission's letter stated that it had consolidated the above-referenced MUR with MUR 1667, a proceeding which the Commission states "involves similar allegations" but does not "specifically name" AFSCME PEOPLE and William Lucy as Respondents. AFSCME PEOPLE and William Lucy respectfully submit that the Commission's letter of August 14, 1984 does not comply with the requirements of 2 U.S.C. §437(g)(a)(2) or Section 111.9(a) of the Commission's regulations, 11 C.F.R. 111.9(a), because it does not set forth "the alleged factual basis supporting the finding"

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that the FEC Act has been violated. Because the Commission has not provided the Respondents with a factual basis supporting its allegations, the letter of August 14, 1984 cannot serve as the basis for conciliation or further enforcement proceedings under 2 U.S.C. §437g.

Before we discuss the statutory defects in the Commission's reason to believe letter, we will respond to the one and only factual allegation (and even that is really a conclusion rather than a factual allegation) stated in support of that finding. Respondents did not make excessive contributions "to the Mondale campaign." In fact, as we are sure the Commission is aware, Respondents made no contributions to the Mondale campaign. If this is all the Commission can assert in support of its finding, the Commission has no basis for making a reason to believe finding and, as will be discussed more fully below, Respondents have been denied due process because they have not been provided with any basis for determining what response to the Commission's finding is appropriate.

While the federal courts have shown great deference to the Commission's construction of the FEC Act, the Supreme Court has recognized that the courts are the finally authorities on issues of statutory construction. F.E.C. v. Democratic Senatorial Campaign, 454 U.S. 27, 102 S. Ct. 38, 42 (1981). The Supreme Court has held that the courts must reject administrative constructions of the statute that are inconsistent with statutory mandate or that frustrate the policies that Congress sought to implement. Id. The statute clearly states that the Commission in its reason to believe notification, "shall set forth the factual basis for such alleged violation." 2 U.S.C. §437g(a)(2). The Commission's August 14, 1984 letter does little more than inform

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the Respondents that it appears that they have violated the statute. It gives no facts in support of this allegation and as such violates the "statutory mandate" that the factual basis for the Commission's allegations be disclosed.

The requirement that the Commission disclose the factual basis of its allegations at an early stage of its enforcement proceeding supports an important policy that Congress sought to implement in the statute. That policy, simply stated, requires that before instituting any civil action the Commission "make every endeavor to correct or prevent the violation by informal methods." H. Conf. Rep. No. 1057, 94 Cong. 2d Sess. 45. As the United States Court of Appeals recognized in Gabauer v. Woodcock, 495, 94 F.2d 662, 673 (8th Cir. 1978): "Congress has explicitly expressed its desire to have the FEC engage in methods of conference, conciliation and persuasion before litigation ensues . . ." Respondent might well be prepared to conciliate this matter if they were persuaded that the facts found by the Commission justified such an effort. However, without knowing those alleged facts, Respondents are unable to make a determination as to whether conciliation is appropriate. Thus, by failing to apprise the Respondents of the facts underlying its allegations, this Commission has effectively precluded the possibility of "conference, conciliation and persuasion" at this stage of its enforcement proceedings thereby frustrating a policy that Congress sought to implement.

The August 14, 1984 letter informs the Respondents that they have a right to respond to the Commission's reason to believe finding. However, by failing to provide the Respondents with a statement of the factual basis supporting its allegations the Commission has effectively denied the Respondents an opportunity

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to respond to these allegations in violation of principles of fundamental fairness and due process. With nothing more than the allegations of the initial complaint to go on, the Respondents do not know what factual allegations need to be addressed or legal theories to be refuted.

The Commission also violates fundamental principles of fairness and due process by consolidating the instant proceeding with another MUR "that involves similar allegations," but to which these Respondents are not parties. Respondents sumbit that due process is being violated by this consolidation because, pursuant to the statute and the Commission's regulations, the Respondents will not be permitted access to the record of the consolidated MUR. As a result the Respondents herein will have no knowledge of the factual allegations, legal claims or defenses presented in MUR 1667. In addition the Respondents will not have an opportunity to respond to those allegations or claims nor will the Respondents know what weight this Commission will afford the allegations or defenses raised in MUR 1667 or whether the Commission will reach legal conclusions based on the record of MUR 1667 rather than on the record of MUR 1704.

In light of the foregoing, Respondents AFSCME PEOPLE and William Lucy respectfully submit that the Commission's letter of August 14, 1984 cannot be construed as a notification of a reason to believe finding consistent with the requirements of 2 U.S.C. §437(g)(a)(2) or 11 C.F.R. 111.9(a), and as such does not constitute the basis for conciliation or further enforcement proceedings.

Respectfully submitted,

Larry H. Weinberg

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August 16, 1984

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

HAND-DELIVERED

AUG 16 AM 11:26

Re: MUR 1704
APSCME Public Employees Organized to Promote
Legislative Equality-QUALIFIED (AFSCME PEOPLE)

Dear Mr. Mims:

Yesterday I received the Commission's letter advising me that the Commission had found reason to believe that the above-named respondent had violated a provision of the Act and allowing us ten days to submit any factual or legal materials which we believe are relevant to the Commission's consideration of this matter. As I advised you over the telephone, I am scheduled to leave town at the end of the day tommorow, August 17, 1984 and will not be returning until late on August 26. In addition, most of the employees of the respondent whose efforts would be necessary in gathering any additional information appropriate for presentation to the Commission are presently out of town, either on vacation or on business. As is common in Washington, D.C., this condition will continue until Labor Day. For these reasons, I am requesting an extension of time within which to respond to the Commission of fifteen days from the date set in your letter of August 14, 1984. Since I will be leaving town at the close of business August 17, I request that you notify me by telephone as to what action you intend to take with regard to this request.

Sincerely,

Larry P. Weinberg

LPW/em
Enclosure

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June 19 1984

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Charles N. Steele, Esq.
General Counsel
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1325 K Street, N.W.
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Re: MUR 1704

Dear Mr. Steele:

Pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. §111.6, respondent, AFSCME Public Employees Organized to Promote Legislative Equality Qualified ("AFSCME PEOPLE"), respectfully requests, for the reasons stated below, that the Federal Election Commission take no action against it with respect to the matters alleged in the complaint filed by the National Right to Work Committee and Ralph Martin Hettinga, Jr. (hereinafter referred to as "NRTW").

In its complaint, the NRTW alleges that the 41 delegate committees which received contributions from AFSCME PEOPLE were affiliated within the meaning of 11 C.F.R. § 100.5(g) and, as a result, AFSCME PEOPLE "knowingly" and "willfully" violated the limitations on contributions set forth in 2 U.S.C. § 441a(a)(2)(C). The NRTW also alleges that the political action committee established by the AFL-CIO and the political action committees established by 12 international unions, including AFSCME, are affiliated within the meaning of 11 C.F.R. § 100.5(g) and are therefore subject, as a single multicandidate political committee, to the dollar limitations on contributions specified in 2 U.S.C. § 441a(a)(2)(C). By making aggregate contributions to delegate committees in excess of $5,000, the NRTW alleges that the respondent union PACs, including AFSCME PEOPLE, "knowingly" and "willfully" violated § 441a(a)(2)(C). Respondent AFSCME PEOPLE respectfully submits that the petitioner NRTW has not, and cannot, allege facts sufficient to create reason to believe that the requirements of 2 U.S.C. § 441a(a)(2)(C) have been violated

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by the respondents and the Commission should therefore dismiss the instant complaint.[1]

In an attempt to regulate the growing influence of political action committees, as well as to restore a proper balance between business and labor PACs that Congress felt was destroyed by the Commission's SUNPAC decision (FEC Advisory Opinion 1975-23), the Congress amended the Act in 1976 by enacting the anti-proliferation provisions of 2 U.S.C. § 441a(a)(5). Section 441a(a)(5) provides in pertinent part that:

> "For the purposes of the limitations provided by paragraph (1) and paragraph (2) (2 U.S.C. 441a(a)(1) and (2)), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other persons, or by any group of such persons, shall be considered to have been made by a single political committee . . . .
>
> "In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments or local units establish or finance or maintain or control more than one separate segregated

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1/ Petitioner NRTW states at page 22 of its complaint that "serious questions must be raised about whether respondent union PACs have become affiliated with the Mondale 'delegate committees' and the Mondale campaign." This allegation, if it is an allegation, is an obvious red herring and should be treated as such by this Commission. The NRTW in its complaint does not claim that this alleged "affiliation" was violative of the federal election laws nor does it request any relief from this Commission regarding this "affiliation." Respondent AFSCME PEOPLE respectfully submits that not only has the petitioner failed to state a claim under the federal election laws based on this alleged "affiliation", such an allegation is factually unsupportable.

> fund, all such separate segregated funds shall be treated as a single separate segregated fund for the purposes of limitations provided by paragraph (1) and paragraph (2)."

2 U.S.C. § 441a(a)(5).

While Congress enacted § 441a(a)(5) in order to halt the proliferation of PACs, it did not intend to legislate the result advocated by the petitioner, i.e., the amalgamation of all labor PACs into one entity for the purposes of the limitations contained in § 441a(a)(1) and (2). The clear implication of the language of the statute itself precludes this result. In the statute, Congress clearly makes reference to "a labor organization" rather than "labor organizations". Congress was, at the time of its consideration of the 1976 Amendments to the Act, well aware of the fact that the AFL-CIO, as well as its member national unions, had established numerous separate PAC's which made contributions to federal candidates. Congress was also well aware of a similar pattern of contributions by trade associations and their member corporations. In fact, a Common Cause study was inserted in the Congressional Record listing "Special interests registering political action committees since January 1, 1975" which included three separate segregated funds established by AFSCME or its local affiliates. In addition, the Common Cause study listed numerous other separate segregated funds established by the AFL-CIO and its state and local bodies, national unions affiliated with the AFL-CIO, trade associations and individual corporations. Legislative History of the Federal Election Campaign Act Amendments of 1976 (GPO 1977) at pp. 367-381 (hereinafter "Legislative History at _____"). While Congress certainly intended to treat such an organization and its subsidiary divisions or local units as a single entity, it did not require that various separate and autonomous labor organizations would be treated as a single entity for the purposes of the federal election laws. This interpretation of the scope of 2 U.S.C. § 441a(a)(5) finds overwhelming support in the legislative history of the 1976 amendments to the statute.

The floor manager of the Senate bill, Senate Rules Committee Chairman Cannon, described the "exception" to the anti-proliferation provisions of the 1976 amendments to the Federal Election Act in the following terms:

> "I would like to illustrate this third exception by using an example which was referred to us during our Committee deliberations. The proposed rule to curtail

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> the vertical proliferation of political committee contributions would not preclude a national union through its political committee, such as, for example, the Boilermakers, from making a maximum contribution to a candidate through its national political committee in the event that COPE, the political committee of the AFL-CIO, with which the Boilermakers are affiliated, has already made its maximum contribution to that candidate."

Legislative History at 350. Congressman Hayes, in describing the House version of the anti-proliferation provisions of the bill, stated that:

> "Locals of a union, subsidiaries of a corporation, and any other similarly structured groups . . . would be treated as part of the parent with respect to the $5,000 limitation on contributions to any one candidate or political committee.
>
> "In other words, if an international union contributed $5,000 to a candidate, no local union could contribute anything. If the international contributed $1,000, then its locals could contribute up to a maximum of $4,000, but the maximum applies to the whole bag."

Legislative History at page 903.

The legislative history of § 441a(a)(5) clearly recognizes the existence of separate and autonomous international unions and that such unions would be treated as separate entities for the purposes of the Act. In addition, the legislative history recognizes that the AFL-CIO and its state and local central bodies would be treated as a single entity separate and apart from its affiliated international unions. This interpretation is explicitly confirmed in the House Committee Report on the 1976 amendments to the Federal Election Campaign Act. The report describes the purpose and scope of the anti-proliferation provisions of the bill in the following terms:

> "To prevent corporations, labor organizations, or other persons or groups of persons from evading the contribution limit

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> of H.R. 12406, the bill establishes the following rules:
>
> . . .
>
> "All of the political committees set up by a single international union and its local unions will be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> "All of the political committees set up by the AFL-CIO and all of its state and local central bodies would be treated as a single political committee for the purpose of H.R. 12406's contribution limitations; . . . ."

Legislative History, page 806; see also 11 C.F.R. § 100.5(g)(2)(i), which is a virtual restatement of the quoted language of the House Committee Report.

The petitioner's contention that all of the respondent union PACs should be treated as a single entity for the purposes of § 441a is not only inconsistent with the clear language of the statute, it is contrary to the overwhelming legislative history of the 1976 amendments to the Act. The Congress by enacting the anti-proliferation provisions of the act struck a balance between the right of labor organizations, and corporations, to participate in federal elections and the desire of Congress to limit the influence of PACs in the political process. Congress determined that this balance should be struck by treating national unions and their various components, as well as corporations and their subsidiaries as single entities for the purpose of the act's limitation on contributions. Similarly federations of unions and corporate trade associations would be treated as single segregated funds for the purposes of the act. The NRTW in its complaint has not alleged facts that would justify a change in the balance struck by the Congress in 1976 nor has it alleged that the present relationship between the AFL-CIO and its member organizations and among those organizations is fundamentally different from the relationship examined by Congress when it amended the Act to halt the proliferation of "Labor PACs".

Perhaps in recognition of this clear expression by Congress that international unions and the AFL-CIO were to be treated as separate entities, the petitioner has attempted to invoke the alternative criteria for establishing affiliation contained in 11 C.F.R. § 110.5g(2)(ii). The regulation clearly states that its criteria for establishing affiliation are applicable to "organizations not covered by paragraph (g)(2)(i)." Since

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international unions and labor federations are specifically included in paragraph (g)(2)(i), they are, according to the regulation's terms, specifically excluded from the scope of paragraph (g)(2)(ii) and as such are not subject to the alternative criteria for establishing affiliation. Without conceding that the criteria set forth in paragraph (g)(2)(ii) are applicable to it, respondent AFSCME PEOPLE respectfully submits that as a factual matter the petitioner is unable to demonstrate that AFSCME PEOPLE is affiliated with the other respondent international union PACs or with respondent AFL-CIO COPE under any of the criteria set forth in that regulation.

Petitioner NRTW apparently bases its claim of affiliation against the respondent union PACs on the basis of an alleged "similar pattern of contributions," 11 C.F.R. § 100.5(g)(2)(ii)(D). In support of this allegation, the petitioner relies on the fact that on March 22, 1984, a meeting took place that was attended by representatives of 15 or 16 union PACs and was chaired by John Perkins, Executive Director of AFL-CIO COPE. In addition, the petitioner alleges that 39% of the contributions to the delegate committees by the respondent union PACs in March or April of 1984 were made on or within seven days of the March 22, 1984 meeting. Respondent AFSCME PEOPLE respectfully submits that all of its decisions regarding contributions to delegate committees were made independent of any meeting or discussion with the other respondent union PACs. Whatever pattern of contributions that may be discerned by comparing the contributions of the respective respondents, such a pattern can be attributed to little more than coincidence and certainly cannot be seen as evidencing the kind of common establishment, finance, maintenance or control that constitutes affiliation under § 441a(a)(5) of the statute.

The petitioner alleges that the various union respondents coordinated their contributions to the Mondale delegate committees and that this coordination is evidenced by a similar pattern of contribution among the individual respondents. On the basis of this alleged pattern of contributions, the petitioner concludes that all of the respondents' contributions were centrally controlled and as such the respondents should be considered affiliated for the purposes of the Act. Respondent AFSCME PEOPLE respectfully submits that far from being a product of a joint plan or central control of contributions, its decisions regarding contributions were made on a case-by-case basis in response to the needs of its membership and the recommendations of its staff in the field.

If a pattern can be discerned among AFSCME PEOPLE's contributions to the Mondale delegate committees, that pattern is

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a result of the fact that contributions were targeted for delegate committees that had placed AFSCME members on their respective delegate slates. The procedure for formulating the delegate slates in the primary states differed from state to state. Of the 41 delegate committees that received contributions from AFSCME PEOPLE, 30 had one or more AFSCME members on the delegate slates, nine had identifiable union members on the delegate slates, and two had no identifiable union members on the delegate slate. Similarly, if there is a pattern of AFSCME PEOPLE's contributions it is a product of the respective influence of AFSCME as an organization in a particular state or in particular congressional districts. In this light, it is not unusual to expect that AFSCME members would tend to be selected for delegate committees in states and/or congressional districts where AFSCME had concentrations of its membership. Moreover, it is not unusual that AFSCME PEOPLE would target its contributions to those areas. AFSCME PEOPLE's overall pattern of contributions is clearly consistent with a pattern of directing contributions to committees which placed AFSCME members on their respective delegate slates in areas where AFSCME has influence and/or concentrations of its membership.

The petitioner implies that decisions regarding contributions to delegate committees were made in a meeting in Washington attended by the representatives of the various respondent union PACs. Such a conclusion, however, is unsupported by the facts. Decisions made by AFSCME PEOPLE regarding which committees would receive contributions and the amounts of these contributions were the result of a process that started in the delegate committees themselves and not in Washington, as the petitioners would have this Commission believe. This process would begin when an AFSCME member was selected for a delegate slate. At some point after their creation, it would not be uncommon for the delegate committees to meet and decide how much money would be needed for their primary activities. Similarly, it would not be uncommon for committees to assign specific quotas to its members for fundraising. At this point, the AFSCME member would customarily contact AFSCME PEOPLE regarding a contribution to their respective delegate committee. In addition, throughout the primary season AFSCME PEOPLE had staff members working with AFSCME locals and councils, and their members, in the respective primary campaigns. In addition, officials of the various AFSCME district councils worked with their affiliated locals and their members in the primaries. These staff people and district council officials would make recommendations to AFSCME PEOPLE officials in Washington. Such officials would consider the requests, make decisions on the amount of the contributions, and transmit the

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contributions directly to the delegate committees. The decisions made by AFSCME PEOPLE regarding contributions were not the result of coordination with other of the respondents, but were the product of a series of individual interactions between AFSCME members, AFSCME PEOPLE staff, district council officials in the various states, and AFSCME PEOPLE officials in Washington.

The petitioner places great emphasis on a March 22, 1984 meeting chaired by John Perkins, Executive Director of the AFL-CIO COPE, and the fact that 39% of the delegate committee contributions "made between February and March 1984 were made on or within seven days of that meeting." The petitioner would have this Commission believe that certain decisions were made at that meeting by the respondents acting in concert regarding the contributions to delegate committees and that such conduct evidences an affiliation between the various respondents. Not only is such a contention absurd on its face, it is simply not supported by the facts.

It is inconceivable that a meeting held after a contribution is made could have any impact on the decision to make that contribution and as such the March 22 meeting is clearly irrelevant to the petitioner's allegation of a "pattern of contributions" between the respondents with regard to those contributions made prior to March 22. In addition, while the contributions made by AFSCME PEOPLE to the New York delegate committees are dated March 23, 1984 (this was the last major round of contributions made to delegate committees prior to the end of such contributions), the decision to make those contributions was made prior to and independent of the March 22 meeting. As described above, the request for contributions and the recommendation regarding contributions come from the field. The recommendations are then considered and approved by the AFSCME PEOPLE officials in Washington. Once a final decision has been made, AFSCME Political Action staff in Washington prepare the necessary paperwork and the AFSCME Accounting Department prepares a check to be sent to the delegate committee only after that paperwork is approved by an assistant to the AFSCME President. Once a check is prepared, it must be signed by the Secretary-Treasurer of AFSCME or his deputy and the President of AFSCME and his deputy and returned to the Political Action Department for transmittal to the appropriate delegate committee. The date on the "contributions" contained in the NRTW complaint is merely the date on which the check was prepared by the Accounting Department. This is also the date that the Accounting Department uses to prepare the appropriate FEC reporting forms. This date bears no relationship to the date on which the recommendation of the field staff was considered, nor does it bear any relation to the date when a final decision

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regarding the contribution was made. The March 22, 1984 meeting is clearly irrelevant to AFSCME PEOPLE's contributions to the New York Mondale delegate committees because the decisions regarding these contributions were made prior to that meeting.

Petitioner NRTW in its complaint makes a series of allegations regarding the coordination of activities between the various delegate committees and between the delegate committees and the Mondale campaign. On the basis of these allegations, the petitioner concludes that the various delegate committees are affiliated among themselves and with the Mondale campaign. Respondent AFSCME PEOPLE is without sufficient information to form a belief as to the truth or falsity of the factual allegations made by the petitioner against the various delegate committees and the Mondale campaign. However, respondent AFSCME PEOPLE does respectfully submit that in order to prevail on its claim of affiliation, the petitioner must meet the exacting standards spelled out by Congress in § 441a(a)(5). The Act provides that in order to be deemed affiliated, the committees in question must be established, financed, maintained or controlled by the same person. In support of its allegation against the delegate committees and the Mondale campaign, the petitioner relies upon a series of newspaper articles regarding the Mondale delegate committees. These newspaper articles are of little assistance to the Commission because they are neither well-documented nor substantially addressed to the legal standards contained in the Act and the Commission's regulations (see Commission Memorandum No. 663). The petitioner also relies upon a series of affidavits obtained from private investigators in the employ of the NRTW. These affidavits, replete with hearsay and conclusions supported by little more than the investigators' limited perception of the facts, do not support a conclusion that the delegate committees were either established, financed, maintained or controlled by the same person. Respondent AFSCME PEOPLE respectfully submits that the petitioner has failed to allege facts sufficient to create a reason to believe that the requirements of 2 U.S.C. § 441a(a) have been violated by the delegate committees or by the Mondale Campaign.

In addition to alleging that the delegate committees were affiliated among themselves and with the Mondale campaign, the petitioner alleges that the respondent union PACs made excessive contributions to these allegedly affiliated committees and that such contributions violated the limitations contained in §441a(a) of the Act. AFSCME PEOPLE respectfully submits that its contributions to the Mondale delegate committees were made in good faith and in compliance with the requirements of the Act and in accordance with the rules and regulations established by this Commission. AFSCME PEOPLE further submits that it is not subject

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to any sanctions provided by the Act pursuant to 2 U.S.C. §438(e).

The Commission has promulgated regulations regarding the limitations on contributions of affiliated committees. 11 C.F.R. 110.3. These regulations provide that in interpreting the Commission's regulations on contribution limitations;

> "(B) all of the political committees set up by a single national or international union and/or its local unions or other subordinate organizations are treated as a single political committee,
>
> (C) all of the political committees set up by an organization of national or international unions and/or its state and local central bodies are treated as a single political committee"

11 C.F.R. §110.3(a)(1)(ii)(b) and (c). AFSCME PEOPLE relied in good faith upon these provisions of the Commission's regulations when it made its contributions to the various delegate committees and as such should not be subject to sanctions under the Act.

Even if the Commission were to conclude that some or all of the delegate committees are to be treated as affiliated with each other and/or with the Mondale Campaign Committee, Respondent AFSCME respectfully, submits that its contributions to the various delegate committees were made without knowledge of such affiliation and in good faith reliance on the Commission's regulations regarding the treatment of delegate committees. See 11 C.F.R. §100.5(e)(5) and 11 C.F.R. §110.13(c) and (e)

In its complaint the petitioner points to two Rhode Island committees which, in their Statements of Organization filed with the FEC pursuant to 11 C.F.R. §102.1(c), stated that they were affiliated with one another. While AFSMCE PEOPLE gave separate contributions to these two committees, the contributions together did not exceed $5,000 and as such were within the limits of contributions to an affiliated committee established by 2 U.S.C. §441(a)(2), even assuming these two delegate committees are in fact, affiliated. The petitioner does not identify any other delegate committees that have reported in their Statements of Organization that they are affiliated either with one another or with the Mondale campaign and AFSCME PEOPLE is not aware of any such affiliated committees.

In summary, AFSCME PEOPLE has acted in good faith and in reliance upon the Commission's regulations. In addition, the petitioner does not allege that AFSCME PEOPLE knew or should have

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known that any delegate committee (other than those in Rhode Island) stated that it was affiliated with any other delegate committee or with the Mondale campaign. On the contrary, the delegate committees, with the exception of the Rhode Island committees, held themselves out as independent political committees and presumably filed reports with the FEC that reflected their independent existence. Having in good faith relied upon the Commission's regulations regarding delegate committees and the adequacy of Commission's regulations regarding disclosure, §438(e) of the Act bars the imposition of sanctions on respondent AFSCME PEOPLE.

In conclusion, for the above-stated reasons, AFSCME PEOPLE respectfully requests that this Commission take no action with respect to the matters alleged in the complaint filed by the National Right to Work Committee and James Martin Hetting, Jr., MUR 1704, and that it dismiss the complaint.

RESPECTFULLY SUBMITTED,

Larry P. Weinberg

Larry P. Weinberg
Counsel for Respondent
AFSCME PEOPLE

LPW/em

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JONATHAN WALTERS
DEBORAH R. WILLIG

ALAINE S. WILLIAMS*
MARILYN S. MAY*
ROBERT T. FENDT*
ROBERT TIM BROWN*
BARBARA KRAFT
MARTHA WALFOORT
LEE W. JACKSON
STUART W. DAVIDSON*
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†ALSO ADMITTED IN VIRGINIA
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VIRGINIA OFFICE
10311 COMMONWEALTH BLVD.
FAIRFAX, VA. 22032

June 4, 1984

GCC # 3487

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

Re: MUR 1704

Dear Mr. Steele:

We are representing Respondent American Federation of State, County and Municipal Employees (AFSCME) - Public Employees Organized to Promote Legislative Equality (PEOPLE) - Qualified in the above-captioned matter. Enclosed please find a statement of designation of counsel executed by William Lucy, Treasurer of the above-named Respondent.

Respondent received your letter of May 29, 1984 transmitting the complaint in this matter on June 1, 1984. Since your letter states that any response from Respondent is due within 15 days of Respondent's receipt of this complaint, that response would be due on June 16, 1984. Under the best of circumstances, 15 days would be a fairly short period of time within which to prepare a response to such a complex and convoluted complaint. However, Respondent's connected organization, AFSCME, is currently in the process of preparing for a meeting of its International Executive Board to be held the week of June 11, 1984, to be followed by its bienniel International Convention of some 2,500 representatives of its 3,000 locals and almost 100 councils, the week of June 18, 1984. The working, as well as non-working, hours of all of AFSCME's staff who might be involved in providing information necessary to respond to this complaint, as well as those of the undersigned, are presently consumed by preparation for those meetings, and for the period June 11 through June 22 will be consumed by participation in those meetings. The persons who will be involved in preparing a response to this complaint, including the undersigned, will not be back in their offices

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KIRSCHNER, WEINBERG, DEMPSEY, WALTERS & WILLIG

until June 25, 1984. I am therefore requesting an extension of time until 15 days after that date to permit preparation of an adequate response to this complaint. Under the circumstances, I think this request is more than justified. Please advise me as soon as possible as to your response to this request.

Sincerely,

Larry P. Weinberg

LPW/em

Enclosure

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Larry P. Weinberg

ADDRESS: Kirschner, Weinberg, Dempsey Walters & Willig

1100 17th Street, N.W., Suite 800

Washington, D.C. 20036

TELEPHONE: (202)775-5900

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.

6/4/84
Date

Signature

RESPONDENT'S NAME: AFSCME-Public Employees Organized to Promote Legislative Equality-Qualified

ADDRESS: 1625 L Street, N.W.

Washington, D.C. 20036

(202) 429-1000

HOME PHONE:

BUSINESS PHONE:

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LAW OFFICES
R. WEINBERG, DEMPSEY, WALTERS & WILLIG
SUITE 800
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AND-DELIVERED

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

SCC # 4600

American Federation of Labor and Congress of Industrial Organizations

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 7 P5:23

September 7, 1984

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

Re: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), the AFL-CIO Committee on Political Education Political Contributions Committee ("AFL-CIO COPE/PCC") and Thomas R. Donahue (hereinafter "respondents") to the Federal Election Commission's letter dated August 14, 1984 stating that the Commission has determined that there is reason to believe that respondents violated §441a(a)(2)(A) of the Federal Election Campaign Act of 1971, as amended ("the Act") by making "contributions to the Mondale campaign which in the aggregate were excessive". For the reasons described below, the Commission should find no probable cause that respondents violated the Act and should dismiss the complaint in MUR 1704.

A. We begin by pointing out two basic points that are not in dispute and cannot be disputed.

First, respondent AFL-CIO COPE/PCC has not made any contributions to the Mondale for President Committee. Second, while the AFL-CIO COPE/PCC did make contributions to a number of delegate committees the amount of those contributions did not exceed $5000 to any one delegate committee.

Moreover, as we stated in our initial response in this matter dated June 21, 1984, AFL-CIO COPE/PCC's delegate committee contributions were made in the good faith belief that each committee was independent from the others and from the Mondale for President Committee and that each delegate committee was therefore entitled to a separate contribution limit for purposes of 2 U.S.C. §441a.

Finally, as we also stated in our June 21st response, in making contributions to Mondale delegate committees, AFL-CIO COPE/PCC relied on a memorandum prepared by legal counsel which outlined the Commission's regulations governing contributions to and expenditures on behalf of delegates and delegate committees (11 C.F.R. §110.14) and states that labor organization voluntary separate segregated

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funds may lawfully make contributions to delegate committees subject to a $5000 per committee per year limit.

Section 438(e) of the Act specifically provides that:

> "Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of thise section and who acts in good faith in accordance with such rule or regulation shall not, as the result of such act, be subject to any sanction provided by this Act... "2 U.S.C. §438(e).1

Based on the foregoing showing, under §438(e) the complaint against respondents should be dismissed.

B. Assuming arguendo that the Commission determines in this proceeding that the Mondale for President Committee and the delegate committees to which AFL-CIO COPE/PCC contributed are affiliated within the meaning of 2 U.S.C. §441a(a)(5), that determination should not be applied retroactively to make respondents' and other contributors' contributions to the delegate committees unlawful. Such a retroactive application would be totally inconsistent with the Commission's actions in similar situations in the past.

In MUR 253, for example, which like the instant matter involved a question of affiliation, the Commission ultimately determined that the American Medical Association's political action committee ("PAC") and the PACs of State Medical Associations were affiliated and consequently shared a single contribution limit. Based on that determination, the Commission found that both the AMA PAC and the state medical society PACs violated §§433(b)(2) and 441a(a)(2)(A) of the Act by failing to report their affiliation and by making contributions which in the aggregate exceeded $5000 per candidate per election. The Commission however took no action against any contributor to those committees nor did the Commission take any action against the 19 candidates named in the initial complaint as having received contributions from the AMA's PAC and from State Medical Association PACs which in the aggregated totalled more than $5000. Those candidates, we emphasize, included doctors who could be presumed to have some knowledge of the relationship between national and state medical associations.

Likewise in MUR 293 involving the National Education Association's political action committee ("NEA-PAC"), the Commission, while ruling that contributions made by NEA-PAC had, at least in part, been raised through reverse check-off in violation of 2 U.S.C. §441b, took no action against any candidate who had accepted contributions from NEA-PAC prior to that determination. Indeed, in Advisory Opinion 1978-53, the Commission ruled that since there was no evidence that such candidates knew those contributions had been made with money raised illegally such candidates did not have to refund any NEA-PAC contributions.

In sum, the Commission so far as we have been able to ascertain has consistently declined to proceed against contributors or candidates who, in good faith, made or received apparently lawful contributions where the Commission determinates in a subsequent compliance action that the contributions were in fact illegal. Respondents herein stand in the same shoes as the contributors to the AMA

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and State Medical Association PACs and the candidates who received contributions from those committees or from NEA-PAC. Respondents' contributions to the

delegate committees challenged here were made in the good faith belief that those committees were independent political committees with separate contribution limits. Respondents did not know then and do not know now anything to the contrary. There is thus no basis for distinguishing between respondents and the contributors or candidates involved in MURs 253 and 293. Accordingly, if the Commission in this proceeding determines that the Mondale for President Committee and the delegate committees to which AFL-CIO COPE/PCC contributed are affiliated, that determination, as in the case of the above-described MURs, should not result in any liability for respondents as a contributor to those committees.

C. The points we've made above assume that there is some validity to the charge that the Mondale for President Committee and the delegate committees to which the AFL-CIO COPE/PCC contributed are affiliated within the meaning of 2 U.S.C §441a(a)(5)(A) but the Commission's August 14 letter to respondents does not set out any factual basis for the Commission's determination that there is reason to believe that AFL-CIO COPE/PCC made "contributions to the Mondale campaign which in the aggregate were excessive" in violation of 2 U.S.C. §441a(a)(2)(A). In this regard, the reason-to-believe notification fails to meet the requirements of the Commission's regulations which provides that such notices "are to set forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding." 11 C.F.R. §111.9(a)(emphasis added). That requirement, of course, embodies one of the most fundamental concepts of due process — that those accused of violating the law must be told the specifics of the charges laid against them prior to being required to respond. In light of the Commission's failure, in violation of its own regulations, to articulate the factual basis for its determination that respondents may have violated 2 U.S.C. §441a(a)(2)(A), it is impossible for respondents to go beyond the arguments made above in responding to that determination. To do so would be to require us to first conjure up possible violations of the Act and to then show that those violations did not in fact occur.

Sincerely,

Laurence Gold
General Counsel

Margaret E. McCormick
Office of the General Counsel

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American Federation of Labor and Congress of Industrial Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Charles Steele, General Counsel
Federal Elections Commission
1325 K St., N.W.
Wash., D..C 20463

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August 17, 1984

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 200006

Re: FEC MUR 1704

Dear Mr. Steele:

The purpose of this letter is to request an extension of time for respondents AFL-CIO-COPE/PCC and Thomas R. Donahue to respond to the Commission's letter dated August 14, 1984, stating that the Commission has determined that there is reason to believe that respondents have violated §441a(a)(2)(A) of the Act.

Respondents received the Commission's reason-to-believe notification on August 15, 1984. The AFL-CIO Executive Council is meeting in Denver, Colorado next week. I am required to attend those meetings. Accordingly, I will be out of the office all of next week. My co-counsel, Margaret E. McCormick, has a longstanding commitment to spending a week of vacation with her family next week. Due to the fact that she has already rented a cottage and made travel arrangements, her vacation plans cannot be altered at this late date. In addition, Ms. McCormick is also counsel for respondents in FEC MUR 1752 in which a response must be filed by the end of this week. For the foregoing reasons, it would be difficult if not impossible for us to prepare a proper reply in this matter within the ten-day reply period stated in the Commission's letter.

Accordingly, we hereby request a 13 day extension of time from Saturday, August 25, 1984 to Friday, September 7, 1984 in which to file the reply of respondents AFL-CIO/COPE-PCC and Thomas R. Donahue in this matter.

Sincerely,

Laurence Gold

Laurence Gold
Special Counsel

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Federation of Labor and Congress of Industrial Organizations

Street, N.W.
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Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
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HAND DELIVER - SEVENTH FLOOR GENERAL COUNSEL'S OFFICE

OCC#3734

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Marvin J. Boede
Owen Bieber

June 21, 1984

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C.

Re: FEC MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), the AFL-CIO Committee on Political Education Political Contributions Committee ("AFL-CIO COPE/PCC") and its treasurer Thomas R. Donahue (hereinafter "respondents") to the complaint filed by the National Right to Work Committee ("N.R.T.W.C.") on May 18, 1984 and numbered FEC MUR 1704 by the Commission.

In its complaint the N.R.T.W.C. alleges that AFL-CIO COPE/PCC and the international union political committees also named as respondents in the complaint (hereinafter referred to as "respondent union political committees") are "affiliated" within the meaning of 11 C.F.R. §100.5(g) and have "knowingly and willfully" exceeded the contribution limits of the Federal Election Campaign Act by contributing, in the aggregate, in excess of $5,000 to various Mondale delegate committees alleged by complainant to be affiliated with each other and with the Mondale for President Committee. Complainant alleges in the alternative that even if respondent AFL-CIO COPE/PCC and respondent union political committees are not affiliated and are not therefore subject to a single contribution limit, the committees should nevertheless be found to have "knowingly and willfully" exceeded the contribution limits of the Act because each one has made contributions totalling more than $5,000 to various Mondale delegate committees which, according to the complainant, are affiliated within the meaning of 11 C.F.R. §100.5(g).

As we show below, the complaint against respondents lacks any basis either in law or in fact. Accordingly, the Federal Election Commission should find no reason to believe that respondents have violated the Act and should dismiss the complaint against them.

1. <u>The AFL-CIO COPE/PCC Is Not Affiliated With the International Union Political Committees Named As Respondents In The Complaint.</u>

Complainant's allegation that the respondent AFL-CIO COPE/PCC and respondent union political committees are affiliated within the meaning of 11 C.F.R. §100.5(g) rests entirely on a claim that respondents have "coordinated" their

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support of Mondale delegate committees and have "engaged in similar patterns of contributions" to the delegate committees.

A. Complainant's affiliation argument is without any support in law. Complainant makes no attempt to articulate any legal basis for the claim that "coordination" of contributions and "similar patterns" of contributions, even if established, support the conclusion that respondent AFL-CIO COPE/PCC and respondent union political committees are affiliated within the meaning of 2 U.S.C. §441a(a)(5) and of 11 C.F.R. §100.5(g) and §110.3. This is not surprising since in fashioning the complaint the complainant has studiously ignored both the language and the legislative history of the statute and the Commission's regulations.

The general test for affiliation is set out in §100.5(g)(2) of the Commission's regulations:

> [a]ll committees ... established, financed, maintained, or controlled by the same corporation, labor organization, person, or group of persons including any parent, subsidiary, branch, division, department or local unit thereof, are affiliated.

Even if this test were applicable to the relationship between the AFL-CIO and its member unions, which it is not, complainant has not offered a shred of evidence that either the AFL-CIO COPE/PCC or any of the other union political committees named in the complaint "established, financed, maintained or controlled" any of the other union political committees.

Complainant's lone attempt to demonstrate one of the indicia of establishment, financing, maintenance, or control set forth in §100.5(g) — "similar patterns of contributions" — is, as we show below, unsupported by the facts. But such a pattern, standing alone, is not sufficient to establish affiliation in any case since there is bound to be similarity in the contributions made by any group of individuals or organizations that share similar political, social and economic views. Complainant's reliance on alleged "coordination" of contributions to establish affiliation is also without merit. As the statute and the Commission's regulations reflect, "control" not "coordination" is the test for determining affiliation. While coordination of contributions may well be present where there is actual control by one political committee over another, such coordination alone, even if established, is not in itself proof of control where, as here, political committees retain and exercise the right to make their own decisions with regard to contributions.

Moreover, the legislative history of §441a(a)(5), setting forth the Act's antiproliferation rules, clearly demonstrates that Congress in enacting that section did not intend to subject the AFL-CIO and its member national and international unions, as those unions operated then and continue to operate now, to a single contribution limit. See Respondents' reply to FEC MUR 1605 dated January 27, 1984, at 2-18. The Commission's regulation at §100.5(g)(2)(i) specifically incorporates Congress' directions with regard to the proper application of the antiproliferation rules to the AFL-CIO and its member national and international unions:

> (B) All political committees set up by a single national or international union and/or its local unions or other subordinate organizations of the national or international union are affiliated;

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(C) All of the political committees set up by an organization of national or international unions [e.g., the AFL-CIO] and all of its State and/or local central bodies are affiliated.

These rules require rejection of the complainant's assertion that respondents can be found to be affiliated on the strength of a showing of "coordination" of and a similar pattern of" contributions.1/

B. The only evidence cited by complainant in support of its claim that the AFL-CIO COPE/PCC and respondent union political committees "coordinated" their contributions to Mondale delegate committees is that representatives of 15 or 16 international unions attended a meeting on March 22, 1984 chaired by AFL-CIO COPE Director John Perkins, and that 39 percent of all of the delegate committee contributions made by respondent AFL-CIO COPE/PCC and respondent union political committees during February and March of 1984 occurred on or within seven days of that meeting.

Complainant is correct in stating that AFL-CIO COPE Director John Perkins met with representatives of certain AFL-CIO affiliated international unions on March 22, 1984 at one of a series of regular meetings of the political directors of AFL-CIO member unions held for the purpose of discussing internal political education and get-out-the-vote activities jointly undertaken by the AFL-CIO and those unions.2/ At the March 22 meeting Mr. Perkins did provide information on New York Mondale delegate committees and urged the unions represented at the meeting to consider making contributions to those committees. Neither Mr. Perkins nor any other AFL-CIO staff member made any effort to control the decision of any union political committee on whether to make such a contribution. Nor did the AFL-CIO monitor union political committee contributions to New York delegate committtees; until the complaint herein was served, Mr. Perkins had no knowledge, except where the information was volunteered by an international union, concerning the extent of such contributions.

1/ Respondents call to the Commission's attention the fact that one of the union political committees named in the complaint, the UMWA Coal Miners PAC, is the political committee of a union that is not affiliated with the AFL-CIO. Respondents acknowledge that the test for determining whether the United Mine Workers of America Coal Miners PAC is affiliated with the AFL-CIO COPE/PCC is the general test for affiliation set out in §100.5(g)(2) of the Committee's regulations (i.e., whether the committees are "established, financed, maintained or controlled by the same corporation, labor organization, person or group of persons"), but denies any such relationship with the UMWA Coal Miners PAC and notes that complainant has proffered no evidence whatsover of any such relationship.

2/ No UMWA representative was present at the March 22, 1984 meeting chaired by COPE Director John Perkins, nor do UMWA representatives participate in the regular meetings of the political directors of AFL-CIO member unions held for the purpose of discussing internal political education and get-out-the-vote activities jointly undertaken by the AFL-CIO COPE and those member unions.

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In sum, the March 22 meeting constituted an exercise of the AFL-CIO's statutory right to communicate on any subject with its members. See 2 U.S.C. §441b(b)(2)(A). The exercise of that right does not make AFL-CIO COPE/PCC affiliated with the international union political committees with whom the AFL-CIO communicates. The legislative history of §441a(a)(5) clearly demonstrates that in framing the antiproliferation rules Congress fully understood that the AFL-CIO had a statutory right to communicate with its member unions and their members and families and that the Federation exercised that right. Congress nevertheless determined that the exercise of that right should not prevent the AFL-CIO and its affiliated national and international unions from sponsoring separate political committees with separate contribution limits. See respondents' reply to FEC MUR 1605 dated January 27, 1984, at 5-7. A determination of affiliation based on communications between the AFL-CIO and its affiliates would not only be contrary to the language and legislative intent of §441a(a)(5) but would also lead to the absurdity that any political committee that exchanged information with any other political committee regarding campaign related matters becomes affiliated with the recipient of the information.

Complainant's observation that 39 percent of the cited contributions by the respondent union political committees during the months of February and March, 1984, occurred on or within seven days of the March 22 meeting discussed above is nothing more than playing with numbers. The New York primary took place on April 3, 1984 and the Pennsylvania primary on April 10, 1984. In light of the sequence of Democratic Presidential primaries and caucuses beginning February 20 in Iowa and February 28 in New Hampshire, followed by primaries and caucuses in 25 states during the first three weeks in March, the end of March is when one would expect contributions to New York and Pennsylvania committees to be made. And, due to the large number of delegates at stake, the relatively large number of Mondale delegate committees in operation, the large number of union members serving on delegate committees, and the large number of union members in these two highly industrialized states, it is not surprising that union political committees should have determined to concentrate resources on the election of Mondale delegates in those primaries. In contrast, the earlier primaries had been in states having far fewer delegates and union members. Moreover, complainant fails to mention that 23 percent of the total contributions for February and March made to Mondale delegate committees by the respondent union political committees were made in the week preceding the March 22 meeting, or that three of the political committees named as respondents — AFL-CIO COPE/PCC, the Bricklayers and Allied Craftsmen PAC, and the United Mine Workers of America Coal Miners PAC — made no contributions whatsoever to Mondale delegate committees during the week following the March 22 meeting. Thus, the timing of the contributions made by respondent union political committees does nothing to prove complainant's allegations.

While it is claimed that the list of contributions to Mondale delegate committees during February and March "demonstrates that respondent union PACs ... have engaged in similar patterns of contributions," no pattern is described nor is any pattern that supports complainant's theory discernible. Upon receipt of the complaint, respondent AFL-CIO COPE/PCC prepared from FEC reports a list of the February and March contributions by the respondent political committees on a state-by-state, committee-by-committee basis. That list, a copy of which is appended hereto as Attachment A, shows that approximately 60% half of the

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committees received contributions from only one of the respondent union political committees, while the other 40% received contributions from as few as two and as many as nine different union political committees. The particular combinations of union political committees that gave to the delegate committees, the dates on which the contributions were made, and the amounts of the contributions all vary widely from delegate committee to delegate committee. This lack of a pattern belies complainant's allegations.

2. The AFL-CIO COPE/PCC Has Not Knowingly and Willfully Made Excess Contributions To The Mondale For President Committee or To Any Mondale Delegate Committee

AFL-CIO COPE/PCC's contributions to Mondale delegate committees are set out in the margin.3/ In making these contributions, the AFL-CIO COPE/PCC and its treasurer, Thomas R. Donahue, relied on a memorandum, a copy of which is appended hereto as Attachment B, prepared by the committee's counsel, describing the Commission's delegate regulations governing contributions to and expenditures by delegates and delegate committees. (11 C.F.R. 110.14.) The memorandum states that contributions from labor organizations' voluntary separate segregated funds to delegate committees are lawful but are subject to the $5000 per political committee per year contribution limit stated in 2 U.S.C. $441a(a)(2)(C).

Respondents' contributions to delegate committees were made with the good faith belief that each of the committees were independent from each other and from the Mondale For President Committee and that each delegate committee had a separate contribution limit for purposes of 2 U.S.C. $441a. Respondents made the independent decision to contribute to those delegate committees based on their own assessment of what contributions would further the AFL-CIO's interest in achieving the election of Mondale delegates in general and labor union delegates in particular.

Based on the above, respondents deny that they have "knowingly and willfully" violated 2 U.S.C. $441a. Furthermore, since respondents acted in good faith reliance on $110.14 of the Commission's regulations in making contributions to delegate committees, respondents submit that they should not be subject to any sanctions under the Act in relation to the making of those contributions. See 2 U.S.C. $438(e).4/

3/ A $1000 contribution to the South Florida Delegates For Mondale Committee on 3/8/84; a $3000 contribution to the Mondale 15th District Delegate Committee (Florida) on 3/9/84; a $1000 contribution to the Mondale Delegate Congressional District Eight Committee (Florida) on 3/9/84; a $5000 contribution to the Delegates Committee With Mondale (Puerto Rico) on 3/12/84; a $3200 contribution to the 17th District Mondale Delegate Committee (Illinois) on 3/15/84; a $3200 contribution to the 22nd District Mondale Delegate Committee on 3/15/84; a $3200 contribution to the 19th District Mondale Delegate Committee (ILL) on 3/15/84; a $600 contribution to the Mondale Delegates D.C. Commmittee on 3/16/84; and a $5000 contribution to the Mondale Delegates At Large Committee of Maryland on 4/19/84.

4/ The complaint (at pp. 22-23) offers the suggestion that the respondent AFL-CIO COPE/PCC and respondent union political committees are somehow affiliated with the Mondale for President Committee and various delegate committees. The basis for this suggestion, so far as we understand it, is the allegation that for

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For the foregoing reasons, respondents respectfully request that the Commission find no reason to believe that respondents have violated the Federal Election Campaign Act and that the Commission dismiss the complaint against them.5/

Sincerely,

Laurence Gold

Laurence Gold

Margaret E. McCormick

Margaret E. McCormick

(footnote 4 continued): certain periods some of the delegate committees named in the complaint received a "significant part" of their contributions from union political committees and the further allegation that an individual who is an officer of a Florida county AFL-CIO is also an assistant treasurer to a delegate committee in Florida. These allegations are plainly insufficient to demonstrate affiliation. See FEC Advisory Opinion 1982-21. We add only that there is nothing in the Act that puts individuals who are officers of local labor organizations to the choice between resigning their union officer position or foregoing their right to seek delegate status.

5/ The supporting documents submitted by complainants includes affidavits from two persons who allege that they found COPE materials at the office of the Mondale At-Large Delegate Committee at 1420 Walnut Street in Philadelphia. The affidavit of private investigator Albert Brown (Attachment D of the complaint) states that Mr. Brown discovered and stole an AFL-CIO COPE poster headed "Reaganism: A Price Too High" from the bathroom of the delegate committee office. Copies of the AFL-CIO COPE poster described above were distributed solely to AFL-CIO members and their families. The AFL-CIO has no knowledge of how one copy of that poster found its way into the bathroom of the above-described delegate committee. In any event, it is clear that the recirculation of a single COPE poster outside the AFL-CIO's restricted class is de minimis and therefore does not violate the statute or the Commission's regulations. See FEC Advisory Opinions 80-139; 79-50.

The affidavit of Nicole Chambers (Attachment E of the complaint) states that among the "campaign material" that she was asked to distribute to unidentified individuals coming into the delegate committee office was a two-page flyer bearing the logo of the Pennsylvania AFL-CIO Committee on Political Education. The flyer, appended as Exhibit 9 to Attachment E, was prepared by the Pennsylvania AFL-CIO for distribution to AFL-CIO members and their families. Copies of the flyer were distributed only to AFL-CIO local central bodies. The Pennsylvania AFL-CIO has repeatedly instructed such local central bodies not to distribute COPE materials to anyone but AFL-CIO members and their families. The Pennsylvania AFL-CIO has no knowledge of how copies of the flyer came to be in the office of the delegate committee.

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ATTACHMENT A

MONDALE DELEGATE COMMITTEE

CONTRIBUTIONS RECEIVED FROM AFL-CIO COPE/PCC OR RESPONDENT UNION POLITICAL COMMITTEES FEBRUARY - MARCH 1984

FLORIDA

So. Fla. Dels for Mondale
1) CWA 3/5 $1,000
2) AFT 2/21 $2,000
3) AFSCME 3/7 $5,000
4) COPE 3/9 $1,000

C.D. 2 Dels. for Mondale
1) AFSCME 2/22 $1,000

Dels. for Mondale 3rd C.D.
1) CWA 3/8 $1,000
2) AFT 2/13 $2,000
3) AFSCME 3/12 $2,000

5th C.D. Dels. for Mondale
1) CWA 3/5 $1,000
2) AFSCME 2/22 $1,000

C.D. 6th Dels. for Mondale
1) AFT 2/16 $500

C.D. 7th Dels. for Mondale
1) AFSCME 3/1 $1,000

Mondale Dels. C.D. 8th
1) COPE 3/9 $1,000 ($500 returned)

C.D. 9th Dels. for Mondale
1) AFT 2/17 $2,000

C.D. 11th Dels. for Mondale
1) AFT 2/27 $500

Northern C.D. (12th) Dels. for Mondale
1) AFT 2/27 $500

Mondale Dels. C.D. 13
1) AFSCME 2/22 $1,000

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16th C.D. Dels. for Mondale
1) AFT 2/16 $500

Mondale 15th Dist. Del. Comm.
1) AFT 2/16 $1,500
2) COPE 3/9 $3,000

Mondale 16th Dist. Del. Comm
1) AFSCME 3/12 $2,000

ILLINOIS

1st C.D. of Ill. Del. Comm. to Mondale
1) AFT 2/15 $1,000

2nd C.D. Mondale Comm.
1) CWA 3/2 $1,000
2) AFT 2/15 $1,000

3rd C.D. Mondale Del. Comm
1) Ironworkers 3/14 $5,000 (voided)
2) AFT 2/15 $1,000
3) AFSCME 2/17 $2,000

4th C.D. Mondale Dels.
1) AFT 3/2 $1,000

Dels. for Mondale Comm. (6th C.D.)
1) AFT 2/15 $1,000

Ill. 7th Dist. Mondale Del. Comm.
1) Bricklayers 3/1 $500
2) ACTWU 3/8 $1,000
3) AFT 3/16 $1,500

9th C.D. Mondale Dels.
1) AFSCME 2/17 $2,000

11 C.D. Mondale Del. Comm.
1) SEIU 2/24 $1,000
2) AFSCME 2/29 $1,000

12th Dist. Mondale Dels.
1) UAW 2/14 $2,000 ($1,717.74 Returned)

15th Dist. Dels. for Mondale
1) AFSCME 2/10 $5,000

16th Dist. Mondale Dels.
1) UAW 2/14 $2,000

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17th Dist. Mondale Dels.
1) UAW 2/14 $2,000
2) COPE 3/15 $3,200 ($1,563.36 Returned)

18th Dist. Mondale Dels
1) UAW 2/14 $2,000

19th Dist. Mondale Dels.
1) UAW 2/14 $2,000
2) COPE 3/15 $3,200

20th Dist. Dels. for Mondale
1) Carpenters 2/29 $5,000
2) UAW 2/14 $2,000

22nd District Mondale Del. Comm.
1) COPE 3/15 $3,200
2) UMWA 2/16 $200
3) UMWA 2/8 $4,800

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KENTUCKY

Kentucky At-Lge. Mondale Comm.
1) UFCW 3/21 $5,000
2) UMWA 3/21 $5,000

MARYLAND

Montgomery Co. Mondale Del. Comm.
1) Machinists 3/23 $500 (Returned)

MASSACHUSETTS

6th Dist. Dels. for Mondale
1) SEIU 3/5 $500

MICHIGAN

6th Dist. Dels. for Mondale
1) UAW 3/15 $3,000

MONTANA

Mt. At-Lge. Dels. for Mondale
1) AFT 3/21 $1,000

42 600

NEW HAMPSHIRE

N.H. 1st Dist. Dels. to Mondale
1) Bricklayers 2/9 $5,000
2) ACTWU 2/16 $5,000
3) AFT 2/9 $5,000
4) AFSCME 2/10 $5,000

N.H. 2nd Dist. Dels. for Mondale
1) CWA 2/10 $5,000
2) UFCW 2/23 $5,000
3) AFSCME 3/23 $1,350
4) UMWA 2/22/84 $5,000

NEW YORK

N.Y. State At-Lge. Del. Comm. for Mondale
1) ACTWU 3/23 $2,500
2) CWA 3/23 $5,000
3) UFCW 3/23 $5,000
4) Ironworkers 3/28 $5,000 ($1,000 Returned)
5) Machinists 3/23 $5,000
6) AFT 3/22 $5,000
7) SEIU 3/22 $5,000
8) UAW 3/23 $5,000
9) AFSCME 3/23 $5,000

Lower Hudson Dels. for Mondale
1) AFSCME 3/23 $565

Northern County Dels. for Mondale
1) AFSCME 3/23 $1,210

Northern N.Y. Dels. for Mondale
1) Machinists 3/26 $1,000

Southern Tier Comm. for Mondale
1) AFT 3/22 $1,500
2) AFSCME 3/23 $500

Long Island 1st C.D. Dels.
1) AFT 3/22 $2,000

Long Island Mondale Del. Comm. (2nd C.D.)
1) CWA 3/20 $2,500

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Long Island Mondale 4th C.D.
1) AFSCME 3/23 $2,055

6th C.D. Dels. for Mondale
1) AFSCME 3/23 $1,910 (2)

7th C.D. Dist. Dels. for Mondale
1) AFT 3/23 $500
2) AFSCME 3/23 $45

8th C.D. Dels. for Mondale
1) AFSCME 3/23 $610

9th C.D. Dels. for Mondale
1) AFT 3/23 $250
2) AFSCME 3/23 $625 (2)

10th C.D. Dels. for Mondale
1) AFT 3/23 $500

Dels. for Mondale 11th C.D.
1) AFT 3/23 $250
2) AFSCME 3/23 $760

Dels. for Mondale 12th C.D.
1) AFT 3/23 $250
2) AFSCME 3/23 $760 (2)

Dels. for Mondale 13th C.D.
1) AFSCME 3/23 $15

Dels. for Mondale 14th C.D.
1) AFT 3/23 $250
2) AFSCME 3/23 $605 (2)

15th C.D. Dels. Coalition for Mondale
1) AFT 3/23 $750
2) AFSCME 3/23 $ 1,710 (2)
3) AFT (N.Y.) 2/27 & 31 $370

16th C.D. Dels. for Mondale
1) AFSCME 3/23 $835 (2)

Mondale 19th C.D. Dels. Comm.
1) AFT 3/23 $750
2) AFSCME 3/23 $1,610 (2)

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18th C.D. Dels. for Mondale
1) AFSCME 3/23 $400 (2)

Mondale 19th C.D. Dels. Comm.
1) AFT 3/23 $300
2) AFSCME 3/23 $1,225 (2)

22nd C.D. Dels. for Mondale
1) Carpenters 3/29 $2,000

23rd C.D. Dels. for Mondale
1) AFSCME 3/23 $3,000

Naples Mondale for Pres. Slate (24th C.D.)
1) AFT 3/23 $1,300
2) AFSCME 3/23 $715

25th Dels. for Mondale
1) AFSCME 3/23 $775

28th C.D. Dels. for Mondale
1) AFT 3/22 $2,000

Comm. for Western N.Y. Demo. Del. (31st C.D.)
1) Carpenters 3/20 $2,000
2) ACTWU 3/20 $1,000 & 3/23 $1,000
3) UFCW 3/23 $2,000
4) AFT 3/22 $3,000

Mondale's Team (32nd C.D.)
1) Carpenters 3/29 $1,000
2) CWA 3/26 $500
3) AFT 3/22 $3,000
4) AFSCME 3/23 $1,215

PENNSYLVANIA

PA. At-Large Dels. for Mondale
1) Bricklayers-3/21/84 $2,000.00
2) CWA-3/23/84 $5,000.00
3) UFCW-3/22/84 $5,000.00 - ($1,000.00 Returned)
4) Ironworkers-3/28-29/84 $5,000.00
5) AFT-3/21/84 $5,000.00
6) SEIU-3/22/84 $4,000.00
7) UAW-3/23/84 $5,000.00
8) AFSCME-3/23/84 $5,000.00

Phila. Demo. Co. Exec. Comm.
1) Machinists-3/23/84 $5,000.00
2) SEIU-3/22/84 $5,000.00

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2nd C.D. Dels. for Mondale Comm.
1) AFT-3/21/84 $5,000.00
2) AFSCME-3/24/84 $1,000.00

3rd C.D. Dels. for Mondale Comm.
1) AFT-3/21/84 $1,500.00

10th C.D. Dels. for Mondale Comm.
1) AFT-3/21/84 $1,000.00

12th C.D. Dels. for Mondale
1) SEIU-3/19/84 $1,000.00
2) UMWA-3/21/84 $5,000.00

14th C.D. Dels. for Mondale
1) Machinists-3/23/84 $2,500.00
2) AFT-3/21/84 $2,000.00

PA. 17th C.D. Dels. for Mondale Comm.
1) SEIU-3/26/84 $1,000.00 (Returned)

PA. 18th C.D. Dels. for Mondale
1) Bricklayers 3/21/84 $3,000.00

21st Mondale Del. Comm.
1) AFSCME-3/23/84 $1,500.00

22nd C.D. Dels. for Mondale
1) UMWA 3/21/84 $5,000.00

23rd Mondale Del. Comm.
1) AFSCME-3/23/84 $1,000.00

PUERTO RICO

Delegates Comm. With Mondale
1) COPE 3/12 $5,000

RHODE ISLAND

1st C.D. Mondale Del. Comm.
1) AFSCME-3/12/84 $2,500.00

2nd C.D. Mondale Del. Comm.
1) AFSCME-3/12/84 $2,500.00

VIRGINIA

3rd C.D. Mondale Del. Selection Comm.
1) UMWA 3/21/84 $5,000

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WISCONSIN

Wisconsin At-Large Mondale Dele.
1) CWA-3/21/84 $5,000.00
2) AFSCME-3/24/84 $5,000.00

Wisconsin 5th C.D. Mondale Del. Comm.
1) CWA-3/21/84 $5,000.00

DISTRICT OF COLUMBIA

Mondale Dele. D.C. Comm.
1) AFT-3/19/84 $500.00
2) AFSCME-3/7/84 $1,000.00
3) COPE 3/16 $600.00

17,100

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ATTACHMENT 6

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

LANE KIRKLAND PRESIDENT
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Frank Drake
Joseph P. Lyons
Joseph E. Finley
Jacob S. Fishman
Jacob Sheinkman
Michael J. Quill
William H. Spencer

September 28, 1983

MEMORANDUM

TO: John Perkins

FROM: Larry Gold and Peggy McCormick

RE: FECA Rules on Contributions to and Expenditures by Individuals

The purpose of this memorandum is to summarize the Federal Election Campaign Act's (FECA) provisions and the Federal Election Commission's (FEC) regulations that govern contributions to and expenditures by individuals who seek to become delegates to a national nominating convention. The rules set out below apply to all levels of the delegate selection process -- from the precinct level up -- and to all methods of delegate selection -- by primary, by convention, by caucus.

Since the FEC regulations on contributions to and expenditures by delegate(s) running individually differ significantly from the regulations applying to delegates running as a delegate committee, the rules applicable to each type of delegate campaign are treated separately below.

The term "delegate" as used herein includes: any individual who becomes or seeks to become a delegate, as defined by state law or party rule, to a national nominating convention, or to a State, district, or local convention, caucus, or primary which is held to select delegates to a national nominating convention.

The term "delegate committee" as included herein includes: a group of delegates, a group of individuals jointly seeking selection as delegates and a group of individuals supporting delegate(s) which has either jointly received contributions aggregating more than $1000 or jointly made expenditures aggregating more than $1000 during a calendar year. (For example, a delegate slate that receives more than a $1000 in contributions or spends more than $1000 is a "delegate committee.")

NOTE: While delegates are not federal "candidates" within the meaning of the FECA, funds donated to or spent by or on behalf of delegates and delegate committees are treated as "contributions" and "expenditures" made in connection with a federal election". Labor organizations, therefore, are: (1) prohibited from making such contributions or expenditures out of treasury funds (11 C.F.R. 110.14(f)); (2) permitted to contribute to delegates and delegate committees

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from their voluntary separate segregated funds (PACs), subject to the limits discussed below; and (3) permitted to spend treasury money on partisan communications in connection with the delegate selection process aimed at the organizations' members and their families. (The rules governing the use of treasury money for registration/get-out-the-vote drives depend on the type of delegate selection process; because of the resulting complexity, those rules are not summarized in this memorandum.

I. Delegates Running Individually

A. Registration/Reporting

Individual delegates do not have to register with the Federal Election Commission nor are they required to file reports of the contributions they receive or the expenditures they make with the FEC.

B. Contributions To

1. Individual delegates may not accept treasury money contributions (including in-kind contributions of goods or services) from labor organizations, corporations, incorporated membership organizations, trade associations, government contractors or foreign nationals. 11 C.F.R. 110.14(f).

2. Political committees, including PACs and party committees, may contribute unlimited amounts of voluntary money to an individual delegate(s).

3. Individual delegates may spend unlimited amounts of their personal funds on their own delegate campaigns.

4. Other individuals may contribute up to $25,000 to an individual delegate, to the extent that such other individuals have not already depleted their annual contribution limit of $25,000.

5. Individual delegates may accept contributions from a Presidential candidate's campaign committee. Such contributions count against the contributing Presidential candidate's primary expenditure limits.

6. Contributions made to a delegate for the purpose of furthering his or her selection are not treated as a contribution to a Presidential candidate even if that delegate is pledged to or has announced his or her support of a particular Presidential candidate.

C. Expenditures By

1. General Rule. An individual delegate may make unlimited expenditures out of personal funds or from funds contributed to his or her delegate campaign to promote his or her own selection as a delegate. Such expenditures may include: expenditures for campaign materials and communications solely advocating the individual's own selection as a delegate, as well as, expenditures for travel and subsistence during the delegate selection process and during the national convention. Such expenditures do not count as contributions to or towards the spending limits of a Presidential candidate to whom the delegate may be pledged or

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by whom the delegate may be authorized.

2. Grassroots Campaign Materials. An individual delegate may spend unlimited amounts of personal funds or funds contributed to his/her delegate campaign on grassroots campaign materials which mention both the individual delegate's name and the name of a Presidential candidate whom the delegate supports. Grassroots campaign materials include: buttons, bumperstickers, leaflets, brochures, posters, yard signs and similar items. These items may only be used in connection with volunteer activity (they may not be distributed by a commercial vendor) and not for general public advertising. A delegate's expenditures for these items will not count as a contribution to a Presidential campaign, even though the name of a Presidential candidate is mentioned. Delegates should not reproduce or otherwise incorporate a Presidential candidate's campaign materials in preparing these items. (See section 3(c) below.)

3. General Public Advertising

(a) An individual delegate may make unlimited expenditures for general public advertising (e.g., broadcast media, newspaper advertisements, magazine ads, billboards, and direct mail by commercial vendors or to lists purchased from commercial sources and similar types of advertising) provided that such advertising only advocates the delegate's own selection and does not mention the name of a Presidential candidate.

(b) If a delegate spends money for general public advertising (as defined above) advocating his or her selection and that advertising also mentions the name of a Presidential candidate an allocated share of the delegate's expenditure will be treated as: (1) a contribution-in-kind to that Presidential candidate if the expenditure(s) in question is made in cooperation or consultation with, or at the request or suggestion of, or is authorized by the Presidential candidate or any agent of the candidate, e.g., a member of his campaign staff. Such contributions by individual delegates may not exceed $1000 for the primary; or (2) an independent expenditure if the advertisement(s) expressly advocates the election of the named Presidential candidate and is not requested, suggested or authorized by or made in consultation or cooperation with that candidate or his campaign. Independent expenditures are not limited by the FECA but individuals must file reports with the FEC if their independent expenditures exceed $250 during a calendar year. The Act's disclaimer requirements apply to such "independent expenditures".

(c) Expenditures by a delegate to finance the distribution or republication in whole or in part of any broadcast or campaign materials prepared by a Presidential candidate or his campaign/agents will be treated as a contribution to that candidate if made in cooperation or consultation with or with the consent or at the request/suggestion of the candidate or his agents.

II. Delegate Committees

These rules apply to groups of individuals supporting delegate(s), to groups of individuals seeking selection as delegates, as well as to groups of delegates, if such individuals, acting as a group, either receive joint contributions aggregating more than $1000 or make joint expenditures aggregating more than $1000 during a calendar year. In general "delegate committees" are treated like any other "political committee" under the FECA.

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A. Registration and Reporting

A delegate committee must register as a political committee with the FEC within 10 days after it either receives contributions or makes expenditures totalling more than $1000. In order to register, such a committee must designate a treasurer and open a bank account. The committee must also maintain the contribution and expenditure records required by the FECA and file periodic reports of all contributions received by and all expenditures made by the committee with the FEC. Reporting information and forms may be obtained by calling the Commission toll free at 800-424-9530.

B. Contributions To

1. Political committees, including separate segregated funds, may contribute up to $5000 of voluntary money per year to a delegate committee. There is no limit on the number of delegate committees to which a political committee, including a separate segregated fund, may contribute.

2. Delegate committees may not accept treasury money contributions from labor organizations, corporations, incorporated membership organizations, trade associations, government contractors or foreign nationals.

3. Individuals, including individual delegates who are part of a delegate committee, may contribute up to $5000 per calendar year to a delegate committee, subject to their overall $25,000 annual contribution limit.

4. Contributions to a delegate committee do not count as contributions to a Presidential candidate to whom members of that committee may be pledged or whom they may support.

C. Expenditures By

1. General Rule. Delegate committees may spend unlimited amounts of the committee's funds on campaign materials or public advertising which advocates the selection of delegates but does not mention the name of a Presidential candidate.

2. Grassroots Campaign Materials. It also appears that delegate committees may spend unlimited amounts of the committee's funds on grassroots campaign materials which mention delegates' names and the name of a Presidential candidate provided that those materials are used for volunteer activity and not for general public advertising.

3. General Public Advertising. Delegate committee expenditures for general public advertising which urges the selection of delegates and also mentions the name of a Presidential candidate will be treated as allocable contributions-in-kind to the Presidential candidate whose name is mentioned, if the expenditures are made in cooperation or consultation with, or at the suggestion or request of, or are authorized by the Presidential candidate or his campaign. Delegate committees may not contribute more than $1000 to a Presidential primary campaign.

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Delegate committee expenditures for general public advertising which which urges the selection of delegates and also expressly advocates the election of a Presidential candidate will be treated as allocable independent expenditures (and thus will not count as a contribution to that candidate) provided that those expenditures are not made in cooperation or consultation with, or at the suggestion or request of, or with the authorization of the Presidential candidate whose name is mentioned or his agents, e.g., campaign staff. There is no limit on such "independent expenditures" but they must be reported by the delegate committee on its regular FEC reports.

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GCC# 3324

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

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Owen Bieber

June 7, 1984

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

RE: FEC MUR 1704

JUN 7 PM 3:53

85040502511

Dear Mr. Steele:

The Office of the General Counsel notified me today of the Commission's decision to deny the request of respondents AFL-CIO, AFL-CIO COPE/PCC, and Thomas R. Donahue for a 15 day extension to reply to the complaint in the above-referenced matter.

The purpose of this letter is to ask the Commission to reconsider that decision at least to the extent of granting respondents a brief extension of six days, from June 15 until June 21, 1984 in which to file their response.

As explained in his letter dated June 4, 1984, my co-counsel Laurence Gold is presently in Geneva, Switzerland participating in meetings of the International Labor Organization and must remain there until June 25, 1984. Therefore the preparation of our response to the complaint in this matter will necessarily require the transmission of information and written materials from one continent to another and back. Under these circumstances, it would be virtually impossible for us to prepare and file our response any sooner than June 21st.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick

6cc3457

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

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Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

June 4, 1984

MUR 1704
Memo

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

Re: FEC MUR 1704

Dear Mr. Steele:

The purpose of this letter is to request an extension of time for respondents the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), AFL-CIO Committee on Political Education Political Contributions Committee, and Thomas R. Donahue to reply to the complaint filed in the above-referenced matter.

Respondents received the complaint herein on May 31, 1984. Due to a previous and unalterable commitment, I must be in Geneva, Switzerland for meetings of the International Labor Organization from June 4, 1984 until June 25, 1984. My co-counsel in this matter, Margaret E. McCormick, is presently counsel in 17 MURs now pending before the Commission, and has a response due in MUR 1696 on June 6, 1984, in MUR 1702 on June 14, 1984, and is in the process of conciliating MUR 1623. Due to my absence from this country, she will also have to undertake a number of additional responsibilities thus increasing her already substantial workload. For the foregoing reasons, it would be difficult if not impossible for us to prepare a proper reply in this matter within the normal 15-day reply period.

Accordingly, we hereby request a 15-day extension of time from June 15, 1984 to June 30, 1984 in which to file the reply of respondents AFL-CIO, AFL-CIO COPE/PCC and Thomas R. Donahue in this matter.

Sincerely,

Laurence Gold

Laurence Gold

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James B. Booe
Chairman

Louis B. Knecht
Treasurer

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CWA-COPE
Political Contributions Committee

June 4, 1984

File: 1.34

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

Re: MUR 1704

Dear Mr. Mims:

This is in reply to the General Counsel's letter of May 29 notifying our Committee about the complaint filed by the National Right to Work Committee.

The Treasurer of CWA-COPE PCC, Louis B. Knecht, has asked that I represent his views on this matter.

As we discussed on June 1, I would like to ask for a three week extension until July 6, 1984 in order to give a proper reply to the complaint. I am getting married on June 10, and then will be on my honeymoon until June 24.

I would appreciate your prompt consideration of this request as the last day I plan to be in my office is June 6. Please call me at 728-2502 if there are any questions.

Sincerely,

Ron Krouse

Ron Krouse, CWA-COPE Supervisor

/ljp

1925 K Street, N.W. Suite 211 Washington, D.C. 20006 (202) 785-6737 (202) 785-5875

Paid for and authorized by CWA on behalf of a joint fundraising effort for CWA-COPE PCC and the AFL-CIO COPE PCC.

8504050251 3

CWA-COPE
Political
Contributions
Committee
1925 K Street, N.W.
Suite 211
Washington, D.C. 20006

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

6003451

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

John H. Lyons
S. Frank Raftery
Glenn E. Watts
Angelo Fosco
Lloyd McBride
Wm. W. Winpisinger
Wayne E. Glenn
John J. Sweeney
Barbara Hutchinson
Gerald W. McEntee
Patrick J. Campbell

Thomas W. Gleason
Murray H. Finley
Sol C. Chaikin
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William H. Wynn
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Frank Drozak
Richard I. Kilroy
William H. Bywater
Kenneth J. Brown

Frederick O'Neal
Albert Shanker
Edward T. Hanley
J. C. Turner
Alvin E. Heaps
John DeConcini
Joyce D. Miller
James E. Hatfield
Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

Mur 1704
Mems

June 4, 1984

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

Re: FEC Mur 1704

Dear Mr. Steele:

Pursuant to 11 C.F.R. 111.23, the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), the AFL-CIO Committee on Political Education Political Contributions Committee, and the undersigned hereby designate Laurence Gold and Margaret E. McCormick as our counsel with respect to the above-referenced matter.

Mr. Gold and Ms. McCormick are authorized to receive any notifications and other communications from the Commission in connection with this matter and to act on our behalf before the Federal Election Commission.

Mr. Gold's and Ms. McCormick's address is AFL-CIO Legal Department, 815 16th Street, N. W., Room 808, Washington, D. C. 20006. Their office telephone number is (202) 637-5390. Mr. Gold's home telephone number is (202) 966-9331; Ms. McCormick's home telephone number is (301) 656-9612.

Sincerely,

Thomas R. Donahue

Thomas R. Donahue
Secretary-Treasurer

8 5 0 4 0 5 0 2 5 1 5

AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION
ACTWU
AFL-CIO, CLC
15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

MURRAY H. FINLEY
President
SCOTT HOWARD
Executive Vice President

RECEIVED AT THE FED
GCC #4596
84 SEP 7 PM 1:28

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 7 P2:10

September 6, 1984

EXPRESS MAIL #B38663394

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

Re: MUR 1704 - ACTWU-PAC

Dear Mr. Steele:

The following is the response of the Amalgamated Clothing and Textile Workers Union Political Action Committee ("ACTWU-PAC") to the notification in a letter dated August 14, 1984, that the Federal Election Commission determined there is reason to believe that ACTWU-PAC and John Fox, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) of the Federal Election Campaign Act of 1971, as amended (the "Act").1/

The Commission has failed to provide the factual basis supporting the finding that ACTWU-PAC violated the Act in its notification of reason to believe, as required by 11 C.F.R. § 111.9(a) of the Commission's own Regulations. The absence of any factual support for the vague allegations deprives Respondent ACTWU-PAC of the essential due process right to notice of its alleged wrong doing.

1/ For clarification, Jack Sheinkman is the treasurer of ACTWU-PAC, located at 15 Union Square, New York, New York, and named as Respondent in the Complaint. John Fox is the treasurer of an affiliated PAC, the Philadelphia Joint Board ACTWU-PAC, located at 22 South 22nd Street, Philadelphia, Pennsylvania.

8504050251 6

VICE PRESIDENTS
JOHN ALLERUZZO
SAMUEL J. AZZINARO
KILMER CABAN
LES CALDER
FRANK CALECA
CHARLES "BUD" CLARK
ED CLARK
JEAN MARC COUTURE
OLGA DIAZ
JAMES DILLON
HENRY DROPKIN
BRUCE DUNTON
GARRY FERRARIS
JOHN FOX
SAM FOX
ANGELO G. GEORGIAN
HARRY GORDON
MARION E. GROCE
NICHOLAS GYORY
WILLIAM HALL
JOSEPH HUIGHE
JAMES JACKSON
JAMES A. JOHNSON
ARTHUR LOEVY
RICHARD MacFADYEN
JOYCE D. MILLER
VERA MILLER
MURRAY MORENO
FRANK NICHOLAS JR
CARMEN PAPALE
BRUCE RAYNOR
CHARLES SALLEE
LEON SPITZER
PETER J. SWOBODA
CECIL TOPPIN
JIM WALRAVEN

RECEIVED

The notification letter states that ACTWU-PAC made excessive contributions to the Mondale campaign. In fact, ACTWU-PAC has not made any contributions to the Mondale Campaign. The Commission has failed to set forth the dates and amounts of the specific campaign contribution it believes to be in excess of statutory limits.

The reason to believe letter further notifies ACTWU-PAC that the Commission voted to merge MURs 1667 and 1704, although MUR 1667 does not specifically name ACTWU-PAC as a respondent. The undersigned requested a copy of MUR 1667 from Federal Election Commission Attorney Stephen Nims, and was advised that the Commission's rules of confidentiality prevented him from providing a copy of MUR 1667. Consequently, ACTWU-PAC has been denied relevant information as to the basis of the merger of MURs 1667 and 1704 and the nature of the "similar allegations" as referenced in the reason to believe letter.

The serious procedural due process defects depriving ACTWU of the requisite notice of the specific allegations of violations of the Act make it inappropriate and impossible for ACTWU-PAC to provide any additional relevant information in this response. In the absence of any factual foundations for the alleged excessive contributions, ACTWU-PAC can only reassert its position as stated in its original response dated June 19, 1984. ACTWU-PAC made contributions to the various delegate committees listed in the Complaint based upon information and requests of local union representatives. ACTWU-PAC at all times acted in good faith reliance on the independent nature of the delegate committees and that contributions to each delegate committee were subject to a $5,000.00 maximum limit. ACTWU-PAC has at all times made best efforts to comply with the statutory limits as provided for in the Act and knows of no excessive contribution activity in violation of §441a(a)(2)(A) of the Act.

8504050251 7

For the above reasons, ACTWU-PAC respectfully requests that the complaint be dismissed as against ACTWU-PAC and that no further action be taken on MUR 1704.

Very truly yours,

Joan Ruby

Joan Ruby
Assistant General Counsel

JR/pb

cc: Lee Ann Elliot
Stephen Nims
Arthur M. Goldberg
Elizabeth Smith

8504050251 8

ACTWU
AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION, AFL-CIO, CLC

MURRAY H. FINLEY, President
JACK SHERMAN, Secretary-Treasurer
SCOTT NOVMAN, Executive Vice President

15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

84 AUG 21

August 16, 1984

CERTIFIED MAIL NO. P17 2894298

Lee Ann Elliott, Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

AUG 21 P 5:34

Re: MUR 1704, ACTWU-PAC

Dear Chairman Elliott:

Respondent ACTWU-PAC requests a two week extension of time until September 10, 1984 to submit a response to the notification of the Commission's finding of reason to believe in MUR 1704 received in this office on August 16, 1984. The additional time is needed because of the out-of-town work schedule of the undersigned and the difficulty in reaching persons with relevant information due to vacation schedules.

Thank you for your prompt consideration of this request.

Very truly yours,

Joan Ruby

Joan Ruby
Assistant General Counsel

JR/pb

cc: Stephen Mims
Arthur M. Goldberg
George A. Kirschenbaum

8504050519

VICE PRESIDENTS
JOHN ALLERUZZO
SAMUEL J. AZZINARO
KILMER CABAN
LES CALDER
FRANK CALECA
CHARLES BUD CLARK
ED CLARK
JEAN-MARC COUTURE
OLGA DIAZ
JAMES DILLON
HENRY DROPKIN
BRUCE DUNTON
GARRY FERRARIS
JOHN FOX
SAM FOX
ANGELO G. GEORGIAN
HARRY GORDON
MARION E. GROCE
NICHOLAS GYORY
WILLIAM HALL
JOSEPH HUGHE
JAMES JACKSON
JAMES A. JOHNSON
ARTHUR LOEVY
RICHARD MacFADYEN
JOYCE D. MILLER
VERA MILLER
MURRAY MORENO
FRANK NICHOLAS JR
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BRUCE RAYNOR
CHARLES SALLEE
LEON SPITZER
PETER J. SWOBODA
CECIL TOPPIN
JIM WALRAVEN

RECEIV. THE FEC

84 AUG 20 P1:24

AFL-CIO, CLC

15 UNION SQUARE, NEW YORK, N.Y. 10003-3377

CERTIFIED

P17 2894298

MAIL

Lee Ann Elliott, Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION
ACTWU
AFL-CIO, CLC
15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

RECEIVED AT THE FEC
BCC #3698

MURRAY H. FINLEY
President
SCOTT HOWDEN
Executive Vice President

June 19, 1984

Express Mail #38663435

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

JUN 20 P12:30

Re: MUR 1704

Dear Mr. Steele:

The following is the response to the Complaint filed in MUR 1704 on behalf of the Amalgamated Clothing and Textile Workers Union (ACTWU) and Amalgamated Clothing and Textile Workers Union Political Action Committee (ACTWU-PAC).

The Complaint alleges that ACTWU-PAC is affiliated with other political committees named as Respondents in the Complaint, and made excessive contributions to Mondale Delegate Committees. ACTWU-PAC denies these allegations which are unsupported by any evidence proffered with the Complaint.

ACTWU-PAC is the federal separate, segregated fund and is not affiliated with any other political committee, including the other political committees named in the Complaint, within the meaning of the Federal Election Campaign Act (FECA) or the Regulations 11 CFR §100.5(g). ACTWU-PAC acted independently in deciding which delegate committees to contribute to, and in determining the timing and amounts of those contributions. The contributions to the various delegate committees listed in the Complaint were based on information and requests from ACTWU's local union representatives and members.

In making these contributions, ACTWU-PAC acted in good faith reliance on FEC regulations permitting such contributions and abided by the statutory contribution limits. 11 CFR §110.2(a)(3) and §110.14. ACTWU-PAC relied on the independent nature of these delegate committees in restricting contributions to the

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LES CALDER
FRANK CALECA
CHARLES "BUD" CLARK
ED CLARK
JEAN-MARC COUTURE
OLGA DIAZ
JAMES DILLON
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JOHN FOX
SAM FOX
ANGELO G. GEORGIAN
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WILLIAM HALL
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JAMES JACKSON
JAMES A. JOHNSON
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VERA MILLER
MURRAY MORENO
FRANK NICHOLAS JR
CARMEN PAPALE
BRUCE RAYNOR
CHARLES SALLEE
LEON SPITZER
PETER J. SWOBODA
CECIL TOPPIN
JIM WALRAVEN

$5,000 maximum contribution limit to each delegate committee.

No specific allegation or proof has been presented in the Complaint to establish any wrong doing on the part of ACTWU-PAC or ACTWU.[1/] Therefore, Respondent ACTWU-PAC respectfully requests that the Complaint be dismissed as against ACTWU-PAC and that no further action be taken on MUR 1704.

Very truly yours,

Joan Ruby/gsk

Joan Ruby
Assistant General Counsel

JR/mdc
cc: Stephen Mims
George A. Kirschenbaum

1/ The affidavit of Howard L. Miller, Jr., (Attachment K) is cited in support for the allegation that the ACTWU was operating in "close cooperation" with the Mondale Campaign (Complaint at 23). Although this allegation is unrelated to the gravaman of the Complaint and prayer for relief, a brief response follows.

First, it must be noted that statements in the affidavit are all hearsay reports from other investigators. Secondly, no illegal conduct on the part of ACTWU is described in the Affidavit, Attachment K.

No impropriety or violation of the FECA is committed if someone from the Mondale Campaign should suggest that a volunteer help out at a Union operated phone-bank. Nor is there any impropriety or violation if a Union should accept help from Volunteers in communicating to the restricted class of members and their families. Finally, there is no violation in volunteers addressing AFL-CIO mailings to be sent to AFL-CIO members and their families.

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84 JUN 20 AM 11:37

Joan Ruby, Esq.
Ruby A.C.T.W.U.
15 Union Square
New York, N.Y. 10003

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

EXPRESS MAIL

ORIGIN

Return Receipt Service

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Postage & Fees $

B 38663435

DESTINATION

Date of Del. 6-20

Signature of Addressee or Agent

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Date

Time

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P.O. 102 104 Label 11-B, Apr. 1983

AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION
ACTWU
AFL-CIO, CLC
15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

MURRAY H. FINLEY
President
JACK SHEINKMAN
SCOTTY BAUGH
Executive Vice President

RECEIVED AT THE FEC
AM : 10
CLC#3540

June 5, 1984

JUN 8 P 1:12

8 5 0 4 0 5 0 2 5 2 4

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

Re: MUR 1704

Dear Mr. Mims,

Enclosed please find a Statement of Designation of Counsel in MUR 1704 for Respondent Amalgamated Clothing and Textile Workers Union-PAC, wherein the undersigned is included in the designated counsel.

On behalf of Respondent Amalgamated Clothing and Textile Workers Union-PAC, I request an extension of time to gather the information necessary to submit a response.

A copy of MUR 1704 was received in this office on June 5, 1984. All of the people with relevant information on the allegations in the Complaint will be unavailable during the two week period from June 4, 1984 through June 15, 1984. The General Executive Board of the Amalgamated Clothing and Textile Workers Union ("ACTWU") is meeting in Florida the week of June 4th. The Triennial International Convention of ACTWU will be held in Florida the following week. Additionally, I will be out of the

VICE PRESIDENTS
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SAMUEL J. AZZINARO
KILMER CABAN
LES CALDER
FRANK CALICA
CHARLES "BUD" CLARK
ED CLARK
JEAN MARC COUTURE
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SAM FOX
ANGELO G. GEORGIAN
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RICHARD MacFADYEN
JOYCE D. MILLER
VERA MILLER
MURRAY MORENO
FRANK NICHOLAS JR
CARMEN PAPALE
BRUCE RAYNOR
CHARLES SALLEE
LEON SPITZER
PETER J. SWOBODA
CECIL TOPPIN
JIM WALRAVEN

office during the week of June 18th. For the above-stated reasons, I respectfully request an extension of time to submit a response until July 11, 1984.

Thank you for your consideration of this request.

Very truly yours,

Joan Ruby

Joan Ruby
Assistant General Counsel

JR/vk

cc: Arthur M. Goldberg
George A. Kirschenbaum
Barbara J. Carey
John Fox

Certified Mail No. 748985

8504050225

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1704

NAME OF COUNSEL: Arthur M. Goldberg, George A. Kirschenbaum
Joan Ruby, Barbara Carey

ADDRESS: ACTWU
15 Union Square West
New York, N.Y. 10003

TELEPHONE: 212 242-0700

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.

June 6, 1984
Date

Signature

RESPONDENT'S NAME: Amalgamated Clothing & Textile Workers Union-PAC

ADDRESS: 15 Union Square West
New York, N.Y. 10003

HOME PHONE:

BUSINESS PHONE: 212 242-0700

85040502526

CERTIFIED
No. 748985
MAIL

04 JUN 8 A10:40

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

15 UNION SQUARE • NEW YORK, N.Y. 10003-3377

GCC#6001

Empire State for Mondale
301 Pulaski Street
Syracuse, NY 13204
Attention: Bob Gilmartin

Third Dist. Dels. for WFM
Jack L. Brooks
P.O. Box 2751
Charleston, WV 25330

Pearl Weill
30 West Beech St.
New York, N.Y. 10022

Here ARE the
Del Comm's NOT
on your list.
MLB 1709
Steve
Please call me Tues
for the rest of
Delegates 625-1720

15th C.D. Delegates for
Mondale
944 Oak St.
Allentown, PA. 18102
Attention: Stephen Shaak

Delegates At-Large for
Mondale
Joanne B. Ciulla
1418 Walnut St.
Philadelphia, PA. 19103

23rd District Dels. for WFM
Evelyn E. McLaughlin
8 Gateway Drive
Oil City, PA. 16301

22nd C.D. Delegate Comm.
for WFM
Debbie O'Dell Seneca
335 N. Main St.
Washington, PA. 15301

Comite Delegados Pro Mondale
Jose A. Rivera
P.O. Box 112
Trujillo Alto, Puerto Rico
00760

2nd District Delegate Comm.
for Mondale
Joseph Delorenzo
1910 Smith St. Suite 9
N. Providence, R.I. 02911

1st Dsit. Del. Comm. for WFM
Salvatore Mancini
1910 Smith St. Suite 9
N. Providence, R.I. 02911

APR 17 P3:10

MONDALE/FERRARO
for America
1 Wisconsin Ave. N.W., Washington, DC 20007

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Lois

Mondale for President
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1600

MONDALE

OFFICE OF THE FEC
COMMISSION SECRETARY

SENSITIVE

84 DEC 20 P1:31

December 17, 1984

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

RE: MUR 1704

Dear Mr. Steele:

In compliance with the terms of the agreement reached in settlement of MUR 1704, we are enclosing the following:

1. The first payment of $50,000. The remaining payment of $348,140 will be delivered to the Commission by February 27, 1985.

2. A copy of the December 12, 1984 letter sent to all delegate committee treasurers regarding recordkeeping and reporting requirements. A list of all delegate committees is also enclosed.

3. A copy of our amended Statement of Organization which identifies all of the delegate committees as affiliated committees.

If there are any questions, please do not hesitate to call me.

Sincerely,

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy General Counsel

8504050253 9

Paid for by Mondale for President, Inc.

MONDALE for President Escrow
2233 Wisconsin Ave. NW #318
Washington, DC 20007

No. 1

12/17 1984

15-120
540

PAY TO THE ORDER OF U. S. Treasury $50,000.00

Fifty thousand + 00/100 DOLLARS

DC National Bank ★★★ DISTRICT OF COLUMBIA NATIONAL BANK

FOR 1st repayment

⑆054001204⑆ ⑈269952 4⑈

8504050254 0

Mondale for President
2301 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1600

MONDALE

December 12, 1984

Dear Delegate Committee Treasurer:

As you know, the Mondale for President Committee and the Federal Election Commission recently reached a settlement in MUR 1704 regarding delegate committees.

As part of the settlement the FEC has agreed not to take any further action against any delegate committee or delegate committee contributors in this matter.

Under the agreement, Mondale for President and the delegate committees are to be considered as separate entities for purposes of recordkeeping and reporting. In view of this, we are required to notify you of the following information regarding recordkeeping and reporting:

1. If your committee is still receiving contributions and/or making expenditures you are required by law to continue to file quarterly reports with the FEC. You must continue to file reports until such time as all your debts and obligations are liquidated and you are no longer receiving contributions or making expenditures.

2. You are responsible for keeping copies of each statement and report, together with original back-up records, for three years after each report or statement is filed.

For further information regarding recordkeeping and reporting please see 11 C.F.R. parts 102, 103, and 104 and the FEC's Campaign Guide for non-connnected committees.

If you have any questions, the Federal Election Commission has a toll free number to provide assistance. They can be reached at 1-800-424-9530.

Thank you for your cooperation.

Sincerely,

David M. Ishin
General Counsel

cc: Federal Election Commission

Paid for by Mondale for President, Inc.

8 5 0 4 0 5 0 2 5 4 1

Arizona Mondale Delegate Committee
20226 North 13th Drive
Phoenix, Arizona 85027

37th Congressional District Delegate Advisory Committee
1766 Camino Parocela
Palm Springs, California 92262

Mondale Delegate Election Committee - 6th C.D.
1518 5th Avenue
San Rafael, California 94901

11th Congressional District Mondale Delegate Committee
520 South El Camino Real Suite 520
San Mateo, California 94402

Mondale Colorado Delegate Selection Committee - Statewide
2225 Birch Street
Denver, Colorado 80207

Mondale Delegates - D.C.
1917 Randolph Street NE
Washington, D.C. 20016

ADA Campaign Committee
1411 K Street, N.W.
suite 850
Washington, D.C. 20005

Mondale Delegates, Congressional District #13
1625 Winkler Avenue
Fort Myers, Florida 33901

Congressional District 7 Delegates for Mondale
2925 Alline Avenue
Tampa, Florida 33611

Mondale 15th District Delegate Committee
440 South Andrews Avenue
Fort Lauderdale, Florida 33301

South Florida Delegates for Mondale
P.O. Drawer 520337
1951 N.W. 17th Avenue
Miami, Florida 33152

Congressional District #10 Delegates for Mondale
5520 2nd Avenue Drive West
Bradenton, Florida 33529

Congressional District 5 Delegates for Mondale
1310 West Colonial Drive Suite 29
Orlando, Florida 32804

8 5 0 4 0 5 0 2 5 4 2

Delegates for Mondale
P.O. Box 8796
1100 Cesery Blvd.
Jacksonville, Florida 32211

Congressional District 9 Delegates for Mondale
24 Meadow Lark Lane
Land o Lakes, Florida 33539

Mondale 16th District Delegate Committee
11621 N.W. 23rd Street
Pembroke Pines, Florida 33026

Northern 12th Congressional District Delegates for Mondale
2129 S.E. Holland Street
Port St Lucie, Florida 33452

Mondale Delegates Congressional District #8
94 Baywood Avenue
Clearwater, Florida 33575

14th C.D. for Mondale
5844 Western Way
Lake Worth, Florida 33463

C.D. 2 Delegates for Mondale, Florida
P.O. Box 10403
Tallahassee, Florida 32302

Congressional District 4 Delegates for Mondale
P.O. Box 668, 3141 Howland Blvd.
Orange City, Florida 32763

C.D. #1 Delegates for Mondale
7830 North Palafox Street
Pensacola, Florida 35214

Idaho Delegates for Mondale
537 West Bannock Suite 201
Boise, Idaho 83702

Ninth District Mondale Delegate Committee
1226 N. Greenleaf
Evanston, IL. 60202

22nd Congressional District Delegates for Mondale
P.O. Box 111
Cobden, IL. 62920

14th District Delegate Committee for Mondale
7 Pheasant Run
DeKalb, IL. 60115

8 5 0 4 0 5 0 2 5 4 3

Mondale Delegates for the Illinois 18th Committee
901 W. Brons
Peoria, IL. 61604

15th District Delegates for Mondale
Logan County Courthouse
Lincoln, IL. 62656

20th C.D. Delegates for Mondale
P.O. Box 23
Forsyth, IL. 62535

Sixth District Mondale Delegate Committee
478 Washington Street
Elmhurst, IL. 60126

Eighth District Mondale Delegate Committee
3055 N. Milwaukee
Chicago, IL. 60618

1st Congressional District Delegates for Walter Mondale
9401 South Michigan Avenue
Chicago, IL. 60619

7th Congressional District Delegates for Mondale
One IBM Plaza
Suite 4700
Chicago, IL. 60611

Second Cong. District Delegates for Mondale
11151 South King Drive
Chicago, IL. 60628

Eleventh District Mondale Delegate Committee
6156 North Knox
Chicago, IL. 60646

Delegates for Mondale Committee - 21st Congressional District
8A Potomac Drive
Fairview Heights, IL. 62208

17th District Mondale Delegate Committee
400 Rock Island Bank Bldg.
P.O. Box 428
Rock Island, IL. 61201

13th Congressional District Delegate Committee for WFM
11601 South Pulaski
Alsip, IL. 60658

Fourth District Mondale Delegate Committee
1210 Timber Place Apartment 1B
New Lenox, IL. 60451

8 5 0 4 0 5 0 2 5 4 1

19th District Delegates for Mondale Committee
2431 E. Harrison
Charleston, IL. 61920

16th Delegates for Mondale
1130 North Main
Rockford, IL. 61103

Third Congressional District Delegates for Mondale
4312 W. 107th Drive
Oak Lawn, IL. 60453

10th District Mondale Delegate Committee
908 Providence Lane
Buffalo Grove, IL. 60090

12th District Mondale Delegate Committee
2200 West Higgins Road
Hoffman Estates, IL. 60195

Kansas Mondale At Large Delegate Committee
1645 Barker
Lawrence, Kansas 66044

Kansas At-Large Delegate Committee
715 W. Tenth Street
Topeka, Kansas 66612

Kentucky At Large Delegates for Mondale Committee
1513 Pinemeadow Drive
Lexington, Kentucky 40504

Seventh District Delegates for Mondale
533 W. Lafayette
Baltimore, Maryland 21217

4th District Delegates for Mondale
44 Madison Place
Annapolis, Maryland 21401

Mondale Delegate At Large Committee for Maryland
16 East Lombard Street - 10
Baltimore, Maryland 21202

Sixth District Delegates for Mondale
196 Thomas Johnson Drive #10
Frederick, Maryland 21701

Third District Delegates for Mondale
1035 South Charles Street
Baltimore, Maryland 21230

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Montgomery County for Mondale Delegate Committee
51 Monroe Street
Suite 1406
Rockville, Maryland 20850

Second District Delegates for Mondale
7119 Heathfield Road
Baltimore, Maryland 21212

Prince George's Delegates for Mondale
3505 Burleigh Drive
Mitchellville, Maryland 20716

First District Delegates for Mondale
RD 1 Box 183
Denton, Maryland 21629

15th District Delegates for Mondale Committee
34451 Harroun
Wayne, Michigan 48184

6th District Delegates for Mondale Committee
1019 Huntington
East Lansing, Michigan 48823

Western Missouri Mondale Delegates Committee
220 West Armour Boulevard
Kansas City, Missouri 64111

Montana At Large Delegates for Mondale Committee
846 East 6th Avenue
Helena, Montana 59601

Guilford Delegates for Mondale
1803 Rolling Road
Greensboro, North Carolina 27403

N.H. 2nd District Delegates for Mondale
4 Neil Drive
Allenstown, N.H. 03275

N.H. 1st District Delegates for Mondale
5 Haines
Merrimack, New Hampshire 03054

Naples-Mondale for President-Delegate Slate
Box 124
Clifton Park, New York 12065

8th C.D. Delegates for Mondale
64-48 223rd Place
Bayside, New York 11364

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Lower Hudson Delegates for Mondale
1 Fisher Drive
Mt. Vernon, N.Y. 10552

Mondale 17th C.D. Delegate Committee
48A Hampton Place
Brooklyn, NY 11213

Southern Tier Committee for Mondale
135 1/2 North 6th Street
Olean, NY 14760

Long Island Mondale 4th C.D. Committee
2319 Bond Drive
Merrick, NY 11566

Delegates for Mondale 25th District
1 Hartford Territory
New Hartford, NY 13413

Committee for Western New York Mondale Delegates
Suite 900
First Federal Plaza
Rochester, NY 14614

Haney, Mains, Rankin, Trobia Delegate Committee
3 Tacoma Street
Rochester, NY 14613

Empire Slate for Mondale
301 Pulaski Street
Syracuse, NY 13204

22nd Congressional District Delegates for Mondale
130 North Main Street
New City, NY 10956

23rd Congressional Dem. Committee Delegates for Walter F. Mondale
11 North Pearl Street
Room 1608
Albany NY 12207

Long Island Mondale, First C.D. Delegates
49 Thompson Hay Path
Setauket, NY 11733

L I - Mondale 2nd Congressional District
P.O. Box 555
Lindenhurst, NY 11757

Mondale 19th C.D. Delegate Committee
100-7 Alcott Place
Bronx, NY 10475

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9th C.D. Delegates for Mondale
120-10 Queens Blvd.
New Gardens, NY 11415

21st District Friends of Walter Mondale Delegates
94 Market Street
P.O. Box 910
Poughkeepsie, NY 12602

6th C.D. Delegates for Mondale
92-03 Rockaway Beach Blvd.
Rockaway Beach, NY 11693

16th C.D. Delegates for Mondale
1270 Fifth Avenue - 2R
New York, NY 10029

Sharpe/Jackson Delegates for Mondale
92 Hillcrest Road
Mt. Vernon, NY 10552

7th C.D. Delegates for Mondale
143-53 Hoover Avenue
Briarwood, NY. 10552

27th Congressional District Delegates for Mondale
236 Erie Boulevard East
Syracuse, NY 13202

At-Large Delegates for Mondale
153 East 53 Street
New York, New York 10022

Long Island Mondale 5th C.D.
30 West Beach Street
New York, NY 10022

10th C.D. Delegates for Mondale
1551 East 23rd Street
Brooklyn, NY 11210

North Country Delegates for Mondale
68 Third Street
Gloversville, NY 12078

Delegates for Mondale - Kings/Richmond 11th C.D.
274 Lafayette Avenue
Brooklyn, NY 11238

Delegates for Mondale 12th C.D. Kings/Rich
2044 East 18th Street
Brooklyn, NY 11229

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Delegates f[illegible] Mondale 13th C.D. Kings/[illegible]hmond
2940 Ocean Parkway
Brooklyn, NY 11235

Delegates for Mondale Kings/Richmond 14th C.D.
157 Prescott Avenue
Staten Island, NY 10306

Northern New York Delegates for Mondale
P.O. Box 127
Lake Clear, NY 12945

28th Congressional District Delegates for Mondale Committee
P.O. Box 61
Ithaca, New York 14851

Erie County Delegates for Mondale
220 Delaware Avenue
Buffalo, NY 14202

Long Island Mondale Committee
75 Weaving Lane
Wantagh, New York 11793

North Dakota Delegates for Mondale
70 North 5th Street
Box 1389
Fargo, North Dakota 58107

4th District Mondale Delegate Committee
1424 Lowell
Lima, Ohio 45805

17th District Mondale Delegate Committee
445 Catalina Avenue
Youngstown, Ohio 44504

Cuyahoga County Mondale Delegates Committee
14018 Clifford Avenue
Cleveland, Ohio 44135

1st and 2nd Districts Delegates for Mondale
607 Terrace Hilton
15 West 6th Street
Cincinnati, Ohio 45202

Mondale Delegate Team
East Court Street
Doylestown, PA. 18901

11th Congressional Delegates for Mondale
11 Bryden Street
Pittston, PA. 18640

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21st Cong 1[illegible] Delegates for Mondale
2607 Oakwood Street
Erie, PA 16508

15th C.D. Delegates for Mondale
944 Oakwood Street
Erie, PA 16508

Delegates for Mondale Committee
28 West Laughead Avenue
Boothwyn, PA. 19061

Mondale Delegates - 20th District
1032 South Braddock Avenue
Pittsburgh, PA. 15218

PA. 18th Cong. Dist. Delegates for Mondale
1 Oxford Center
40th Floor
Pittsburgh, PA. 15219

Mondale 13th Delegate Committee
12th Floor
Packard Building
Philadelphia, PA. 19102

Mondale Delegate Committee - 12th Congressional District
303 South Warren Avenue
Apollo, PA. 15613

Mondale Delegate Committee
422 Douglass Street
Reading, PA. 19601

Second Congressional District Delegates for Mondale
632 May Place
Philadelphia, PA. 19139

Delegates At-Large for Mondale
1418 Walnut Street
Philadelphia, PA 19103

PA 14th Cong. Dist. Delegates for Mondale
3411 Library Road
Pittsburgh, PA. 15234

19th Congressional District Delegates for Mondale Committee
R.D. 5 Box 259 Oakhill Drive
Hanover, PA. 17331

23rd District for Mondale Committee
8 Gateway Drive
Oil City, PA 16301

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3rd C.D. Delegates for Mondale
2707 Tolbut Street
Philadelphia, PA. 19152

7th Congressional District Mondale Delegates
90 Barbara Rd.
Drexel Hill. PA 19026

Pennsylvania 17th Congressional District Delegates for Mondale
1037 Maclay Street
Harrisburg, PA. 17103

Ninth Congressional District Delegates for Mondale
3332 Broad Avenue
Altoona. PA 16601

Delegate Committee for Mondale 16th Congressional District
Apartment #3
244 East Orange Street
Lancaster, PA 17602

10th Congressional District Mondale Delegate Committee
520 Spruce Street
Scranton, PA 18503

4th District Delegates for Mondale
1205 Eighth Avenue
P.O. Box 136
Beaver Falls, PA 15010

Comite Delegados Pro Mondale (Delegates Committee with Mondale)
P.O. Box 112
Trujillo Alto, PR 00760

2nd District Delegate Committee for Mondale
1910 Smith Street
Suite 9
N. Providence, RI 02911

1st District Delegate Committee for Mondale
1910 Smith Street
suite 9
N. Providence, RI 02911

14th District Mondale Delegate Committee
1407A Bridgeway
Austin, TX 78704

2rd District Mondale Delegate Committee
2107 McKinney
Dallas, TX 75201

26th District Mondale Delegate Committee
111 West Laurel Suite 101
San Antonio, TX 78212

8 5 0 4 0 5 0 2 5 5 1

Tarrant County Delegate Committee
3901 Mockingbird Lane
Fort Worth, TX 76109

Mondale 3rd District Delegate Selection Committee
Stockton Lane
Richmond, VA 23221

Arlington Mondale Delegate Committee
5140 North 37th Street
Arlington, VA 22207

At Large Delegates for Mondale
P.O. Box 21742
Seattle, WA 98111

5th Congressional District Mondale Delegate Committee
538 N32
Milwaukee, WI 53208

Wisconsin At-Large Delegate Mondale Committee
126 Sunny Meade Lane No. 6
Madison, WI 53713

Third District Delegates for Mondale Committee
P.O. Box 2751
Charleston, West Virginia 25330

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STATEMENT OF ORGANIZATION

(see reverse side for instructions)

1. (a) Name of Committee (in Full) ☐ Check if name or address is changed.
Mondale for President Committee, Inc.

2. Date
12/14/84

(b) Address (Number and Street)
2233 Wisconsin Avenue, N.W. Suite 318

3. FEC Identification Number
C00164608

(c) City, State and ZIP Code
Washington, D.C. 20007

4. Is this an amended Statement? ☒ YES ☐ NO

5. TYPE OF COMMITTEE (check one):

☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)

☐ (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)

☐ (e) This committee is a seperate segregated fund.

☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a seperate segregated fund nor a party committee.

6.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
"SEE ATTACHED LIST"		

If the registering political committee has identified a "connected organization" above, please indicate type of organization:
☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number — optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position

8. Treasurer: List the name and address (phone number — optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code

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

Michael S. Berman — Type or Print Name of Treasurer

Michael S. Berman — SIGNATURE OF TREASURER

12/14/84 — Date

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

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

FEC FORM 1 (3/80)

INSTRUCTIONS FOR PREPARING FEC FORM 1

LINE 1 Print or type full name and mailing address of the committee. The name of a principal campaign committee or other authorized committee must include the name of the candidate who authorized the committee. A political committee which is not an authorized committee can not include the name of any candidate in its name, except that a delegate committee must include the word "delegate(s)" in its name and may also include the name of the presidential candidate which it supports. A political committee established solely to draft an individual or to encourage an individual to become a candidate may include the name of the individual in the name of the committee, provided the committee's name clearly indicates that it is a draft committee. The name of a separate segregated fund must include the full name of its connected organization. Any abbreviation or acronym used by the fund must also be reported.

LINE 2 State the date the group or organization became a political committee. If this filing is an amendment, note the date of the change in information.

LINE 3 Only committees which have previously filed a Statement of Organization should fill in this block with the number which was originally assigned to the committee. All new committees will be assigned identification numbers when the completed statement has been received.

LINE 4 All political committees registering for the first time check "NO". Committees which have previously filed FEC FORM 1 and are now submitting changes or corrections check "YES". If "YES" is checked, complete Lines 1 through 4. With respect to Lines 5-9 include only the change(s) in information previously submitted.

LINE 5 Check and fill out ONE of the six sections as follows:

(a) All principal campaign committees check (a) and fill in the corresponding information for the candidate under (b).

(b) All other authorized committees check (b) and fill in the corresponding information for the candidate.

(c) A committee supporting/opposing a single Federal candidate which is not authorized by a candidate checks (c), and includes the candidate's name on the line provided. Delegate and draft committees must check (c), and provide the name of the candidate supported.

(d) All national, State and subordinate committees of a political party check (d) and fill in the corresponding information.

(e) All separate segregated funds check (e). A separate segregated fund is a political committee established, financed, maintained, or controlled by a corporation, labor organization, membership organization, cooperative or trade association.

(f) A committee supporting/opposing more than one Federal candidate and which is not a separate segregated fund nor a political party committee checks box (f).

LINE 6 Political committees must list all affiliated committees and connected organizations (defined below) as follows:

- Principal campaign committees list all other committees authorized by the same candidate.
  Under "Relationship," write "affiliated."
- Political committees authorized by the same candidate (other than the principal campaign committee) list the principal campaign committee authorized by the same candidate.
  Under "Relationship," write "affiliated."
- Political committees which have been established, financed, maintained, or controlled by the highest level parent organization (i.e., the corporation, labor organization, membership organization, cooperative or trade association) list:
  (a) The name of the parent organization.
  Under "Relationship," write "connected."
  AND
  (b) The name of any other political committee(s) established, financed, maintained, or controlled by the same parent organization or by a subsidiary, branch, or State, local, or other subordinate unit of the same parent organization.
  Under "Relationship," write "affiliated."
- Political committees which have been established, financed, maintained, or controlled by a subsidiary, branch, or State, local, or other subordinate unit of an organization list:
  (a) The name of the subsidiary, branch, or State, local or other subordinate unit and the name of the parent organization of which it is a part.
  Under "Relationship," write "connected."
  AND
  (b) The name of the highest level political committee sponsored by the parent organization.
  Under "Relationship," write "affiliated."
- State party committees list any subordinate committees (i.e., any county, district or local committee) under the control or direction of the State committee.
  Under "Relationship," write "affiliated."
- Subordinate State party committees list the State party committee.
  Under "Relationship," write "affiliated."

Separate segregated funds must check the most appropriate box for the type of "connected organization."

NOTE: The term "connected organization" means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee. A connected organization may be a corporation (including a corporation without capital stock), a labor organization, a membership organization, a cooperative, or a trade association. The definition of "affiliated committee" is contained at 11 CFR 100.5 (g) of the Commission's regulations.

LINE 7 The name, address, and committee position or title of the custodian of the committee's books and records must be entered on Line 7. The telephone number is optional, but is helpful in expeditiously resolving potential filing problems. If the treasurer is the custodian of records, the term "treasurer" is sufficient for Line 7.

LINE 8 The name and address of the committee's treasurer must be entered on Line 8. The name and address of any designated agent (e.g., assistant treasurer) must also be included on Line 8. Every political committee must have a treasurer and may designate an assistant treasurer who shall assume the duties and responsibilities of the treasurer, in the event the treasurer is unavailable. The Commission recommends that each political committee designate an assistant treasurer because no contribution or expenditure may be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of the treasurer. No expenditure may be made for or on behalf of a political committee without the authorization of its treasurer or another agent authorized orally or in writing by the treasurer.

LINE 9 The committee must provide the name and mailing address of any bank, repository, or depository where the committee holds funds. Each political committee must have a checking account or transaction account at one of its depositories. All receipts of a political committee must be deposited into a designated campaign depository. All disbursements must be made by check or similar drafts drawn on an account at a designated campaign depository, except for expenditures of $100 or less made from a petty cash fund.

TREASURER'S RESPONSIBILITIES

The treasurer of the political committee must preserve a copy of the Statement of Organization and each amendment for a period of not less than 3 years after the date of filing. The treasurer of the political committee is personally responsible for the timely and complete filing of this Statement and for the accuracy of any information contained in it.

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section when information is continued on separate page(s).

WHERE TO FILE

The original Statement of Organization (FEC FORM 1) and all amendments must be filed with the appropriate office as follows:

- The principal campaign committee of a candidate for the House of Representatives and political committees which support or oppose only candidates for the House file with the Clerk of the House, 1036 Longworth House Office Building, Washington, D.C. 20515.
- The principal campaign committee of a candidate for the Senate and political committees which support or oppose only candidates for the Senate file with the Secretary of the Senate, 119 D Street, N.E., Washington, D.C. 20510.
- An authorized committee which is not the principal campaign committee of a candidate files with the principal campaign committee which must forward a copy to the appropriate office listed herein.
- All other committees, including the principal campaign committee of a candidate for the office of President or Vice President, file with the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

Authorized committees of candidates for the House of Representatives and for the Senate must also file a copy of this Statement with the Secretary of State (or the appropriate State officer) of the State in which nomination or election is sought. Authorized committees of candidates for the office of President or Vice President must also file a copy of this Statement in each State in which the committee makes expenditures. Political committees other than authorized committees must also file a copy of this Statement in the State in which the committee has its headquarters.

The Treasurer must sign the Statement of Organization.

FEC - 1012 7 - 1984-999

Arizona Mondale Delegate Committee
20226 North 13th Drive
Phoenix, Arizona 85027

37th Congressional District Delegate Advisory Committee
1766 Camino Parocela
Palm Springs, California 92262

Mondale Delegate Election Committee - 6th C.D.
1518 5th Avenue
San Rafael, California 94901

11th Congressional District Mondale Delegate Committee
520 South El Camino Real Suite 520
San Mateo, California 94402

Mondale Colorado Delegate Selection Committee - Statewide
2225 Birch Street
Denver, Colorado 80207

Mondale Delegates - D.C.
1917 Randolph Street NE
Washington, D.C. 20018

ADA Campaign Committee
1411 K Street, N.W.
suite 850
Washington, D.C. 20005

Mondale Delegates, Congressional District #13
1625 Winkler Avenue
Fort Myers, Florida 33901

Congressional District 7 Delegates for Mondale
2925 Alline Avenue
Tampa, Florida 33611

Mondale 15th District Delegate Committee
440 South Andrews Avenue
Fort Lauderdale, Florida 33301

South Florida Delegates for Mondale
P.O. Drawer 520337
1951 N.W. 17th Avenue
Miami, Florida 33152

Congressional District #10 Delegates for Mondale
5520 2nd Avenue Drive West
Bradenton, Florida 33529

Congressional District 5 Delegates for Mondale
1310 West Colonial Drive Suite 29
Orlando, Florida 32804

Delegates for Mondale
P.O. Box 8796
1100 Cesery Blvd.
Jacksonville, Florida 32211

Congressional District 9 Delegates for Mondale
24 Meadow Lark Lane
Land o Lakes, Florida 33539

Mondale 16th District Delegate Committee
11621 N.W. 23rd Street
Pembroke Pines, Florida 33026

Northern 12th Congressional District Delegates for Mondale
2129 S.E. Holland Street
Port St Lucie, Florida 33452

Mondale Delegates Congressional District #8
94 Baywood Avenue
Clearwater, Florida 33575

14th C.D. for Mondale
5844 Western Way
Lake Worth, Florida 33463

C.D. 2 Delegates for Mondale, Florida
P.O. Box 10403
Tallahassee, Florida 32302

Congressional District 4 Delegates for Mondale
P.O. Box 668, 3141 Howland Blvd.
Orange City, Florida 32763

C.D. #1 Delegates for Mondale
7630 North Palafox Street
Pensacola, Florida 35214

Idaho Delegates for Mondale
537 West Bannock Suite 201
Boise, Idaho 83702

Ninth District Mondale Delegate Committee
1226 N. Greenleaf
Evanston, IL. 60202

22nd Congressional District Delegates for Mondale
P.O. Box 111
Cobden, IL. 62920

14th District Delegate Committee for Mondale
7 Pheasant Run
DeKalb, IL. 60115

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Mondale Delegates for the Illinois 18th Committee
901 W. Brons
Peoria, IL. 61604

15th District Delegates for Mondale
Logan County Courthouse
Lincoln, IL. 62656

20th C.D. Delegates for Mondale
P.O. Box 23
Forsyth, IL. 62535

Sixth District Mondale Delegate Committee
478 Washington Street
Elmhurst, IL. 60126

Eighth District Mondale Delegate Committee
3055 N. Milwaukee
Chicago, IL. 60618

1st Congressional District Delegates for Walter Mondale
9401 South Michigan Avenue
Chicago, IL. 60619

7th Congressional District Delegates for Mondale
One IBM Plaza
Suite 4700
Chicago, IL. 60611

Second Cong. District Delegates for Mondale
11151 South King Drive
Chicago, IL. 60628

Eleventh District Mondale Delegate Committee
6156 North Knox
Chicago, IL. 60646

Delegates for Mondale Committee - 21st Congressional District
8A Potomac Drive
Fairview Heights, IL. 62208

17th District Mondale Delegate Committee
400 Rock Island Bank Bldg.
P.O. Box 428
Rock Island, IL. 61201

13th Congressional District Delegate Committee for WFM
11601 South Pulaski
Alsip, IL. 60658

Fourth District Mondale Delegate Committee
[illegible] Timber Place Apartment 1B
New Lenox, IL. 60451

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Mondale Delegates for the Illinois 18th Committee
901 W. Brons
Peoria, IL. 61604

15th District Delegates for Mondale
Logan County Courthouse
Lincoln, IL. 62656

20th C.D. Delegates for Mondale
P.O. Box 23
Forsyth, IL. 62535

Sixth District Mondale Delegate Committee
478 Washington Street
Elmhurst, IL. 60126

Eighth District Mondale Delegate Committee
3055 N. Milwaukee
Chicago, IL. 60618

1st Congressional District Delegates for Walter Mondale
9401 South Michigan Avenue
Chicago, IL. 60619

7th Congressional District Delegates for Mondale
One IBM Plaza
Suite 4700
Chicago, IL. 60611

Second Cong. District Delegates for Mondale
11151 South King Drive
Chicago, IL. 60628

Eleventh District Mondale Delegate Committee
6156 North Knox
Chicago, IL. 60646

Delegates for Mondale Committee - 21st Congressional District
8A Potomac Drive
Fairview Heights, IL. 62208

17th District Mondale Delegate Committee
400 Rock Island Bank Bldg.
P.O. Box 428
Rock Island, IL. 61201

13th Congressional District Delegate Committee for WFM
11601 South Pulaski
Alsip, IL. 60658

Fourth District Mondale Delegate Committee
1210 Timber Place Apartment 1B
New Lenox, IL. 60451

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19th District Delegates for Mondale Committee
2431 E. Harrison
Charleston, IL. 61920

16th Delegates for Mondale
1130 North Main
Rockford, IL. 61103

Third Congressional District Delegates for Mondale
4312 W. 107th Drive
Oak Lawn, IL. 60453

10th District Mondale Delegate Committee
908 Providence Lane
Buffalo Grove, IL. 60090

12th District Mondale Delegate Committee
2200 West Higgins Road
Hoffman Estates, IL. 60195

Kansas Mondale At Large Delegate Committee
1645 Barker
Lawrence, Kansas 66044

Kansas At-Large Delegate Committee
715 W. Tenth Street
Topeka, Kansas 66612

Kentucky At Large Delegates for Mondale Committee
1513 Pinemeadow Drive
Lexington, Kentucky 40504

Seventh District Delegates for Mondale
533 W. Lafayette
Baltimore, Maryland 21217

4th District Delegates for Mondale
44 Madison Place
Annapolis, Maryland 21401

Mondale Delegate At Large Committee for Maryland
16 East Lombard Street - 10
Baltimore, Maryland 21202

Sixth District Delegates for Mondale
196 Thomas Johnson Drive #10
Frederick, Maryland 21701

Third District Delegates for Mondale
1035 South Charles Street
Baltimore, Maryland 21230

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Montgomery County for Mondale Delegate Committee
51 Monroe Street
Suite 1400
Rockville, Maryland 20850

Second District Delegates for Mondale
7119 Heathfield Road
Baltimore, Maryland 21212

Prince George's Delegates for Mondale
3505 Burleigh Drive
Mitchellville, Maryland 20716

First District Delegates for Mondale
RD 1 Box 183
Denton, Maryland 21629

15th District Delegates for Mondale Committee
34451 Harroun
Wayne, Michigan 48184

6th District Delegates for Mondale Committee
1019 Huntington
East Lansing, Michigan 48823

Western Missouri Mondale Delegates Committee
220 West Armour Boulevard
Kansas City, Missouri 64111

Montana At Large Delegates for Mondale Committee
846 East 6th Avenue
Helena, Montana 59601

Guilford Delegates for Mondale
1603 Rolling Road
Greensboro, North Carolina 27403

N.H. 2nd District Delegates for Mondale
4 Neil Drive
Allenstown, N.H. 03275

N.H. 1st District Delegates for Mondale
5 Haines
Merrimack, New Hampshire 03054

Naples-Mondale for President-Delegate Slate
Box 124
Clifton Park, New York 12065

8th C.D. Delegates for Mondale
64-48 223rd Place
Bayside, New York 11364

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Lower Hudson Delegates for Mondale
1 Fisher Drive
Mt. Vernon, N.Y. 10552

Mondale 17th C.D. Delegate Committee
48A Hampton Place
Brooklyn, NY 11213

Southern Tier Committee for Mondale
135 1/2 North 6th Street
Olean, NY 14760

Long Island Mondale 4th C.D. Committee
2919 Bond Drive
Merrick, NY 11566

Delegates for Mondale 25th District
1 Hartford Territory
New Hartford, NY 13413

Committee for Western New York Mondale Delegates
Suite 900
First Federal Plaza
Rochester, NY 14614

Haney, Mains, Rankin, Trobia Delegate Committee
3 Tacoma Street
Rochester, NY 14613

Empire Slate for Mondale
301 Pulaski Street
Syracuse, NY 13204

22nd Congressional District Delegates for Mondale
130 North Main Street
New City, NY 10956

23rd Congressional Dem. Committee Delegates for Walter F. Mondale
11 North Pearl Street
Room 1608
Albany NY 12207

Long Island Mondale, First C.D. Delegates
49 Thompson Hay Path
Setauket, NY 11733

L I - Mondale 2nd Congressional District
P.O. Box 555
Lindenhurst, NY 11757

Mondale 19th C.D. Delegate Committee
100-7 Alcott Place
Bronx, NY 10475

8 5 0 4 0 5 0 2 5 6 1

9th C.D. Delegates for Mondale
120-10 Queens Blvd.
New Gardens, NY 11415

21st District Friends of Walter Mondale Delegates
94 Market Street
P.O. Box 910
Poughkeepsie. NY 12602

6th C.D. Delegates for Mondale
92-03 Rockaway Beach Blvd.
Rockaway Beach, NY 11693

16th C.D. Delegates for Mondale
1270 Fifth Avenue - 2R
New York, NY 10029

Sharpe/Jackson Delegates for Mondale
92 Hillcrest Road
Mt. Vernon, NY 10552

7th C.D. Delegates for Mondale
143-53 Hoover Avenue
Briarwood, NY. 10552

27th Congressional District Delegates for Mondale
236 Erie Boulevard East
Syracuse, NY 13202

At-Large Delegates for Mondale
153 East 53 Street
New York, New York 10022

Long Island Mondale 5th C.D.
30 West Beach Street
New York, NY 10022

10th C.D. Delegates for Mondale
1551 East 23rd Street
Brooklyn, NY 11210

North Country Delegates for Mondale
68 Third Street
Gloversville, NY 12078

Delegates for Mondale - Kings/Richmond 11th C.D.
274 Lafayette Avenue
Brooklyn, NY 11238

Delegates for Mondale 12th C.D. Kings/Rich
2044 East 18th Street
Brooklyn, NY 11229

8504050252

Delegates [illegible] Mondale 13th C.D. Kings/[illegible]chmond
2940 Ocean Parkway
Brooklyn, NY 11235

Delegates for Mondale Kings/Richmond 14th C.D.
157 Prescott Avenue
Staten Island, NY 10306

Northern New York Delegates for Mondale
P.O. Box 127
Lake Clear, NY 12945

28th Congressional District Delegates for Mondale Committee
P.O. Box 61
Ithaca, New York 14851

Erie County Delegates for Mondale
220 Delaware Avenue
Buffalo, NY 14202

Long Island Mondale Committee
75 Weaving Lane
Wantagh, New York 11793

North Dakota Delegates for Mondale
70 North 5th Street
Box 1389
Fargo, North Dakota 58107

4th District Mondale Delegate Committee
1424 Lowell
Lima, Ohio 45805

17th District Mondale Delegate Committee
445 Catalina Avenue
Youngstown, Ohio 44504

Cuyahoga County Mondale Delegates Committee
14018 Clifford Avenue
Cleveland, Ohio 44135

1st and 2nd Districts Delegates for Mondale
607 Terrace Hilton
15 West 6th Street
Cincinnati, Ohio 45202

Mondale Delegate Team
East Court Street
Doylestown, PA. 18901

11th Congressional Delegates for Mondale
11 Bryden Street
Pittston, PA. 18640

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21st Cong 19[illegible] Delegates for Mondale
2607 Oakwood Street
Erie, PA 16508

15th C.D. Delegates for Mondale
944 Oakwood Street
Erie, PA 16508

Delegates for Mondale Committee
28 West Laughead Avenue
Boothwyn, PA. 19061

Mondale Delegates - 20th District
1032 South Braddock Avenue
Pittsburgh, PA. 15216

PA. 18th Cong. Dist. Delegates for Mondale
1 Oxford Center
40th Floor
Pittsburgh, PA. 15219

Mondale 13th Delegate Committee
12th Floor
Packard Building
Philadelphia, PA. 19102

Mondale Delegate Committee - 12th Congressional District
303 South Warren Avenue
Apollo, PA. 15613

Mondale Delegate Committee
422 Douglass Street
Reading, PA. 19601

Second Congressional District Delegates for Mondale
632 May Place
Philadelphia, PA. 19139

Delegates At-Large for Mondale
1418 Walnut Street
Philadelphia, PA 19103

PA 14th Cong. Dist. Delegates for Mondale
3411 Library Road
Pittsburgh, PA. 15234

19th Congressional District Delegates for Mondale Committee
R.D. 5 Box 259 Oakhill Drive
Hanover, PA. 17331

23rd District for Mondale Committee
8 Gateway Drive
Oil City, PA 16301

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3rd C.D. Delegates for Mondale
2707 Tolbut Street
Philadelphia, PA. 19152

7th Congressional District Mondale Delegates
90 Barbara Rd.
Drexel Hill. PA 19026

Pennsylvania 17th Congressional District Delegates for Mondale
1037 Maclay Street
Harrisburg, PA. 17103

Ninth Congressional District Delegates for Mondale
3332 Broad Avenue
Altoona. PA 16601

Delegate Committee for Mondale 16th Congressional District
Apartment #3
244 East Orange Street
Lancaster, PA 17602

10th Congressional District Mondale Delegate Committee
520 Spruce Street
Scranton, PA 18503

4th District Delegates for Mondale
1205 Eighth Avenue
P.O. Box 136
Beaver Falls, PA 15010

Comite Delegados Pro Mondale (Delegates Committee with Mondale)
P.O. Box 112
Trujillo Alto, PR 00760

2nd District Delegate Committee for Mondale
1910 Smith Street
Suite 9
N. Providence, RI 02911

1st District Delegate Committee for Mondale
1910 Smith Street
suite 9
N. Providence, RI 02911

14th District Mondale Delegate Committee
1407A Bridgeway
Austin, TX 78704

2rd District Mondale Delegate Committee
2107 McKinney
Dallas, TX 75201

26th District Mondale Delegate Committee
111 West Laurel Suite 101
San Antonio, TX 78212

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Tarrant County Delegate Committee
3901 Mockingbird Lane
Fort Worth, TX 76109

Mondale 3rd District Delegate Selection Committee
Stockton Lane
Richmond, VA 23221

Arlington Mondale Delegate Committee
5140 North 37th Street
Arlington, VA 22207

At Large Delegates for Mondale
P.O. Box 21742
Seattle, WA 98111

5th Congressional District Mondale Delegate Committee
538 N32
Milwaukee, WI 53208

Wisconsin At-Large Delegate Mondale Committee
126 Sunny Meade Lane No. 6
Madison, WI 53713

Third District Delegates for Mondale Committee
P.O. Box 2751
Charleston, West Virginia 25330

MONDALE for President Escrow
2233 Wisconsin Ave. NW #318
Washington, DC 20007

No. 1

12/17 1984

15-120
540

PAY TO THE ORDER OF U. S. Treasury $50,000.00

Fifty thousand + 00/100 DOLLARS

D.C. National Bank ★★★ DISTRICT OF COLUMBIA NATIONAL BANK

FOR 1st payment

⑆054001204⑆ ⑈269952 4⑈

Tarrant County Delegate Committee
3901 Mockingbird Lane
Fort Worth, TX 76109

Mondale 3rd District Delegate Selection Committee
Stockton Lane
Richmond, VA 23221

Arlington Mondale Delegate Committee
5140 North 37th Street
Arlington, VA 22207

At Large Delegates for Mondale
P.O. Box 21742
Seattle, WA 98111

5th Congressional District Mondale Delegate Committee
538 N32
Milwaukee, WI 53208

Wisconsin At-Large Delegate Mondale Committee
126 Sunny Meade Lane No. 6
Madison, WI 53713

Third District Delegates for Mondale Committee
P.O. Box 2751
Charleston, West Virginia 25330

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GCC#6011

MEMORANDUM

TO: CHERYL THOMAS TO: JOAN HARRIS

FROM: JOAN HARRIS FROM: CHERYL THOMAS

CHECK NO. 1 (a copy of which is attached) RELATING

TO MUR [illegible] AND NAME [illegible]

WAS RECEIVED ON 12-18-84. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

/ / BUDGET CLEARING ACCOUNT (#95F3875.16)

/✓/ CIVIL PENALTIES ACCOUNT (#95-1099.160)

/ / OTHER _____

SIGNATURE [illegible] DATE 12-18-84

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
SECRETARY

84 DEC 10 P 4: 30

In the Matter of	)	
	)	MUR 1704
Mondale for President Committee, Inc.	)	
	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("MPC" or "Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures, based on the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

This agreement represents the final resolution of this matter only. Therefore, it relates only to contributions to and expenditures by delegate committees and Respondent, which the parties will treat as having been excessive based upon Respondent's agreement to treat the delegate committees as affiliated for the purpose of resolving this matter. The Commission believes that the expeditious resolution of this matter with respect to the delegate committees, based on presently available information, avoids the necessity for a prolonged investigation and is in the public's best interest. This agreement does not address any other activity by MPC and/or the delegate committees.

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For example, this agreement does not address any possible contributions received by Respondent which may have exceeded the limitations set forth in 2 U.S.C. Section 441a(a) without regard to the contributions received by the delegate committees. Similarly this agreement does not address any possible expenditures made by Respondent which may exceed the limitations of 2 U.S.C. Section 441a(b)(1)(A) without regard to the expenditures made by the delegate committees. Any repayment with respect to MPC expenditures which might be excessive without regard to the expenditures by the delegate committees would be determined following the completion of the Commission's audit of MPC pursuant to 26 U.S.C. Section 9038.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

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

1. Respondent Mondale for President Committee, Inc is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination

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to the Office of President of the United States in 1984.

2. Michael S. Berman who is the Treasurer of MPC will be responsible for implementation of this agreement.

3. Respondent, in the course of its communications with delegates, encouraged them to form delegate committees. The Respondent, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form delegate committees. Upon preliminary review, it appears that the scope and nature of these communications and interactions between the Respondent and various delegate committees differed.

4. Respondent has agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

5. Based upon the Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc., as having exceeded the limitations of 2 U.S.C. Section 441a(a)(2)(A) by at least $299,215.

6. Based upon Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc., as having exceeded the limitations of 2

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U.S.C. Section 441a (a) (1) (A) by at least $47,402.

7. Based upon Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate expenditures made by the delegate committees and Mondale for President Committee, Inc. as having exceeded the limitations of 2 U.S.C. Section 441a(b)(1)(A) with respect to New Hampshire by approximately $92,975.73.

8. Respondent requested pre-probable cause conciliation.

V. Because the parties desire an expeditious resolution of this matter, and because the Respondent agrees, for the purpose of resolving this matter, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., the parties enter into this agreement prior to the completion of an investigation by the Commission

The Commission contends that the delegate committees are affiliated with Mondale for President Committee, Inc. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees might be found not to be affiliated with the Mondale for President Committee, Inc. The Respondent acknowledges that if there were a full investigation, some delegate committees might be found to be affiliated with the Mondale for President Committee, Inc.

Therefore, the parties agree that:

1. Respondent shall amend its Statement of Organization to identify all of the the delegate committees as affiliated committees.

2. Respondent shall notify the delegate committees of the recordkeeping and reporting requirements of the Act. The Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities, which are distinct entities for purposes of recordkeeping and reporting.

3. The audit of the Mondale for President Committee, Inc. under 26 U.S.C. Section 9038(b) will not include an audit of the delegate committees, and no other audit of MPC or the delegate committees will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 431 et seq. Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

4. Respondent shall pay $350,000 to the Treasurer of the United States. Such amount represents contributions

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received by the delegate committees and the Mondale for President Committee, Inc. that would have exceeded, in the aggregate, by preliminary estimates, the limitations of 2 U.S.C. Sections 441a(a)(1)(A) and 441a(a)(2)(A) had they been received by MPC. Funds used to make this payment may include funds raised pursuant to 11 C.F.R. Section 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

5. Respondent shall pay $29,640 to the Treasurer of the United States. Such amount represents a repayment of the portion of the delegate committee expenditures attributable to New Hampshire, less the exclusions pursuant to 11 C.F.R. Section 9035.1(c), which, based on a preliminary review of the most recent reports filed by MPC and the delegate committees, would have exceeded MPC's spending limitations in New Hampshire under 2 U.S.C. Section 441a(b) had they been made by MPC, multiplied by the ratio of matching funds received by MPC to the total amount of deposits of contribution and matching funds received by MPC and the delegate committees.

6. Respondents shall pay to the Treasurer of the United States a civil penalty in the amount of $18,500, pursuant to 2 U.S.C. Section 437g.

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

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

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

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements, other than payments, contained in this agreement and to so notify the Commission. Respondent shall make a payment of $50,000 to the United States Treasury within 30 days from the effective date of the agreement. The remainder of the payments set forth in Paragraphs V 4, 5, and 6 shall be made within 90 days of the effective date of this agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. Nothing in this agreement shall prevent the Commission from pursuing any remedies with respect to Respondent, including other repayments from MPC, pursuant to 26 U.S.C. Section 9038(b), based on matters unrelated to this agreement. No other statement, promise, or agreement, either written or oral, made by

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either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be binding on the parties. The Commission agrees not to take any further action against any contributors to delegate committees with respect to contributions which are excessive when aggregated with contributions to other delegate committees or to Mondale for President Committee, Inc. The Commission further agrees not to take any further action against delegate committees with respect to such contributions or with respect to the expenditures made by delegate committees which are excessive when aggregated with expenditures made by Mondale for President Committee, Inc.

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FOR THE COMMISSION:

ok RB 11/29/84

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENT:

Michael S. Berman

11-7-84

Michael S. Berman
Treasurer
Mondale for President Committee, Inc.

Date

KAG

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President Committee, Inc., et al.	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 27, 1984, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1704:

1. Accept the signed conciliation agreement submitted on behalf of Mondale for President Committee, Inc., as attached to the General Counsel's report dated November 16, 1984.

2. Take no further action against Michael S. Berman, as treasurer.

3. Take no further action against the Amalgamated Clothing and Textile Workers Union PAC and John Fox, as treasurer; the American Federation of Labor, Congress of Industrial Organizations Committee on Political Education Political Contribution Committee and Thomas R. Donahue, as treasurer; AFSCME Public Employees Organized to Promote Legislative Equality - QUALIFIED and William Lucy, as treasurer; American Federation of Teachers COPE and Robert G. Porter, as treasurer; the Communication Workers of America COPE PCC and Louis B. Knecht, as treasurer; the Ironworkers Political Action League and John T. Taylor, as treasurer; the International Union of Bricklayers and Allied Craftsmen PAC and Edward M. Bellucci, as treasurer; the

(continued)

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Machinist Non-Partisan Political League and Eugene Glover, as treasurer; the Service Employees International Union COPE PCC and Richard W. Cordtz, as treasurer; the United Auto Workers V-CAP and Donald J. Moll, as treasurer; the Carpenters Legislative Improvement Committee and Patrick J. Campbell, as treasurer; the United Food and Commercial Workers Active Ballot Club and Anthony Lutty, as treasurer; and the United Mine Workers of America Coal Miners' PAC and John J. Banovic, as treasurer.

4. Take no further action against the Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer; the Pennsylvania 22nd Congressional District Delegates for Mondale Committee and Debbie O'Dell Seneca, as treasurer; the 1st District Delegate Committee for Mondale (RI) and Salvatore Mancini, as treasurer; and the 2nd District Delegate Committee for Mondale (RI) and Joseph DeLorenza, as treasurer

5. Close the file as to all respondents.

6. Approve the sample notification letters to the complainants and the respondents as recommended in the General Counsel's report dated November 16, 1984.

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

Attest:

11-29-84
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President Committee,	)	
Inc., et al.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 27, 1984, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1704:

1. Accept the signed conciliation agreement submitted on behalf of Mondale for President Committee, Inc., as attached to the General Counsel's report dated November 16, 1984.

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3. Take no further action against the Amalgamated Clothing and Textile Workers Union PAC and John Fox, as treasurer; the American Federation of Labor, Congress of Industrial Organizations Committee on Political Education Political Contribution Committee and Thomas R. Donahue, as treasurer; AFSCME Public Employees Organized to Promote Legislative Equality - QUALIFIED and William Lucy, as treasurer; American Federation of Teachers COPE and Robert G. Porter, as treasurer; the Communication Workers of America COPE PCC and Louis B. Knecht, as treasurer; the Ironworkers Political Action League and John T. Taylor, as treasurer; the International Union of Bricklayers and Allied Craftsmen PAC and Edward M. Bellucci, as treasurer; the

(continued)

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Machinist Non-Partisan Political League and Eugene Glover, as treasurer; the Service Employees International Union COPE PCC and Richard W. Cordtz, as treasurer; the United Auto Workers V-CAP and Donald J. Moll, as treasurer; the Carpenters Legislative Improvement Committee and Patrick J. Campbell, as treasurer; the United Food and Commercial Workers Active Ballot Club and Anthony Lutty, as treasurer; and the United Mine Workers of America Coal Miners' PAC and John J. Banovic, as treasurer.

4. Take no further action against the Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer; the Pennsylvania 22nd Congressional District Delegates for Mondale Committee and Debbie O'Dell Seneca, as treasurer; the 1st District Delegate Committee for Mondale (RI) and Salvatore Mancini, as treasurer; and the 2nd District Delegate Committee for Mondale (RI) and Joseph DeLorenza, as treasurer

5. Close the file as to all respondents.

6. Approve the sample notification letters to the complainants and the respondents as recommended in the General Counsel's report dated November 16, 1984.

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

Attest:

11-29-84
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

TO: Steve

DATE: 11/8/84

FROM: Lois

- [ ] APPROVAL
- [ ] AS REQUESTED
- [ ] CONCURRENCE
- [ ] CORRECTION
- [ ] FILING
- [ ] FULL REPORT
- [ ] HANDLE DIRECT
- [ ] ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
- [x] PREPARE REPLY FOR THE SIGNATURE OF _____
- [ ] IMMEDIATE ACTION
- [ ] INITIALS
- [ ] NECESSARY ACTION
- [ ] NOTE AND RETURN
- [ ] PER OUR CONVERSATION
- [ ] PER TELEPHONE CONVERSATION
- [ ] RECOMMENDATION
- [ ] SEE ME
- [ ] SIGNATURE
- [ ] YOUR COMMENT
- [ ] YOUR INFORMATION
- [ ]

REMARKS:

Please review this
check the recommendations
into see whether I have
correctly named the
labor PACs and
treasurers and the named
delegate committees and
treasurers. Then to Retha
If the letters are
ready to circulate to
KAG as a draft.
Thanks.
make me a
copy please.

U.S. G.P.O. 1984-430-928/6224

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 NOV 21 A10:26

Date and Time Transmitted: MONDAY, 11/19/84 AT 11:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY WEDNESDAY, 11/21/84 AT 11:00 A.M.

SUBJECT: MUR 1704 General Counsel's Report
signed November 16, 1984.

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: My objection, consistent with my previously expressed views in this case, is for the record.

Date: 11/20/84 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel Ct

DATE: November 16, 1984

SUBJECT: MUR 1704 - General Counsel's 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)	[ ]

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[illegible]
[illegible] D.C. [illegible]
[illegible]

MONDALE

November 1, 1984

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 NOV 1 P5:41

RE: MUR 1704

Dear Mr. Steele:

We have reviewed the Commission's proposal of October 30, 1984, and believe that we are very close to an agreement. The enclosed agreement makes those changes which we believe are necessary, but yet retains the spirit and substance of the Commission's proposal.

In this agreement, the Committee has assented to the vast majority of the language changes proposed by the Commission, including changes about which the Committee has previously expressed reservations. Moreover, in this agreement, the Committee has agreed to a resolution which provides for an immediate effective date and for payments to the Treasury prior to the final repayment determination. Because of this, the Committee has offered to make a payment within 30 days of $50,000, but will need up to 90 days to make the remainder of the payments. While the Committee borrowed and escrowed funds in May, the escrow agreement, in order to protect those funds from creditors, provides for only two ways in which the escrowed funds

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Paid for by Mondale for President, Inc.

may be used--to repay PACs, or to apply to outstanding loans owed by the Committee to the bank.

Since the Committee has agreed to repay the U.S. Treasury rather than refund the contributions, the Committee will need a reasonable period of time in which to raise these funds.

We believe that this agreement is a fair resolution of this matter. We urge the Commission to accept it.

Sincerely,

David M. Ifshin
By CUO

David M. Ifshin
General Counsel

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy Counsel

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625-1760

85040502590

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
7th Floor

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of October 23, 1984, do hereby certify that the Commission took the following actions with respect to the above-captioned matter:

1. Decided by a vote of 6-0 to reject the conciliation agreement submitted on behalf of respondents Mondale for President Committee, Inc., and Michael S. Berman, this agreement being identified as Attachment 1 of the FEC General Counsel's report dated October 18, 1984.

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

2. Decided by a vote of 5-1 to approve the general framework and concept of the conciliation agreement set out in Attachment 2 of the FEC General Counsel's report dated October 18, 1984.

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

(continued)

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3. Decided by a vote of 6-0 to insert in the conciliation agreement language explaining the general outline of the agreement, i.e., that we are simply settling with the Mondale for President Committee with respect to the operation of the delegate committees, and not settling with the Mondale for President Committee itself, and state why we are doing this -- that in the case of the Mondale Committee we are required by statute to audit it, and that we cannot have a final settlement with it until the completion of the audit, but that in the case of these other committees, that we think the public interest would be served by an expeditious disposition of the matter and the avoidance of prolonged investigation.

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

4. Decided by a vote of 4-2 to delete paragraph 2, beginning at the bottom of page four and continuing on page five of the agreement set out in Attachment 2 of the General Counsel's October 18, 1984 report, but add language requiring them to inform the delegate committees of their continuing responsibility for reporting and recordkeeping, and retain the language on page six, but modify it pursuant to the Commission discussion.

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

(continued)

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5. Decided by a vote of 5-1 to approve the General Counsel's recommendation that the treasurer, Mr. Berman, be a party to the conciliation agreement.

   Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively; Commissioner McDonald dissented.

6. Decided by a vote of 5-1 to approve Paragraph 3 on page six of the conciliation agreement in Attachment 2 of the General Counsel's October 18, 1984 report.

   Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively. Commissioner Reiche dissented.

7. Decided by a vote of 5-1 to delete the 66 cents contained in the figure in line one on page seven of the agreement in Attachment 2 of the General Counsel's October 18, 1984 report.

   Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively; Commissioner Reiche dissented.

8. Decided by a vote of 5-1 to approve Paragraph 4 on page seven of Attachment 2 to the General Counsel's report dated October 18, 1984 report, as amended to delete the sixty-six cents.

   Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively; Commissioner Reiche dissented.

(continued)

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9. Failed in a vote of 3-3 to pass a motion to base the civil penalty on twenty-five percent of $92,975.73.

   Commissioners Harris, McDonald, and McGarry voted affirmatively for the motion; Commissioners Aikens, Elliott, and Reiche dissented.

10. Failed in a vote of 2-4 to pass a motion to base the civil penalty on $92,975.73 less the ratio, for a figure of approximately $63,334.00.

    Commissioners Aikens and Elliott voted affirmatively; Commissioners Harris, McDonald, McGarry, and Reiche dissented.

11. Decided by a vote of 4-2 that the civil penalty should be set at forty percent of $92,975.73.

    Commissioners Aikens, Elliott, McDonald, and McGarry voted affirmatively; Commissioners Harris and Reiche dissented.

12. Decided by a vote of 6-0 to approve paragraphs VI, VII, VIII, and IX of the conciliation agreement in Attachment 2 of the General Counsel's report dated October 18, 1984.

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

(continued)

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13. Decided by a vote of 6-0 to direct the Office of General Counsel to amend Paragraph X of the conciliation agreement at attachment 2 of the General Counsel's October 18, 1984 report by using more specific language relating to the phrase, "relating to the subject matter of this agreement."

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

14. Decided by a vote of 5-1 to approve the conciliation agreement in attachment 2 of the General Counsel's report dated October 18, 1984, as amended during the meeting.

    Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively. Commissioner Reiche dissented.

15. Decided by a vote of 6-0 that the amended conciliation agreement and draft letters be circulated for Commission approval.

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

Attest:

10-25-84
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of October 23, 1984, do hereby certify that the Commission took the following actions with respect to the above-captioned matter:

1. Decided by a vote of 6-0 to reject the conciliation agreement submitted on behalf of respondents Mondale for President Committee, Inc., and Michael S. Berman, this agreement being identified as Attachment 1 of the FEC General Counsel's report dated October 18, 1984.

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

2. Decided by a vote of 5-1 to approve the general framework and concept of the conciliation agreement set out in Attachment 2 of the FEC General Counsel's report dated October 18, 1984.

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

(continued)

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3. Decided by a vote of 6-0 to insert in the conciliation agreement language explaining the general outline of the agreement, i.e., that we are simply settling with the Mondale for President Committee with respect to the operation of the delegate committees, and not settling with the Mondale for President Committee itself, and state why we are doing this -- that in the case of the Mondale Committee we are required by statute to audit it, and that we cannot have a final settlement with it until the completion of the audit, but that in the case of these other committees, that we think the public interest would be served by an expeditious disposition of the matter and the avoidance of prolonged investigation.

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

4. Decided by a vote of 4-2 to delete paragraph 2, beginning at the bottom of page four and continuing on page five of the agreement set out in Attachment 2 of the General Counsel's October 18, 1984 report, but add language requiring them to inform the delegate committees of their continuing responsibility for reporting and recordkeeping, and retain the language on page six, but modify it pursuant to the Commission discussion.

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

(continued)

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5. Decided by a vote of 5-1 to approve the General Counsel's recommendation that the treasurer, Mr. Berman, be a party to the conciliation agreement.

   Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively; Commissioner McDonald dissented.

6. Decided by a vote of 5-1 to approve Paragraph 3 on page six of the conciliation agreement in Attachment 2 of the General Counsel's October 18, 1984 report.

   Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively. Commissioner Reiche dissented.

7. Decided by a vote of 5-1 to delete the 66 cents contained in the figure in line one on page seven of the agreement in Attachment 2 of the General Counsel's October 18, 1984 report.

   Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively; Commissioner Reiche dissented.

8. Decided by a vote of 5-1 to approve Paragraph 4 on page seven of Attachment 2 to the General Counsel's report dated October 18, 1984 report, as amended to delete the sixty-six cents.

   Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively; Commissioner Reiche dissented.

(continued)

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9. Failed in a vote of 3-3 to pass a motion to base the civil penalty on twenty-five percent of $92,975.73.

   Commissioners Harris, McDonald, and McGarry voted affirmatively for the motion; Commissioners Aikens, Elliott, and Reiche dissented.

10. Failed in a vote of 2-4 to pass a motion to base the civil penalty on $92,975.73 less the ratio, for a figure of approximately $63,334.00.

    Commissioners Aikens and Elliott voted affirmatively; Commissioners Harris, McDonald, McGarry, and Reiche dissented.

11. Decided by a vote of 4-2 that the civil penalty should be set at forty percent of $92,975.73.

    Commissioners Aikens, Elliott, McDonald, and McGarry voted affirmatively; Commissioners Harris and Reiche dissented.

12. Decided by a vote of 6-0 to approve paragraphs VI, VII, VIII, and IX of the conciliation agreement in Attachment 2 of the General Counsel's report dated October 18, 1984.

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

(continued)

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13. Decided by a vote of 6-0 to direct the Office of General Counsel to amend Paragraph X of the conciliation agreement at attachment 2 of the General Counsel's October 18, 1984 report by using more specific language relating to the phrase, "relating to the subject matter of this agreement."

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

14. Decided by a vote of 5-1 to approve the conciliation agreement in attachment 2 of the General Counsel's report dated October 18, 1984, as amended during the meeting.

    Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively. Commissioner Reiche dissented.

15. Decided by a vote of 6-0 that the amended conciliation agreement and draft letters be circulated for Commission approval.

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

Attest:

10-25-84
Date

Marjorie W. Emmons
Secretary of the Commission

8 5 0 4 0 5 0 2 6 0 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM

DATE: OCTOBER 22, 1984

SUBJECT: OBJECTIONS - MUR 1704 Memorandum to the Commission dated October 18, 1984

The above-named document was circulated to the Commission on Friday, October 19, 1984 at 10:30.

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

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

This matter will be placed on the Executive Session agenda for Tuesday, October 23, 1984.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM

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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	X

This matter will be placed on the Executive Session agenda for Tuesday, October 23, 1984.

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OCTOBER 22, 1984

MEMORANDUM TO: All Interested Staff

FROM: Cheryl Thomas

SUBJECT: MUR 1704 - MEMORANDUM CIRCULATED TO THE COMMISSION ON 10/19/84 at 10:30 a.m. (Regarding Conciliation Agreements)

I have just received a call from Judy Ransome in the Commission Secretary's Office. This matter has been objected to by Commissioner Reiche and will be added to the Agenda for tomorrow's Commission Executive Session Meeting.

Objection Memo will be circulated as soon as received.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: October 18, 1984

SUBJECT: MUR 1704 - Memo to COMM

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

SENSITIVE

COPY ON PINK PAPER

24 Hour Tally

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SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

84 OCT 18 P3:18

October 18, 1984

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Proposed Conciliation Agreement submitted by Respondents Mondale for President Committee, Inc., and Michael S. Berman in MUR 1704, In the Matter of Mondale for President Committee (1984).

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On September 25, 1984, the Commission rejected a proposed conciliation agreement submitted on behalf of Mondale for President Committee, Inc. ("MPC"), and Michael S. Berman ("respondents") in the above-captioned matter. Thereafter, on October 1, 1984, the Commission approved a new conciliation agreement for those respondents. The Commission's counter-proposal was forwarded to counsel for MPC and Berman on October 2, 1984. Subsequently, representatives of the Office of the General Counsel met with counsel for the respondents on October 4, 1984, to discuss the Commission's proposed agreement. Finally, on October 10, 1984, the General Counsel's Office received a letter from the attorneys representing MPC and Berman rejecting the Commission's proposed agreement and attaching a new counter-proposal on behalf of their clients. Attachment 1. For the reasons discussed below, the Office of the General Counsel recommends that the Commission reject the latest conciliation agreement submitted on behalf of respondents.

This office has drafted an additional proposed agreement for MPC and Berman, which provides for a set repayment figure and a stated civil penalty. Attachment 2. For the reasons discussed below, the General Counsel's Office also recommends that the Commission approved the attached agreement.

Discussion

The October 10, 1984, letter from counsel for MPC and Berman indicates that the respondents have two major objections to the proposed conciliation agreement approved by the Commission on October 1 -- the inclusion of MPC treasurer Berman as a named party to the agreement, and the alleged failure of the Commission's proposal to completely resolve several issues relating to this matter.

A. Naming of Treasurer Berman as a Party to the Agreement

With respect to the first objection, respondents contend that "this case does not involve the recordkeeping and reporting responsibilities which are uniquely those of the Treasurer. Moreover, there is no evidence before the Commission that Mr. Berman is implicated in any potential violation of the Act." Attachment 1 at 1. In addition, respondents argue that since they would agree to have the conciliation agreement specifically identify Berman as the MPC official responsible for implementation of the agreement, they see no reason to have Berman specifically identified as a party to the agreement. Finally, respondents note that many previous conciliation agreements entered into by the Commission with presidential candidates and their campaign committees did not list the committee treasurer or any other specific individual as a respondent, and claim that there is no reason for treating MPC and Berman differently.

As discussed in this Office's September 21, 1984, memorandum to the Commission in this matter, although the Commission once entered into agreements with committees which did not include their treasurer, since the adoption of the Commission policy of naming committee treasurers as respondents, the Commission has required that a conciliation agreement submitted on behalf of a political committee name the committee treasurer as a party to the agreement. Accordingly, the acceptance of an agreement that does not name the treasurer as a respondent would be a departure from the current Commission practice of seeking conciliation with a named official responsible for the political committee. The proposed counter-proposal, which the General Counsel's Office has prepared for the Commission's consideration, specifically identifies Berman as a respondent. See Attachment 2.

B. Finality of the Agreement's Resolution of the Issues.

As previously noted, the respondents have indicated their desire that the agreement represent a complete and final resolution of all issues relating to MPC and the delegate committees. In their letter, therefore, counsel for the respondents express concern that the Commission's latest proposal does not embody a final resolution of three issues relating to this matter.

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1. Audit of the Delegate Committees.

Initially, respondents assert that the Commission's latest proposed agreement did not resolve the issue of delegate committee audits.

> Although the offer specifies that the delegate committees will not be audited as part of the MPC audit, it is silent as to how they might be audited. Arguably, the Commission could conduct an audit of delegate committees pursuant to this enforcement action. If the agreement is to be a final resolution of all issues relating to MPC and delegate committees --as we believe it must --the agreement must set forth that the delegate committees could be audited only as any non-publicly financed committee and not pursuant to this MUR.

Attachment 1 at 2. To resolve this problem, the conciliation agreement now submitted by respondents contains new language stating that:

> [No audit of] the delegate committees which provide their records to Respondent will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any Federal funds, they will be responsible only for compliance with the provision of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. 1/ Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

Attachment 1 at 7 (paragraph V 4 of respondents' proposed agreement).

1/ This sentence was adopted by respondents from the Commission's previous proposed agreement.

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The Office of the General Counsel believes that the new language proposed by respondents is acceptable. Accordingly, nearly identical language has been incorporated into our proposed agreement. See Attachment 2 at 6.

2. Further Action Against Contributors to the Delegate Committees.

Respondents also object that the Commission's latest proposal did not rule out further action against the contributors to delegate committees relating to the subject matter of the agreement.

> Without such a provision, we can foresee numerous situations which would result in MPC or its officials and employees becoming involved in further proceedings relating to the same matters which should have been resolved in this agreement. For example, if further action were taken against contributors, the Commission would have to prove delegate committee affiliation in order for there to be a violation. This would require an investigation. We cannot enter into an agreement which does not foreclose the possibility of MPC and its agents being brought into other proceedings involving the very same issues.

Attachment 1 at 2. For this reason, respondents' proposed agreement states "[t]he Commission agrees not to take any further action against any contributors to delegate committees or any further action against delegate committees which provided their records to the Respondent relating to the subject matter of this agreement." Attachment 1 at 10 (paragraph IX).

Because respondents wish any agreement ultimately reached to finally resolve all the outstanding issues involving MPC and the Mondale delegate committees, they are unwilling to accept a proposal which does not prevent the Commission from drawing the respondents into any subsequent proceedings conducted with respect to other respondents in this matter. Thus, the Office of the General Counsel has incorporated the language proposed by respondents into this Office's draft agreement. See Attachment 2 at 9. If the Commission does not believe it can agree to take no further action against the contributors to the delegate committees and the delegate committees, then it would appear that

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the Commission believes that its interests would not be served by conciliation with respondents at this time.

3. Civil Penalties and Effective Date.

Finally, respondents object that the Commission's proposal leaves open the question of civil penalties for excessive expenditures until the completion of the Commission's audit of MPC. Respondents contend that the Commission's proposal allows the FEC "to seek a civil penalty after the audit should it be unsatisfied with the resolution of the excessive expenditure issue." This is an apparent reference to paragraph VII of the Commission's proposal which states "[t]he Commission reserves the right to seek such civil penalties as it deems appropriate pursuant to the authority of 2 U.S.C. § 437g, subsequent to the audit of Mondale for President, Inc."

The conciliation agreement proposed by respondents contains a paragraph providing for the repayment of excessive expenditures which is identical to that contained in the Commission's latest proposal. Respondents' agreement, however, makes no provision for the imposition of any civil penalty. In addition, rather than providing that the agreement become effective immediately, the proposed agreement submitted by respondents would become effective at the time of the Commission's final repayment determination pursuant to 11 C.F.R. § 9038.3(c)(4). In their accompanying letter, however, counsel for respondents state:

> [i]f the Commission does not desire to resolve the excessive expenditure issue in the manner set forth in our proposed agreement, there may very well be other approaches to achieving a final resolution. For example, the parties could treat the excessive expenditure issue in a manner similar to the way we addressed excessive contributions. Thus, based on a preliminary estimate of information provided in MPC reports through October 20, 1984, and delegate committee reports through October 15, 1984, we could agree on a specific dollar amount of excessive expenditures. After agreement on the amount of the estimated excessive expenditures, the Commission could then propose payments it would deem appropriate. MPC would be willing to consider payment of a reasonable amount reached in this manner.

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> This alternative would have an additional result. Since it would reach a final monetary resolution that would be set forth in the agreement, MPC would have no objection to an effective date in the ordinary course after final agreement. In that event, the Commission's proposed language in X. of its proposal of October 2, 1984, would be acceptable.

Attachment 1 at 3.

Because the Commission has indicated that the agreement should become effective immediately, the Office of the General Counsel believes that the treatment of the excessive expenditure issue in respondents' agreement is unacceptable. However, the General Counsel's Office believes that respondents' alternative proposal for the treatment of the excessive expenditure issue is acceptable, because this Office believes that respondents are justified in wishing to know the final amount of their liability with regard to the delegate committees, including civil penalties, prior to the conclusion of this matter. Thus, the General Counsel's Office has drafted new language providing for the payment of a predetermined amount. Instead of relying, as MPC has suggested, on the reports of receipts and expenditures filed by MPC through October 20 to arrive at the appropriate figure, this Office's proposal reflects information contained in MPC's reports filed through September 20, 1984, and additional information provided by the Audit Division, thereby eliminating the delay that would occur while the Commission awaits the filing of MPC's October 20 monthly report. The included amounts also take into account information contained in the most recent reports filed by the delegate committees. The agreement also provides for the payment of a civil penalty.

The Commission will note that the General Counsel's proposed conciliation agreement specifies the amount of both the repayment ($29,640.66) and the civil penalty ($10,000) to be paid by respondents. Initially, the Office of the General Counsel notes that the actual amount of the excessive expenditures by respondents will not be available until after the completion of the Commission's audit of MPC. If the Commission desires to know the exact amount of the excessive expenditures prior to setting the amounts of the repayment and the civil penalty, this case cannot be settled now. However, the General Counsel's Office believes that an acceptable alternative is to compute those

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payments based on presently available information. Accordingly, the Office of the General Counsel requested that the Audit Division compute the approximate amount of the proposed repayment by MPC. Attachment 4. Based on the computations provided by Audit, the Office of the General Counsel believes that the repayment by MPC should be in the amount of $29,640.66. See Attachment 5 at 6. In addition, this office proposes a civil penalty in the amount of $10,000. This figure is approximately 10 per cent of the New Hampshire delegate committee expenditures applicable to the New Hampshire state spending limitation. 2/

Conclusion

For the foregoing reasons, the Office of the General Counsel recommends that the Commission reject the latest proposed conciliation agreement submitted on behalf of respondents MPC and its treasurer Michael Berman. In addition, the General Counsel's Office recommends that the Commission approve the General Counsel's proposed agreement.

RECOMMENDATIONS:

1. Reject the conciliation agreement submitted on behalf of respondents Mondale for President Committee, Inc., and Michael S. Berman. Attachment 1.

2. Approve the proposed conciliation agreement for MPC and Berman. Attachment 2.

3. Approve the proposed notification letter for respondents. Attachment 3.

2/ Because preliminary estimates show MPC exceeding the state spending limit in New Hampshire without adding delegate committee activity, this office believes an appropriate approach for this agreement would be to calculate the excessive expenditures by adding the delegate committee expenditures to the $404,000 limit. At this time the computation reveals that the total amount of delegate committee expenditures attributable to New Hampshire is $92,975.73.

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Attachments

1. Letter from counsel for respondents MPC and Berman enclosing proposed conciliation agreement (dated October 10, 1984). (10 pgs.)

2. Revised proposed conciliation agreement for respondents. (9 pgs.)

3. Proposed notification letter to counsel for respondents. (1 pg.)

4. Memorandum from Charles N. Steele to Robert J. Costa (dated October 15, 1984). (1 pg.)

5. Memorandum from Robert J. Costa to Charles N. Steele (dated October 16, 1984). (9 pgs.)

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Mondale for President
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1600

MONDALE

(1)

October 10, 1984

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

Re: MUR 1704

Dear Mr. Steele:

We have reviewed the Commission's conciliation offer of October 2, 1984, and, although in certain respects it is substantially more acceptable than the Commission's August 14, 1984 offer, it still contains provisions which prevent us from accepting it. We have, however, enclosed a new counter proposal which we believe provides an equitable means of resolving this matter.

It appears that the most significant differences between the Commission's proposal and ours are limited to two areas. The first relates to whether Michael Berman, the Treasurer of the Mondale for President Committee, Inc. (MPC), should be included as a party to this action. The second relates to the finality of the agreement.

As to the inclusion of Mr. Berman, the Office of General Counsel informed us that the Commission's most recent general enforcement policy is to include Treasurers as respondents in MURs. There appear to be two reasons for this general policy: first, that Congress has entrusted the Treasurer specifically with certain responsibilities under the Act; second, that it is important to have an individual responsible for implementation of the agreement.

As to the first reason, MPC submits that this case does not involve the recordkeeping and reporting responsibilities which are uniquely those of the Treasurer. Moreover, there is no evidence before the Commission that Mr. Berman is implicated in any potential violation of the Act. As to the second reason for including Mr. Berman, in our proposal we have identified Mr. Berman as the MPC official responsible for implementation of the agreement. Thus, we see no reason to have Mr. Berman listed specifically as a respondent.

ATTACHMENT 1
(Page 1 of 10)

Paid for by Mondale for President, Inc.

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Moreover, there are numerous, previous enforcement actions involving Presidential candidates and their campaign committees which do not list the Treasurer or any other specific individual as a respondent. There is no reason for treating MPC and Mr. Berman differently.

The second area of disagreement stems from our concern that the Commission's proposal is not a final resolution of several issues relating to this matter. MPC believes that an agreement, if reached, should represent a complete and final resolution of all issues relating to MPC and the delegate committees. The Commission's proposal leaves three such issues unresolved.

First, the Commission's offer does not resolve the issue of delegate committee audits. Although the offer specifies that the delegate committees will not be audited as part of the MPC audit, it is silent as to how they might be audited. Arguably, the Commission could conduct an audit of delegate committees pursuant to this enforcement action. If the agreement is to be a final resolution of all issues relating to MPC and delegate committees -- as we believe it must -- the agreement must set forth that the delegate committees could be audited only as any non-publicly financed committee and not pursuant to this MUR.

Second, the Commission's proposal does not rule out further action against contributors to delegate committees relating to the subject matter of the agreement. Without such a provision, we can foresee numerous situations which would result in MPC or its officials and employees becoming involved in further proceedings relating to the same matters which should have been resolved in this agreement. For example, if further action were taken against contributors, the Commission would have to prove delegate committee affiliation in order for there to be a violation. This would require an investigation. We cannot enter into an agreement which does not foreclose the possibility of MPC and its agents being brought into other proceedings involving the very same issues.

Finally, the Commission's offer seems to leave open the question of civil penalties for excessive expenditures until completion of the MPC audit. This is the first time that the possibility of a civil penalty has been introduced into the conciliation negotiations. In our previous proposal, we offered, and the Commission appears to have accepted-- a method by which excessive expenditures would be calculated and repaid to the Treasury. However, the Commission's proposal would allow it to seek a civil penalty after the audit should it be unsatisfied with the resolution of the excessive expenditure issue. If the agreement does not address and resolve this and all other issues relating to MPC and the delegate committees, it does not in fact constitute final action in this case.

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If the Commission does not desire to resolve the excessive expenditure issue in the manner set forth in our proposed agreement, there may very well be other approaches to achieving a final resolution. For example, the parties could treat the excessive expenditure issue in a manner similar to the way we addressed excessive contributions. Thus, based on a preliminary estimate of information provided in MPC reports through October 20, 1984 and delegate committee reports through October 15, 1984, we could agree on a specific dollar amount of excessive expenditures. After agreement on the amount of the estimated excessive expenditures, the Commission could then propose payments it would deem appropriate. MPC would be willing to consider payment of a reasonable amount reached in this manner.

This alternative would have an additional result. Since it would reach a final monetary resolution that would be set forth in the agreement, MPC would have no objection to an effective date in the ordinary course after final agreement. In that event, the Commission's proposed language in X. of its proposal of October 2, 1984 would be acceptable.

We believe that the offer we have enclosed is extremely fair and reasonable. MPC has compromised significantly on important issues in an effort to resolve this matter. For the reasons set forth in this letter, as well as our letter of September 20, we urge the Commission to accept this offer.

Sincerely,

David M. Ifshin By CUO

David M. Ifshin
General Counsel

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy General Counsel

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(4)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. These complaints alleged that Mondale for President Committee, Inc., ("Respondent") and Mondale delegate committees were affiliated. The Commission found reason to believe that the Respondent violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

ATTACHMENT 1
(Page 1 of 10)

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

1. Respondent Mondale for President Committee, Inc. is the primary election principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984. Michael S. Berman who is the Treasurer of the Committee will be responsible for implementation of this agreement.

2. The Respondent in the course of its communications with delegates informed them of the opportunity to form delegate committees. The Respondent, in some instances, provided additional advice to delegates who formed delegate committees. The scope and nature of the communication and interaction between the Respondent and various delegate committees differed.

3. On April 30, 1984, the Respondent informed the Commission that Mr. Mondale would, for purposes of resolving this matter, voluntarily treat the delegate committees as though they were affiliated with the Respondent.

4. The Respondent requested pre-probable cause conciliation.

V. Because both parties to this agreement desire an expeditious resolution of this matter, and because the Respondent

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agrees, for the purpose of resolving this matter, to treat voluntarily the delegate committees as though they were affiliated with it, the parties enter into this agreement even though the Commission has not completed its investigation into this matter.

The Commission contends that the delegate committees are affiliated with the Respondent. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Respondent. The Respondent acknowledges that if there were a full investigation, some delegate committees may be found to be affiliated with it.

Therefore, the parties agree that:

1. Respondent shall amend its Statement of Organization to identify all of the delegate committees as affiliated committees.

2. Respondent shall make available to the Commission those records which the delegate committees agree to turn over voluntarily to Respondent. Respondent will exercise reasonable efforts to obtain the records of the delegate committees. "Reasonable efforts" mean that Respondent will request the records from the delegate committees in writing stating that the request is being made pursuant to a conciliation agreement with the Commission and that it urges the committees to provide the requested records. In the event a delegate committee refuses to comply or fails to

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respond to the request within 30 days, Respondent shall send an additional written request.

3. Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Respondent and the delegate committees as separate entities which are distinct entities for the purposes of recordkeeping and reporting. Respondent will maintain the records obtained from the delegate committees pursuant to 2 U.S.C. Section 432(d) in a central location.

4. The audit of the Respondent under 26 U.S.C. Section 9038(b) will not include an audit of the delegate committees and no other audit of Respondent or the delegate committees which provide their records to Respondent will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 431 et seq. Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

5. Respondent shall pay $350,000 to the Treasurer of the United States. This payment is not a civil penalty. Rather, it represents contributions received by the delegate committees and the Respondent that preliminary estimates indicate would have exceeded, in the aggregate, the limitations of

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U.S.C. Sections 441a(a)(1(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. Section 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

6. Following the completion of the Commission's audit of the Respondent pursuant to 26 U.S.C. Section 9038(b) the Commission will apply the total delegate committee expenditures to the Respondent's spending limitations under 2 U.S.C. Section 441a(b) minus the exclusions pursuant to 11 C.F.R. Section 9035.1(c), and the Respondent will make a repayment of such amount to the Secretary of the Treasury for the amount of expenditures that would have been considered excessive had they been made by the Respondent as of July 19, 1984. The amount of the repayment shall be based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of expenditures by the delegate committees will be determined by the review of reports filed by the delegate committees with the Commission up to and including the October 15, 1984, Quarterly Report. Repayments to the Secretary of the Treasury will be made after the conclusion of the audit of the Respondent and pursuant to 11 C.F.R. Section 9038.2(d).

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

ATTACHMENT 1

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

VIII. This agreement shall become effective at the time the Commision's final repayment determination pursuant to 11 C.F.R. Section 9038.3(c)(4) and after all parties hereto have executed the agreement and the Commission has approved the entire agreement.

IX. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. Nothing in this agreement shall prevent the Commission from pursuing other repayments from the Respondent pursuant to 26 U.S.C. Section 9038(b) based on matters unrelated to this agreement. No other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this

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ATTACHMENT 1

written agreement shall be valid. The Commission agrees not to take any further action against any contributors to delegate committees or any further action against delegate committees which provided their records to the Respondent relating to the subject matter of this agreement.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

David M. Ifshin
General Counsel

Date

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ATTACHMENT 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Mondale for President Committee, Inc. Michael S. Berman, as Treasurer	)))))	MUR 1704

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee, Inc. and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures, based on the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Mondale for President Committee, Inc.

3. Respondents, in the course of their communications with delegates, encouraged them to form delegate committees. The Respondents, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form delegate committees. Upon preliminary review, it appears that the scope and nature of these communications and interactions between the Respondents and various delegate committees differed.

4. Respondents have agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

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5. Based upon the Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(2)(A) by at least $ 299,215.

6. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(1)(A) by at least $ 47,402.

7. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., expenditures made by the delegate committees together with expenditures made by the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A).

8. Respondents have requested pre-probable cause conciliation.

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V. Because the Parties desire an expeditious resolution of this matter, and because the Respondents agree, for the purpose of resolving this matter, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., the parties enter into this Agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with Mondale for President Committee, Inc. The Respondents contend that the Mondale for President Committee, Inc., is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Mondale for President Committee, Inc. The Respondents acknowledge that if there were a full investigation, some delegate committees may be found to be affiliated with the Mondale for President Committee, Inc.

Therefore, the parties agree that:

1. Respondents shall amend the Mondale for President Committee, Inc.'s Statement of Organization to identify all of the delegate committees as affiliated committees.

2. Respondents shall make available to the Commission those records that the delegate committees agree to voluntarily turn over to Respondents.

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Respondents will exercise reasonable efforts to obtain the records of the delegate committees. "Reasonable efforts" means that Respondents will request the records from the delegate committees in writing stating that the request is being made pursuant to a conciliation agreement with the Commission and that they urge the committees to provide the requested records. In the event a delegate committee refuses to comply or fails to respond to the request within 30 days, Respondents shall send an additional written request.

The Respondents will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities, which are distinct entities for the purposes of recordkeeping and reporting. Respondents will maintain the records received from the delegate committees, pursuant to 2 U.S.C. § 432(d), in a central location.

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The audit of the Mondale for President Committee, Inc. under 26 U.S.C. § 9038(b) will not include an audit of the delegate committees, and no other audit of MPC or the delegate committees which provide their records to MPC will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

3. Respondents shall pay $350,000 to the Treasurer of the United States. Such amount represents contributions received by the delegate committees and the Mondale for President Committee, Inc. that exceeded, in the aggregate, by preliminary estimates, the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. § 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

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4. Respondents shall pay $29,640.66 to the Secretary of the United States Treasury. Such amount represents the portion of the aggregate expenditures by MPC and the delegate committees, less the exclusions pursuant to 11 C.F.R. § 9035.1(c), which, based on a preliminary review of the most recent reports filed by MPC and the delegate committees, would have exceeded MPC's spending limitations under 2 U.S.C. § 441a(b) had they been made by MPC, multiplied by the ratio of matching funds received by MPC to the total amount of deposits of contribution and matching funds received by MPC and the delegate committees.

5. Respondents shall pay to the Treasurer of the United States a civil penalty in the amount of $10,000, pursuant to 2 U.S.C. § 437g.

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

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

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Attachment 2
(Page 7 of 9)

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

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

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matter raised herein, and constitutes a complete bar on any further action by the Commission against Respondents based on the subject matter of this agreement. Nothing in this agreement shall prevent the Commission from pursuing any remedies with respect to Respondents, including other repayments from MPC, pursuant to 26 U.S.C. § 9038(b), based on matters unrelated to this agreement. No other statement, promise, or agreement, either written or oral, made by either party or by agents of either

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party, that is neither contained nor referenced in this written agreement shall be valid. The Commission agrees not to take any further action against any contributors to delegate committees or any further action against delegate committees which provided their records to MPC relating to the subject matter of this agreement.

FOR THE COMMISSION:

_____ _____

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

_____ _____

David M. Ifshin
General Counsel

Date

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(20)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

This is to notify you that on October , 1984, the Commission decided to reject the proposed conciliation agreement which you submitted on October 10, 1984, in settlement of the above-captioned matter. The Commission, however, has approved a new agreement for your consideration, a copy of which is enclosed. In view of the Commission's responsibility to resolve these matters expeditiously, it asks that you will respond to this proposal as soon as possible.

Should you have any questions, please contact Mr. Robert Bonham, an attorney assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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ATTACHMENT 3
(Page 1 of 1)

(21)

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 15, 1984

MEMORANDUM TO: Robert Costa
Assistant Staff Director, Audit Division

THROUGH: John C. Surina
Staff Director

FROM: Charles N. Steele
General Counsel

SUBJECT: Repayment Calculations - MUR 1704

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In order that this Office may proceed in conciliation negotiations with the Mondale for President Committee, Inc. ("MPC") in MUR 1704, we request that the Audit Division provide us with the following information within 24 hours:

1. The ratio of matching payments to total contributions plus matching payments as of Mondale's date of ineligibility.

2. Total funds spent by the two New Hampshire delegate committees, as reflected in their reports filed up through and including the October Quarterly, subject to the state expenditure limitation of 2 U.S.C. § 441a(b)(1)(A), and adjusted by application of the 10 per cent fundraising exemption of 11 C.F.R. § 9035.1(c).

3. The total repayment amount due based upon the adjusted expenditures by the New Hampshire delegate committees combined with the expenditures made by MPC, as allocated on the most recent report filed by MPC.

This request follows an oral request made by this Office on October 12, 1984. If you have any questions concerning this request, please contact Stephen Mims at 523-4143.

ATTACHMENT 4
(Page 1 of 1)

AR-84-43

(22)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: REPAYMENT CALCULATIONS - MUR 1704

Your memorandum of October 15, 1984 requests this Office to assemble certain information for use in the conciliation process in MUR 1704. Your memorandum also requested that the information be provided within 24 hours.

The request you made cannot be filled in 24 hours without the use of unaudited figures and estimates. I have assembled the best data available in the time provided and answered each of your requests as discussed below.

1. <u>The ratio of matching payments to total contributions plus matching payments as of Mondale's date of ineligibility</u>

This ratio is normally calculated late in the audit process. It is done at that time so as to take advantage of any adjustments identified at any point in the process. Since we are not yet at the point in the audit where the ratio calculation has been made, we have used reported figures adjusted to the extent possible. I would not expect the final ratio to be materially different.

The calculations are as follows:

Line 17 Contributions reported from November 2, 1982 to July 31, 1984	$15,639,570.96

ATTACHMENT 5
(Page 1 of 9)

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Less Contributions refunds. This figure represents refunds reported on Line 28 of the Committee's reports through August 31, 1984. In addition, the amount that will appear on the report covering September 1984 is included. The auditors at Committee headquarters were able to determine that all amounts included relate to pre-July 19, contributions.	(107,660.00)
Line 21 Other Income reported (Interest earned, etc.) from November 2, 1982 to July 31, 1984	48,695.52
Less Contributions received between July 20-31, 1984 as recorded in the Committee's receipts register. This figure adjusts the reported figure from July 31 to July 19, the date of ineligibility	(142,655.41)
Less Contributions in-kind reported between November 2, 1982 and July 19, 1984	(32,340.92)
Gross receipts reported by Mondale Delegate Committees. This figure was obtained by totalling the amounts shown on an E index, part 7, dated September 24, 1984. This should include the second-quarterly report (through June 30, 1984). No attempt is made to include the amounts from the third-quarter reports (through September 30, 1984). The third-quarter report covers a period well beyond the July 19, date of ineligibility.	

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Further, in the time available, it was not possible to review the reports of the 140 Delegate Committees to adjust for inter-Committee transfers. Including this gross figure will understate the percentage slightly.	764,820.00
Total Non Public Funding	16,170,430.15
Matching Funds Certified Through July 19, 1984 from the FEC History Record Presidential Matching Fund Activity	7,567,893.66

Ratio Calculation

Matching Funds Certified	7,567,893.66
Matching Funds Certified + Non Public Funding	7,567,893.66 + 16,170,430.15

31.88%

2. Total funds spent by the two New Hampshire delegate committees, as reflected in their reports filed up through and including the October Quarterly, subject to the state expenditure limitation of 2 U.S.C. § 441a(b)(1)(A), and adjusted by application of the 10 percent fundraising exemption of 11 C.F.R. § 9035.1(c).

In order to comply with this request a review of the reports of the two New Hampshire Committees was conducted. The reports used in both cases were the first and second quarterly reports in that both Committees terminated with the second quarter report showing a $-0- cash balance and no debts.

Section 9035.1(c) of Title 11 of the Code of Federal Regulations states, in relevant part, that an amount equal to 10% of salaries and overhead expenditures of both national and State offices may be excluded from the overall expenditure limitation as exempt fundraising expenditures, but this exemption shall not apply within 28 days of the primary election as specified in 11 C.F.R. § 110.8(c)(2). The section also defines overhead expenditures to include, but not be limited to, rent, utilities, office equipment, furniture, supplies and telephone base charges.

ATTACHMENT 5
(Page 3 of 9)

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The review of itemized expenditures on the reports of these two Committees did not reveal any overhead disbursements. A large majority of the disbursements were reported as "Travel", "Subsistence", or "Lodging". Only one payment was noted, a consulting fee, which could fall into the salary category. This payment was within 28 days of the February 28 primary. The remaining disbursements were either within 28 days of the primary or though paid outside the 28 day pre-primary period, appeared to have been incurred within the pre-primary period (janitorial service for a committee with no office rent or utilities, but which reported a group of other disbursements on 2/27/84 relating to an event, and a payment to a Union for secretarial service after the committee appeared to be out of business).

Therefore, no adjustment has been made for the 9035.1 fundraising exemptions.

The calculation of the amount chargeable to the limitation is as follows:

	1st. CD Committee	2nd. CD Committee
First Quarter Report Operating Expenditures	$45,522.35	$44,920.22
Second Quarter Report Operating Expenditures	983.39	1,549.77
Committee Total	$46,505.74	$46,469.99
New Hampshire Delegate Committees Expenditures Applicable to the State Limitation		$92,975.73

3. The total repayment amount due based upon the adjusted expenditures by the New Hampshire delegate committees combined with the expenditures made by MPC, as allocated on the most recent report filed by MPC.

As I noted in my September 26, 1984 memorandum (attached), it appears that the Mondale Committee has exceeded the New Hampshire expenditure limitation exclusive of the delegate committee expenditures. This conclusion is based on the following:

ATTACHMENT 5
(Page 4 of 9)

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MPC Expenditures Allocated to New Hampshire through 8/31/84	$402,948.13
Accounts Payable Allocated to New Hampshire. This represents payables included in the MPC August report where the payee has a New Hampshire address. It is recognized that these may not prove to be 100% allocable, but, it is also likely that there are other payables which will be allocable to New Hampshire. It is further noted that the Committee allocated figure above, is $1051.87 less than the New Hampshire limitation. This represents only 1/24 of the New Hampshire payable amount	25,817.18
MPC expenditures incurred and applicable to the New Hampshire expenditure limitation	428,765.31
New Hampshire Expenditure Limitation	404,000.00
MPC amount in excess of the Limitation	24,765.31

This amount, and any further adjustments, will be dealt with as part of our audit of the MPC.

In discussions with members of your staff, it is my understanding that the purpose of your request is to determine the repayment increment which results from the New Hampshire delegate committee expenditures. Given the above analysis, that amount should be calculated as follows:

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Amount of New Hampshire Delegate Committee disbursements applicable to the New Hampshire expenditure limitation from 2. above	$ 92,975.73
Times: the repayment ratio from 1. above	31.88%
Repayment Amount	$ 29,640.66

If you should choose to ignore MPC expenditures incurred but not paid, the MPC would not appear to have made expenditures in excess of the New Hampshire expenditure limitations as of August 31, 1984. In that case, the calculation would be as follows:

Amount of New Hampshire Delegate Committee disbursements applicable to the New Hampshire expenditure limitation from 2. above		$92,975.73
Less:		
New Hampshire Limitation	(404,000.00)	
Amount shown on the latest MPC state allocation report	402,948.13	
Remaining Limitation		(1051.87)
Amount Subject to the Repayment Ratio		$91,923.86
Times Repayment Ratio from 1. above		31.88%
Alternative Repayment Amount		$29,305.33

Attachment as stated

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(28)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 26, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: MONDALE FOR PRESIDENT (MPC)
COMMITTEE STATE BY STATE AND
OVERALL SPENDING LIMITATIONS

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As directed by the Commission in its Executive Session of Tuesday, September 25, 1984, the Audit Division has undertaken a review of disclosure reports filed by MPC and approximately 140 Mondale Delegate Committees. The results of our review are as follows:

State Limitations

1) New Hampshire

MPC Expenditures Allocated to New Hampshire through 8/31/84	$402,948.13
Accounts Payable Allocated to New Hampshire	25,817.18
New Hampshire Delegate Committee Operating Expenditures	92,974.00
Total Expenditures Subject to Limitation	521,739.31
New Hampshire Limit	404,000.00
Amount In Excess of Limit	$117,739.31

ATTACHMENT 9
(Page 7 of 9)

(29)

2) Iowa

MPC Expenditures Allocated to Iowa through 8/31/84	$660,348.13
Accounts Payable Allocated to Iowa at 8/31/84	11,258.72
Delegate Committee Operating Expenditures	-0-
Total Expenditures Subject to Limitation	671,606.85
Iowa Limitation	684,537.50
Remaining Limitation	$ 12,930.65

3) Maine

MPC Expenditures Allocated to Maine through 8/31/84	$380,087.58
Accounts Payable Allocated to Maine at 8/31/84	6,879.96
Delegate Committee Operating Expenditures	-0-
Total Expenditures Subject to Limitation	386,967.54
Maine Limitation	404,000.00
Remaining Limitation	$ 17,032.46

All amounts discussed above are as reported by the Committee. Accounts payable allocated to the respective state was derived by identifying creditors disclosed with addresses in the respective state. Given both Iowa and Maine are very close to exceeding State limits, the Conciliation agreement should only include New Hampshire. For Iowa and Maine, as well as any other state, the agreement should include appropriate language to provide for audit verification, and if necessary, repayment under 26 U.S.C. § 9038(b).

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ATTACHMENT 5
(Page 8 of 9)

(30)

Overall Expenditure Limitation

Total Operating Expenditures As Reported by MPC through 8/31/84	$18,572,211.91
Accounts Payable at 8/31/84	965,753.66
1/ Delegate Committee Expenditures	728,924.00
Offsets to Operating Expenditures Receivables due from the press and Secret Service	(235,943.82)
Total Operating Expenditures Subject to Limitation	20,030,945.75
Overall Spending Limit	20,200,000.00
Remaining Limitation	$ 169,054.25

As can be seen from the above analysis, the Committee, simply on the basis of reports filed to date, is extremely close to the overall spending limitation. We further note that the Committee, based on reported amounts, has exhausted the 20% fundraising exemption, and has reported $1,758,432.91 in legal and accounting expenses not included in the totals above. Again, none of the figures mentioned above have been audited. Given the above analysis, we believe that the Conciliation agreement should provide for review and verification of the overall Expenditure Limitation with repayments as appropriate to be handled in the audit. Should you have any questions, please let us know.

1/ The delegate expenditures included above are gross reported amounts which will be adjusted for reported inter committee transfers, loans repayments, contribution refunds, etc.

cc: The Commissioners

ATTACHMENT 5
(Page 9 of 9)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

This is to acknowledge receipt of your November 1, 1984, letter enclosing a new proposed conciliation agreements for the Commission's consideration.

On November 6, 1984, the Commission approved the conciliation agreement. Accordingly, enclosed is the original copy of the agreement which we are returning for signature by Michael Berman on behalf of the committee. Please have the agreement signed and returned to us at your earliest convenience. When the agreement has been accepted by the Commission, we will forward you a fully executed copy of the agreement for your file.

Thank you in advance for your cooperation in this matter. Should you have any questions, please contact Mr. Robert Bonham, an attorney assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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11/7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: November 2, 1984

SUBJECT: MUR 1704

The attached is submitted as an Agenda document for the Commission Meeting of November 6, 1984

Open Session

Closed Session X

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

Pls circulate on pink paper

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RECEIVED
BY THE FEC
SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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November 2, 1984

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Proposed Conciliation Agreement submitted by Respondents Mondale for President Committee, Inc., and Michael S. Berman in MUR 1704, In the Matter of Mondale for President Committee (1984).

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On October 23, 1984, the Commission rejected a proposed conciliation agreement submitted on behalf of Mondale for President Committee, Inc. ("MPC"), and Michael S. Berman, as treasurer, in the above-captioned matter. Thereafter, on October 30, 1984, the Commission approved a new conciliation agreement for those respondents. The Commission's counter-proposal was forwarded to counsel for MPC and Berman on October 30, 1984. Subsequently, representatives of the Office of the General Counsel met with counsel for the respondents on October 31, 1984, to discuss the Commission's proposed agreement. Finally, on November 1, 1984, the General Counsel's Office received a letter from the attorneys representing MPC and Berman rejecting the Commission's proposed agreement and attaching a new counter-proposal on behalf of their clients incorporating many of the matters discussed on October 31, 1984. Attachment 1.

For the reasons discussed below, the Office of the General Counsel recommends that the Commission approve the latest conciliation agreement submitted on behalf of respondents.

Discussion

The proposed conciliation agreement submitted by counsel is very similiar to the latest proposed agreement approved by the Commission. Their agreement, however, differs from the Commission's proposal in three significant respects -- (i) their agreement does not name the Committee's treasurer, Michael S.

Berman, as a party to the agreement; (ii) respondents' agreement provides for the payment of an $18,500 civil penalty; and (iii) their agreement provides for the full payment of the various amounts due under the agreement within 90 days of the date the agreement becomes effective.

1. Treasurer Berman.

Rather than identifying the treasurer of MPC as a named party to the agreement, the proposal submitted by respondents merely identifies Berman as the individual who will be responsible for the implementation of the agreement. Counsel for respondents continue to insist that their clients will not agree to a conciliation agreement which names Berman as a party to the agreement. For the first time, however, the proposed agreement has treasurer Berman, rather than MPC general counsel David Ifshin signing on behalf of MPC. The acceptance of an agreement that does not name the treasurer as a respondent here is acceptable in light of the terms of the entire settlement, particularly given the fact that the treasurer is the signatory of the agreement and is expressly made responsible for its implementation. Should the Commission feel it can not accept such an agreement, however, it does not appear that successful conciliation is possible at this time.

2. Amount of the Civil Penalty

At the October 23, 1984, executive session, the Commission decided to initially seek a civil penalty of approximately 40 per cent of the expenditures made by the New Hampshire Mondale delegate committees. The proposed conciliation agreement subsequently approved by the Commission, therefore, provided for the payment of a civil penalty in the amount of $37,000.

During the October 31, 1984 discussions between representatives of the General Counsel's Office and attorneys for MPC and Berman, respondents' counsel indicated that the proposed $37,000 civil penalty was too high in light of the other provisions in the agreement and suggested a much lower figure. After extended discussion of respondents' objections to the agreement, many of which respondents ultimately dropped, counsel for respondents indicated that they could agree to a penalty of approximately 20 per cent of the New Hampshire delegate committee expenditures. The proposed agreement subsequently received from respondents provides for the payment of a $18,500 civil penalty.

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From our discussions with opposing counsel, it appears that this amount is MPC's final figure. Under the circumstances, including the size of the other payments that MPC is agreeing to make to the United States Treasury, the civil penalty proposed by counsel for respondents appears to be reasonable.

3. Payment of the Amounts Due

In the cover letter accompanying their proposal, counsel for respondents indicate that they may be unable to make all the necessary payments within 30 days of the effective date of the agreement. Although counsel for respondents stated that MPC has indeed placed the proceeds of a $400,000 bank loan into an escrow account, the committee has attempted to protect that money from its creditors by specifying in the escrow agreement that the funds can be used only to refund contributions made to the Mondale delegate committees to the contributors or to repay the loan. Because the committee has only a small amount of cash on hand, it will either have to renegotiate the escrow agreement or obtain the funds from another source in order to make the required payments. */ For that reason, respondents propose that MPC pay a $50,000 down payment within 30 days of the effective date of the agreement and the balance within 90 days of the effective date of the agreement.

The Commission has previously agreed to even more extended payment plans in conciliation agreements reached in several other MURs. In light of MPC's situation described above and the substantial amount of required payments, the General Counsel's Office believes that such a delayed payment scheme would not be objectionable. Furthermore, the schedule proposed by respondents does not appear to be unreasonable; the initial payment is substantial enough to indicate MPC's good faith and the delay until the balance is received is not excessive.

Conclusion

For the foregoing reasons, the Office of the General Counsel recommends that the Commission accept the latest conciliation agreement submitted on behalf of respondents MPC and Berman, which resolves this matter with respect to MPC and approve the attached letter.

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*/ This would not have created a problem under the previous agreements submitted by respondents as those agreements would have delayed the payments until 30 days from the Commission's final repayment determination with respect to MPC.

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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: OCTOBER 16, 1984

SUBJECT: OBJECTION - MUR 1704 Memorandum to the Commission dated October 15, 1984

The above-named document was circulated to the Commission on Monday, October 15, 1984 at 4:00.

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

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

This matter will be placed on the Executive Session agenda for Tuesday, October 23, 1984 unless notified to the contrary.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: October 15, 1984

SUBJECT: MUR 1704 - Memorandum to The Commission

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

Open Session

Closed Session

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

SENSITIVE

CIRCULATE ON PINK PAPER

24 HOUR TALLY VOTE

8504050265 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	
Michael S. Berman,	)	
Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 30, 1984, the Commission approved by a vote of 5-1 the proposed conciliation agreement and notification letter for respondents Mondale for President Committee, Inc., and Michael S. Berman, as treasurer, submitted with the General Counsel's October 29, 1984 Memorandum to the Commission in MUR 1704.

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

Attest:

10-30-84
Date

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

Received in Office of Commission Secretary: 10-29-84, 1:14
Circulated on expedited tally basis: 10-29-84, 4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: OCTOBER 30, 1984

SUBJECT: COMMENTS RE: MUR 1704 Memorandum to the Commission dated October 29, 1984

Attached is a copy of Commissioner Reiche's vote sheet with comments regarding his objection to this matter, for records purposes only.

Attachment:
copy of vote sheet

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SENSITIVE

RECEIVED
OFFICE OF THE FEC
SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 OCT 30 A10:07

Date and Time Transmitted: MONDAY, 10-29-84, 4:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY TUESDAY, OCTOBER 30, 1984, 4:00

SUBJECT: MUR 1704 - Memorandum to the Commission dated October 29, 1984

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: My objection is for the record. However, I believe the conciliation agreement is ambiguous in many respects and needs to be tightened.

Date: 10/30/84 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

8504050269

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: October 29, 1984

SUBJECT: MUR 1704 - Memo to COMM

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[x]
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	[x]	Other (see distribution below)	[ ]

24 Hour Tally - Sensitive

Copy on PINK paper

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	
Michael S. Berman,	)	
Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 30, 1984, the Commission approved by a vote of 5-1 the proposed conciliation agreement and notification letter for respondents Mondale for President Committee, Inc., and Michael S. Berman, as treasurer, submitted with the General Counsel's October 29, 1984 Memorandum to the Commission in MUR 1704.

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

Attest:

10-30-84
Date

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

Received in Office of Commission Secretary: 10-29-84, 1:14
Circulated on expedited tally basis: 10-29-84, 4:00

8 5 0 4 0 5 0 2 6 5 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM

DATE: OCTOBER 30, 1984

SUBJECT: COMMENTS RE: MUR 1704 Memorandum to the Commission dated October 29, 1984

Attached is a copy of Commissioner Reiche's vote sheet with comments regarding his objection to this matter, for records purposes only.

Attachment:
copy of vote sheet

8 5 0 4 0 5 0 2 6 6 1

SENSITIVE

RECEIVED
OFFICE OF THE FEC
SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 OCT 30 A10:07

Date and Time Transmitted: MONDAY, 10-29-84, 4:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY TUESDAY, OCTOBER 30, 1984, 4:00

SUBJECT: MUR 1704 - Memorandum to the Commission dated October 29, 1984

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: My objection is for the record. However, I believe the conciliation agreement is ambiguous in many respects and needs to be tightened.

Date: 10/30/84 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

8504050262

RECEIVED
FROM THE FEC
SECRETARY

84 OCT 29 P1:14

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1984

MEMORANDUM

TO: The Commission

SENSITIVE

FROM: Charles N. Steele
General Counsel

SUBJECT: Revised Proposed Conciliation Agreement in MUR 1704

The Office of General Counsel has prepared the attached proposed conciliation agreement in MUR 1704 pursuant to the directions of the Commission at the Executive Session held on October 23, 1984.

The General Counsel's Office recommends that the attached proposed conciliation agreement and notification letter be approved by the Commission.

RECOMMENDATION:

Approve the attached proposed conciliation agreement and notification letter for respondents Mondale For President Committee, Inc., and Michael S. Berman, as treasurer, in MUR 1704.

Attachments

1. Proposed conciliation agreement
2. Proposed notification letter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Mondale for President Committee, Inc. Michael S. Berman, as Treasurer	)))))	MUR 1704

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn and notarized complaints filed by Americans With Hart, Inc. and the National Right to Work Committee, Inc. and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc. ("MPC") and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures, based on the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

This agreement represents the final resolution of this matter only with respect to the excessive contributions received by the Respondents through the delegate committees and with respect to the excessive expenditures made by the Respondents through the delegate committees. The Commission believes that the expeditious resolution of this matter with respect to the delegate committees, based on presently available information, avoids the necessity for a prolonged investigation and is in the publics' best interest. This agreement does not address any other activity by MPC and/or the delegate committees.

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For example, this agreement does not address any contributions received by Respondents which may have exceeded the limitations set forth in 2 U.S.C. § 441a(a) without regard to the contributions received by the delegate committees. Similarly, this agreement does not address any expenditures made by Respondents which may exceed the limitations of 2 U.S.C. § 441a(b)(1)(A) without regard to the expenditures made by the delegate committees. Any repayment, with respect to MPC expenditures which are excessive without regard to the expenditures by the delegate committees, will be determined following the completion of the Commission's audit of MPC pursuant to 26 U.S.C. § 9038.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

ATTACHMENT 1
(Page 2 of 8)

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2. Respondent Michael S. Berman is the treasurer of the Mondale for President Committee, Inc.

3. Respondents, in the course of their communications with delegates, encouraged them to form delegate committees. The Respondents, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form delegate committees. Upon preliminary review, it appears that the scope and nature of these communications and interactions between the Respondents and various delegate committees differed.

4. Respondents have agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

5. Based upon the Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(2)(A) by at least $ 299,215.

6. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., contributions received from individuals by the

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delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(1)(A) by at least $ 47,402.

7. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., expenditures made by MPC through the delegate committees exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A) with respect to New Hampshire by approximately $92,975.73.

8. Respondents have requested pre-probable cause conciliation.

V. Because the Parties desire an expeditious resolution of this matter, and because the Respondents agree, for the purpose of resolving this matter, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., the parties enter into this Agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with Mondale for President Committee, Inc. The Respondents contend that the Mondale for President Committee, Inc. is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Mondale for President Committee, Inc. The Respondents

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acknowledge that if there were a full investigation, some delegate committees may be found to be affiliated with the Mondale for President Committee, Inc.

Therefore, the parties agree that:

1. Respondents shall amend the Mondale for President Committee, Inc.'s Statement of Organization to identify all of the delegate committees as affiliated committees.

2. Respondents shall notify the delegate committees of the delegate committees' obligation for recordkeeping and reporting under the Act. The Respondents will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities, which are distinct entities for the purposes of recordkeeping and reporting.

3. The audit of the Mondale for President Committee, Inc. under 26 U.S.C. § 9038(b) will not include an audit of the delegate committees, and no other audit of MPC or the delegate committees will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of

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1971, as amended, 2 U.S.C. § 431 et seq. Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

4. Respondents shall pay $350,000 to the Treasurer of the United States. Such amount represents contributions received by the delegate committees and the Mondale for President Committee, Inc. that exceeded, in the aggregate, by preliminary estimates, the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. § 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

5. Respondents shall pay $29,640 to the Secretary of the United States Treasury. Such amount represents a repayment of the portion of the delegate committee expenditures attributable to New Hampshire, less the exclusions pursuant to 11 C.F.R. § 9035.1(c), which, based on a preliminary review of the most recent reports filed by MPC and the delegate committees, would have exceeded MPC's spending limitations in New Hampshire under 2 U.S.C. § 441a(b) had they been made by MPC, multiplied by the ratio of matching funds received by

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MPC to the total amount of deposits of contribution and matching funds received by MPC and the delegate committees.

6. Respondents shall pay to the Treasurer of the United States a civil penalty in the amount of $37,000, pursuant to 2 U.S.C. § 437g.

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

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

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

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

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matter raised herein, and constitutes a complete bar on any further action by the

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Commission against Respondents based on the subject matter of this agreement. Nothing in this agreement shall prevent the Commission from pursuing any remedies with respect to Respondents, including other repayments from MPC, pursuant to 26 U.S.C. § 9038(b), based on matters unrelated to this agreement. No other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid. The Commission agrees not to take any further action against any contributors to delegate committees with respect to excessive contributions received by Respondents through the delegate committees. The Commission further agrees not to take any further action against delegate committees with respect to such contributions or with respect to the excessive expenditures made by Respondents through the delegate committees.

FOR THE COMMISSION:

_____ _____

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

_____ _____

David M. Ifshin
General Counsel

Date

ATTACHMENT 1
(Page 8 of 8)

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(9)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

This is to notify you that on October 23, 1984, the Commission decided to reject the proposed conciliation agreement which you submitted on October 10, 1984, in settlement of the above-captioned matter. The Commission, however, has approved a new agreement for your consideration, a copy of which is enclosed. In view of the Commission's responsibility to resolve these matters expeditiously, it asks that you will respond to this proposal as soon as possible.

Should you have any questions, please contact Mr. Robert Bonham, an attorney assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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ATTACHMENT 2
(Page 1 of 1)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	
Michael S. Berman,	)	
Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 30, 1984, the Commission approved by a vote of 5-1 the proposed conciliation agreement and notification letter for respondents Mondale for President Committee, Inc., and Michael S. Berman, as treasurer, submitted with the General Counsel's October 29, 1984 Memorandum to the Commission in MUR 1704.

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

Attest:

10-30-84
Date

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

Received in Office of Commission Secretary: 10-29-84, 1:14
Circulated on expedited tally basis: 10-29-84, 4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: OCTOBER 30, 1984

SUBJECT: COMMENTS RE: MUR 1704 Memorandum to the Commission dated October 29, 1984

Attached is a copy of Commissioner Reiche's vote sheet with comments regarding his objection to this matter, for records purposes only.

Attachment:
copy of vote sheet

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SENSITIVE

RECEIVED
OFFICE OF THE FEC
SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 OCT 30 A10:07

Date and Time Transmitted: MONDAY, 10-29-84, 4:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY TUESDAY, OCTOBER 30, 1984, 4:00

SUBJECT: MUR 1704 - Memorandum to the Commission dated October 29, 1984

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: My objection is for the record. However, I believe the conciliation agreement is ambiguous in many respects and needs to be tightened.

Date: 10/30/84 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

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Should you have any questions, please contact Mr. Robert Bonham, an attorney assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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10/26/84

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 30, 1984

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

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Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

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Sincerely,

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Mondale for President Committee, Inc. Michael S. Berman, as Treasurer	)))))	MUR 1704

CONCILIATION AGREEMENT

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For example, this agreement does not address any contributions received by Respondents which may have exceeded the limitations set forth in 2 U.S.C. § 441a(a) without regard to the contributions received by the delegate committees. Similarly, this agreement does not address any expenditures made by Respondents which may exceed the limitations of 2 U.S.C. § 441a(b)(1)(A) without regard to the expenditures made by the delegate committees. Any repayment, with respect to MPC expenditures which are excessive without regard to the expenditures by the delegate committees, will be determined following the completion of the Commission's audit of MPC pursuant to 26 U.S.C. § 9038.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

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2. Respondent Michael S. Berman is the treasurer of the Mondale for President Committee, Inc.

3. Respondents, in the course of their communications with delegates, encouraged them to form delegate committees. The Respondents, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form delegate committees. Upon preliminary review, it appears that the scope and nature of these communications and interactions between the Respondents and various delegate committees differed.

4. Respondents have agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

5. Based upon the Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(2)(A) by at least $ 299,215.

6. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., contributions received from individuals by the

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delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(1)(A) by at least $ 47,402.

7. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., expenditures made by MPC through the delegate committees exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A) with respect to New Hampshire by approximately $92,975.73.

8. Respondents have requested pre-probable cause conciliation.

V. Because the Parties desire an expeditious resolution of this matter, and because the Respondents agree, for the purpose of resolving this matter, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., the parties enter into this Agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with Mondale for President Committee, Inc. The Respondents contend that the Mondale for President Committee, Inc. is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Mondale for President Committee, Inc. The Respondents

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acknowledge that if there were a full investigation, some delegate committees may be found to be affiliated with the Mondale for President Committee, Inc.

Therefore, the parties agree that:

1. Respondents shall amend the Mondale for President Committee, Inc.'s Statement of Organization to identify all of the delegate committees as affiliated committees.

2. Respondents shall notify the delegate committees of the delegate committees' obligation for recordkeeping and reporting under the Act. The Respondents will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities, which are distinct entities for the purposes of recordkeeping and reporting.

3. The audit of the Mondale for President Committee, Inc. under 26 U.S.C. § 9038(b) will not include an audit of the delegate committees, and no other audit of MPC or the delegate committees will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of

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1971, as amended, 2 U.S.C. § 431 et seq. Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

4. Respondents shall pay $350,000 to the Treasurer of the United States. Such amount represents contributions received by the delegate committees and the Mondale for President Committee, Inc. that exceeded, in the aggregate, by preliminary estimates, the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. § 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

5. Respondents shall pay $29,640 to the Secretary of the United States Treasury. Such amount represents a repayment of the portion of the delegate committee expenditures attributable to New Hampshire, less the exclusions pursuant to 11 C.F.R. § 9035.1(c), which, based on a preliminary review of the most recent reports filed by MPC and the delegate committees, would have exceeded MPC's spending limitations in New Hampshire under 2 U.S.C. § 441a(b) had they been made by MPC, multiplied by the ratio of matching funds received by

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MPC to the total amount of deposits of contribution and matching funds received by MPC and the delegate committees.

6. Respondents shall pay to the Treasurer of the United States a civil penalty in the amount of $37,000, pursuant to 2 U.S.C. § 437g.

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

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

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

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

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matter raised herein, and constitutes a complete bar on any further action by the

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Commission against Respondents based on the subject matter of this agreement. Nothing in this agreement shall prevent the Commission from pursuing any remedies with respect to Respondents, including other repayments from MPC, pursuant to 26 U.S.C. § 9038(b), based on matters unrelated to this agreement. No other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid. The Commission agrees not to take any further action against any contributors to delegate committees with respect to excessive contributions received by Respondents through the delegate committees. The Commission further agrees not to take any further action against delegate committees with respect to such contributions or with respect to the excessive expenditures made by Respondents through the delegate committees.

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FOR THE COMMISSION:

_____ _____

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

_____ _____

David M. Ifshin
General Counsel

Date

file

OCTOBER 22, 1984

MEMORANDUM TO: All Interested Staff

FROM: Cheryl Thomas

SUBJECT: MUR 1704 - MEMORANDUM CIRCULATED TO THE COMMISSION ON 10/19/84 at 10:30 a.m. (Regarding Conciliation Agreements)

I have just received a call from Jody Ransome in the Commission Secretary's Office. This matter has been objected to by Commissioner Reiche and will be added to the Agenda for tomorrow's Commission Executive Session Meeting.

Objection Memo will be circulated as soon as received.

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AR-84-13

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: REPAYMENT CALCULATIONS - MUR 1704

Your memorandum of October 15, 1984 requests this Office to assemble certain information for use in the conciliation process in MUR 1704. Your memorandum also requested that the information be provided within 24 hours.

The request you made cannot be filled in 24 hours without the use of unaudited figures and estimates. I have assembled the best data available in the time provided and answered each of your requests as discussed below.

1. <u>The ratio of matching payments to total contributions plus matching payments as of Mondale's date of ineligibility</u>

This ratio is normally calculated late in the audit process. It is done at that time so as to take advantage of any adjustments identified at any point in the process. Since we are not yet at the point in the audit where the ratio calculation has been made, we have used reported figures adjusted to the extent possible. I would not expect the final ratio to be materially different.

The calculations are as follows:

Line 17 Contributions reported from November 2, 1982 to July 31, 1984	$15,639,570.96

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Less Contributions refunds. This figure represents refunds reported on Line 28 of the Committee's reports through August 31, 1984. In addition, the amount that will appear on the report covering September 1984 is included. The auditors at Committee headquarters were able to determine that all amounts included relate to pre-July 19, contributions.	(107,660.00)
Line 21 Other Income reported (Interest earned, etc.) from November 2, 1982 to July 31, 1984	48,695.52
Less Contributions received between July 20-31, 1984 as recorded in the Committee's receipts register. This figure adjusts the reported figure from July 31 to July 19, the date of ineligibility	(142,655.41)
Less Contributions in-kind reported between November 2, 1982 and July 19, 1984	(32,340.92)
Gross receipts reported by Mondale Delegate Committees. This figure was obtained by totalling the amounts shown on an E index, part 7, dated September 24, 1984. This should include the second-quarterly report (through June 30, 1984). No attempt is made to include the amounts from the third-quarter reports (through September 30, 1984). The third-quarter report covers a period well beyond the July 19, date of ineligibility.	

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Further, in the time available, it was not possible to review the reports of the 140 Delegate Committees to adjust for inter-Committee transfers. Including this gross figure will understate the percentage slightly.	764,820.00
Total Non Public Funding	16,170,430.15
Matching Funds Certified Through July 19, 1984 from the FEC History Record Presidential Matching Fund Activity	7,567,893.66

Ratio Calculation

Matching Funds Certified	7,567,893.66
Matching Funds Certified + Non Public Funding	7,567,893.66 + 16,170,430.15

31.88%

2. Total funds spent by the two New Hampshire delegate committees, as reflected in their reports filed up through and including the October Quarterly, subject to the state expenditure limitation of 2 U.S.C. § 441a(b)(1)(A), and adjusted by application of the 10 percent fundraising exemption of 11 C.F.R. § 9035.1(c).

In order to comply with this request a review of the reports of the two New Hampshire Committees was conducted. The reports used in both cases were the first and second quarterly reports in that both Committees terminated with the second quarter report showing a $-0- cash balance and no debts.

Section 9035.1(c) of Title 11 of the Code of Federal Regulations states, in relevant part, that an amount equal to 10% of salaries and overhead expenditures of both national and State offices may be excluded from the overall expenditure limitation as exempt fundraising expenditures, but this exemption shall not apply within 28 days of the primary election as specified in 11 C.F.R. § 110.8(c)(2). The section also defines overhead expenditures to include, but not be limited to, rent, utilities, office equipment, furniture, supplies and telephone base charges.

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The review of itemized expenditures on the reports of these two Committees did not reveal any overhead disbursements. A large majority of the disbursements were reported as "Travel", "Subsistence", or "Lodging". Only one payment was noted, a consulting fee, which could fall into the salary category. This payment was within 28 days of the February 28 primary. The remaining disbursements were either within 28 days of the primary or though paid outside the 28 day pre-primary period, appeared to have been incurred within the pre-primary period (janitorial service for a committee with no office rent or utilities, but which reported a group of other disbursements on 2/27/84 relating to an event, and a payment to a Union for secretarial service after the committee appeared to be out of business).

Therefore, no adjustment has been made for the 9035.1 fundraising exemptions.

The calculation of the amount chargeable to the limitation is as follows:

	1st. CD Committee	2nd. CD Committee
First Quarter Report Operating Expenditures	$45,522.35	$44,920.22
Second Quarter Report Operating Expenditures	983.39	1,549.77
Committee Total	$46,505.74	$46,469.99
New Hampshire Delegate Committees Expenditures Applicable to the State Limitation		$92,975.73

3. The total repayment amount due based upon the adjusted expenditures by the New Hampshire delegate committees combined with the expenditures made by MPC, as allocated on the most recent report filed by MPC.

As I noted in my September 26, 1984 memorandum (attached), it appears that the Mondale Committee has exceeded the New Hampshire expenditure limitation exclusive of the delegate committee expenditures. This conclusion is based on the following:

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MPC Expenditures Allocated to New Hampshire through 8/31/84	$402,948.13
Accounts Payable Allocated to New Hampshire. This represents payables included in the MPC August report where the payee has a New Hampshire address. It is recognized that these may not prove to be 100% allocable, but, it is also likely that there are other payables which will be allocable to New Hampshire. It is further noted that the Committee allocated figure above, is $1051.87 less than the New Hampshire limitation. This represents only 1/24 of the New Hampshire payable amount	25,817.18
MPC expenditures incurred and applicable to the New Hampshire expenditure limitation	428,765.31
New Hampshire Expenditure Limitation	404,000.00
MPC amount in excess of the Limitation	24,765.31

This amount, and any further adjustments, will be dealt with as part of our audit of the MPC.

In discussions with members of your staff, it is my understanding that the purpose of your request is to determine the repayment increment which results from the New Hampshire delegate committee expenditures. Given the above analysis, that amount should be calculated as follows:

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Amount of New Hampshire Delegate Committee disbursements applicable to the New Hampshire expenditure limitation from 2. above	$ 92,975.73
Times: the repayment ratio from 1. above	31.88%
Repayment Amount	$ 29,640.66

If you should choose to ignore MPC expenditures incurred but not paid, the MPC would not appear to have made expenditures in excess of the New Hampshire expenditure limitations as of August 31, 1984. In that case, the calculation would be as follows:

Amount of New Hampshire Delegate Committee disbursements applicable to the New Hampshire expenditure limitation from 2. above		$92,975.73
Less:		
New Hampshire Limitation	(404,000.00)	
Amount shown on the latest MPC state allocation report	402,948.13	
Remaining Limitation		(1051.87)
Amount Subject to the Repayment Ratio		$91,923.86
Times Repayment Ratio from 1. above		31.88%
Alternative Repayment Amount		$29,305.33

Attachment as stated

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 26, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: MONDALE FOR PRESIDENT (MPC)
COMMITTEE STATE BY STATE AND
OVERALL SPENDING LIMITATIONS

As directed by the Commission in its Executive Session of Tuesday, September 25, 1984, the Audit Division has undertaken a review of disclosure reports filed by MPC and approximately 140 Mondale Delegate Committees. The results of our review are as follows:

State Limitations

1) New Hampshire

MPC Expenditures Allocated to New Hampshire through 8/31/84	$402,948.13
Accounts Payable Allocated to New Hampshire	25,817.18
New Hampshire Delegate Committee Operating Expenditures	92,974.00
Total Expenditures Subject to Limitation	521,739.31
New Hampshire Limit	404,000.00
Amount In Excess of Limit	$117,739.31

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2) Iowa

MPC Expenditures Allocated to Iowa through 8/31/84	$660,348.13
Accounts Payable Allocated to Iowa at 8/31/84	11,258.72
Delegate Committee Operating Expenditures	-0-
Total Expenditures Subject to Limitation	671,606.85
Iowa Limitation	684,537.50
Remaining Limitation	$ 12,930.65

3) Maine

MPC Expenditures Allocated to Maine through 8/31/84	$380,087.58
Accounts Payable Allocated to Maine at 8/31/84	6,879.96
Delegate Committee Operating Expenditures	-0-
Total Expenditures Subject to Limitation	386,967.54
Maine Limitation	404,000.00
Remaining Limitation	$ 17,032.46

All amounts discussed above are as reported by the Committee. Accounts payable allocated to the respective state was derived by identifying creditors disclosed with addresses in the respective state. Given both Iowa and Maine are very close to exceeding State limits, the Conciliation agreement should only include New Hampshire. For Iowa and Maine, as well as any other state, the agreement should include appropriate language to provide for audit verification, and if necesary, repayment under 26 U.S.C. § 9038(b).

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Overall Expenditure Limitation

Total Operating Expenditures As Reported by MPC through 8/31/84	$18,572,211.91
Accounts Payable at 8/31/84	965,753.66
1/ Delegate Committee Expenditures	728,924.00
Offsets to Operating Expenditures Receivables due from the press and Secret Service	(235,943.82)
Total Operating Expenditures Subject to Limitation	20,030,945.75
Overall Spending Limit	20,200,000.00
Remaining Limitation	$ 169,054.25

As can be seen from the above analysis, the Committee, simply on the basis of reports filed to date, is extremely close to the overall spending limitation. We further note that the Committee, based on reported amounts, has exhausted the 20% fundraising exemption, and has reported $1,758,482.91 in legal and accounting expenses not included in the totals above. Again, none of the figures mentioned above have been audited. Given the above analysis, we believe that the Conciliation agreement should provide for review and verification of the overall Expenditure Limitation with repayments as appropriate to be handled in the audit. Should you have any questions, please let us know.

1/ The delegate expenditures included above are gross reported amounts which will be adjusted for reported inter committee transfers, loans repayments, contribution refunds, etc.

cc: The Commissioners

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 15, 1984

MEMORANDUM TO: Robert Costa
Assistant Staff Director, Audit Division

THROUGH: John C. Surina
Staff Director

FROM: Charles N. Steele
General Counsel

SUBJECT: Repayment Calculations - MUR 1704

In order that this Office may proceed in conciliation negotiations with the Mondale for President Committee, Inc. ("MPC") in MUR 1704, we request that the Audit Division provide us with the following information within 24 hours:

1. The ratio of matching payments to total contributions plus matching payments as of Mondale's date of ineligibility.

2. Total funds spent by the two New Hampshire delegate committees, as reflected in their reports filed up through and including the October Quarterly, subject to the state expenditure limitation of 2 U.S.C. § 441a(b)(1)(A), and adjusted by application of the 10 per cent fundraising exemption of 11 C.F.R. § 9035.1(c).

3. The total repayment amount due based upon the adjusted expenditures by the New Hampshire delegate committees combined with the expenditures made by MPC, as allocated on the most recent report filed by MPC.

This request follows an oral request made by this Office on October 12, 1984. If you have any questions concerning this request, please contact Stephen Mims at 523-4143.

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Mondale for President
2501 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone 202-333-1984

MONDALE

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GENERAL COUNSEL
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October 10, 1984

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

Re: MUR 1704

Dear Mr. Steele:

We have reviewed the Commission's conciliation offer of October 2, 1984, and, although in certain respects it is substantially more acceptable than the Commission's August 14, 1984 offer, it still contains provisions which prevent us from accepting it. We have, however, enclosed a new counter proposal which we believe provides an equitable means of resolving this matter.

It appears that the most significant differences between the Commission's proposal and ours are limited to two areas. The first relates to whether Michael Berman, the Treasurer of the Mondale for President Committee, Inc. (MPC), should be included as a party to this action. The second relates to the finality of the agreement.

As to the inclusion of Mr. Berman, the Office of General Counsel informed us that the Commission's most recent general enforcement policy is to include Treasurers as respondents in MURs. There appear to be two reasons for this general policy: first, that Congress has entrusted the Treasurer specifically with certain responsibilities under the Act; second, that it is important to have an individual responsible for implementation of the agreement.

As to the first reason, MPC submits that this case does not involve the recordkeeping and reporting responsibilities which are uniquely those of the Treasurer. Moreover, there is no evidence before the Commission that Mr. Berman is implicated in any potential violation of the Act. As to the second reason for including Mr. Berman, in our proposal we have identified Mr. Berman as the MPC official responsible for implementation of the agreement. Thus, we see no reason to have Mr. Berman listed specifically as a respondent.

Paid for by Mondale for President, Inc.

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Moreover, there are numerous, previous enforcement actions involving Presidential candidates and their campaign committees which do not list the Treasurer or any other specific individual as a respondent. There is no reason for treating MPC and Mr. Berman differently.

The second area of disagreement stems from our concern that the Commission's proposal is not a final resolution of several issues relating to this matter. MPC believes that an agreement, if reached, should represent a complete and final resolution of all issues relating to MPC and the delegate committees. The Commission's proposal leaves three such issues unresolved.

First, the Commission's offer does not resolve the issue of delegate committee audits. Although the offer specifies that the delegate committees will not be audited as part of the MPC audit, it is silent as to how they might be audited. Arguably, the Commission could conduct an audit of delegate committees pursuant to this enforcement action. If the agreement is to be a final resolution of all issues relating to MPC and delegate committees -- as we believe it must -- the agreement must set forth that the delegate committees could be audited only as any non-publicly financed committee and not pursuant to this MUR.

Second, the Commission's proposal does not rule out further action against contributors to delegate committees relating to the subject matter of the agreement. Without such a provision, we can foresee numerous situations which would result in MPC or its officials and employees becoming involved in further proceedings relating to the same matters which should have been resolved in this agreement. For example, if further action were taken against contributors, the Commission would have to prove delegate committee affiliation in order for there to be a violation. This would require an investigation. We cannot enter into an agreement which does not foreclose the possibility of MPC and its agents being brought into other proceedings involving the very same issues.

Finally, the Commission's offer seems to leave open the question of civil penalties for excessive expenditures until completion of the MPC audit. This is the first time that the possibility of a civil penalty has been introduced into the conciliation negotiations. In our previous proposal, we offered, and the Commission appears to have accepted-- a method by which excessive expenditures would be calculated and repaid to the Treasury. However, the Commission's proposal would allow it to seek a civil penalty after the audit should it be unsatisfied with the resolution of the excessive expenditure issue. If the agreement does not address and resolve this and all other issues relating to MPC and the delegate committees, it does not in fact constitute final action in this case.

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If the Commission does not desire to resolve the excessive expenditure issue in the manner set forth in our proposed agreement, there may very well be other approaches to achieving a final resolution. For example, the parties could treat the excessive expenditure issue in a manner similar to the way we addressed excessive contributions. Thus, based on a preliminary estimate of information provided in MPC reports through October 20, 1984 and delegate committee reports through October 15, 1984, we could agree on a specific dollar amount of excessive expenditures. After agreement on the amount of the estimated excessive expenditures, the Commission could then propose payments it would deem appropriate. MPC would be willing to consider payment of a reasonable amount reached in this manner.

This alternative would have an additional result. Since it would reach a final monetary resolution that would be set forth in the agreement, MPC would have no objection to an effective date in the ordinary course after final agreement. In that event, the Commission's proposed language in X of its proposal of October 2, 1984 would be acceptable.

We believe that the offer we have enclosed is extremely fair and reasonable. MPC has compromised significantly on important issues in an effort to resolve this matter. For the reasons set forth in this letter, as well as our letter of September 20, we urge the Commission to accept this offer.

Sincerely,

David M. Ifshin By CUO

David M. Ifshin
General Counsel

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. These complaints alleged that Mondale for President Committee, Inc., ("Respondent") and Mondale delegate committees were affiliated. The Commission found reason to believe that the Respondent violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

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

1. Respondent Mondale for President Committee, Inc. is the primary election principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984. Michael S. Berman who is the Treasurer of the Committee will be responsible for implementation of this agreement.

2. The Respondent in the course of its communications with delegates informed them of the opportunity to form delegate committees. The Respondent, in some instances, provided additional advice to delegates who formed delegate committees. The scope and nature of the communication and interaction between the Respondent and various delegate committees differed.

3. On April 30, 1984, the Respondent informed the Commission that Mr. Mondale would, for purposes of resolving this matter, voluntarily treat the delegate committees as though they were affiliated with the Respondent.

4. The Respondent requested pre-probable cause conciliation.

V. Because both parties to this agreement desire an expeditious resolution of this matter, and because the Respondent

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agrees, for the purpose of resolving this matter, to treat voluntarily the delegate committees as though they were affiliated with it, the parties enter into this agreement even though the Commission has not completed its investigation into this matter.

The Commission contends that the delegate committees are affiliated with the Respondent. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Respondent. The Respondent acknowledges that if there were a full investigation, some delegate committees may be found to be affiliated with it.

Therefore, the parties agree that:

1. Respondent shall amend its Statement of Organization to identify all of the delegate committees as affiliated committees.

2. Respondent shall make available to the Commission those records which the delegate committees agree to turn over voluntarily to Respondent. Respondent will exercise reasonable efforts to obtain the records of the delegate committees. "Reasonable efforts" mean that Respondent will request the records from the delegate committees in writing stating that the request is being made pursuant to a conciliation agreement with the Commission and that it urges the committees to provide the requested records. In the event a delegate committee refuses to comply or fails to

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respond to the request within 30 days, Respondent shall send an additional written request.

3. Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Respondent and the delegate committees as separate entities which are distinct entities for the purposes of recordkeeping and reporting. Respondent will maintain the records obtained from the delegate committees pursuant to 2 U.S.C. Section 432(d) in a central location.

4. The audit of the Respondent under 26 U.S.C. Section 9038(b) will not include an audit of the delegate committees and no other audit of Respondent or the delegate committees which provide their records to Respondent will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 431 et seq. Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

5. Respondent shall pay $350,000 to the Treasurer of the United States. This payment is not a civil penalty. Rather, it represents contributions received by the delegate committees and the Respondent that preliminary estimates indicate would have exceeded, in the aggregate, the limitations of

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U.S.C. Sections 441a(a)(1(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. Section 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

6. Following the completion of the Commission's audit of the Respondent pursuant to 26 U.S.C. Section 9038(b) the Commission will apply the total delegate committee expenditures to the Respondent's spending limitations under 2 U.S.C. Section 441a(b) minus the exclusions pursuant to 11 C.F.R. Section 9035.1(c), and the Respondent will make a repayment of such amount to the Secretary of the Treasury for the amount of expenditures that would have been considered excessive had they been made by the Respondent as of July 19, 1984. The amount of the repayment shall be based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of expenditures by the delegate committees will be determined by the review of reports filed by the delegate committees with the Commission up to and including the October 15, 1984, Quarterly Report. Repayments to the Secretary of the Treasury will be made after the conclusion of the audit of the Respondent and pursuant to 11 C.F.R. Section 9038.2(d).

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

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

VIII. This agreement shall become effective at the time the Commision's final repayment determination pursuant to 11 C.F.R. Section 9038.3(c)(4) and after all parties hereto have executed the agreement and the Commission has approved the entire agreement.

IX. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. Nothing in this agreement shall prevent the Commission from pursuing other repayments from the Respondent pursuant to 26 U.S.C. Section 9038(b) based on matters unrelated to this agreement. No other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this

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written agreement shall be valid. The Commission agrees not to take any further action against any contributors to delegate committees or any further action against delegate committees which provided their records to the Respondent relating to the subject matter of this agreement.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

David M. Ifshin
General Counsel

Date

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	
Michael S. Berman, as	)	
Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 1, 1984, the Commission approved by a vote of 5-1 the proposed conciliation agreement and cover letter as submitted with the General Counsel's September 28, 1984 Memorandum to the Commission in the above-captioned matter.

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

Attest:

10-1-84
Date

Jody C. Ransom
for Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 9-28-84, 11:23
Circulated on 24 hour tally basis: 9-28-84, 12:30

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 2, 1984

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

This is to notify you that on September 25, 1984, the Commission decided to reject the proposed conciliation agreement which you submitted on September 20, 1984, in settlement of the above-captioned matter. The Commission, however, has approved a new agreement for your consideration, a copy of which is enclosed. In view of the Commission's responsibility to resolve these matters expeditiously, it hopes that you will respond to this proposal as soon as possible. Robert Bonham, an attorney assigned to this matter, will contact you Tuesday, October 2, 1984, to discuss this matter further.

Should you have any questions, please contact Mr. Bonham at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Mondale for President Committee, Inc. Michael S. Berman, as Treasurer	)))))	MUR 1704

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee, Inc. and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures. The basis for the Commission's determination that there is reason to believe that the Respondents violated 2 U.S.C. § 441a(b)(1)(A) and 441a(f) is the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Mondale for President Committee, Inc.

3. Respondents, in the course of their communications with delegates, encouraged them to form delegate committees. The Respondents, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form delegate committees. Upon preliminary review, it appears that the scope and nature of these communications and interaction between the Respondents and various delegate committees differed.

4. Respondents have agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

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5. Based upon the Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(2)(A) by at least $ 299,215.

6. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(1)(A) by at least $ 47,402.

7. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., expenditures made by the delegate committees together with expenditures made by the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A).

8. Respondents have requested pre-probable cause conciliation.

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V. Because the Parties desire an expeditious resolution of this matter, and because the Respondents agree, for the purpose of resolving this matter, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., the parties enter into this Agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with Mondale for President Committee, Inc. The Respondents contend that the Mondale for President Committee, Inc., is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Mondale for President Committee, Inc. The Respondents acknowledge that if there were a full investigation, some delegate committees may be found to be affiliated with the Mondale for President Committee, Inc.

Therefore, the parties agree that:

1. Respondents shall amend the Mondale for President Committee, Inc.'s Statement of Organization to identify all of the delegate committees as affiliated committees.

3. Respondents shall make available to the Commission those records that the delegate committees agree to voluntarily turn over to Respondents.

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Respondents will exercise reasonable efforts to obtain the records of the delegate committees. "Reasonable efforts" means that Respondents will request the records from the delegate committees in writing stating that the request is being made pursuant to a conciliation agreement with the Commission and that they urge the committees to provide the requested records. In the event a delegate committee refuses to comply or fails to respond to the request within 30 days, Respondents shall send an additional written request.

The Respondents will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities which are distinct entities for the purposes of recordkeeping and reporting except that any records obtained by the Mondale for President Committee, Inc. from the delegate committees shall be maintained by the Mondale for President Committee, Inc., as if they were records of the Mondale for President Committee, Inc. pursuant to 2 U.S.C. § 432(d).

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The audit of the Mondale for President Committee, Inc. under 26 U.S.C. § 9038(b) will not include an audit of the delegate committees. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

3. Respondents shall pay $ 350,000 to the Treasurer of the United States. Such amount represents contributions received by the delegate committees and the Mondale for President Committee, Inc. that exceeded, in the aggregate, by preliminary estimates, the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. § 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

4. Following the completion of the Commission's audit of the Mondale for President Committee, Inc., pursuant to 26 U.S.C. § 9038(b) the Commission will apply the total delegate committee expenditures to the Mondale for President Committee, Inc.'s spending limitations under 2 U.S.C. § 441a(b) minus the exclusions pursuant to 11 C.F.R. § 9035.1(c), and the Mondale for President Committee, Inc. will make a repayment of such amount to the Secretary of the Treasury for the amount of expenditures that would have been considered excessive

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had they been made by the Mondale for President Committee, Inc., except that costs incurred by the delegate committee after July 19, 1984, shall not be included. The amount of the repayment shall be based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of expenditures by the delegate committees will be determined by the review of reports filed by the delegate committees with the Commission up to and including the October 15, 1984, Quarterly Report. Repayments to the Secretary of the Treasury will be made after the conclusion of the audit of the Mondale for President Committee, Inc. and pursuant to 11 C.F.R. § 9038.2(d).

VI. Nothing in this agreement shall prevent the Commission from pursuing other repayments from the Respondents pursuant to 26 U.S.C. § 9038(b).

VII. The Commission reserves the right to seek such civil penalties as it deems appropriate pursuant to the authority of 2 U.S.C. § 437g, subsequent to the audit of the Mondale for President Committee, Inc.

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

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

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

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

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matter raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid.

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FOR THE COMMISSION:

_____ _____

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

_____ _____

Date

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 25, 1984, do hereby certify that the Commission took the following actions in MUR 1704:

1. Decided by a vote of 5-0 to reject the conciliation agreement submitted on behalf of respondent Mondale for President Committee, Inc.

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

2. Decided by a vote of 4-1 to direct the Office of General Counsel to draft a counterproposal which would embody the payment of $350,000 to the U.S. Treasury, and the calculation of a figure which would cover the expenditure activity - and call it a civil penalty, and prepare the document for a special executive session to be held on Thursday, September 27, 1984.

(Continued)

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Commissioners Aikens, Elliott, Harris, and McGarry voted affirmatively for the decision. Commissioner Reiche dissented. Commissioner McDonald was not present at the time of the vote.

Attest:

9-26-84
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

LKJ
10/1/84

Dear Mr. Ifshin and Ms. Oliphant:

This is to notify you that on September , 1984, the Commission decided to reject the proposed conciliation agreement which you submitted on September 20, 1984, in settlement of the above-captioned matter. The Commission, however, has approved a new agreement for your consideration, a copy of which is enclosed. In view of the Commission's responsibility to resolve these matters expeditiously, it hopes that you will respond to this proposal as soon as possible. Robert Bonham, an attorney assigned to this matter, will contact you Tuesday, October 2, 1984, to discuss this matter further.

Should you have any questions, please contact Mr. Bonham at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: September 21, 1984

SUBJECT: MUR 1704 - Memo to COMM

The attached is submitted as an Agenda document for the Commission Meeting of September 25, 1984

Open Session _____

Closed Session x

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)	[ ]

SENSITIVE

Pink paper please

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

84 SEP 21 P3:45

September 21, 1984

MEMORANDUM

EXECUTIVE SESSION

SEP 25 1984

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Request for Commission Consideration of Memorandum From Charles N. Steele to the Commission Regarding Proposed Conciliation Agreement submitted by Respondents Mondale for President Committe, Inc., and Michael S. Berman in MUR 1704, In the Matter of Mondale for President Committee (1984).

The Office of the General Counsel requests Commission consideration of the above-captioned memorandum at its closed session of September 25, 1984. Late submission of this document is necessitated by the short period of time between receipt of the proposed conciliation agreement which is the subject matter of the memorandum and the executive session.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 1984

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Proposed Conciliation Agreement submitted by Respondents Mondale for President Committee, Inc., and Michael S. Berman in MUR 1704, In the Matter of Mondale for President Committee (1984).

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On August 7, 1984, the Commission agreed to accept an offer to enter into pre-probable cause conciliation negotiations with the Mondale for President Committee, Inc. ("MPC"), and its treasurer, Michael S. Berman, two respondents in the above-captioned matter. Subsequently, the Commission also approved a proposed conciliation agreement for submission to those respondents. That agreement was forwarded to counsel for the two respondents on August 14, 1984. Since that date, representatives of the Office of the General Counsel have held several conciliation meetings with counsel for the respondents. Counsel for MPC and Treasurer Berman have now submitted a formal counter-proposal for the Commission's consideration. This memorandum briefly summarizes the history of this matter before discussing the conciliation negotiations with counsel for MPC and Berman, including an analysis at the proposed conciliation agreement submitted on behalf of those respondents. Finally, for the reasons discussed below, this memorandum recommends that the Commission reject the conciliation agreement submitted on behalf of MPC and continue pre-probable cause conciliation with counsel for MPC and Berman.

I. History

A. MUR 1667

On April 6, 1984, Americans With Hart, Inc., filed a complaint ("Hart complaint"), which was designated MUR 1667, alleging violations of the Act and regulations by MPC, Michael S. Berman, as treasurer, and the Mondale delegate committees. Supplements to the complaint allegedly substantiating the

contentions contained in the original complaint, were filed on April 18 and 27, and May 2, 1984. On April 30, 1984, MPC filed its response to the allegations in the Hart complaint. In the cover letter, counsel for MPC expressed the view that there was no reason to believe that a violation of the Act had occurred. Nevertheless, counsel stated that, "for purposes of resolving this matter . . . the Committee would voluntarily treat Mondale delegate committees as though they were affiliated with the Committee." On that basis, MPC requested pre-probable cause conciliation pursuant to 11 C.F.R. § 111.18(d).

Thereafter, on May 8, 1984, the Commission concluded there was evidence that indicated the Mondale delegate committees appear to be affiliated with MPC, and found reason to believe that MPC and Michael S. Berman, as treasurer, accepted excessive contributions in violation of 2 U.S.C. § 441a(f) and made excessive expenditures in violation of 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f). The Commission, however, determined not to enter into pre-probable cause conciliation negotiations with MPC and Berman at that time, pending further investigation. During its preliminary consideration of the Hart complaint, the Commission also discussed several alternative legal theories alleged by the complainant to support findings of violations by respondents, such as the permissible scope of delegate committee activities under the "coattails" exemption. Ultimately, however, the Commission determined to take no action at that time with respect to those allegations.

Subsequently, the Commission issued a subpoena and order to MPC requesting information relative to its investigation concerning the affiliation between MPC and the delegate committees. MPC submitted a lengthy response to the subpoena which was received on July 16, 1984.

B. MUR 1704

On May 18, 1984, the National Right to Work Committee ("NRWC") and Ralph Martin ("Bud") Hettinga, Jr., filed a complaint with the Commission alleging violations of the Act by MPC and thirteen labor organization political action committees ("labor PACs"). MPC and Berman, as treasurer, submitted a response to the allegations in the complaint, which had been designated MUR 1704, on June 25, 1984.

On August 7, 1984, the Commission concluded that there was evidence in the NRWC complaint indicating the Mondale delegate committees are affiliated with MPC and, based on that conclusion, found reason to believe that the thirteen labor PACs and their

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treasurers violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to MPC, and that MPC and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441a(f) by accepting those excessive contributions. Because the allegations concerning affiliation between MPC and the delegate committees set forth in the complaint in MUR 1704 were similar to those in the complaint in MUR 1667, the Commission determined to merge those two matters.

Finally, the Commission discussed the desirability of entering into pre-probable cause conciliation negotiations with the respondents, in light of the fact that successful pre-probable cause conciliation would enable the Commission to resolve this matter expeditiously without conducting the in-depth investigation which would otherwise be necessary. The Commission decided that it had sufficient evidence to enter into pre-probable cause conciliation with the respondents, and approved a proposed conciliation agreement. Although the Commission decided to accept MPC's invitation to enter into conciliation negotiations, the Commission nevertheless determined to decline to enter into pre-probable cause conciliation at that time with the two labor PACs who had requested it.

II. Conciliation Negotiations

As previously indicated, the proposed conciliation agreement approved by the Commission for MPC and Berman was forwarded to counsel for the respondents on August 14. Subsequently, the attorneys for respondents requested a meeting to discuss the Commission's proposal. Since that time, representatives of this Office have had several lengthy discussions with counsel for respondents wherein respondents suggested numerous possible modifications to the initial agreement. On September 19, as a result of those discussions, respondents submitted a proposed conciliation agreement for the Commission's consideration. (Attachment 1) Following the receipt of the counter-proposal, this Office had two additional discussions with respondents' counsel. Subsequently, counsel for respondents submitted a draft agreement incorporating further modifications agreed on by MPC. (Attachment 2) All future references to respondents' draft refer to Attachment 2.

III. Analysis of Respondents' Proposed Agreement

The opening conciliation agreement approved by the Commission for forwarding to MPC and treasurer Berman contained admissions by the respondents of violations of 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f). In addition, that agreement required the respondents: (i) to pay to the United States Treasurer an amount equal to that portion of the contributions

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received by MPC and the Mondale delegate committees which, when considered in the aggregate, exceeds the limitations established in 2 U.S.C. § 441a(a); (ii) to pay to the treasury an amount equal to the amount of the expenditures made by MPC and the delegate committees which, when considered in the aggregate, exceeds the limitations established by 2 U.S.C. § 441a(b)(1); (iii) amend MPC's statement of organization to identify all the affiliated delegate committees; and (iv) to obtain all of the records compiled to date by the delegate committees, and maintain them pursuant to 2 U.S.C. § 432(d) in a central location. Respondents' draft agreement contains several provisions which are significantly different from the corresponding provisions contained in the Commission's initial proposal. Those provisions are discussed below.

A. Naming of Treasurer Berman as a Party to the Agreement.

Counsel for MPC and its treasurer, Michael S. Berman, are strongly opposed to the inclusion of Berman as a party to any conciliation agreement. Thus, as the Commission will note, the attached proposed agreement is submitted on behalf of only MPC. The agreement contains no reference whatsoever to Berman as a respondent in this matter. Instead, the agreement provides that Berman, as the "Treasurer of the committee, will be responsible for the implementation of this agreement."

In the past, the Commission entered into agreements with committees which did not include their treasurer. Since the adoption of the Commission policy of naming committee treasurers as respondents, however, the Commission has required that conciliation agreements submitted on behalf of a political committee name the committee treasurer as a party to the agreement. Accordingly, although there is no statutory bar to accepting an agreement submitted solely on behalf of a committee, the acceptance of such an agreement now would be a departure from current Commission practice of seeking conciliation with a named official responsible for the political committee. The Office of the General Counsel believes that this language should be rejected.

B. Summary of the Relevant Facts.

Counsel for respondents have expressed some concerns regarding the summary recitation of the relevant facts contained in the Commission's proposed agreement. Initially, respondents believe that some of the factual allegations are untrue. Furthermore, respondents argue that many of the allegations, even if true, only apply to a limited number of the delegate committees. Thus, respondents have deleted the entire factual summary. The Office of the General Counsel believes that the

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deletion is acceptable under the special circumstances here. First, this agreement is being negotiated prior to the completion of the Commission's investigation into this matter. Although the preliminary investigation has provided a good generalized picture of the relationship between MPC and the delegate committees, the Commission does not yet know the precise facts with respect to each specific delegate committee. It is, therefore, difficult, under the circumstances, to negotiate a detailed factual summary. In addition, despite the absence of a factual discussion the agreement does still clearly set forth the violations involved. Thus, the General Counsel's Office does not believe the absence of a factual summary makes the agreement unacceptable.

C. Form of the Admission.

In the agreement proposed by MPC, respondent acknowledges that, while it contends that it is not affiliated with the Mondale delegate committees, some delegate committees nevertheless may be found to be affiliated with MPC if the Commission completes its investigation. In addition, the Commission acknowledges in the agreement that, while it contends that the delegate committees are affiliated with MPC, some delegate committees nevertheless may be found not to be affiliated with MPC following the completion of a full investigation. Finally, for the purpose of resolving this matter expeditiously, MPC voluntarily agrees to treat all the delegate committees as if they were affiliated with it. In this regard, MPC agrees to amend its statement of organization to list all the Mondale delegate committees as affiliated committees.

Although not an unqualified admission, MPC's proposed language has the same effect as such an admission -- it places the responsibility for all excessive contributions and expenditures by the delegate committees on MPC. Such an admission is likely the strongest the Commission will be able to obtain from defendants. Finally, allowing the contention that some delegate committees may be found to be not affiliated with MPC is not objectionable. It merely reflects the known evidence which now indicates varying degrees of affiliation between MPC and the delegate committees. Thus, the General Counsel believes that the admission contained in the agreement is acceptable under the circumstances.

D. Payment of Excessive Portion of Aggregate Contributions.

MPC's draft agreement, like the Commission's original proposal, requires MPC to make a payment to the Treasury instead of refunding the excessive portion of the aggregate contributions received by MPC and the Mondale delegate committee to the

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original contributors. Rather than leaving the amount to be determined subsequent to an audit of the delegate committees, however, MPC proposes that the Commission agree to a fixed payment in the amount of $350,000 due thirty days from the effective date of the agreement. Counsel for respondents has indicated that MPC prefers to agree to the payment of a predetermined amount rather than an amount to be determined in the future because it would enable the committee to immediately know the exact extent of its liability under this provision. The Office of the General Counsel believes that a fixed payment amount is reasonable where, as here, the investigation is still incomplete. Although a full investigation might provide evidence of affiliation between MPC and each of the delegate committees, such an investigation could just as well indicate that only some of the delegate committees are affiliated with MPC. In the latter case, the Commission would only be able to attribute a smaller portion of the contributions to the delegate committees to MPC, thereby lowering the total of the excessive contributions attributable to MPC. Thus, the acceptance of an agreed upon amount is an acceptable alternative to the Commission's proposal. In addition, the Office of the General Counsel believes that the dollar amount proposed by MPC is reasonable since it exceeds by almost $20,000 the known excessive portion of the aggregate contributions to all the delegate committees thereby providing a sizable "cushion" to cover other contributions which the Commission may discover in the future.

E. Payment of Excessive Portions of Aggregate Expenditures

With respect to the repayment of excessive expenditures, MPC proposes that the amount of excessive aggregate expenditures by MPC and the delegate committees be determined from the results of the Commission's audit of MPC conducted pursuant to 26 U.S.C. § 9038(a), and a review of the information required to be filed by the delegate committees up to and including their October 15, 1984, Quarterly Reports. In connection with that proposal, MPC's agreement also states that the Commission will not review the delegate committees in connection with the audit of MPC and will limit its audits of the delegate committees to those conducted pursuant to 11 C.F.R. §§ 104.16(a) and (b). Furthermore, MPC's proposal limits the delegate committee expenditures included in the computation to those that occurred as of July 19, 1984, the date of Mondale's nomination, and excludes such additional amounts that ordinarily would be exempted pursuant to 11 C.F.R. § 9035.1(c). The proposal also provides for the application of a ratio formula, as suggested in Kennedy for President Committee v. FEC, 734 F.2d 1558 (D.C. Cir. 1984), to the computation of the repayment amount. Finally, the agreement contains language specifying that the repayment is made "without penalty."

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With regard to the issue of the review of the delegate committees in the context of MPC's Title 26 audit, the General Counsel's Office notes that under the statute and the Commission's procedures, the delegate committees would not ordinarily be audited with MPC because MPC has not authorized the committees in writing. It appears, therefore, that MPC's suggestion concerning the determination of expenditure amounts may be acceptable. The Commission may, of course, decide to audit the delegate committees under other provisions of the Act and the MPC proposal would not interfere with such audits.

The Office of the General Counsel does not object to the use of the July 19, 1984, cutoff date for expenditures or the inclusion of the 11 C.F.R. § 9035.1(c) exclusions. July 19 represents the date of Mondale's nomination [Mondale's date of ineligibility]. Therefore, most, if not all delegate expenditures were made prior to that date. The exclusions of 11 C.F.R. § 9035.1(c) are available to all candidates who have received matching funds. Thus, it appears that application of that section to the amount is appropriate under the present circumstances.

Respondent also states that the payment with regard to the excessive expenditures shall be "without penalty." In discussions, MPC's counsel indicated that this provision was included because they were concerned that, after the audit, the Commission might seek a civil penalty against MPC for <u>these</u> excessive expenditures in addition to the repayment required in the concililation agreement.

F. Compilation of Delegate Committee Records.

Counsel for respondents have indicated they strongly believe that, based on their experience, many delegate committees would refuse to voluntarily turn over their financial records to MPC. Respondents' proposed agreement, therefore, contains language requiring MPC to make available to the Commission the records of the delegate committees which voluntarily forward them to MPC. Under the proposal, MPC is also required to exercise its best efforts to obtain records of the delegate committees. Because of MPC's contention that some delegate committees will refuse to give MPC their records, the General Counsel's Office believes that the inclusion of this best efforts clause in the agreement is not objectionable.

G. MPC responsibility for recordkeeping and reporting with respect to delegate committee financial activities.

Respondents wish to avoid responsibility for recordkeeping and reporting with respect to the financial activities of the delegate committees. MPC's agreement, therefore, contains a

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provision stating that the "Commission will treat [MPC] and the delegate committees as distinct entities for purposes of recordkeeping and reporting." In addition, the agreement contains language providing that MPC will not be responsible for any past or future acts or omissions by the delegate committees except those specifically addressed in the agreement. The agreement also states that MPC will not be responsible for the condition of the records it compiles from the delegate committees. With the exception of the statement that the Commission will view the committees as separate entities, the Office of the General Counsel believes these provisions should be rejected because the respondents appear to be asking the Commission to make representations limiting future liability on matters outside the scope of this MUR.

The agreement proposed by MPC also contains a provision stating "[s]ince the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of Title 2." The General Counsel's Office believes that this language should be rejected because it would prevent the Commission from investigating possible violations of Title 26 of the United States Code by the delegate committees. MPC's proposed language, for example, would bar all Commission actions with respect to possible violations of 26 U.S.C. § 9012(f) by a delegate committee.

H. Effective Date of the Agreement.

Respondents believe that the agreement should not become effective until all amounts due under the agreement are ascertained with specificity. MPC's proposal, therefore, makes the agreement effective on the date the Commission makes its final repayment determination with respect to MPC pursuant to 11 C.F.R. § 9038.3(c)(4). The Office of the General Counsel believes that this provision would unnecessarily delay both the final resolution of this matter and the Commission's subsequent public release of the conciliation agreement. This Office believes that this proposal should be rejected and that the agreement should be put into effect following approval and execution by both the Commission and MPC.

I. Prohibition Against Further Commission Action Against Delegate Committees and Contributors Thereto.

Finally, MPC's proposed agreement contains a prohibition against any further Commission action with respect to the violations which are the subject matter of the agreement against either the contributors to the delegate committees or the delegate committees which provided their records to MPC. To

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support the inclusion of this provision, MPC cites to the conciliation agreements in the AMPAC MURs. See MURs 253 et al. In those matters, the Commission agreed to take no action against most of the candidates who received the excessive contributions. The Office of the General Counsel does not object to the prohibition against further action with respect to the delegate committees. As discussed at the July 31, 1984, executive session, one of the benefits of negotiating a conciliation agreement wherein MPC accepts full responsibility is that it would eliminate the need for the Commission to proceed against all the delegate committees. With respect to the contributors, since the Commission has already decided to proceed against the labor PACs, at least at the RTB stage, the General Counsel's Office recommends that the proposal should be rejected.

IV. Conclusion

Although the General Counsel's Office believes the MPC counterproposal represents a good faith effort to settle this matter, for the reasons discussed above this Office does not recommend that the Commission approve the proposed agreement. Instead, the Office of the General Counsel recommends that the Commission reject MPC's proposed agreement and not terminate pre-probable cause conciliation discussions between the General Counsel's Office and the respondents. Previous discussions have resulted in significant progress toward an acceptable agreement and opposing counsel has represented that some terms of their proposal may be further negotiable.

RECOMMENDATIONS:

1. Reject the conciliation agreement submitted on behalf of respondent Mondale for President Committee, Inc. Attachment 2.

2. Approve the attached notification letter. Attachment 3.

Attachments

1. Letter from counsel for respondents enclosing proposed conciliation agreement submitted on behalf of MPC (dated September 19, 1984). (8 pgs.)

2. Revised proposed conciliation agreement submitted on behalf of MPC (September 20, 1984). (5 pgs.)

3. Proposed notification letter to counsel for respondents. (1 pg.)

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Mondale for President
2301 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1600

MONDALE (1)

September 19, 1984 GCC# 4737

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

RECEIVED
FEC
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 19 P2:47

RE: MUR 1704

Dear Mr. Steele:

Enclosed is a counterproposal from the Mondale for President Committee, Inc. (MPC) to the Commission's conciliation offer of August 14, 1984. This proposal provides an equitable means of achieving prompt resolution of this matter.

In this proposal, MPC would agree to treat all delegate committees as though they were affiliated with MPC. We would like to emphasize that this agreement extends to all delegate committees. Even if the Commission were to engage in a complete investigation, that investigation would not provide a basis for a finding that all delegate committees were affiliated with MPC. Moreover, such an investigation would be extremely time consuming and expensive for all parties, and would at best prove inconclusive.

In making this offer, MPC is voluntarily accepting a substantial financial burden, i.e., by making a significant payment in lieu of refunding contributions and by repaying to the U.S. Treasury an amount based on delegate committee expenditures. While as yet undetermined, the payment is certain to constitute a substantial sum.

Should this matter not be settled informally at this time, MPC believes that there are other factors beyond those of cost, time and the ultimate results of an investigation which strongly support the Commission's acceptance of this proposal. First, all delegate committee expenditures were made for grass roots activity and not for general public media expenditures. This activity strengthens citizen participation in the political process and poses no danger to it.

Second, much of the Commission's legal theory of affiliation in this matter is based upon MPC activities such as discussion of volunteer campaign materials and dissemination of legal advice and information concerning the Commission's regulations. These activities are exempt from the definitions of

ATTACHMENT 1
(Page 1 of 8)

Paid for by Mondale for President, Inc.

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contribution and expenditure and there is substantial question as to whether they can be used as evidence of affiliation.

Third, MPC is agreeing to make a repayment based on delegate committee expenditures even though there is a substantial question as to whether the Commission could require such a repayment. In Kennedy for President Committee v. FEC, the court held that under the statute the Commission may only require repayment of the amount of matching funds used for unqualified purposes. Since no delegate committees received or spent any federal funds, there would be no need to resort to a formula to determine the percentage of federal funds spent.

Fourth, the Commission did not pursue a prior case against another presidential candidate under an affiliation theory even though in that case -- unlike this one -- several of the indicia of affiliation provided in the regulation were present. In MUR 950, the Commission found only minor in-kind contributions from one committee to the other, yet the committees shared officers at the same time, solicited contributions for each other, had common policy-makers and common vendors, in addition to other factors not specified in the regulations.

Finally, there is a substantial question as to the jurisdiction of the Commission over grasroots activities by persons seeking to become delegates to a national convention. Resolution of this matter through conciliation would obviate the necessity for judicial resolution of whether the Act and the Commission are limited in their jurisdiction as was found to be the case with the Commission's jurisdiction over draft committees.

MPC makes this offer in good faith in order to reach a fair and prompt resolution of this matter. We feel, however, that our reliance on the Commission's regulations, the legislative history of the Act and the underlying facts support the legal position which we have maintained in this case. Nevertheless, under this agreement we would assume the substantial financial burden of treating the delegate committees as though affiliated. We urge the Commission to accept this offer.

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Sincerely,

David M. Ifshin
General Counsel

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy General Counsel

ATTACHMENT 1
(Page 2 of 8)

(3)

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

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

1. Respondent Mondale for President Committee, Inc. is the primary election principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984. Michael S. Berman who is the Treasurer of the Committee will be responsible for implementation of this agreement.

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ATTACHMENT 1
(Page 3 of 8)

2. The Respondent in the course of its communications with delegates informed them of the opportunity to form delegate committees. The Respondent, in some instances, provided additional advice to delegates who chose to excercise their option to form a delegate committee. The scope and nature of the communication and interaction between the Respondent and various delegate committees differed substantially.

V. Because both parties to this agreement desire an expeditious resolution of this matter, the parties enter into this agreement even though there has not been an investigation to determine the level of interaction between the Respondent and each delegate committee.

The Commission contends that the delegate committees are affiliated with the Respondent. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Respondent. The Respondent acknowledges that if there were a full investigation, some delegate committees may be found to be affiliated with it.

Nevertheless, the Respondent agrees, as Mr. Mondale stated on April 25, 1984, voluntarily to treat the delegate committees as though they were affiliated with it for the purpose of resolving this matter. Therefore, the parties agree that:

1. Rather than refunding contributions to contributors, Respondent will make a payment to the Treasurer of the United States in the amount of $200,000. This payment is not a civil

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ATTACHMENT 1
(Page 1 of 8)

penalty and is made in lieu of refunding contributions that were made to delegate committees which, when aggregated with contributions to the Respondent, would have exceeded the permissible contribution limitations.

Funds to make this payment may include funds raised pursuant to the provisions of 11 CFR Section 9034.4(b)(4). The payment to the Treasurer will be made within 30 days of the effective date of the agreement.

2. After the Commission's audit of the Respondent, the Respondent will apply total delegate committee expenditures to the Respondent's spending limits under 2 U.S.C. Section 441a(b) minus the exclusions pursuant to 11 CFR Section 9035.1(c), and make a payment of_____ to the Treasury, without penalty, for the amount of expenditures which would have been considered excessive had they been made by the Respondent as of July 19, 1984. The amount of repayment is based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of delegate committee expenditures was determined by review of reports filed with the Commission and includes only those expenditures made as of July 19, 1984 as determined by the October 15 quarterly reports filed with the FEC by delegate committees. Payments to the Treasury will be made after the conclusion of the Commission's audit of the respondent and pursuant to 11 CFR Section 9038.2(d).

3. The respondent will provide those records which delegate committees will voluntarily turn over to Respondent upon request. Respondent will not be responsible for the complilation or the condition of the records. Respondent will excercise its best

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ATTACHMENT 1

efforts to provide records of the delegate committees.

The Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in paragraphs V.(1), (2) and (3). The Commission will treat the Respondent and the delegate committees as distinct entities for purposes of recordkeeping. The delegate committees will not be reviewed in the course of the audit of the Respondent. Any audit of a delegate committee will be conducted pursuant to 11 C.F.R. Sections 104.16(a),(b). Since the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of Title 2.

VI. The Respondent will file an amended Statement of Organization which includes the delegate committees as affiliated committees. The Respondent is not required to file any amended reports which include contributions to or expenditures by delegate committees.

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

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

IX. This agreement shall become effective at the time the

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Commission's final repayment determination pursuant to 11 CFR Section 9038.3(c)(4) and after all parties hereto have executed the agreement and the Commission has approved the entire agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. No other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid. The Commission agrees not to take any further action against any contributors to delegate committees or any further action against delegate committees which provided their records to the respondent relating to the subject matter of this agreement.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

ATTACHMENT 1
(Page 7 of 8)

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FOR THE RESPONDENT:

David M. Ifshin
General Counsel
Mondale for President Committee, Inc.

Date

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ATTACHMENT 1
(Page 8 of 8)

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE GENERAL COUNSEL
84 SEP 20 P5:59

In the Matter of	)	
	)	MUR 1704
Mondale for President Committee, Inc.	)	
	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

IV. Respondent Mondale for President Committee, Inc. is the primary election principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984. Michael S. Berman who is the Treasurer of the Committee will be responsible for implementation of this agreement.

ATTACHMENT 2

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V. Because both parties to this agreement desire an expeditious resolution of this matter, the parties enter into this agreement even though the Commission has not completed its investigation into this matter.

The Commission contends that the delegate committees are affiliated with the Respondent. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Respondent. The Respondent acknowledges that if there were a full investigation, some delegate committees may be found to be affiliated with it.

Nevertheless, the Respondent agrees, as Mr. Mondale stated on April 25, 1984, voluntarily to treat the delegate committees as though they were affiliated with it for the purpose of resolving this matter. Therefore, the parties agree that:

1. Rather than refunding contributions to contributors, Respondent will make a payment to the Treasurer of the United States in the amount of $350,000. This payment is not a civil penalty and is made in lieu of refunding contributions that were made to delegate committees which, when aggregated with contributions to the Respondent, would have exceeded the permissible contribution limitations. Funds to make this payment may include funds raised pursuant to the provisions of 11 CFR Section 9034.4(b)(4). The payment to the Treasurer will be made within 30 days of the effective date of the agreement.

2. After the Commission's audit of the Respondent, the

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ATTACHMENT 2

Commission will apply total delegate committee expenditures to the Respondent's spending limits under 2 U.S.C. Section 441a(b) minus the exclusions pursuant to 11 CFR Section 9035.1(c), and the Respondent will make a payment of such amount to the Treasury, without penalty, for the amount of expenditures which would have been considered excessive had they been made by the Respondent as of July 19, 1984. The amount of repayment is based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of delegate committee expenditures will be determined by review of reports filed with the Commission and shall include a review of the information required to be filed by the delegate committees up to and including the October 15 quarterly report. Payments to the Treasury will be made after the conclusion of the Commission's audit of the respondent and pursuant to 11 CFR Section 9038.2(d).

3. The respondent will make available to the FEC those records which delegate committees will voluntarily turn over to Respondent upon request. Respondent will not be responsible for the compilation or the condition of the records. Respondent will excercise its best efforts to provide records of the delegate committees.

The Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in paragraphs V.(1), (2) and (3). The Commission will treat the Respondent and the delegate committees as distinct entities for purposes of recordkeeping and reporting. The delegate committees will not be reviewed in the course of the

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audit of the Respondent. Any audit of a delegate committee will be conducted pursuant to 11 C.F.R. Sections 104.16(a),(b). Since the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of Title 2.

VI. The Respondent will file an amended Statement of Organization which includes the delegate committees as affiliated committees.

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

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

IX. This agreement shall become effective at the time the Commission's final repayment determination pursuant to 11 CFR Section 9038.3(c)(4) and after all parties hereto have executed the agreement and the Commission has approved the entire agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. No

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other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid. The Commission agrees not to take any further action against any contributors to delegate committees or any further action against delegate committees which provided their records to the respondent relating to the subject matter of this agreement.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENT:

David M. Ifshin
General Counsel
Mondale for President Committee, Inc.

Date

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ATTACHMENT 2
(Page 5 of 5)

(M)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

This is to notify you that on September , 1984, the Commission decided to reject the proposed conciliation which you submitted on September 20, 1984, in settlement of the above-captioned matter. The Commission, however, will continue pre-probable cause conciliation with your clients. Accordingly, Robert Bonham, an attorney assigned to this matter, will contact you to initiate further conciliation discussions.

Should you have any questions, please contact Mr. Bonham at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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ATTACHMENT 3
(Page 1 of 1)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: SEPTEMBER 28, 1984

SUBJECT: COMMENTS RE: MUR 1704 - Memorandum to the Commission dated September 28, 1984

Attached is a copy of Commissioner Reiche's vote sheet with comments regarding his objection, for record purposes only.

Attachment:
copy of vote sheet

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SENSITIVE

RECEIVED
OFFICE OF THE SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 SEP 28 P4:56

Date and Time Transmitted: FRIDAY, 9-28-84, 12:30

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, (REICHE,) HARRIS

RETURN TO COMMISSION SECRETARY BY MONDAY, OCTOBER 1, 1984, 12:30

SUBJECT: MUR 1704 - Memorandum to the Commission dated September 28, 1984

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: This represents an improvement over the prior draft, but for reasons stated by me during the Commission's discussion of this matter, I continue to reject this approach and believe we should launch an immediate investigation. My objection is for the record.

Date: 9/28/84 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

8504050275 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL

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

DATE: SEPTEMBER 28, 1984

SUBJECT: OBJECTION - MUR 1726 General Counsel's Report signed September 25, 1984

The above-named document was circulated to the Commission on Thursday, September 27, 1984 at 11:00.

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

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

This matter will be placed on the Executive Session agenda for Wednesday, October 10, 1984.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: SEPTEMBER 28, 1984

SUBJECT: COMMENTS RE: MUR 1704 - Memorandum to the Commission dated September 28, 1984

Attached is a copy of Commissioner Reiche's vote sheet with comments regarding his objection, for record purposes only.

Attachment:
copy of vote sheet

8 5 0 4 0 5 0 2 7 5 2

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 SEP 28 P4:56

Date and Time Transmitted: FRIDAY, 9-28-84, 12:30

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, (REICHE,) HARRIS

RETURN TO COMMISSION SECRETARY BY MONDAY, OCTOBER 1, 1984, 12:30

SUBJECT: MUR 1704 - Memorandum to the Commission dated September 28, 1984

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: This represents an improvement over the prior draft, but for reasons stated by me during the Commission's discussion of this matter, I continue to reject this approach and believe we should launch an immediate investigation. My objection is for the record.

Date: 9/28/84 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

8504050273

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: September 28, 1984

SUBJECT: MUR 1704 - Memorandum to The Commission

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

SENSITIVE

CIRCULATE ON PINK PAPER

24 HOUR TALLY VOTE

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RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

84 SEP 28 A11 : 23

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 28, 1984

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

FROM: CHARLES N. STEELE
GENERAL COUNSEL

SUBJECT: PROPOSED CONCILIATION AGREEMENT IN MUR 1704

The Office of General Counsel has prepared the attached proposed conciliation agreement in MUR 1704 pursuant to the directions of the Commission in the Executive Session held on September 27, 1984. Several changes have also been made in the draft cover letter intended to accompany the agreement upon Commission approval.

The General Counsel's Office recommends that the attached proposed conciliation agreement and cover letter be approved by the Commission.

Attachments

1. Proposed conciliation agreement
2. Proposed cover letter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Mondale for President Committee, Inc. Michael S. Berman, as Treasurer	)))))	MUR 1704

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee, Inc. and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures. The basis for the Commission's determination that there is reason to believe that the Respondents violated 2 U.S.C. § 441a(b)(1)(A) and 441a(f) is the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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Attachment 1
page 1

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Mondale for President Committee, Inc.

3. Respondents, in the course of their communications with delegates, encouraged them to form delegate committees. The Respondents, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form delegate committees. Upon preliminary review, it appears that the scope and nature of these communications and interaction between the Respondents and various delegate committees differed.

4. Respondents have agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

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Attachment 1
Page 2

5. Based upon the Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(2)(A) by at least $ 299,215.

6. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(1)(A) by at least $ 47,402.

7. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., expenditures made by the delegate committees together with expenditures made by the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A).

8. Respondents have requested pre-probable cause conciliation.

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Attachment 1
Page 3

V. Because the Parties desire an expeditious resolution of this matter, and because the Respondents agree, for the purpose of resolving this matter, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., the parties enter into this Agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with Mondale for President Committee, Inc. The Respondents contend that the Mondale for President Committee, Inc., is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Mondale for President Committee, Inc. The Respondents acknowledge that if there were a full investigation, some delegate committees may be found to be affiliated with the Mondale for President Committee, Inc.

Therefore, the parties agree that:

1. Respondents shall amend the Mondale for President Committee, Inc.'s Statement of Organization to identify all of the delegate committees as affiliated committees.

3. Respondents shall make available to the Commission those records that the delegate committees agree to voluntarily turn over to Respondents.

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Attachment 1
Page 4

Respondents will exercise reasonable efforts to obtain the records of the delegate committees. "Reasonable efforts" means that Respondents will request the records from the delegate committees in writing stating that the request is being made pursuant to a conciliation agreement with the Commission and that they urge the committees to provide the requested records. In the event a delegate committee refuses to comply or fails to respond to the request within 30 days, Respondents shall send an additional written request.

The Respondents will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities which are distinct entities for the purposes of recordkeeping and reporting except that any records obtained by the Mondale for President Committee, Inc. from the delegate committees shall be maintained by the Mondale for President Committee, Inc., as if they were records of the Mondale for President Committee, Inc. pursuant to 2 U.S.C. § 432(d).

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Attachment 1
Page 5

The audit of the Mondale for President Committee, Inc. under 26 U.S.C. § 9038(b) will not include an audit of the delegate committees. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

3. Respondents shall pay $ 350,000 to the Treasurer of the United States. Such amount represents contributions received by the delegate committees and the Mondale for President Committee, Inc. that exceeded, in the aggregate, by preliminary estimates, the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. § 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

4. Following the completion of the Commission's audit of the Mondale for President Committee, Inc., pursuant to 26 U.S.C. § 9038(b) the Commission will apply the total delegate committee expenditures to the Mondale for President Committee, Inc.'s spending limitations under 2 U.S.C. § 441a(b) minus the exclusions pursuant to 11 C.F.R. § 9035.1(c), and the Mondale for President Committee, Inc. will make a repayment of such amount to the Secretary of the Treasury for the amount of expenditures that would have been considered excessive

Attachment 1
Page 6

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had they been made by the Mondale for President Committee, Inc., except that costs incurred by the delegate committee after July 19, 1984, shall not be included. The amount of the repayment shall be based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of expenditures by the delegate committees will be determined by the review of reports filed by the delegate committees with the Commission up to and including the October 15, 1984, Quarterly Report. Repayments to the Secretary of the Treasury will be made after the conclusion of the audit of the Mondale for President Committee, Inc. and pursuant to 11 C.F.R. § 9038.2(d).

VI. Nothing in this agreement shall prevent the Commission from pursuing other repayments from the Respondents pursuant to 26 U.S.C. § 9038(b).

VII. The Commission reserves the right to seek such civil penalties as it deems appropriate pursuant to the authority of 2 U.S.C. § 437g, subsequent to the audit of the Mondale for President Committee, Inc.

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

Attachment 1
Page 7

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

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

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

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matter raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid.

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Attachment 1
Page 8

FOR THE COMMISSION:

_____ _____

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

_____ _____

Date

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Attachment 1
Page 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

This is to notify you that on September , 1984, the Commission decided to reject the proposed conciliation which you submitted on September 20, 1984, in settlement of the above-captioned matter. The Commission, however, has approved a new agreement for your consideration, a copy of which is enclosed. In view of the Commission's responsibility to resolve these matters expeditiously, it hopes that you will respond to this proposal as soon as possible. Robert Bonham, an attorney assigned to this matter, will contact you Tuesday, October 2, 1984, to discuss this matter further.

Should you have any questions, please contact Mr. Bonham at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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Attachment 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mondale for President	)	
Committee, Inc.	)	MUR 1704
Michael S. Berman, as	)	
Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 27, 1984, do hereby certify that the Commission decided by a vote of 5-1 to approve the Conciliation Agreement in Attachment 2 of the General Counsel's September 26, 1984 report on MUR 1704, subject to the changes agreed upon during the meeting of this date, and circulation of the revised agreement for Commission approval on a tally vote basis.

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

Attest:

9-27-84
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: September 26, 1984

SUBJECT: MUR 1704 - Memorandum to The Commission

The attached is submitted as an Agenda document for the Commission Meeting of September 27, 1984

Open Session

Closed Session XX

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

SENSITIVE

CIRCULATE ON PINK PAPER

FOR SPECIAL EXECUTIVE SESSION OF SEPTEMBER 27, 1984

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

This is to notify you that on September , 1984, the Commission decided to reject the proposed conciliation which you submitted on September 20, 1984, in settlement of the above-captioned matter. The Commission, however, has approved a new agreement for your consideration, a copy of which is enclosed. In view of the Commission's responsibility to resolve these matters expeditiously, Robert Bonham, an attorney assigned to this matter, will contact you Friday, September 28, 1984, to discuss this matter further.

Should you have any questions, please contact Mr. Bonham at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

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Should you have any questions, please contact Mr. Bonham at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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David M. Ifshin, General Counsel
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Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

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Should you have any questions, please contact Mr. Bonham at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Mondale for President Committee, Inc. Michael S. Berman, as Treasurer	)))))	MUR 1704

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee, Inc. and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures. The basis for the Commission's determination that there is reason to believe that the Respondents violated 2 U.S.C. § 441a(b)(1)(A) and 441a(f) is the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Mondale for President Committee, Inc.

3. Respondents, in the course of their communications with delegates, informed them of the opportunity to form delegate committees. The Respondents, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form a delegate committee. The scope and nature of these communications and interaction between the Respondents and various delegate committees differed substantially.

4. Respondents have agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

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5. Based upon the Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(2)(A) by at least $ 299,215.

6. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(1)(A) by at least $ 47,402.

7. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., expenditures made by the delegate committees together with expenditures made by the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A) in excess of $ 117,000.

8. Respondents have requested pre-probable cause conciliation.

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V. Because the Parties desire an expeditious resolution of this matter, the parties enter into this Agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with the Mondale for President Committee, Inc. The Respondents contend that the Mondale for President Committee, Inc., is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Mondale for President Committee, Inc. The Respondents acknowledge that if there were a full investigation, some delegate committees may be found to be affiliated with the Mondale for President Committee, Inc.

Nevertheless, the Respondents agree, as Mr. Mondale stated on April 25, 1984, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., for the purpose of resolving this matter. Therefore, the parties agree that:

1. Respondents shall amend the Mondale for President Committee, Inc.'s Statement of Organization to identify all of the delegate committees as affiliated committees.

2. Respondents shall make available to the Commission those records that the delegate committees agree to voluntarily turn over to Respondents.

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Respondents will exercise reasonable efforts to obtain the records of the delegate committees. "Reasonable efforts" means that Respondents will request the records from the delegate committees in writing stating that the request is being made pursuant to an agreement with the Commission that it do so. In the event a delegate committee refuses to comply or fails to respond to the request, Respondents shall send an additional written request.

The Respondents will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities as distinct entities for the purposes of recordkeeping and reporting except that any records obtained by the Mondale for President Committee, Inc. from the delegate committees shall be maintained by the Mondale for President Committee, Inc. as if they were records of the Mondale for President Committee, Inc. pursuant to 2 U.S.C. § 432(d). Any audit of the a delegate committee will be conducted pursuant to 11 C.F.R. § 104.6(a) and 104.6(b). Because the delegate committees did not receive any federal funds, they will be responsible only for compliance

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with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

3. Respondents shall pay $ 350,000 to the Treasurer of the United States. Such amount represents contributions received by the delegate committees and the Mondale for President Committee, Inc. that exceeded, in the aggregate, the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. § 9034.4(b)(4).

VI. Respondents shall pay a civil penalty to the Treasurer of the United States in the amount of $117,739.31 pursuant to 2 U.S.C. § 437g(a)(5)(A). This amount represents the estimated amount by which the expenditures made by the delegate committees together with expenditures made by Committee Mondale for President, Inc. exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A).

VII. Nothing in this agreement shall prevent the Commission from pursuing a repayment from the Respondents pursuant to 26 U.S.C. § 9038(b).

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

IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue

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herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

XI. Respondents shall have no more than thrty (30) days from the date this agreement becomes efective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matter raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid.

FOR THE COMMISSION:

_____ _____

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

_____ _____

Date

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Mondale for President Committee, Inc. Michael S. Berman, as Treasurer	)))))	MUR 1704

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee, Inc. and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures. The basis for the Commission's determination that there is reason to believe that the Respondents violated 2 U.S.C. § 441a(b)(1)(A) and 441a(f) is the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Mondale for President Committee, Inc.

3. Respondents, in the course of their communications with delegates, informed them of the opportunity to form delegate committees. The Respondents, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form a delegate committee. The scope and nature of these communications and interaction between the Respondents and various delegate committees differed substantially.

4. Respondents have agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

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5. Based upon the Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(2)(A) by at least $ 299,215.

6. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(1)(A) by at least $ 47,402.

7. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., expenditures made by the delegate committees together with expenditures made by the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A).

8. Respondents have requested pre-probable cause conciliation.

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V. Because the Parties desire an expeditious resolution of this matter, the parties enter into this Agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with the Mondale for President Committee, Inc. The Respondents contend that the Mondale for President Committee, Inc., is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Mondale for President Committee, Inc. The Respondents acknowledge that if there were a full investigation, some delegate committees may be found to be affiliated with the Mondale for President Committee, Inc.

Nevertheless, the Respondents agree, as Mr. Mondale stated on April 25, 1984, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., for the purpose of resolving this matter. Therefore, the parties agree that:

1. Respondents shall amend the Mondale for President Committee, Inc.'s Statement of Organization to identify all of the delegate committees as affiliated committees.

3. Respondents shall make available to the Commission those records that the delegate committees agree to voluntarily turn over to Respondents.

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Respondents will exercise reasonable efforts to obtain the records of the delegate committees. "Reasonable efforts" means that Respondents will request the records from the delegate committees in writing stating that the request is being made pursuant to an agreement with the Commission that it do so. In the event a delegate committee refuses to comply or fails to respond to the request, Respondents shall send an additional written request.

The Respondents will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities which are distinct entities for the purposes of recordkeeping and reporting except that any records obtained by the Mondale for President Committee, Inc. from the delegate committees shall be maintained by the Mondale for President Committee, Inc., as if they were records of the Mondale for President Committee, Inc. pursuant to 2 U.S.C. § 432(d).

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Any audit of a delegate committee will be conducted pursuant to 11 C.F.R. § 104.6(a) and 104.6(b). Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

3. Respondents shall pay $ 350,000 to the Treasurer of the United States. Such amount represents contributions received by the delegate committees and the Mondale for President Committee, Inc. that exceeded, in the aggregate, the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. § 9034.4(b)(4).

4. Following the completion of the Commission's audit of the Mondale for President Committee, Inc., pursuant to 26 U.S.C. § 9038(b) the Commission will apply the total delegate committee expenditures to the Mondale for President Committee, Inc.'s spending limitations under 2 U.S.C. § 441a(b) minus the exclusions pursuant to 11 C.F.R. § 9035.1(c), and the Mondale for President Committee, Inc. will make a repayment of such amount to the Secretary of the Treasury for the amount of expenditures that would have been considered excessive

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had they been made by the Mondale for President Committee, Inc., except that costs incurred by the delegate committee after July 19, 1984, shall not be included. The amount of the repayment shall be based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of expenditures by the delegate committees will be determined by the review of reports filed by the delegate committees with the Commission up to and including the October 15, 1984, Quarterly Report. Repayments to the Secretary of the Treasury will be made after the conclusion of the audit of the Mondale for President Committee, Inc. and pursuant to 11 C.F.R. § 9038.2(d).

VI. Nothing in this agreement shall prevent the Commission from pursuing other repayments from the Respondents pursuant to 26 U.S.C. § 9038(b).

VII. The Commission reserves the right to seek such civil penalties as it deems appropriate pursuant to the authority of 2 U.S.C. § 437g, subsequent to the audit of the Mondale for President Committee, Inc.

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

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

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

XI. Respondents shall have no more than thrty (30) days from the date this agreement becomes efective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matter raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid.

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FOR THE COMMISSION:

_____ _____

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

_____ _____

Date

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RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

84 SEP 26 P5:20

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 26, 1984

SENSITIVE

EXECUTIVE SESSION
9-27-84

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Conciliation Agreement in MUR 1704

On September 25, 1984, the Commission voted to reject the conciliation agreement submitted on behalf of the Mondale for President Committee, Inc. ("MPC") and direct the the Office of General Counsel to draft a counterproposal for the Commission's consideration. The Commission further directed this Office to include in the counterproposal the payment of $350,000 to the U.S. Treasury and a civil penalty in an amount equal to the amount in excess of the expenditure limitations.

This Office has prepared such a counterproposal for the Commission's consideration (Attachment 1) but recommends that the Commission decline to adopt that proposal. The Office of General Counsel has, however, prepared an alternative counterproposal (Attachment 2) that it believes, for the reasons set forth below, is a more appropriate approach to settling this matter with the MPC, and its treasurer.

The major difficulty with Attachment 1 is its effort to derive a precise figure representing the expenditures made by the delegate committees and MPC that were in excess of the limitations of 2 U.S.C. §§ 441a(b)(1)(A) and 441a(b)(1)(B). Information presently available to the Commission from reports filed by MPC shows only those expenditures that have been allocated to the limitations and does not include payables or other expenditures that may have been improperly allocated. Although this Office agrees that an adjustment clause would somewhat alleviate this problem, it would, in a sense, be putting out an arbitrary figure which would create an illusion of finality where no such finality exists or should exist until after the audit of MPC has been completed.

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In an effort to avoid such problems in dealing with this matter, this office has prepared the alternative included as Attachment 2. The alternative, like Attachment 1, requires an immediate payment of the $350,000 but incorporates a different approach to dealing with the excessive expenditures. In order to assure the Commission that all excessive expenditures are identified (including possible expenditures in excess of the national limitations), the alternative calls for the final amount of excessive expenditures to be determined after the completion of the Commission's audit of MPC pursuant to 26 U.S.C. § 9038(b). While the approach is similar to that proposed by MPC, it differs in two significant respects. First, the alternate reserves the Commission's right to seek a civil penalty after completion of the audit of MPC when all the relative data is ascertained. Secondly, an alternative would make the conciliation agreement effective up execution by all parties. Payment of the $350,000 to the Treasurer would be due within 30 days of the effective date of the agreement. Public release of the information would not, therefore, depend upon completion of the audit process.

The General Counsel's Office recommends, therefore, that the Commission approve the alternative draft conciliation agreement in Attachment 2.

Recommendations

1. Approve the Conciliation Agreement in Attachment 2.
2. Approve and send the attached letter.

Attachments

1. Draft conciliation agreement
2. Draft conciliation agreement
3. Proposed letter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Mondale for President Committee, Inc. Michael S. Berman, as Treasurer	)))))	MUR 1704

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee, Inc. and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures. The basis for the Commission's determination that there is reason to believe that the Respondents violated 2 U.S.C. § 441a(b)(1)(A) and 441a(f) is the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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Attachment 1
page 1

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Mondale for President Committee, Inc.

3. Respondents, in the course of their communications with delegates, informed them of the opportunity to form delegate committees. The Respondents, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form a delegate committee. The scope and nature of these communications and interaction between the Respondents and various delegate committees differed substantially.

4. Respondents have agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

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Attachment 1
Page 2

5. Based upon the Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(2)(A) by at least $ 299,215.

6. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(1)(A) by at least $ 47,402.

7. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., expenditures made by the delegate committees together with expenditures made by the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A) in excess of $ 117,000.

8. Respondents have requested pre-probable cause conciliation.

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Attachment 1
Page 3

V. Because the Parties desire an expeditious resolution of this matter, the parties enter into this Agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with the Mondale for President Committee, Inc. The Respondents contend that the Mondale for President Committee, Inc., is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Mondale for President Committee, Inc. The Respondents acknowledge that if there were a full investigation, some delegate committees may be found to be affiliated with the Mondale for President Committee, Inc.

Nevertheless, the Respondents agree, as Mr. Mondale stated on April 25, 1984, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., for the purpose of resolving this matter. Therefore, the parties agree that:

1. Respondents shall amend the Mondale for President Committee, Inc.'s Statement of Organization to identify all of the delegate committees as affiliated committees.

2. Respondents shall make available to the Commission those records that the delegate committees agree to voluntarily turn over to Respondents.

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Attachment 1
Page 4

Respondents will exercise reasonable efforts to obtain the records of the delegate committees. "Reasonable efforts" means that Respondents will request the records from the delegate committees in writing stating that the request is being made pursuant to an agreement with the Commission that it do so. In the event a delegate committee refuses to comply or fails to respond to the request, Respondents shall send an additional written request.

The Respondents will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities as distinct entities for the purposes of recordkeeping and reporting except that any records obtained by the Mondale for President Committee, Inc. from the delegate committees shall be maintained by the Mondale for President Committee, Inc. as if they were records of the Mondale for President Committee, Inc. pursuant to 2 U.S.C. § 432(d). Any audit of the a delegate committee will be conducted pursuant to 11 C.F.R. § 104.6(a) and 104.6(b). Because the delegate committees did not receive any federal funds, they will be responsible only for compliance

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Attachment 1
Page 5

with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

3. Respondents shall pay $ 350,000 to the Treasurer of the United States. Such amount represents contributions received by the delegate committees and the Mondale for President Committee, Inc. that exceeded, in the aggregate, the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. § 9034.4(b)(4).

VI. Respondents shall pay a civil penalty to the Treasurer of the United States in the amount of $117,739.31 pursuant to 2 U.S.C. § 437g(a)(5)(A). This amount represents the estimated amount by which the expenditures made by the delegate committees together with expenditures made by Committee Mondale for President, Inc. exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A).

VII. Nothing in this agreement shall prevent the Commission from pursuing a repayment from the Respondents pursuant to 26 U.S.C. § 9038(b).

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

IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue

Attachment 1
Page 6

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herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

XI. Respondents shall have no more than thrty (30) days from the date this agreement becomes efective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matter raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

Date

Attachment 1 Page 7

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Mondale for President Committee, Inc. Michael S. Berman, as Treasurer	)))))	MUR 1704

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee, Inc. and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures. The basis for the Commission's determination that there is reason to believe that the Respondents violated 2 U.S.C. § 441a(b)(1)(A) and 441a(f) is the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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Attachment 2
Page 1

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Mondale for President Committee, Inc.

3. Respondents, in the course of their communications with delegates, informed them of the opportunity to form delegate committees. The Respondents, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form a delegate committee. The scope and nature of these communications and interaction between the Respondents and various delegate committees differed substantially.

4. Respondents have agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

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Attachment 2
Page 2

5. Based upon the Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(2)(A) by at least $ 299,215.

6. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc. contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(a)(1)(A) by at least $ 47,402.

7. Based upon Respondents' agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., expenditures made by the delegate committees together with expenditures made by the Mondale for President Committee, Inc. exceeded the limitations of 2 U.S.C. § 441a(b)(1)(A).

8. Respondents have requested pre-probable cause conciliation.

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Attachment 2
Page 3

V. Because the Parties desire an expeditious resolution of this matter, the parties enter into this Agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with the Mondale for President Committee, Inc. The Respondents contend that the Mondale for President Committee, Inc., is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Mondale for President Committee, Inc. The Respondents acknowledge that if there were a full investigation, some delegate committees may be found to be affiliated with the Mondale for President Committee, Inc.

Nevertheless, the Respondents agree, as Mr. Mondale stated on April 25, 1984, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., for the purpose of resolving this matter. Therefore, the parties agree that:

1. Respondents shall amend the Mondale for President Committee, Inc.'s Statement of Organization to identify all of the delegate committees as affiliated committees.

3. Respondents shall make available to the Commission those records that the delegate committees agree to voluntarily turn over to Respondents.

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Attachment 2
Page 4

Respondents will exercise reasonable efforts to obtain the records of the delegate committees. "Reasonable efforts" means that Respondents will request the records from the delegate committees in writing stating that the request is being made pursuant to an agreement with the Commission that it do so. In the event a delegate committee refuses to comply or fails to respond to the request, Respondents shall send an additional written request.

The Respondents will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this Agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities which are distinct entities for the purposes of recordkeeping and reporting except that any records obtained by the Mondale for President Committee, Inc. from the delegate committees shall be maintained by the Mondale for President Committee, Inc., as if they were records of the Mondale for President Committee, Inc. pursuant to 2 U.S.C. § 432(d).

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Any audit of a delegate committee will be conducted pursuant to 11 C.F.R. § 104.6(a) and 104.6(b). Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

3. Respondents shall pay $ 350,000 to the Treasurer of the United States. Such amount represents contributions received by the delegate committees and the Mondale for President Committee, Inc. that exceeded, in the aggregate, the limitations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). Funds used to make this payment may include funds raised pursuant to 11 C.F.R. § 9034.4(b)(4).

4. Following the completion of the Commission's audit of the Mondale for President Committee, Inc., pursuant to 26 U.S.C. § 9038(b) the Commission will apply the total delegate committee expenditures to the Mondale for President Committee, Inc.'s spending limitations under 2 U.S.C. § 441a(b) minus the exclusions pursuant to 11 C.F.R. § 9035.1(c), and the Mondale for President Committee, Inc. will make a repayment of such amount to the Secretary of the Treasury for the amount of expenditures that would have been considered excessive

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Attachment 2
Page 6

had they been made by the Mondale for President Committee, Inc., except that costs incurred by the delegate committee after July 19, 1984, shall not be included. The amount of the repayment shall be based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of expenditures by the delegate committees will be determined by the review of reports filed by the delegate committees with the Commission up to and including the October 15, 1984, Quarterly Report. Repayments to the Secretary of the Treasury will be made after the conclusion of the audit of the Mondale for President Committee, Inc. and pursuant to 11 C.F.R. § 9038.2(d).

VI. Nothing in this agreement shall prevent the Commission from pursuing other repayments from the Respondents pursuant to 26 U.S.C. § 9038(b).

VII. The Commission reserves the right to seek such civil penalties as it deems appropriate pursuant to the authority of 2 U.S.C. § 437g, subsequent to the audit of the Mondale for President Committee, Inc.

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

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

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

XI. Respondents shall have no more than thrty (30) days from the date this agreement becomes efective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matter raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid.

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Attachment 2
Page 8

FOR THE COMMISSION:

_____ _____

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENTS:

_____ _____

Date

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Attachment 2
Page 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

This is to notify you that on September , 1984, the Commission decided to reject the proposed conciliation which you submitted on September 20, 1984, in settlement of the above-captioned matter. The Commission, however, has approved a new agreement for your consideration, a copy of which is enclosed. In view of the Commission's responsibility to resolve these matters expeditiously, Robert Bonham, an attorney assigned to this matter, will contact you Friday, September 28, 1984, to discuss this matter further.

Should you have any questions, please contact Mr. Bonham at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Attachment 3

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 26, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: MONDALE FOR PRESIDENT (MPC)
COMMITTEE STATE BY STATE AND
OVERALL SPENDING LIMITATIONS

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As directed by the Commission in its Executive Session of Tuesday, September 25, 1984, the Audit Division has undertaken a review of disclosure reports filed by MPC and approximately 140 Mondale Delegate Committees. The results of our review are as follows:

State Limitations

1) New Hampshire

MPC Expenditures Allocated to New Hampshire through 8/31/84	$402,948.13
Accounts Payable Allocated to New Hampshire	25,817.18
New Hampshire Delegate Committee Operating Expenditures	92,974.00
Total Expenditures Subject to Limitation	521,739.31
New Hampshire Limit	404,000.00
Amount In Excess of Limit	$117,739.31

2) Iowa

MPC Expenditures Allocated to Iowa through 8/31/84	$660,348.13
Accounts Payable Allocated to Iowa at 8/31/84	11,258.72
Delegate Committee Operating Expenditures	-0-
Total Expenditures Subject to Limitation	671,606.85
Iowa Limitation	684,537.50
Remaining Limitation	$ 12,930.65

3) Maine

MPC Expenditures Allocated to Maine through 8/31/84	$380,087.58
Accounts Payable Allocated to Maine at 8/31/84	6,879.96
Delegate Committee Operating Expenditures	-0-
Total Expenditures Subject to Limitation	386,967.54
Maine Limitation	404,000.00
Remaining Limitation	$ 17,032.46

All amounts discussed above are as reported by the Committee. Accounts payable allocated to the respective state was derived by identifying creditors disclosed with addresses in the respective state. Given both Iowa and Maine are very close to exceeding State limits, the Conciliation agreement should only include New Hampshire. For Iowa and Maine, as well as any other state, the agreement should include appropriate language to provide for audit verification, and if necesary, repayment under 26 U.S.C. § 9038(b).

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Overall Expenditure Limitation

Total Operating Expenditures As Reported by MPC through 8/31/84	$18,572,211.91
Accounts Payable at 8/31/84	965,753.66
1/ Delegate Committee Expenditures	728,924.00
Offsets to Operating Expenditures Receivables due from the press and Secret Service	(235,943.82)
Total Operating Expenditures Subject to Limitation	20,030,945.75
Overall Spending Limit	20,200,000.00
Remaining Limitation	$ 169,054.25

As can be seen from the above analysis, the Committee, simply on the basis of reports filed to date, is extremely close to the overall spending limitation. We further note that the Committee, based on reported amounts, has exhausted the 20% fundraising exemption, and has reported $1,758,482.91 in legal and accounting expenses not included in the totals above. Again, none of the figures mentioned above have been audited. Given the above analysis, we believe that the Conciliation agreement should provide for review and verification of the overall Expenditure Limitation with repayments as appropriate to be handled in the audit. Should you have any questions, please let us know.

1/ The delegate expenditures included above are gross reported amounts which will be adjusted for reported inter committee transfers, loans repayments, contribution refunds, etc.

cc: The Commissioners

8 5 0 4 0 5 0 2 8 0 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 26, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: MONDALE FOR PRESIDENT (MPC)
COMMITTEE STATE BY STATE AND
OVERALL SPENDING LIMITATIONS

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All amounts discussed above are as reported by the Committee. Accounts payable allocated to the respective state was derived by identifying creditors disclosed with addresses in the respective state. Given both Iowa and Maine are very close to exceeding State limits, the Conciliation agreement should only include New Hampshire. For Iowa and Maine, as well as any other state, the agreement should include appropriate language to provide for audit verification, and if necesary, repayment under 26 U.S.C. § 9038(b).

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Total Operating Expenditures Subject to Limitation	20,030,945.75
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As can be seen from the above analysis, the Committee, simply on the basis of reports filed to date, is extremely close to the overall spending limitation. We further note that the Committee, based on reported amounts, has exhausted the 20% fundraising exemption, and has reported $1,758,482.91 in legal and accounting expenses not included in the totals above. Again, none of the figures mentioned above have been audited. Given the above analysis, we believe that the Conciliation agreement should provide for review and verification of the overall Expenditure Limitation with repayments as appropriate to be handled in the audit. Should you have any questions, please let us know.

1/ The delegate expenditures included above are gross reported amounts which will be adjusted for reported inter committee transfers, loans repayments, contribution refunds, etc.

cc: The Commissioners

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 26, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: MONDALE FOR PRESIDENT (MPC)
COMMITTEE STATE BY STATE AND
OVERALL SPENDING LIMITATIONS

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1/ The delegate expenditures included above are gross reported amounts which will be adjusted for reported inter committee transfers, loans repayments, contribution refunds, etc.

cc: The Commissioners

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 25, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ROB BONHAM

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1704 - MACHINISTS NON-PARTISAN POLITICAL LEAGUE (MNPL)

Please review the attached Request for Additional Information which is to be sent to the MNPL for the 1984 August Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 12:00 noon on September 27, 1984. Thank you.

COMMENTS:

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Eugene Glover, Treasurer
Machinists Non-Partisan
Political League
1300 Connecticut Avenue, NW
Washington, DC 20036

Identification Number: C00002469

Reference: August Monthly Report (7/1/84-7/31/84)

Dear Mr. Glover:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Line 21 of the Detailed Summary Page of your report discloses a total of $10,575 in contributions to Federal candidates and committees. The sum of the entries itemized on Schedule B, however, indicates the total to be $110,575. Please amend your report to clarify the discrepancy.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Lisa Stolaruk

Lisa Stolaruk
Senior Reports Analyst
Reports Analysis Division

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GCC# 4753

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President Committee, Inc.	)	
	)	

RECEIVED
FEC
GENERAL COUNSEL
'84 SEP 20 P3:44

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

IV. Respondent Mondale for President Committee, Inc. is the primary election principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984. Michael S. Berman who is the Treasurer of the Committee will be responsible for implementation of this agreement.

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V. Because both parties to this agreement desire an expeditious resolution of this matter, the parties enter into this agreement even though the Commission has not completed its investigation into this matter.

The Commission contends that the delegate committees are affiliated with the Respondent. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Respondent. The Respondent acknowledges that if there were a full investigation, some delegate committees may be found to be affiliated with it.

Nevertheless, the Respondent agrees, as Mr. Mondale stated on April 25, 1984, voluntarily to treat the delegate committees as though they were affiliated with it for the purpose of resolving this matter. Therefore, the parties agree that:

1. Rather than refunding contributions to contributors, Respondent will make a payment to the Treasurer of the United States in the amount of $350,000. This payment is not a civil penalty and is made in lieu of refunding contributions that were made to delegate committees which, when aggregated with contributions to the Respondent, would have exceeded the permissible contribution limitations. Funds to make this payment may include funds raised pursuant to the provisions of 11 CFR Section 9034.4(b)(4). The payment to the Treasurer will be made within 30 days of the effective date of the agreement.

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2. After the Commission's audit of the Respondent, the Respondent will apply total delegate committee expenditures to the Respondent's spending limits under 2 U.S.C. Section 441a(b) minus the exclusions pursuant to 11 CFR Section 9035.1(c), and make a payment of such amount to the Treasury, without penalty, for the amount of expenditures which would have been considered excessive had they been made by the Respondent as of July 19, 1984. The amount of repayment is based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of delegate committee expenditures will be determined by review of reports filed with the Commission and shall include a review of the information required to be filed by the delegate committees up to and including the October 15 quarterly report. Payments to the Treasury will be made after the conclusion of the Commission's audit of the respondent and pursuant to 11 CFR Section 9038.2(d).

3. The respondent will make available to the FEC those records which delegate committees will voluntarily turn over to Respondent upon request. Respondent will not be responsible for the complilation or the condition of the records. Respondent will excercise its best efforts to provide records of the delegate committees.

The Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in paragraphs V.(1), (2) and (3). The Commission will treat the Respondent and the delegate committees as distinct entities for purposes of recordkeeping and reporting. The delegate committees will not be reviewed in the course of the

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audit of the Respondent. Any audit of a delegate committee will be conducted pursuant to 11 C.F.R. Sections 104.16(a),(b). Since the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of Title 2.

VI. The Respondent will file an amended Statement of Organization which includes the delegate committees as affiliated committees.

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

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

IX. This agreement shall become effective at the time the Commission's final repayment determination pursuant to 11 CFR Section 9038.3(c)(4) and after all parties hereto have executed the agreement and the Commission has approved the entire agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. No

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other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid. The Commission agrees not to take any further action against any contributors to delegate committees or any further action against delegate committees which provided their records to the respondent relating to the subject matter of this agreement.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENT:

David M. Ifshin
General Counsel
Mondale for President Committee, Inc.

Date

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 20 P5:59

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

IV. Respondent Mondale for President Committee, Inc. is the primary election principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984. Michael S. Berman who is the Treasurer of the Committee will be responsible for implementation of this agreement.

V. Because both parties to this agreement desire an expeditious resolution of this matter, the parties enter into this agreement even though the Commission has not completed its investigation into this matter.

The Commission contends that the delegate committees are affiliated with the Respondent. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Respondent. The Respondent acknowledges that if there were a full investigation, some delegate committees may be found to be affiliated with it.

Nevertheless, the Respondent agrees, as Mr. Mondale stated on April 25, 1984, voluntarily to treat the delegate committees as though they were affiliated with it for the purpose of resolving this matter. Therefore, the parties agree that:

1. Rather than refunding contributions to contributors, Respondent will make a payment to the Treasurer of the United States in the amount of $350,000. This payment is not a civil penalty and is made in lieu of refunding contributions that were made to delegate committees which, when aggregated with contributions to the Respondent, would have exceeded the permissible contribution limitations. Funds to make this payment may include funds raised pursuant to the provisions of 11 CFR Section 9034.4(b)(4). The payment to the Treasurer will be made within 30 days of the effective date of the agreement.

2. After the Commission's audit of the Respondent, the

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Commission will apply total delegate committee expenditures to the Respondent's spending limits under 2 U.S.C. Section 441a(b) minus the exclusions pursuant to 11 CFR Section 9035.1(c), and the Respondent will make a payment of such amount to the Treasury, without penalty, for the amount of expenditures which would have been considered excessive had they been made by the Respondent as of July 19, 1984. The amount of repayment is based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of delegate committee expenditures will be determined by review of reports filed with the Commission and shall include a review of the information required to be filed by the delegate committees up to and including the October 15 quarterly report. Payments to the Treasury will be made after the conclusion of the Commission's audit of the respondent and pursuant to 11 CFR Section 9038.2(d).

3. The respondent will make available to the FEC those records which delegate committees will voluntarily turn over to Respondent upon request. Respondent will not be responsible for the compilation or the condition of the records. Respondent will excercise its best efforts to provide records of the delegate committees.

The Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in paragraphs V.(1), (2) and (3). The Commission will treat the Respondent and the delegate committees as distinct entities for purposes of recordkeeping and reporting. The delegate committees will not be reviewed in the course of the

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audit of the Respondent. Any audit of a delegate committee will be conducted pursuant to 11 C.F.R. Sections 104.16(a),(b). Since the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of Title 2.

VI. The Respondent will file an amended Statement of Organization which includes the delegate committees as affiliated committees.

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

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

IX. This agreement shall become effective at the time the Commission's final repayment determination pursuant to 11 CFR Section 9038.3(c)(4) and after all parties hereto have executed the agreement and the Commission has approved the entire agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. No

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other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid. The Commission agrees not to take any further action against any contributors to delegate committees or any further action against delegate committees which provided their records to the respondent relating to the subject matter of this agreement.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENT:

David M. Ifshin
General Counsel
Mondale for President Committee, Inc.

Date

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7th Floor
1325
WASHIN

HAND DELIVERED

Mondale for President
2001 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-7000

MONDALE

September 19, 1984 GCC# 4137

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 19 P2:47

RE: MUR 1704

Dear Mr. Steele:

Enclosed is a counterproposal from the Mondale for President Committee, Inc. (MPC) to the Commission's conciliation offer of August 14, 1984. This proposal provides an equitable means of achieving prompt resolution of this matter.

In this proposal, MPC would agree to treat all delegate committees as though they were affiliated with MPC. We would like to emphasize that this agreement extends to all delegate committees. Even if the Commission were to engage in a complete investigation, that investigation would not provide a basis for a finding that all delegate committees were affiliated with MPC. Moreover, such an investigation would be extremely time consuming and expensive for all parties, and would at best prove inconclusive.

In making this offer, MPC is voluntarily accepting a substantial financial burden, i.e., by making a significant payment in lieu of refunding contributions and by repaying to the U.S. Treasury an amount based on delegate committee expenditures. While as yet undetermined, the payment is certain to constitute a substantial sum.

Should this matter not be settled informally at this time, MPC believes that there are other factors beyond those of cost, time and the ultimate results of an investigation which strongly support the Commission's acceptance of this proposal. First, all delegate committee expenditures were made for grass roots activity and not for general public media expenditures. This activity strengthens citizen participation in the political process and poses no danger to it.

Second, much of the Commission's legal theory of affiliation in this matter is based upon MPC activities such as discussion of volunteer campaign materials and dissemination of legal advice and information concerning the Commission's regulations. These activities are exempt from the definitions of

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Paid for by Mondale for President, Inc.

contribution and expenditure and there is substantial question as to whether they can be used as evidence of affiliation.

Third, MPC is agreeing to make a repayment based on delegate committee expenditures even though there is a substantial question as to whether the Commission could require such a repayment. In Kennedy for President Committee v. FEC, the court held that under the statute the Commission may only require repayment of the amount of matching funds used for unqualified purposes. Since no delegate committees received or spent any federal funds, there would be no need to resort to a formula to determine the percentage of federal funds spent.

Fourth, the Commission did not pursue a prior case against another presidential candidate under an affiliation theory even though in that case -- unlike this one -- several of the indicia of affiliation provided in the regulation were present. In MUR 950, the Commission found only minor in-kind contributions from one committee to the other, yet the committees shared officers at the same time, solicited contributions for each other, had common policy-makers and common vendors, in addition to other factors not specified in the regulations.

Finally, there is a substantial question as to the jurisdiction of the Commission over grasroots activities by persons seeking to become delegates to a national convention. Resolution of this matter through conciliation would obviate the necessity for judicial resolution of whether the Act and the Commission are limited in their jurisdiction as was found to be the case with the Commission's jurisdiction over draft committees.

MPC makes this offer in good faith in order to reach a fair and prompt resolution of this matter. We feel, however, that our reliance on the Commission's regulations, the legislative history of the Act and the underlying facts support the legal position which we have maintained in this case. Nevertheless, under this agreement we would assume the substantial financial burden of treating the delegate committees as though affiliated. We urge the Commission to accept this offer.

Sincerely,

David M. Ifshin
General Counsel

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy General Counsel

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CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

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

1. Respondent Mondale for President Committee, Inc. is the primary election principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984. Michael S. Berman who is the Treasurer of the Committee will be responsible for implementation of this agreement.

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2. The Respondent in the course of its communications with delegates informed them of the opportunity to form delegate committees. The Respondent, in some instances, provided additional advice to delegates who chose to excercise their option to form a delegate committee. The scope and nature of the communication and interaction between the Respondent and various delegate committees differed substantially.

V. Because both parties to this agreement desire an expeditious resolution of this matter, the parties enter into this agreement even though there has not been an investigation to determine the level of interaction between the Respondent and each delegate committee.

The Commission contends that the delegate committees are affiliated with the Respondent. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees may be found not to be affiliated with the Respondent. The Respondent acknowledges that if there were a full investigation, some delegate committees may be found to be affiliated with it.

Nevertheless, the Respondent agrees, as Mr. Mondale stated on April 25, 1984, voluntarily to treat the delegate committees as though they were affiliated with it for the purpose of resolving this matter. Therefore, the parties agree that:

1. Rather than refunding contributions to contributors, Respondent will make a payment to the Treasurer of the United States in the amount of $200,000. This payment is not a civil

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penalty and is made in lieu of refunding contributions that were made to delegate committees which, when aggregated with contributions to the Respondent, would have exceeded the permissible contribution limitations.

Funds to make this payment may include funds raised pursuant to the provisions of 11 CFR Section 9034.4(b)(4). The payment to the Treasurer will be made within 30 days of the effective date of the agreement.

2. After the Commission's audit of the Respondent, the Respondent will apply total delegate committee expenditures to the Respondent's spending limits under 2 U.S.C. Section 441a(b) minus the exclusions pursuant to 11 CFR Section 9035.1(c), and make a payment of_____ to the Treasury, without penalty, for the amount of expenditures which would have been considered excessive had they been made by the Respondent as of July 19, 1984. The amount of repayment is based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of delegate committee expenditures was determined by review of reports filed with the Commission and includes only those expenditures made as of July 19, 1984 as determined by the October 15 quarterly reports filed with the FEC by delegate committees. Payments to the Treasury will be made after the conclusion of the Commission's audit of the respondent and pursuant to 11 CFR Section 9038.2(d).

3. The respondent will provide those records which delegate committees will voluntarily turn over to Respondent upon request. Respondent will not be responsible for the complilation or the condition of the records. Respondent will excercise its best

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efforts to provide records of the delegate committees.

The Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in paragraphs V.(1), (2) and (3). The Commission will treat the Respondent and the delegate committees as distinct entities for purposes of recordkeeping. The delegate committees will not be reviewed in the course of the audit of the Respondent. Any audit of a delegate committee will be conducted pursuant to 11 C.F.R. Sections 104.16(a),(b). Since the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of Title 2.

VI. The Respondent will file an amended Statement of Organization which includes the delegate committees as affiliated committees. The Respondent is not required to file any amended reports which include contributions to or expenditures by delegate committees.

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

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

IX. This agreement shall become effective at the time the

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Commission's final repayment determination pursuant to 11 CFR Section 9038.3(c)(4) and after all parties hereto have executed the agreement and the Commission has approved the entire agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. No other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be valid. The Commission agrees not to take any further action against any contributors to delegate committees or any further action against delegate committees which provided their records to the respondent relating to the subject matter of this agreement.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

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FOR THE RESPONDENT:

David M. Ifshin **General Counsel** **Mondale for President Committee, Inc.**	**Date**

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HAND DELIVERED

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 14, 1984

MEMORANDUM

TO: Robert J. Costa
Assistant Staff Director
Audit Division

THROUGH: John C. Surina
Staff Director

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1704, In the Matter of Mondale for President Committee, et al. (1984).

As you know, the Commission recently found reason to believe that the Mondale for President Committee, Inc. ("MPC"), a respondent in the above-captioned matter, violated the Act by both accepting excessive contributions and making excessive expenditures through the Mondale delegate committees. These determinations were based on the Commission's conclusion that the delegate committees were affiliated with MPC. While the Commission concluded that the delegate comittees were affiliated with MPC, the delegate committees have not been authorized in writing by MPC. Considering, these circumstances, the Office of the General Counsel would like to know whether, under the current audit procedures, you plan to audit the Mondale delegate committees in connection with your audit of MPC. We would appreciate your response to this inquiry as soon as possible, preferably before the close of business on Monday, September 17, 1984.

Thank you in advance for your cooperation in this matter. Should you have any questions, please contact Robert Bonham, an attorney assigned to this matter, at 523-4000.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

John P. McGann, Esquire
Coffey, McGovern, Noel and Neal, Ltd.
20 Washington Place
Providence, Rhode Island 02903

Re: MUR 1704
1st District Delegate Committee
for Mondale (R.I.)

Dear Mr. McGann:

This is in response to your letter dated August 28, 1984, to Commission staff attorney Stephen Mims regarding the above-captioned matter.

Initially, you indicate that you represent the Rhode Island 1st District Delegate Committee for Mondale in this action. When the Commission originally notified your client of the Commission's receipt of the complaints in this matter, the Commission requested that if the committee was going to be represented by counsel, it complete and return a copy of the formal designation of counsel form provided for that purpose. See 11 C.F.R. § 111.23. To date, however, the Commission still has not received a designation form with respect to your client. Accordingly, please have your client execute the enclosed designation of counsel form and return it tc us at your earliest convenience. In addition, if you also represent Salvatore Mancini, the treasurer of the committee and another respondent in this matter, please have another copy of the enclosed designation of counsel form executed by him.

In your letter, although you admit that your client failed to disclose its affiliation with the Rhode Island 2nd District Delegate Committee for Mondale on the statement of organization filed by your client with the Commission, you assert that the consolidated financial report subsequently filed by the two committees "should have clearly indicated the committees' affiliation." Thus, you state that it is your client's position that no violation of the Federal Election Campaign Act of 1971, as amended, has occurred and you, therefore, decline to enter

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into pre-probable cause conciliation negotiations at this time. You indicate, however, that if the Commission could refer you to other instances where a violation was found to exist because of such a technical ommission, your client will reevaluate its present position concerning conciliation.

In response to your request, the Commission, on several occasions, has determined that violations of the Act and Commission regulations have occurred as a result of respondents' failure to list affiliated committees on their statements of organization even though the affiliation was disclosed on other documents filed with the Commission. In MUR 1486, In the Matter of the Counsel For A Livable World (1982), for example, the Commission found that the respondent committee had committed a violation of the Act. In that matter, which was resolved through pre-probable cause conciliation, only the respondent committee had failed to list its affiliated committee. The other committee involved had reported its affiliation with the respondent committee to the Commission.

I hope this is responsive to your inquiry. However, if you should have any further questions, please contact Stephen Mims at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

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BCC#4444 RECEIVED AT THE FEC
Bonham
84 AUG 27 A8:04

LAW OFFICES

GREENBERG, TRAURIG, ASKEW, HOFFMAN, LIPOFF, ROSEN & QUENTEL, P.A.

LINDA RODERICK ADLER
MICHAEL O. ALBERTINE
CESAR L. ALVAREZ
RUDOLPH F. ARAGON
RICHARD A. ARKIN
REUBIN O'D. ASKEW
HILARIE BASS
NORMAN J. BENFORD
MARK D. BLOOM
BURT BRUTON
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ALAN R. BHASE
SUE N. COGG
KENDALL B. COFFEY
MARK D. DAVIS
RAFAEL O. DIAZ
ALAN T. DIMOND
CHARLES W. EDGAR, III
GARY M. EPSTEIN
THOMAS K. EQUELS
RICHARD G. GARRETT
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LAWRENCE GODOFSKY
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STEVEN E. GOLDMAN
STEVEN M. GOLDSMITH
LAWRENCE S. GORDON
MATTHEW S. GORDON
MELVIN N. GREENBERG
MARILYN D. GREENBLATT
ROBERT L. GROSSMAN
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ARNOLD M. JAFFEE
MARTIN KALB
ROBERT A. KAPLAN
TIMOTHY E. KISH
ALAN S. ROSLOW
STEVEN J. KRAVITZ
STEVEN A. LANDY
STEVEN B. LAPIDUS
ALAN S. LEDERMAN
LAWRENCE S. LEVY
NORMAN H. LIPOFF
GARY D. LIPSON
CARLOS E. LOURIET
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DEBBIE RUTH MALINSKY
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LOUIS NOSTRO
ANTHONY J. O'DONNELL, JR.
MARSHALL R. PASTERNACK
BYRON G. PETERSEN
ALBERT D. QUENTEL
DALE S. RECHELLA
NICHOLAS ROCKWELL
MARVIN S. ROSEN
RONALD H. ROSENBARTEN
DAVID L. ROSS
DAVID P. ROWE
STEVEN T. SAMILJAN
CLIFFORD A. SCHULMAN
MARK SCHWIMMER
MARTIN S. SHAPIRO
MARLENE K. SILVERMAN
STUART H. SINGER
TIMOTHY A. SMITH
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HERBERT M. SUGARM
YOLANDA MELLON TARAFA
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JONATHAN H. WARNER
DAVID H. WELLS
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BRICKELL CONCOURS
801 BRICKELL AVENUE
MIAMI, FLORIDA 33131
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340 CLEMATIS STREET
WEST PALM BEACH, FLORIDA 33401
(305) [illegible]
WRITER'S DIRECT NO.

RECEIVED
OFFICE OF THE GENERAL COUNSEL
84 AUG 27 P1:18

August 22, 1984

Stephen Mims, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MUR-1704

Dear Mr. Mims:

This firm represent a number of the Florida Delegate Committees supporting Walter Mondale in the above-referenced matter. I have been informed by Mr. Gross of your office that MUR-1667 has been merged with MUR-1704. I am writing to inquire as to whether the Federal Election Commission has taken any action with respect to the complaints filed in either of these matters.

Sincerely yours,

Stuart H. Singer

STUART H. SINGER

SHS/ch

DO NOT MAIL

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Stuart H. Singer, Esquire
Greenberg, Traurig, Askew, Hoffman,
Lipoff, Rosen & Quentela, P.A.
Brickell Concours
1401 Brickell Avenue
Miami, Florida 33131

Re: MUR 1704

Dear Mr. Singer:

This is in response to your letter dated August 22, 1984, to Commission staff attorney Stephen Mims wherein you inquired whether the Commission had taken any action with respect to the complaints involved in the above-captioned matter other than the merger of MUR 1667 into MUR 1704.

The Federal Election Campaign Act of 1971, as amended, prohibits the Commission from making public any aspect of an ongoing administrative investigation without the prior written consent of each respondent involved. See 2 U.S.C. § 437g(a)(12). See also 2 U.S.C. § 437g(a)(4)(B)(i). Thus, the Commission cannot disclose what actions, if any, it has taken with respect to respondents other than your clients. I can assure you that the Commission has notified you of the only Commission action which could be considered directly related to your clients, namely the merger of these two MURs. Furthermore, please rest assured that the Commission will continue to promptly notify you of any and all future Commission actions involving your clients as they may occur.

I hope this is responsive to your inquiry. However, if you should have any further questions, please contact Stephen Mims at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

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Mondale for President
[illegible] Wisconsin Avenue, N.W.
Washington, D.C. [illegible]
Telephone [illegible]

GCC# [illegible]

MONDALE

September 7, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 7 P4:10

Lawrence M. Noble
Lois Lerner
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1704

Dear Larry and Lois:

This is the draft counterproposal which we promised you. While we believe that this would be a more than reasonable offer from the Committee, we must emphasize that this agreement has not been cleared with the necessary campaign officials and is not therefore a formal offer from the Committee. As we discussed, this agreement is not intended for presentation to the Commission and it is our understanding that you will not forward it to them.

We are prepared to meet with you to discuss this agreement at your convenience.

Sincerely,

Lyn

Carolyn U. Oliphant
Deputy General Counsel

Tim Hatch

Timothy Hatch
Assistant Counsel

Paid for by Mondale for President, Inc.

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CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures, and conducted an investigation into the matter.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

II. On April 6, 1984 Respondent received the complaint filed by Americans with Hart, Inc. in MUR 1667. The Commission did not grant Complainant's request to shorten Respondent's statutory 15 days in which to respond to the complaint.

On April 18, 1984, an additional submission was filed by Americans with Hart, Inc. On that same date, Respondent requested an extension of time of 15 days to respond to the original complaint. On April 19, 1984, Respondent requested its statutory 15 day right to respond to the amended complaint. An extension of time of only 7 days to respond to the original complaint was granted by the Commission.

Respondent's response was filed on April 30, 1984. Two

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additional submissions were filed by Americans with Hart on April 27, 1984 and May 2, 1984. On May 4, 1984, Respondent received notification from the Commission that the April 27 submission would be treated as a supplement and not as an amendment.

Respondent requested on May 7, 1984 that the two new submissions be considered by the Commission as amendments to the Complaint, in order that Respondent would be given its statutory 15 day period in which to reply fully to the new allegations. This request also was denied in a letter from the Commission dated May 7, 1984.

The Commission contends that these facts constitute a "reasonable opportunity to demonstrate that no action should be taken."

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

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

1. Respondent Mondale for President Committee, Inc. is the principal primary campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent had a legitimate interest in assuring that its delegates availed themselves of permissible opportunities to further their selection at the Democratic National Convention. This interest was coupled with the belief that there would be full public disclosure of delegate activities if delegates operated

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through committees rather than as individuals. For these reasons, Respondent decided to inform delegates of their option under FEC regulations to form delegate committees. The Commission had expressly contemplated that campaigns would disseminate information about the Commission's delegate regulations to their delegates. In addition to informing delegates of their option to form committees, representatives of the Respondent had the following types of contact with one or more of the delegate committees established by delegates:

a) Respondent provided compliance assistance to delegates. In some instances, Respondent referred delegates to volunteer lawyers who were willing to assist them in compliance matters. MPC had a proper interest in assisting delegates in engaging in permissible activities aimed at furthering their selection. Compliance assistance was provided to ensure that such activities were conducted in a manner consistent with applicable laws and FEC regulations.

b) On several occasions, representatives of Respondent advised delegate committees on volunteer grass roots activity, the distribution of volunteer campaign material, and on a volunteer phone bank script. This is the type of activity which Congress and the Commission envisioned as permissible and desirable in enacting and implementing the "coattails provision" in the FECA Amendments of 1979.

c) Although specific information is unavailable, it is

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likely that some delegate committees may have received funds as a result of contacts made by representatives of the Respondent. There is no indication, however, of a similar pattern of contributions.

d) Representatives of the Respondent assisted some volunteer field organizers in contacting some delegate committees which requested the assistance of such organizers.

V. Although the contacts described in paragraph IV.2 above, do not establish that the delegate committees were affiliated with Respondent, the Respondent committee agrees for purposes of resolving this matter to voluntarily treat the Mondale delegate committees as though they were affiliated with it. But for Mr. Mondale's decision to voluntarily treat the delegate committees as affiliated with Respondent, they would not otherwise be affiliated under the FECA. In light of Mr. Mondale's decision, the Respondent committee also agrees to:

1) Refund to the contributors, without penalty, all contributions which were made to delegate committees which when aggregated with contributions to Respondent committee would have exceeded the permissible contribution limitations. The final amount of contributions to delegate committees will be determined by review of reports filed with the Commission and will include only those contributions received as of April 25, 1984, the date Mr. Mondale requested that the delegate committees immediately terminate all activities. Refunds of contributions will be made within 30 days of the effective date of the agreement.

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2) After the Commission's audit of the Respondent committee, apply total delegate committee expenditures to the Respondent committee's total spending limit (with a 10% compliance exemption) and to make a repayment to the U.S. Treasury, without penalty, for the amount of expenditures which would have been considered excessive had they been made by the Respondent before Mr. Mondale requested that the delegate committees terminate all activities immediately. The amount of repayment will be based upon the ratio of matching funds to the total amount of deposits of contributions and matching funds. The final amount of delegate committee expenditures will be determined by review of reports filed with the Commission and will include only those expenditures made as of April 25, 1984, the date Mr. Mondale requested that the delegate committees immediately terminate all activities. Payments to the Treasury will be made within 120 days of the effective date of the agreement.

3) Provide those records which delegate committees will voluntarily turn over to Respondent upon request. Respondent will not be responsible for the complilation or the conditions of the records.

Funds to make any payments which may be required pursuant to (1) or (2) above may include funds raised pursuant to the provisions of 11 C.F.R. Section 9034.4(b)(4). The Respondent committee is not responsible for any actions or omissions of the delegate committees other than that agreed to above and is not required to file any amended reports which include contributions to and expenditures by delegate committees. The Commission will treat

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the Respondent committee and the delegate committees as distinct entities for purposes of recordkeeping. The delegate committees will not be reviewed in the course of the audit of the Respondent committee. Any audit of a delegate committee will be conducted pursuant to 11 C.F.R. Sections 104.16(a),(b). Since the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of Title 2.

VI. Respondents shall not undertake any activity that is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 431 et seq.

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

VIII. This agreement shall become effective 30 days after the completion of the post-primary audit of the Respondent and after all parties hereto have executed the agreement and the Commission has approved the entire agreement.

IX. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither

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contained nor referenced in this written agreement shall be valid. The Commission agrees not to take action against any contributors to delegate committees or any further action against delegate committees relating to the subject matter of this agreement.

FOR THE COMMISSION;

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

_____ _____
(Name) Date
(Position)

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 7 P4:10

8504050

Lawrence Nor
Gas Terminal
Federal El

MEMORANDUM TO: The File

FROM: Lois G. Lerner LGL

RE: Phone Conversation with Michael Green of Congressman Abosta's Office

DATE: August 31, 1984

Mr. Green called concerning the applicability of the confidentiality provisions to a complainant. I explained that the regulation dealt with complaints "filed" with the Commission so technically a complainant could make the complaint public before it was filed. He was specifically interested in the Gary Hart complaint against Mondale. I told him I thought that had been made public prior to the time the complaint was filed but was not certain.

cc: Kenneth A. Gross

85040502857

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1984

Joan Ruby, Esquire
Assistant General Counsel
Amalgamated Clothing And Textile Workers Union
15 Union Square
New York, New York 10003

Re: MUR 1704
ACTWU-PAC

Dear Ms. Ruby:

This responds to your letter of August 16, 1984, wherein you requested an extension of time through September 10, 1984, in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant an extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele by KHC

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1984

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Assistant General Counsel
Amalgamated Clothing And Textile Workers Union
15 Union Square
New York, New York 10003

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Sincerely,

Charles N. Steele by KSK

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 17, 1984

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey, Walters
& Willig
Suite 800
1100 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
AFSCME Public Employees
Organized to Promote
Legislative Equality -
QUALIFIED

Dear Mr. Weinberg:

This responds to your letter of August 16, 1984, wherein you requested an extension of time of fifteen days in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant an extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 17, 1984

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey, Walters
& Willig
Suite 800
1100 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
AFSCME Public Employees
Organized to Promote
Legislative Equality -
QUALIFIED

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Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

8504050286 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey, Walters
& Willig
Suite 800
1100 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
AFSCME Public Employees
Organized to Promote
Legislative Equality -
QUALIFIED

Dear Mr. Weinberg:

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Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

BB 08/17

Charles N. Steele
General Counsel

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Mondale for President
2301 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1000

MONDALE

December 17, 1984

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

RE: MUR 1704

Dear Mr. Steele:

In compliance with the terms of the agreement reached in settlement of MUR 1704, we are enclosing the following:

1. The first payment of $50,000. The remaining payment of $348,140 will be delivered to the Commission by February 27, 1985.

2. A copy of the December 12, 1984 letter sent to all delegate committee treasurers regarding recordkeeping and reporting requirements. A list of all delegate committees is also enclosed.

3. A copy of our amended Statement of Organization which identifies all of the delegate committees as affiliated committees.

If there are any questions, please do not hesitate to call me.

Sincerely,

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy General Counsel

Paid for by Mondale for President, Inc.

85040502864

Mondale for President
2301 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1600

MONDALE

December 12, 1984

Dear Delegate Committee Treasurer:

As you know, the Mondale for President Committee and the Federal Election Commission recently reached a settlement in MUR 1704 regarding delegate committees.

As part of the settlement the FEC has agreed not to take any further action against any delegate committee or delegate committee contributors in this matter.

Under the agreement, Mondale for President and the delegate committees are to be considered as separate entities for purposes of recordkeeping and reporting. In view of this, we are required to notify you of the following information regarding recordkeeping and reporting:

1. If your committee is still receiving contributions and/or making expenditures you are required by law to continue to file quarterly reports with the FEC. You must continue to file reports until such time as all your debts and obligations are liquidated and you are no longer receiving contributions or making expenditures.

2. You are responsible for keeping copies of each statement and report, together with original back-up records, for three years after each report or statement is filed.

For further information regarding recordkeeping and reporting please see 11 C.F.R. parts 102, 103, and 104 and the FEC's Campaign Guide for non-connnected committees.

If you have any questions, the Federal Election Commission has a toll free number to provide assistance. They can be reached at 1-800-424-9530.

Thank you for your cooperation.

Sincerely,

David M. Ifshin
General Counsel

cc: Federal Election Commission

Paid for by Mondale for President, Inc.

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Arizona Mondale Delegate Committee
20226 North 13th Drive
Phoenix, Arizona 85027

37th Congressional District Delegate Advisory Committee
1766 Camino Parocela
Palm Springs, California 92262

Mondale Delegate Election Committee - 6th C.D.
1518 5th Avenue
San Rafael, California 94901

11th Congressional District Mondale Delegate Committee
520 South El Camino Real Suite 520
San Mateo, California 94402

Mondale Colorado Delegate Selection Committee - Statewide
2225 Birch Street
Denver, Colorado 80207

Mondale Delegates - D.C.
1917 Randolph Street NE
Washington, D.C. 20018

ADA Campaign Committee
1411 K Street, N.W.
suite 850
Washington, D.C. 20005

Mondale Delegates, Congressional District #13
1625 Winkler Avenue
Fort Myers, Florida 33901

Congressional District 7 Delegates for Mondale
2925 Alline Avenue
Tampa, Florida 33611

Mondale 15th District Delegate Committee
440 South Andrews Avenue
Fort Lauderdale, Florida 33301

South Florida Delegates for Mondale
P.O. Drawer 520337
1951 N.W. 17th Avenue
Miami, Florida 33152

Congressional District #10 Delegates for Mondale
5520 2nd Avenue Drive West
Bradenton, Florida 33529

Congressional District 5 Delegates for Mondale
1310 West Colonial Drive Suite 29
Orlando, Florida 32804

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Delegates for Mondale
P.O. Box 8796
1100 Cesery Blvd.
Jacksonville, Florida 32211

Congressional District 9 Delegates for Mondale
24 Meadow Lark Lane
Land o' Lakes, Florida 33539

Mondale 16th District Delegate Committee
11621 N.W. 23rd Street
Pembroke Pines, Florida 33026

Northern 12th Congressional District Delegates for Mondale
2129 S.E. Holland Street
Port St Lucie, Florida 33452

Mondale Delegates Congressional District #8
94 Baywood Avenue
Clearwater, Florida 33575

14th C.D. for Mondale
5844 Western Way
Lake Worth, Florida 33463

C.D. 2 Delegates for Mondale, Florida
P.O. Box 10403
Tallahassee, Florida 32302

Congressional District 4 Delegates for Mondale
P.O. Box 668, 3141 Howland Blvd.
Orange City, Florida 32763

C.D. #1 Delegates for Mondale
7830 North Palafox Street
Pensacola, Florida 35214

Idaho Delegates for Mondale
537 West Bannock Suite 201
Boise, Idaho 83702

Ninth District Mondale Delegate Committee
1226 N. Greenleaf
Evanston, IL. 60202

22nd Congressional District Delegates for Mondale
P.O. Box 111
Cobden, IL. 62920

14th District Delegate Committee for Mondale
7 Pheasant Run
Dekalb, IL. 60115

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Mondale Delegates for the Illinois 18th Committee
901 W. Brons
Peoria, IL. 61604

15th District Delegates for Mondale
Logan County Courthouse
Lincoln, IL. 62656

20th C.D. Delegates for Mondale
P.O. Box 23
Forsyth, IL. 62535

Sixth District Mondale Delegate Committee
478 Washington Street
Elmhurst, IL. 60126

Eighth District Mondale Delegate Committee
3055 N. Milwaukee
Chicago, IL. 60618

1st Congressional District Delegates for Walter Mondale
9401 South Michigan Avenue
Chicago, IL. 60619

7th Congressional District Delegates for Mondale
One IBM Plaza
Suite 4700
Chicago, IL. 60611

Second Cong. District Delegates for Mondale
11151 South King Drive
Chicago, IL. 60628

Eleventh District Mondale Delegate Committee
6156 North Knox
Chicago, IL. 60646

Delegates for Mondale Committee - 21st Congressional District
8A Potomac Drive
Fairview Heights, IL. 62208

17th District Mondale Delegate Committee
400 Rock Island Bank Bldg.
P.O. Box 428
Rock Island, IL. 61201

13th Congressional District Delegate Committee for WFM
11601 South Pulaski
Alsip, IL. 60658

Fourth District Mondale Delegate Committee
1210 Timber Place Apartment 1B
New Lenox, IL. 60451

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19th District Delegates for Mondale Committee
2431 E. Harrison
Charleston, IL. 61920

16th Delegates for Mondale
1130 North Main
Rockford, IL. 61103

Third Congressional District Delegates for Mondale
4312 W. 107th Drive
Oak Lawn, IL. 60453

10th District Mondale Delegate Committee
908 Providence Lane
Buffalo Grove, IL. 60090

12th District Mondale Delegate Committee
2200 West Higgins Road
Hoffman Estates, IL. 60195

Kansas Mondale At Large Delegate Committee
1645 Barker
Lawrence, Kansas 66044

Kansas At-Large Delegate Committee
715 W. Tenth Street
Topeka, Kansas 66612

Kentucky At Large Delegates for Mondale Committee
1513 Pinemeadow Drive
Lexington, Kentucky 40504

Seventh District Delegates for Mondale
533 W. Lafayette
Baltimore, Maryland 21217

4th District Delegates for Mondale
44 Madison Place
Annapolis, Maryland 21401

Mondale Delegate At Large Committee for Maryland
16 East Lombard Street - 10
Baltimore, Maryland 21202

Sixth District Delegates for Mondale
198 Thomas Johnson Drive #10
Frederick, Maryland 21701

Third District Delegates for Mondale
1035 South Charles Street
Baltimore, Maryland 21230

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Montgomery County for Mondale Delegate Committee
51 Monroe Street
Suite 1406
Rockville, Maryland 20850

Second District Delegates for Mondale
7119 Heathfield Road
Baltimore, Maryland 21212

Prince George's Delegates for Mondale
3505 Burleigh Drive
Mitchellville, Maryland 20716

First District Delegates for Mondale
RD 1 Box 183
Denton, Maryland 21629

15th District Delegates for Mondale Committee
34451 Harroun
Wayne, Michigan 48184

6th District Delegates for Mondale Committee
1019 Huntington
East Lansing, Michigan 48823

Western Missouri Mondale Delegates Committee
220 West Armour Boulevard
Kansas City, Missouri 64111

Montana At Large Delegates for Mondale Committee
846 East 6th Avenue
Helena, Montana 59601

Guilford Delegates for Mondale
1803 Rolling Road
Greensboro, North Carolina 27403

N.H. 2nd District Delegates for Mondale
4 Neil Drive
Allenstown, N.H. 03275

N.H. 1st District Delegates for Mondale
5 Haines
Merrimack, New Hampshire 03054

Naples-Mondale for President-Delegate Slate
Box 124
Clifton Park, New York 12065

8th C.D. Delegates for Mondale
64-48 223rd Place
Bayside, New York 11364

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Lower Hudson Delegates for Mondale
1 Fisher Drive
Mt. Vernon, N.Y. 10552

Mondale 17th C.D. Delegate Committee
48A Hampton Place
Brooklyn, NY 11213

Southern Tier Committee for Mondale
135 1/2 North 6th Street
Olean, NY 14760

Long Island Mondale 4th C.D. Committee
2919 Bond Drive
Merrick, NY 11566

Delegates for Mondale 25th District
1 Hartford Territory
New Hartford, NY 13413

Committee for Western New York Mondale Delegates
Suite 900
First Federal Plaza
Rochester, NY 14614

Haney, Mains, Rankin, Trobia Delegate Committee
3 Tacoma Street
Rochester, NY 14613

Empire Slate for Mondale
301 Pulaski Street
Syracuse, NY 13204

22nd Congressional District Delegates for Mondale
130 North Main Street
New City, NY 10956

23rd Congressional Dem. Committee Delegates for Walter F. Mondale
11 North Pearl Street
Room 1608
Albany NY 12207

Long Island Mondale, First C.D. Delegates
49 Thompson Hay Path
Setauket, NY 11733

L I - Mondale 2nd Congressional District
P.O. Box 555
Lindenhurst, NY 11757

Mondale 19th C.D. Delegate Committee
100-7 Alcott Place
Bronx, NY 10475

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9th C.D. Delegates for Mondale
120-10 Queens Blvd.
New Gardens, NY 11415

21st District Friends of Walter Mondale Delegates
94 Market Street
P.O. Box 910
Poughkeepsie, NY 12602

6th C.D. Delegates for Mondale
92-03 Rockaway Beach Blvd.
Rockaway Beach, NY 11693

16th C.D. Delegates for Mondale
1270 Fifth Avenue - 2R
New York, NY 10029

Sharpe/Jackson Delegates for Mondale
92 Hillcrest Road
Mt. Vernon, NY 10552

7th C.D. Delegates for Mondale
143-53 Hoover Avenue
Briarwood, NY. 10552

27th Congressional District Delegates for Mondale
236 Erie Boulevard East
Syracuse, NY 13202

At-Large Delegates for Mondale
153 East 53 Street
New York, New York 10022

Long Island Mondale 5th C.D.
30 West Beach Street
New York, NY 10022

10th C.D. Delegates for Mondale
1551 East 23rd Street
Brooklyn, NY 11210

North Country Delegates for Mondale
68 Third Street
Gloversville, NY 12078

Delegates for Mondale - Kings/Richmond 11th C.D.
274 Lafayette Avenue
Brooklyn, NY 11238

Delegates for Mondale 12th C.D. Kings/Rich
2044 East 18th Street
Brooklyn. NY 11229

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Delegates for Mondale 13th C.D. Kings/Richmond
2940 Ocean Parkway
Brooklyn, NY 11235

Delegates for Mondale Kings/Richmond 14th C.D.
157 Prescott Avenue
Staten Island, NY 10306

Northern New York Delegates for Mondale
P.O. Box 127
Lake Clear, NY 12945

28th Congressional District Delegates for Mondale Committee
P.O. Box 61
Ithaca, New York 14851

Eric County Delegates for Mondale
220 Delaware Avenue
Buffalo, NY 14202

Long Island Mondale Committee
75 Weaving Lane
Wantagh, New York 11793

North Dakota Delegates for Mondale
70 North 5th Street
Box 1389
Fargo, North Dakota 58107

4th District Mondale Delegate Committee
1424 Lowell
Lima, Ohio 45805

17th District Mondale Delegate Committee
445 Catalina Avenue
Youngstown, Ohio 44504

Cuyahoga County Mondale Delegates Committee
14018 Clifford Avenue
Cleveland, Ohio 44135

1st and 2nd Districts Delegates for Mondale
607 Terrace Hilton
15 West 6th Street
Cincinnati, Ohio 45202

Mondale Delegate Team
East Court Street
Doylestown, PA. 18901

11th Congressional Delegates for Mondale
11 Bryden Street
Pittston, PA. 18640

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21st Cong 1984 Delegates for Mondale
2807 Oakwood Street
Erie, PA 16508

15th C.D. Delegates for Mondale
944 Oakwood Street
Erie, PA 16508

Delegates for Mondale Committee
28 West Laughead Avenue
Boothwyn, PA. 19061

Mondale Delegates - 20th District
1032 South Braddock Avenue
Pittsburgh, PA. 15218

PA. 18th Cong. Dist. Delegates for Mondale
1 Oxford Center
40th Floor
Pittsburgh, PA. 15219

Mondale 13th Delegate Committee
12th Floor
Packard Building
Philadelphia, PA. 19102

Mondale Delegate Committee - 12th Congressional District
303 South Warren Avenue
Apollo, PA. 15613

Mondale Delegate Committee
422 Douglass Street
Reading, PA. 19601

Second Congressional District Delegates for Mondale
632 May Place
Philadelphia, PA. 19139

Delegates At-Large for Mondale
1418 Walnut Street
Philadelphia, PA 19103

PA 14th Cong. Dist. Delegates for Mondale
3411 Library Road
Pittsburgh, PA. 15234

19th Congressional District Delegates for Mondale Committee
R.D. 5 Box 259 Oakhill Drive
Hanover, PA. 17331

23rd District for Mondale Committee
8 Gateway Drive
Oil City, PA 16301

3rd C.D. Delegates for Mondale
2707 Tolbut Street
Philadelphia, PA. 19152

7th Congressional District Mondale Delegates
90 Barbara Rd.
Drexel Hill. PA 19026

Pennsylvania 17th Congressional District Delegates for Mondale
1037 Maclay Street
Harrisburg, PA. 17103

Ninth Congressional District Delegates for Mondale
3332 Broad Avenue
Altoona. PA 16601

Delegate Committee for Mondale 16th Congressional District
Apartment #3
244 East Orange Street
Lancaster, PA 17602

10th Congressional District Mondale Delegate Committee
520 Spruce Street
Scranton, PA 18503

4th District Delegates for Mondale
1205 Eighth Avenue
P.O. Box 136
Beaver Falls, PA 15010

Comite Delegados Pro Mondale (Delegates Committee with Mondale)
P.O. Box 112
Trujillo Alto, PR 00760

2nd District Delegate Committee for Mondale
1910 Smith Street
Suite 9
N. Providence, RI 02911

1st District Delegate Committee for Mondale
1910 Smith Street
suite 9
N. Providence, RI 02911

14th District Mondale Delegate Committee
1407A Bridgeway
Austin, TX 78704

2rd District Mondale Delegate Committee
2107 McKinney
Dallas, TX 75201

26th District Mondale Delegate Committee
111 West Laurel Suite 101
San Antonio, TX 78212

Tarrant County Delegate Committee
3901 Mockingbird Lane
Fort Worth, TX 76109

Mondale 3rd District Delegate Selection Committee
Stockton Lane
Richmond, VA 23221

Arlington Mondale Delegate Committee
5140 North 37th Street
Arlington, VA 22207

At Large Delegates for Mondale
P.O. Box 21742
Seattle, WA 98111

5th Congressional District Mondale Delegate Committee
538 N32
Milwaukee, WI 53208

Wisconsin At-Large Delegate Mondale Committee
126 Sunny Meade Lane No. 6
Madison, WI 53713

Third District Delegates for Mondale Committee
P.O. Box 2751
Charleston, West Virginia 25330

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STATEMENT OF ORGANIZATION

(see reverse side for instructions)

1. (a) Name of Committee (in Full) ☐ Check if name or address is changed. Mondale for President Committee, Inc.	2. Date 12/14/84
(b) Address (Number and Street) 2233 Wisconsin Avenue, N.W. Suite 318	3. FEC Identification Number C00164608
(c) City, State and ZIP Code Washington, D.C. 20007	4. Is this an amended Statement? ☒ YES ☐ NO

5. TYPE OF COMMITTEE (check one):

☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

☐ (c) This committee supports/opposes only one candidate _____ (name of candidate) and is NOT an authorized committee.

☐ (d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

☐ (e) This committee is a separate segregated fund.

☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
"SEE ATTACHED LIST"		

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number – optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position

8. Treasurer: List the name and address (phone number – optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code

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

Michael S. Berman — Type or Print Name of Treasurer

Michael S. Berman — SIGNATURE OF TREASURER

12/14/84 — Date

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

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

FEC FORM 1 (3/80)

8504052977

INSTRUCTIONS FOR PREPARING FEC FORM 1

LINE 1 Print or type full name and mailing address of the committee. The name of a principal campaign committee or other authorized committee must include the name of the candidate who authorized the committee. A political committee which is not an authorized committee can not include the name of any candidate in its name, except that a delegate committee must include the word "delegate(s)" in its name and may also include the name of the presidential candidate which it supports. A political committee established solely to draft an individual or to encourage an individual to become a candidate may include the name of the individual in the name of the committee, provided the committee's name clearly indicates that it is a draft committee. The name of a separate segregated fund must include the full name of its connected organization. Any abbreviation or acronym used by the fund must also be reported.

LINE 2 State the date the group or organization became a political committee. If this filing is an amendment, note the date of the change in information.

LINE 3 Only committees which have previously filed a Statement of Organization should fill in this block with the number which was originally assigned to the committee. All new committees will be assigned identification numbers when the completed statement has been received.

LINE 4 All political committees registering for the first time check "NO". Committees which have previously filed FEC FORM 1 and are now submitting changes or corrections check "YES". If "YES" is checked, complete Lines 1 through 4. With respect to Lines 5-9 include only the change(s) in information previously submitted.

LINE 5 Check and fill out ONE of the six sections as follows:

(a) All principal campaign committees check (a) and fill in the corresponding information for the candidate under (b).

(b) All other authorized committees check (b) and fill in the corresponding information for the candidate.

(c) A committee supporting/opposing a single Federal candidate which is not authorized by a candidate checks (c), and includes the candidate's name on the line provided. Delegate and draft committees must check (c), and provide the name of the candidate supported.

(d) All national, State and subordinate committees of a political party check (d) and fill in the corresponding information.

(e) All separate segregated funds check (e). A separate segregated fund is a political committee established, financed, maintained, or controlled by a corporation, labor organization, membership organization, cooperative or trade association.

(f) A committee supporting/opposing more than one Federal candidate and which is not a separate segregated fund nor a political party committee checks box (f).

LINE 6 Political committees must list all affiliated committees and connected organizations (defined below) as follows

- Principal campaign committees list all other committees authorized by the same candidate.
  Under "Relationship," write "affiliated."
- Political committees authorized by the same candidate (other than the principal campaign committee) list the principal campaign committee authorized by the same candidate.
  Under "Relationship," write "affiliated."
- Political committees which have been established, financed, maintained, or controlled by the highest level parent organization (i.e., the corporation, labor organization, membership organization, cooperative or trade association) list:
  (a) The name of the parent organization.
  Under "Relationship," write "connected."
  AND
  (b) The name of any other political committee(s) established, financed, maintained, or controlled by the same parent organization or by a subsidiary, branch, or State, local, or other subordinate unit of the same parent organization.
  Under "Relationship," write "affiliated."
- Political committees which have been established, financed, maintained, or controlled by a subsidiary, branch, or State, local, or other subordinate unit of an organization list:
  (a) The name of the subsidiary, branch, or State, local or other subordinate unit and the name of the parent organization of which it is a part.
  Under "Relationship," write "connected."
  AND
  (b) The name of the highest level political committee sponsored by the parent organization.
  Under "Relationship," write "affiliated."
- State party committees list any subordinate committees (i.e., any county, district or local committee) under the control or direction of the State committee.
  Under "Relationship," write "affiliated."
- Subordinate State party committees list the State party committee.
  Under "Relationship," write "affiliated."

Separate segregated funds must check the most appropriate box for the type of "connected organization."

NOTE: The term "connected organization" means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee. A connected organization may be a corporation (including a corporation without capital stock), a labor organization, a membership organization, a cooperative, or a trade association. The definition of "affiliated committee" is contained at 11 CFR 100.5 (g) of the Commission's regulations.

LINE 7 The name, address, and committee position or title of the custodian of the committee's books and records must be entered on Line 7. The telephone number is optional, but is helpful in expeditiously resolving potential filing problems. If the treasurer is the custodian of records, the term "treasurer" is sufficient for Line 7.

LINE 8 The name and address of the committee's treasurer must be entered on Line 8. The name and address of any designated agent (e.g., assistant treasurer) must also be included on Line 8. Every political committee must have a treasurer and may designate an assistant treasurer who shall assume the duties and responsibilities of the treasurer, in the event the treasurer is unavailable. The Commission recommends that each political committee designate an assistant treasurer because no contribution or expenditure may be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of the treasurer. No expenditure may be made for or on behalf of a political committee without the authorization of its treasurer or another agent authorized orally or in writing by the treasurer.

LINE 9 The committee must provide the name and mailing address of any bank, repository, or depository where the committee holds funds. Each political committee must have a checking account or transaction account at one of its depositories. All receipts of a political committee must be deposited into a designated campaign depository. All disbursements must be made by check or similar drafts drawn on an account at a designated campaign depository, except for expenditures of $100 or less made from a petty cash fund.

TREASURER'S RESPONSIBILITIES

The treasurer of the political committee must preserve a copy of the Statement of Organization and each amendment for a period of not less than 3 years after the date of filing. The treasurer of the political committee is personally responsible for the timely and complete filing of this Statement and for the accuracy of any information contained in it.

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section when information is continued on separate page(s).

WHERE TO FILE

The original Statement of Organization (FEC FORM 1) and all amendments must be filed with the appropriate office as follows:

- The principal campaign committee of a candidate for the House of Representatives and political committees which support or oppose only candidates for the House file with the Clerk of the House, 1036 Longworth House Office Building, Washington, D.C. 20515.
- The principal campaign committee of a candidate for the Senate and political committees which support or oppose only candidates for the Senate file with the Secretary of the Senate, 119 D Street, N.E., Washington, D.C. 20510.
- An authorized committee which is not the principal campaign committee of a candidate files with the principal campaign committee which must forward a copy to the appropriate office listed herein.
- All other committees, including the principal campaign committee of a candidate for the office of President or Vice President, file with the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

Authorized committees of candidates for the House of Representatives and for the Senate must also file a copy of this Statement with the Secretary of State (or the appropriate State officer) of the State in which nomination or election is sought. Authorized committees of candidates for the office of President or Vice President must also file a copy of this Statement in each State in which the committee makes expenditures. Political committees other than authorized committees must also file a copy of this Statement in the State in which the committee has its headquarters.

The Treasurer must sign the Statement of Organization.

GPO : 1982 O - 385-777

Arizona Mondale Delegate Committee
20226 North 13th Drive
Phoenix, Arizona 85027

37th Congressional District Delegate Advisory Committee
1766 Camino Parocela
Palm Springs, California 92262

Mondale Delegate Election Committee - 6th C.D.
1518 5th Avenue
San Rafael, California 94901

11th Congressional District Mondale Delegate Committee
520 South El Camino Real Suite 520
San Mateo, California 94402

Mondale Colorado Delegate Selection Committee - Statewide
2225 Birch Street
Denver, Colorado 80207

Mondale Delegates - D.C.
1917 Randolph Street NE
Washington, D.C. 20018

ADA Campaign Committee
1411 K Street, N.W.
suite 850
Washington, D.C. 20005

Mondale Delegates, Congressional District #13
1625 Winkler Avenue
Fort Myers, Florida 33901

Congressional District 7 Delegates for Mondale
2925 Alline Avenue
Tampa, Florida 33611

Mondale 15th District Delegate Committee
440 South Andrews Avenue
Fort Lauderdale, Florida 33301

South Florida Delegates for Mondale
P.O. Drawer 520337
1951 N.W. 17th Avenue
Miami, Florida 33152

Congressional District #10 Delegates for Mondale
5520 2nd Avenue Drive West
Bradenton, Florida 33529

Congressional District 5 Delegates for Mondale
1310 West Colonial Drive Suite 29
Orlando, Florida 32804

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Delegates for Mondale
P.O. Box 8736
1100 Cesery Blvd.
Jacksonville, Florida 32211

Congressional District 9 Delegates for Mondale
24 Meadow Lark Lane
Land o' Lakes, Florida 33539

Mondale 16th District Delegate Committee
11621 N.W. 23rd Street
Pembroke Pines, Florida 33026

Northern 12th Congressional District Delegates for Mondale
2129 S.E. Holland Street
Port St. Lucie, Florida 33452

Mondale Delegates Congressional District #8
94 Baywood Avenue
Clearwater, Florida 33575

14th C.D. for Mondale
5844 Western Way
Lake Worth, Florida 33463

C.D. 2 Delegates for Mondale, Florida
P.O. Box 10403
Tallahassee, Florida 32302

Congressional District 4 Delegates for Mondale
P.O. Box 668, 3141 Howland Blvd.
Orange City, Florida 32763

C.D. #1 Delegates for Mondale
7830 North Palafox Street
Pensacola, Florida 35214

Idaho Delegates for Mondale
537 West Bannock Suite 201
Boise, Idaho 83702

Ninth District Mondale Delegate Committee
1226 N. Greenleaf
Evanston, IL. 60202

22nd Congressional District Delegates for Mondale
P.O. Box 111
Cobden, IL. 62920

14th District Delegate Committee for Mondale
7 Pheasant Run
Dekalb, IL. 60115

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Mondale Delegates for the Illinois 18th Committee
901 W. Brons
Peoria, IL. 61604

15th District Delegates for Mondale
Logan County Courthouse
Lincoln, IL. 62656

20th C.D. Delegates for Mondale
P.O. Box 23
Forsyth, IL. 62535

Sixth District Mondale Delegate Committee
478 Washington Street
Elmhurst, IL. 60126

Eighth District Mondale Delegate Committee
3055 N. Milwaukee
Chicago, IL. 60618

1st Congressional District Delegates for Walter Mondale
9401 South Michigan Avenue
Chicago, IL. 60619

7th Congressional District Delegates for Mondale
One IBM Plaza
Suite 4700
Chicago, IL. 60611

Second Cong. District Delegates for Mondale
11151 South King Drive
Chicago, IL. 60628

Eleventh District Mondale Delegate Committee
6156 North Knox
Chicago, IL. 60646

Delegates for Mondale Committee - 21st Congressional District
8A Potomac Drive
Fairview Heights, IL. 62208

17th District Mondale Delegate Committee
400 Rock Island Bank Bldg.
P.O. Box 428
Rock Island, IL. 61201

13th Congressional District Delegate Committee for WFM
11601 South Pulaski
Alsip, IL. 60658

Fourth District Mondale Delegate Committee
1210 Timber Place Apartment 1B
New Lenox, IL. 60451

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Mondale Delegates for the Illinois 18th Committee
901 W. Brons
Peoria, IL. 61604

15th District Delegates for Mondale
Logan County Courthouse
Lincoln, IL. 62656

20th C.D. Delegates for Mondale
P.O. Box 23
Forsyth, IL. 62535

Sixth District Mondale Delegate Committee
478 Washington Street
Elmhurst, IL. 60126

Eighth District Mondale Delegate Committee
3055 N. Milwaukee
Chicago, IL. 60618

1st Congressional District Delegates for Walter Mondale
9401 South Michigan Avenue
Chicago, IL. 60619

7th Congressional District Delegates for Mondale
One IBM Plaza
Suite 4700
Chicago, IL. 60611

Second Cong. District Delegates for Mondale
11151 South King Drive
Chicago, IL. 60628

Eleventh District Mondale Delegate Committee
6156 North Knox
Chicago, IL. 60646

Delegates for Mondale Committee - 21st Congressional District
8A Potomac Drive
Fairview Heights, IL. 62208

17th District Mondale Delegate Committee
400 Rock Island Bank Bldg.
P.O. Box 428
Rock Island, IL. 61201

13th Congressional District Delegate Committee for WFM
11601 South Pulaski
Alsip, IL. 60658

Fourth District Mondale Delegate Committee
1210 Timber Place Apartment 1B
New Lenox, IL. 60451

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19th District Delegates for Mondale Committee
2431 E. Harrison
Charleston, IL. 61920

16th Delegates for Mondale
1130 North Main
Rockford, IL. 61103

Third Congressional District Delegates for Mondale
4312 W. 107th Drive
Oak Lawn, IL. 60453

10th District Mondale Delegate Committee
908 Providence Lane
Buffalo Grove, IL. 60090

12th District Mondale Delegate Committee
2200 West Higgins Road
Hoffman Estates, IL. 60195

Kansas Mondale At Large Delegate Committee
1645 Barker
Lawrence, Kansas 66044

Kansas At-Large Delegate Committee
715 W. Tenth Street
Topeka, Kansas 66612

Kentucky At Large Delegates for Mondale Committee
1513 Pinemeadow Drive
Lexington, Kentucky 40504

Seventh District Delegates for Mondale
533 W. Lafayette
Baltimore, Maryland 21217

4th District Delegates for Mondale
44 Madison Place
Annapolis, Maryland 21401

Mondale Delegate At Large Committee for Maryland
16 East Lombard Street - 10
Baltimore, Maryland 21202

Sixth District Delegates for Mondale
196 Thomas Johnson Drive #10
Frederick, Maryland 21701

Third District Delegates for Mondale
1035 South Charles Street
Baltimore, Maryland 21230

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Montgomery County for Mondale Delegate Committee
51 Monroe Street
Suite 1406
Rockville, Maryland 20850

Second District Delegates for Mondale
7119 Heathfield Road
Baltimore. Maryland 21212

Prince George's Delegates for Mondale
3505 Burleigh Drive
Mitchellville, Maryland 20716

First District Delegates for Mondale
RD 1 Box 183
Denton, Maryland 21629

15th District Delegates for Mondale Committee
34451 Harroun
Wayne, Michigan 48184

6th District Delegates for Mondale Committee
1019 Huntington
East Lansing, Michigan 48823

Western Missouri Mondale Delegates Committee
220 West Armour Boulevard
Kansas City, Missouri 64111

Montana At Large Delegates for Mondale Committee
846 East 6th Avenue
Helena, Montana 59601

Guilford Delegates for Mondale
1803 Rolling Road
Greensboro, North Carolina 27403

N.H. 2nd District Delegates for Mondale
4 Neil Drive
Allenstown, N.H. 03275

N.H. 1st District Delegates for Mondale
5 Haines
Merrimack, New Hampshire 03054

Naples-Mondale for President-Delegate Slate
Box 124
Clifton Park, New York 12065

8th C.D. Delegates for Mondale
64-48 223rd Place
Bayside, New York 11364

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Lower Hudson Delegates for Mondale
1 Fisher Drive
Mt. Vernon, N.Y. 10552

Mondale 17th C.D. Delegate Committee
48A Hampton Place
Brooklyn, NY 11213

Southern Tier Committee for Mondale
135 1/2 North 6th Street
Olean, NY 14760

Long Island Mondale 4th C.D. Committee
2919 Bond Drive
Merrick, NY 11566

Delegates for Mondale 25th District
1 Hartford Territory
New Hartford, NY 13413

Committee for Western New York Mondale Delegates
Suite 900
First Federal Plaza
Rochester, NY 14614

Haney, Mains, Rankin, Trobia Delegate Committee
3 Tacoma Street
Rochester, NY 14613

Empire Slate for Mondale
301 Pulaski Street
Syracuse, NY 13204

22nd Congressional District Delegates for Mondale
130 North Main Street
New City, NY 10956

23rd Congressional Dem. Committee Delegates for Walter F. Mondale
11 North Pearl Street
Room 1608
Albany NY 12207

Long Island Mondale, First C.D. Delegates
49 Thompson Hay Path
Setauket, NY 11733

L I - Mondale 2nd Congressional District
P.O. Box 555
Lindenhurst, NY 11757

Mondale 19th C.D. Delegate Committee
100-7 Alcott Place
Bronx, NY 10475

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9th C.D. Delegates for Mondale
120-10 Queens Blvd.
New Gardens, NY 11415

21st District Friends of Walter Mondale Delegates
94 Market Street
P.O. Box 910
Poughkeepsie. NY 12602

6th C.D. Delegates for Mondale
92-03 Rockaway Beach Blvd.
Rockaway Beach, NY 11693

16th C.D. Delegates for Mondale
1270 Fifth Avenue - 2R
New York, NY 10029

Sharpe/Jackson Delegates for Mondale
92 Hillcrest Road
Mt. Vernon, NY 10552

7th C.D. Delegates for Mondale
143-53 Hoover Avenue
Briarwood, NY. 10552

27th Congressional District Delegates for Mondale
236 Erie Boulevard East
Syracuse, NY 13202

At-Large Delegates for Mondale
153 East 53 Street
New York, New York 10022

Long Island Mondale 5th C.D.
30 West Beach Street
New York, NY 10022

10th C.D. Delegates for Mondale
1551 East 23rd Street
Brooklyn, NY 11210

North Country Delegates for Mondale
68 Third Street
Gloversville, NY 12078

Delegates for Mondale - Kings/Richmond 11th C.D.
274 Lafayette Avenue
Brooklyn, NY 11238

Delegates for Mondale 12th C.D. Kings/Rich
2044 East 18th Street
Brooklyn. NY 11229

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Delegates for Mondale 13th C.D. Kings/Richmond
2940 Ocean Parkway
Brooklyn, NY 11235

Delegates for Mondale Kings/Richmond 14th C.D.
157 Prescott Avenue
Staten Island, NY 10306

Northern New York Delegates for Mondale
P.O. Box 127
Lake Clear, NY 12945

28th Congressional District Delegates for Mondale Committee
P.O. Box 61
Ithaca, New York 14851

Erie County Delegates for Mondale
220 Delaware Avenue
Buffalo, NY 14202

Long Island Mondale Committee
75 Weaving Lane
Wantagh, New York 11793

North Dakota Delegates for Mondale
70 North 5th Street
Box 1389
Fargo, North Dakota 58107

4th District Mondale Delegate Committee
1424 Lowell
Lima, Ohio 45805

17th District Mondale Delegate Committee
445 Catalina Avenue
Youngstown, Ohio 44504

Cuyahoga County Mondale Delegates Committee
14016 Clifford Avenue
Cleveland, Ohio 44135

1st and 2nd Districts Delegates for Mondale
607 Terrace Hilton
15 West 6th Street
Cincinnati, Ohio 45202

Mondale Delegate Team
East Court Street
Doylestown, PA. 18901

11th Congressional Delegates for Mondale
11 Bryden Street
Pittston, PA. 18640

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21st Cong 198[illegible] Delegates for Mondale
2807 Oakwood Street
Erie, PA 16508

15th C.D. Delegates for Mondale
944 Oakwood Street
Erie, PA 16508

Delegates for Mondale Committee
28 West Laughead Avenue
Boothwyn, PA. 19061

Mondale Delegates - 20th District
1032 South Braddock Avenue
Pittsburgh, PA. 15218

PA. 18th Cong. Dist. Delegates for Mondale
1 Oxford Center
40th Floor
Pittsburgh, PA. 15219

Mondale 13th Delegate Committee
12th Floor
Packard Building
Philadelphia, PA. 19102

Mondale Delegate Committee - 12th Congressional District
303 South Warren Avenue
Apollo, PA. 15613

Mondale Delegate Committee
422 Douglass Street
Reading, PA. 19601

Second Congressional District Delegates for Mondale
632 May Place
Philadelphia, PA. 19139

Delegates At-Large for Mondale
1418 Walnut Street
Philadelphia, PA 19103

PA 14th Cong. Dist. Delegates for Mondale
3411 Library Road
Pittsburgh, PA. 15234

19th Congressional District Delegates for Mondale Committee
R.D. 5 Box 259 Oakhill Drive
Hanover, PA. 17331

23rd District for Mondale Committee
8 Gateway Drive
Oil City, PA 16301

3rd C.D. Delegates for Mondale
2707 Tolbut Street
Philadelphia, PA. 19152

7th Congressional District Mondale Delegates
90 Barbara Rd.
Drexel Hill. PA 19026

Pennsylvania 17th Congressional District Delegates for Mondale
1037 Maclay Street
Harrisburg, PA. 17103

Ninth Congressional District Delegates for Mondale
3332 Broad Avenue
Altoona. PA 16601

Delegate Committee for Mondale 16th Congressional District
Apartment #3
244 East Orange Street
Lancaster, PA 17602

10th Congressional District Mondale Delegate Committee
520 Spruce Street
Scranton, PA 18503

4th District Delegates for Mondale
1205 Eighth Avenue
P.O. Box 136
Beaver Falls, PA 15010

Comite Delegados Pro Mondale (Delegates Committee with Mondale)
P.O. Box 112
Trujillo Alto, PR 00760

2nd District Delegate Committee for Mondale
1910 Smith Street
Suite 9
N. Providence, RI 02911

1st District Delegate Committee for Mondale
1910 Smith Street
suite 9
N. Providence, RI 02911

14th District Mondale Delegate Committee
1407A Bridgeway
Austin, TX 78704

2rd District Mondale Delegate Committee
2107 McKinney
Dallas, TX 75201

26th District Mondale Delegate Committee
111 West Laurel Suite 101
San Antonio, TX 78212

Tarrant County Delegate Committee
3901 Mockingbird Lane
Fort Worth, TX 76109

Mondale 3rd District Delegate Selection Committee
Stockton Lane
Richmond, VA 23221

Arlington Mondale Delegate Committee
5140 North 37th Street
Arlington, VA 22207

At Large Delegates for Mondale
P.O. Box 21742
Seattle, WA 98111

5th Congressional District Mondale Delegate Committee
538 N32
Milwaukee, WI 53208

Wisconsin At-Large Delegate Mondale Committee
126 Sunny Meade Lane No. 6
Madison, WI 53713

Third District Delegates for Mondale Committee
P.O. Box 2751
Charleston, West Virginia 25330

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MONDALE for President Escrow
2233 Wisconsin Ave. NW #318
Washington, DC 20007

No. 1

12/17 1984

PAY TO THE ORDER OF U.S. Treasury $50,000.00

Fifty thousand + 00/100 DOLLARS

D.C. National Bank ★★★ DISTRICT OF COLUMBIA NATIONAL BANK

FOR 1st repayment

Walter Mondale

85 0 4 0 5 0 2 8 9 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Fred Eiland
Press Officer

FROM: Joan D. Aikens
Commissioner

DATE: December 5, 1984

SUBJECT: Statement on MURs 1704-1667

I voted against the final conciliation agreement for several reasons, the primary one being that the public record will never clearly or accurately reflect what actually occurred. The Commission's acceptance of the conciliation agreement without investigation foreclosed any opportunity for full disclosure. There will now never be complete public disclosure of the number of delegate committees involved or the total contributions and expenditures made by individuals and PAC's. Where a publicly financed campaign is involved, I feel the Commission has a special obligation to make the public record as complete and accurate as possible.

cc: Commissioners
General Counsel Steele

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

STATEMENT BY COMMISSIONER FRANK P. REICHE

FOR INCLUSION IN THE PUBLIC FILE OF

MUR 1704

Having disagreed consistently with the Commission's handling of this enforcement matter, I believe it is appropriate that I explain the nature of my disagreement.

This is a complex legal and factual case. The basic legal issue involves a publicly-funded Presidential primary campaign allegedly assisting in the creation and operation of ostensibly independent delegate committees that raised and spent monies on behalf of the Presidential candidate and whether or not contributions to and expenditures by these delegate committees should be attributed to the Presidential candidate's committee. It is a matter of first impression.

The fundamental factual issue is whether the approximately 124 registered Mondale-delegate committees had sufficient ties to the principal campaign committee of Mr. Mondale to be deemed affiliated committees under the Federal Election Campaign Act. Unfortunately, the settlement in this case settles neither the legal issue nor the factual issue. By agreeing with the respondents to treat the delegata committees

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as affiliated for the purposes of this controversy, a conclusion the respondents still challenge, the Commission has avoided a long and expensive investigation, but I do not believe an investigative agency such as the Federal Election Commission should settle a matter as important as this without a full-scale investigation. No one knows whether such an investigation would have exonerated or implicated the Mondale for President Committee, but in my view the Commission had a responsibility to conduct just such an investigation. Difficult, time-consuming and expensive though it would have been, there is no substitute for the truth in a case that may have affected the Democratic nomination for President in 1984.

Frequently I have advocated greater expedition by the Commission in processing enforcement matters, particularly right before an election, but the questions at issue here cry out for permanent resolution, not preliminary conclusion. This is especially true where there was no realistic hope that the matter could be decided before the general election.

I also have several specific objections to the conciliation agreement, among the more important of which are the following:

1. The excess contributions resulting from the assumed affiliation of these delegate committees with the Mondale for President Committee should have been refunded to the contributors, a requirement normally imposed by the Commission upon the recipients of excess contributions.

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The decision to require instead a $350,000 payment to the U. S. Treasury is without precedent or, in my opinion, a rational basis.

2. The Commission should have imposed a far more substantial civil penalty than the $18,500 stipulated in the conciliation agreement in light of the seriousness of the alleged violations. Respondents elected not to prove that these reason to believe findings lacked adequate substantiation. The $350,000 payment to the Treasury is not a civil penalty. It represents funds to which the campaign committee was not entitled since they exceeded the statutory contribution and expenditure limits.

3. Likewise, I differ with the Commission's decision to waive certain audit rights--specifically, the right to use information gleaned from the mandatory audit of the publicly-funded Mondale campaign committee. Similarly, the Commission should not have surrendered any right it has to conduct discretionary audits of delegate committees in connection with this enforcement matter. While it is still technically possible for the Commission to audit delegate committees under Section 2 U.S.C. 438(b) of the Federal Election Campaign Act, the limitation contained in the agreement makes it unlikely that such audits will occur.

4. I do not believe that the Commission should have abandoned for the first time its policy adopted on August 18, 1983 of naming the treasurers of political committees in their official capacity as parties in such enforcement matters. No reason was advanced for making an

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exception in this case. Despite the provision in the conciliation agreement that the committee treasurer, Michael S. Berman, will be responsible for its implementation, I believe the enforcement of the agreement would have been enhanced if he had been named as a respondent.

The complexities of this case notwithstanding, the failure by the Commission to conduct a full investigation and to reach a conclusion before the general election points up one of the inadequacies of the Act, i.e., the difficulty of hearing matters expeditiously and determining the merits of a case in timely fashion. The Act should be amended to enable the Commission to deal effectively with most potential violations before and not after elections. Otherwise, some candidates and political committees may be tempted to take calculated political risks in terms of possible violations, knowing full well that it will probably be sometime after an election before the Commission renders a decision.

Dated: December 5, 1984

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

November 30, 1984

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms Oliphant:

On November 27, 1984, the Commission accepted the conciliation agreement signed by Mr. Berman on behalf of the Mondale for President Committee, Inc. in settlement of violations of 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended. A fully executed copy of the final conciliation agreement is enclosed for your files. In addition, the Commission decided to take no further action with respect to the other respondents and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should your clients wish any such information to become part of the public record, please advise us in writing within 10 days.

If you should have any questions, please contact Robert Bonham, an attorney assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

John M. Quinn, General Counsel
Americans With Hart, Inc.
507 Eighth Street, S.E.
Washington, D.C. 20003

Re: MUR 1704
Mondale for President Committee,
Inc. et al.

Dear Mr. Quinn:

This is in reference to the complaint you filed with the Commission on April 6, 1984, concerning possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act") by the Mondale for President Committee, Inc. and delegate committees supporting Mr. Mondale's nomination as the Democratic Party's candidate for President of the United States.

On May 7, 1984, the Commission determined that there was reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, had violated 2 U.S.C. §§ 441a(f) and 441a(b)(1)(A). Subsequently, on November 27, 1984, the Commission accepted a signed conciliation agreement for the Mondale for President Committee, Inc. A copy of this agreement is enclosed for your information. In addition, the Commission decided to take no further action with respect to the other respondents in this matter, and to close the entire file. Accordingly, the file will become part of the public record within 30 days.

If you should have any questions, please contact Robert Bonham, an attorney assigned to this matter at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

William A. Wilson, Vice President
National Right to Work Committee, Inc.
Suite 500
8001 Braddock Road
Springfield, Virginia 22160
and
Ralph Martin Hettinga, Jr.
645 Compress Road
Las Cruces, New Mexico 88001

Re: MUR 1704
Mondale for President Committee,
Inc. et al.

Dear Gentlemen:

This is in response to the complaint you filed with the Commission on May 18, 1984, concerning possible violations of the Federal Election Campaign Act of 1971, as amended, by the Mondale for President Committee, Inc., delegate committees supporting Mr. Mondale's nomination as the Democratic Party's candidate for President of the United States, and certain political committee contributors to those committees.

On August 7, 1984, the Commission determined that there was reason to believe that the Mondale for President Committee, Inc. had violated 2 U.S.C. §§ 441a(f) and 441a(b)(1)(A), and that the respondent labor PAC contributors */ had violated 2 U.S.C.

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*/ Amalgamated Clothing and Textile Workers Union PAC and John Fox, as treasurer; the American Federation of Labor, Congress of Industrial Organizations Committee on Political Education Political Contribution Committee and Thomas R. Donahue, as treasurer; AFSCME Public Employees Organized to Promote Legislative Equality - QUALIFIED and William Lucy, as treasurer; American Federation of Teachers COPE and Robert G. Porter, as treasurer; the Communication Workers of America COPE PCC and Louis B. Knecht, as treasurer; the Ironworkers Political Action League and John T. Taylor, as treasurer; the International Union of Bricklayers and Allied Craftsmen PAC and Edward M. Bellucci, as treasurer; the Machinist Non-Partisan Political League and Eugene Glover, as treasurer; the Service Employees International Union COPE PCC and Richard W. Cordtz, as treasurer; the United Auto Workers V-CAP and Donald J. Moll, as treasurer; the Carpenters Legislative Improvement Committee and Patrick J. Campbell, as treasurer; the United Food and Commercial Workers Active Ballot Club and Anthony Lutty, as treasurer; and the United Mine Workers of America Coal Miner's PAC and John J. Banovic, as treasurer.

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§ 441a(a)(2)(A). Subsequently, on November 27, 1984, the Commission accepted a signed conciliation agreement with regard to the Mondale for President Committee, Inc. A copy of this agreement is enclosed for your information. Upon acceptance of this agreement, the Commission voted to take no further action against the other respondents in this matter and close the entire file. Accordingly, the file will become part of the public record within 30 days.

If you should have any questions, please contact Robert Bonham, an attorney assigned to this matter at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

cc: H. Richard Mayberry, Jr., Esquire
Richard J. Clair, Esquire

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

William A. Wilson, Vice President
National Right to Work Committee, Inc.
Suite 500
8001 Braddock Road
Springfield, Virginia 22160
and
Ralph Martin Hettinga, Jr.
645 Compress Road
Las Cruces, New Mexico 88001

Re: MUR 1704
Mondale for President Committee,
Inc. et al.

Dear Gentlemen:

This is in response to the complaint you filed with the Commission on May 18, 1984, concerning possible violations of the Federal Election Campaign Act of 1971, as amended, by the Mondale for President Committee, Inc., delegate committees supporting Mr. Mondale's nomination as the Democratic Party's candidate for President of the United States, and certain political committee contributors to those committees.

On August 7, 1984, the Commission determined that there was reason to believe that the Mondale for President Committee, Inc. had violated 2 U.S.C. §§ 441a(f) and 441a(b)(1)(A), and that the respondent labor PAC contributors */ had violated 2 U.S.C.

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*/ Amalgamated Clothing and Textile Workers Union PAC and John Fox, as treasurer; the American Federation of Labor, Congress of Industrial Organizations Committee on Political Education Political Contribution Committee and Thomas R. Donahue, as treasurer; AFSCME Public Employees Organized to Promote Legislative Equality - QUALIFIED and William Lucy, as treasurer; American Federation of Teachers COPE and Robert G. Porter, as treasurer; the Communication Workers of America COPE PCC and Louis B. Knecht, as treasurer; the Ironworkers Political Action League and John T. Taylor, as treasurer; the International Union of Bricklayers and Allied Craftsmen PAC and Edward M. Bellucci, as treasurer; the Machinist Non-Partisan Political League and Eugene Glover, as treasurer; the Service Employees International Union COPE PCC and Richard W. Cordtz, as treasurer; the United Auto Workers V-CAP and Donald J. Moll, as treasurer; the Carpenters Legislative Improvement Committee and Patrick J. Campbell, as treasurer; the United Food and Commercial Workers Active Ballot Club and Anthony Lutty, as treasurer; and the United Mine Workers of America Coal Miner's PAC and John J. Banovic, as treasurer.

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§ 441a(a)(2)(A). Subsequently, on November 27, 1984, the Commission accepted a signed conciliation agreement with regard to the Mondale for President Committee, Inc. A copy of this agreement is enclosed for your information. Upon acceptance of this agreement, the Commission voted to take no further action against the other respondents in this matter and close the entire file. Accordingly, the file will become part of the public record within 30 days.

If you should have any questions, please contact Robert Bonham, an attorney assigned to this matter at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

cc: H. Richard Mayberry, Jr., Esquire
Richard J. Clair, Esquire

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Lester Asher, Esquire
Gerald I. Sommer, Esquire
Service Employees International Union
2020 K Street, N.W.
Washington, D.C. 20006-1846

Re: MUR 1704
Service Employees International Union
COPE/PCC
Richard W. Cordtz, Treasurer

Dear Gentlemen:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Laurence Gold, Esquire
Margaret E. McCormick, Esquire
American Federation of Labor and
Congress of Industrial Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
AFL-CIO COPE PCC
Thomas R. Donahue, Treasurer

Dear Mr. Gold and Ms. McCormick:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
Suite 800
1100 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
AFSCME Public Employees Organized to
Promote Legislative Equality --
Qualified
William Lucy, Treasurer

Dear Mr. Weinberg:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Joan Ruby
Assistant General Counsel
Amalgamated Clothing and Textile Workers Union
15 Union Square
New York, N.Y. 10003

Re: MUR 1704
Amalgamated Clothing and Textile Workers
Union Political Action Committee
John Fox, Treasurer

Dear Ms. Ruby:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

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

Re: MUR 1704
American Federation of Teachers COPE
Robert G. Porter, Treasurer

Dear Mr. Oldaker:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Kathy L. Krieger, Esquire
United Brotherhood of Carpenters
and Joiners of America
101 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: MUR 1704
Carpenters Legislative Improvement
Committee
Patrick J. Campbell, Treasurer

Dear Ms. Krieger:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

James P. Coppess, Esquire
Adair, Scanlon and McHugh, P.C.
Suite 411
1925 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
Communications Workers of America COPE
PCC
Louis P. Knecht, Treasurer

Dear Mr. Coppess:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Sarah M. Fox, Esquire
International Union of Bricklayers &
Allied Craftsmen
815 Fifteenth Street, N.W.
Washington, D.C. 20005

Re: MUR 1704
International Union of Bricklayers &
Allied Craftsmen Political Action
Committee
Edward M. Bellucci, Treasurer

Dear Ms. Fox:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Alan V. Reuther
Assistant General Counsel
International Union, United Automobile, Aerospace
& Agricultural Implement Workers of America - UAW
1757 N Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
International Union, United Automobile,
Aerospace & Agricultural Implement
Workers of America - UAW-V-CAP
Donald J. Moll, Treasurer

Dear Mr. Reuther:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

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

Re: MUR 1704
Machinists Non-Partisan Political League
Eugene Glover, Treasurer

Dear Mr. Oldaker:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Edward P. Wendel
Assistant General Counsel
United Food and Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
United Food & Commercial Workers
International Union Active Ballot Club
Anthony J. Lutty, Treasurer

Dear Mr. Wendel:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Michael H. Holland
General Counsel
United Mine Workers of America
900 15th Street, N.W.
Washington, D.C. 20005

Re: MUR 1704
United Mine Workers of America Coal
Miners Political Action Committee
John J. Banovic, Treasurer

Dear Mr. Holland:

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

[Inside address of counsel for
each labor PAC and its treasurer]

Re: MUR 1704
[Name of labor PAC and treasurer]

Dear :

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November , 1984, the Commission voted inter alia to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

11/29/84

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 29, 1984

Debbie O'Dell Seneca, Esquire
Seneca and O'Dell, P.C.
335 North Main Street
Washington, Pennsylvania 15301

Re: MUR 1704
22nd Congressional District Delegate
Committee for Mondale
Debbie O'Dell Seneca, as treasurer

Dear Ms. Seneca:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 7, 1984, that there was reason to believe the 22nd Congressional District Delegate Committee for Mondale (PA) and you, as treasurer, had violated 2 U.S.C. § 434(b)(3)(B), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you and your committee and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Debbie O'Dell Seneca, Esquire
Seneca and O'Dell, P.C.,
335 North Main Street
Washington, Pennsylvania 15301

Re: MUR 1704
22nd Congressional District Delegate
Committee for Mondale
Debbie O'Dell Seneca, as treasurer

Dear Ms. Seneca:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 7, 1984, that there was reason to believe the 22nd Congressional District Delegate Committee for Mondale (PA) and you, as treasurer, had violated 2 U.S.C. § 434(b)(3)(B), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you and your committee and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

ok RB 4/30/84

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 29, 1984

James M. Beck, Esquire
Pepper, Hamilton & Sheetz
20th Floor
The Fidelity Building
123 South Broad Street
Philadelphia, Pennsylvania 19109-1083

Re: MUR 1704
Pennsylvania At-Large Delegates
for Mondale
Joanne Ciulla, as treasurer

Dear Mr. Beck:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 7, 1984, that there was reason to believe the Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer, had violated 2 U.S.C. § 434(b)(3)(B), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James M. Beck, Esquire
Pepper, Hamilton & Sheetz
20th Floor
The Fidelity Building
123 South Broad Street
Philadelphia, Pennsylvania 19109-1083

Re: MUR 1704
Pennsylvania At-Large Delegates
for Mondale
Joanne Ciulla, as treasurer

Dear Mr. Beck:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 7, 1984, that there was reason to believe the Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer, had violated 2 U.S.C. § 434(b)(3)(B), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November 27, 1984, the Commission voted inter alia to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

ok BB 11/28/84

Charles N. Steele
General Counsel

8 5 0 4 0 5 0 2 9 1 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 29, 1984

John P. McGann, Esquire
Coffey, McGovern, Noel and Neal, Ltd.
20 Washington Place
Providence, Rhode Island 02903

Re: MUR 1704
1st District Delegate Committee
for Mondale (RI)
Salvatore Mancini, as treasurer

Dear Mr. McGann:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 7, 1984, that there was reason to believe the 1st District Delegate Committee for Mondale (RI) and Salvatore Mancini, as treasurer, had violated 2 U.S.C. § 434(c), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

John P. McGann, Esquire
Coffey, McGovern, Noel and Neal, Ltd.
20 Washington Place
Providence, Rhode Island 02903

Re: MUR 1704
1st District Delegate Committee
for Mondale (RI)
Salvatore Mancini, as treasurer

Dear Mr. McGann:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 7, 1984, that there was reason to believe the 1st District Delegate Committee for Mondale (RI) and Salvatore Mancini, as treasurer, had violated 2 U.S.C. § 434(c), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November 27, 1984, the Commission voted inter alia to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

OK BB 11/29/84

Charles N. Steele
General Counsel

8 5 0 4 0 5 0 2 9 2 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 29, 1984

Joseph DeLorenzo, Treasurer
2nd District Delegate Committee for Mondale (RI)
1910 Smith Street, Suite 9
North Providence, Rhode Island 02911

Re: MUR 1704

Dear Mr. DeLorenzo:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 17, 1984, that there was reason to believe the 2nd District Delegate Committee for Mondale (RI) and you, as treasurer, had violated 2 U.S.C. § 434(c), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you and your committee and close the file in this matter. Accordingly, the file has been closed and will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph DeLorenzo, Treasurer
2nd District Delegate Committee for Mondale (RI)
1910 Smith Street, Suite 9
North Providence, Rhode Island 02911

Re: MUR 1704

Dear Mr. DeLorenzo:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 17, 1984, that there was reason to believe the 2nd District Delegate Committee for Mondale (RI) and you, as treasurer, had violated 2 U.S.C. § 434(c), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November 27, 1984, the Commission voted inter alia to take no further action with respect to you and your committee and close the file in this matter. Accordingly, the file has been closed and will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

ck BB 11/29/84

Charles N. Steele
General Counsel

8 5 0 4 0 5 0 2 9 2 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Mathew Kent Parks, Esquire
1521 Walnut Street
Philadelphia, PA 19102

Re: MUR 1704
3rd CD Delegates for Mondale (PA)
Alice K. Gardan, as Treasurer

Dear Mr. Parks:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 2 4

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

James Schiller, Esquire
2500 Terminal Tower
Cleveland, Ohio 44113

Re: MUR 1704
4th District Mondale Delegate Committee (OH)
William D. Angel, Jr., as Treasurer

Dear Mr. Schiller:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 2 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

James M. Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Fl.
123 South Broad Street
Philadelphia, PA 19109

Re: MUR 1704
19th Congressional District Delegates
for Mondale Committee (PA)
Louann Shrader, as Treasurer

Dear Mr. Beck:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Timothy Toohey, Esquire
110 Tillinghast Place
Buffalo, New York 14216

Re: MUR 1704
Erie County Delegates For Mondale (NY)
Kenneth C. Kruly, as Treasurer

Dear Mr. Toohey:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Carol Darr, Esquire
Skadden, Arps, Slate, Meagher &
Flom
919 - 18th Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
Delegates For Mondale 25th District (NY)
Francis J. Kloster, as Treasurer

Dear Ms. Darr:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Thomas A. Fink, Esquire
Davidson, Fink, Cook & Gates
900 First Federal Plaza
Rochester, New York 14619

Re: MUR 1704
Committee For Western New York Mondale Delegates
Thomas A. Fink, as Treasurer

Dear Mr. Fink:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MUR 1704
9th C D Delegates For Mondale (NY)
Gerard J. Sweeney, as Treasurer

Dear Mr. Barr:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MUR 1704
8th C D Delegates For Mondale (NY)
Benjamin Chevat, as Treasurer

Dear Mr. Barr:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MUR 1704
7th C D Delegates For Mondale (NY)
Charlotte K. Scheman, as Treasurer

Dear Mr. Barr:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MUR 1704
6th C D Delegates For Mondale (NY)
Paul Gross, as Treasurer

Dear Mr. Barr:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Thomas D. Barr, Esquire
Ellen Oran, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MUR 1704
28th Congressional District Delegates
For Mondale Committee (NY)
Evelyn L. Rockas, as Treasurer

Dear Mr. Barr and Ms. Oran:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Kate Rosenthal
Suite 800
The Hills Building
Syracuse, New York 13202

Re: MUR 1704
27th Congressional District Delegates
For Mondale (NY)
John E. McAuliffe, as Treasurer

Dear Ms. Rosenthal:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MUR 1704
22nd Congressional District Delegates
For Mondale (NY)
Kevin Thompson, as Treasurer

Dear Mr. Barr:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 3 5

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Carol Darr, Esquire
Skadden, Arps, Slate, Meagher & Flom
919 - 18th Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
16th C D Delegates For Mondale (NY)
Heyward Davenport, as Treasurer

Dear Ms. Darr:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 3 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Kirk Messmer, Esquire
Miller, Canfield, Paddock & Stone
1 Michigan Avenue
Lansing, Michigan 48933

Re: MUR 1704
15th District Delegates For Mondale
Committee (MI)
Patricia Tallmadge, as Treasurer

Dear Mr. Messmer:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 3 8

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Bob Merger, Esquire
115 Franklin Avenue
Silver Spring, Md. 20901

Re: MUR 1704
4th District Delegates For Mondale (MD)
Ellen O. Moyer, as Treasurer

Dear Mr. Merger:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MUR 1704
Third Congressional District Delegates
For Mondale (IL)
Lenore T. Colson, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 4 0

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MUR 1704
Ninth District Mondale Delegate
Committee (IL)
Gregory A. Kinczewski, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 4 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MUR 1704
Eleventh District Mondale Delegate
Committee (IL)
Jean M. Foran, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 4 2

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MUR 1704
Delegates For Mondale Committee 21st
Congressional District (IL)
Betty Donovan, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 4 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MUR 1704
7th Congressional District Delegates For Mondale (IL)
William H. Taylor, II, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MUR 1704
20th C D Delegates For Mondale (IL)
Bill Dempsey, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MUR 1704
19th District Delegates For Mondale
Committee (IL)
John S. Adkins, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MUR 1704
17th District Mondale Delegate Committee (IL)
Donna M. McWilliams, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MUR 1704
14th District Delegates For Mondale (IL)
Jerome C. Shapiro, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MUR 1704
12th District Mondale Delegate Committee (IL)
George Moser, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

Re: MUR 1704
South Florida Delegates For Mondale
Robert A. Sugarman, as Treasurer

Dear Mr. Singer:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 5 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

Re: MUR 1704
Northern 12th Congressional District
Delegates For Mondale (FL)
Nancy Miller, as Treasurer

Dear Mr. Singer:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Marvin Rosen, Esquire
Greenberg, Traurig, Askew, Hoffman, Lipoff,
Rosen & Quentel, P.A.
1401 Brickell Avenue, Penthouse #1
Miami, Florida 33131

Re: MUR 1704
Mondale Delegates, Congressional
District #13 (FL)
Melinda Greiner, as Treasurer

Dear Mr. Rosen:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

Re: MUR 1704
Mondale Delegates Congressional District
#8 (FL)
Sue Moore, as Treasurer

Dear Mr. Singer:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

Re: MUR 1704
Congressional District 9 Delegates For
Mondale (FL)
LaVaunne Miller, as Treasurer

Dear Mr. Singer:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

Re: MUR 1704
Congressional District 4 Delegates For
Mondale (FL)
Calvin D. DeVoney, as Treasurer

Dear Mr. Singer:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

Re: MUR 1704
14th C D For Mondale (FL)
George E. Comerford, as Treasurer

Dear Mr. Singer:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Jack Blum, Esquire
Dana Boyd, Esquire
Blum, Nash & Railsback
1015 Eighteenth Street, N.W.
Washington, D.C.

Re: MUR 1704
ADA Campaign Committee
Leon Shull, as Treasurer

Dear Mr. Blum:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Christopher E. Cobey, Esquire
Heission, Creedon, Hamlin, Keely,
Hanson & Brown
181 Second Avenue, Suite 50C
San Mateo, California

Re: MUR 1704
11th Congressional District Mondale
Delegate Committee (CA)
Janet Epstein, as Treasurer

Dear Mr. Cobey:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

Re: MUR 1704
Congressional District 5 Delegates
For Mondale (FL)
Cheryl B. Frazier, as Treasurer

Dear Mr. Singer:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Peter Hearn, Esquire
James Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MUR 1704
Second Congressional District Delegates
For Mondale (PA)
Anthony McNeil, as Treasurer

Dear Mr. Hearn and Mr. Beck:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

J. Gordon Pennington, Treasurer
C D #1 Delegates For Mondale (FL)
7830 North Palafox Street
Pensacola, FL 35214

Re: MUR 1704

Dear Mr. Pennington:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Susan K. Sweeney, Treasurer
37th Congressional District
Delegate Advisory Committee (CA)
1766 Camino Parocela
Palm Springs, CA 92262

Re: MUR 1704

Dear Ms. Sweeney:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 6 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Howard A. Roitman, Treasurer
Mondale Colorado Delegate
Selection Committee Statewide
2225 Birch Street
Denver, CO 80207

Re: MUR 1704

Dear Mr. Roitman:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Ray Castell-Blanch, Treasurer
Mondale Delegate Election
Committee - 6th C D (CA)
1518 5th Avenue
San Rafael, CA 94901

Re: MUR 1704

Dear Mr. Castell-Blanch:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 6 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

David J. Cantelme, Treasurer
Arizona Mondale Delegate
Committee
826 N. Central Avenue
Phoenix, AZ 85003

Re: MUR 1704

Dear Mr. Cantelme:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 6 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Jo Anna Conte, Treasurer
C D 2 Delegates For Mondale,
Florida
P.O. Box 10403
Tallahassee, FL 32302

Re: MUR 1704

Dear Ms. Conte:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Rosemary G. Kenyon, Esquire
Christian, Barton, Epps & Chappell
1200 Mutual Building
Richmond, VA 23219

Re: MUR 1704
Mondale 3rd District Delegate Section
Committee (VA)
Paddi Valentine, as Treasurer

Dear Ms. Kenyon:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 6 7

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Robert Weinberg, Esquire
Williams & Connolly
839 - 17th Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
Arlington Mondale Delegate Committee (VA)
Ann M. Yarborough, as Treasurer

Dear Mr. Weinberg:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 6 9

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Harold Hammett, Esquire
P.O. Box 17047
Fort Worth, Texas 76102-7071

Re: MUR 1704
Tarrant County Delegate Committee
Melinda T. Vance, as Treasurer

Dear Mr. Hammett:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 6 9

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

James M. Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MUR 1704
Pennsylvania 17th Congressional District
Delegates For Mondale
Susan D. Carle, as Treasurer

Dear Mr. Beck:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 7 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Alan A. Garfinkel
Berkman Ruslander Pohl Lieber & Engel
One Oxford Centre, 40th Floor
Pittsburgh, PA 15219-6498

Re: MUR 1704
PA 18th Congressional District Delegates
For Mondale
Art Rooney, II, as Treasurer

Dear Mr. Garfinkel:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

James M. Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MUR 1704
PA 14th Congressional District Delegates
For Mondale
Richard Brabender, as Treasurer

Dear Mr. Beck:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 7 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

LeRoy Levon, Esquire
539 Court Street
Reading, PA

Re: MUR 1704
Mondale Delegates Committee (PA)
Lawrence P. Murin, as Treasurer

Dear Mr. Levon:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

November 30, 1984

Thomas E. Mellon, Jr., Esquire
50 East Court Street
Doylestown, PA 18901

Re: MUR 1704
Mondale Delegate Team (PA)
Thomas E.Mellon, Jr, as Treasurer

Dear Mr. Mellon:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 7 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Peter Hearn, Esquire
James Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MUR 1704
Mondale Delegate Committee - 12th
Congressional District (PA)
William H. Kerr, as Treasurer

Dear Mr. Hearn and Mr. Beck:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Gerald Gornish, Esquire
Packard Building, 12th Floor
Philadelphia, PA 19102

Re: MUR 1704
Mondale 13th Delegate Committee (PA)
Joseph P. Manko, as Treasurer

Dear Mr. Gornish:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 7 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

James M. Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MUR 1704
Delegates for Mondale Committee (PA)
Kathleen Neary, as Treasurer

Dear Mr. Beck:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 7 7

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

James M. Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MUR 1704
7th Congressional District Mondale
Delegates (PA)
Nancy B. Baulis, as Treasurer

Dear Mr. Beck:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 7 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Peter Hearn, Esquire
James Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MUR 1704
4th District Delegates for Mondale (PA)
Elizabeth McCurdy, as Treasurer

Dear Mr. Hearn and Mr. Beck:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Barbara Levin, Treasurer
Prince George's Delegates
For Mondale (MD)
3505 Burleigh Drive
Mitchellville, MD 20716

Re: MUR 1704

Dear Ms. Levin:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 8 0

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Otto Unsinn, Treasurer
Montgomery County For
Mondale Delegate Committee (MD)
51 Monroe Street
Suite 1406
Rockville, MD 20850

Re: MUR 1704

Dear Mr. Unsinn:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

85040502981

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Lawrence M. Vincent, Treasurer
Mondale Delegate At-Large
Committee For MD
16 East Lombard Street-310 MD
Baltimore, MD 21202

Re: MUR 1704

Dear Mr. Vincent:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 8 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

James M. Voss, Treasurer
First District Delegates
For Mondale (MD)
RD 1 Box 183
Denton, MD 21629

Re: MUR 1704

Dear Mr. Voss:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 8 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Dan Watkins, Treasurer
Kansas Mondale At-Large
Delegate Committee
1645 Barker
Lawrence, KS 66044

Re: MUR 1704

Dear Mr. Watkins:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 3 4

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Jack L. Bright, Treasurer
Sixth District Mondale
Delegate Committee (IL)
478 Washington Street
Elmhurst, IL 60126

Re: MUR 1704

Dear Mr. Bright:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 8 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Sheila A. Rivers, Treasurer
Second Congressional
District Delegates
For Mondale (IL)
11151 S. King Drive
Chicago, IL 60628

Re: MUR 1704

Dear Ms. Rivers:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

James K. Polk, Treasurer
Mondale Delegates for the
Illinois 18th Committee
901 W. Brons
Peoria, IL 61604

Re: MUR 1704

Dear Mr. Polk:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Roman Lobodzinski, Treasurer
Eighth District Mondale Delegate
Committee (IL)
3055 N. Milwaukee
Chicago, IL 60618

Re: MUR 1704

Dear Mr. Lobodzinski:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 3 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Georgia E. Trevan, Treasurer
1st Congressional District
Delegates For Walter Mondale (MI)
9401 South Michigan Avenue
Chicago, IL 60619

Re: MUR 1704

Dear Ms. Trevan:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 8 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Frank G. Mabrey, Treasurer
16th Delegates For Mondale (IL)
1130 North Main
Rockford, IL 61103

Re: MUR 1704

Dear Mr. Mabrey:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 9 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Herman L. Dammerman, Treasurer
15th District Delegates For
Mondale (IL)
1407 Hanson Drive
Normal, IL 61761

Re: MUR 1704

Dear Mr. Dammerman:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 9 1

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Joan P. Murphy, Treasurer
13th Congressional District
Delegate Committee For
Walter F. Mondale (IL)
11601 South Pulaski
Alsip, IL 60658

Re: MUR 1704

Dear Ms. Murphy:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Elliott D. Hartstein, Treasurer
10th District Mondale Delegate
Committee (IL)
908 Providence Lane
Buffalo Grove, IL 60090

Re: MUR 1704

Dear Mr. Hartstein:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 9 3

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Larry Laroco, Treasurer
Idaho Delegates For Mondale
537 W. Bannock
Suite 201
Boise, ID 83702

Re: MUR 1704

Dear Mr. Laroco:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 9 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Angelique O. Stahl, Treasurer
Mondale 16th District Delegate
Committee
11621 N.W. 23rd Street
Pembroke Pines, FL 33026

Re: MUR 1704

Dear Ms. Stahl:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 9 5

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Robert D. Parks, Treasurer
Mondale 15th District
Delegate Committee
440 S. Andrews Avenue
Ft. Lauderdale, FL 33301

Re: MUR 1704

Dear Mr. Parks:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 9 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Samuel C. Catherwood, Treasurer
Delegates For Mondale (FL)
P.O. Box 8796
1100 Cesery Blvd.
Jacksonville, FL 32211

Re: MUR 1704

Dear Mr. Catherwood:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050297

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

James L. Ghiotto, Treasurer
Congressional District 7
Delegates For Mondale (FL)
2925 Alline Avenue
Tampa, FL 33611

Re: MUR 1704

Dear Mr. Ghiotto:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 9 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Bernard E. Shingle, Treasurer
Congressional District #10
Delegates For Mondale (FL)
5520 2nd Avenue DR West
Bradenton, FL 33529

Re: MUR 1704

Dear Mr. Shingle:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 2 9 9 9 7

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Louis Nicolella, Treasurer
North Country Delegates for
Mondale (NY)
68 Third Street
Gloversville, NY 12078

Re: MUR 1704

Dear Mr. Nicolella:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Joseph Miller, Treasurer
Mondale 19th CD Delegate
Committee (NY)
100-7 Alcott Place
Bronx, NY 10475

Re: MUR 1704

Dear Mr. Miller:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

85040503001

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Elizabeth Bolden, Treasurer
Mondale 17th CD Delegate
Committee (NY)
48A Hampton Place
Brooklyn, NY 11213

Re: MUR 1704

Dear Ms. Bolden:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Ronald V. Iaboni, Treasurer
Lower Hudson Delegates For
Mondale (NY)
1 Fisher Drive
Mt. Vernon, NY 10552

Re: MUR 1704

Dear Mr. Iaboni:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Barry M. McCoy, Treasurer
Long Island Mondale
First CD Delegates (NY)
49 Thompson Hay Path
Setauket, NY 11733

Re: MUR 1704

Dear Mr. McCoy:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 0 0 4

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Jurgen Worthing, Treasurer
Long Island Mondale Committee (NY)
75 Weaving Lane
Wantagh, NY 11793

Re: MUR 1704

Dear Mr. Worthing:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Craig Heller, Treasurer
Long Island Mondale 4th
C D Committee
2919 Bond Drive
Merrick, NY 11566

Re: MUR 1704

Dear Mr. Heller:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Diane M. Carr, Treasurer
L I - Mondale 2nd
Congressional District (NY)
P.O. Box 555
Lindenhurst, NY 11757

Re: MUR 1704

Dear Ms. Carr:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050307

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Paul E. Haney, Treasurer
Haney, Mains, Rankin, Trobia,
Delegate Committee
3 Tacoma Street
Rochester, NY 14316

Re: MUR 1704

Dear Mr. Haney:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Mary Ellen Hunold, Treasurer
Delegates For Mondale-King/
Richmond 14th C D (NY)
157 Prescott Avenue
Staten Island, NY 10306

Re: MUR 1704

Dear Ms. Hunold:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Barbara Capon, Treasurer
Delegates For Mondale 13th
C D Kings/Richmond (NY)
2940 Ocean Parkway
Brooklyn, NY 11235

Re: MUR 1704

Dear Ms. Capon:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Lawrence Rosenweiz, Treasurer
Delegates For Mondale - Kings/
Richmond 11th C D (NY)
274 Lafayette Avenue
Brooklyn, NY 11238

Re: MUR 1704

Dear Mr. Rosenweiz:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Ruben S. Gersowitz, Treasurer
23rd Congressional District
Delegates For Walter F. Mondale (NY)
11 North Pearl Street, Rm 1608
Albany, NY 12207

Re: MUR 1704

Dear Mr. Gersowitz:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Stephen J. Wing, Treasurer
21st District Friends Of
Walter Mondale Delegates (NY)
94 Market Street
P.O. Box 910
Poughkeepsie, NY 12602

Re: MUR 1704

Dear Mr. Wing:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050301 3

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Helen Russell Allegrone, Treasurer
Guilford Delegates For Mondale (NC)
1803 Rolling Road
Greensboro, NC 27403

Re: MUR 1704

Dear Ms. Allegrone:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Marsha Murphy, Treasurer
Western Missouri Mondale
Delegates Committee
220 West Armour Boulevard
Kansas City, MO 64111

Re: MUR 1704

Dear Ms. Murphy:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Frank Lidinsky, Treasurer
Third District Delegates For Mondale
1035 S. Charles Street
Baltimore, MD 21230

Re: MUR 1704

Dear Mr. Lidinsky:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Thomas G. Slater, Treasurer
Sixth District Delegates For Mondale
198 Thomas Johnson Drive #10
Frederick, MD 21701

Re: MUR 1704

Dear Mr. Slater:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Alma Bell, Treasurer
Seventh District Delegates
For Mondale
538 W.Lafayette
Baltimore, MD 21217

Re: MUR 1704

Dear Ms. Bell:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Joan Sanders Rudolph, Treasurer
Second District Delegates For Mondale
7119 Heathfield Road
Baltimore, MD 21212

Re: MUR 1704

Dear Ms. Rudolph:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

William Steinman, Treasurer
Delegates For Mondale
12th C D Kings/Richmond
2044 E. 18th Street
Brooklyn, NY 11229

Re: MUR 1704

Dear Mr. Steinman:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050302 0

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Meade Emory, Treasurer
At-Large Delegates For
Mondale (WA)
P.O. Box 21742
Seattle, WA 98111

Re: MUR 1704

Dear Mr. Emory:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Frank Herrera, Treasurer
26th District Mondale Delegate
Committee (TX)
111 West Laurel, Suite 101
San Antonio, TX 78212

Re: MUR 1704

Dear Mr. Herrera:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 0 2 2

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Millie Bruner, Treasurer
23rd District Mondale
Delegate Committee (TX)
2107 McKinney
Dallas, TX 75201

Re: MUR 1704

Dear Ms. Bruner:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 0 2 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Roger Duncan, Treasurer
14th District Mondale
Delegate Committee (TX)
1407A Bridgeway
Austin, TX 78704

Re: MUR 1704

Dear Mr. Duncan:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 0 2 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Gerard S. Ziegler, Treasurer
Ninth Congressional District
Delegates For Mondale (PA)
3332 Broad Avenue
Altoona, PA 16601

Re: MUR 1704

Dear Mr. Ziegler:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 0 2 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Kathleen Smith, Treasurer
Mondale Delegates - 20th District (PA)
1032 S. Braddock Avenue
Pittsburgh, PA 15218

Re: MUR 1704

Dear Ms. Smith:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 0 2 6

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Philip B. Ebersole, Treasurer
Delegate Committee for Mondale
16th Congressional District (PA)
Apartment #3
244 East Orange Street
Lancaster, PA 17602

Re: MUR 1704

Dear Mr. Ebersole:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 0 2 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Dolores C. Bross, Treasurer
21st Congressional District 1984
Delegates for Mondale (PA)
2807 Oakwood Street
Erie, PA 16508

Re: MUR 1704

Dear Ms. Bross:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 0 2 9

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Mae McHugh, Treasurer
11th Congressional Delegates
for Mondale (PA)
11 Bryden Street
Pittston, PA 18640

Re: MUR 1704

Dear Ms. McHugh:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Joseph M. Cognetti, Treasurer
10th Congressional District
Mondale Delegate Committee (PA)
520 Spruce Street
Scranton, PA 18503

Re: MUR 1704

Dear Mr. Cognetti:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Dorothy J. Sievers, Treasurer
Cuyahoga County Mondale Delegates Committee (OH)
14018 Clifford Avenue
Cleveland, OH 44135

Re: MUR 1704

Dear Ms. Sievers:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Jeffrey George, Treasurer
17th District Mondale Delegate
Committee (OH)
445 Catalina Avenue
Youngstown, OH 44504

Re: MUR 1704

Dear Mr. George:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Janet E. Bald, Treasurer
Southern Tier for Mondale (NY)
135 1/2 North 6th Street
Olean, NY 14760

Re: MUR 1704

Dear Ms. Bald:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Elizabeth Tarpey, Treasurer
Sharpe/Jackson Delegates for
Mondale (NY)
92 Hillcrest Road
Mt. Vernon, NY 10552

Re: MUR 1704

Dear Ms. Tarpey:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Vincent S. Cohen, Esquire
Hogan & Hartson
815 Connecticut Avenue, N.W.
Washington, D.C. 20006

Re: MUR 1704
Mondale Delegates--D.C. Committee
William H. Simon, as Treasurer

Dear Mr. Cohen:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Kenneth J. Doran, Esquire
Smoler, Albert & Rostad
119 Monona Avenue, Suite 520
Madison, Wisconsin

Re: MUR 1704
Wisconsin At-Large Delegates for Mondale
Rick Asplund, as Treasurer

Dear Mr. Doran:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Kerry Harvey, Esquire
Brown, Todd & Heyburn
116 N. Upper Street
Lexington, Kentucky 40507

Re: MUR 1704
Kentucky At-Large Delegates For Mondale Committee
Ralph Coldiron, as Treasurer

Dear Ms. Harvey:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Jeanne Connelly, Esquire
Steptoe & Johnson
1250 Connecticut Avenue, 6th Floor
Washington, D.C. 20036

Re: MUR 1704
North Dakota Delegates For Mondale Committee
Nicholas Spaeth, as Treasurer

Dear Ms. Connelly:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050308

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, Illinois 60604

Re: MUR 1704
Fourth District Mondale Delegate
Committee (IL)
Terrie L. Hanus, as Treasurer

Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050039

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, Illinois 60604

Re: MUR 1704
22nd Congressional District Delegates
For Mondale (IL)
Patrick C. Brumleve, as Treasurer

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Dear Mr. Sher:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Kirk Messmer, Esquire
Miller, Canfield, Paddock & Stone
1 Michigan Avenue
Lansing, Michigan 48933

Re: MUR 1704
Sixth District Delegates For Mondale
Committee (MI)
Larry D. Owen, Treasurer

Dear Mr. Messmer:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Patrick McKittrick, Esquire
Strain Building, Suite 622
410 Central Avenue
P.O. Box 1184
Great Falls, Montana 59403

Re: MUR 1704
Montana At-Large Delegates For Mondale Committee
Blake Wordal, as Treasurer

Dear Mr. McKittrick:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Kathleen N. Sullivan, Esquire
Waldleigh, Starr, Peters, Dunn & Chiesa
95 Market Street
Manchester, New Hampshire 04101

Re: MUR 1704
New Hampshire Second District
Delegates For Mondale
Anthony Redington, as Treasurer

Dear Ms. Sullivan:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 30, 1984

Kathleen N. Sullivan, Esquire
Waldleigh, Starr, Peters, Dunn & Chiesa
95 Market Street
Manchester, New Hampshire 03101

Re: MUR 1704
New Hampshire First District
Delegates For Mondale
Nancy Ryan, as Treasurer

Dear Ms. Sullivan:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MUR 1704
New York At-Large Delegates
Chester J. Straubb, as Treasurer

Dear Mr. Barr:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Steven D. Goldenkranz
10th CD District Delegates for
Mondale (NY)
1551 East 23rd Street
Brooklyn, New York 11210

Re: MUR 1704

Dear Mr. Goldenkranz:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Kevin D. O'Connor, Treasurer
Fifth District Mondale
Delegate Committee (WI)
538 N32
Milwaukee, Wisconsin 53208

Re: MUR 1704

Dear Mr. O'Connor:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Kansas At-Large Delegate
Committee
c/o Terry Scanlon
715 W. Tenth Street
Topeka, Kansas 66612

Re: MUR 1704

Dear Mr. Scanlon:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

[Inside address of counsel for each
delegate committee and its treasurer,
or treasurer of each committee]

Re: MUR 1704
[Name of delegate committee and
treasurer if addressed to counsel]

Dear :

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted inter alia to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

OK SB 11/28/84

Charles N. Steele
General Counsel

8504050309

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Peter Swenty, Esquire
607 Terrace Hilton Building
15 West 6th Street
Cincinnati, Ohio 45202

Re: MUR 1704
1st and 2nd District Delegates for Mondale
Peter W. Swenty, as Treasurer

Dear Mr. Swenty:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Richard H. Edwards, Esquire
Key Bank Building
130 E. Main
Malone, New York

Re: MUR 1704
Northern New York Delegates for Mondale
Clifton R. Donaldson, Jr., as Treasurer

Dear Mr. Edwards:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1984

Thomas D. Barr, Esquire
Ellen Oran, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MUR 1704
Naples-Mondale for President Delegate
Slate (NY)
Mary E. Gurnet, as Treasurer

Dear Mr. Barr:

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 27, 1984, the Commission voted to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("MPC" or "Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures, based on the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

This agreement represents the final resolution of this matter only. Therefore, it relates only to contributions to and expenditures by delegate committees and Respondent, which the parties will treat as having been excessive based upon Respondent's agreement to treat the delegate committees as affiliated for the purpose of resolving this matter. The Commission believes that the expeditious resolution of this matter with respect to the delegate committees, based on presently available information, avoids the necessity for a prolonged investigation and is in the public's best interest. This agreement does not address any other activity by MPC and/or the delegate committees.

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For example, this agreement does not address any possible contributions received by Respondent which may have exceeded the limitations set forth in 2 U.S.C. Section 441a(a) without regard to the contributions received by the delegate committees. Similarly this agreement does not address any possible expenditures made by Respondent which may exceed the limitations of 2 U.S.C. Section 441a(b)(1)(A) without regard to the expenditures made by the delegate committees. Any repayment with respect to MPC expenditures which might be excessive without regard to the expenditures by the delegate committees would be determined following the completion of the Commission's audit of MPC pursuant to 26 U.S.C. Section 9038.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

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

1. Respondent Mondale for President Committee, Inc is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination

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to the Office of President of the United States in 1984.

2. Michael S. Berman who is the Treasurer of MPC will be responsible for implementation of this agreement.

3. Respondent, in the course of its communications with delegates, encouraged them to form delegate committees. The Respondent, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form delegate committees. Upon preliminary review, it appears that the scope and nature of these communications and interactions between the Respondent and various delegate committees differed.

4. Respondent has agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

5. Based upon the Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc., as having exceeded the limitations of 2 U.S.C. Section 441a(a)(2)(A) by at least $299,215.

6. Based upon Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc., as having exceeded the limitations of 2

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U.S.C. Section 441a (a) (1) (A) by at least $47,402.

7. Based upon Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate expenditures made by the delegate committees and Mondale for President Committee, Inc. as having exceeded the limitations of 2 U.S.C. Section 441a(b)(1)(A) with respect to New Hampshire by approximately $92,975.73.

8. Respondent requested pre-probable cause conciliation.

V. Because the parties desire an expeditious resolution of this matter, and because the Respondent agrees, for the purpose of resolving this matter, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., the parties enter into this agreement prior to the completion of an investigation by the Commission

The Commission contends that the delegate committees are affiliated with Mondale for President Committee, Inc. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees might be found not to be affiliated with the Mondale for President Committee, Inc. The Respondent acknowledges that if there were a full investigation, some delegate committees might be found to be affiliated with the Mondale for President Committee, Inc.

Therefore, the parties agree that:

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1. Respondent shall amend its Statement of Organization to identify all of the the delegate committees as affiliated committees.

2. Respondent shall notify the delegate committees of the recordkeeping and reporting requirements of the Act. The Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities, which are distinct entities for purposes of recordkeeping and reporting.

3. The audit of the Mondale for President Committee, Inc. under 26 U.S.C. Section 9038(b) will not include an audit of the delegate committees, and no other audit of MPC or the delegate committees will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 431 et seq. Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

4. Respondent shall pay $350,000 to the Treasurer of the United States. Such amount represents contributions

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received by the delegate committees and the Mondale for President Committee, Inc. that would have exceeded, in the aggregate, by preliminary estimates, the limitations of 2 U.S.C. Sections 441a(a)(1)(A) and 441a(a)(2)(A) had they been received by MPC. Funds used to make this payment may include funds raised pursuant to 11 C.F.R. Section 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

5. Respondent shall pay $29,640 to the Treasurer of the United States. Such amount represents a repayment of the portion of the delegate committee expenditures attributable to New Hampshire, less the exclusions pursuant to 11 C.F.R. Section 9035.1(c), which, based on a preliminary review of the most recent reports filed by MPC and the delegate committees, would have exceeded MPC's spending limitations in New Hampshire under 2 U.S.C. Section 441a(b) had they been made by MPC, multiplied by the ratio of matching funds received by MPC to the total amount of deposits of contribution and matching funds received by MPC and the delegate committees.

6. Respondents shall pay to the Treasurer of the United States a civil penalty in the amount of $18,500, pursuant to 2 U.S.C. Section 437g.

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

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

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

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements, other than payments, contained in this agreement and to so notify the Commission. Respondent shall make a payment of $50,000 to the United States Treasury within 30 days from the effective date of the agreement. The remainder of the payments set forth in Paragraphs V 4, 5, and 6 shall be made within 90 days of the effective date of this agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. Nothing in this agreement shall prevent the Commission from pursuing any remedies with respect to Respondent, including other repayments from MPC, pursuant to 26 U.S.C. Section 9038(b), based on matters unrelated to this agreement. No other statement, promise, or agreement, either written or oral, made by

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either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be binding on the parties. The Commission agrees not to take any further action against any contributors to delegate committees with respect to contributions which are excessive when aggregated with contributions to other delegate committees or to Mondale for President Committee, Inc. The Commission further agrees not to take any further action against delegate committees with respect to such contributions or with respect to the expenditures made by delegate committees which are excessive when aggregated with expenditures made by Mondale for President Committee, Inc.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

29 November 1984
Date

FOR THE RESPONDENT:

Michael S. Berman
Treasurer
Mondale for President Committee, Inc.

11-7-84
Date

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President Committee,	)	
Inc., et al.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 27, 1984, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1704:

1. Accept the signed conciliation agreement submitted on behalf of Mondale for President Committee, Inc., as attached to the General Counsel's report dated November 16, 1984.

2. Take no further action against Michael S. Berman, as treasurer.

3. Take no further action against the Amalgamated Clothing and Textile Workers Union PAC and John Fox, as treasurer; the American Federation of Labor, Congress of Industrial Organizations Committee on Political Education Political Contribution Committee and Thomas R. Donahue, as treasurer; AFSCME Public Employees Organized to Promote Legislative Equality - QUALIFIED and William Lucy, as treasurer; American Federation of Teachers COPE and Robert G. Porter, as treasurer; the Communication Workers of America COPE PCC and Louis B. Knecht, as treasurer; the Ironworkers Political Action League and John T. Taylor, as treasurer; the International Union of Bricklayers and Allied Craftsmen PAC and Edward M. Bellucci, as treasurer; the

(continued)

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Machinist Non-Partisan Political League and Eugene Glover, as treasurer; the Service Employees International Union COPE PCC and Richard W. Cordtz, as treasurer; the United Auto Workers V-CAP and Donald J. Moll, as treasurer; the Carpenters Legislative Improvement Committee and Patrick J. Campbell, as treasurer; the United Food and Commercial Workers Active Ballot Club and Anthony Lutty, as treasurer; and the United Mine Workers of America Coal Miners' PAC and John J. Banovic, as treasurer.

4. Take no further action against the Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer; the Pennsylvania 22nd Congressional District Delegates for Mondale Committee and Debbie O'Dell Seneca, as treasurer; the 1st District Delegate Committee for Mondale (RI) and Salvatore Mancini, as treasurer; and the 2nd District Delegate Committee for Mondale (RI) and Joseph DeLorenza, as treasurer

5. Close the file as to all respondents.

6. Approve the sample notification letters to the complainants and the respondents as recommended in the General Counsel's report dated November 16, 1984.

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

Attest:

11-29-84
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: NOVEMBER 21, 1984

SUBJECT: COMMENTS RE: MUR 1704 General Counsel's Report signed November 16, 1984

Attached is a copy of Commissioner Reiche's vote sheet with comments regarding his objection, for record purposes only.

Attachment:
copy of vote sheet

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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: NOVEMBER 21, 1984

SUBJECT: OBJECTION - MUR 1704 General Counsel's Report signed November 16, 1984

The above-named document was circulated to the Commission on Monday, November 19, 1984 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, November 27, 1984.

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
) MUR 1704
Mondale for President Committee, Inc.,)
et al.)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On November 6, 1984, the Commission approved a proposed conciliation agreement submitted on behalf of the Mondale for President Committee, Inc. ("MPC") and Michael S. Berman, as treasurer. Subsequently, the Office of the General Counsel returned the original agreement to MPC for signing. On November 8, 1984, MPC submitted a signed copy of the approved agreement. (Attachment 1) As the signed agreement contains no changes from the agreement approved by the Commission, this office recommends that the Commission accept the agreement.

The signed agreement contains a provision whereby the Commission has agreed to take no further action against both the Mondale delegate committees and the contributors to the committees with regard to the excessive contributions and expenditures that are the subject of this MUR. Therefore, the Office of the General Counsel also recommends that the Commission close the file as to those parties. In addition, as MPC's signing of the agreement contemplates taking no further action against Michael S. Berman, as treasurer of MPC, this office has made the appropriate recommendation in that regard.

When the Commission found reason to believe on August 7, 1984, that MPC and the labor PACs committed violations of the Act based on the apparent affiliation between MPC and the delegate

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committee, the Commission also made reason to believe findings with respect to registration and reporting violations by certain labor PACs and delegate committees. Because those violations are all relatively minor, the Office of the General Counsel recommends that the Commission take no further action against the respondents in this matter with respect to those violations.

RECOMMENDATIONS

1. Accept the attached signed conciliation agreement submitted on behalf of Mondale for President Committee, Inc.

2. Take no further action against Michael S. Berman, as treasurer.

3. Take no further action against the Amalgamated Clothing and Textile Workers Union PAC and John Fox, as treasurer; the American Federation of Labor, Congress of Industrial Organizations Committee on Political Education Political Contribution Committee and Thomas R. Donahue, as treasurer; AFSCME Public Employees Organized to Promote Legislative Equality - QUALIFIED and William Lucy, as treasurer; American Federation of Teachers COPE and Robert G. Porter, as treasurer; the Communication Workers of America COPE PCC and Louis B. Knecht, as treasurer; the Ironworkers Political Action League and John T. Taylor, as treasurer; the International Union of Bricklayers and Allied Craftsmen PAC and Edward M. Bellucci, as treasurer; the Machinist Non-Partisan Political League and Eugene Glover, as treasurer; the Service Employees International Union COPE PCC and Richard W. Cordtz, as treasurer; the United Auto Workers V-CAP and Donald J. Moll, as treasurer; the Carpenters Legislative Improvement Committee and Patrick J. Campbell, as treasurer; the United Food and Commercial Workers Active Ballot Club and Anthony Lutty, as treasurer; and the United Mine Workers of America Coal Miner's PAC and John J. Banovic, as treasurer.

4. Take no further action against the Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer; the Pennsylvania 22nd Congressional District Delegates for Mondale Committee and Debbie O'Dell Seneca, as treasurer; the 1st District Delegate Committee for Mondale (RI) and Salvatore Mancini, as treasurer; and the 2nd District Delegate Committee for Mondale (RI) and Joseph DeLorenzo, as treasurer.

5. Close the file as to all respondents.

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6. Approve the attached sample notification letters to the complainants and the respondents.

16 November 1984
Date

Charles N. Steele
General Counsel

Attachments
1) Signed conciliation agreement
2) Proposed notification letter to the Mondale for President Committee, Inc.
3) Proposed notification letter to the Pennsylvania At-Large Delegates for Mondale and Joanne Ciulla.
4) Proposed notification letter to the Pennsylvania 22nd Congressional District Delegates for Mondale and Debbie O'Dell Seneca.
5) Proposed notification letter to the 1st District Delegate Committee for Mondale (RI) and Salvatore Mancini.
6) Proposed notification letter to the 2nd District Delegate Committee for Mondale (RI) and Joseph DeLorenzo.
7) Proposed sample letter to be sent to the 13 labor PAC respondents and their treasurers.
8) Proposed notification letters to a complainants Americans with Hart, Inc., and the National Right to Work Committee, Inc.,and Ralph Martin Hettinga
9) Proposed notification letter to be sent to the delegate committees against which no reason to believe determination was made.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President Committee, Inc.	)	
	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("MPC" or "Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures, based on the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

This agreement represents the final resolution of this matter only. Therefore, it relates only to contributions to and expenditures by delegate committees and Respondent, which the parties will treat as having been excessive based upon Respondent's agreement to treat the delegate committees as affiliated for the purpose of resolving this matter. The Commission believes that the expeditious resolution of this matter with respect to the delegate committees, based on presently available information, avoids the necessity for a prolonged investigation and is in the public's best interest. This agreement does not address any other activity by MPC and/or the delegate committees.

ATTACHMENT 1

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For example, this agreement does not address any possible contributions received by Respondent which may have exceeded the limitations set forth in 2 U.S.C. Section 441a(a) without regard to the contributions received by the delegate committees. Similarly this agreement does not address any possible expenditures made by Respondent which may exceed the limitations of 2 U.S.C. Section 441a(b)(1)(A) without regard to the expenditures made by the delegate committees. Any repayment with respect to MPC expenditures which might be excessive without regard to the expenditures by the delegate committees would be determined following the completion of the Commission's audit of MPC pursuant to 26 U.S.C. Section 9038.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

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

1. Respondent Mondale for President Committee, Inc is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination

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ATTACHMENT 1

to the Office of President of the United States in 1984.

2. Michael S. Berman who is the Treasurer of MPC will be responsible for implementation of this agreement.

3. Respondent, in the course of its communications with delegates, encouraged them to form delegate committees. The Respondent, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form delegate committees. Upon preliminary review, it appears that the scope and nature of these communications and interactions between the Respondent and various delegate committees differed.

4. Respondent has agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

5. Based upon the Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc., as having exceeded the limitations of 2 U.S.C. Section 441a(a)(2)(A) by at least $299,215.

6. Based upon Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc., as having exceeded the limitations of 2

ATTACHMENT 1

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U.S.C. Section 441a (a) (1) (A) by at least $47,402.

7. Based upon Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate expenditures made by the delegate committees and Mondale for President Committee, Inc. as having exceeded the limitations of 2 U.S.C. Section 441a(b)(1)(A) with respect to New Hampshire by approximately $92,975.73.

8. Respondent requested pre-probable cause conciliation.

V. Because the parties desire an expeditious resolution of this matter, and because the Respondent agrees, for the purpose of resolving this matter, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., the parties enter into this agreement prior to the completion of an investigation by the Commission

The Commission contends that the delegate committees are affiliated with Mondale for President Committee, Inc. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees might be found not to be affiliated with the Mondale for President Committee, Inc. The Respondent acknowledges that if there were a full investigation, some delegate committees might be found to be affiliated with the Mondale for President Committee, Inc.

Therefore, the parties agree that:

ATTACHMENT 1

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1. Respondent shall amend its Statement of Organization to identify all of the the delegate committees as affiliated committees.

2. Respondent shall notify the delegate committees of the recordkeeping and reporting requirements of the Act. The Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities, which are distinct entities for purposes of recordkeeping and reporting.

3. The audit of the Mondale for President Committee, Inc. under 26 U.S.C. Section 9038(b) will not include an audit of the delegate committees, and no other audit of MPC or the delegate committees will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 431 et seq. Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

4. Respondent shall pay $350,000 to the Treasurer of the United States. Such amount represents contributions

ATTACHMENT 1

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received by the delegate committees and the Mondale for President Committee, Inc. that would have exceeded, in the aggregate, by preliminary estimates, the limitations of 2 U.S.C. Sections 441a(a)(1)(A) and 441a(a)(2)(A) had they been received by MPC. Funds used to make this payment may include funds raised pursuant to 11 C.F.R. Section 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

5. Respondent shall pay $29,640 to the Treasurer of the United States. Such amount represents a repayment of the portion of the delegate committee expenditures attributable to New Hampshire, less the exclusions pursuant to 11 C.F.R. Section 9035.1(c), which, based on a preliminary review of the most recent reports filed by MPC and the delegate committees, would have exceeded MPC's spending limitations in New Hampshire under 2 U.S.C. Section 441a(b) had they been made by MPC, multiplied by the ratio of matching funds received by MPC to the total amount of deposits of contribution and matching funds received by MPC and the delegate committees.

6. Respondents shall pay to the Treasurer of the United States a civil penalty in the amount of $18,500, pursuant to 2 U.S.C. Section 437g.

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

ATTACHMENT 1

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

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

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements, other than payments, contained in this agreement and to so notify the Commission. Respondent shall make a payment of $50,000 to the United States Treasury within 30 days from the effective date of the agreement. The remainder of the payments set forth in Paragraphs V 4, 5, and 6 shall be made within 90 days of the effective date of this agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. Nothing in this agreement shall prevent the Commission from pursuing any remedies with respect to Respondent, including other repayments from MPC, pursuant to 26 U.S.C. Section 9038(b), based on matters unrelated to this agreement. No other statement, promise, or agreement, either written or oral, made by

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ATTACHMENT 1

either party or by agents of either party, that is neither contained nor referenced in this written agreement shall be binding on the parties. The Commission agrees not to take any further action against any contributors to delegate committees with respect to contributions which are excessive when aggregated with contributions to other delegate committees or to Mondale for President Committee, Inc. The Commission further agrees not to take any further action against delegate committees with respect to such contributions or with respect to the expenditures made by delegate committees which are excessive when aggregated with expenditures made by Mondale for President Committee, Inc.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENT:

Michael S. Berman

11-7-84

Michael S. Berman
Treasurer
Mondale for President Committee, Inc.

Date

ATTACHMENT 1

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms Oliphant:

On November , 1984, the Commission accepted the conciliation agreement signed by Mr. Berman on behalf of the Mondale for President Committee, Inc. in settlement of violations of 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended. A fully executed copy of the final conciliation agreement is enclosed for your files. In addition, the Commission decided to take no further action with respect to the other respondents and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should your clients wish any such information to become part of the public record, please advise us in writing within 10 days.

If you should have any questions, please contact Robert Bonham, an attorney assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

ATTACHMENT 2
(Page 1 of 1)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James M. Beck, Esquire
Pepper, Hamilton & Sheetz
20th Floor
The Fidelity Building
123 South Broad Street
Philadelphia, Pennsylvania 19109-1083

Re: MUR 1704
Pennsylvania At-Large Delegates
for Mondale
Joanne Ciulla, as treasurer

Dear Mr. Beck:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 7, 1984, that there was reason to believe the Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer, had violated 2 U.S.C. § 434(b)(3)(B), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November , 1984, the Commission voted inter alia to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

ATTACHMENT 3
(Page 1 of 1)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Debbie O'Dell Seneca, Esquire
Seneca and O'Dell, P.C.
335 North Main Street
Washington, Pennsylvania 15301

Re: MUR 1704
22nd Congressional District Delegate
Committee for Mondale
Debbie O'Dell Seneca, as treasurer

Dear Ms. Seneca:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 7, 1984, that there was reason to believe the 22nd Congressional District Delegate Committee for Mondale (PA) and you, as treasurer, had violated 2 U.S.C. § 434(b)(3)(B), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November , 1984, the Commission voted inter alia to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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ATTACHMENT 4
(Page 1 of 1)

(12)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

John P. McGann, Esquire
Coffey, McGovern, Noel and Neal, Ltd.
20 Washington Place
Providence, Rhode Island 02903

Re: MUR 1704
1st District Delegate Committee
for Mondale (RI)
Salvatore Mancini, as treasurer

Dear Mr. McGann:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 7, 1984, that there was reason to believe the 1st District Delegate Committee for Mondale (RI) and Salvatore Mancini, as treasurer, had violated 2 U.S.C. § 434(c), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November , 1984, the Commission voted inter alia to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

ATTACHMENT 5
(Page 1 of 1)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph DeLorenzo, Treasurer
2nd District Delegate Committee for Mondale (RI)
1910 Smith Street, Suite 9
North Providence, Rhode Island 02911

Re: MUR 1704

Dear Mr. DeLorenzo:

Based on a complaint filed with the Commission on May 18, 1984, the Commission determined on August 17, 1984, that there was reason to believe the 2nd District Delegate Committee for Mondale (RI) and you, as treasurer, had violated 2 U.S.C. § 434(c), a provision of the Federal Election Campaign Act of 1971, as amended.

This is to notify you that on November , 1984, the Commission voted inter alia to take no further action with respect to you and your committee and close the file in this matter. Accordingly, the file has been closed and will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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ATTACHMENT 6
(Page 1 of 1)

(14)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

[Inside address of counsel for
each labor PAC and its treasurer]

Re: MUR 1704
[Name of labor PAC and treasurer]

Dear :

Based on a complaint filed with the Commission on May 18, 1984, and information supplied by you, the Commission determined on August 7, 1984, that there was reason to believe your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

This is to notify you that on November , 1984, the Commission voted inter alia to take no further action with respect to your clients and close the file in this matter. Accordingly, the file will become a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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ATTACHMENT 7
(Page 1 of 1)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

John M. Quinn, General Counsel
Americans With Hart, Inc.
507 Eighth Street, S.E.
Washington, D.C. 20003

Re: MUR 1704
Mondale for President Committee,
Inc. et al.

Dear Mr. Quinn:

This is in reference to the complaint you filed with the Commission on April 6, 1984, concerning possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act") by the Mondale for President Committee, Inc. and delegate committees supporting Mr. Mondale's nomination as the Democratic Party's candidate for President of the United States.

On May 7, 1984, the Commission determined that there was reason to believe that the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, had violated 2 U.S.C. §§ 441a(f) and 441a(b)(1)(A). Subsequently, on November , 1984, the Commission accepted a signed conciliation agreement for the Mondale for President Committee, Inc. A copy of this agreement is enclosed for your information. In addition, the Commission decided to take no further action with respect to the other respondents in this matter, and to close the entire file. Accordingly, the file will become part of the public record within 30 days.

If you should have any questions, please contact Robert Bonham, an attorney assigned to this matter at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

ATTACHMENT 8
(Page 1 of 3)

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(14)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William A. Wilson, Vice President
National Right to Work Committee, Inc.
Suite 500
8001 Braddock Road
Springfield, Virginia 22160
and
Ralph Martin Hettinga, Jr.
645 Compress Road
Las Cruces, New Mexico 88001

Re: MUR 1704
Mondale for President Committee, Inc. et al.

Dear Gentlemen:

This is in response to the complaint you filed with the Commission on May 18, 1984, concerning possible violations of the Federal Election Campaign Act of 1971, as amended, by the Mondale for President Committee, Inc., delegate committees supporting Mr. Mondale's nomination as the Democratic Party's candidate for President of the United States, and certain political committee contributors to those committees.

On August 7, 1984, the Commission determined that there was reason to believe that the Mondale for President Committee, Inc. had violated 2 U.S.C. §§ 441a(f) and 441a(b)(1)(A), and that the respondent labor PAC contributors */ had violated 2 U.S.C.

---

*/ Amalgamated Clothing and Textile Workers Union PAC and John Fox, as treasurer; the American Federation of Labor, Congress of Industrial Organizations Committee on Political Education Political Contribution Committee and Thomas R. Donahue, as treasurer; AFSCME Public Employees Organized to Promote Legislative Equally - QUALIFIED and William Lucy, as treasurer; American Federation of Teachers COPE and Robert G. Porter, as treasurer; the Communication Workers of America COPE PCC and Louis B. Knecht, as treasurer; the Ironworkers Political Action League and John T. Taylor, as treasurer; the International Union of Bricklayers and Allied Craftsmen PAC and Edward M. Bellucci, as treasurer; the Machinist Non-Partisan Political League and Eugene Glover, as treasurer; the Service Employees International Union COPE PCC and Richard W. Cordtz, as treasurer; the United Auto Workers V-CAP and Donald J. Moll, as treasurer; the Carpenters Legislative Improvement Committee and Patrick J. Campbell, as treasurer; the United Food and Commercial Workers Active Ballot Club and Anthony Lutty, as treasurer; and the United Mine Workers of America Coal Miner's PAC and John J. Banovic, as treasurer.

ATTACHMENT 8
(Page 2 of 3)

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§ 441a(a)(2)(A). Subsequently, on November , 1984, the Commission accepted a signed conciliation agreement for the Mondale for President Committee, Inc. A copy of this agreement is enclosed for your information. Upon acceptance of this agreement, the Commission voted to take no further action against the other respondents in this matter and close the entire file. Accordingly, the file will become part of the public record within 30 days.

If you should have any questions, please contact Robert Bonham, an attorney assigned to this matter at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

cc: H. Richard Mayberry, Jr., Esquire
Richard J. Clair, Esquire

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ATTACHMENT 8
(Page 3 of 3)

(18)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

[Inside address of counsel for each delegate committee and its treasurer, or treasurer of each committee]

Re: MUR 1704
[Name of delegate committee and treasurer if addressed to counsel]

Dear :

The Commission has previously notified you of complaints that it received on April 6, 1984, and May 18, 1984, in the above-captioned matter.

This is to notify you that on November 7, 1984, the Commission voted inter alia to take no further action with respect to you/your clients and close the file in this matter. Accordingly, the file will be made a part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

If you should have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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ATTACHMENT 9
(Page 1 of 1)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 7, 1984

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

This is to acknowledge receipt of your November 1, 1984, letter enclosing a new proposed conciliation agreement for the Commission's consideration.

On November , 1984, the Commission approved the conciliation agreement. Accordingly, enclosed is the original copy of the agreement which we are returning for signature by Michael Berman on behalf of the committee. Please have the agreement signed and returned to us at your earliest convenience. When the agreement has been accepted by the Commission, we will forward you a fully executed copy of the agreement for your files.

Thank you in advance for your cooperation in this matter. Should you have any questions, please contact Mr. Robert Bonham, an attorney assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("MPC" or "Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures, based on the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

This agreement represents the final resolution of this matter only. Therefore, it relates only to contributions to and expenditures by delegate committees and Respondent, which the parties will treat as having been excessive based upon Respondent's agreement to treat the delegate committees as affiliated for the purpose of resolving this matter. The Commission believes that the expeditious resolution of this matter with respect to the delegate committees, based on presently available information, avoids the necessity for a prolonged investigation and is in the public's best interest. This agreement does not address any other activity by MPC and/or the delegate committees.

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For example, this agreement does not address any possible contributions received by Respondent which may have exceeded the limitations set forth in 2 U.S.C. Section 441a(a) without regard to the contributions received by the delegate committees. Similarly this agreement does not address any possible expenditures made by Respondent which may exceed the limitations of 2 U.S.C. Section 441a(b)(1)(A) without regard to the expenditures made by the delegate committees. Any repayment with respect to MPC expenditures which might be excessive without regard to the expenditures by the delegate committees would be determined following the completion of the Commission's audit of MPC pursuant to 26 U.S.C. Section 9038.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination

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to the Office of President of the United States in 1984.

2. Michael S. Berman who is the Treasurer of MPC will be responsible for implementation of this agreement.

3. Respondent, in the course of its communications with delegates, encouraged them to form delegate committees. The Respondent, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form delegate committees. Upon preliminary review, it appears that the scope and nature of these communications and interactions between the Respondent and various delegate committees differed.

4. Respondent has agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

5. Based upon the Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc., as having exceeded the limitations of 2 U.S.C. Section 441a(a)(2)(A) by at least $299,215.

6. Based upon Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc., as having exceeded the limitations of 2

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U.S.C. Section 441a (a) (1) (A) by at least $47,402.

7. Based upon Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate expenditures made by the delegate committees and Mondale for President Committee, Inc. as having exceeded the limitations of 2 U.S.C. Section 441a(b)(1)(A) with respect to New Hampshire by approximately $92,975.73.

8. Respondent requested pre-probable cause conciliation.

V. Because the parties desire an expeditious resolution of this matter, and because the Respondent agrees, for the purpose of resolving this matter, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., the parties enter into this agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with Mondale for President Committee, Inc. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees might be found not to be affiliated with the Mondale for President Committee, Inc. The Respondent acknowledges that if there were a full investigation, some delegate committees might be found to be affiliated with the Mondale for President Committee, Inc.

Therefore, the parties agree that:

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1. Respondent shall amend its Statement of Organization to identify all of the the delegate committees as affiliated committees.

2. Respondent shall notify the delegate committees of the recordkeeping and reporting requirements of the Act. The Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities, which are distinct entities for purposes of recordkeeping and reporting.

3. The audit of the Mondale for President Committee, Inc. under 26 U.S.C. Section 9038(b) will not include an audit of the delegate committees, and no other audit of MPC or the delegate committees will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 431 et seq. Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

4. Respondent shall pay $350,000 to the Treasurer of the United States. Such amount represents contributions

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received by the delegate committees and the Mondale for President Committee, Inc. that would have exceeded, in the aggregate, by preliminary estimates, the limitations of 2 U.S.C. Sections 441a(a)(1)(A) and 441a(a)(2)(A) had they been received by MPC. Funds used to make this payment may include funds raised pursuant to 11 C.F.R. Section 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

5. Respondent shall pay $29,640 to the Treasurer of the United States. Such amount represents a repayment of the portion of the delegate committee expenditures attributable to New Hampshire, less the exclusions pursuant to 11 C.F.R. Section 9035.1(c), which, based on a preliminary review of the most recent reports filed by MPC and the delegate committees, would have exceeded MPC's spending limitations in New Hampshire under 2 U.S.C. Section 441a(b) had they been made by MPC, multiplied by the ratio of matching funds received by MPC to the total amount of deposits of contribution and matching funds received by MPC and the delegate committees.

6. Respondents shall pay to the Treasurer of the United States a civil penalty in the amount of $18,500, pursuant to 2 U.S.C. Section 437g.

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

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

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

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements, other than payments, contained in this agreement and to so notify the Commission. Respondent shall make a payment of $50,000 to the United States Treasury within 30 days from the effective date of the agreement. The remainder of the payments set forth in Paragraphs V 4, 5, and 6 shall be made within 90 days of the effective date of this agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. Nothing in this agreement shall prevent the Commission from pursuing any remedies with respect to Respondent, including other repayments from MPC, pursuant to 26 U.S.C. Section 9038(b), based on matters unrelated to this agreement. No other statement, promise, or agreement, either written or oral, made by

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party or by agents of either party, that is neither contained nor referenced in this written agreement shall be binding on the parties. The Commission agrees not to take any further action against any contributors to delegate committees with respect to contributions which are excessive when aggregated with contributions to other delegate committees or to Mondale for President Committee, Inc. The Commission further agrees not to take any further action against delegate committees with respect to such contributions or with respect to the expenditures made by delegate committees which are excessive when aggregated with expenditures made by Mondale for President Committee, Inc.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

Date

FOR THE RESPONDENT:

Michael S. Berman
Treasurer
Mondale for President Committee, Inc.

Date

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President	)	
Committee, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 6, 1984, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1704:

1. Approve the conciliation agreement submitted on behalf of respondents Mondale for President Committee, Inc., and Michael S. Berman. (Attachment 1 to the FEC General Counsel's report dated November 2, 1984.)

2. Approve the letter attached to the General Counsel's report dated November 2, 1984.

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

Attest:

11-6-84
Date

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

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SENSITIVE

RECEIVED
OFFICE OF THE FEC
SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 NOV 2 P5:11

November 2, 1984

Submitted Late

MEMORANDUM

EXECUTIVE SESSION
NOV 6 1984

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Request for Commission Consideration of Memorandum From Charles N. Steele to the Commission Regarding Proposed Conciliation Agreement submitted by Respondents Mondale for President Committe, Inc., and Michael S. Berman in MUR 1704, In the Matter of Mondale for President Committee (1984).

The Office of the General Counsel requests Commission consideration of the above-captioned memorandum at its closed session of November 6, 1984. Late submission of this document is necessitated by the short period of time between receipt of the proposed conciliation agreement which is the subject matter of the memorandum and the executive session.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 NOV 2 P5:12

November 2, 1984

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Proposed Conciliation Agreement submitted by Respondents Mondale for President Committee, Inc., and Michael S. Berman in MUR 1704, In the Matter of Mondale for President Committee (1984).

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For the reasons discussed below, the Office of the General Counsel recommends that the Commission approve the latest conciliation agreement submitted on behalf of respondents.

Discussion

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Conclusion

For the foregoing reasons, the Office of the General Counsel recommends that the Commission accept the latest conciliation agreement submitted on behalf of respondents MPC and Berman, which resolves this matter with respect to MPC and approve the attached letter.

RECOMMENDATIONS

1. Approve the conciliation agreement submitted on behalf of respondents Mondale for President Committee, Inc., and Michael S. Berman. Attachment 1.

2. Approve the attached letter.

Attachments

1. Letter from counsel for respondents MPC and Berman enclosing proposed conciliation agreement (dated November 1, 1984). (10 pgs.)

2. Letter to respondents enclosing approved conciliation agreement.

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Mondale for President
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1600

MONDALE

November 1, 1984

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, NW
Washington, D.C. 20463

RE: MUR 1704

Dear Mr. Steele:

We have reviewed the Commission's proposal of October 30, 1984, and believe that we are very close to an agreement. The enclosed agreement makes those changes which we believe are necessary, but yet retains the spirit and substance of the Commission's proposal.

In this agreement, the Committee has assented to the vast majority of the language changes proposed by the Commission, including changes about which the Committee has previously expressed reservations. Moreover, in this agreement, the Committee has agreed to a resolution which provides for an immediate effective date and for payments to the Treasury prior to the final repayment determination. Because of this, the Committee has offered to make a payment within 30 days of $50,000, but will need up to 90 days to make the remainder of the payments. While the Committee borrowed and escrowed funds in May, the escrow agreement, in order to protect those funds from creditors, provides for only two ways in which the escrowed funds

Attachment 1 (1 of 10)

Paid for by Mondale for President, Inc.

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may be used--to repay PACs, or to apply to outstanding loans owed by the Committee to the bank.

Since the Committee has agreed to repay the U.S. Treasury rather than refund the contributions, the Committee will need a reasonable period of time in which to raise these funds.

We believe that this agreement is a fair resolution of this matter. We urge the Commission to accept it.

Sincerely,

David M. Ifshin
By CUO

David M. Ifshin
General Counsel

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President Committee, Inc.	)	
	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans with Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., ("MPC" or "Respondent") violated 2 U.S.C. Section 441a(f) by accepting excessive contributions and 2 U.S.C. Sections 441a(b)(1)(A) and 441a(f) by making excessive expenditures, based on the Commission's contention that the delegate committees are committees affiliated with the Mondale for President Committee, Inc.

This agreement represents the final resolution of this matter only. Therefore, it relates only to contributions to and expenditures by delegate committees and Respondent, which the parties will treat as having been excessive based upon Respondent's agreement to treat the delegate committees as affiliated for the purpose of resolving this matter. The Commission believes that the expeditious resolution of this matter with respect to the delegate committees, based on presently available information, avoids the necessity for a prolonged investigation and is in the public's best interest. This agreement does not address any other activity by MPC and/or the delegate committees.

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(3 of 10)

For example, this agreement does not address any possible contributions received by Respondent which may have exceeded the limitations set forth in 2 U.S.C. Section 441a(a) without regard to the contributions received by the delegate committees. Similarly this agreement does not address any possible expenditures made by Respondent which may exceed the limitations of 2 U.S.C. Section 441a(b)(1)(A) without regard to the expenditures made by the delegate committees. Any repayment with respect to MPC expenditures which might be excessive without regard to the expenditures by the delegate committees would be determined following the completion of the Commission's audit of MPC pursuant to 26 U.S.C. Section 9038.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination

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to the Office of President of the United States in 1984.

2. Michael S. Berman who is the Treasurer of MPC will be responsible for implementation of this agreement.

3. Respondent, in the course of its communications with delegates, encouraged them to form delegate committees. The Respondent, in some instances, provided additional advice to delegates who, acting upon that advice, chose to form delegate committees. Upon preliminary review, it appears that the scope and nature of these communications and interactions between the Respondent and various delegate committees differed.

4. Respondent has agreed, for the purpose of resolving this matter, to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc.

5. Based upon the Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate contributions received from political committees by the delegate committees and the Mondale for President Committee, Inc., as having exceeded the limitations of 2 U.S.C. Section 441a(a)(2)(A) by at least $299,215.

6. Based upon Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate contributions received from individuals by the delegate committees and the Mondale for President Committee, Inc., as having exceeded the limitations of 2

(5 of 10)

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U.S.C. Section 441a (a) (1) (A) by at least $47,402.

7. Based upon Respondent's agreement in Paragraph IV 4 to treat the delegate committees as committees affiliated with the Mondale for President Committee, Inc., the parties will treat the aggregate expenditures made by the delegate committees and Mondale for President Committee, Inc. as having exceeded the limitations of 2 U.S.C. Section 441a(b)(1)(A) with respect to New Hampshire by approximately $92,975.73.

8. Respondent requested pre-probable cause conciliation.

V. Because the parties desire an expeditious resolution of this matter, and because the Respondent agrees, for the purpose of resolving this matter, to voluntarily treat the delegate committees as though they were affiliated with the Mondale for President Committee, Inc., the parties enter into this agreement prior to the completion of an investigation by the Commission.

The Commission contends that the delegate committees are affiliated with Mondale for President Committee, Inc. The Respondent contends that it is not affiliated with the delegate committees. The Commission acknowledges that if there were a full investigation, some delegate committees might be found not to be affiliated with the Mondale for President Committee, Inc. The Respondent acknowledges that if there were a full investigation, some delegate committees might be found to be affiliated with the Mondale for President Committee, Inc.

Therefore, the parties agree that:

(6 of 10)

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1. Respondent shall amend its Statement of Organization to identify all of the the delegate committees as affiliated committees.

2. Respondent shall notify the delegate committees of the recordkeeping and reporting requirements of the Act. The Respondent will not be responsible for any past or future actions or omissions of the delegate committees other than those specified in this agreement. The Commission will treat the Mondale for President Committee, Inc. and the delegate committees as separate entities, which are distinct entities for purposes of recordkeeping and reporting.

3. The audit of the Mondale for President Committee, Inc. under 26 U.S.C. Section 9038(b) will not include an audit of the delegate committees, and no other audit of MPC or the delegate committees will be conducted pursuant to this enforcement action. Because the delegate committees did not receive any federal funds, they will be responsible only for compliance with the provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. Section 431 et seq. Nothing in this agreement shall preclude the Commission from auditing a delegate committee under the statutory provisions applicable to any other non-publicly funded political committee for matters unrelated to the subject matter of this agreement.

4. Respondent shall pay $350,000 to the Treasurer of the United States. Such amount represents contributions

(7 of 10)

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received by the delegate committees and the Mondale for President Committee, Inc. that would have exceeded, in the aggregate, by preliminary estimates, the limitations of 2 U.S.C. Sections 441a(a)(1)(A) and 441a(a)(2)(A) had they been received by MPC. Funds used to make this payment may include funds raised pursuant to 11 C.F.R. Section 9034.4(b)(4). Such funds may not, however, include funds prohibited by the Act.

5. Respondent shall pay $29,640 to the Treasurer of the United States. Such amount represents a repayment of the portion of the delegate committee expenditures attributable to New Hampshire, less the exclusions pursuant to 11 C.F.R. Section 9035.1(c), which, based on a preliminary review of the most recent reports filed by MPC and the delegate committees, would have exceeded MPC's spending limitations in New Hampshire under 2 U.S.C. Section 441a(b) had they been made by MPC, multiplied by the ratio of matching funds received by MPC to the total amount of deposits of contribution and matching funds received by MPC and the delegate committees.

6. Respondents shall pay to the Treasurer of the United States a civil penalty in the amount of $18,500, pursuant to 2 U.S.C. Section 437g.

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

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(8 of 10)

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

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

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements, other than payments, contained in this agreement and to so notify the Commission. Respondent shall make a payment of $50,000 to the United States Treasury within 30 days from the effective date of the agreement. The remainder of the payments set forth in Paragraphs V 4, 5, and 6 shall be made within 90 days of the effective date of this agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein and constitutes a complete bar on any further action by the Commission against Respondent based on the subject matter of this agreement. Nothing in this agreement shall prevent the Commission from pursuing any remedies with respect to Respondent, including other repayments from MPC, pursuant to 26 U.S.C. Section 9038(b), based on matters unrelated to this agreement. No other statement, promise, or agreement, either written or oral, made by

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party or by agents of either party, that is neither contained nor referenced in this written agreement shall be binding on the parties. The Commission agrees not to take any further action against any contributors to delegate committees with respect to contributions which are excessive when aggregated with contributions to other delegate committees or to Mondale for President Committee, Inc. The Commission further agrees not to take any further action against delegate committees with respect to such contributions or with respect to the expenditures made by delegate committees which are excessive when aggregated with expenditures made by Mondale for President Committee, Inc.

FOR THE COMMISSION:

_____ _____

Charles N. Steele Date
General Counsel

FOR THE RESPONDENT:

_____ _____

Michael S. Berman Date
Treasurer
Mondale for President Committee, Inc.

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(10 of 10)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

HAND DELIVERED

David M. Ifshin, General Counsel
Carolyn U. Oliphant, Deputy General Counsel
Mondale for President, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

This is to acknowledge receipt of your November 1, 1984, letter enclosing a new proposed conciliation agreements for the Commission's consideration.

On November , 1984, the Commission approved the conciliation agreement. Accordingly, enclosed is the original copy of the agreement which we are returning for signature by Michael Berman on behalf of the committee. Please have the agreement signed and returned to us at your earliest convenience. When the agreement has been accepted by the Commission, we will forward you a fully executed copy of the agreement for your files.

Thank you in advance for your cooperation in this matter. Should you have any questions, please contact Mr. Robert Bonham, an attorney assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Attachment 2

8504050310

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

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

Re: MUR 1704
American Federation of Teachers
COPE
Robert G. Porter, as treasurer

Dear Mr. Oldaker:

This responds to your letter of October 1, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050311

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

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

Re: MUR 1704
Machinists Non-Partisan
Political League
Eugene Glover, as treasurer

Dear Mr. Oldaker:

This responds to your letter of October 1, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050312

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

James P. Coppess, Esquire
Adair, Scanlon and McHugh, P.C.
Suite 411
1925 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
Communications Workers of America
COPE PCC
Louis P. Knecht, Treasurer

Dear Mr. Coppess:

This responds to your letter of September 6, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050311 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Sarah M. Fox, Esquire
International Union of Bricklayers &
Allied Craftsmen
815 Fifteenth Street, N.W.
Washington, D.C. 20005

Re: MUR 1704
International Union of Bricklayers
& Allied Craftsmen Political Action
Committee
Edward M. Bellucci, Treasurer

Dear Ms. Fox:

This responds to your letter of September 7, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050314

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Margaret E. McCormick, Esquire
American Federation of Labor and
Congress of Industrial Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
AFL-CIO COPE PCC
Thomas R. Donahue, Treasurer

Dear Ms. McCormick:

This responds to your letter of September 7, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050311 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Laurence Gold
General Counsel
American Federation of Labor and
Congress of Industrial Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
AFL-CIO COPE PCC
Thomas R. Donahue, Treasurer

Dear Mr. Gold:

This responds to your letter of September 7, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050311 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Alan V. Reuther
Assistant General Counsel
International Union, United Automobile, Aerospace
& Agricultural Implement Workers of America - UAW
1757 N Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
International Union, United
Automobile, Aerospace &
Agricultural Implement Workers of
America - UAW-V-CAP
Donald J. Moll, Treasurer

Dear Mr. Reuther:

This responds to your letter of September 7, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050311 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Michael H. Holland
General Counsel
United Mine Workers of America
900 15th Street, N.W.
Washington, D.C. 20005

Re: MUR 1704
United Mine Workers of America Coal
Miners Political Action Committee
John J. Banovic, Treasurer

Dear Mr. Holland:

This responds to your letter of September 7, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050318

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Kathy L. Krieger, Esquire
United Brotherhood of Carpenters
and Joiners of America
101 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: MUR 1704
Carpenters Legislative Improvement
Committee
Patrick J. Campbell, Treasurer

Dear Ms. Krieger:

This responds to your letter of September 5, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050319

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Edward P. Wendel
Assistant General Counsel
United Food and Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
United Food & Commercial Workers
International Union Active Ballot
Club
Anthony J. Lutty, Treasurer

Dear Mr. Wendel:

This responds to your letter of September 5, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Joan Ruby
Assistant General Counsel
Amalgamated Clothing and Textile Workers Union
15 Union Square
New York, N.Y. 10003

Re: MUR 1704
Amalgamated Clothing and Textile
Workers Union Political Action
Committee
John Fox, Treasurer

Dear Ms. Ruby:

This responds to your letter of September 6, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
Suite 800
1100 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
AFSCME Public Employees Organized
to Promote Legislative Equality --
Qualified
William Lucy, Treasurer

Dear Mr. Weinberg:

This responds to your letter of September 7, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050312 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Gerald I. Sommer, Esquire
Service Employees International Union
2020 K Street, N.W.
Washington, D.C. 20006-1846

Re: MUR 1704
Service Employees International
Union COPE/PCC
Richard W. Cordtz, Treasurer

Dear Mr. Sommer:

This responds to your letter of September 5, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050312 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Lester Asher, Esquire
Service Employees International Union
2020 K Street, N.W.
Washington, D.C. 20006-1846

Re: MUR 1704
Service Employees International
Union COPE/PCC
Richard W. Cordtz, Treasurer

Dear Mr. Asher:

This responds to your letter of September 5, 1984, wherein you requested a copy of the complaint in MUR 1667, a matter under review that was merged with MUR 1704. As you are aware, the Commission determined on the basis of the complaint in MUR 1704 that there is reason to believe your clients violated 2 U.S.C. § 441a(a)(2)(A).

On October 23, 1984, the Commission considered your request and voted to provide you with a copy of the complaint as requested. The complaint is enclosed for your information. If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050312 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1984

Victor J. Van Bourg, Esquire
Van Bourg, Allen, Weinberg & Roger
875 Battery Street
San Francisco, CA 94111

Re: MUR 1704
Ironworkers Political Action League
John T. Taylor, as treasurer

Dear Mr. Van Bourg:

On August 7, 1984, you were notified that the Commission had determined there is reason to believe your clients in the above-captioned matter had violated 2 U.S.C. § 441a(a)(2)(A). You were also notified that another matter under review, MUR 1667, had been merged with MUR 1704.

On October 23, 1984, the Commission considered requests submitted by other respondents in MUR 1704 for copies of the complaint in MUR 1667 and voted to provide such copies. For your information we have enclosed a copy of that complaint.

If you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504050312 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1704
Mondale for President Committee, Inc., et al.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of October 24, 1984, do hereby certify that the Commission decided by a vote of 6-0 to reject the recommendations in the General Counsel's report dated October 15, 1984, and to honor the request of the 12 labor PAC respondents.

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

Attest:

10-24-84
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL

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

DATE: OCTOBER 17, 1984

SUBJECT: OBJECTIONS - MUR 1704 Memorandum to the Commission dated October 15, 1984

The above-named document was circulated to the Commission on Monday, October 15, 1984 at 4:00.

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

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

This matter will be placed on the Executive Session agenda for Tuesday, October 23, 1984, unless notified to the contrary.

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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: OCTOBER 16, 1984

SUBJECT: OBJECTION - MUR 1704 Memorandum to the Commission dated October 15, 1984

The above-named document was circulated to the Commission on Monday, October 15, 1984 at 4:00.

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

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

This matter will be placed on the Executive Session agenda for Tuesday, October 23, 1984 unless notified to the contrary.

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SENSITIVE

RECEIVED
OFFICE OF THE SECRETARY
FEC

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 OCT 15 P2:37

October 15, 1984

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Letters Received from Respondents in MUR 1704

On August 14, 1984, the Commission determined there was reason to believe the 13 named labor political action committee respondents in MUR 1704 violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to the Mondale delegate committees which, in the aggregate, were excessive. This finding was predicated upon the Commission's conclusion that there is evidence that the delegate committees are affiliated with the Mondale for President Committee, Inc. ("MPC"). Subsequent to the reason to believe determinations, the Commission voted to merge MUR 1667 with MUR 1704. The General Counsel's Office had recommended merging the two matters in order to facilitate the handling of the many similar issues raised regarding the delegate committees and MPC. None of the labor committees were made respondents in MUR 1667, and no findings were made with respect to the labor PACs in MUR 1704 that depended upon any facts in MUR 1667.

Notification letters sent to each of the labor PAC respondents referred to the merger of the two matters as well as the Commission's reason to believe determination. Because MUR 1704 is an externally generated matter, no factual and legal analysis concerning the Commission's determination was forwarded with the letters. See 11 C.F.R. §§ 111.8(b) and 111.9(a).

This Office has recently received letters from 12 of the labor PAC respondents (Attachment 1) requesting a complete copy of the complaint in MUR 1667 together with a statement of factual and legal reasons for the Commission's action. */ Respondents contend the Commission is required to set forth the basis for its decisions and that they are entitled to MUR 1667's materials as necessary items in order to properly prepare a response to the reason to believe finding. The letters do not, however, distinguish between the Commission's responsibilities under

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*/ No such request has been received from the Iron Worker's Political Action League.

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11 C.F.R. § 111.9(a) (requirement that respondents receive a letter setting forth the sections allegedly violated and the alleged factual basis supporting the finding) and 11 C.F.R. § 111.8(b) (findings in internally generated matters must be accompanied by a staff report setting forth the facts and legal reasons for the Commission's decision). Each asserts that the Commission's failure to acceed to the requests results in the denial of due process and violates the Commission's Regulations. The General Counsel's Office does not agree.

As previously mentioned, the determinations in MUR 1704 regarding these respondents did not depend upon facts alleged or legal issues raised in MUR 1667. The Commission's actions in 1704 are entirely supported by the factual allegations and legal issues raised in the complaint in MUR 1704, a copy of which was forwarded to each of the labor PAC respondents. In addition, each respondent received a letter setting forth the Commission's reason to believe determinations and the alleged factual basis for those findings. Thus, the respondents have been advised of the alleged factual basis supporting the Commission's decision. See 11 C.F.R. § 111.9(a). The fact that several matters are consolidated for administrative convenience, does not give rise to a requirement that a complaint made against several respondents be forwarded to persons who are respondents only in the latter matter. Indeed, to do so may even be viewed as a violation of 2 U.S.C. § 437g(a)(12).

The Office of the General Counsel recommends, for the foregoing reasons, that the Commission decline the requests of the 12 labor PAC respondents in MUR 1704 for copies of the complaint in MUR 1667. This Office also recommends that the Commission deny the respondents' request for an additional statement of facts and legal reasons for the Commission's decision.

Recommendations

1. Deny the 12 labor PAC respondents' request for a copy of the complaint in MUR 1667.

2. Deny the 12 labor PAC respondents' request for an additional statement of facts and legal reasons for the Commission's decision.

3. Approve and send the attached letters.

Attachments
1. Requests from the 12 union PAC respondents
2. Proposed letters

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GCC # 4600

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

John H. Lyons, Murray H. Finley, Sol C. Chaikin, Charles H. Pillard, Alvin E. Heaps, John DeConcini, Joyce D. Miller, James E. Hatfield, Vincent R. Sombrotto, Marvin J. Boede, Owen Bieber, Thomas W. Gleason, Albert Shanker, Edward T. Hanley, J. C. Turner, William W. Winpisinger, Wayne E. Glenn, John J. Barbetta, Barbara Hutchinson, Gerald W. McEntee, Patrick J. Campbell, John T. Joyce, Frederick O'Neal, Glenn E. Watts, Angelo Fosco, Kenneth T. Blaylock, William H. Wynn, Robert F. Boda, Frank Drozak, Richard I. Gilroy, William H. Bywater, Kenneth J. Brown, Lynn R. Williams

Mins

September 7, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 7 P5:23

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

Re: MUR 1704

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Dear Mr. Steele:

This letter constitutes the response of the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), the AFL-CIO Committee on Political Education Political Contributions Committee ("AFL-CIO COPE/PCC") and Thomas R. Donahue (hereinafter "respondents") to the Federal Election Commission's letter dated August 14, 1984 stating that the Commission has determined that there is reason to believe that respondents violated $441a(a)(2)(A) of the Federal Election Campaign Act of 1971, as amended ("the Act") by making "contributions to the Mondale campaign which in the aggregate were excessive". For the reasons described below, the Commission should find no probable cause that respondents violated the Act and should dismiss the complaint in MUR 1704.

A. We begin by pointing out two basic points that are not in dispute and cannot be disputed.

First, respondent AFL-CIO COPE/PCC has not made any contributions to the Mondale for President Committee. Second, while the AFL-CIO COPE/PCC did make contributions to a number of delegate committees the amount of those contributions did not exceed $5000 to any one delegate committee.

Moreover, as we stated in our initial response in this matter dated June 21, 1984, AFL-CIO COPE/PCC's delegate committee contributions were made in the good faith belief that each committee was independent from the others and from the Mondale for President Committee and that each delegate committee was therefore entitled to a separate contribution limit for purposes of 2 U.S.C. $441a.

Finally, as we also stated in our June 21st response, in making contributions to Mondale delegate committees, AFL-CIO COPE/PCC relied on a memorandum prepared by legal counsel which outlined the Commission's regulations governing contributions to and expenditures on behalf of delegates and delegate committees (11 C.F.R. §110.14) and states that labor organization voluntary separate segregated

Attachment 1
Page 1

funds may lawfully make contributions to delegate committees subject to a $5000 per committee per year limit.

Section 438(e) of the Act specifically provides that:

> "Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of thise section and who acts in good faith in accordance with such rule or regulation shall not, as the result of such act, be subject to any sanction provided by this Act... "2 U.S.C. $438(e).1

Based on the foregoing showing, under $438(e) the complaint against respondents should be dismissed.

B. Assuming arguendo that the Commission determines in this proceeding that the Mondale for President Committee and the delegate committees to which AFL-CIO COPE/PCC contributed are affiliated within the meaning of 2 U.S.C. $441a(a)(5), that determination should not be applied retroactively to make respondents' and other contributors' contributions to the delegate committees unlawful. Such a retroactive application would be totally inconsistent with the Commission's actions in similar situations in the past.

In MUR 253, for example, which like the instant matter involved a question of affiliation, the Commission ultimately determined that the American Medical Association's political action committee ("PAC") and the PACs of State Medical Associations were affiliated and consequently shared a single contribution limit. Based on that determination, the Commission found that both the AMA PAC and the state medical society PACs violated $$433(b)(2) and 441a(a)(2)(A) of the Act by failing to report their affiliation and by making contributions which in the aggregate exceeded $5000 per candidate per election. The Commission however took no action against any contributor to those committees nor did the Commission take any action against the 19 candidates named in the initial complaint as having received contributions from the AMA's PAC and from State Medical Association PACs which in the aggregated totalled more than $5000. Those candidates, we emphasize, included doctors who could be presumed to have some knowledge of the relationship between national and state medical associations.

Likewise in MUR 293 involving the National Education Association's political action committee ("NEA-PAC"), the Commission, while ruling that contributions made by NEA-PAC had, at least in part, been raised through reverse check-off in violation of 2 U.S.C. $441b, took no action against any candidate who had accepted contributions from NEA-PAC prior to that determination. Indeed, in Advisory Opinion 1978-53, the Commission ruled that since there was no evidence that such candidates knew those contributions had been made with money raised illegally such candidates did not have to refund any NEA-PAC contributions.

In sum, the Commission so far as we have been able to ascertain has consistently declined to proceed against contributors or candidates who, in good faith, made or received apparently lawful contributions where the Commission determinates in a subsequent compliance action that the contributions were in fact illegal. Respondents herein stand in the same shoes as the contributors to the AMA

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and State Medical Association PACs and the candidates who received contributions from those committees or from NEA-PAC. Respondents' contributions to the

delegate committees challenged here were made in the good faith belief that those committees were independent political committees with separate contribution limits. Respondents did not know then and do not know now anything to the contrary. There is thus no basis for distinguishing between respondents and the contributors or candidates involved in MURs 253 and 293. Accordingly, if the Commission in this proceeding determines that the Mondale for President Committee and the delegate committees to which AFL-CIO COPE/PCC contributed are affiliated, that determination, as in the case of the above-described MURs, should not result in any liability for respondents as a contributor to those committees.

C. The points we've made above assume that there is some validity to the charge that the Mondale for President Committee and the delegate committees to which the AFL-CIO COPE/PCC contributed are affiliated within the meaning of 2 U.S.C §441a(a)(5)(A) but the Commission's August 14 letter to respondents does not set out any factual basis for the Commission's determination that there is reason to believe that AFL-CIO COPE/PCC made "contributions to the Mondale campaign which in the aggregate were excessive" in violation of 2 U.S.C. §441a(a)(2)(A). In this regard, the reason-to-believe notification fails to meet the requirements of the Commission's regulations which provides that such notices "are to set forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding." 11 C.F.R. §111.9(a)(emphasis added). That requirement, of course, embodies one of the most fundamental concepts of due process — that those accused of violating the law must be told the specifics of the charges laid against them prior to being required to respond. In light of the Commission's failure, in violation of its own regulations, to articulate the factual basis for its determination that respondents may have violated 2 U.S.C. §441a(a)(2)(A), it is impossible for respondents to go beyond the arguments made above in responding to that determination. To do so would be to require us to first conjure up possible violations of the Act and to then show that those violations did not in fact occur.

Sincerely,

Laurence Gold
General Counsel

Margaret E. McCormick
Office of the General Counsel

Attachment 1
Page 3

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AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION

MURRAY H. FINLEY
President

JACK SHEINKMAN
Secretary-Treasurer

SCOTT HOYMAN
Executive Vice President

AFL-CIO, CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

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GCC #4596
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CLERK
GENERAL COUNSEL
84 SEP 7 P2:18

September 6, 1984

EXPRESS MAIL #B38663394

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

Re: MUR 1704 - ACTWU-PAC

Dear Mr. Steele:

The following is the response of the Amalgamated Clothing and Textile Workers Union Political Action Committee ("ACTWU-PAC") to the notification in a letter dated August 14, 1984, that the Federal Election Commission determined there is reason to believe that ACTWU-PAC and John Fox, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) of the Federal Election Campaign Act of 1971, as amended (the "Act").1/

The Commission has failed to provide the factual basis supporting the finding that ACTWU-PAC violated the Act in its notification of reason to believe, as required by 11 C.F.R. § 111.9(a) of the Commission's own Regulations. The absence of any factual support for the vague allegations deprives Respondent ACTWU-PAC of the essential due process right to notice of its alleged wrong doing.

1/ For clarification, Jack Sheinkman is the treasurer of ACTWU-PAC, located at 15 Union Square, New York, New York, and named as Respondent in the Complaint. John Fox is the treasurer of an affiliated PAC, the Philadelphia Joint Board ACTWU-PAC, located at 22 South 22nd Street, Philadelphia, Pennsylvania.

VICE PRESIDENTS

ED CLARK
JEAN MARIE COLTURE
OLGA DIAZ
JAMES DUTTON
HENRY DRAPER
BRUCE DUXTON
GABRIEL FERRARA
JOHN FOX

SAM FOX
ANGELO G. GEORGIAN
HARRY GORDON
MARCHE GROSS
NICHOLAS GYORI
WILLIAM HALL
JOSEPH HUGHES
JAMES JACKSON

JAMES A. JOHNSON
ARTHUR LOEB
RICHARD MACFADYEN
JOYCE D. MILLER
JERRY MILLER
MURRAY MORENO
FRANK NICHOLAS JR.
CARMEN PAPALE

BRUCE RAVNER
CHARLES SALLEE
LEON SPITZER
PETER SUGERSON
DEBI TORRES
STANLEY WILLIS

Attachment Page 4

,8504050313 4

The notification letter states that ACTWU-PAC made excessive contributions to the Mondale campaign. In fact, ACTWU-PAC has not made any contributions to the Mondale Campaign. The Commission has failed to set forth the dates and amounts of the specific campaign contribution it believes to be in excess of statutory limits.

The reason to believe letter further notifies ACTWU-PAC that the Commission voted to merge MURs 1667 and 1704, although MUR 1667 does not specifically name ACTWU-PAC as a respondent. The undersigned requested a copy of MUR 1667 from Federal Election Commission Attorney Stephen Mims, and was advised that the Commission's rules of confidentiality prevented him from providing a copy of MUR 1667. Consequently, ACTWU-PAC has been denied relevant information as to the basis of the merger of MURs 1667 and 1704 and the nature of the "similar allegations" as referenced in the reason to believe letter.

The serious procedural due process defects depriving ACTWU of the requisite notice of the specific allegations of violations of the Act make it inappropriate and impossible for ACTWU-PAC to provide any additional relevant information in this response. In the absence of any factual foundations for the alleged excessive contributions, ACTWU-PAC can only reassert its position as stated in its original response dated June 19, 1984. ACTWU-PAC made contributions to the various delegate committees listed in the Complaint based upon information and requests of local union representatives. ACTWU-PAC at all times acted in good faith reliance on the independent nature of the delegate committees and that contributions to each delegate committee were subject to a $5,000.00 maximum limit. ACTWU-PAC has at all times made best efforts to comply with the statutory limits as provided for in the Act and knows of no excessive contribution activity in violation of §441a(a)(2)(A) of the Act.

8504050313 5

Attachment 1
Page 5

For the above reasons, ACTWU-PAC respectfully requests that the complaint be dismissed as against ACTWU-PAC and that no further action be taken on MUR 1704.

Very truly yours,

Joan Ruby

Joan Ruby
Assistant General Counsel

JR/pb

cc: Lee Ann Elliot
Stephen Mims
Arthur M. Goldberg
Elizabeth Smith

,8504050313 6

Attachment 1
Page 6

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ROBERT T. FENDT*
ROBERT TIM BROWN*
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MARTHA WALFOORT
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VIRGINIA OFFICE
10311 COMMONWEALTH BLVD.
FAIRFAX, VA. 22032

September 7, 1984

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

Hand Delivered

Re: MUR 1704, AFSCME Public Employees Organized to Promote Legislative Equality -- Qualified (AFSCME PEOPLE)

Dear Mr. Steele:

By letter dated August 14, 1984 I was informed that the Commission had determined that there was reason to believe that AFSCME PEOPLE and William Lucy, as Treasurer, had violated 2 U.S.C. §441(a)(2)(A). The Commission's description of the alleged violation consists, in its entirety, of a statement that "it appears that the AFSCME PEOPLE made contributions to the Mondale campaign which, in the aggregate, were excessive." In addition the Commission's letter stated that it had consolidated the above-referenced MUR with MUR 1667, a proceeding which the Commission states "involves similar allegations" but does not "specifically name" AFSCME PEOPLE and William Lucy as Respondents. AFSCME PEOPLE and William Lucy respectfully submit that the Commission's letter of August 14, 1984 does not comply with the requirements of 2 U.S.C. §437(g)(a)(2) or Section 111.9(a) of the Commission's regulations, 11 C.F.R. 111.9(a), because it does not set forth "the alleged factual basis supporting the finding"

Attachment 1
Page 7

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that the FEC Act has been violated. Because the Commission has not provided the Respondents with a factual basis supporting its allegations, the letter of August 14, 1984 cannot serve as the basis for conciliation or further enforcement proceedings under 2 U.S.C. §437g.

Before we discuss the statutory defects in the Commission's reason to believe letter, we will respond to the one and only factual allegation (and even that is really a conclusion rather than a factual allegation) stated in support of that finding. Respondents did not make excessive contributions "to the Mondale campaign." In fact, as we are sure the Commission is aware, Respondents made no contributions to the Mondale campaign. If this is all the Commission can assert in support of its finding, the Commission has no basis for making a reason to believe finding and, as will be discussed more fully below, Respondents have been denied due process because they have not been provided with any basis for determining what response to the Commission's finding is appropriate.

While the federal courts have shown great deference to the Commission's construction of the FEC Act, the Supreme Court has recognized that the courts are the finally authorities on issues of statutory construction. F.E.C. v. Democratic Senatorial Campaign, 454 U.S. 27, 102 S. Ct. 38, 42 (1981). The Supreme Court has held that the courts must reject administrative constructions of the statute that are inconsistent with statutory mandate or that frustrate the policies that Congress sought to implement. Id. The statute clearly states that the Commission in its reason to believe notification, "shall set forth the factual basis for such alleged violation." 2 U.S.C. §437g(a)(2). The Commission's August 14, 1984 letter does little more than inform

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Page 8

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the Respondents that it appears that they have violated the statute. It gives no facts in support of this allegation and as such violates the "statutory mandate" that the factual basis for the Commission's allegations be disclosed.

The requirement that the Commission disclose the factual basis of its allegations at an early stage of its enforcement proceeding supports an important policy that Congress sought to implement in the statute. That policy, simply stated, requires that before instituting any civil action the Commission "make every endeavor to correct or prevent the violation by informal methods." H. Conf. Rep. No. 1057, 94 Cong. 2d Sess. 45. As the United States Court of Appeals recognized in Gabauer v. Woodcock, 495, 94 F.2d 662, 673 (8th Cir. 1978): "Congress has explicitly expressed its desire to have the FEC engage in methods of conference, conciliation and persuasion before litigation ensues . . ." Respondent might well be prepared to conciliate this matter if they were persuaded that the facts found by the Commission justified such an effort. However, without knowing those alleged facts, Respondents are unable to make a determination as to whether conciliation is appropriate. Thus, by failing to apprise the Respondents of the facts underlying its allegations, this Commission has effectively precluded the possibility of "conference, conciliation and persuasion" at this stage of its enforcement proceedings thereby frustrating a policy that Congress sought to implement.

The August 14, 1984 letter informs the Respondents that they have a right to respond to the Commission's reason to believe finding. However, by failing to provide the Respondents with a statement of the factual basis supporting its allegations the Commission has effectively denied the Respondents an opportunity

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to respond to these allegations in violation of principles of fundamental fairness and due process. With nothing more than the allegations of the initial complaint to go on, the Respondents do not know what factual allegations need to be addressed or legal theories to be refuted.

The Commission also violates fundamental principles of fairness and due process by consolidating the instant proceeding with another MUR "that involves similar allegations," but to which these Respondents are not parties. Respondents sumbit that due process is being violated by this consolidation because, pursuant to the statute and the Commission's regulations, the Respondents will not be permitted access to the record of the consolidated MUR. As a result the Respondents herein will have no knowledge of the factual allegations, legal claims or defenses presented in MUR 1667. In addition the Respondents will not have an opportunity to respond to those allegations or claims nor will the Respondents know what weight this Commission will afford the allegations or defenses raised in MUR 1667 or whether the Commission will reach legal conclusions based on the record of MUR 1667 rather than on the record of MUR 1704.

In light of the foregoing, Respondents AFSCME PEOPLE and William Lucy respectfully submit that the Commission's letter of August 14, 1984 cannot be construed as a notification of a reason to believe finding consistent with the requirements of 2 U.S.C. §437(g)(a)(2) or 11 C.F.R. 111.9(a), and as such does not constitute the basis for conciliation or further enforcement proceedings.

Respectfully submitted,

Larry H. Weinberg

Attachment 1
Page 10

8 5 0 4 0 5 0 3 1 4 0

GCC #4597
Mins

International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005 • Phone 202/ 783-3788

Office of the President

7 September 1984

RECEIVED
GENERAL COUNSEL
'84 SEP 7 P2:58

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

RE: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the International Union of Bricklayers & Allied Craftsmen Political Action Committee (BACPAC) and its treasurer, Edward M. Bellucci, to the Federal Election Commission's letter of 14 August 1984, stating that the F.E.C. has determined that there is reason to believe that the respondents violated 2 U.S.C. § 441 a(a)(2)(A), a provision of the Federal Election Campaign Act.

The respondents specifically deny any violation of the Act, and respectfully urge the Commission to dismiss the complaint in MUR 1704.

The respondents are unable to respond in detail to the Commission's finding that there is reason to believe the respondents violated the Act, since the letter of 14 August 1984 fails to specify any factual basis for that determination. Under the applicable regulations, the Commission is required to specify in its notification of "reason to believe" not only the sections of the statute or regulations alleged to have been violated, but also "the alleged factual basis supporting the finding." Thus the Commission's reason-to-believe notification in the instant matter appears to violate 11 C.F.R. § 111.9 (a), a provision of the Commission's own regulations.

The only hint of the basis for the Commission's determination set forth in the letter of 14 August 1984 is the statement that ". . .it appears that the BACPAC made contributions to the Mondale campaign which, in the aggregate, were excessive." Respondents specifically deny that BACPAC has made contributions to the Mondale for President campaign in excess of any applicable contributions limit.

The complaint in MUR 1704 is based on allegations of affiliation between a variety of political committees. Respondents specifically deny that BACPAC is affiliated with any other political committee within the meaning of 11 C.F.R. § 100.5 (g). To the best of respondents' knowledge and belief, the delegate committees to which BACPAC made contributions are not affiliated with each other or with any other political committee. Since respondents are unfamiliar with the basis of the complaint in MUR 1667, which, according to the FEC's 14 August 1984 letter, has been merged with MUR 1704, we are unable to respond to any allegations set forth therein. Without more specific notice of the factual basis for the FEC's finding of reason to believe, respondents cannot effectively respond to the allegations.

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The contributions made by respondent BACPAC to delegate committees were made in good faith, with the understanding that said committees were independent from each other and from any other political committee. In making these contributions, respondents relied upon the Commission's regulations concerning contributions to delegate committees, which allow each separate delegate committee a separate contribution limit. 11 C.F.R. § 110.14.

Under the Federal Election Campaign Act, "any person who relies upon any rule or regulation prescribed by the Commission. . .and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act." 2 U.S.C. § 438 (e). Accordingly, since respondents relied upon the Commission's regulations concerning contributions to delegate committees, and acted in good faith in accordance with those regulations, respondents respectfully request that the Federal Election Committee dismiss the complaint in MUR 1704.

Sincerely yours,

Sarah Fox

Sarah M. Fox
Counsel for Respondent BACPAC

SF/kyp

,8504050314 2

GCC#4588

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DEBORAH GREENFIELD (D.C.)
MARY KATHRYN LYNCH (GA.)
PATRICIA M. SHEA (D.C.)
MARCIA E. FISHMAN (GA.)

September 6, 1984

RECEIVED
GENERAL COUNSEL
'84 SEP 7 A9:03

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

Re: MUR 1704
Communications Workers of America
COPE PCC
Louis B. Knecht, as Treasurer

Dear Mr. Steele:

The Commission's letter of August 14, 1984, with respect to the above matter states:

> On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the CWA COPE PCC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents.

The letter contains no further explanation of the Commission's determination.

In our response to the complaint in this matter, we explained that CWA COPE-PCC contributed no more than $5,000 to any one delegate committee, and that it made contributions to delegate committees in the good faith belief that they were independent from one another and from the Mondale for President Committee in reliance upon the regulations of the Commission which state that contributions to a delegate committee are subject to a separate $5,000 limit for each delegate committee. Moreover, CWA COPE-PCC made no contributions to the Mondale for President Committee itself. Thus, we cannot understand the Commission's determination that there is reason to believe that CWA COPE-PCC "made contributions to the Mondale campaign, which, in the aggregate, were excessive."

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The Commission's letter offers no explanation whatsoever of the basis for its determination and makes no attempt to set forth the alleged factual basis supporting the finding. The problems created by the letter's failure to explain the basis for the Commission's determination are compounded by its reference to a complaint in another matter -- the contents of which are unknown to us because we are not respondents in that other matter. For these reasons, we find it impossible to respond to the Commission's letter beyond the statement in our earlier response to the complaint, which we have reiterated above.

Respectfully submitted,

James B. Comness

JBC/ver

8504050314 4

Attachment 1
Page 14

RECEIVED
GCC # 4580
84 SEP 6 P12:3

United Brotherhood of Carpenters and Joiners of America

WILLIAM A. McSOWAN
GENERAL COUNSEL
ROBERT J. PLEASURE
ASSOCIATE GENERAL COUNSEL
KATHY L. KRIEGER
ASSISTANT GENERAL COUNSEL
EDWARD J. GORMAN, III

101 CONSTITUTION AVE., N. W.
WASHINGTON, D. C. 20001

September 5, 1984

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

ATTN: Charles N. Steele
General Counsel

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 6 P2:00

RE: MUR 1704

Dear Mr. Steele:

The Respondent Carpenters Legislative Improvement Committee ("CLIC") hereby replies to the Commission's August 14, 1984 "reason to believe" finding in the above-captioned proceeding.

The Commission's letter asserts that "it appears that the CLIC made contributions to the Mondale campaign which, in the aggregate, were excessive" under 2 U.S.C. § 441a(a)(2)(A). That letter, however, does not apprise us of any of the alleged facts on which the Commission relied in reaching this conclusion. Since it is clear that CLIC never made any contributions to Mondale for President, the Commission's finding must have been premised on some other factual grounds nowhere articulated in the letter. We submit that such a "reason to believe" letter fails to comply with the Commission's own regulations, 11 CFR § 111.9 (a), which require the Commission to "[set] forth...the alleged factual basis supporting the finding".

Moreover, we believe that it is inconsistent with fundamental due process principles for the Commission to require that CLIC respond to an unspecified allegation of wrongdoing. CLIC cannot reasonably evaluate the conciliation option or demonstrate "that no further action should be taken against" it, without knowing in what respect the Commission believes CLIC made excessive contributions.

We note further that the Commission has officially "merged" the instant proceeding with another pending case, MUR 1667. Although we are now a formal respondent in this consolidated and expanded proceeding, CLIC has never even been furnished a copy of the complaint in MUR 1667. Here, again, the Commission's course of action fails to satisfy elemental notions of fairness and due process.

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Attachment 1
Page 15

Accordingly, at this point we are unable to respond in greater factual detail to the Commission's conclusory "reason to believe" notice in this proceeding.

Very truly yours,

Kathy L Krieger

Kathy L. Krieger
Counsel for Respondent CLIC

KLK/mkd

8 5 0 4 0 5 0 3 1 4 6

Attachment 1
Page 16

84 SEP 7 A8:42

UFCW

Legal Department
(202) 466-1520 / 1523

GCC# 4590

September 5, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 7 A9:18

Stephen Mims, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1704

Dear Mr. Mims:

I am writing in response to the Commission's letter of August 14, 1984, in which Chairman Elliott stated that the Commission determined that there is reason to believe that the UFCW Active Ballot Club violated 2 U.S.C. Section 441(a)(2)(A). The letter states "(s)pecifically, it appears that the United Food and Commercial Workers (UFCW) Active Ballot Club made contributions to the Mondale campaign which, in the aggregate, were excessive." The letter concludes that the Office of the General Counsel would like to settle the matter through conciliation prior to a finding of probable cause, but that in the absence of any information which demonstrates that no further action should be taken, the Office of the General Counsel must proceed to the next compliance stage.

The only previous communication on this matter between the Federal Election Commission and the UFCW Active Ballot Club was a copy of the complaint filed in MUR 1704, which the FEC sent to the Active Ballot Club and to which we responded by letter of June 12, 1984. While we attempted to respond to the allegations contained in the complaint, we pointed out that "(t)he Complaint contains a great deal of newspaper articles and the like, but few specific allegations with regard to the United Food and Commercial Workers Active Ballot Club." The Commission's letter of August 14, 1984 is the only response we have received to our June 12 letter. The August 14 letter from the Commission contains no statement with regard to any specific facts that would amount to a violation of the Federal Election Campaign Act. The failure to provide the UFCW Active Ballot Club with any factual basis for alleged violations is a total denial of due process in this case. We are being informed that the Commission has determined that there is reason to believe that the UFCW Active Ballot Club has violated the Federal Election Campaign Act, while at the same time

8504050314 7

William H. Wynn
International
President
(CO)

Anthony J. Luffy
International
Secretary-Treasurer

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111

Attachment 1
Page 17

we are given absolutely no facts with regard to what the alleged violations are. We are apparently being asked to guess what the Commission considers to be a violation and then to conciliate on the basis of our assumptions. Nothing could be more lacking in basic due process. Moreover, the action of the Commission is in direct contravention of its own regulations. Section 111.9(a) provides that if the Commission determines that it has reason to believe that a respondent has violated the statute,

> its Chairman or Vice Chairman shall notify such respondent of the Commission's finding by letter, setting forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding (emphasis added).

The Commission's August 14 letter makes not even a rudimentary attempt to give any alleged factual basis supporting the finding.

Chairman Elliott's August 14 letter also stated that, "(i)n addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not name your clients as respondents." The reference to MUR 1667 raises the question of whether we are being asked to respond to a complaint which has not been served upon us and which does name the UFCW Active Ballot Club as a respondent.

If the UFCW Active Ballot Club was given the factual basis for the Commission's "reason to believe" that a violation has occurred, we could consider whether conciliation was possible. In its absence, we have no idea what the Commission alleges to be a violation, what we are being asked to defend ourselves against, or what might be the possibility of concilation. Accordingly, we request that the Commission provide us with the factual basis supporting its finding as called for by its regulations and by elementary standards of due process, so that we can properly respond to the Commission.

Sincerely,

Edward P. Wendel

Edward P. Wendel
Assistant General Counsel

8 5 0 4 0 5 0 3 1 4 8

SERVICE EMPLOYEES INTERNATIONAL UNION
AFL-CIO, CLC

2020 K Street, N.W. Washington, D.C. 20006-1846

John J. Sweeney
International President

Richard W. Cordtz
International Secretary-Treasurer

September 5, 1984

RECEIVED
84 SEP 10 P3:46
GENERAL COUNSEL

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1704, Service Employees International Union (SEIU) COPE/PCC Richard W. Cordtz, Secretary Treasurer

Dear Mr. Steele:

This is in reference to the letter we received dated August 14, 1984, in the above-captioned matter. We were informed that the Federal Election Commission upon further review of the allegations contained in the complaint and information supplied by us, had determined that there is reason-to-believe that SEIU COPE/PCC and Richard W. Cordtz, as Treasurer, violated 2 U.S.C. Section 441a(a)(2)(A), of the Federal Election Campaign Act.

The letter stated that we may submit any factual or legal materials which we believe are relevant to the Commission's consideration of this matter. Unfortunately, we are unable to add anything to our original letter of June 18, 1984, because the Commission's August 14 letter to us does not set out any specific facts or factual basis for the Commission's determination that there is reason-to-believe that the Service Employees International Union COPE/PCC and Richard W. Cordtz made "contributions to the Mondale campaign which in the aggregate were excessive" in violation of 2 U.S.C. Section 441a(a)(2)(A). The Commission's regulations require that reason-to-believe notifications "/set/ forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding." (11 C.F.R. Section 11.9/a/). It is obvious that this regulation is based upon due process considerations and embodies the principle that anyone accused of violating the law must be given the specific allegations of the charges against him so that he may be able to respond to the charges.

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It seems to us that the Commission's failure to set forth the factual basis for its determination that respondents have violated 2 U.S.C. Section 441a(a)(2)(A), is violative of its own regulations and makes it impossible for respondents to go beyond the arguments which were made in our previous communications.

Respectfully submitted,

Lester Asher

Lester Asher

Gerald I. Sommer

Gerald I. Sommer
Counsels for the Service Employees
International Union

8504050310 50

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

OWEN F. BIEBER, PRESIDENT RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8500

September 7, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 7 P1:31

Ms. Lee Ann Elliott
Chairman
Federal Election Commission
1325 K Street, N. W., 7th floor
Washington, D. C. 20463

Re: MUR 1704

Dear Chairman Elliott:

This statement is submitted on behalf of respondents UAW V-CAP and Donald J. Moll (hereafter collectively referred to as "UAW V-CAP") in response to the Commission's letter dated August 14, 1984. That letter advised UAW V-CAP that the Commission had determined that there is reason to believe that it violated Section 441a(a)(2)(A) of the Federal Election Campaign Act (FECA), 2 U.S.C. $441a(a)(2)(A), by making "contributions to the Mondale campaign which, in the aggregate, were excessive." The letter also stated that the Commission had decided to merge MUR 1704 with MUR 1667, "a matter that involves similar allegations, but does not specifically name your clients as respondents." The letter indicated that the Office of the General Counsel "would like to settle this matter through conciliation prior to a finding of probable cause", but warned that the Office of the General Counsel would have to proceed to the next compliance stage in the absence of any information demonstrating that no further action should be taken against UAW V-CAP. Finally, the letter invited UAW V-CAP to submit additional factual or legal materials relevant to the Commission's consideration of this case.

UAW V-CAP vigorously denies that it violated section 441a(a)(2)(A) of the FECA by making excess contributions to the Mondale campaign. The record clearly shows that UAW V-CAP did not make any contributions to the Mondale for President Campaign Committee. Although UAW V-CAP did make contributions to a number of delegate committees, the amount of these contributions did not exceed $5,000 to any single delegate committee. As set forth in more detail in our previous submission dated June 18, 1984, UAW V-CAP is not "affiliated" with any of the other union SSFs named as respondents in the present case. Accordingly, UAW V-CAP and the other union SSFs were not subject to a single contribution limit in making donations to the delegate committees. Furthermore, UAW V-CAP made its contributions to the various delegate committees based on the advice of counsel that such contributions were expressly permitted under section 110.14 of the Commission's regulations, 11 C.F.R. $110.14, and on the good faith belief that the delegate committees were not "affiliated" with the Mondale for President Campaign Committee. Since section 438(e) of the FECA, 2

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U.S.C. §438(e), provides that persons who act in good faith reliance on any rule or regulation prescribed by the Commission "shall not . . . be subject to any sanction", there is no basis for the Commission to take any further action against UAW V-CAP in connection with the present case. Even assuming arguendo that the Commission has determined that the delegate committees should be considered "affiliated" with the Mondale for President Campaign Committee, it would be inequitable for the Commission to apply this determination retroactively so as to render unlawful UAW V-CAP's contributions to the various delegate committees. Indeed, in a similar situation involving the political action committees established by the American Medical Association and the various State Medical Associations, even though the Commission eventually determined that these political action committees were "affiliated" and thus subject to a single contribution limit, it declined to take any action against doctors who had made excess contributions to or candidates who had received excess contributions from these political action committees. See MUR 253. In light of this past precedent, UAW V-CAP submits that there is no basis for imposing any liability on UAW V-CAP in connection with the present case.

UAW V-CAP also strenuously objects to the procedures being followed by the Commission in the present case. Before the Commission proceeds any further, it should be required to provide UAW V-CAP with a detailed statement of the factual basis supporting its reason to believe determination.

Section 437g(a)(2) of the FECA, 2 U.S.C. §437g(a)(2), provides in pertinent part:

> If the Commission . . . determines . . . that it has reason to believe that a person has committed . . . a violation of this Act . . . the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. (emphasis supplied)

Similarly, section 111.9(a) of the Commission's regulations, 11 C.F.R. §111.9(a), provides that "If the Commission . . . determines . . . that it has reason to believe that a respondent has violated a statute or regulation over which the Commission has jurisdiction, its Chairman or Vice Chairman shall notify such respondent of the Commission's finding by letter, setting forth the sections of the statute or regulations alleged to have been violated and the alleged factual basis supporting the finding." (emphasis supplied) Thus, the FECA and the Commission's own regulations require, in clear and unambiguous terms, that the Commission notify a respondent in writing of the factual basis supporting any reason to believe finding.

The Commission's letter of August 14th plainly fails to comply with this mandate. The August 14th letter:

- does not indicate whether the Commission's determination that there is reason to believe UAW V-CAP made excessive contributions to the Mondale campaign is based on a finding that all of the union SSFs listed as respondents should be treated as "affiliated" with each other, or on a finding that the delegate committees should be treated as "affiliated" with the Mondale for President Campaign Committee;

- does not set forth any specific facts to support either of these possible findings;

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— does not even identify which contributions by UAW V-CAP and/or the other union SSFs listed as respondents in the present case were allegedly excessive, and thus form the basis for the reason to believe determination.

In addition, the Commission's August 14th letter does not adequately inform the UAW of the allegations and facts involved in MUR 1667, with which the present case has now been consolidated. Although the Commission's letter asserts that MUR 1667 "involves similar allegations", because UAW V-CAP was not named as a respondent in that case, it has never been served with a copy of the complaint, and therefore has no basis for knowing what the precise nature of the allegations are in MUR 1667, let alone what the factual basis is for the Commission's decision to consolidate that case with MUR 1704.

In addition to the clear and unambiguous provisions in the FECA and the Commission's regulations, fundamental notions of procedural due process also dictate that the Commission should provide UAW V-CAP with a specific statement of the factual basis supporting its reason to believe determination, before the Commission takes any further action in this case. Simply stated, it is impossible for UAW V-CAP to be in a position to respond intelligently to the reason to believe determination, and to provide the Commission with additional legal and factual materials as requested in the Commission's August 14th letter, until UAW V-CAP is first appraised of the factual basis supporting the reason to believe determination. UAW V-CAP should not be placed in the position of having to guess what is the basis for the Commission's determination.

Finally, the Commission should provide UAW V-CAP with a specific statement of the factual basis supporting the reason to believe determination in order to facilitate the conciliation process. UAW V-CAP is willing to consider possible settlement through conciliation at this point in time, as suggested in the Commission's August 14th letter. However, it is impossible for UAW V-CAP to be in a positon to make a judgment about any possible settlement proposals, until it knows the exact nature of the allegations against it, and the factual basis supporting those allegations, which form the basis for the Commission's reason to believe determination.

For all of the foregoing reasons, UAW V-CAP submits that the Commission should first provide it with a detailed statement setting forth the factual basis for the reason to believe determination, before proceeding any further with the present case.

Sincerely,

Alan Reuther

Alan V. Reuther
Assistant General Counsel

AVR:njk
opeiu494

cc: Charles Steele, Esq.
Stephen Mims, Esq.

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Attachment 1
Page 23

RECEIVED AT THE FEC
84 SEP 7 P 3:25

United Mine Workers of America

MICHAEL H. HOLLAND
GENERAL COUNSEL

TELEPHONE
(202) 842-7220

UNITED MINE WORKERS' BUILDING
900 FIFTEENTH STREET, N.W.
Washington, D.C.
20005

September 7, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 10 P 3:50

HAND-DELIVERED

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

Gentlemen and Mesdames:

By this letter I acknowledge receipt of Chairman Elliott's communication of August 14, 1984, notifying United Mine Workers of America Coal Miners Political Action Committee (COMPAC) that upon review of the allegations contained in the complaint in MUR 1704 and the information supplied by COMPAC pursuant to 11 CFR § 111.6(a) the Commission has found reason to believe that COMPAC has violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Commission Act, as amended.

In providing COMPAC with that notification, the Commission failed to comply with its own regulations governing matters under review. As a result, COMPAC is unable, at this time, to submit additional factual or legal materials which might be relevant to the Commission's consideration of this matter. According to 11 CFR § 111.8(b), the letter received by COMPAC on August 14, 1984, should have been accompanied by a copy of a staff report setting forth the legal basis and the alleged facts which support the Commission's action. No such report was received. Furthermore, pursuant to 11 CFR § 111.9(a), Chairman Elliott's letter should have set forth the alleged factual basis supporting the reason to believe finding as well.

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Attachment 7
Page 24

Not having received that mandatory documentation in support of the Commission's finding, COMPAC has no knowledge of the legal or factual issues involved in this matter beyond those raised in the original complaint filed on May 21, 1984. As a result, COMPAC can only, and hereby does, reassert the arguments raised in its June 18, 1984, memorandum seeking the dismissal of the complaint. In so doing, we incorporate by reference that document into this letter.

Chairman Elliott's letter notes that the Office of the General Counsel of the FEC would like to settle this matter through conciliation prior to a finding of probable cause. Absent the aforementioned legal and factual bases, COMPAC will not seek conciliation on the matter. Without a specific recitation of facts upon which the complaint has been sustained and absent a demonstration of the legal basis for the Commission's reason to believe finding, COMPAC is at a loss to know what further information would be relevant to its claim that this matter should be dismissed. In fact, in our view the Commission's failure to supply the mandated legal and factual documentation raises a presumption that beyond the hearsay allegations raised by the complainants, there is no substance to the complaint, and the matter should be dismissed forthwith.

We would, of course, reevaluate our position on participating in the conciliation process if and when the legal and factual bases for this action are explained to us.

Should you have any questions with respect to the above, or should you wish to discuss this matter further, please communicate with the undersigned or with Mr. Earl Pfeffer.

Very truly yours,

Michael H. Holland

Michael H. Holland
General Counsel

MHH:jh

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Attachment 1
Page 25

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Laurence Gold
General Counsel
American Federation of Labor and
Congress of Industrial Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1704
AFL-CIO COPE PCC
Thomas R. Donahue, Treasurer

8504050315 6

Dear Mr. Gold:

This responds to your letter of September 7, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission. Implicit in your letter is an objection to the Commission's decision not to forward a copy of the complaint in another matter, MUR 1667, which has been merged with the complaint in MUR 1704, the matter specifically affecting your clients. These issues are dealt with below.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has

Attachment 2
Page 1

complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/ The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

As to the second aspect of your objection, the Commission's determination with respect to your clients in MUR 1704 was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative. The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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Attachment 2
Page 2

On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of the factual basis underlying the Commission's finding that there is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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Attachment 2
Page 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
American Federation of Labor and
Congress of Industrial Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1704
AFL-CIO COPE PCC
Thomas R. Donahue, Treasurer

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Dear Ms. McCormick:

This responds to your letter of September 7, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission. Implicit in your letter is an objection to the Commission's decision not to forward a copy of the complaint in another matter, MUR 1667, which has been merged with the complaint in MUR 1704, the matter specifically affecting your clients. These issues are dealt with below.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has

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complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/ The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

As to the second aspect of your objection, the Commission's determination with respect to your clients in MUR 1704 was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative. The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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Page 5

On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of the factual basis underlying the Commission's finding that there is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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Attachment 2
Page 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joan Ruby
Assistant General Counsel
Amalgamated Clothing and Textile Workers Union
15 Union Square
New York, N.Y. 10003

RE: MUR 1704
Amalgamated Clothing and Textile Workers
Union Political Action Committee
John Fox, Treasurer

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Dear Ms. Ruby:

This responds to your letter of September 6, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission. Additionally, you question the Commission's decision not to forward a copy of the complaint in another matter, MUR 1667, which has been merged with the complaint in MUR 1704, the matter specifically affecting your clients. These issues are dealt with below.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has

Attachment 2
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complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/ The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

As to you second objection, the Commission's determination with respect to your clients in MUR 1704 was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of

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1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative. The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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the factual basis underlying the Commission's finding that there is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
Suite 800
1100 17th Street, N.W.
Washington, D.C. 20036

RE: MUR 1704
AFSCME Public Employees Organized to
Promote Legislative Equality --
Qualified
William Lucy, Treasurer

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Dear Mr. Weinberg:

This responds to your letter of September 7, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission. Additionally, you question the Commission's decision not to forward a copy of the complaint in another matter, MUR 1667, which has been merged with the complaint in MUR 1704, the matter specifically affecting your clients. These issues are dealt with below.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has

Attachment 2
Page 10

complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/ The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

As to you second objection, the Commission's determination with respect to your clients in MUR 1704 was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of

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1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative. The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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the factual basis underlying the Commission's finding that there is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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Page 12

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Sarah M. Fox, Esquire
International Union of Bricklayers &
Allied Craftsmen
815 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1704
International Union of Bricklayers &
Allied Craftsmen Political Action
Committee
Edward M. Bellucci, Treasurer

Dear Ms. Fox:

This responds to your letter of September 7, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission. Implicit in your letter is an objection to the Commission's decision not to forward a copy of the complaint in another matter, MUR 1667, which has been merged with the complaint in MUR 1704, the matter specifically affecting your clients. These issues are dealt with below.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has

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complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/ The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

As to the second aspect of your objection, the Commission's determination with respect to your clients in MUR 1704 was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative. The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of the factual basis underlying the Commission's finding that there is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James P. Coppess, Esquire
Adair, Scanlon and McHugh, P.C.
Suite 411
1925 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1704
Communications Workers of America COPE
PCC
Louis P. Knecht, Treasurer

8 5 0 4 0 5 0 3 1 7 1

Dear Mr. Coppess:

This responds to your letter of September 6, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission. Implicit in your letter is an objection to the Commission's decision not to forward a copy of the complaint in another matter, MUR 1667, which has been merged with the complaint in MUR 1704, the matter specifically affecting your clients. These issues are dealt with below.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has

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complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/ The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

As to the second aspect of your objection, the Commission's determination with respect to your clients in MUR 1704 was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative. The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of the factual basis underlying the Commission's finding that there is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Kathy L. Krieger, Esquire
United Brotherhood of Carpenters
and Joiners of America
101 Constitution Avenue, N.W.
Washington, D.C. 20001

RE: MUR 1704
Carpenters Legislative Improvement
Committee
Patrick J. Campbell, Treasurer

8504050317 4

Dear Ms. Krieger:

This responds to your letter of September 5, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission. Additionally, you question the Commission's decision not to forward a copy of the complaint in another matter, MUR 1667, which has been merged with the complaint in MUR 1704, the matter specifically affecting your clients. These issues are dealt with below.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has

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Page 19

complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/ The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

As to you second objection, the Commission's determination with respect to your clients in MUR 1704 was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of

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1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative. The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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the factual basis underlying the Commission's finding that there is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Edward P. Wendel
Assistant General Counsel
United Food and Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1704
United Food & Commercial Workers
International Union Active Ballot Club
Anthony J. Lutty, Treasurer

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Dear Mr. Wendel:

This responds to your letter of September 5, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission. Additionally, you question the Commission's decision not to forward a copy of the complaint in another matter, MUR 1667, which has been merged with the complaint in MUR 1704, the matter specifically affecting your clients. These issues are dealt with below.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has

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complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/ The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

As to you second objection, the Commission's determination with respect to your clients in MUR 1704 was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of

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1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative. The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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the factual basis underlying the Commission's finding that there is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lester Asher, Esquire
Service Employees International Union
2020 K Street, N.W.
Washington, D.C. 20006-1846

RE: MUR 1704
Service Employees International Union
COPE/PCC
Richard W. Cordtz, Treasurer

Dear Mr. Asher:

This responds to your letter of September 5, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/

1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative.
(Footnote continued)

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The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

The Commission's letter also advised you that another matter, MUR 1667, had been merged with the matter regarding your clients, MUR 1704. The Commission's determination with respect to your clients in MUR 1704, however, was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of the factual basis underlying the Commission's finding that there

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1/ (Footnote continued)

The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Gerald I. Sommer, Esquire
Service Employees International Union
2020 K Street, N.W.
Washington, D.C. 20006-1846

RE: MUR 1704
Service Employees International Union
COPE/PCC
Richard W. Cordtz, Treasurer

Dear Mr. Sommer:

This responds to your letter of September 5, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/

1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative.
(Footnote continued)

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The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

The Commission's letter also advised you that another matter, MUR 1667, had been merged with the matter regarding your clients, MUR 1704. The Commission's determination with respect to your clients in MUR 1704, however, was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of the factual basis underlying the Commission's finding that there

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1/ (Footnote continued)

The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Alan V. Reuther
Assistant General Counsel
International Union, United Automobile, Aerospace
& Agricultural Implement Workers of America - UAW
1757 N Street, N.W.
Washington, D.C. 20036

RE: MUR 1704
International Union, United Automobile,
Aerospace & Agricultural Implement
Workers of America - UAW-V-CAP
Donald J. Moll, Treasurer

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Dear Mr. Reuther:

This responds to your letter of September 7, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission. Additionally, you question the Commission's decision not to forward a copy of the complaint in another matter, MUR 1667, which has been merged with the complaint in MUR 1704, the matter specifically affecting your clients. These issues are dealt with below.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has

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complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/ The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

As to you second objection, the Commission's determination with respect to your clients in MUR 1704 was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of

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1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative. The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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the factual basis underlying the Commission's finding that there is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael H. Holland
General Counsel
United Mine Workers of America
900 15th Street, N.W.
Washington, D.C. 20005

RE: MUR 1704
United Mine Workers of America Coal
Miners Political Action Committee
John J. Banovic, Treasurer

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Dear Mr. Holland:

This responds to your letter of September 7, 1984, in which you raise certain objections to the procedures employed by the Commission in making the determination in the above-captioned matter that there is reason to believe that your clients violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, you assert that the Commission has failed to comply with the provisions of 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a). These provisions require the Commission to notify a respondent of the factual basis upon which a finding of reason to believe that the respondent violated the Act was made by the Commission. Additionally, you question the Commission's decision not to forward a copy of the complaint in another matter, MUR 1667, which has been merged with the complaint in MUR 1704, the matter specifically affecting your clients. These issues are dealt with below.

The Commission's letter of August 14, 1984, which notified you of the finding made against your clients in this matter, clearly indicated that the determination was based upon the information contained in the complaint in MUR 1704 and specified the actions that appear to be improper. Prior to that finding, a copy of the complaint in MUR 1704 had been forwarded to your clients. The Commission's determination was limited to the facts alleged in that complaint. The Commission, therefore, has

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complied with 2 U.S.C. § 437g(a)(2) and 11 C.F.R. § 111.9(a).1/ The Commission advises you, however, that the specific finding made against your clients was predicated upon the Commission's conclusion that the delegate committees formed to support the candidacy of Walter F. Mondale for the Democratic Party nomination for President of the United States are affiliated with Mr. Mondale's authorized campaign committee, the Mondale for President Committee, Inc. ("MPC"). Under the Act, contributions made to all of the Mondale delegate committees and to MPC are viewed as contributions to a single political committee (2 U.S.C. § 441a(a)(5)) subject to a combined contribution limit of $ 5,000 (2 U.S.C. § 441a(a)(2)).

As to you second objection, the Commission's determination with respect to your clients in MUR 1704 was not dependent upon any materials submitted by the complainant in MUR 1667. The Commission's determination that there is reason to believe your clients violated the Act was made prior to the merger of these two matters.2/ Furthermore, because your clients were not named as respondents in MUR 1667 and because no findings concerning your clients were based upon facts contained in the complaint in MUR 1667, a copy of that complaint will not be forwarded to you. Therefore, because the factual material contained in MUR 1667 was not material to the Commission's consideration of the allegations made against your clients in MUR 1704, the Commission is of the view that the decision not to provide you with a copy of the complaint in MUR 1667 will not result in the denial of any procedural due process guarantees demanded by either the Act or Commission Regulations.

On the basis of the foregoing, therefore, the Commission concludes that your clients have been sufficiently informed of

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1/ The procedures of 11 C.F.R. Part 111, which require the Commission to notify a respondent of the factual basis supporting a Commission decision that there is reason to believe a violation of the Act has occurred, differ for matters that are externally generated through a complaint and those matters that are internally generated through the Commission's own initiative. The Commission is required to provide respondents with a separate statement of the General Counsel's Factual and Legal Analysis only in internally generated matters. See 11 C.F.R. §§ 111.8 and 111.9.

2/ The Commission's decision to merge MUR's 1667 with MUR 1704 was for purposes of administrative convenience regarding the need to consolidate efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters.

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the factual basis underlying the Commission's finding that there is reason to believe they have violated the Act and encourages you to submit any additional factual and legal materials that you believe will assist the Commission in resolving this matter as soon as possible. Should you have any questions, please contact Stephen Nims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 14, 1984

John P. McGann, Esquire
Coffey, McGovern, Noel and Neal, Ltd.
20 Washington Place
Providence, Rhode Island 02903

Re: MUR 1704
1st District Delegate Committee
for Mondale (R.I.)

Dear Mr. McGann:

This is in response to your letter dated August 28, 1984, to Commission staff attorney Stephen Mims regarding the above-captioned matter.

Initially, you indicate that you represent the Rhode Island 1st District Delegate Committee for Mondale in this action. When the Commission originally notified your client of the Commission's receipt of the complaints in this matter, the Commission requested that if the committee was going to be represented by counsel, it complete and return a copy of the formal designation of counsel form provided for that purpose. See 11 C.F.R. § 111.23. To date, however, the Commission still has not received a designation form with respect to your client. Accordingly, please have your client execute the enclosed designation of counsel form and return it to us at your earliest convenience. In addition, if you also represent Salvatore Mancini, the treasurer of the committee and another respondent in this matter, please have another copy of the enclosed designation of counsel form executed by him.

In your letter, although you admit that your client failed to disclose its affiliation with the Rhode Island 2nd District Delegate Committee for Mondale on the statement of organization filed by your client with the Commission, you assert that the consolidated financial report subsequently filed by the two committees "should have clearly indicated the committees' affiliation." Thus, you state that it is your client's position that no violation of the Federal Election Campaign Act of 1971, as amended, has occurred and you, therefore, decline to enter

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into pre-probable cause conciliation negotiations at this time. You indicate, however, that if the Commission could refer you to other instances where a violation was found to exist because of such a technical ommission, your client will reevaluate its present position concerning conciliation.

In response to your request, the Commission, on several occasions, has determined that violations of the Act and Commission regulations have occurred as a result of respondents' failure to list affiliated committees on their statements of organization even though the affiliation was disclosed on other documents filed with the Commission. In MUR 1486, In the Matter of the Counsel For A Livable World (1982), for example, the Commission found that the respondent committee had committed a violation of the Act. In that matter, which was resolved through pre-probable cause conciliation, only the respondent committee had failed to list its affiliated committee. The other committee involved had reported its affiliation with the respondent committee to the Commission.

I hope this is responsive to your inquiry. However, if you should have any further questions, please contact Stephen Mims at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 1984

Stuart H. Singer, Esquire
Greenberg, Traurig, Askew, Hoffman,
Lipoff, Rosen & Quentela, P.A.
Brickell Concours
1401 Brickell Avenue
Miami, Florida 33131

Re: MUR 1704

Dear Mr. Singer:

This is in response to your letter dated August 22, 1984, to Commission staff attorney Stephen Mims wherein you inquired whether the Commission had taken any action with respect to the complaints involved in the above-captioned matter other than the merger of MUR 1667 into MUR 1704.

The Federal Election Campaign Act of 1971, as amended, prohibits the Commission from making public any aspect of an ongoing administrative investigation without the prior written consent of each respondent involved. See 2 U.S.C. § 437g(a)(12). See also 2 U.S.C. § 437g(a)(4)(B)(i). Thus, the Commission cannot disclose what actions, if any, it has taken with respect to respondents other than your clients. I can assure you that the Commission has notified you of the only Commission action which could be considered directly related to your clients, namely the merger of these two MURs. Furthermore, please rest assured that the Commission will continue to promptly notify you of any and all future Commission actions involving your clients as they may occur.

I hope this is responsive to your inquiry. However, if you should have any further questions, please contact Stephen Mims at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

85040503194

National Right to Work Committee
A COALITION OF EMPLOYEES AND EMPLOYERS
HEADQUARTERS AT THE NATION'S CAPITAL

RECEIVED AT THE FEC
GCC #4658
84 SEP 12 PM 2:18

1704

September 11, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 SEP 12 P 1:52

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

Dear Mr. Gross:

On May 18, 1984, the National Right to Work Committee and Ralph Martin (Bud) Hettinga, Jr., filed a complaint with the Commission concerning violations of the federal election laws by Walter F. Mondale and Mondale for President Campaign Committee, along with thirteen union-affiliated political action committees. The violations arose out of the operation of the Mondale "delegate committees."

The statutory period of 120 days for the Commission to act on our complaint will expire on September 15. To date we have not received any information from the Commission concerning the disposition of our complaint.

This is to notify you that we intend to have our attorneys file suit on September 17, 1984, or as soon thereafter as possible, to compel the Commission to act on our complaint, unless we receive on or before that date written evidence demonstrating that the Commission has acted on our complaint as required by law.

Sincerely,

THE NATIONAL RIGHT TO WORK COMMITTEE

BY: William A. Wilson
William A. Wilson, Vice President

WW/gh

cc: Mr. Hettinga

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ONAL RIGHT TO WORK COMMITTEE
8001 BRADDOCK ROAD
SPRINGFIELD, VIRGINIA 22160

8504050311

11 SEP 1984

84 SE

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 31, 1984

Gerald I. Sommer, Esquire
Counsel to the President
Service Employees International Union
2020 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
Service Employees International Union

Dear Mr. Sommer:

This responds to your letter of August 20, 1984, wherein you requested an extension of time in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant an extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

8504050319 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 30, 1984

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1704
Machinists Non-Partisan Political
League
Eugene Glover, treasurer

Dear Mr. Oldaker:

This responds to your letter of August 22, 1984, in which you raise certain questions regarding Commission decisions affecting your clients in the above-captioned matter. Specifically, you ask for an explanation of the Commission's decision to decline to enter into pre-probable cause conciliation and you request an extension of time pending receipt of certain materials that have not been made available to you.

As you are aware, any decision by the Commission to enter into pre-probable cause conciliation is discretionary and involves the considered judgment by the Commission whether it believes it has developed a sufficient factual basis to warrant conciliation. The Commission's decision to decline to enter into pre-probable cause conciliation with you at this time was based upon these considerations. The Commission believes that factual information must still be obtained from other respondents before the Commission is satisfied that pre-probable cause conciliation with your clients will be appropriate. The Commission, by this action, still considers your request as open and will not proceed to consideration of whether there is probable cause to believe your clients have violated the Act without either notifying you that it will not enter into pre-probable cause conciliation or forwarding a proposed agreement to you, thus accepting your offer to enter into conciliation negotiations.

Your second point involves a request for an extension of time to respond to the Commission's notice that it found there is reason to believe your clients have violated certain sections of the Act, pending receipt by you of certain materials related with MUR 1667. The Commission's decision in this matter as it affects your clients was not dependent upon matters raised in MUR 1667. Your clients were not named as respondents in MUR 1667 and no finding was made against them based upon any allegations or facts

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presented in that matter under review. The Commission's decision to merge MURs 1667 and 1704 was based upon administrative considerations regarding the need to consolidate its efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters. Thus, this Office is of the opinion that the materials you have requested constitute investigative files that do not relate to possible violations by your clients. Accordingly, the Office of General Counsel declines to provide you with materials related to MUR 1667. It follows, therefore, that any request for an extension of time based upon your request for these materials is also denied.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

8504050319 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 30, 1984

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1704
American Federation of Teachers
American Federation of Teachers COPE
Robert Porter, treasurer

Dear Mr. Oldaker:

This responds to your letter of August 22, 1984, in which you raise certain questions regarding Commission decisions affecting your clients in the above-captioned matter. Specifically, you ask for an explanation of the Commission's decision to decline to enter into pre-probable cause conciliation and you request an extension of time pending receipt of certain materials that have not been made available to you.

As you are aware, any decision by the Commission to enter into pre-probable cause conciliation is discretionary and involves the considered judgment by the Commission whether it believes it has developed a sufficient factual basis to warrant conciliation. The Commission's decision to decline to enter into pre-probable cause conciliation with you at this time was based upon these considerations. The Commission believes that factual information must still be obtained from other respondents before the Commission is satisfied that pre-probable cause conciliation with your clients will be appropriate. The Commission, by this action, still considers your request as open and will not proceed to consideration of whether there is probable cause to believe your clients have violated the Act without either notifying you that it will not enter into pre-probable cause conciliation or forwarding a proposed agreement to you, thus accepting your offer to enter into conciliation negotiations.

Your second point involves a request for an extension of time to respond to the Commission's notice that it found there is reason to believe your clients have violated certain sections of the Act, pending receipt by you of certain materials related with MUR 1667. The Commission's decision in this matter as it affects your clients was not dependent upon matters raised in MUR 1667. Your clients were not named as respondents in MUR 1667 and no finding was made against them based upon any allegations or facts

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presented in that matter under review. The Commission's decision to merge MURs 1667 and 1704 was based upon administrative considerations regarding the need to consolidate its efforts to resolve various issues that pertain to other persons who, unlike your clients, were respondents in both matters. Thus, this Office is of the opinion that the materials you have requested constitute investigative files that do not relate to possible violations by your clients. Accordingly, the Office of General Counsel declines to provide you with materials related to MUR 1667. It follows, therefore, that any request for an extension of time based upon your request for these materials is also denied.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 27, 1984

Kirk D. Messmer, Esquire
Miller, Canfield, Paddock and Stone
Suite 900
One Michigan Avenue
Lansing, Michigan 48933

Re: MUR 1704
Sixth District Delegates
For Mondale (MI)

Dear Mr. Messmer:

This letter responds to your telephone inquiry directed to Mr. Mims of this Office during which you indicated that your client had not received a copy of the complaint in the above-referenced matter. An additional copy of that complaint is now enclosed for your information.

Should you have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter at (202)523-4143.

Sincerely,

Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 23, 1984

Richard Brabender, Treasurer
PA 14th Congressional District
Delegates for Mondale
3411 Library Road
Pittsburgh, PA 15234

RE: Murs 1667 and 1704

Dear Mr. Brabender:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 2 0 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 5, 1984

Victor J. Van Bourg, Esquire
Van Bourg, Allen, Weinberg & Roger
875 Battery Street
San Francisco, California 94111

RE: MUR 1704
Ironworkers Political Action League
John T. Traylor, as treasurer

Dear Mr. Van Bourg:

This is in reference to your letter dated August 23, 1984, requesting an extension of 45 days, until October 10, 1984, to respond to the Commission's notice that it has reason to believe that your clients have violated the Act.

Considering the Commission's responsibilities under 2 U.S.C. § 437g(a)(8)(A) to act expeditiously on complaints and the circumstances of this matter, your request for an extension will be granted only until September 7, 1984.

If you have any questions, please contact Stephen Mims, the attorney handling this matter, at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

85040503204

Gec 4474 FYI

VICTOR J. VAN BOURG
GEORGE E. ALLEN (1924-1984)
STEWART WEINBERG
MICHAEL S. ROGER
DAVID A. ROSENFELD
STANFORD L. SILLMAN
WILLIAM A. SIXEL
VINCENT A. HARRINGTON, JR.
W. DANIEL DISNEY
ROBERT M. HANSEN
PAUL D. SUFFIN
DEBORAH WEINER
BLYTHE MICHELSON
STEVEN W. DISNEY
SARRY E. HOKILE

VAN BOURG, ALLEN, WEINBERG & ROGER
A PROFESSIONAL CORPORATION
875 BATTERY STREET, SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE (415) 864-4000

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

August 23, 1984

84 AUG 27 P2:21

Lee Ann Elliott, Chairman
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1704 (Ironworkers Political Action League; John T. Traylor, as treasurer)

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 AUG 27 P4:24

Dear Ms. Elliott:

Your letter of August 14, 1984, was received in our offices on August 16th. I would very much appreciate it if the Commission would allow me, on behalf of my clients, an additional 45 days--until October 10th--to review the records and file an appropriate submission. Please let me know by return mail whether you can grant my request. Thank you for your consideration in this matter.

Sincerely,

VICTOR J. VAN BOURG

VJVB:GP
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afl-cio

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1984

Edward P. Wendel, Esquire
Assistant General Counsel
United Food & Commercial Workers
International Union
1775 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
UFCW-Active Ballot Club

Dear Mr. Wendel:

This responds to your letter of August 20, 1984, wherein you requested an extension of time in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant your requested extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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UFCW

84 AUG 21 AM 9:38

Legal Department
(202) 466-1520 / 1523

August 20, 1984

Charles Steele, Esquire
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1704

Dear Mr. Steele:

In connection with MUR 1704, which was received on August 15, undersigned counsel requests a one-week extension until September 7, in which to file a response. Counsel, who has handled all of the legal matters relating to the Federal Election Campaign and for the Active Ballot Club, has long been scheduled to be out of the city for vacation the week of August 20, 1984. Counsel also has briefs due in two other cases, one an arbitration and the second an NLRB case, the last week of August.

Sincerely,

Edward P. Wendel/sg

Edward P. Wendel
Assistant General Counsel

cc: Stephen Sims, Esquire

EPW:sgg

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William H. Wynn
International
President

Anthony J. Lutty
International
Secretary-Treasurer

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1984

Kathy L. Krieger, Esquire
Carpenters Legislative Improvement Committee
101 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: MUR 1704
Carpenters Legislative
Improvement Committee

Dear Ms. Krieger:

This responds to your request of August 21, 1984, for an extension of time in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant an extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

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RECEIVED AT THE FEC
Mims
84 AUG 22 A 8:37

GCC
#4405

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, et al., Complainants,	)	
v.	)	MUR 1704
WALTER F. MONDALE, et al., Respondents.	)	

84 AUG 22 A 9:43

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REQUEST OF RESPONDENT
CLIC FOR EXTENSION OF TIME

The Respondent Carpenters Legislative Improvement Committee by its counsel hereby requests an extension of time from August 25 to and including September 7, 1984, in which to respond to the Commission's "reason to believe" letter, and states as follows in support of this request.

1. The Commission's August 14 letter was received by CLIC on August 15, 1984. Accordingly, CLIC was given until August 25 to submit any legal and factual materials relevant to the Commission's consideration of further action in this proceeding.

2. The wide-ranging legal and factual allegations made in the underlying complaint in this proceeding challenge the operations, structure, and finances of numerous unrelated organizations, separate segregated funds, and delegate committees throughout the United States, as well as a presidential candidate's campaign committee. Since the Commission's August 14 letter gives

no notice of what legal issues and theory the FEC is pursuing as possible violations with respect to CLIC, CLIC is unable to narrow the scope of issues for preparation of its response or evaluation of its posture regarding the conciliation process.

3. Due to the press of litigation and conflicts with previously scheduled proceedings, counsel for Respondent CLIC will be unable to compile and evaluate factual information and obtain sworn statements by the August 25 deadline. We believe that the requested extension of time is reasonable and will not prejudice any party. CLIC has not obtained any prior extensions of time in this matter.

WHEREFORE, CLIC respectfully urges the Commission to grant its request and extend the time for responding to and including September 7, 1984.

Respectfully submitted,

Kathy L. Krieger

Kathy L. Krieger
Counsel for Respondent Carpenters Legislative Improvement Committee
101 Constitution Avenue N.W.
Washington, D.C. 20001
202/546-6206

Dated at Washington, D.C.
this 21st day of August, 1984.

8504050321 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1984

Joan Ruby, Esquire
Assistant General Counsel
Amalgamated Clothing And Textile Workers Union
15 Union Square
New York, New York 10003

Re: MUR 1704
ACTWU-PAC

Dear Ms. Ruby:

This responds to your letter of August 16, 1984, wherein you requested an extension of time through September 10, 1984, in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant an extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele by KBC

Charles N. Steele
General Counsel

8504050321 2

AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION
ACTWU
AFL-CIO, CLC
15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

RECEIVED AT THE FEC

MURRAY H. FINLEY
President
JACK SHEINKMAN
Secretary-Treasurer
SCOTT [illegible]
Executive Vice President

GCC #4368

August 16, 1984

CERTIFIED MAIL NO. P17 2894298

Lee Ann Elliott, Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1704, ACTWU-PAC

Dear Chairman Elliott:

Respondent ACTWU-PAC requests a two week extension of time until September 10, 1984 to submit a response to the notification of the Commission's finding of reason to believe in MUR 1704 received in this office on August 16, 1984. The additional time is needed because of the out-of-town work schedule of the undersigned and the difficulty in reaching persons with relevant information due to vacation schedules.

Thank you for your prompt consideration of this request.

Very truly yours,

Joan Ruby

Joan Ruby
Assistant General Counsel

JR/pb

cc: Stephen Mims ✓
Arthur M. Goldberg
George A. Kirschenbaum

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VICE PRESIDENTS
JOHN ALLERUZZO
SAMUEL J. AZZINARO
ELMER CABAN
LES CALDER
FRANK CALECA
CHARLES BUD CLARK
ED CLARK
JEAN-MARC COUTURE
OLGA DIAZ
JAMES DILLON
HENRY DROPKIN
BRUCE DUNTON
GARRY FERRARIS
JOHN FOX
SAM FOX
ANGELO G. GEORGIAN
HARRY GORDON
MARION E. GROCE
NICHOLAS GYORY
WILLIAM HALL
JOSEPH HUGHE
JAMES JACKSON
JAMES A. JOHNSON
ARTHUR LOEVY
RICHARD MacFADYEN
JOYCE D. MILLER
VERA MILLER
MURRAY MORENO
FRANK NICHOLAS JR.
CARMEN PAPALE
BRUCE RAYNOR
CHARLES SALLEE
LEON SPITZER
PETER J. SHOBODA
CECIL TOPPIN
JIM WALRAVEN

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 21, 1984

Alan V. Reuther, Esquire
Assistant General Counsel
International Union, United Automobile,
Aerospace & Agricultural Implement Workers
of America - UAW
1757 K Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
UAW - V - CAP

Dear Mr. Reuther:

This responds to your letter of August 17, 1984, wherein you requested an extension of time in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant your requested extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
bm

Charles N. Steele
General Counsel

8504050321 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 21, 1984

Laurence Gold, Esquire
Special Counsel
American Federation of Labor and
Congress of Industrial Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
AFL-CIO COPE - PCC

Dear Mr. Gold:

This responds to your letter of August 17, 1984, wherein you requested an extension of time in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant your requested extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

8 5 0 4 0 5 0 3 2 1 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 21, 1984

James P. Coppess, Esquire
Adair, Scanlon and McHugh, P.C.
Suite 411
1925 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
CWA-COPE PCC

Dear Mr. Coppess:

This responds to your letter of August 17, 1984, wherein you requested an extension of time in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant your requested extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

8504050321 6

GCC#4358
Mimo

LAW OFFICES
ADAIR, SCANLON AND McHUGH, P.C.
SUITE 411
1025 K STREET, N.W.
WASHINGTON, D.C. 20006

202/[illegible]

Thomas E. Adair (D.C. & Ga.)
J. Leroy Adair (D.C. & Ga.)
William A. McHugh, Jr. (Ga.)
Patrick M. Scanlon (D.C. & Ga.)
Francis W. Cody (Ga.)
Donald R. Livingston (Ga.)
J. Michael Wells (Ga.)
James B. Coppess (D.C. & Ga.)
J. Paul Rosenzweig (D.C.)
Margaret M. Clark (D.C.)
Deborah Gershowitz (D.C.)
Mary Katherine Lucas (Ga.)
Patricia M. Siska (D.C.)
Marcia E. Freeman (Ga.)

Atlanta, Georgia Office:
777 W. Paces Ferry Road, N.E.
Atlanta, Georgia 30305
404/[illegible]
Telecopier 404/[illegible]

August 17, 1984

AUG 17 P2:50

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

Re: MUR 1704
CWA-COPE PCC
Louis B. Knecht, Treasurer

Dear Mr. Steele:

This is to request an extension of time until September 7, 1984 to respond to the Commission's letter of August 14, 1984. This would amount to an extension of eleven days.

This additional time is necessary because, in addition to my normal duties, which entail a large amount of day-to-day administrative work, I am presently working on a court of appeals brief and on several cases pending in federal district court which will require close attention during the next two weeks. In addition, the Commission's letter comes immediately on the heals of the Communications Workers' annual convention--a time when it is customary for the staff and officers of the union to take vacation--and this may make it difficult to review this matter with the necessary persons.

Yours truly,

James B. Coppess

JBC/pbh

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Mures GCC#436

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

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Albert Shanker
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J. C. Turner
Alvin E. Heaps
John DeConcini
Joyce D. Miller
Jobias B. Highsmith
Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

August 17, 1984

AUG 17 P4:01

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 200006

Re: FEC MUR 1704

Dear Mr. Steele:

The purpose of this letter is to request an extension of time for respondents AFL-CIO-COPE/PCC and Thomas R. Donahue to respond to the Commission's letter dated August 14, 1984, stating that the Commission has determined that there is reason to believe that respondents have violated §441a(a)(2)(A) of the Act.

Respondents received the Commission's reason-to-believe notification on August 15, 1984. The AFL-CIO Executive Council is meeting in Denver, Colorado next week. I am required to attend those meetings. Accordingly, I will be out of the office all of next week. My co-counsel, Margaret E. McCormick, has a longstanding commitment to spending a week of vacation with her family next week. Due to the fact that she has already rented a cottage and made travel arrangements, her vacation plans cannot be altered at this late date. In addition, Ms. McCormick is also counsel for respondents in FEC MUR 1752 in which a response must be filed by the end of this week. For the foregoing reasons, it would be difficult if not impossible for us to prepare a proper reply in this matter within the ten-day reply period stated in the Commission's letter.

Accordingly, we hereby request a 13 day extension of time from Saturday, August 25, 1984 to Friday, September 7, 1984 in which to file the reply of respondents AFL-CIO/COPE-PCC and Thomas R. Donahue in this matter.

Sincerely,

Laurence Gold

Laurence Gold
Special Counsel

8 5 0 4 0 5 0 3 2 1 8

Mims

GCC#4254

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

OWEN F. BIEBER, PRESIDENT

RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • CODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

IN REPLY REFER TO
1757 N STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 828-8600

August 17, 1984

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

AUG 17 P 1:00

RE: MUR 1704

Dear Mr. Mims:

The UAW hereby requests an extension of time until September 7th in which to respond to the Commission's "reason to believe" finding in connection with the above referenced case. This extension is necessary because I am currently on vacation and will not be returning to Washington until the last week of August. I would appreciate it if you could advise my office as soon as possible as to whether this requested extension is approved by the Commission. Thanks for your consideration in this matter.

Sincerely,

Alan Reuther/cw

Alan V. Reuther
Assistant General Counsel

AVR:cw
opeiu494
SD15

(Dictated but not read).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 17, 1984

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey, Walters
& Willig
Suite 800
1100 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
AFSCME Public Employees
Organized to Promote
Legislative Equality -
QUALIFIED

Dear Mr. Weinberg:

This responds to your letter of August 16, 1984, wherein you requested an extension of time of fifteen days in which to respond to the Commission's determination that there is reason to believe that your clients have violated certain sections of the Federal Election Campaign Act of 1971, as amended. I have reviewed your request and have decided to grant an extension of time through September 7, 1984. Any materials which you wish to submit on behalf of your clients should be received by the Office of General Counsel by that date.

Should you have any questions, please contact Stephen Mims, an attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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GCC#4343

LAW OFFICES
KIRSCHNER, WEINBERG, DEMPSEY, WALTERS & WILLIG
SUITE 800
1100 17TH STREET, N.W.
WASHINGTON, D.C. 20036

(202) 775-8900

RICHARD KIRSCHNER
LARRY P. WEINBERG
JOHN C. DEMPSEY†
JONATHAN WALTERS
DEBORAH R. WILLIG

ALAINE S. WILLIAMS*
MARILYN S. MAY*
ROBERT T. FENDT*
ROBERT TIM BROWN*
BARBARA KRAFT
MARTHA WALFOORT
LEE W. JACKSON
STUART W. DAVIDSON*
CRAIG DECKER

†ALSO ADMITTED IN VIRGINIA
*NOT ADMITTED IN DISTRICT OF COLUMBIA

PHILADELPHIA OFFICE
SUITE 1100
1429 WALNUT STREET
PHILADELPHIA, PA. 19102
(215) 000-0000

HARRISBURG OFFICE
CITY TOWERS BUILDING
HARRISBURG, PA. 17101
(717) 000-0000

VIRGINIA OFFICE
10311 COMMONWEALTH BLVD.
FAIRFAX, VA. 22032

August 16, 1984

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

HAND-DELIVERED

'84 AUG 16 AM 11:26

Re: MUR 1704
AFSCME Public Employees Organized to Promote
Legislative Equality-QUALIFIED (AFSCME PEOPLE)

Dear Mr. Mims:

Yesterday I received the Commission's letter advising me that the Commission had found reason to believe that the above-named respondent had violated a provision of the Act and allowing us ten days to submit any factual or legal materials which we believe are relevant to the Commission's consideration of this matter. As I advised you over the telephone, I am scheduled to leave town at the end of the day tommorow, August 17, 1984 and will not be returning until late on August 26. In addition, most of the employees of the respondent whose efforts would be necessary in gathering any additional information appropriate for presentation to the Commission are presently out of town, either on vacation or on business. As is common in Washington, D.C., this condition will continue until Labor Day. For these reasons, I am requesting an extension of time within which to respond to the Commission of fifteen days from the date set in your letter of August 14, 1984. Since I will be leaving town at the close of business August 17, I request that you notify me by telephone as to what action you intend to take with regard to this request.

Sincerely,

Larry P. Weinberg

LPW/em
Enclosure

8504050321

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

David M. Ifshin, Esquire
Carolyn U. Oliphant, Esquire
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Suite 100
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

The Federal Election Commission previously notified your clients of the complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended, (the "Act"). On August 7, 1984, the Commission voted to merge MUR 1667 with 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined there is reason to believe that your clients, Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Act, by accepting excessive contributions. This finding was premised on the Commission's conclusion that the Mondale delegate committees are affiliated with the Mondale for President Committee, Inc.

Also on August 7, 1984, the Commission reconsidered its position of May 8, 1984, not to enter into pre-probable cause conciliation negotiations, and decided to approve your clients' request of April 30, 1984, and enter into conciliation negotiations at this time. Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If

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you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting to discuss the conciliation agreement, please contact Robert Bonham, an attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mondale for President Committee, Inc.	)	MUR 1704
	)	
Michael S. Berman, as treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures, and conducted an investigation into the matter.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Committee.

3. Respondents established Mondale delegate committees by:

a) instructing individuals seeking selection as delegates to the Democratic National Convention supporting Mr. Mondale's candidacy to form delegate committees;

b) instructing delegates on how they should go about forming such committees;

c) providing some delegates with names of individuals who might serve as treasurers of delegate committees; and

d) supervising the delegate committees' registration with the Commission.

4. Respondents financed the delegate committees by:

a) soliciting contributions to the delegate committees;

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b) directing individuals who had expressed a desire to contribute to the Mondale campaign to contribute to the delegate committees;

c) providing the delegate committees with lists of contributors; and

d) encouraging labor organization political action committees to contribute to the delegate committees.

5. Respondents maintained the delegate committees by:

a) providing a ready supply of volunteer workers to the delegate committees;

b) coordinating the distribution of those volunteers to the delegate committees;

c) paying the transportation costs of volunteers traveling to the delegate committees;

d) helping volunteers to obtain per diem reimbursement for their services to the delegate committees;

e) providing delegate committees with phone bank scripts and sample campaign materials; and

f) monitoring the delegate committees' compliance with the Commission.

6. Respondents controlled the delegate committees by:

a) instructing delegate committees to have their personnel consult with representatives of

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Respondent Mondale for President Committee, Inc.;

b) recommending which vendors the delegate committees should use;

c) advising delegate committees as to the form and content of campaign materials to be used by the delegate committees;

d) allocating campaign responsibilities between the delegate committees and the Mondale campaign.

7. The delegate committees accepted contributions, which exceeded in the aggregate $5,000, from political committees;

8. The expenditure limit in New Hampshire for candidates seeking nomination to the office of president was $404,000.

9. According to the reports filed with the Commission, Respondents and the delegate committees made aggregate expenditures in New Hampshire in excess of $404,000.

V. Because the Mondale for President Committee, Inc. established financed, maintained and controlled the Mondale delegate committees, it is affiliated with those committees and is subject to single contribution and expenditure limits, shared with those committees. 11 C.F.R. §§ 100.5(g)(2)(ii) and 110.3.

VI. By accepting contributions in excess of the limitations set forth in 2 U.S.C. § 441a(a), Respondents violated 2 U.S.C. § 441a(f).

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VII. By making expenditures in excess of the expenditure limitations, Respondents violated 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f).

VIII. Respondents shall amend the Mondale for President Committee, Inc., Statement of Organization to identify all of the affiliated delegate committees.

IX. Respondents shall obtain all of the records maintained by the delegate committees, and maintain them pursuant to 2 U.S.C. § 432(d) in a central location.

X. Respondents shall pay to the Treasurer of the United States an amount equal to the amount of contributions received by the Mondale for President Committee, Inc., and the Mondale delegate committees which, when considered in the aggregate, exceed the limitations established under 2 U.S.C. § 441a(a). Respondents agree to make an immediate payment of $330,878.40. Respondents and the Commission agree to make such adjustments, including additional payments, as determined necessary subsequent to an audit of the Mondale for President Committee, Inc., conducted pursuant to 26 U.S.C. § 9038(a). Funds used to make these payments may include funds raised pursuant to the provisions of 11 C.F.R. § 9034.4(b)(4).

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XI. Respondents shall pay to the Treasurer of the United States an amount equal to the amount of expenditures made by the Mondale for President Committee, Inc., and the Mondale delegate committees which, when considered in the aggregate, exceed the limitations established under 2 U.S.C. § 441a(b)(1). Such an amount shall be finally determined by the Commission subsequent to an audit of the Mondale for President Committee, Inc., conducted pursuant to 26 U.S.C. § 9038(a). Funds used to make such payments shall be subject to the limitations and prohibitions of the Act but not subject to the ratio of the total matching payments received to total receipts.

XII. Nothing herein shall prevent the Commission from pursuing a repayment from Respondents pursuant to 26 U.S.C. § 9038(b).

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

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

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

XVI. Respondents shall make the immediate payment referred to in Paragraph X of this agreement within 30 days from the date this agreement becomes effective. Additional payments made necessary under the provisions of Paragraph X shall be made within 30 days from the date the Commission notifies Respondents of the amounts due. Payments made necessary under the provisions of Paragraph XI shall be made within 30 days from the date the Commission notifies Respondents of the amounts due.

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

XVIII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor, as in the case of the amounts to be determined by the Commission subsequent to an audit of MPC

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conducted pursuant to 26 U.S.C. § 9038(a), referenced in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

_____ _____
(Name) Date
(Position)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David M. Ifshin, Esquire
Carolyn U. Oliphant, Esquire
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Suite 100
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

The Federal Election Commission previously notified your clients of the complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended, (the "Act"). On August 7, 1984, the Commission voted to merge MUR 1667 with 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined there is reason to believe that your clients, Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Act, by accepting excessive contributions. This finding was premised on the Commission's conclusion that the Mondale delegate committees are affiliated with the Mondale for President Committee, Inc.

Also on August 7, 1984, the Commission reconsidered its position of May 8, 1984, not to enter into pre-probable cause conciliation negotiations, and decided to approve your clients' request of April 30, 1984, and enter into conciliation negotiations at this time. Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If

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you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting to discuss the conciliation agreement, please contact Robert Bonham, an attorney assigned to this matter, at (202) 523-4000.

Sincerely,

RB 08/13

Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

Re: MUR 1704
Machinists Non-Partisan
Political League
Eugene Glover, as treasurer

Dear Mr. Oldaker:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 22, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the Machinists Non-Partisan Political League and Eugene Glover, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the Machinists Non-Partisan Political League made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1704 with MUR 1667, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704. Finally, the Commission decided to decline to enter into pre-probable cause conciliation negotiations with your clients at this time.

In the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

Re: MUR 1704
American Federation of Teachers
Committee on Political Education
("AFT COPE")
Robert G. Porter, as treasurer

Dear Mr. Oldaker:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 22, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe the AFT COPE and Robert G. Porter, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears the AFT COPE made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1704 with MUR 1667, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704. Finally, the Commission decided to decline to enter into pre-probable cause conciliation negotiations with your clients at this time.

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In the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All 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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph DeLorenzo, Treasurer
2nd District Delegate Committee for Mondale
1910 Smith Street, Suite 9
N. Providence, Rhode Island 02911

Re: MUR 1704
2nd District Delegate Committee
for Mondale
Joseph DeLorenzo, as treasurer

Dear Mr. DeLorenzo:

The Federal Election Commission previously notified you of complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaints were forwarded to you at that time.

On August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 the Commission, also on August 7, 1984, determined that there is reason to believe that the 2nd District Delegate Committee for Mondale and you, as treasurer, violated 2 U.S.C. § 434(c), a provision of the Act. Specifically, it appears that the 2nd District Delegate Committee for Mondale (RI) and you, as treasurer, failed to amend its Statement of Organization to indicate its affiliation with the 1st District Committee for Mondale (RI). You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202)523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Salvatore Mancini, Treasurer
1st District Delegate Committee
for Mondale (RI)
1910 Smith Street, Suite 9
N. Providence, Rhode Island 02911

Re: MUR 1704
1st District Delegate Committee
for Mondale (RI)
Salvatore Mancini, as treasurer

Dear Mr. Mancini:

The Federal Election Commission previously notified you of complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaints were forwarded to you at that time.

On August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 the Commission, also on August 7, 1984, determined that there is reason to believe that the 1st District Delegate Committee for Mondale (RI) and you, as treasurer, violated 2 U.S.C. § 434(c), a provision of the Act. Specifically, it appears that the 1st District Delegate Committee for Mondale (RI) failed to amend its Statement of Organization to indicate its affiliation with the 2nd District Delegates for Mondale (RI). You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202)523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Debbie O'Dell Seneca, Treasurer
22nd Congressional District Delegate
Committee for Mondale (PA)
335 North Main Street
Washington, Pennsylvania 15301

Re: MUR 1704
22nd Congressional District
Delegate Committee for
Mondale (PA)
Debbie O'Dell Seneca, as treasurer

Dear Ms. Seneca:

The Federal Election Commission previously notified you of complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaints were forwarded to you at that time. We acknowledge receipt of your explanation of this matter which was dated June 6, 1984.

On August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission, also on August 7, 1984, determined that there is reason to believe that the 22nd Congressional District Delegate Committee for Mondale (PA) and you, as treasurer, violated 2 U.S.C. § 434(b)(3)(B), a provision of the Act. Specifically, it appears that the Pennsylvania 22nd Congressional District Delegates for Mondale Committee and you, as treasurer, failed to provide required contributor information for two contributions totaling $7,000. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202)523-4143.

Sincerely,

Bob Bell

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James M. Beck, Esquire
Pepper, Hamilton and Scheetz
The Fidelity Building, 20th Floor
123 S. Broad Street
Philadelphia, Pennsylvania 19109

Re: MUR 1704
Pennsylvania At-Large Delegates
for Mondale
Joanne Ciulla, as treasurer

Dear Mr. Beck:

The Federal Election Commission previously notified your clients of complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaints were forwarded to your clients at that time.

On August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 the Commission, also on August 7, 1984, determined that there is reason to believe that the Pennsylvania At-Large Delegates for Mondale and Joanne Ciulla, as treasurer, violated 2 U.S.C. § 434(b)(3)(B), a provision of the Act. Specifically, it appears that the Pennsylvania At-Large Delegates for Mondale, and Joanne Ciulla, as treasurer, failed to report receiving contributions totaling $5,000 from the Ironworkers Political Action League. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202)523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Victor J. VanBourg, Esquire
VanBourg, Allen, Weinberg and
Roger, P.C.
875 Battery Street
San Francisco, California 94111

Re: MUR 1704
Ironworkers Political Action
League
John T. Traylor, as treasurer

Dear Mr. Van Bourg:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 13, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the Ironworkers Political Action League and John T. Traylor, as treasurer, violated 2 U.S.C. §§ 434(b)(6)(B)(i) and 441a(a)(2)(A), provisions of the Act. Specifically, it appears that the Ironworkers Political Action League failed to report a $1,000 disbursement to the Pennsylvania 21st Congressional Delegates for Mondale Committee and made excessive contributions, in the aggregate, to the Mondale Campaign. In addition, the Commission voted to merge MUR 1704 with MUR 1667, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the

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Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All 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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202)523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
Lawrence Gold, Esquire
AFL-CIO Legal Department
815 16th Street, N.W. Room 808
Washington, D.C. 20006

Re: MUR 1704
AFL-CIO COPE PCC
Thomas R. Donahue, as Treasurer

Dear Ms. McCormick and Mr. Gold:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 21, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the AFL-CIO COPE PCC and Thomas R. Donahue, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the AFL-CIO COPE PCC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Arthur M. Goldberg, Esquire
Amalgamated Clothing and Textile
Workers Union
15 Union Square West
New York, New York 10003

Re: MUR 1704
Amalgamated Clothing and Textile Workers
Union PAC (ACTWU PAC)
John Fox, as Treasurer

Dear Mr. Goldberg:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 19, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the ACTWU PAC and John Fox, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the ACTWU PAC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
1100 17th Street, N.W.
Suite 800
Washington, D.C. 20036

Re: MUR 1704
AFSCME Public Employees Organized to
Promote Legislative Equality-QUALIFIED
(AFSCME PEOPLE)
William Lucy, as Treasurer

Dear Mr. Weinberg:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 19, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the AFSCME PEOPLE and William Lucy, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the AFSCME PEOPLE made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Sarah Fox, Esquire
Bricklayers and Allied Craftsmen
815 - 15th Street, N.W.
Washington, D.C. 20005

Re: MUR 1704
Bricklayers and Allied Craftsmen
Political Action Committee (BAC PAC)
Edward M. Bellucci, as Treasurer

Dear Ms. Fox:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 20, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the BAC PAC and Edward M. Bellucci, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the BAC PAC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Kathy L. Krieger, Assistant General Counsel
United Brotherhood of Carpenters and Joiners
of America
101 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: MUR 1704
Carpenters Legislative Improvement
Committee (CLIC)
Patrick J. Campbell, as Treasurer

Dear Ms. Krieger:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 15, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the CLIC and Patrick J. Campbell, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the CLIC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

RCB 08/09

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James B. Coppess, Esquire
Communication Workers of America
1925 K Street, N.W., Suite 411
Washington, D.C. 20006

Re: MUR 1704
Communication Workers of America (CWA)
COPE PCC
Louis B. Knecht, as Treasurer

Dear Mr. Coppess:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 18, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the CWA COPE PCC and Louis B. Knecht, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the CWA COPE PCC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lester Asher, Esquire
Asher, Pavalon, Gittler,
Two North LaSalle Street, Room 1200
Chicago, Illinois 60602

Gerald I. Sommer
Counsel to the President
Service Employees International Union
2020 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
Service Employes International Union
(SEIU) COPE PCC
Richard W. Cordtz, Treasurer

Dear Gentlemen:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 18, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the SEIU COPE PCC and Richard W. Cordtz, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the SEIU COPE PCC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lester Asher, Esquire
Asher, Pavalon, Gittler,
Two North LaSalle Street, Room 1200
Chicago, Illinois 60602

Gerald I. Sommer
Counsel to the President
Service Employees International Union
2020 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
Service Employes International Union
(SEIU) COPE PCC
Richard W. Cordtz, Treasurer

Dear Gentlemen:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 18, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the SEIU COPE PCC and Richard W. Cordtz, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the SEIU COPE PCC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Nims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Alan V. Reuther
Assistant General Counsel
United Auto Workers
1757 N Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
United Auto Workers (UAW) V-CAP
Donald J. Moll, as Treasurer

Dear Mr. Reuther:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 18, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the UAW V-CAP and Donald J. Moll, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the UAW V-CAP made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Edward P. Wendel, Esquire
Assistant General Counsel
United Food and Commercial Workers
International Union
1775 K Street, N.W., Suite 900
Washington, D.C. 20006

Re: MUR 1704
United Food and Commercial Workers
(UFCW) Active Ballot Club
Anthony J. Lutty, as Treasurer

Dear Mr. Wendel :

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 12, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the UFCW Active Ballot Club and Anthony J. Lutty, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the United Food and Commercial Workers (UFCW) Active Ballot Club made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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Sincerely,

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael H. Holland, Esquire
Earl R. Pfeffer, Esquire
United Mine Workers of America
900 15th Street, N.W.
Washington, D.C. 20005

Re: MUR 1704
United Mine Workers of America Coal
Miners' Political Action Committee
(UMWCOM PAC)
John J. Banovic, as Treasurer

Dear Mr. Holland and Mr. Pfeffer:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 18, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the UMWCOM PAC and John J. Banovic, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the UMWCOM PAC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures
Procedures

8 5 0 4 0 5 0 3 2 5 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: AUGUST 13, 1984

SUBJECT: MUR 1704 - Proposed Notification Letter and Revised Conciliation Agreement for Mondale for President Committee, Inc., Memorandum to the Commission dated August 10, 1984

The above-captioned matter was circulated to the Commission on a 24 hour no-objection basis at 2:00, August 10, 1984.

Commissioners Aikens and Reiche submitted objections for record purposes only. There were no further objections to the Memorandum to the Commission at the time of the deadline.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: AUGUST 13, 1984

SUBJECT: MUR 1704 - Proposed Notification Letter and Revised Conciliation Agreement for Mondale for President Committee, Inc., Memorandum to the Commission dated August 10, 1984

The above-captioned matter was circulated to the Commission on a 24 hour no-objection basis at 2:00, August 10, 1984.

Commissioners Aikens and Reiche submitted objections for record purposes only. There were no further objections to the Memorandum to the Commission at the time of the deadline.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: AUGUST 13, 1984

SUBJECT: COMMENTS RE: MUR 1704 Memorandum to the Commission dated August 10, 1984

Attached is a copy of Commissioners Aikens' and Reiche's vote sheets with comments regarding MUR 1704.

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24-HOUR NO-OBJECTION MATTER

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL FRIDAY, 8-10-84, 2:00

COMMISSIONER McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: MONDAY, AUGUST 13, 1984, 2:00

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
'84 AUG 10 P4:16

SUBJECT: MUR 1704 - PROPOSED NOTIFICATION LETTER AND REVISED CONCILIATION AGREEMENT FOR MONDALE FOR PRESIDENT COMMITTEE, INC.
Memorandum to the Commission dated 8-10-84.

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(✓) I object to the attached report.

COMMENTS: My objection is for the record. I strongly disagree with this decision--there should have been a civil penalty, labeled as such, and the excess contributions should have been returned to the contributors.

Date 8/10/84 Signature Frank P. Reiche

OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ONLY THE VOTE SHEET TO THE SECRETARY.

24-HOUR NO-OBJECTION MATTER

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL FRIDAY, 8-10-84, 2:00

COMMISSIONER McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: MONDAY, AUGUST 13, 1984, 2:00

SUBJECT: MUR 1704 - PROPOSED NOTIFICATION LETTER AND REVISED CONCILIATION AGREEMENT FOR MONDALE FOR PRESIDENT COMMITTEE, INC. - Memorandum to the Commission dated 8-10-84

( ) I object to the attached report.

COMMENTS: Voting no - for record only

Date 8-10-84 Signature J. Aikens

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY
84 AUG 10 P5:18

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OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ONLY THE VOTE SHEET TO THE SECRETARY.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: August 10, 1984

SUBJECT: MUR 1704 - Memorandum to The Commission

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

Open Session

Closed Session

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

24 HOUR NO OBJECTION BASIS

SENSITIVE

CIRCULATE ON PINK PAPER

8 5 0 4 0 5 0 3 2 7 5

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 AUG 10 A11:46

August 10, 1984

SENSITIVE

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Proposed Notification Letter and Revised Conciliation Agreement for Mondale For President Committee, Inc., in MUR 1704

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On August 7, 1984, the Commission, inter alia, found reason to believe that the Mondale For President Committee, Inc., and Michael S. Berman, as treasurer, accepted through delegate committees excessive contributions in violation of 2 U.S.C. § 441a(f). In addition, the Commission decided to enter into pre-probable cause conciliation negotiations with MPC. Finally, the Commission amended the proposed conciliation agreement which had been attached to the Office of the General Counsel's August 3, 1984, memorandum to the Commission in this matter, and approved that agreement as amended.

Attached for the Commission's review is a copy of the notification letter to be sent to counsel for MPC, together with a copy of the conciliation agreement as revised by the General Counsel's Office to reflect the Commission's amendments.

Attachments

1. Notification Letter (1 pg.)
2. Revised Conciliation Agreement (8 pgs.)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David M. Ifshin, Esquire
Carolyn U. Oliphant, Esquire
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Suite 100
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

The Federal Election Commission previously notified your clients of the complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended, (the "Act"). On August 7, 1984, the Commission voted to merge MUR 1667 with 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined there is reason to believe that your clients, Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Act, by accepting excessive contributions. This finding was premised on the Commission's conclusion that the Mondale delegate committees are affiliated with the Mondale for President Committee, Inc.

Also on August 7, 1984, the Commission reconsidered its position of May 8, 1984, not to enter into pre-probable cause conciliation negotiations, and decided to approve your clients' request of April 30, 1984, and enter into conciliation negotiations at this time. Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If

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you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting to discuss the conciliation agreement, please contact Robert Bonham, an attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Enclosures

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OFFICE OF THE FEC
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 AUG 9 A 9:42

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: August 9, 1984

SUBJECT: MUR 1704 - Memorandum to The Commission

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

24 HOUR NO OBJECTION BASIS

SENSITIVE

CIRCULATE ON PINK PAPER

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: August 9, 1984

SUBJECT: MUR 1704 - Memorandum to The Commission

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

24 HOUR NO OBJECTION BASIS

SENSITIVE

CIRCULATE ON PINK PAPER

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mondale for President Committee, Inc.	)	MUR 1704
Michael S. Berman, as treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures, and conducted an investigation into the matter.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Committee.

3. Respondents established Mondale delegate committees by:

a) instructing individuals seeking selection as delegates to the Democratic National Convention supporting Mr. Mondale's candidacy to form delegate committees;

b) instructing delegates on how they should go about forming such committees;

c) providing some delegates with names of individuals who might serve as treasurers of delegate committees; and

d) supervising the delegate committees' registration with the Commission.

4. Respondents financed the delegate committees by:

a) soliciting contributions to the delegate committees;

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b) directing individuals who had expressed a desire to contribute to the Mondale campaign to contribute to the delegate committees;

c) providing the delegate committees with lists of contributors; and

d) encouraging labor organization political action committees to contribute to the delegate committees.

5. Respondents maintained the delegate committees by:

a) providing a ready supply of volunteer workers to the delegate committees;

b) coordinating the distribution of those volunteers to the delegate committees;

c) paying the transportation costs of volunteers traveling to the delegate committees;

d) helping volunteers to obtain per diem reimbursement for their services to the delegate committees;

e) providing delegate committees with phone bank scripts and sample campaign materials; and

f) monitoring the delegate committees' compliance with the Commission.

6. Respondents controlled the delegate committees by:

a) instructing delegate committees to have their personnel consult with representatives of

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Respondent Mondale for President Committee, Inc.;

b) recommending which vendors the delegate committees should use;

c) advising delegate committees as to the form and content of campaign materials to be used by the delegate committees;

d) allocating campaign responsibilities between the delegate committees and the Mondale campaign.

7. The delegate committees accepted contributions, which exceeded in the aggregate $5,000, from political committees;

8. The expenditure limit in New Hampshire for candidates seeking nomination to the office of president was $404,000.

9. According to the reports filed with the Commission, Respondents and the delegate committees made aggregate expenditures in New Hampshire in excess of $404,000.

V. Because the Mondale for President Committee, Inc. established financed, maintained and controlled the Mondale delegate committees, it is affiliated with those committees and is subject to single contribution and expenditure limits, shared with those committees. 11 C.F.R. §§ 100.5(g)(2)(ii) and 110.3.

VI. By accepting contributions in excess of the limitations set forth in 2 U.S.C. § 441a(a), Respondents violated 2 U.S.C. § 441a(f).

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VII. By making expenditures in excess of the expenditure limitations, Respondents violated 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f).

VIII. Respondents shall amend the Mondale for President Committee, Inc., Statement of Organization to identify all of the affiliated delegate committees.

IX. Respondents shall obtain all of the records maintained by the delegate committees, and maintain them pursuant to 2 U.S.C. § 432(d) in a central location.

X. Respondents shall pay to the Treasurer of the United States an amount equal to the amount of contributions received by the Mondale for President Committee, Inc., and the Mondale delegate committees which, when considered in the aggregate, exceed the limitations established under 2 U.S.C. § 441a(a). Respondents agree to make an immediate payment of $330,878.40. Respondents and the Commission agree to make such adjustments, including additional payments, as determined necessary subsequent to an audit of the Mondale for President Committee, Inc., conducted pursuant to 26 U.S.C. § 9038(a). Funds used to make these payments may include funds raised pursuant to the provisions of 11 C.F.R. § 9034.4(b)(4).

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XI. Respondents shall pay to the Treasurer of the United States an amount equal to the amount of expenditures made by the Mondale for President Committee, Inc., and the Mondale delegate committees which, when considered in the aggregate, exceed the limitations established under 2 U.S.C. § 441a(b)(1). Such an amount shall be finally determined by the Commission subsequent to an audit of the Mondale for President Committee, Inc., conducted pursuant to 26 U.S.C. § 9038(a). Funds used to make such payments shall be subject to the limitations and prohibitions of the Act but not subject to the ratio of the total matching payments received to total receipts.

XII. Nothing herein shall prevent the Commission from pursuing a repayment from Respondents pursuant to 26 U.S.C. § 9038(b).

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

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

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

XVI. Respondents shall make the immediate payment referred to in Paragraph X of this agreement within 30 days from the date this agreement becomes effective. Additional payments made necessary under the provisions of Paragraph X shall be made within 30 days from the date the Commission notifies Respondents of the amounts due. Payments made necessary under the provisions of Paragraph XI shall be made within 30 days from the date the Commission notifies Respondents of the amounts due.

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

XVIII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor, as in the case of the amounts to be determined by the Commission subsequent to an audit of MPC

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conducted pursuant to 26 U.S.C. § 9038(a), referenced in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

_____ _____
(Name) Date
(Position)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: August 3, 1984

SUBJECT: MUR 1704: Memorandum to The Commission (MUR 1667)

The attached is submitted as an Agenda document for the Commission Meeting of August 7, 1984

Open Session

Closed Session XX

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

SENSITIVE

CIRCULATE ON PINK PAPER

ON AGENDA 8-7-84

8504050032 89

SENSITIVE

OFFICE OF THE FEC
COMMISSION SECRETARY

84 AUG 3 P2:51

Submitted Late

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 1984

EXECUTIVE SESSION
AUG 7 1984

MEMORANDUM

TO : The Commission

FROM : Charles N. Steele
General Counsel

SUBJECT: Request for Commission Consideration of Memorandum to the Commission from Charles N. Steele regarding revised proposed conciliation agreement for respondent Mondale For President Committee, Inc., in MUR 1704.

The Office of the General Counsel requests Commission consideration of the above-described report at its closed session of August 7, 1984. Late submission of this document is necessitated by the short period of time between the Commission's last consideration of this matter and the deadline for submitting documents for the next Executive Session.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 1984

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Proposed Conciliation Agreement for Respondent Mondale for President Committee, Inc., in MUR 1704.

On July 31, 1984, the Commission considered the First General Counsel's Report in MUR 1704. Although the Commission deferred action on the recommendations in the report pending disposition of the respondent Mondale For President Committee, Inc.'s, pending motion to strike the complaint in this and two other matters, the Commission nevertheless discussed a number of issues presented by the report. To facilitate further discussion of this matter, the Office of the General Counsel is circulating another proposed conciliation agreement for the Commission's consideration reflecting the concerns expressed by the Commission at that Executive Session. (Attachment)

Attachment

Revised Proposed Conciliation Agreement for Mondale For President Committee, Inc. (7 pgs.)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mondale for President Committee, Inc.	)	MUR 1704
Michael S. Berman, as treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures, and conducted an investigation into the matter.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Committee.

3. Respondents established Mondale delegate committees by:

a) instructing individuals seeking selection as delegates to the Democratic National Convention supporting Mr. Mondale's candidacy to form delegate committees;

b) instructing delegates on how they should go about forming such committees;

c) providing some delegates with names of individuals who might serve as treasurers of delegate committees; and

d) supervising the delegate committees' registration with the Commission.

4. Respondents financed the delegate committees by:

a) soliciting contributions to the delegate committees;

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b) directing individuals who had expressed a desire to contribute to the Mondale campaign to contribute to the delegate committees;

c) providing the delegate committees with lists of contributors; and

d) encouraging labor organization political action committees to contribute to the delegate committees.

5. Respondents maintained the delegate committees by:

a) providing a ready supply of volunteer workers to the delegate committees;

b) coordinating the distribution of those volunteers to the delegate committees;

c) paying the transportation costs of volunteers traveling to the delegate committees;

d) helping volunteers to obtain per diem reimbursement for their services to the delegate committees;

e) providing delegate committees with phone bank scripts and sample campaign materials; and

f) monitoring the delegate committees' compliance with the Commission.

6. Respondents controlled the delegate committees by:

a) instructing delegate committees to have their personnel consult with representatives of

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Respondent Mondale for President Committee, Inc.;

b) recommending which vendors the delegate committees should use;

c) advising delegate committees as to the form and content of campaign materials to be used by the delegate committees;

d) allocating campaign responsibilities between the delegate committees and the Mondale campaign.

7. The delegate committees accepted contributions, which exceeded in the aggregate $5,000, from political committees;

8. The expenditure limit in New Hampshire for candidates seeking nomination to the office of president was $404,000.

9. According to the reports filed with the Commission, Respondents and the delegate committees made aggregate expenditures in New Hampshire in excess of $404,000.

V. Because the Mondale for President Committee, Inc. established financed, maintained and controlled the Mondale delegate committees, it is affiliated with those committees and is subject to single contribution and expenditure limits, shared with those committees. 11 C.F.R. §§ 100.5(g)(2)(ii) and 110.3.

VI. By accepting contributions in excess of the limitations set forth in 2 U.S.C. § 441a(a), Respondents violated 2 U.S.C. § 441a(f).

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VII. By making expenditures in excess of the expenditure limitations, Respondents violated 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f).

VIII. Respondents shall amend the Mondale for President Committee, Inc., Statement of Organization to identify all of the affiliated delegate committees.

IX. Respondents shall obtain all of the records maintained by the delegate committees, and maintain them pursuant to 2 U.S.C. § 432(d) in a central location.

X. Respondents shall pay to the Treasurer of the United States an amount equal to the amount of contributions received by the Mondale for President Committee, Inc., and the Mondale delegate committees which, when considered in the aggregate, exceed the limitations established under 2 U.S.C. § 441a(a). Such an amount shall be finally determined by the Commission subsequent to an audit of the Mondale for President Committee, Inc., conducted pursuant to 26 U.S.C. § 9038(a).

XI. Respondents shall pay to the Treasurer of the United States an amount equal to the amount of expenditures made by the Mondale for President Committee, Inc., and the Mondale delegate committees which, when considered in the aggregate, exceed the limitations established under 2 U.S.C. § 441a(b)(1). Such an amount shall be finally determined by the Commission subsequent to an audit of the Mondale for President Committee, Inc., conducted pursuant to 26 U.S.C. § 9038(a).

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XII. Nothing herein shall prevent the Commission from pursuing a repayment from Respondents pursuant to 26 U.S.C. § 9038(b).

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

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

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

XVI. Respondents shall make the payments referred to in Sections X and XI of this agreement no more than thirty (30) days from the date the Commission notifies them of the amount due and owing.

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

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XVIII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor, as in the case of the amounts to be determined by the Commission subsequent to an audit of MPC conducted pursuant to 26 U.S.C. § 9038(a), referenced in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

_____ _____
(Name) Date
(Position)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: July 27, 1984

SUBJECT: MUR 1704 - First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of July 31, 1984

Open Session

Closed Session XX

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

SENSITIVE

CIRCULATE ON PINK PAPER

ON AGENDA July 31, 1984

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ROUTING SLIP FOR RTB LETTERS

TO: Chairman/Vice Chairman

FROM: OGC Enforcement Docket

DATE: August 13, 1984

NUR # 1704 (1667)

Date RTB Found August 7, 1984

Date Cert. Rec'd in OGC August 9, 1984

Staff Assigned R. Barkam

STAFF INITIAL & DATE BELOW AND ON LETTERS:

RB Accuracy

RB Enclosures

RB Certification

Date Rec'd in OGC From Chairman/Vice Chairman

8/14/84

8504050330 2

6. Agreed by unanimous consent that Paragraph XVI of the proposed conciliation ageement attached to the August 3, 1984 report from the General Counsel would be amended to cross-reference it to Paragraph X, as amended.

7. Decided by a vote of 4-2 to approve the proposed conciliation agreement with the Mondale for President Committee, Inc., as attached to the General Counsel's report dated August 3, 1984, and amended in the meeting.

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

8. Decided by a vote of 6-0 to reconsider the vote to enter into pre-probable cause conciliation negotiations with the American Federation of Teachers Committee on Political Education and Robert G. Porter, as treasurer, and the Machinists Non-Partisan Political League and Eugene Glover, as treasurer, at this time.

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

(Continued on page 7)

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3. Decided by a vote of 5-1 to amend Paragraph X of the proposed conciliation agreement attached to the General Counsel's August 3, 1984 report to the Commission by adding that there be an immediate payment by the Mondale for President Committee, Inc., of the excessive contributions based on an affiliation of the delegate committees, in so far as they are now known, with a final payment or other adjustment to be determined subsequent to an audit of the Mondale for President Committee conducted pursuant to 26 U.S.C. § 9038(a).

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

4. Failed by a vote of 3-3 to pass a motion to amend Paragraph X of the proposed conciliation agreement attached to the General Counsel's August 3, 1984 report on this matter by adding language stating that the funds for the payment must comply with the limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended.

   Commissioners Aikens, Elliott, and McDonald voted affirmatively for the motion; Commissioners Harris, McGarry, and Reiche dissented.

5. Decided by a vote of 4-2 that the conciliation agreement with the Mondale for President Committee, Inc. specify that the repayment to the bank may be made with funds as provided for in 11 C.F.R. § 9034.4(b)(4).

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

(Continued)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

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

Re: MUR 1704
Machinists Non-Partisan
Political League
Eugene Glover, as treasurer

Dear Mr. Oldaker:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 22, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the Machinists Non-Partisan Political League and Eugene Glover, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the Machinists Non-Partisan Political League made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1704 with MUR 1667, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704. Finally, the Commission decided to decline to enter into pre-probable cause conciliation negotiations with your clients at this time.

In the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

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

Re: MUR 1704
American Federation of Teachers
Committee on Political Education
("AFT COPE")
Robert G. Porter, as treasurer

Dear Mr. Oldaker:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 22, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe the AFT COPE and Robert G. Porter, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears the AFT COPE made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1704 with MUR 1667, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704. Finally, the Commission decided to decline to enter into pre-probable cause conciliation negotiations with your clients at this time.

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In the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All 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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Joseph DeLorenzo, Treasurer
2nd District Delegate Committee for Mondale
1910 Smith Street, Suite 9
N. Providence, Rhode Island 02911

Re: MUR 1704
2nd District Delegate Committee
for Mondale
Joseph DeLorenzo, as treasurer

Dear Mr. DeLorenzo:

The Federal Election Commission previously notified you of complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaints were forwarded to you at that time.

On August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 the Commission, also on August 7, 1984, determined that there is reason to believe that the 2nd District Delegate Committee for Mondale and you, as treasurer, violated 2 U.S.C. § 434(c), a provision of the Act. Specifically, it appears that the 2nd District Delegate Committee for Mondale (RI) and you, as treasurer, failed to amend its Statement of Organization to indicate its affiliation with the 1st District Committee for Mondale (RI). You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202)523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

8504050316

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Salvatore Mancini, Treasurer
1st District Delegate Committee
for Mondale (RI)
1910 Smith Street, Suite 9
N. Providence, Rhode Island 02911

Re: MUR 1704
1st District Delegate Committee
for Mondale (RI)
Salvatore Mancini, as treasurer

Dear Mr. Mancini:

The Federal Election Commission previously notified you of complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaints were forwarded to you at that time.

On August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 the Commission, also on August 7, 1984, determined that there is reason to believe that the 1st District Delegate Committee for Mondale (RI) and you, as treasurer, violated 2 U.S.C. § 434(c), a provision of the Act. Specifically, it appears that the 1st District Delegate Committee for Mondale (RI) failed to amend its Statement of Organization to indicate its affiliation with the 2nd District Delegates for Mondale (RI). You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202)523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Debbie O'Dell Seneca, Treasurer
22nd Congressional District Delegate
Committee for Mondale (PA)
335 North Main Street
Washington, Pennsylvania 15301

Re: MUR 1704
22nd Congressional District
Delegate Committee for
Mondale (PA)
Debbie O'Dell Seneca, as treasurer

Dear Ms. Seneca:

The Federal Election Commission previously notified you of complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaints were forwarded to you at that time. We acknowledge receipt of your explanation of this matter which was dated June 6, 1984.

On August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission, also on August 7, 1984, determined that there is reason to believe that the 22nd Congressional District Delegate Committee for Mondale (PA) and you, as treasurer, violated 2 U.S.C. § 434(b)(3)(B), a provision of the Act. Specifically, it appears that the Pennsylvania 22nd Congressional District Delegates for Mondale Committee and you, as treasurer, failed to provide required contributor information for two contributions totaling $7,000. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202)523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

James M. Beck, Esquire
Pepper, Hamilton and Scheetz
The Fidelity Building, 20th Floor
123 S. Broad Street
Philadelphia, Pennsylvania 19109

Re: MUR 1704
Pennsylvania At-Large Delegates
for Mondale
Joanne Ciulla, as treasurer

Dear Mr. Beck:

The Federal Election Commission previously notified your clients of complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaints were forwarded to your clients at that time.

On August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 the Commission, also on August 7, 1984, determined that there is reason to believe that the Pennsylvania At-Large Delegates for Mondale and Joanne Ciulla, as treasurer, violated 2 U.S.C. § 434(b)(3)(B), a provision of the Act. Specifically, it appears that the Pennsylvania At-Large Delegates for Mondale, and Joanne Ciulla, as treasurer, failed to report receiving contributions totaling $5,000 from the Ironworkers Political Action League. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202)523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Victor J. VanBourg, Esquire
VanBourg, Allen, Weinberg and
Roger, P.C.
875 Battery Street
San Francisco, California 94111

Re: MUR 1704
Ironworkers Political Action
League
John T. Traylor, as treasurer

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Dear Mr. Van Bourg:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 13, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the Ironworkers Political Action League and John T. Traylor, as treasurer, violated 2 U.S.C. §§ 434(b)(6)(B)(i) and 441a(a)(2)(A), provisions of the Act. Specifically, it appears that the Ironworkers Political Action League failed to report a $1,000 disbursement to the Pennsylvania 21st Congressional Delegates for Mondale Committee and made excessive contributions, in the aggregate, to the Mondale Campaign. In addition, the Commission voted to merge MUR 1704 with MUR 1667, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the

Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All 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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202)523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Margaret E. McCormick, Esquire
Lawrence Gold, Esquire
AFL-CIO Legal Department
815 16th Street, N.W. Room 808
Washington, D.C. 20006

Re: MUR 1704
AFL-CIO COPE PCC
Thomas R. Donahue, as Treasurer

Dear Ms. McCormick and Mr. Gold:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 21, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the AFL-CIO COPE PCC and Thomas R. Donahue, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the AFL-CIO COPE PCC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Arthur M. Goldberg, Esquire
Amalgamated Clothing and Textile
Workers Union
15 Union Square West
New York, New York 10003

Re: MUR 1704
Amalgamated Clothing and Textile Workers
Union PAC (ACTWU PAC)
John Fox, as Treasurer

Dear Mr. Goldberg:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 19, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the ACTWU PAC and John Fox, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the ACTWU PAC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
1100 17th Street, N.W.
Suite 800
Washington, D.C. 20036

Re: MUR 1704
AFSCME Public Employees Organized to
Promote Legislative Equality-QUALIFIED
(AFSCME PEOPLE)
William Lucy, as Treasurer

Dear Mr. Weinberg:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 19, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the AFSCME PEOPLE and William Lucy, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the AFSCME PEOPLE made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Nims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Sarah Fox, Esquire
Bricklayers and Allied Craftsmen
815 - 15th Street, N.W.
Washington, D.C. 20005

Re: MUR 1704
Bricklayers and Allied Craftsmen
Political Action Committee (BAC PAC)
Edward M. Bellucci, as Treasurer

Dear Ms. Fox:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 20, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the BAC PAC and Edward M. Bellucci, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the BAC PAC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Kathy L. Krieger, Assistant General Counsel
United Brotherhood of Carpenters and Joiners
of America
101 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: MUR 1704
Carpenters Legislative Improvement
Committee (CLIC)
Patrick J. Campbell, as Treasurer

Dear Ms. Krieger:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 15, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the CLIC and Patrick J. Campbell, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the CLIC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

James B. Coppess, Esquire
Communication Workers of America
1925 K Street, N.W., Suite 411
Washington, D.C. 20006

Re: MUR 1704
Communication Workers of America (CWA)
COPE PCC
Louis B. Knecht, as Treasurer

Dear Mr. Coppess:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 18, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the CWA COPE PCC and Louis B. Knecht, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the CWA COPE PCC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Nims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

8504050336

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Lester Asher, Esquire
Asher, Pavalon, Gittler,
Two North LaSalle Street, Room 1200
Chicago, Illinois 60602

Gerald I. Sommer
Counsel to the President
Service Employees International Union
2020 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
Service Employes International Union
(SEIU) COPE PCC
Richard W. Cordtz, Treasurer

8504050337

Dear Gentlemen:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 18, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the SEIU COPE PCC and Richard W. Cordtz, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the SEIU COPE PCC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All 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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Lester Asher, Esquire
Asher, Pavalon, Gittler,
Two North LaSalle Street, Room 1200
Chicago, Illinois 60602

Gerald I. Sommer
Counsel to the President
Service Employees International Union
2020 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
Service Employes International Union
(SEIU) COPE PCC
Richard W. Cordtz, Treasurer

8504050339

Dear Gentlemen:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 18, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the SEIU COPE PCC and Richard W. Cordtz, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the SEIU COPE PCC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All 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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Nims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Alan V. Reuther
Assistant General Counsel
United Auto Workers
1757 N Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
United Auto Workers (UAW) V-CAP
Donald J. Moll, as Treasurer

Dear Mr. Reuther:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 18, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the UAW V-CAP and Donald J. Moll, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the UAW V-CAP made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Edward P. Wendel, Esquire
Assistant General Counsel
United Food and Commercial Workers
International Union
1775 K Street, N.W., Suite 900
Washington, D.C. 20006

Re: MUR 1704
United Food and Commercial Workers
(UFCW) Active Ballot Club
Anthony J. Lutty, as Treasurer

Dear Mr. Wendel :

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 12, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the UFCW Active Ballot Club and Anthony J. Lutty, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the United Food and Commercial Workers (UFCW) Active Ballot Club made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

Michael H. Holland, Esquire
Earl R. Pfeffer, Esquire
United Mine Workers of America
900 15th Street, N.W.
Washington, D.C. 20005

Re: MUR 1704
United Mine Workers of America Coal
Miners' Political Action Committee
(UMWCOM PAC)
John J. Banovic, as Treasurer

Dear Mr. Holland and Mr. Pfeffer:

The Federal Election Commission previously notified your clients of a complaint in MUR 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated June 18, 1984.

On August 7, 1984, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined that there is reason to believe that the UMWCOM PAC and John J. Banovic, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. Specifically, it appears that the UMWCOM PAC made contributions to the Mondale campaign which, in the aggregate, were excessive. In addition, the Commission voted to merge MUR 1667 with MUR 1704, a matter that involves similar allegations, but does not specifically name your clients as respondents. All future correspondence regarding these matters will refer to them as MUR 1704.

The Office of the General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of the General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit all such materials within ten days of your receipt of this letter. All statements should be submitted under oath.

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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 your clients wish the matter to be made public. If you have any questions, please contact Stephen Nims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Kevin D. O'Connor, Treasurer
Fifth District Mondale
Delegate Committee (WI)
538 N32
Milwaukee, Wisconsin 53208

Re: MURs 1667 and 1704

Dear Mr. O'Connor:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Kenneth J. Doran, Esquire
Smoler, Albert & Rostad
119 Monona Avenue, Suite 520
Madison, Wisconsin

Re: MURs 1667 and 1704
Wisconsin At-Large Delegates for Mondale
Rick Asplund, as Treasurer

Dear Mr. Doran:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Meade Emory, Treasurer
At-Large Delegates For
Mondale (WA)
P.O. Box 21742
Seattle, WA 98111

8504050349

Re: MURs 1667 and 1704

Dear Mr. Emory:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Robert Weinberg, Esquire
Williams & Connolly
839 - 17th Street, N.W.
Washington, D.C. 20006

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Re: MURs 1667 and 1704
Arlington Mondale Delegate
Committee (VA)
Ann M. Yarborough, as Treasurer

Dear Mr. Weinberg:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Rosemary G. Kenyon, Esquire
Christian, Barton, Epps & Chappell
1200 Mutual Building
Richmond, VA 23219

Re: MURs 1667 and 1704
Mondale 3rd District Delegate
Section Committee (VA)
Paddi Valentine, as Treasurer

Dear Ms. Kenyon:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Harold Hammett, Esquire
P.O. Box 17047
Fort Worth, Texas 76102-7071

Re: MURs 1667 and 1704
Tarrant County Delegate Committee
Melinda T. Vance, as Treasurer

Dear Mr. Hammett:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Frank Herrera, Treasurer
26th District Mondale Delegate
Committee (TX)
111 West Laurel, Suite 101
San Antonio, TX 78212

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Re: MURs 1667 and 1704

Dear Mr. Herrera:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Millie Bruner, Treasurer
23rd District Mondale
Delegate Committee (TX)
2107 McKinney
Dallas, TX 75201

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Re: MURs 1667 and 1704

Dear Ms. Bruner:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Roger Duncan, Treasurer
14th District Mondale
Delegate Committee (TX)
1407A Bridgeway
Austin, TX 78704

Re: MURs 1667 and 1704

Dear Mr. Duncan:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

LeRoy Levon, Esquire
539 Court Street
Reading, PA

Re: MURs 1667 and 1704
Mondale Delegates Committee (PA)
Lawrence P. Murin, as Treasurer

Dear Mr. Levon:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8504050335

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas E. Mellon, Jr., Esquire
50 East Court Street
Doylestown, PA 18901

Re: MURs 1667 and 1704
Mondale Delegate Team (PA)
Thomas E.Mellon, Jr, as Treasurer

Dear Mr. Mellon:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

James M. Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MURs 1667 and 1704
Delegates for Mondale Committee
(PA)
Kathleen Neary, as Treasurer

Dear Mr. Beck:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Dolores C. Bross, Treasurer
21st Congressional District 1984
Delegates for Mondale (PA)
2807 Oakwood Street
Erie, PA 16508

Re: MURs 1667 and 1704

Dear Ms. Bross:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Kathleen Smith, Treasurer
Mondale Delegates - 20th District (PA)
1032 S. Braddock Avenue
Pittsburgh, PA 15218

Re: MURs 1667 and 1704

Dear Ms. Smith:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

James M. Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Fl.
123 South Broad Street
Philadelphia, PA 19109

Re: MURs 1667 and 1704
19th Congressional District
Delegates for Mondale Committee
(PA)
Louann Shrader, as Treasurer

Dear Mr. Beck:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Alan A. Garfinkel
Berkman Ruslander Pohl Lieber & Engel
One Oxford Centre, 40th Floor
Pittsburgh, PA 15219-6498

Re: MURs 1667 and 1704
PA 18th Congressional District
Delegates For Mondale
Art Rooney, II, as Treasurer

Dear Mr. Garfinkel:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

James M. Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

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Re: MURs 1667 and 1704
Pennsylvania 17th Congressional
District Delegates For Mondale
Susan D. Carle, as Treasurer

Dear Mr. Beck:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Philip B. Ebersole, Treasurer
Delegate Committee for Mondale
16th Congressional District (PA)
Apartment #3
244 East Orange Street
Lancaster, PA 17602

Re: MURs 1667 and 1704

Dear Mr. Ebersole:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

James M. Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

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Re: MURs 1667 and 1704
PA 14th Congressional District
Delegates For Mondale
Richard Brabender, as Treasurer

Dear Mr. Beck:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Gerald Gornish, Esquire
Packard Building, 12th Floor
Philadelphia, PA 19102

Re: MURs 1667 and 1704
Mondale 13th Delegate Committee
(PA)
Joseph P. Manko, as Treasurer

Dear Mr. Gornish:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Peter Hearn, Esquire
James Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MURs 1667 and 1704
Mondale Delegate Committee - 12th
Congressional District (PA)
William H. Kerr, as Treasurer

Dear Mr. Hearn and Mr. Beck:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Mae McHugh, Treasurer
11th Congressional Delegates
for Mondale (PA)
11 Bryden Street
Pittston, PA 18640

Re: MURs 1667 and 1704

Dear Ms. McHugh:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Joseph M. Cognetti, Treasurer
10th Congressional District
Mondale Delegate Committee (PA)
520 Spruce Street
Scranton, PA 18503

8 5 0 4 0 5 0 3 3 6 9

Re: MURs 1667 and 1704

Dear Mr. Cognetti:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Gerard S. Ziegler, Treasurer
Ninth Congressional District
Delegates For Mondale (PA)
3332 Broad Avenue
Altoona, PA 16601

8504053370

Re: MURs 1667 and 1704

Dear Mr. Ziegler:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

James M. Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MURs 1667 and 1704
7th Congressional District Mondale
Delegates (PA)
Nancy B. Baulis, as Treasurer

Dear Mr. Beck:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Peter Hearn, Esquire
James Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

Re: MURs 1667 and 1704
4th District Delegates for Mondale (PA)
Elizabeth McCurdy, as Treasurer

Dear Mr. Hearn and Mr. Beck:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Mathew Kent Parks, Esquire
1521 Walnut Street
Philadelphia, PA 19102

8 5 0 4 0 5 0 3 3 7 3

Re: MURs 1667 and 1704
3rd CD Delegates for Mondale (PA)
Alice K. Gardan, as Treasurer

Dear Mr. Parks:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Peter Hearn, Esquire
James Beck, Esquire
Pepper, Hamilton & Scheetz
The Fidelity Building, 20th Floor
123 South Broad Street
Philadelphia, PA 19109

8504050337 4

Re: MURs 1667 and 1704
Second Congressional District
Delegates For Mondale (PA)
Anthony McNeil, as Treasurer

Dear Mr. Hearn and Mr. Beck:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Dorothy J. Sievers, Treasurer
Cuyahoga County Mondale Delegates Committee (OH)
14018 Clifford Avenue
Cleveland, OH 44135

Re: MURs 1667 and 1704

Dear Ms. Sievers:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Jeffrey George, Treasurer
17th District Mondale Delegate
Committee (OH)
445 Catalina Avenue
Youngstown, OH 44504

Re: MURs 1667 and 1704

Dear Mr. George:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

James Schiller, Esquire
2500 Terminal Tower
Cleveland, Ohio 44113

8 5 0 4 0 5 0 3 3 7 7

Re: MURs 1667 and 1704
4th District Mondale Delegate
Committee (OH)
William D. Angel, Jr., as Treasurer

Dear Mr. Schiller:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Peter Swenty, Esquire
607 Terrace Hilton Building
15 West 6th Street
Cincinnati, Ohio 45202

8504053373

Re: MURs 1667 and 1704
1st and 2nd District Delegates for Mondale
Peter W. Swenty, as Treasurer

Dear Mr. Swenty:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Jeanne Connelly, Esquire
Steptoe & Johnson
1250 Connecticut Avenue, 6th Floor
Washington, D.C. 20036

Re: MURs 1667 and 1704
North Dakota Delegates For Mondale Committee
Nicholas Spaeth, as Treasurer

Dear Ms. Connelly:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Helen Russell Allegrone, Treasurer
Guilford Delegates For Mondale (NC)
1803 Rolling Road
Greensboro, NC 27403

Re: MURs 1667 and 1704

Dear Ms. Allegrone:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MURs 1667 and 1704
New York At-Large Delegates
Chester J. Straubb, as Treasurer

Dear Mr. Barr:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas A. Fink, Esquire
Davidson, Fink, Cook & Gates
900 First Federal Plaza
Rochester, New York 14619

8504053383

Re: MURs 1667 and 1704
Committee For Western New York
Mondale Delegates
Thomas A. Fink, as Treasurer

Dear Mr. Fink:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Richard H. Edwards, Esquire
Key Bank Building
130 E. Main
Malone, New York

Re: MURs 1667 and 1704
Northern New York Delegates for Mondale
Clifton R. Donaldson, Jr., as Treasurer

Dear Mr. Edwards:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Janet E. Bald, Treasurer
Southern Tier for Mondale (NY)
135 1/2 North 6th Street
Olean, NY 14760

8 5 0 4 0 5 0 3 3 9 1

Re: MURs 1667 and 1704

Dear Ms. Bald:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Elizabeth Tarpey, Treasurer
Sharpe/Jackson Delegates for
Mondale (NY)
92 Hillcrest Road
Mt. Vernon, NY 10552

8 5 0 4 0 5 0 3 3 8 5

Re: MURs 1667 and 1704

Dear Ms. Tarpey:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Louis Nicolella, Treasurer
North Country Delegates for
Mondale (NY)
68 Third Street
Gloversville, NY 12078

Re: MURs 1667 and 1704

Dear Mr. Nicolella:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas D. Barr, Esquire
Ellen Oran, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

8 5 0 4 0 5 0 3 3 3 7

Re: MURs 1667 and 1704
Naples-Mondale for President
Delegate Slate (NY)
Mary E. Gurnet, as Treasurer

Dear Mr. Barr:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 16, 1984

Ronald V. Iaboni, Treasurer
Lower Hudson Delegates For
Mondale (NY)
1 Fisher Drive
Mt. Vernon, NY 10552

8 5 0 4 0 5 0 3 3 9 9

Re: MURs 1667 and 1704

Dear Mr. Iaboni:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Jurgen Worthing, Treasurer
Long Island Mondale Committee (NY)
75 Weaving Lane
Wantagh, NY 11793

Re: MURs 1667 and 1704

Dear Mr. Worthing:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8504050338 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Paul E. Haney, Treasurer
Haney, Mains, Rankin, Trobia,
Delegate Committee
3 Tacoma Street
Rochester, NY 14316

8 5 0 4 0 5 0 3 3 9 0

Re: MURs 1667 and 1704

Dear Mr. Haney:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Timothy Toohey, Esquire
110 Tillinghast Place
Buffalo, New York 14216

Re: MURs 1667 and 1704
Erie County Delegates For Mondale
(NY)
Kenneth C. Kruly, as Treasurer

Dear Mr. Toohey:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas D. Barr, Esquire
Ellen Oran, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MURs 1667 and 1704
28th Congressional District
Delegates For Mondale Committee
(NY)
Evelyn L. Rockas, as Treasurer

Dear Mr. Barr and Ms. Oran:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Kate Rosenthal
Suite 800
The Hills Building
Syracuse, New York 13202

8 5 0 4 0 5 0 3 3 9 3

Re: MURs 1667 and 1704
27th Congressional District
Delegates For Mondale (NY)
John E. McAuliffe, as Treasurer

Dear Ms. Rosenthal:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Carol Darr, Esquire
Skadden, Arps, Slate, Meagher & Flom
919 - 18th Street, N.W.
Washington, D.C. 20006

Re: MURs 1667 and 1704
Delegates For Mondale 25th District (NY)
Francis J. Kloster, as Treasurer

Dear Ms. Darr:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 3 9 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Ruben S. Gersowitz, Treasurer
23rd Congressional District
Delegates For Walter F. Mondale (NY)
11 North Pearl Street, Rm 1608
Albany, NY 12207

Re: MURs 1667 and 1704

Dear Mr. Gersowitz:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 3 9 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MURs 1667 and 1704
22nd Congressional District
Delegates For Mondale (NY)
Kevin Thompson, as Treasurer

Dear Mr. Barr:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Stephen J. Wing, Treasurer
21st District Friends Of
Walter Mondale Delegates (NY)
94 Market Street
P.O. Box 910
Poughkeepsie, NY 12602

Re: MURs 1667 and 1704

Dear Mr. Wing:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8504053397

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Joseph Miller, Treasurer
Mondale 19th CD Delegate
Committee (NY)
100-7 Alcott Place
Bronx, NY 10475

8504050339 8

Re: MURs 1667 and 1704

Dear Mr. Miller:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Elizabeth Bolden, Treasurer
Mondale 17th CD Delegate
Committee (NY)
48A Hampton Place
Brooklyn, NY 11213

Re: MURs 1667 and 1704

Dear Ms. Bolden:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Carol Darr, Esquire
Skadden, Arps, Slate, Meagher & Flom
919 - 18th Street, N.W.
Washington, D.C. 20006

Re: MURs 1667 and 1704
16th C D Delegates For Mondale (NY)
Heyward Davenport, as Treasurer

Dear Ms. Darr:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8504050340

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Mary Ellen Hunold, Treasurer
Delegates For Mondale-King/
Richmond 14th C D (NY)
157 Prescott Avenue
Staten Island, NY 10306

Re: MURs 1667 and 1704

Dear Ms. Hunold:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 4 0 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Barbara Capon, Treasurer
Delegates For Mondale 13th
C D Kings/Richmond (NY)
2940 Ocean Parkway
Brooklyn, NY 11235

Re: MURs 1667 and 1704

Dear Ms. Capon:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 4 0 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

William Steinman, Treasurer
Delegates For Mondale
12th C D Kings/Richmond
2044 E. 18th Street
Brooklyn, NY 11229

8 5 0 4 0 5 0 3 4 0 3

Re: MURs 1667 and 1704

Dear Mr. Steinman:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Lawrence Rosenweiz, Treasurer
Delegates For Mondale - Kings/
Richmond 11th C D (NY)
274 Lafayette Avenue
Brooklyn, NY 11238

Re: MURs 1667 and 1704

Dear Mr. Rosenweiz:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

85040503401

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Steven D. Goldenkranz
10th CD District Delegates for
Mondale (NY)
1551 East 23rd Street
Brooklyn, New York 11210

8504050340 5

Re: MURs 1667 and 1704

Dear Mr. Goldenkranz:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MURs 1667 and 1704
9th C D Delegates For Mondale (NY)
Gerard J. Sweeney, as Treasurer

Dear Mr. Barr:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MURs 1667 and 1704
8th C D Delegates For Mondale (NY)
Benjamin Chevat, as Treasurer

Dear Mr. Barr:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 4 0 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MURs 1667 and 1704
7th C D Delegates For Mondale (NY)
Charlotte K. Scheman, as Treasurer

Dear Mr. Barr:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas D. Barr, Esquire
Cravath, Swaine & Moore
One Chase Manhattan Plaza
New York, NY 10005

Re: MURs 1667 and 1704
6th C D Delegates For Mondale (NY)
Paul Gross, as Treasurer

Dear Mr. Barr:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Craig Heller, Treasurer
Long Island Mondale 4th
C D Committee
2919 Bond Drive
Merrick, NY 11566

8 5 0 4 0 5 0 3 4 1 0

Re: MURs 1667 and 1704

Dear Mr. Heller:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Diane M. Carr, Treasurer
L I - Mondale 2nd
Congressional District (NY)
P.O. Box 555
Lindenhurst, NY 11757

8 5 0 4 0 5 0 3 4 1 1

Re: MURs 1667 and 1704

Dear Ms. Carr:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Barry M. McCoy, Treasurer
Long Island Mondale
First CD Delegates (NY)
49 Thompson Hay Path
Setauket, NY 11733

Re: MURs 1667 and 1704

Dear Mr. McCoy:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Kathleen N. Sullivan, Esquire
Waldleigh, Starr, Peters, Dunn & Chiesa
95 Market Street
Manchester, New Hampshire 04101

Re: MURs 1667 and 1704
New Hampshire Second District
Delegates For Mondale
Anthony Redington, as Treasurer

Dear Ms. Sullivan:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 4 1 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Kathleen N. Sullivan, Esquire
Waldleigh, Starr, Peters, Dunn & Chiesa
95 Market Street
Manchester, New Hampshire 03101

Re: MURs 1667 and 1704
New Hampshire First District
Delegates For Mondale
Nancy Ryan, as Treasurer

Dear Ms. Sullivan:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 4 1 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Patrick McKittrick, Esquire
Strain Building, Suite 622
410 Central Avenue
P.O. Box 1184
Great Falls, Montana 59403

8 5 0 4 0 5 0 3 4 1 5

Re: MURs 1667 and 1704
Montana At-Large Delegates For
Mondale Committee
Blake Wordal, as Treasurer

Dear Mr. McKittrick:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Marsha Murphy, Treasurer
Western Missouri Mondale
Delegates Committee
220 West Armour Boulevard
Kansas City, MO 64111

8 5 0 4 0 5 0 3 4 1 5

Re: MURs 1667 and 1704

Dear Ms. Murphy:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Kirk Messmer, Esquire
Miller, Canfield, Paddock & Stone
1 Michigan Avenue
Lansing, Michigan 48933

8 5 0 4 0 5 0 3 4 1 7

Re: MURs 1667 and 1704
15th District Delegates For Mondale
Committee (MI)
Patricia Tallmadge, as Treasurer

Dear Mr. Messmer:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Kirk Messmer, Esquire
Miller, Canfield, Paddock & Stone
1 Michigan Avenue
Lansing, Michigan 48933

Re: MURs 1667 and 1704
Sixth District Delegates For
Mondale Committee (MI)
Larry D. Owen, Treasurer

Dear Mr. Messmer:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 4 1 3

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 16, 1984

Barbara Levin, Treasurer
Prince George's Delegates
For Mondale (MD)
3505 Burleigh Drive
Mitchellville, MD 20716

8504050341 2

Re: MURs 1667 and 1704

Dear Ms. Levin:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Otto Unsinn, Treasurer
Montgomery County For
Mondale Delegate Committee (MD)
51 Monroe Street
Suite 1406
Rockville, MD 20850

8504050342 0

Re: MURs 1667 and 1704

Dear Mr. Unsinn:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Lawrence M. Vincent, Treasurer
Mondale Delegate At-Large
Committee For MD
16 East Lombard Street-310 MD
Baltimore, MD 21202

Re: MURs 1667 and 1704

Dear Mr. Vincent:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Alma Bell, Treasurer
Seventh District Delegates
For Mondale
538 W.Lafayette
Baltimore, MD 21217

8 5 0 4 0 5 0 3 4 2 2

Re: MURs 1667 and 1704

Dear Ms. Bell:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Thomas G. Slater, Treasurer
Sixth District Delegates For Mondale
198 Thomas Johnson Drive #10
Frederick, MD 21701

Re: MURs 1667 and 1704

Dear Mr. Slater:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Bob Merger, Esquire
115 Franklin Avenue
Silver Spring, Md. 20901

Re: MURs 1667 and 1704
4th District Delegates For Mondale
(MD)
Ellen O. Moyer, as Treasurer

Dear Mr. Merger:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Frank Lidinsky, Treasurer
Third District Delegates For Mondale
1035 S. Charles Street
Baltimore, MD 21230

Re: MURs 1667 and 1704

Dear Mr. Lidinsky:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Joan Sanders Rudolph, Treasurer
Second District Delegates For Mondale
7119 Heathfield Road
Baltimore, MD 21212

Re: MURs 1667 and 1704

Dear Ms. Rudolph:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

85040503426

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

James M. Voss, Treasurer
First District Delegates
For Mondale (MD)
RD 1 Box 183
Denton, MD 21629

Re: MURs 1667 and 1704

Dear Mr. Voss:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 16, 1984

Kerry Harvey, Esquire
Brown, Todd & Heyburn
116 N. Upper Street
Lexington, Kentucky 40507

8 5 0 4 0 5 0 3 4 2 8

Re: MURs 1667 and 1704
Kentucky At-Large Delegates For
Mondale Committee
Ralph Coldiron, as Treasurer

Dear Ms. Harvey:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Kansas At-Large Delegate
Committee
c/o Terry Scanlon
715 W. Tenth Street
Topeka, Kansas 66612

Re: MURs 1667 and 1704

Dear Mr. Scanlon:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Dan Watkins, Treasurer
Kansas Mondale At-Large
Delegate Committee
1645 Barker
Lawrence, KS 66044

Re: MURs 1667 and 1704

Dear Mr. Watkins:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 4 3 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, Illinois 60604

Re: MURs 1667 and 1704
22nd Congressional District
Delegates For Mondale (IL)
Patrick C. Brumleve, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

8504050343 2

Re: MURs 1667 and 1704
Delegates For Mondale Committee
21st Congressional District (IL)
Betty Donovan, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MURs 1667 and 1704
20th C D Delegates For Mondale (IL)
Bill Dempsey, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8504050343 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MURs 1667 and 1704
19th District Delegates For Mondale
Committee (IL)
John S. Adkins, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 4 3 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

James K. Polk, Treasurer
Mondale Delegates for the
Illinois 18th Committee
901 W. Brons
Peoria, IL 61604

8 5 0 4 0 5 0 3 4 3 5

Re: MURs 1667 and 1704

Dear Mr. Polk:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MURs 1667 and 1704
17th District Mondale Delegate
Committee (IL)
Donna M. McWilliams, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

85040503436

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Frank G. Mabrey, Treasurer
16th Delegates For Mondale (IL)
1130 North Main
Rockford, IL 61103

Re: MURs 1667 and 1704

Dear Mr. Mabrey:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8504050343 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Herman L. Dammerman, Treasurer
15th District Delegates For
Mondale (IL)
1407 Hanson Drive
Normal, IL 61761

Re: MURs 1667 and 1704

Dear Mr. Dammerman:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8504050343 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

8 5 0 4 0 5 0 3 4 3 9

Re: MURs 1667 and 1704
14th District Delegates For Mondale (IL)
Jerome C. Shapiro, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Joan P. Murphy, Treasurer
13th Congressional District
Delegate Committee For
Walter F. Mondale (IL)
11601 South Pulaski
Alsip, IL 60658

8504050344 0

Re: MURs 1667 and 1704

Dear Ms. Murphy:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MURs 1667 and 1704
12th District Mondale Delegate
Committee (IL)
George Moser, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MURs 1667 and 1704
Eleventh District Mondale Delegate
Committee (IL)
Jean M. Foran, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8504050344 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Elliott D. Hartstein, Treasurer
10th District Mondale Delegate
Committee (IL)
908 Providence Lane
Buffalo Grove, IL 60090

8 5 0 4 0 5 0 3 4 4 3

Re: MURs 1667 and 1704

Dear Mr. Hartstein:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MURs 1667 and 1704
Ninth District Mondale Delegate
Committee (IL)
Gregory A. Kinczewski, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

85040503444

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Roman Lobodzinski, Treasurer
Eighth District Mondale Delegate
Committee (IL)
3055 N. Milwaukee
Chicago, IL 60618

8504050345

Re: MURs 1667 and 1704

Dear Mr. Lobodzinski:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

Re: MURs 1667 and 1704
7th Congressional District
Delegates For Mondale (IL)
William H. Taylor, II, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8504050344 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Jack L. Bright, Treasurer
Sixth District Mondale
Delegate Committee (IL)
478 Washington Street
Elmhurst, IL 60126

8504050344 7

Re: MURs 1667 and 1704

Dear Mr. Bright:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, Illinois 60604

8 5 0 4 0 5 0 3 4 4 9

Re: MURs 1667 and 1704
Fourth District Mondale Delegate
Committee (IL)
Terrie L. Hanus, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Michael Sher, Esquire
Friedman & Koven
208 S. LaSalle Street
Chicago, IL 60604

8 5 0 4 0 5 0 3 4 4 9

Re: MURs 1667 and 1704
Third Congressional District
Delegates For Mondale (IL)
Lenore T. Colson, as Treasurer

Dear Mr. Sher:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Sheila A. Rivers, Treasurer
Second Congressional
District Delegates
For Mondale (IL)
11151 S. King Drive
Chicago, IL 60628

Re: MURs 1667 and 1704

Dear Ms. Rivers:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 4 5 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Georgia E. Trevan, Treasurer
1st Congressional District
Delegates For Walter Mondale (MI)
9401 South Michigan Avenue
Chicago, IL 60619

8 5 0 4 0 5 0 3 4 5 1

Re: MURs 1667 and 1704

Dear Ms. Trevan:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Larry Laroco, Treasurer
Idaho Delegates For Mondale
537 W. Bannock
Suite 201
Boise, ID 83702

8 5 0 4 0 5 0 3 4 5 2

Re: MURs 1667 and 1704

Dear Mr. Laroco:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

8 5 0 4 0 5 0 3 4 5 3

Re: MURs 1667 and 1704
South Florida Delegates For Mondale
Robert A. Sugarman, as Treasurer

Dear Mr. Singer:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Samuel C. Catherwood, Treasurer
Delegates For Mondale (FL)
P.O. Box 8796
1100 Cesery Blvd.
Jacksonville, FL 32211

8504050345 4

Re: MURs 1667 and 1704

Dear Mr. Catherwood:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Angelique O. Stahl, Treasurer
Mondale 16th District Delegate
Committee
11621 N.W. 23rd Street
Pembroke Pines, FL 33026

8 5 0 4 0 5 0 3 4 5 5

Re: MURs 1667 and 1704

Dear Ms. Stahl:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Robert D. Parks, Treasurer
Mondale 15th District
Delegate Committee
440 S. Andrews Avenue
Ft. Lauderdale, FL 33301

8504050345 6

Re: MURs 1667 and 1704

Dear Mr. Parks:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

8 5 0 4 0 5 0 3 4 5 7

Re: MURs 1667 and 1704
14th C D For Mondale (FL)
George E. Comerford, as Treasurer

Dear Mr. Singer:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Marvin Rosen, Esquire
Greenberg, Traurig, Askew, Hoffman, Lipoff,
Rosen & Quentel, P.A.
1401 Brickell Avenue, Penthouse #1
Miami, Florida 33131

8504050345 8

Re: MURs 1667 and 1704
Mondale Delegates, Congressional
District #13 (FL)
Melinda Greiner, as Treasurer

Dear Mr. Rosen:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

Re: MURs 1667 and 1704
Northern 12th Congressional
District Delegates For Mondale (FL)
Nancy Miller, as Treasurer

Dear Mr. Singer:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Bernard E. Shingle, Treasurer
Congressional District #10
Delegates For Mondale (FL)
5520 2nd Avenue DR West
Bradenton, FL 33529

8 5 0 4 0 5 0 3 4 6 0

Re: MURs 1667 and 1704

Dear Mr. Shingle:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

Re: MURs 1667 and 1704
Congressional District 9 Delegates
For Mondale (FL)
LaVaunne Miller, as Treasurer

Dear Mr. Singer:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

Re: MURs 1667 and 1704
Mondale Delegates Congressional
District #8 (FL)
Sue Moore, as Treasurer

Dear Mr. Singer:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 0 3 4 6 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

James L. Ghiotto, Treasurer
Congressional District 7
Delegates For Mondale (FL)
2925 Alline Avenue
Tampa, FL 33611

8504050346 3

Re: MURs 1667 and 1704

Dear Mr. Ghiotto:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

David J. Cantelme, Treasurer
Arizona Mondale Delegate
Committee
826 N. Central Avenue
Phoenix, AZ 85003

8504050346 4

Re: MURs 1667 and 1704

Dear Mr. Cantelme:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Ray Castell-Blanch, Treasurer
Mondale Delegate Election
Committee - 6th C D (CA)
1518 5th Avenue
San Rafael, CA 94901

8 5 0 4 0 5 0 3 4 6 5

Re: MURs 1667 and 1704

Dear Mr. Castell-Blanch:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Christopher E. Cobey, Esquire
Heission, Creedon, Hamlin, Keely,
Hanson & Brown
181 Second Avenue, Suite 50C
San Mateo, California

8 5 0 4 0 5 0 3 4 6 6

Re: MURs 1667 and 1704
11th Congressional District Mondale
Delegate Committee (CA)
Janet Epstein, as Treasurer

Dear Mr. Cobey:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Susan K. Sweeney, Treasurer
37th Congressional District
Delegate Advisory Committee (CA)
1766 Camino Parocela
Palm Springs, CA 92262

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Re: MURs 1667 and 1704

Dear Ms. Sweeney:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Howard A. Roitman, Treasurer
Mondale Colorado Delegate
Selection Committee Statewide
2225 Birch Street
Denver, CO 80207

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Re: MURs 1667 and 1704

Dear Mr. Roitman:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Jack Blum, Esquire
Dana Boyd, Esquire
Blum, Nash & Railsback
1015 Eighteenth Street, N.W.
Washington, D.C.

Re: MURs 1667 and 1704
ADA Campaign Committee
Leon Shull, as Treasurer

Dear Mr. Blum:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Vincent S. Cohen, Esquire
Hogan & Hartson
815 Connecticut Avenue, N.W.
Washington, D.C. 20006

Re: MURs 1667 and 1704
Mondale Delegates--D.C. Committee
William H. Simon, as Treasurer

Dear Mr. Cohen:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

J. Gordon Pennington, Treasurer
C D #1 Delegates For Mondale (FL)
7830 North Palafox Street
Pensacola, FL 35214

8 5 0 4 0 5 0 3 4 7 1

Re: MURs 1667 and 1704

Dear Mr. Pennington:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Jo Anna Conte, Treasurer
C D 2 Delegates For Mondale,
Florida
P.O. Box 10403
Tallahassee, FL 32302

Re: MURs 1667 and 1704

Dear Ms. Conte:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

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Re: MURs 1667 and 1704
Congressional District 4 Delegates
For Mondale (FL)
Calvin D. DeVoney, as Treasurer

Dear Mr. Singer:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1984

Stuart Singer, Esquire
Greenberg, Traurig, Askew,
Hoffman, Lipoff, Rosen &
Quentel, PA
1401 Brickell Avenue
Penthouse #1
Miami, FL 33131

8 5 0 4 0 5 0 3 4 7 4

Re: MURs 1667 and 1704
Congressional District 5 Delegates
For Mondale (FL)
Cheryl B. Frazier, as Treasurer

Dear Mr. Singer:

You were previously notified of the Federal Election Commission's receipt of the complaints in MURs 1667 and 1704 alleging possible violations of the Federal Election Campaign Act, as amended. This is to advise you that on August 7, 1984, the Commission voted to merge MUR 1667 with MUR 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters.

If you should have any questions regarding this matter, please contact Stephen Mims, an attorney assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

by: Kenneth A. Gross
Associate General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mondale for President Committee, Inc., et al.	)	MUR 1704
	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 7, 1984, do hereby certify that the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 6-0 to -

   a) Find reason to believe that the Mondale for President Committee, Inc., and Michael S. Berman, as treasurer, accepted, through delegate committees, excessive contributions in violation of 2 U.S.C. § 441a(f);

   b) Find reason to believe that the Amalgamated Clothing and Textile Workers Union PAC and John Fox, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

   c) Find reason to believe that the American Federation of Labor, Congress of Industrial Organizations Committee on Political Education Contribution Committee and Thomas R. Donahue, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

   d) Find reason to believe that the AFSCME Public Employees Organized to Promote Legislative Equality-QUALIFIED and William Lucy, as treasurer, made excessive contributions in violation of 2 U.S.C. §441a (a)(2)(A);

(Continued)

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e) Find reason to believe that the American Federation of Teachers COPE and Robert G. Porter, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

f) Find reason to believe that the Communication Workers of America COPE PCC and Louis B. Knecht, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

g) Find reason to believe that the Ironworkers Political Action League and John T. Taylor, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

h) Find reason to believe that the International Union of Bricklayers and Allied Craftsmen PAC and Edward M. Bellucci, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

i) Find reason to believe that the Machinist Non-Partisan Political League and Eugene Glover, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

j) Find reason to believe that the Service Employees International Union COPE PCC and Richard W. Cordtz, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

k) Find reason to believe that the United Auto Workers V-CAP and Donald J. Moll, as treasurer, made contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

(Continued)

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l) Find reason to believe that the Carpenters Legislative Improvement Committee and Patrick J. Campbell, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

m) Find reason to believe that the United Food and Commercial Workers Active Ballot Club and Anthony Lutty, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

n) Find reason to believe that the United Mine Workers of America Coal Miners' PAC and John J. Banovic, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

o) Find reason to believe that the Ironworkers Political Action League and John T. Taylor, as treasurer, failed to report a $1,000 contribution to the Pennsylvania 21st Congressional Delegates for Mondale Committee in violation of 2 U.S.C. § 434(b)(6)(B)(i);

p) Find reason to believe that the Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer, and the Pennsylvania 22nd Congressional District Delegates for Mondale Committee and Debbie O'Dell Seneca, as treasurer, failed to report contributor information in violation of 2 U.S.C. § 434(b)(3)(B);

q) Find reason to believe that the 1st District Delegate Committee for Mondale (RI) and Salvatore Mancini, as treasurer, and the 2nd District Delegate Committee for Mondale (RI) and Joseph DeLorenzo, as treasurer failed to amend their Statements of Organization in violation of 2 U.S.C. § 434(c); and

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r) Merge MUR 1667 with MUR 1704.

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

2. Decided by a vote of 6-0 to enter into pre-probable cause conciliation negotiations with the Mondale For President Committee, Inc., and Michael S. Berman, as treasurer, the American Federation of Teachers Committee on Political Education and Robert G. Porter, as treasurer, and the Machinists Non-Partisan Political League and Eugene Glover, as treasuer, at this time; and to direct the FEC General Counsel to report to the Commission at the conclusion of thirty days following commencement of negotiations to advise the Commission on the progress of conciliation and to advise the Commission whether to continue such conciliation efforts.

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

(Continued on page 5)

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6.

7. Decided by a vote of 4-2 to approve the proposed conciliation agreement with the Mondale for President Committee, Inc., as attached to the General Counsel's report dated August 3, 1984, and amended in the meeting.

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

8. Decided by a vote of 6-0 to reconsider the vote to enter into pre-probable cause conciliation negotiations with the American Federation of Teachers Committee on Political Education and Robert G. Porter, as treasurer, and the Machinists Non-Partisan Political League and Eugene Glover, as treasurer, at this time.

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

(Continued on page 7)

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9. Decided by a vote of 6-0 to defer conciliation with the American Federation of Teachers Committee on Political Education and Robert G. Porter, as treasurer, and the Machinists Non-Partisan Political League and Eugene Glover, as treasurer, until the Commission has received a report from the General Counsel on the progress of the conciliation with the Mondale for President Committee, Inc.; and to direct the General Counsel to send letters to these two committees informing them of the decision to defer conciliation at this time.

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

Attest:

8-9-84
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mondale For President Committee, Inc., *et al*.	)	MUR 1704
	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 31, 1984, do hereby certify that the Commission decided by a vote of 5-0 to continue consideration of the General Counsel's July 27, 1984 report on MUR 1704 at the next executive session of the Commission.

Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively for the decision; Commissioner Reiche was not present at the time of the vote.

Attest:

8-2-84
Date

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

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compiled sufficient evidence indicating affiliation between MPC and the Mondale delegate committees to warrant attempts to negotiate conciliation agreements with MPC and the two labor PACs, this Office does not believe that the investigation is sufficiently complete to warrant proceeding to the briefing stage. This Office thus believes that the Commission must decide either to enter into pre-probable cause negotiations at this time, based on the available evidence, or to extend its investigation to include further discovery aimed at MPC staff as well as discovery aimed at the non-MPC respondents.

Extending the scope of the inquiry to the 13 labor PACs and over 130 delegate committees will require expending a great deal of time and resources, and will make it impossible to bring the case to a resolution within three months. Aside from the obvious logistical difficulties in dealing with such a large number of respondents, extending the inquiry also requires investigation into areas that only relate to certain respondents, including ones which may be difficult to find and obtain information from. For example, information received from a respondent indicates that at least one delegate committee may have been established, maintained, financed or controlled by a labor organization, thus raising the issue whether the committee is affiliated with the labor organization's PAC. Other respondent delegate committees assert in their responses that they were financed solely with small donations from individuals, and despite their admitted

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SEPARATOR

compiled sufficient evidence indicating affiliation between MPC and the Mondale delegate committees to warrant attempts to negotiate conciliation agreements with MPC and the two labor PACs, this Office does not believe that the investigation is sufficiently complete to warrant proceeding to the briefing stage. This Office thus believes that the Commission must decide either to enter into pre-probable cause negotiations at this time, based on the available evidence, or to extend its investigation to include further discovery aimed at MPC staff as well as discovery aimed at the non-MPC respondents.

Extending the scope of the inquiry to the 13 labor PACs and over 130 delegate committees will require expending a great deal of time and resources, and will make it impossible to bring the case to a resolution within three months. Aside from the obvious logistical difficulties in dealing with such a large number of respondents, extending the inquiry also requires investigation into areas that only relate to certain respondents, including ones which may be difficult to find and obtain information from. For example, information received from a respondent indicates that at least one delegate committee may have been established, maintained, financed or controlled by a labor organization, thus raising the issue whether the committee is affiliated with the labor organization's PAC. Other respondent delegate committees assert in their responses that they were financed solely with small donations from individuals, and despite their admitted

efforts to obtain assistance from MPC, were denied help; raising the question whether each one can be considered to be affiliated with MPC, based upon the facts alleged in the two complaints.

Such questions cannot be answered without an investigation of the discrete facts relevant to each delegate committee. In order to obtain those facts this Office will have to send detailed interrogatories and requests for documents, similar to the ones already sent to MPC, to each of the delegate committees and labor PACs involved. Finally, this Office will recommend that representatives of MPC, the delegate committees and the PACs will be deposed. Obviously, such an investigation will be time consuming. Although we of course will recommend that the Commission take steps to expedite the investigation, such as sending out all requests and interrogatories under subpoena, this Office believes that such an investigation would take a minimum of six months to a year and consume substantial staff hours during that period of time. That estimate could turn out to be conservative if the Commission has to go to subpoena enforcement to obtain the necessary information.

Alternatively, the Commission could decide to enter into pre-probable cause conciliation discussions with MPC and the two labor PACs, based on the information presently at hand as a means for attempting to achieve rapid resolution of these matters. The evidence required to support a finding of reason to believe need not be sufficient to support a finding of probable cause to

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believe, and thus conciliation agreements could be effectuated at the pre-probable cause stage using the presently available evidence.

The need to completely develop the evidence thus may effectively be avoided by the respondents' requests for pre-probable cause conciliation. In the event that the respondents are willing to answer certain questions in the context of the conciliation process, or ultimately admit the violations alleged in the complaint based on the facts known, time may be saved by entering into negotiations prior to having the evidence necessary to establish a probable cause finding. This process also allows the respondents the opportunity to make an informed decision to settle the matter with a lesser investment of time and money than would otherwise be required by a full investigation. If a conciliation agreement can be reached in which MPC accepts the ultimate responsibility for its actions and the actions of the delegate committees, the Commission can avoid a protracted investigation that will extend beyond the elections and, at the same time, reach a just resolution of the matter as it pertains to MPC and the delegate committees. A similar argument applies to the labor organization PACs.

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Entering into pre-probable cause conciliation negotiations at this time would not prevent the Commission from completing a full scale investigation in the event the negotiations are unsuccessful. Any delay in completing the investigation would be minimal as compared to the benefit of satisfactorily resolving the entire matter expeditiously. Furthermore, even if the full investigation is concluded, the end result may be the same as that which could be effectuated through the pre-probable cause conciliation process--that is, a conciliation agreement whereby MPC accepts full responsibility for all the excessive contributions and expenditures of MPC and the delegate committees.

Accordingly, the General Counsel's Office recommends that the Commission now enter into pre-probable cause conciliation negotiations with MPC and Michael S. Berman, as treasurer, the American Federation of Teachers Committee on Political Education and Robert G. Porter, as treasurer, and the Machinists Non-Partisan Political League and Eugene Glover, as treasurer.

Attached for the Commission's review are three proposed conciliation agreements. Attachments 20 - 22. Before discussing the content of those agreements, this report summarizes the evidence found in the responses received in MURs 1667 and 1704, as well as the evidence obtained during the investigation into the allegations in MUR 1667.

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Mondale delegate committees. Furthermore, once those committees were formed, MPC apparently helped to finance the committees and provided them with such a degree of ongoing support as to constitute maintenence of the committees. Finally, the evidence indicates MPC directed and coordinated the activities of the delegate committees, particularly in the area of fundraising, to such an extent that MPC essentially controlled the committees. Thus, the Office of the General Counsel believes that there is evidence indicating that the Mondale delegate committees are affiliated with MPC.

C. Proposed Conciliation Agreements.

Attached for the Commission's review are three proposed conciliation agreements. Attachments 20 - 22. The conciliation agreement for each of the labor PACs and their treasurers contains an admission of the section 441a(2)(A) violation and a provision requiring the payment of a civil penalty reflecting the extent of the excessive contributions. The conciliation agreement for MPC and Michael S. Berman, as treasurer, also contains admissions of violations of sections 441a(b)(1)(A) and 441a(f). The section 441a(b)(1)(A) violation is based on an internal review conducted by the Audit Division that indicates MPC and the delegate committees made expenditures in New Hampshire which, in the aggregate, exceeded the state limit. The New Hampshire state spending limit was $404,000. According to the information provided by Audit, MPC spent $396,868.94 and the delegate committees spent an aggregate of $92,974, thereby

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apparently exceeding the limit by $85,842.94. 28/ The agreement further requires MPC to amend its Statement of Organization to identify all of the Mondale delegate committees as affiliated committees, and to obtain the financial records of each of the delegate committees and maintain them pursuant to 2 U.S.C. § 432(d), in a central location. Finally, the agreement requires the committee to pay to the Treasurer of the United States an amount equal to the amount of contributions received by the delegate committees which, when considered in the aggregate, exceed the limitations established under 2 U.S.C. §§ 441a(a)(1) and (2). Because the figures reflecting excessive contributions and expenditures cannot be finalized until the Commission has completed its audit pursuant to 26 U.S.C. § 9038, the agreement defers a determination of the amount to be paid until after that audit has been conducted.

The Office of the General Counsel believes that the terms of the three proposed conciliation agreements are appropriate for the violations involved under the facts present. With respect to the agreement proposed for MPC and its treasurer Berman, the evidence discovered to date indicates that MPC was heavily

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28/ These figures reflect information available as of June 29, 1984. It does not appear from that information that the limit was exceeded in any other state. It is noted, however, that the final figures, reflecting offsets to reported expenditures, will not be available until an audit has been conducted.

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involved in the establishment, maintenance, financing and control of the delegate committees. The admission in the proposed agreement, therefore, places full responsibility on MPC for all the excessive contributions and expenditures. In addition, the provision whereby MPC agrees to pay an amount equal to the aggregate contributions made to the delegate committees, which exceed the Act's contribution limitations, is preferable to one wherein MPC simply would refund the excessive amounts to the labor PAC contributions. Similarly, the conciliation agreements proposed for the two labor PACs and their treasurers are appropriate under the circumstances. Both agreements require those respondents to make clear admissions of the violation, which is consistent with the evidence available to the Commission. Furthermore, the proposed civil penalties are reasonable in light of the excessive amounts. 29/ Accordingly, the Office of the General Counsel recommends that the Commission approve the attached proposed conciliation agreements for submission to the respective respondents.

29/ According to reports filed with the Commission as of July 17, 1984, AFT-PAC and MNPL made aggregate contributions to the Mondale delegate committees in the amounts of $54,100 and $14,500, respectively.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mondale for President Committee, Inc.	)	MUR 1704
Michael S. Berman, as treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans With Hart, Inc. and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., and Michael S. Berman, as treasurer ("Respondents"), violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures, and conducted an investigation into the matter.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, candidate for the Democratic Party's nomination to the Office of President of the United States.

2. Respondent Michael S. Berman is the treasurer of the Committee.

3. Respondents established Mondale delegate committees by:

a) instructing individuals seeking selection as delegates to the Democratic National Convention supporting Mr. Mondale's candidacy to form delegate committees;

b) instructing delegates on how they should go about forming such committees;

c) providing some delegates with names of individuals who might serve as treasurers of delegate committees; and

d) supervising the delegate committees' registration with the Commission.

4. Respondents financed the delegate committees by:

a) soliciting contributions to the delegate committees;

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b) directing individuals who had expressed a desire to contribute to the Mondale campaign to contribute to the delegate committees;

c) providing the delegate committees with lists of contributors; and

d) encouraging labor organization political action committees to contribute to the delegate committees.

5. Respondents maintained the delegate committees by:

a) providing a ready supply of volunteer workers to the delegate committees;

b) coordinating the distribution of those volunteers to the delegate committees;

c) paying the transportation costs of volunteers traveling to the delegate committees;

d) helping volunteers to obtain per diem reimbursement for their services to the delegate committees;

e) providing delegate committees with phone bank scripts and sample campaign materials; and

f) monitoring the delegate committees' compliance with the Commission.

6. Respondents controlled the delegate committees by:

a) instructing delegate committees to have their personnel consult with representatives of

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Respondent Mondale for President Committee, Inc.;

b) recommending which vendors the delegate committees should use;

c) advising delegate committees as to the form and content of campaign materials to be used by the delegate committees;

d) allocating campaign responsibilities between the delegate committees and the Mondale campaign.

7. The delegate committees accepted contributions, which exceeded in the aggregate $5,000, from political committees;

8. The expenditure limit in New Hampshire for candidates seeking nomination to the office of president was $404,000.

9. According to the reports filed with the Commission, Respondents and the delegate committees made aggregate expenditures in New Hampshire in excess of $404,000.

V. Because the Mondale for President Committee, Inc. established financed, maintained and controlled the Mondale delegate committees, it is affiliated with those committees and is subject to single contribution and expenditure limits, shared with those committees. 11 C.F.R. §§ 100.5(g)(2)(ii) and 110.3.

VI. By accepting contributions in excess of the limitations set forth in 2 U.S.C. § 441a(a), Respondents violated 2 U.S.C. § 441a(f).

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VII. By making expenditures in excess of the New Hampshire state limitation, Respondents violated 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f).

VIII. Respondents shall amend the Mondale for President Committee, Inc., Statement of Organization to identify all of the affiliated delegate committees.

IX. Respondents shall obtain all of the records maintained by the delegate committees, and maintain them pursuant to 2 U.S.C. § 432(d) in a central location.

X. Respondents shall pay to the Treasurer of the United States an amount equal to the amount of contributions received by the Mondale for President Committee, Inc., and the Mondale delegate committees which, when considered in the aggregate, exceed the limitations established under 2 U.S.C. § 441a(a). Such an amount shall be finally determined by the Commission subsequent to an audit of the Mondale for President Committee, Inc., conducted pursuant to 26 U.S.C. § 9038.

XI. Respondents: shall not undertake any activity that is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq.

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

ATTACHMENT 2 (Page 7 of 8)

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

XIV. Respondents shall make the payment referred to in Section X of this agreement no more than thirty (30) days from the date the Commission notifies them of the amount due and owing.

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

XVI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

_____ _____
(Name) Date
(Position)

ATTACHMENT 2C (Page 8 of 8)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
American Federation of Teachers	)	
Committee on Political Education	)	MUR 1704
Robert G. Porter, as treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaint by the National Right to Work Committee and Ralph Martin Hettinga, Jr. The Commission found reason to believe that the American Federation of Teachers Committee on Political Education and Robert G. Porter, as treasurer ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the delegate committees supporting the Presidential nomination of Walter F. Mondale, and conducted an investigation into the matter. This finding by the Commission is based upon a prior Commission conclusion that the Mondale delegate committees are affiliated with the Mondale for President Committee, Inc., Mr. Mondale's principal campaign committee.

NOW THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent American Federation of Teachers Committee on Political Education is the separate segregated fund of the American Federation of Teachers and is a political committee registered with the Federal Election Commission.

2. Respondent Robert G. Porter is the treasurer of Respondent American Federation of Teachers Committee on Political Education.

3. Respondents made contributions to the Mondale delegate committees, in the aggregate of $54,100.

V. By making contributions to the Mondale delegate committees which, in the aggregate, exceeded $5,000, Respondents violated 2 U.S.C. § 441a(a)(2)(A).

VI. Respondents shall pay a civil penalty to the Treasurer of the United States in the amount of Five Thousand Five Hundred Dollars ($5,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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

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XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

_____ _____
William C. Oldaker Date
Attorney for the Respondents

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Machinists Non-Partisan Political League	)	MUR 1704
	)	
Eugene Glover, as treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaint by the National Right to Work Committee and Ralph Martin Hettinga, Jr. The Commission found reason to believe that the the Machinists Non-Partisan Political League and Eugene Glover, as treasurer ("Respondents") violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the delegate committees supporting the Presidential nomination of Walter F. Mondale, and conducted an investigation into the matter. This finding by the Commission is based upon a prior Commission conclusion that the Mondale delegate committees are affiliated with the Mondale for President Committee, Inc., Mr. Mondale's principal campaign committee.

NOW THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Machinists Non-Partisan Political League, is the separate segregated fund of the International Association of Machinists and Aerospace Workers and is a political committee registered with the Federal Election Commission.

2. Respondent Eugene Glover is the treasurer of Respondent Machinists Non-Partisan Political League.

3. Respondents made contributions to the Mondale delegate committees, in the aggregate of $14,500.

V. By making contributions to the Mondale delegate committees which, in the aggregate, exceeded $5,000, Respondents violated 2 U.S.C. § 441a(a)(2)(A).

VI. Respondents shall pay a civil penalty to the Treasurer of the United States in the amount of One Thousand Five Hundred Dollars ($1,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

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oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

_____ _____
William C. Oldaker Date
Attorney for the Respondents

8504050350 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

David M. Ifshin, Esq.
Carolyn U. Oliphant, Esq.
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MURs 1702, 1703 and 1704

Dear Mr. Ifshin and Ms. Oliphant:

This responds to your motion to dismiss the complaints in MURs 1702, 1703 and 1704 or, in the alternative, to dismiss certain evidence from the Commission's consideration of those MURs.

On August 7, 1984, the Commission considered your motion and has determined, under the circumstances presented, to deny your motion. Accordingly, your motion to dismiss the complaints and certain evidence in MURs 1702, 1703 and 1704 is denied.

If you have any questions, please contact Lois Lerner at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: AUGUST 10, 1984

SUBJECT: MURs 1702, 1703 and 1704 - Memorandum to the Commission dated August 9, 1984

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, August 9, 1984.

There were no objections to the revised notification letter at the time of the deadline.

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OFFICE OF THE FEC
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 AUG 9 A9:41

August 9, 1984

SENSITIVE

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Revised Letter to Counsel for Mondale for President Committee, Inc., Regarding MPC's Motion to Dismiss the Complaints in MURs 1702, 1703 and 1704

On August 7, 1984, the Commission denied the Mondale For President Committee, Inc.'s ("MPC"), motion to dismiss the complaints in MURs 1702, 1703 and 1704 or, alternatively, to strike the evidence in those complaints obtained by private investigators. In addition, the Commission amended the proposed notification letter to counsel for MPC which had been attached to the Office of the General Counsel's July 27, 1984, memorandum to the Commission regarding these matters. Finally, the Commission approved the notification letter as amended.

Attached for the Commission's review, is a copy of the notification letter as revised by the General Counsel's Office to reflect the Commission's amendments.

Attachment

Revised Notification Letter (1 pg.)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David M. Ifshin, Esq.
Carolyn U. Oliphant, Esq.
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MURs 1702, 1703 and 1704

Dear Mr. Ifshin and Ms. Oliphant:

This responds to your motion to dismiss the complaints in MURs 1702, 1703 and 1704 or, in the alternative, to strike certain evidence from the Commission's consideration of those MURs.

On August 7, 1984, the Commission considered your motion and has determined, under the circumstances presented, to deny your motions. Accordingly, your motion to strike the complaints and certain evidence in MURs 1702, 1703 and 1704 is denied.

If you have any questions, please contact Lois Lerner at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mondale for President Committee, Inc.	)	MURs 1702, 1703, 1704

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 7, 1984, do hereby certify that the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 6-0 to amend the draft letter attached to the General Counsel's July 27, 1984, report by deleting the following language from lines two and three of the second paragraph:

   > determined that, under the circumstances presented, it does not have the authority to grant your motion.

   and substituting in lieu thereof the following language:

   > has determined that, under the circumstances presented, to deny your motion.

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

(Continued)

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2. Decided by a vote of 6-0 to substitute the word, dismiss, for the word, strike, in paragraphs one and two of the draft letter attached to the General Counsel's report dated July 27, 1984.

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

3. Decided by a vote of 6-0 that with respect to the paragraph in lines 16-21 on page four of the General Counsel's report dated July 27, 1984, that the Commission does not take any position at this time with respect to the advisability of making a statement concerning the NRWC's conduct, as it does not wish to pre-judge this matter.

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

4. Decided by a vote of 6-0 to take the following actions:

   a) Deny MPC's motion to strike the complaints in MURs 1702, 1703, and 1704.

   b) Deny MPC's motion to strike the evidence obtained by private investigators in MURs 1702, 1703, and 1704.

   c) Approve the letter attached to the General Counsel's report dated July 27, 1984, as amended in the meeting.

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

Attest:

8-8-84
Date

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

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BEFORE THE FEC
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 AUG 3 P2:51

August 3, 1984

Submitted Late

SENSITIVE

EXECUTIVE SESSION
AUG 7 1984

MEMORANDUM

TO : The Commission

FROM : Charles N. Steele
General Counsel

SUBJECT: Request for Commission Consideration of Memorandum to the Commission from Charles N. Steele regarding respondent Mondale For President Committee, Inc.'s, Motion to Strike the complaint in MURs 1702, 1703 and 1704

The Office of the General Counsel requests Commission consideration of the above-described report at its closed session of August 7, 1984. Late submission of this document is necessitated by the short period of time between the Commission's last consideration of this matter and the deadline for submitting documents for the next Executive Session.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 1984

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: Respondent Mondale For President Committee, Inc.'s Motion to Strike the Complaints in MURs 1702, 1703 and 1704

On June 28, 1984, the Office of the General Counsel received a motion filed by the Mondale For President Committee, Inc. ("MPC"), to strike the complaints in MURs 1702, 1703 and 1704 or, in the alternative, to strike certain evidence contained in the complaints. Subsequently, on July 27, 1984, this Office forwarded to the Commission a memorandum discussing the issues raised by MPC's motion and recommending that the Commission deny the motion. That memorandum was placed on the agenda for the Commission Executive Session of July 31, 1984. Thereafter, on July 30, 1984, the Office of the General Counsel received a supplement to MPC's original motion which contained additional information on the allegedly unscrupulous and unlawful activities engaged in by the complainants in these three MURs. In addition, that supplement contained additional legal arguments in support of MPC's contention that the complaints be dismissed by the Commission.

At the July 31, 1984, Executive Session, the Commission requested that the Office of the General Counsel submit a written analysis discussing the precedents cited by MPC in its supplemental submission for the proposition that "the National Labor Relations Board on occasion has applied the 'unclean hands' doctrine in administrative actions similar to FEC proceedings." MPC Supplemental Submission ("Supp. Sub.") at 10 and 11 (footnote omitted). Accordingly, the General Counsel's Office has prepared the following discussion. This Office concludes that nothing in the precedents cited by MPC requires the Commission to dismiss the complaints in these three matters. Instead, those precedents provide persuasive authority for not dismissing the complaints. Thus, the General Counsel's Office stands by the recommendations contained in the July 27, 1984, memorandum that the Commission deny MPC's motion.

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Similarly, Fernades Supermarkets, Inc., 203 NLRB 548 (1973), involved a complainant who repeatedly filed and withdrew repetitious changes both with and without merit, and then participated in a union election only to subsequently refile substantially identical charges after it lost the election. In addition, the final NLRB precedent cited by MPC, like Bartenders Local 355 itself, did not involve the dismissal of a complaint at all. In Laura Modes Co., 144 NLRB 1592 (1963), the Board merely modified the remedy which it imposed. Thus, these decisions are both consistent with the formulation set forth in Bartenders Local 355 and distinguishable from the instant situation.

Conclusion

Based on the foregoing analysis of the NLRB decisions cited by MPC, the Office of the General Counsel believes it would be inappropriate for the Commission to dismiss the complaints in three matters. Initially, except to the extent that NRWC's alleged misconduct occurred while it was preparing to submit its complaints to the Commission, the relief NRWC sought in the complaints is unrelated to NRWC's alleged misconduct. Furthermore, although other motives may have been involved, in the filing of the complaint, it is clear that one of NRWC's purposes was to correct apparent violations of the Act. Similarly, there are no allegations of bad faith. Cf. Vaughn Bowen, and Fernandes Supermarkets, Inc., supra. Finally, like the respondent in Bartenders Local 355, MPC can file an administrative complaint with the Commission against NRWC. Accordingly, the General Counsel's Office recommends that the Commission deny MPC's motion in its entirety.

RECOMMENDATIONS

1. Deny MPC's motion to strike the complaints in MURs 1702, 1703 and 1704.

2. Deny MPC's motion to strike the evidence obtained by private investigators in MURs 1702, 1703 and 1704.

3. Approve the proposed letter attached to the Office of General Counsel's July 27, 1984 memorandum to the Commission in MURs 1702, 1703 and 1704.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURs 1702, 1703, and 1704
Mondale for President Committee, Inc.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 31, 1984, do hereby certify that the Commission decided by a vote of 5-0 to defer consideration of the motion to strike the complaints in MURs 1702, 1703, and 1704 in order that the Commission might receive the General Counsel's comments on the July 30, 1984 submission from the Mondale for President Committee in this matter.

Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively for the decision; Commissioner Reiche was not present at the time of the vote.

Attest:

8-2-84
Date

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

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OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 JUL 27 P4:15

Submitted Late

July 27, 1984

SENSITIVE

EXECUTIVE SESSION

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

JUL 31 1984

SUBJECT: Respondent Mondale for President Committee, Inc.'s Motion to Strike the Complaints in MURs 1702, 1703, 1704

On June 28, 1984, the Office of the General Counsel received a motion to strike the complaints or, in the alternative, strike certain evidence contained in the complaints in MURs 1702, 1703, and 1704. The motion, filed by the Mondale for President Committee, Inc. ("MPC") is based on MPC's charge that the complaints "are the product of unlawful conduct which should not be sanctioned by the Commission." Specifically, MPC alleges that the complainants in these MURs, the National Right To Work Committee and Ralph Martin Hettinga (jointly referred to as "NRWC") spent over $75,000 to hire "private investigators" to infiltrate the Mondale delegate committees and engage in activities that constituted "dirty tricks", spying on MPC delegate committee operations and theft. MPC urges the Commission to strike the complaints or, in the alternative, refuse to consider the factual materials supplied by NRWC which are a product of its efforts. MPC also asks the Commission to publicly state that it does not condone such activities.

The following is a discussion of the issues raised by MPC's motion:

I. Whether the Commission Should Dismiss the Three Complaints.

Section 437g(a) of the Act specifically empowers any person to bring possible violations of the Act to the Commission's attention. In the event that the complaint complies with the formalities set forth in 11 C.F.R. § 111.4, the Commission is required to notify the respondents of the complaint and, after it providing the respondents with an opportunity to respond to the charges, make a determination whether there is reason to believe the respondents violated the Act. There are no statutory or regulatory limitations upon the origin of the materials or other factual data provided by the complainant.

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That section provides in part that:

> no person who is a candidate for Federal office or an employee or agent of such candidate shall fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate, or political party or employee or agent thereof.

(emphasis added) By its clear language, Section 441h applies only to activity undertaken by candidates or their employees or agents and does not apply to the activities of other parties attempting to gather information upon which to base a complaint.

Although the Commission is without authority to stop NRWC's activities, absent a violation of the Act 3/, it should not be seen as condoning NRWC's tactics. This office suggests that the Commission may want to consider making a statement indicating it does not condone NRWC's conduct to become part of the public record once this matter is closed.

RECOMMENDATIONS

1) Deny MPC's motion to strike the complaints in MURs 1702, 1703 and 1704.

2) Deny MPC's motion to strike the evidence obtained by private investigators in MURs 1702, 1703 and 1704.

3) Approve the attached letter.

Attachments
Motion to Strike
Letter to counsel

3/ We note that MPC is contemplating filing a complaint against NRWC alleging that its use of corporate funds to hire the investigators violates 2 U.S.C. § 441b. The Commission has never found that funds expended by a corporation or labor union in connection with the filing of a complaint violate that section.

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2501 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1600

MONDALE

June 25, 1984

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

RE: MURs 1702, 1703, 1704 - Motion to Strike

Dear Mr. Steele:

This letter is submitted by the Mondale for President Committee, Inc. ("MPC") in reference to the complaints filed by the National Right to Work Committee ("NRWC") and Ralph Martin (Bud) Hettinga in MURs 1702, 1703, and 1704 ("the complaints"). MPC's responses to the allegations in these complaints are due on July 2, June 29, and June 25, respectively. In these responses, MPC will urge the Commission to dismiss the complaints because there are no facts alleged which provide reason to believe that a violation of the Federal Election Campaign Act ("the Act") has occurred.

MPC believes that there are serious threshold issues concerning these complaints which the Commission must consider before reaching the merits of their allegations. This letter, therefore, constitutes a motion to strike the complaints because they are the product of unlawful conduct which should not be sanctioned by the Commission. NRWC's unlawful conduct was planned early this year, when it publicly announced that it was undertaking an extensive effort to infiltrate and spy on the

Attachment 1 (1 of 3)

Paid for by Mondale for President, Inc.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David M. Ifshin, Esq.
Carolyn U. Oliphant, Esq.
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MURs 1702, 1703 and 1704

Dear Mr. Ifshin and Ms. Oliphant:

This responds to your motion to strike the complaints in MURs 1702, 1703 and 1704 or, in the alternative, to strike certain evidence from the Commission's consideration of those MURs.

On , 1984, the Commission considered your motion and determined that, under the circumstances presented, it does not have the authority to grant your motion. Accordingly, your motion to strike the complaints and certain evidence in MURs 1702, 1703 and 1704 is denied.

If you have any questions, please contact Lois Lerner at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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Attachment 2

Mondale for President
2301 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: [illegible]

MONDALE

June 25, 1984

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

RE: MURs 1702, 1703, 1704 - Motion to Strike

Dear Mr. Steele:

This letter is submitted by the Mondale for President Committee, Inc. ("MPC") in reference to the complaints filed by the National Right to Work Committee ("NRWC") and Ralph Martin (Bud) Hettinga in MURs 1702, 1703, and 1704 ("the complaints"). MPC's responses to the allegations in these complaints are due on July 2, June 29, and June 25, respectively. In these responses, MPC will urge the Commission to dismiss the complaints because there are no facts alleged which provide reason to believe that a violation of the Federal Election Campaign Act ("the Act") has occurred.

MPC believes that there are serious threshold issues concerning these complaints which the Commission must consider before reaching the merits of their allegations. This letter, therefore, constitutes a motion to strike the complaints because they are the product of unlawful conduct which should not be sanctioned by the Commission. NRWC's unlawful conduct was planned early this year, when it publicly announced that it was undertaking an extensive effort to infiltrate and spy on the

Paid for by Mondale for President, Inc.

85040503519

Mondale for President
2301 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: [illegible]

MONDALE

June 25, 1984

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

RE: MURS 1702, 1703 and 1704

Dear Mr. Steele:

Enclosed is the response of Mondale for President Committee, Inc. ("MPC") to MUR 1704. Also enclosed is a letter relating to MURS 1702, 1703 and 1704 which urges the Commission to strike all three complaints without further consideration, because of the unscrupulous and unlawful activities engaged in by the complainant, NRWC.

As reflected in the attached memorandum, the reprehensible activities of NRWC in obtaining the information in these complaints went substantially beyond the false pretenses reflected in the affidavits. "Investigators" hired by NRWC obtained unauthorized access to confidential campaign documents and records and even sought the complicity of a TV station in obtaining additional confidential records which are not publicly available.

MPC has requested copies of the tapes or transcripts of the TV interviews with the NRWC "spy" noted in the attachment, but we have not yet received them. MPC believes that these tapes are critical to the Commission's consideration of these matters. For this reason, MPC urges the Commission not to make any determination in these matters until such time as the tapes or transcripts can be reviewed. We believe that review of these materials will materially aid the Commission in reaching a proper final resolution of these matters. MPC will forward them to the Commission immediately upon receipt.

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Paid for by Mondale for President, Inc.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David M. Ifshin, Esq.
Carolyn U. Oliphant, Esq.
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Re: MURs 1702, 1703 and 1704

Dear Mr. Ifshin and Ms. Oliphant:

This responds to your motion to dismiss the complaints in MURs 1702, 1703 and 1704 or, in the alternative, to dismiss certain evidence from the Commission's consideration of those MURs.

On August 7, 1984, the Commission considered your motion and has determined, under the circumstances presented, to deny your motion. Accordingly, your motion to dismiss the complaints and certain evidence in MURs 1702, 1703 and 1704 is denied.

If you have any questions, please contact Lois Lerner at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: AUGUST 10, 1984

SUBJECT: MURs 1702, 1703 and 1704 - Memorandum to the Commission dated August 9, 1984

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, August 9, 1984.

There were no objections to the revised notification letter at the time of the deadline.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: August 9, 1984

SUBJECT: MURs 1702, 1703, 1704 - Memorandum to The Commission

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

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

24 HOUR NO OBJECTION BASIS

SENSITIVE

CIRCULATE ON PINK PAPER

8504050352 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: July 27, 1984

SUBJECT: MURs 1702, 1703 & 1704 - Memorandum to The Commission

The attached is submitted as an Agenda document

for the Commission Meeting of July 31, 1984

Open Session

Closed Session XX

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

SENSITIVE

CIRCULATE ON PINK PAPER

ON AGENDA July 31, 1984

8 5 0 4 0 3 0 3 5 2 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: August 3, 1984

SUBJECT: MURs 1702, 1703 & 1704: Memorandum to The Commission

The attached is submitted as an Agenda document for the Commission Meeting of August 7, 1984

Open Session _____

Closed Session XX

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[X]	Other (see distribution below)	[ ]

SENSITIVE

CIRCULATE ON PINK PAPER

ON AGENDA 8-7-84

8504050352 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1984

David M. Ifshin, Esquire
Carolyn U. Oliphant, Esquire
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Suite 100
Washington, D.C. 20007

Re: MUR 1704
Mondale for President Committee, Inc.
Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

The Federal Election Commission previously notified your clients of the complaints in MURs 1667 and 1704 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended, (the "Act"). On August 7, 1984, the Commission voted to merge MUR 1667 with 1704. Accordingly, in all future correspondence, please reference MUR 1704 when addressing these matters. In addition, upon further review of the allegations contained in the complaint in MUR 1704 and information supplied by you, the Commission determined there is reason to believe that your clients, Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Act, by accepting excessive contributions. This finding was premised on the Commission's conclusion that the Mondale delegate committees are affiliated with the Mondale for President Committee, Inc.

Also on August 7, 1984, the Commission reconsidered its position of May 8, 1984, not to enter into pre-probable cause conciliation negotiations, and decided to approve your clients' request of April 30, 1984, and enter into conciliation negotiations at this time. Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If

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you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting to discuss the conciliation agreement, please contact Robert Bonham, an attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures

8504050352 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mondale for President Committee, Inc.	)	MUR 1704
Michael S. Berman, as treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by Americans With Hart, Inc., and the National Right to Work Committee and Ralph Martin Hettinga. The Commission found reason to believe that the Mondale for President Committee, Inc., and Michael S. Berman, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting excessive contributions and 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) by making excessive expenditures, and conducted an investigation into the matter.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent Mondale for President Committee, Inc. is the principal campaign committee of Walter F. Mondale, who was a candidate for the Democratic Party's nomination to the Office of President of the United States in 1984.

2. Respondent Michael S. Berman is the treasurer of the Committee.

3. Respondents established Mondale delegate committees by:

a) instructing individuals seeking selection as delegates to the Democratic National Convention supporting Mr. Mondale's candidacy to form delegate committees;

b) instructing delegates on how they should go about forming such committees;

c) providing some delegates with names of individuals who might serve as treasurers of delegate committees; and

d) supervising the delegate committees' registration with the Commission.

4. Respondents financed the delegate committees by:

a) soliciting contributions to the delegate committees;

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b) directing individuals who had expressed a desire to contribute to the Mondale campaign to contribute to the delegate committees;

c) providing the delegate committees with lists of contributors; and

d) encouraging labor organization political action committees to contribute to the delegate committees.

5. Respondents maintained the delegate committees by:

a) providing a ready supply of volunteer workers to the delegate committees;

b) coordinating the distribution of those volunteers to the delegate committees;

c) paying the transportation costs of volunteers traveling to the delegate committees;

d) helping volunteers to obtain per diem reimbursement for their services to the delegate committees;

e) providing delegate committees with phone bank scripts and sample campaign materials; and

f) monitoring the delegate committees' compliance with the Commission.

6. Respondents controlled the delegate committees by:

a) instructing delegate committees to have their personnel consult with representatives of

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Respondent Mondale for President Committee, Inc.;

b) recommending which vendors the delegate committees should use;

c) advising delegate committees as to the form and content of campaign materials to be used by the delegate committees;

d) allocating campaign responsibilities between the delegate committees and the Mondale campaign.

7. The delegate committees accepted contributions, which exceeded in the aggregate $5,000, from political committees;

8. The expenditure limit in New Hampshire for candidates seeking nomination to the office of president was $404,000.

9. According to the reports filed with the Commission, Respondents and the delegate committees made aggregate expenditures in New Hampshire in excess of $404,000.

V. Because the Mondale for President Committee, Inc. established financed, maintained and controlled the Mondale delegate committees, it is affiliated with those committees and is subject to single contribution and expenditure limits, shared with those committees. 11 C.F.R. §§ 100.5(g)(2)(ii) and 110.3.

VI. By accepting contributions in excess of the limitations set forth in 2 U.S.C. § 441a(a), Respondents violated 2 U.S.C. § 441a(f).

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VII. By making expenditures in excess of the expenditure limitations, Respondents violated 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f).

VIII. Respondents shall amend the Mondale for President Committee, Inc., Statement of Organization to identify all of the affiliated delegate committees.

IX. Respondents shall obtain all of the records maintained by the delegate committees, and maintain them pursuant to 2 U.S.C. § 432(d) in a central location.

X. Respondents shall pay to the Treasurer of the United States an amount equal to the amount of contributions received by the Mondale for President Committee, Inc., and the Mondale delegate committees which, when considered in the aggregate, exceed the limitations established under 2 U.S.C. § 441a(a). Respondents agree to make an immediate payment of $330,878.40. Respondents and the Commission agree to make such adjustments, including additional payments, as determined necessary subsequent to an audit of the Mondale for President Committee, Inc., conducted pursuant to 26 U.S.C. § 9038(a). Funds used to make these payments may include funds raised pursuant to the provisions of 11 C.F.R. § 9034.4(b)(4).

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XI. Respondents shall pay to the Treasurer of the United States an amount equal to the amount of expenditures made by the Mondale for President Committee, Inc., and the Mondale delegate committees which, when considered in the aggregate, exceed the limitations established under 2 U.S.C. § 441a(b)(1). Such an amount shall be finally determined by the Commission subsequent to an audit of the Mondale for President Committee, Inc., conducted pursuant to 26 U.S.C. § 9038(a). Funds used to make such payments shall be subject to the limitations and prohibitions of the Act but not subject to the ratio of the total matching payments received to total receipts.

XII. Nothing herein shall prevent the Commission from pursuing a repayment from Respondents pursuant to 26 U.S.C. § 9038(b).

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

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

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

XVI. Respondents shall make the immediate payment referred to in Paragraph X of this agreement within 30 days from the date this agreement becomes effective. Additional payments made necessary under the provisions of Paragraph X shall be made within 30 days from the date the Commission notifies Respondents of the amounts due. Payments made necessary under the provisions of Paragraph XI shall be made within 30 days from the date the Commission notifies Respondents of the amounts due.

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

XVIII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is neither contained nor, as in the case of the amounts to be determined by the Commission subsequent to an audit of MPC

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conducted pursuant to 26 U.S.C. § 9038(a), referenced in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

FOR THE RESPONDENTS:

_____ _____
(Name) Date
(Position)

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LMN

Comment Sheet

12 Day Report

MUR # 1904

Staff Member Mims

Date ~~5/28/84~~ 5/29/84

Time of Transmittal 8:30

Expiration of 72-hour Comment Period: 6/1/84

Comments:

8 5 0 4 0 5 0 3 5 3 7

approve _____

object _____ conference date/time _____

no comment _____

initials

12 DAY REPORT
May 24, 1984

MUR # 1704
Staff Mims
Date Assigned to Staff 5/21/84

SOURCE OF MUR: National Right to Work Committee
Ralph Martin Hettinga, Jr.

RESPONDENTS' NAMES: Walter F. Mondale
Mondale for President Committee, Inc.
AFL-CIO COPE Political Contributions Committee
AFSCME Public Employees Organization to Promote Legislative Equality-Qualified
American Federation of Teachers COPE
United Food and Commercial Workers Active Ballot Club
International Union of Bricklayers and Allied Craftsmen PAC
Carpenters Legislative Improvement Committee
Ironworkers Political Action League
Machinists Non-Partisan Political League
Amalgamated Clothing and Textile Workers Union PAC
CWA-COPE, PCC
Service Employees International Union COPE PCC
UAW-V-CAP
United Mine Workers of America Coal Miners PAC
The Sponsoring Unions of the above-mentioned committees
The Mondale Delegate Committees

RELEVANT STATUTES: 2 U.S.C. §§ 434(b), 437g(d), 441a(a), 441a(b) 441a(f) and 441b.

INTERNAL REPORTS CHECKED: Delegate committee reports filed as of April 25, 1984; reports filed by the Mondale for President Committee, Inc., January 1 through March 31, 1984.

FEDERAL AGENCIES CHECKED: None

STATEMENT OF THE CASE

Complainants, National Right to Work Committee, (NRWC) and Ralph Martin Hettinga, Jr., allege that the respondent union

8 5 0 4 0 5 0 3 5 3 9

political action committees (the PAC's) knowingly violated the Act by making contributions to the Mondale delegate committees (the delegate committees) which are affiliates of the Mondale for President Committee, Inc. (MPC); that MPC knowingly violated the Act through acceptance of prohibited and excessive contributions by the delegate committees, and that the delegate committees knowingly violated the Act by accepting prohibited and excessive contributions.

Complainants contend that MPC established the committees and provide evidence similar to that presented in MUR 1667. Additional testimonial evidence of MPC's efforts to establish, finance, maintain and control the committees is supplied by private investigators who, while performing various services to the delegate committees, observed MPC personnel at various committee offices coordinating efforts of the delegate committee personnel. These investigators have also supplied evidence of other assistance provided by the unions in preparing, publishing and distributing delegate committee materials, as well as evidence that the union's were providing phone banks to the delegate committees. Complainants also suggest that because many of the delegate committees were substantially funded by the union PAC's, this evidence supports the contention that the PAC's have become affiliated with the delegate committees and MPC. Evidence is supplied that raises the possibility that the PAC's are affiliated with each other, thus, all contributions by the PAC's should be

8 5 0 4 0 5 0 3 5 3 7

aggregated with each other against a single contribution limit of $5,000. 2 U.S.C. §§ 437g(d), 441a(a), 441a(b), 441a(f) and 441b. Other possible violations include the failure of some delegate committees to report the receipt of contributions from the PAC's (2 U.S.C. § 434(b)).

STATEMENT OF PRELIMINARY DISCOVERY PLAN

Interrogatories and requests for materials regarding the Mondale campaign and the delegate committees should be coordinated with MUR 1667. (We might think about merging issues concerning MPC and the delegate committees with MUR 1667.) Interrogatories and requests for materials should be sent to the unions and their committees to determine the degree of coordination of union efforts with the delegate committees and MPC and to identify any coordinated decisions among the unions and their pac's as to the making of contributions to the delegate committees.

STATEMENT OF TRACK DESIGNATION

This should be a Track III MUR.

8 5 0 4 0 5 0 3 5 4 0

NBL

Comment Sheet

12 Day Report

MUR # 1904

Staff Member Mims

Date ~~5/28/84~~ 5/29/84

Time of Transmittal 8:30

Expiration of 72-hour Comment Period: 6/1/84

Comments:

I think it's totally erroneous to explore any possibility of a distinction among union PAC's who gave to delegate cmte.

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approve _____

object _____ conference date/time _____

~~no comment~~ abstain

initials [illegible]

12 DAY REPORT
May 24, 1984

MUR # 1704
Staff Mims
Date Assigned to Staff 5/21/84

SOURCE OF MUR: National Right to Work Committee
Ralph Martin Hettinga, Jr.

RESPONDENTS' NAMES: Walter F. Mondale
Mondale for President Committee, Inc.
AFL-CIO COPE Political Contributions Committee
AFSCME Public Employees Organization to Promote Legislative Equality-Qualified
American Federation of Teachers COPE
United Food and Commercial Workers Active Ballot Club
International Union of Bricklayers and Allied Craftsmen PAC
Carpenters Legislative Improvement Committee
Ironworkers Political Action League
Machinists Non-Partisan Political League
Amalgamated Clothing and Textile Workers Union PAC
CWA-COPE, PCC
Service Employees International Union COPE PCC
UAW-V-CAP
United Mine Workers of America Coal Miners PAC
The Sponsoring Unions of the above-mentioned committees
The Mondale Delegate Committees

RELEVANT STATUTES: 2 U.S.C. §§ 434(b), 437g(d), 441a(a), 441a(b) 441a(f) and 441b.

INTERNAL REPORTS CHECKED: Delegate committee reports filed as of April 25, 1984; reports filed by the Mondale for President Committee, Inc., January 1 through March 31, 1984.

FEDERAL AGENCIES CHECKED: None

STATEMENT OF THE CASE

Complainants, National Right to Work Committee, (NRWC) and Ralph Martin Hettinga, Jr., allege that the respondent union

8 5 0 4 0 5 0 3 5 4 2

political action committees (the PAC's) knowingly violated the Act by making contributions to the Mondale delegate committees (the delegate committees) which are affiliates of the Mondale for President Committee, Inc. (MPC); that MPC knowingly violated the Act through acceptance of prohibited and excessive contributions by the delegate committees, and that the delegate committees knowingly violated the Act by accepting prohibited and excessive contributions.

Complainants contend that MPC established the committees and provide evidence similar to that presented in MUR 1667. Additional testimonial evidence of MPC's efforts to establish, finance, maintain and control the committees is supplied by private investigators who, while performing various services to the delegate committees, observed MPC personnel at various committee offices coordinating efforts of the delegate committee personnel. These investigators have also supplied evidence of other assistance provided by the unions in preparing, publishing and distributing delegate committee materials, as well as evidence that the union's were providing phone banks to the delegate committees. Complainants also suggest that because many of the delegate committees were substantially funded by the union PAC's, this evidence supports the contention that the PAC's have become affiliated with the delegate committees and MPC. Evidence is supplied that raises the possibility that the PAC's are affiliated with each other, thus, all contributions by the PAC's should be

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aggregated with each other against a single contribution limit of $5,000. 2 U.S.C. §§ 437g(d), 441a(a), 441a(b), 441a(f) and 441b. Other possible violations include the failure of some delegate committees to report the receipt of contributions from the PAC's (2 U.S.C. § 434(b)).

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Interrogatories and requests for materials regarding the Mondale campaign and the delegate committees should be coordinated with MUR 1667. (We might think about merging issues concerning MPC and the delegate committees with MUR 1667.) Interrogatories and requests for materials should be sent to the unions and their committees to determine the degree of coordination of union efforts with the delegate committees and MPC and to identify any coordinated decisions among the unions and their pac's as to the making of contributions to the delegate committees.

STATEMENT OF TRACK DESIGNATION

This should be a Track III MUR.

8 5 0 4 0 5 0 3 5 4 4

KAG

Comment Sheet

12 Day Report

MUR # 1904

Staff Member Mims

Date ~~5/26/84~~ 5/29/84

Time of Transmittal 8:30

Expiration of 72-hour Comment Period: 6/1/84

Comments:

We should discuss merger prior to making RTB rec.

Track III

approve _____

object _____

conference date/time _____

No comment ✓

Initials KAG

8 5 0 4 0 5 0 3 5 4 5

12 DAY REPORT
May 24, 1984

MUR # 1704
Staff Mims
Date Assigned to Staff 5/21/84

SOURCE OF MUR: National Right to Work Committee
Ralph Martin Hettinga, Jr.

RESPONDENTS' NAMES: Walter F. Mondale
Mondale for President Committee, Inc.
AFL-CIO COPE Political Contributions Committee
AFSCME Public Employees Organization to Promote Legislative Equality-Qualified
American Federation of Teachers COPE
United Food and Commercial Workers Active Ballot Club
International Union of Bricklayers and Allied Craftsmen PAC
Carpenters Legislative Improvement Committee
Ironworkers Political Action League
Machinists Non-Partisan Political League
Amalgamated Clothing and Textile Workers Union PAC
CWA-COPE, PCC
Service Employees International Union COPE PCC
UAW-V-CAP
United Mine Workers of America Coal Miners PAC
The Sponsoring Unions of the above-mentioned committees
The Mondale Delegate Committees

RELEVANT STATUTES: 2 U.S.C. §§ 434(b), 437g(d), 441a(a), 441a(b) 441a(f) and 441b.

INTERNAL REPORTS CHECKED: Delegate committee reports filed as of April 25, 1984; reports filed by the Mondale for President Committee, Inc., January 1 through March 31, 1984.

FEDERAL AGENCIES CHECKED: None

STATEMENT OF THE CASE

Complainants, National Right to Work Committee, (NRWC) and Ralph Martin Hettinga, Jr., allege that the respondent union

8 5 0 4 0 5 0 3 5 4 7

political action committees (the PAC's) knowingly violated the Act by making contributions to the Mondale delegate committees (the delegate committees) which are affiliates of the Mondale for President Committee, Inc. (MPC); that MPC knowingly violated the Act through acceptance of prohibited and excessive contributions by the delegate committees, and that the delegate committees knowingly violated the Act by accepting prohibited and excessive contributions.

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aggregated with each other against a single contribution limit of $5,000. 2 U.S.C. §§ 437g(d), 441a(a), 441a(b), 441a(f) and 441b. Other possible violations include the failure of some delegate committees to report the receipt of contributions from the PAC's (2 U.S.C. § 434(b)).

STATEMENT OF PRELIMINARY DISCOVERY PLAN

Interrogatories and requests for materials regarding the Mondale campaign and the delegate committees should be coordinated with MUR 1667. (We might think about merging issues concerning MPC and the delegate committees with MUR 1667.) Interrogatories and requests for materials should be sent to the unions and their committees to determine the degree of coordination of union efforts with the delegate committees and MPC and to identify any coordinated decisions among the unions and their pac's as to the making of contributions to the delegate committees.

STATEMENT OF TRACK DESIGNATION

This should be a Track III MUR.

TGW

Comment Sheet

12 Day Report

MUR # 1904

Staff Member Mims

Date ~~5/28/84~~ 5/29/84

Time of Transmittal 8:30

Expiration of 72-hour Comment Period: 6/1/84

Comments:

8 5 0 4 0 5 0 3 5 4 9

approve ✓

object

no comment

initials

conference date/time

aggregated with each other against a single contribution limit of $5,000. 2 U.S.C. §§ 437g(d), 441a(a), 441a(b), 441a(f) and 441b. Other possible violations include the failure of some delegate committees to report the receipt of contributions from the PAC's (2 U.S.C. § 434(b)).

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STATEMENT OF TRACK DESIGNATION

This should be a Track III MUR.

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12 DAY REPORT
May 24, 1984

MUR # 1704
Staff Mims
Date Assigned to Staff 5/21/84

SOURCE OF MUR: National Right to Work Committee
Ralph Martin Hettinga, Jr.

RESPONDENTS' NAMES: Walter F. Mondale
Mondale for President Committee, Inc.
AFL-CIO COPE Political Contributions Committee
AFSCME Public Employees Organization to Promote Legislative Equality-Qualified
American Federation of Teachers COPE
United Food and Commercial Workers Active Ballot Club
International Union of Bricklayers and Allied Craftsmen PAC
Carpenters Legislative Improvement Committee
Ironworkers Political Action League
Machinists Non-Partisan Political League
Amalgamated Clothing and Textile Workers Union PAC
CWA-COPE, PCC
Service Employees International Union COPE PCC
UAW-V-CAP
United Mine Workers of America Coal Miners PAC
The Sponsoring Unions of the above-mentioned committees
The Mondale Delegate Committees

RELEVANT STATUTES: 2 U.S.C. §§ 434(b), 437g(d), 441a(a), 441a(b) 441a(f) and 441b.

INTERNAL REPORTS CHECKED: Delegate committee reports filed as of April 25, 1984; reports filed by the Mondale for President Committee, Inc., January 1 through March 31, 1984.

FEDERAL AGENCIES CHECKED: None

STATEMENT OF THE CASE

Complainants, National Right to Work Committee, (NRWC) and Ralph Martin Hettinga, Jr., allege that the respondent union

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political action committees (the PAC's) knowingly violated the Act by making contributions to the Mondale delegate committees (the delegate committees) which are affiliates of the Mondale for President Committee, Inc. (MPC); that MPC knowingly violated the Act through acceptance of prohibited and excessive contributions by the delegate committees, and that the delegate committees knowingly violated the Act by accepting prohibited and excessive contributions.

Complainants contend that MPC established the committees and provide evidence similar to that presented in MUR 1667. Additional testimonial evidence of MPC's efforts to establish, finance, maintain and control the committees is supplied by private investigators who, while performing various services to the delegate committees, observed MPC personnel at various committee offices coordinating efforts of the delegate committee personnel. These investigators have also supplied evidence of other assistance provided by the unions in preparing, publishing and distributing delegate committee materials, as well as evidence that the union's were providing phone banks to the delegate committees. Complainants also suggest that because many of the delegate committees were substantially funded by the union PAC's, this evidence supports the contention that the PAC's have become affiliated with the delegate committees and MPC. Evidence is supplied that raises the possibility that the PAC's are affiliated with each other, thus, all contributions by the PAC's should be

8 5 0 4 0 5 0 3 5 5 2

aggregated with each other against a single contribution limit of $5,000. 2 U.S.C. §§ 437g(d), 441a(a), 441a(b), 441a(f) and 441b. Other possible violations include the failure of some delegate committees to report the receipt of contributions from the PAC's (2 U.S.C. § 434(b)).

STATEMENT OF PRELIMINARY DISCOVERY PLAN

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STATEMENT OF TRACK DESIGNATION

This should be a Track III MUR.

8 5 0 4 0 5 0 3 5 5 3

Dropped

Comment Sheet

12 Day Report

MUR # 1704

Staff Member Mims

Date ~~[illegible]~~ 5/29/84

Time of Transmittal 8:30

Expiration of 72-hour Comment Period: 6/1/84

Comments:

8504050355

approve why not

object _____ conference date/time _____

no comment _____

initials _____

12 DAY REPORT
May 24, 1984

MUR # 1704
Staff Mims
Date Assigned to Staff 5/21/84

SOURCE OF MUR: National Right to Work Committee
Ralph Martin Hettinga, Jr.

RESPONDENTS' NAMES: Walter F. Mondale
Mondale for President Committee, Inc.
AFL-CIO COPE Political Contributions Committee
AFSCME Public Employees Organization to Promote Legislative Equality-Qualified
American Federation of Teachers COPE
United Food and Commercial Workers Active Ballot Club
International Union of Bricklayers and Allied Craftsmen PAC
Carpenters Legislative Improvement Committee
Ironworkers Political Action League
Machinists Non-Partisan Political League
Amalgamated Clothing and Textile Workers Union PAC
CWA-COPE, PCC
Service Employees International Union COPE PCC
UAW-V-CAP
United Mine Workers of America Coal Miners PAC
The Sponsoring Unions of the above-mentioned committees
The Mondale Delegate Committees

RELEVANT STATUTES: 2 U.S.C. §§ 434(b), 437g(d), 441a(a), 441a(b) 441a(f) and 441b.

INTERNAL REPORTS CHECKED: Delegate committee reports filed as of April 25, 1984; reports filed by the Mondale for President Committee, Inc., January 1 through March 31, 1984.

FEDERAL AGENCIES CHECKED: None

STATEMENT OF THE CASE

Complainants, National Right to Work Committee, (NRWC) and Ralph Martin Hettinga, Jr., allege that the respondent union

8504050355

political action committees (the PAC's) knowingly violated the Act by making contributions to the Mondale delegate committees (the delegate committees) which are affiliates of the Mondale for President Committee, Inc. (MPC); that MPC knowingly violated the Act through acceptance of prohibited and excessive contributions by the delegate committees, and that the delegate committees knowingly violated the Act by accepting prohibited and excessive contributions.

Complainants contend that MPC established the committees and provide evidence similar to that presented in MUR 1667. Additional testimonial evidence of MPC's efforts to establish, finance, maintain and control the committees is supplied by private investigators who, while performing various services to the delegate committees, observed MPC personnel at various committee offices coordinating efforts of the delegate committee personnel. These investigators have also supplied evidence of other assistance provided by the unions in preparing, publishing and distributing delegate committee materials, as well as evidence that the union's were providing phone banks to the delegate committees. Complainants also suggest that because many of the delegate committees were substantially funded by the union PAC's, this evidence supports the contention that the PAC's have become affiliated with the delegate committees and MPC. Evidence is supplied that raises the possibility that the PAC's are affiliated with each other, thus, all contributions by the PAC's should be

8 5 0 4 0 5 0 3 5 5 6

aggregated with each other against a single contribution limit of $5,000. 2 U.S.C. §§ 437g(d), 441a(a), 441a(b), 441a(f) and 441b. Other possible violations include the failure of some delegate committees to report the receipt of contributions from the PAC's (2 U.S.C. § 434(b)).

STATEMENT OF PRELIMINARY DISCOVERY PLAN

Interrogatories and requests for materials regarding the Mondale campaign and the delegate committees should be coordinated with MUR 1667. (We might think about merging issues concerning MPC and the delegate committees with MUR 1667.) Interrogatories and requests for materials should be sent to the unions and their committees to determine the degree of coordination of union efforts with the delegate committees and MPC and to identify any coordinated decisions among the unions and their pac's as to the making of contributions to the delegate committees.

STATEMENT OF TRACK DESIGNATION

This should be a Track III MUR.

8 5 0 4 0 5 0 3 5 5 7

Gg

Comment Sheet

12 Day Report

MUR # 1704

Staff Member Mims

Date ~~5/25/84~~ 5/29/84

Time of Transmittal 8:30

Expiration of 72-hour Comment Period: 6/1/84

Comments:

8 5 0 4 0 5 0 3 5 5 8

approve ✓

object _____ conference date/time _____

no comment _____

initials Gg

12 DAY REPORT
May 24, 1984

MUR # 1704
Staff Mims
Date Assigned to Staff 5/21/84

SOURCE OF MUR: National Right to Work Committee
Ralph Martin Hettinga, Jr.

RESPONDENTS' NAMES: Walter F. Mondale
Mondale for President Committee, Inc.
AFL-CIO COPE Political Contributions Committee
AFSCME Public Employees Organization to Promote Legislative Equality-Qualified
American Federation of Teachers COPE
United Food and Commercial Workers Active Ballot Club
International Union of Bricklayers and Allied Craftsmen PAC
Carpenters Legislative Improvement Committee
Ironworkers Political Action League
Machinists Non-Partisan Political League
Amalgamated Clothing and Textile Workers Union PAC
CWA-COPE, PCC
Service Employees International Union COPE PCC
UAW-V-CAP
United Mine Workers of America Coal Miners PAC
The Sponsoring Unions of the above-mentioned committees
The Mondale Delegate Committees

RELEVANT STATUTES: 2 U.S.C. §§ 434(b), 437g(d), 441a(a), 441a(b) 441a(f) and 441b.

INTERNAL REPORTS CHECKED: Delegate committee reports filed as of April 25, 1984; reports filed by the Mondale for President Committee, Inc., January 1 through March 31, 1984.

FEDERAL AGENCIES CHECKED: None

STATEMENT OF THE CASE

Complainants, National Right to Work Committee, (NRWC) and Ralph Martin Hettinga, Jr., allege that the respondent union

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political action committees (the PAC's) knowingly violated the Act by making contributions to the Mondale delegate committees (the delegate committees) which are affiliates of the Mondale for President Committee, Inc. (MPC); that MPC knowingly violated the Act through acceptance of prohibited and excessive contributions by the delegate committees, and that the delegate committees knowingly violated the Act by accepting prohibited and excessive contributions.

Complainants contend that MPC established the committees and provide evidence similar to that presented in MUR 1667. Additional testimonial evidence of MPC's efforts to establish, finance, maintain and control the committees is supplied by private investigators who, while performing various services to the delegate committees, observed MPC personnel at various committee offices coordinating efforts of the delegate committee personnel. These investigators have also supplied evidence of other assistance provided by the unions in preparing, publishing and distributing delegate committee materials, as well as evidence that the union's were providing phone banks to the delegate committees. Complainants also suggest that because many of the delegate committees were substantially funded by the union PAC's, this evidence supports the contention that the PAC's have become affiliated with the delegate committees and MPC. Evidence is supplied that raises the possibility that the PAC's are affiliated with each other, thus, all contributions by the PAC's should be

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aggregated with each other against a single contribution limit of $5,000. 2 U.S.C. §§ 437g(d), 441a(a), 441a(b), 441a(f) and 441b. Other possible violations include the failure of some delegate committees to report the receipt of contributions from the PAC's (2 U.S.C. § 434(b)).

STATEMENT OF PRELIMINARY DISCOVERY PLAN

Interrogatories and requests for materials regarding the Mondale campaign and the delegate committees should be coordinated with MUR 1667. (We might think about merging issues concerning MPC and the delegate committees with MUR 1667.) Interrogatories and requests for materials should be sent to the unions and their committees to determine the degree of coordination of union efforts with the delegate committees and MPC and to identify any coordinated decisions among the unions and their pac's as to the making of contributions to the delegate committees.

STATEMENT OF TRACK DESIGNATION

This should be a Track III MUR.

8504050356 1

Comment Sheet

12 Day Report

MUR # 1704

Staff Member Mims

Date ~~5/28/84~~ 5/29/84

Time of Transmittal 8:30

Expiration of 72-hour Comment Period: 6/1/84

Comments:

8504050356

approve _____

object _____ conference date/time _____

no comment _____

initials _____

12 DAY REPORT
May 24, 1984

MUR # 1704
Staff Mims
Date Assigned to Staff 5/21/84

SOURCE OF MUR: National Right to Work Committee
Ralph Martin Hettinga, Jr.

RESPONDENTS' NAMES: Walter F. Mondale
Mondale for President Committee, Inc.
AFL-CIO COPE Political Contributions Committee
AFSCME Public Employees Organization to Promote Legislative Equality-Qualified
American Federation of Teachers COPE
United Food and Commercial Workers Active Ballot Club
International Union of Bricklayers and Allied Craftsmen PAC
Carpenters Legislative Improvement Committee
Ironworkers Political Action League
Machinists Non-Partisan Political League
Amalgamated Clothing and Textile Workers Union PAC
CWA-COPE, PCC
Service Employees International Union COPE PCC
UAW-V-CAP
United Mine Workers of America Coal Miners PAC
The Sponsoring Unions of the above-mentioned committees
The Mondale Delegate Committees

RELEVANT STATUTES: 2 U.S.C. §§ 434(b), 437g(d), 441a(a), 441a(b) 441a(f) and 441b.

INTERNAL REPORTS CHECKED: Delegate committee reports filed as of April 25, 1984; reports filed by the Mondale for President Committee, Inc., January 1 through March 31, 1984.

FEDERAL AGENCIES CHECKED: None

STATEMENT OF THE CASE

Complainants, National Right to Work Committee, (NRWC) and Ralph Martin Hettinga, Jr., allege that the respondent union

8504050353

political action committees (the PAC's) knowingly violated the Act by making contributions to the Mondale delegate committees (the delegate committees) which are affiliates of the Mondale for President Committee, Inc. (MPC); that MPC knowingly violated the Act through acceptance of prohibited and excessive contributions by the delegate committees, and that the delegate committees knowingly violated the Act by accepting prohibited and excessive contributions.

Complainants contend that MPC established the committees and provide evidence similar to that presented in MUR 1667. Additional testimonial evidence of MPC's efforts to establish, finance, maintain and control the committees is supplied by private investigators who, while performing various services to the delegate committees, observed MPC personnel at various committee offices coordinating efforts of the delegate committee personnel. These investigators have also supplied evidence of other assistance provided by the unions in preparing, publishing and distributing delegate committee materials, as well as evidence that the union's were providing phone banks to the delegate committees. Complainants also suggest that because many of the delegate committees were substantially funded by the union PAC's, this evidence supports the contention that the PAC's have become affiliated with the delegate committees and MPC. Evidence is supplied that raises the possibility that the PAC's are affiliated with each other, thus, all contributions by the PAC's should be

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aggregated with each other against a single contribution limit of $5,000. 2 U.S.C. §§ 437g(d), 441a(a), 441a(b), 441a(f) and 441b. Other possible violations include the failure of some delegate committees to report the receipt of contributions from the PAC's (2 U.S.C. § 434(b)).

STATEMENT OF PRELIMINARY DISCOVERY PLAN

Interrogatories and requests for materials regarding the Mondale campaign and the delegate committees should be coordinated with MUR 1667. (We might think about merging issues concerning MPC and the delegate committees with MUR 1667.) Interrogatories and requests for materials should be sent to the unions and their committees to determine the degree of coordination of union efforts with the delegate committees and MPC and to identify any coordinated decisions among the unions and their pac's as to the making of contributions to the delegate committees.

STATEMENT OF TRACK DESIGNATION

This should be a Track III MUR.

8 5 0 4 0 5 0 3 5 6 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Official Business
Penalty for Private Use $300

Postage and Fees Paid
Federal Election Commission

Alan V. Reuther
Assistant General Counsel
International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America - UAW
1757 K Street, N.W.
Washington, D.C. 20036

MOVED

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: S. Hins/Lenor

FROM: Barbara A. Johnson
Docket Clerk

SUBJECT: Returned Letter

DATE: 6/28/84

The following letter MUR 1704 was returned. Please write a memo to the file and advise on what to do. If you wish to resend the letter, please have the envelope(s) and green card(s) made.

Thanks

8 5 0 4 0 5 0 3 5 6 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Official Business
Penalty for Private Use $300

Postage and Fees Paid
Federal Election Commission

Alan V. Reuther
Assistant General Counsel
International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America - UAW
1757 K Street, N.W.
Washington, D.C. 20036

MOVED
NOT
FORWARDABLE

8504050356 7

8 5 0 4 0 5 0 3 5 6 8

CERTIFIED

RETURN TO SENDER

MOVED
LEFT NO ADDRESS

(315) 478-2506

John E. McAuliffe, Treasurer
27th Congressional District
Delegates For Mondale
236 Erie Boulevard East
Syracuse, NY 13202

LN 0 Ohm 0207

943909

CERTIFIED

Re-mail
To Kate Rosenwald
SR 800
LN 11 N Bu
Syracuse, NY 13202

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 19, 1984

SUBJECT: MUR 1704 - Memorandum to The Commission

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

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[x]
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	[X]	Other (see distribution below)	[ ]

SENSITIVE

CIRCULATE ON PINK PAPER

24 HOUR TALLY VOTE

8504050357 0

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
THE
SECRETARY

84 JUN 14 AM 10:08

Date and Time Transmitted: THURSDAY, 6-14-84, 9:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY FRIDAY, JUNE 15, 1984, 9:00

SUBJECT: MUR 1704 - LETTER FROM THE PENNSYLVANIA 18th CONGRESSIONAL DISTRICT DELEGATES FOR MONDALE - MEMORANDUM TO THE COMMISSION dated June 13, 1984

(X) I approve the recommendation

( ) I object to the recommendation

COMMENTS: (I don't know how we agree or disagree with no recommendation. I approve the letter)

Date: 6-14-84 Signature: Lee Ann Elliott

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

8504050357 1

SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84 JUN 14 A 9: 07

Date and Time Transmitted: THURSDAY, 6-14-84, 9:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY FRIDAY, JUNE 15, 1984, 9:00

SUBJECT: MUR 1704 - LETTER FROM THE PENNSYLVANIA 18th CONGRESSIONAL DISTRICT DELEGATES FOR MONDALE - MEMORANDUM TO THE COMMISSION dated June 13, 1984

( ) I approve the recommendation

( ) I object to the recommendation

COMMENTS: Acknowledge receipt of this information. There is no need to vote in view of the absence of any recommendation.

Date: 6/14/84 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

8504050357 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 13, 1984

SUBJECT: MUR 1704 - Memo to COMM (Ltr. fr PA 18th ...)

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

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[XX]
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	[x]	Other (see distribution below)	[ ]

24 Hr Tally Vote - Sensitive

on PINK paper

8504050357 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Sarah Fox, Esquire
International Union of Bricklayers
and Allied Craftsmen
815 - 15th Street, N.W.
Washington, D.C. 20005

Re: MUR 1704
International Union of Bricklayers
and Allied Craftsmen
Union Bricklayers and Allied
Craftsmen PAC
Edward M. Bellucci, treasurer

Dear Ms. Fox:

This responds to your letter of June 6, 1984, wherein you requested an extension of time to file a response to the complaint in the above-captioned matter. The Commission, on June , 1984, considered your request and voted not to grant an extension of time.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

8504050357 6

SMM
6/15/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joan Ruby, Esquire
Amalgamated Clothing and Textile
Workers Union
15 Union Square
New York, New York

Re: MUR 1704
Amalgamated Clothing and Textile
Workers Union
Amalgamated Clothing and Textile
Workers Union-PAC
John Fox, treasurer

Dear Ms. Ruby:

This responds to your letter of June 5, 1984, wherein you requested an extension of time to file a response to the complaint in the above-captioned matter. The Commission, on June , 1984, considered your request and voted not to grant an extension of time.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at (202)523-4143.

Sincerely,

Charles N. Steele
General Counsel

8504050357 7

PMM
6/15/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph P. Manners, General Counsel
International Union, Machinists and
Aerospace Workers
1300 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1704
International Union, Machinists and
Aerospace Workers
Machinists Non-Partisan Political
League
Eugene Glover, treasurer

Dear Mr. Manners:

This responds to your letter of June 6, 1984, wherein you requested an extension of time to file a response to the complaint in the above-captioned matter. The Commission, on June , 1984, considered your request and voted not to grant an extension of time.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

8504050357 8

SM
6/5/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 13, 1984

SUBJECT: MUR 1704 - Memo to COMM (Ext of time:IUBAC etc.)

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[x]
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 (see distribution below)	[ ]
Other	[x]		
24 Hour Tally - Sensitive			
on PINK paper			

8504050357 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lester Asher, Esquire
Asher, Pavalon, Gitler
Greenfield and Segall, LTD.
2 North LaSalle Street
Chicago, Illinois 60602

Re: MUR 1704
Service Employees International Union
Service Employees International
Union COPE PCC
Richard Cordtz, treasurer

Dear Mr. Asher:

This responds to your letter of June 8, 1984, wherein you requested an extension of time to file a response to the complaint in the above-captioned matter. The Commission, on June , 1984, considered your request and voted not to grant an extension of time.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

8504050358 1

CNM 6/15/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 14, 1984

SUBJECT: MUR 1704 - Memo to COMM (Ext.-Serv.Empl. Internatl. Union, etc.)

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[x]
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	[x]	Other (see distribution below)	[ ]
24 Hr Tally - Sensitive			
on PINK paper			

8504050358 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 14, 1984

SUBJECT: MUR 1704 (Errata) - Memo to COMM (Ext-Mondale/Berman)

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

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

On Pink Paper

24 hr tally - Sensitive

8504050358 5

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date and Time Transmitted: THURSDAY, 6-14-84, 1:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY FRIDAY, JUNE 15, 1984, 1:00

SUBJECT: MUR 1704 - REQUEST FOR EXTENSION OF TIME: MONDALE FOR PRESIDENT, INC., MICHAEL S. BERMAN, AS TREASURER - MEMORANDUM TO THE COMMISSION dated June 14, 1984

RECEIVED BY THE COMMISSION SECRETARY 84 JUN 14 P4:4

( ) I approve the recommendation

( ) I object to the recommendation

COMMENTS: No vote. SET 6/14/84 (Commissioner Harris authorized me to approve the recommendation set forth in the "Errata" memo dated June 14 and transmitted under a separate tally sheet.)

Date: _____ Signature: _____

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

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ECD

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date and Time Transmitted: THURSDAY, 6-14-84, 1:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY FRIDAY, JUNE 15, 1984, 1:00

84 JUN 14 4:46

RECEIVED OFFICE OF THE COMMISSION SECRETARY

SUBJECT: MUR 1704 - REQUEST FOR EXTENSION OF TIME: MONDALE FOR PRESIDENT, INC., MICHAEL S. BERMAN, AS TREASURER - MEMORANDUM TO THE COMMISSION dated June 14, 1984

8 5 0 4 0 5 0 3 5 8 7

( ) I approve the recommendation

DOR (✓) I object to the recommendation

COMMENTS: Why give 15 days when THEY clearly state 5 days would be sufficient. Please see my approval of Errata.

Date: 6/14/84 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 14, 1984

SUBJECT: MUR 1704 - Memo to COMM (Ext. Mondale/Berman)

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[x]
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)	[ ]

24 Hr. Tally - Sensitive

on PINK paper

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
AFL-CIO
815 - 16th Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
AFL-CIO
AFL-CIO COPE/PCC
Thomas R. Donahue, as treasurer

Dear Ms. McCormick:

On June 14, 1984, the Commission reconsidered your request for an extension of time in which to respond to the complaint in the above-captioned matter and voted to approve an extension of six days. Your response is now due on June 21, 1984.

If you have any questions, direct them to Stephen Mims, the attorney handling this matter, at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

NL/6/15/84.

9504050359 0

SENSITIVE

RECEIVED
OFFICE OF THE SECRETARY
COMMISSION

FEDERAL ELECTION COMMISSION

84 JUN 13 P 2:19

Date and Time Transmitted: WEDNESDAY, 6-13-84, 11:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY THURSDAY, JUNE 14, 1984, 11:00

SUBJECT: MUR 1704 - REQUEST FOR RECONSIDERATION OF REQUEST FOR EXTENSION OF TIME - MEMORANDUM TO THE COMMISSION dated June 13, 1984

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: There is nothing in this request that suggests the Commission should accord it special consideration. In point of fact, we have already denied at least one similar request. My objection is for the record.

Date: 6/13/84 Signature: Frank P. Reiche

A DEFINITIVE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

from the Office of the Commission Secretary

8504050359 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 13, 1984

SUBJECT: MUR 1704 - Memo to COMM

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

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[x]
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	[x]	Other (see distribution below)	[ ]
24 Hour Tally Vote			
Sensitive (on PINK paper)			

9504050359 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters and Willig
Suite 800
1100 - 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
AFSCME
AFSCME-PEOPLE-Qualified
William Lucy

Dear Mr. Weinberg:

This responds to you letter of June 6, 1984, wherein you requested an extension of time in which to submit a response to the complaint in the above-captioned matter. The Commission, on June , 1984, considered your request and voted to grant an extension of five days. Your response should, therefore, be filed by June 21, 1984.

LJZ 6/12

Should you have any questions, please contact Stephen Mims, the attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

8504050359 4

KOD

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

Date and Time Transmitted: FRIDAY, 6-8-84, 2:00

COMMISSIONER: McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO COMMISSION SECRETARY BY MONDAY, JUNE 11, 1984, 2:00

SUBJECT: MUR 1704 - REQUEST FOR EXTENSION OF TIME - MEMORANDUM TO THE COMMISSION dated June 8, 1984

84 JUN 8 P4:

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: One of the primary reasons for requesting an extension (attorneys to be absent) is not helped by a 5 day extension.

Date: 6/8/84 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN THE DATE AND TIME SHOWN ABOVE.

From the Office of the Commission Secretary

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 8, 1984

SUBJECT: MUR 1704 - Memorandum to The Commission
(Re: Request for Extension of Time)

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

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
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	[x]	Other (see distribution below)	[ ]

SENSITIVE

CIRCULATE ON PINK PAPER

24 HOUR TALLY VOTE

9 5 0 4 0 5 0 3 5 9 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Alan V. Reuther
Assistant General Counsel
International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America - UAW
1757 K Street, N.W.
Washington, D.C. 20036

Re: MUR 1704
International Union, United
Automobile, Aerospace and
Agricultural Implement Workers
of America - UAW
UAW-V-CAP
Donald J. Moll, Treasurer

Dear Mr. Reuther:

This responds to your letter of June 7, 1984, wherein you requested an extension of time to respond to the complaint in the above-captioned matter. The Commission has considered your request and, on June 12, 1984, voted not to grant an extension of time.

6/12/84

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Kathy L. Krieger, Esquire
United Brotherhood of Carpenters
and Joiners of America
101 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: MUR 1704
United Brotherhood of Carpenters
and Joiners of America
Carpenters Legislative Improvement
League
Patrick J. Campbell, Treasurer

Dear Ms. Krieger:

This responds to your letter of June 5, 1984, wherein you requested an extension of time to respond to the complaint in the above-captioned matter. The Commission has considered your request and, on June 12, 1984, voted not to grant an extension of time.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at 523-4143.

Sincerely,

6/12/84

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Edward P. Wendel
Assistant General Counsel
United Food and Commercial Workers
International Union
1775 K Street, N.W.
Washington, D.C. 20006

Re: MUR 1704
United Food and Commercial Workers
International Union
United Food and Commercial Workers
Active Ballot Club
Anthony J. Lutty, Treasurer

Dear Mr. Wendel:

This responds to your letter of June 7, 1984, wherein you requested an extension of time to respond to the complaint in the above-captioned matter. The Commission has considered your request and, on June 12, 1984, voted not to grant an extension of time.

LBY 6/12/84

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 8, 1984

SUBJECT: MUR 1704 - Memo to COMM

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

Open Session _____

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

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Mondale for President
2301 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1980

6CC4181

MONDALE

AM: 25

July 30, 1984

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

Re: MURS 1702, 1703 and 1704

Dear Mr. Steele:

On June 25, 1984, the Mondale for President Committee, Inc. (MPC) asked the Commission to reject the complaints in MURS 1702, 1703 and 1704, because of complainant's unscrupulous, unlawful infiltration of and spying on the Mondale campaign. In the cover letter submitting this request, MPC asked the Commission to withhold further determination on these three matters until the tapes or transcripts of certain television interviews with an NRWC "spy" could be viewed. This has now been done and this further submission provides the results of this review.

MPC requested that the television station involved, WMAQ-TV, Channel 5, Chicago, Illinois, provide either the spy tapes, or transcripts of those tapes, to MPC so the tapes or transcripts could be forwarded to the Commission. The television station declined to do this, but did allow an MPC volunteer lawyer to view the tapes and make notes. This attorney has prepared an affidavit setting forth the contents of the

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Paid for by Mondale for President, Inc.

Commission need not provide a respondent the opportunity to answer a complaint if, prior to a "reason to believe" investigation, it votes to dismiss the complaint. See also 11 C.F.R. § 111.6(b).

Surely, dismissal here is appropriate where the NRWC has used illegal, unscrupulous means to attempt to defeat Walter Mondale and attack organized labor, but nonetheless seeks the Commission's acquiescence -- indeed, its cooperation -- in this reprehensible scheme. Any other action by the Commission, besides dismissal, inevitably would encourage unlawful vigilante election activities, a result the Commission obviously should avoid. The Commission should dismiss NRWC's complaints in MURS 1702, 1703, and 1704.

Sincerely,

David M. Ifshin

David M. Ifshin
General Counsel

Carolyn U. Oliphant JHL

Carolyn U. Oliphant
Deputy General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Henry E. Howell
Howell, Daugherty, Brown and
Lawrence
1 East Plume Street
P.O. Box 3688
Norfolk, Virginia 23514

Re: MUR 1704
Mondale 2nd C.D. Delegate
Recruitment Committee
Pauline Davis, treasurer

7/3

Dear Mr. Howell:

This responds to your letter of June 26, 1984, wherein you requested an extension of time to file a response to the complaint in the above-captioned matter. The Commission on , 1984, considered your request and voted not to grant an extension of time. The response remains due on the July 9, 1984.

Please be advised that absent a designation of counsel form naming you as counsel, the Commission cannot communicate further with you with regard to this matter. See 11 C.F.R. § 111.23. If you intend to represent the Mondale 2nd C.D. Delegate Committee and Ms. Davis, as treasurer, please have the enclosed Designation of Counsel form completed.

If you have any questions, please contact Stephen Mims, the attorney assigned to this matter at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

cc: Pauline Davis

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: July 2, 1984

SUBJECT: MUR 1667/1704 - Memorandum to The Commission
(Req for exten - 27th Cong Dist Dele.)

The attached is submitted as an Agenda document

for the Commission Meeting of _____

Open Session _____

Closed Session _____

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

24 HOUR TALLY VOTE

SENSITIVE

CIRCULATE ON PINK PAPER

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Mondale for President
[illegible] Wisconsin Avenue, N.W.
Washington, D.C. [illegible]
Telephone: [illegible]

MONDALE

June 25, 1984

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

RE: MURS 1702, 1703 and 1704

Dear Mr. Steele:

Enclosed is the response of Mondale for President Committee, Inc. ("MPC") to MUR 1704. Also enclosed is a letter relating to MURS 1702, 1703 and 1704 which urges the Commission to strike all three complaints without further consideration, because of the unscrupulous and unlawful activities engaged in by the complainant, NRWC.

As reflected in the attached memorandum, the reprehensible activities of NRWC in obtaining the information in these complaints went substantially beyond the false pretenses reflected in the affidavits. "Investigators" hired by NRWC obtained unauthorized access to confidential campaign documents and records and even sought the complicity of a TV station in obtaining additional confidential records which are not publicly available.

MPC has requested copies of the tapes or transcripts of the TV interviews with the NRWC "spy" noted in the attachment, but we have not yet received them. MPC believes that these tapes are critical to the Commission's consideration of these matters. For this reason, MPC urges the Commission not to make any determination in these matters until such time as the tapes or transcripts can be reviewed. We believe that review of these materials will materially aid the Commission in reaching a proper final resolution of these matters. MPC will forward them to the Commission immediately upon receipt.

Paid for by Mondale for President, Inc.

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Thank you for your consideration of this matter.

Sincerely,

David M. Ifshin
General Counsel

Carolyn H. Oliphant
Carolyn U. Oliphant
Deputy General Counsel

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MEMORANDUM

Attachment 1

March 27, 1984

TO: ALL STATE DIRECTORS
FROM: JIM MARGOLIS, ILLINOIS DIRECTOR
RE: "RIGHT TO WORK" INFILTRATION OF MONDALE CAMPAIGN

During th final few weeks of the Illinois campaign, the NBC affiliate in Chicago was approached by Paul Kreger, a man claiming to be a "spy" in the Mondale organization.

According to NBC, Kreger--a private detective from Virginia--entered the campaign to try to uncover illegal linkages between our campaign and organized labor. The National Right to Work Committee acknowledges that it is spending "six figures" to demonstrate that illegal activities are occuring between the two organizations. The NRW will not confirm or deny that Kreger works for them, however, they do say over twelve "operatives" have been hired for this project. Presumably, the effort was not limited to Illinois alone.

Kreger told NBC that while volunteering for the campaign, he had managed to gain access to files, desks, computer records and financial information. When his review found nothing of substance, he approached NBC with the following proposal: if the station would assist him with getting confidential phone records, he would give them the exclusive story on what was found. NBC instead made his infiltration their story.

If Kreger in fact went through files, computer records, desks and tried to secure phone tapes, it is they, not the Mondale campaign, which was engaged in illegal activities. However, you should be aware that other individuals have very probably entered the campaign on a "volunteer" basis and may be sifting through your records, listening to your conversations or examining your data base.

If you have any questions, please contact me through McWilliams.

Hey, and be careful out there!

for President
Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1900

MONDALE

June 25, 1984

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

RE: MURs 1702, 1703, 1704 - Motion to Strike

Dear Mr. Steele:

This letter is submitted by the Mondale for President Committee, Inc. ("MPC") in reference to the complaints filed by the National Right to Work Committee ("NRWC") and Ralph Martin (Bud) Hettinga in MURs 1702, 1703, and 1704 ("the complaints"). MPC's responses to the allegations in these complaints are due on July 2, June 29, and June 25, respectively. In these responses, MPC will urge the Commission to dismiss the complaints because there are no facts alleged which provide reason to believe that a violation of the Federal Election Campaign Act ("the Act") has occurred.

MPC believes that there are serious threshold issues concerning these complaints which the Commission must consider before reaching the merits of their allegations. This letter, therefore, constitutes a motion to strike the complaints because they are the product of unlawful conduct which should not be sanctioned by the Commission. NRWC's unlawful conduct was planned early this year, when it publicly announced that it was undertaking an extensive effort to infiltrate and spy on the

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Paid for by Mondale for President, Inc.

Mondale campaign and Mondale supporters through the use of paid private investigators. Judging from these complaints, NRWC has been true to its word. NRWC now seeks to invoke the Commission's jurisdiction based on information gathered by these paid infiltrators.

There are two compelling reasons why the Commission should refuse to consider these complaints. First, the complaints are based on information gained by a deliberate campaign to infiltrate and obtain information from MPC under false pretenses. Strong public policy considerations compel dismissal of complaints based on such reprehensible actions. Second, NRWC's scheme is, by its own public admission, continuing. There is substantial danger that failure by the Commission to reject the complaints will be interpreted by the NRWC, and by other organizations which might engage in similar dirty tricks, as a general green light to infiltrate opposition candidates and committees. This is directly contrary to the purposes for which the FECA was enacted -- that is, to prevent such campaign dirty tricks and ensure a fair and open political system. Perhaps even more serious, Commission consideration of the complaints could be interpreted as a specific approval of NRWC's plans to engage in continuing illegal activities. As a result, the Commission itself may be condoning whatever additional violations of law and constitutional rights could occur.

In order to avoid these potential consequences, MPC believes that there are only two courses available to the Commission: to refuse to consider these complaints or to refuse to consider any evidence or allegations based upon the "investigations" by the

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NRWC "private investigators".

Background

On February 15, 1984, a spokesman for the NRWC announced at a press conference that the organization intended to hire private detectives to infiltrate the Mondale campaign and various labor organizations which endorsed Mr. Mondale's candidacy. On May 18, 1984, the day the complaints were filed with the Commission, the head of NRWC boasted that his organization thus far had spent $75,000 and expected to spend another $25,000 toward its goal of infiltrating and disrupting Mondale campaign efforts. See Washington Post, May 19, 1984, p. A6. From the complaints alone it is apparent that NRWC hired at least six private investigators from Virginia and Illinois to infiltrate the Mondale campaign in Illinois. These private investigators spied on MPC and on union facilities and falsely represented themselves to be Mondale volunteers during the weeks immediately preceding the Illinois primary. Acting as volunteers, they eavesdropped on confidential conversations and improperly discarded and confiscated campaign literature, as evidenced by their own affidavits. Additional investigators were hired to spy upon the campaign in Pennsylvania as well.

The chilling effect of the NRWC's tactics on the Mondale campaign and its supporters has been considerable. When MPC staff members in Illinois learned that an NRWC spy had admitted to a television news reporter that he had gained access to confidential files, desks, computer records, and financial information of

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the Mondale campaign,1/ staff members immediately took steps to reduce or eliminate volunteer input. Prospective volunteers were viewed with suspicion, and in some places, volunteers who were not known to the campaign were simply turned away for fear that they were NRWC infiltrators. Like any other campaign, MPC could not afford to have its political strategies known to or stolen by those publicly opposed to the election of its candidate. According to NRWC's president, as recently as May 18, 1984, NRWC's campaign of infiltration is continuing.

I. THE COMMISSION SHOULD REFUSE TO CONSIDER THESE COMPLAINTS BECAUSE PUBLIC POLICY REQUIRES THAT UNSCRUPULOUS ACTIVITIES SUCH AS THOSE OF NRWC BE DISCOURAGED

The very purposes for which the FEC was created are subverted by the type of actions NRWC has undertaken. MPC urges the Commission to reject these complaints because the Complainants' allegations are based on conduct (e.g., spying, lying, and infiltrating) which is anathema to the purposes of the very statute administered by the FEC. As stated cogently by Rep. Wright during the floor debates on the 1974 Amendments to the FECA:

> One cannot blame the average citizen for being more than a little sickened by the illegal use of spies, burglary, electronic surveillance, fake documents and phony charges against the opposition.

Legislative History of Federal Election Campaign Act Amendments of 1974 at 833. If Complainants' methods are in any way sanctioned, paid infiltrators will believe that they have the

1/ The NBC affiliate in Chicago aired two interviews with this NRWC "spy", Paul Kreeger, who admitted to gaining access to these confidential materials without permission.

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Commission's approval to undermine campaigns at all levels. The day may come when volunteers are shunned rather than welcomed by campaigns.

The underlying public policies of the Federal Election Campaign Act militate against the Commission's consideration of complaints based upon such unlawful and unscrupulous activities. This is not a case where a public spirited citizen inadvertently came across information concerning possible wrongdoing which was then turned over to the government. This was a deliberate, planned and extensive campaign to infiltrate and spy upon a political association. Public outrage over these types of tactics was the driving force behind enactment of the 1974 FECA amendments. Acceptance by the Commission of evidence obtained through an unlawful scheme of infiltration as a basis for an investigation would encourage NRWC and not only chill, but indeed, freeze the freedom of political association guaranteed to MPC.

Courts have routinely observed that the Commission has an extremely sensitive mission, and thus a corresponding obligation to act in a manner that does not interfere with the constitutional rights of a committee or its individual supporters. See FEC v. Florida for Kennedy Cte., 681 F.2d 1281, 1284-85 (11th Cir. 1982); FEC v. Machinists NonPartisan Political League, 655 F.2d 380, 387 (D.C. Cir. 1981); FEC v. Central Long Island Tax Reform Immediately Cte., 616 F.2d 45, 54-55 (2d Cir. 1980) (Kaufman, J., concurring); see also Jones v. Unknown Agents of FEC, 613 F.2d 864, 874-877 (D.C. Cir. 1979). Initiating a Commission investigation based on NRWC's contemptuous tactics would

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directly conflict with the public policies underlying the Federal Election Campaign Act and the FEC's mission.

NRWC's actions are not only unscrupulous but also unlawful. Because the NRWC is a corporation2/, it may not use corporate treasury funds in connection with a federal election. 2 U.S.C. Section 441b(a); 11 C.F.R. Section 114.2(b). Yet that is precisely what NRWC, by its own admission, has done here. NRWC has paid $75,000 already, and plans to spend $25,000 more, to hire private detectives to perform volunteer work for the Mondale campaign. Even if the work performed by these volunteers had been legitimate -- that is, had a corporation which intended to further Mondale's election paid $75,000 to people to volunteer for the campaign -- such an expenditure would clearly violate the Act.3/ Regardless of whether or not NRWC's "volunteers" were personally committed to Mondale's candidacy, they distributed literature and made telephone calls on the candidate's behalf. NRWC's underlying plan obviously is to influence negatively the election of Mondale by filing complaints and issuing press releases. Thus, NRWC may very well have violated the Act by making corporate expenditures in connection with a federal election. 2 U.S.C. Section 441b(a).

MPC strongly believes that this infiltration is a matter of extreme seriousness. Indeed, MPC believes that the NRWC may have violated other federal statutes enacted to protect individuals

2/ See FEC v. National Right to Work Cte, 103 S. Ct. 552 (1982).

3/ MPC has not yet made a decision as to whether or not to file a complaint with the FEC on this matter.

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and campaigns from this form of activity. See, e.g., 42 U.S.C. Section 1985(3); 18 U.S.C. Section 1961 et seq. (RICO). MPC also believes that various state criminal laws may have been violated. See, e.g., Pennsylvania RICO statute; conspiracy to violate civil rights under the Illinois Elections Code; failure to register in Illinois as a private detective agency.

It would be against public policy for the Commission to consider complaints based upon such flagrant illegal activities. It is indisputable that the Commission has the authority, and should exercise it, to reject such complaints out of hand.

II. THE COMMISSION SHOULD TAKE IMMEDIATE STEPS TO MAKE CLEAR THAT IT DOES NOT SANCTION THE CONTINUING UNLAWFUL ACTIVITIES OF NRWC

The unlawful activities of NRWC -- if sanctioned in any manner by the government -- also pose substantial due process issues. In light of NRWC's announced intention to continue their infiltration, MPC believes that it is essential that the FEC take steps to disassociate itself from the NRWC's continued unlawful activity. Failure to reject this complaint in light of their announced continued wrongdoing could constitute tacit approval or even encouragement which could amount to state action.

The Commission obviously could not -- and would not -- send its employees to infiltrate the Mondale campaign under false pretenses, receive information from these employees, and then prosecute a complaint based strictly on information so gathered. Yet the information that is the basis for the instant complaints is the fruit of just that type of activity.

If the Commission acts on these complaints, it would do so with full knowledge of the continuing effort of NRWC to defraud

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MPC and intimidate its supporters, and of the avowed intention of NRWC to spend corporate funds to do so. See Statement by Reed Larson, President, National Right to Work Committee, May 18, 1984. Exhibit 1. Plainly, given NRWC's public announcement that its infiltration campaign will continue, acceptance of such evidence encourages their continued use of these tactics.

The right to associate freely for political purposes is of paramount importance under the First Amendment. A $100,000 corporate scheme to infiltrate a political campaign is plainly inconsistent with fundamental constitutional protections. The dangers to the political process of such schemes go far beyond the immediate violations of the rights of Mondale supporters. If organizations like NRWC believe that the Commission will give full consideration -- as a legitimate complaint -- to the products of such activities, infiltration and spying may become the rule rather than the exception. Infiltration of a political association, by self-appointed police, solely to see if information might be uncovered which might constitute some form of wrongdoing, serves no valid public purposes. This sort of vigilante activity cannot be tolerated in any context -- and certainly not where freedom of political association is at stake. The Commission must send a strong signal that these sorts of dirty tricks, which are directly contrary to the purposes and spirit of the FECA, will not be tolerated.

MPC respectfully suggests that there are only two ways to send this message: (1) the Commission should reject these three complaints without any further consideration; (2) alternatively,

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and at an absolute minimum, the Commission should strike every affidavit attached to the complaints -- each of which contain information obtained under false pretenses -- and strike the allegations which are based upon them. This would be a less desirable alternative, because anything short of rejection of these complaints will appear to the public as Commission consideration of the complaints and may be construed as a signal to continue such unconscionable activity.

CONCLUSION

For the foregoing reasons, MPC urges the Commission to strike these complaints.

Respectfully submitted,

David M. Ifshin By CUO

David M. Ifshin
General Counsel

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy General Counsel

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Statement by Reed Larson
President, National Right to Work Committee
May 18, 1984

I am here this morning to announce findings of the National Right to Work Committee's investigation into the illegal use of compulsory union dues for political purposes. The investigation, launched three months ago today, is the most extensive probe ever conducted of Big Labor's massive political apparatus. We've had private investigators on the hustings since February. Our findings reveal solid evidence of federal election law violations and documentation of forced-dues politicking -- the illegal use of compulsory union dues for partisan political causes.

Let me say that today's announcement is just the first of several public disclosures of evidence gathered in the Committee's continuing probe of Big Labor's role in the 1984 presidential race.

Today, I will release all that I can. But much of the Committee's evidence must be kept under wraps until further documentation can be gathered. To release all of our findings at this time would jeopardize the continuing investigation. I have no doubt that, given Committee findings, Big Labor politicos and Mondale campaign officials would scramble to doctor their records and thus evade charges of election law violations.

As the investigation continues -- and additional evidence can be released -- we will keep you appraised of our findings.

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As for now, you have before you three complaints prepared by the National Right to Work Committee based on our investigation and ready to be filed with the Federal Election Commission. I will summarize these complaints.

First, it is obvious from our investigation that the Mondale campaign -- working in close coordination with organized labor -- has established and governed the so-called Mondale delegate committees as a back-door outlet for political contributions far beyond the legal limit.

These delegate committees exist primarily to launder Big Labor's political contributions and to circumvent federal spending limits.

Second, we have gathered solid, detailed evidence that the so-called "delegate committees" are, in fact, a sham. It is clear from our evidence that these delegate committees are simply branch offices of the Mondale campaign. They are, therefore, limited by law to receive no more than $5,000 in campaign contributions from Big Labor political action committees.

What's more, we have found that these union PACs -- those named as respondents in the complaints -- are affiliated with each other and, therefore, are limited by law to contributions of no more than $5,000, <u>in the aggregate</u>, to the Mondale campaign and its branch offices -- the so-called delegate committees.

Obviously, these limits have been violated in the extreme.

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To cite just one example of this affiliation, I note an AFL-CIO COPE meeting on March 22, 1984. This meeting, chaired by COPE director John Perkins, was attended by 15-16 union agents.

On or within seven days of that meeting, checks totaling $133,440 in union PAC contributions were issued to Mondale "delegate committees."

In brief, our investigation reveals beyond a doubt that these Mondale delegate committees are so closely affiliated with the Mondale campaign as to be indistinguishable from it. Further, we conclude from the evidence presented that these delegate committees have been established as clearing houses to channel union PAC money into the Mondale campaign and circumvent federal election spending limits.

Two additional FEC complaints -- you have copies -- charge the United Steelworkers union, the AFL-CIO Committee on Political Education and the Amalgamated Clothing and Textile Workers union with other violations of federal election laws.

Specifically, we have documented illegal warehousing and distribution of campaign propaganda and illegal communication with the general public. Compounding these violations, union officials have failed to report certain campaign activity either as independent expenditures or as contributions to Mondale.

Finally, it is important to note that the charges in these complaints are substantiated by evidence gathered by

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the National Right to Work Committee and that these complaints are being filed on behalf of working men and women who are forced, through compulsory union dues, to finance political candidates and causes they oppose.

I remind you also that 1) National Right to Work attorneys were successful in the Supreme Court last month, winning clear restrictions on the use of compulsory union dues for non-bargaining expenditures -- such as politics and that 2) the National Right to Work Committee is the driving force behind legislation now pending in Congress to outlaw the use of forced union dues for all political and ideological purposes.

The National Right to Work Committee is out front on the issue of forced-dues politicking, and we intend to stay there. We are getting results across the board -- from the Supreme Court and Congress to local union halls across the country.

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for President
Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1600

MONDALE

June 25, 1984

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

Re: Mur 1704

This letter constitutes the response of the Mondale for President Committee ("MPC" or the "Committee") to the complaint filed by the National Right to Work Committee ("NRWC") and Ralph Martin (Bud) Hettinga, Jr. (together, the "Complainants") on May 18, 1984. The complaint makes the broad allegation that MPC and the Respondent union political action committees (PACs) have "engaged in a concerted effort to circumvent the contribution limitations established by Congress in the Federal Election Campaign Act." It asks the Commission to find that the delegate committees established by Mondale delegates are affiliated with each other and with MPC, and that the union PACs which contributed to delegate committees are affiliated with each other.

Complainants, however, fail to offer any substantive or credible evidence which would support a finding of affiliation under 11 C.F.R. 100.5(g) or a finding that MPC violated the Federal Election Campaign Act of 1971, as amended (FECA). The so-called "evidence" upon which Complainants rely consists of unsubstantiated newspaper articles and of reports of private investigators who obtained information by fraudulently infiltra-

Paid for by Mondale for President, Inc.

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ting the offices of the Mondale campaign and various delegate committees. In the rare instances where facts, as opposed to "impressions" and "beliefs", are presented, they show permissible activities and do not support Complainants' allegations of wrongdoing or conclusions of affiliation. Such speculative and insubstantial evidence should be entitled to no consideration, especially where the evidence was obtained by unlawful means.

The Commission should find no reason to believe that a violation of the Act or regulations has occurred. The delegate committees were established, financed, maintained and controlled by the delegates who formed those committees. The activities of the delegate committees have been in accordance with the letter and spirit of the Act and the regulations.

The issue of affiliation of the delegate committees with each other and with MPC was raised in MUR 1667. In response to that complaint, MPC's position on the issue of affiliation was set forth in detail. MPC's response pointed out that the complaint in Mur 1667 applied the wrong legal standard in its argument on affiliation and failed to show facts that reflected affiliation. This complaint similarly fails in both respects.

The proper legal standards for determining the question of affiliation and the scope of legitimate, permissible delegate committee activities were set out by MPC in its response to MUR 1667. MPC relies on and incorporates herein its response to that MUR. MPC also incorporates that response as to the factual allegations which were raised in the complaint in MUR 1667 and which are presented again in this complaint to infer affiliation

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between MPC and any delegate committee.

1. The Complaint should be dismissed because the evidence which was gathered under false pretenses has no credibility.

This complaint is the third installment in a vicious and systematic scheme to harass MPC. Complainants have publicly stated that they plan to spend at least $100,000 to hire private investigators to infiltrate MPC and the delegate committees. Complainants' agents in every case have acquired their information through unscrupulous and unlawful activities. They lied about their identities and desire to "volunteer" for the Mondale effort, misrepresenting themselves as supporting Mr. Mondale's candidacy with the intent to defraud and mislead MPC.

The evidence procured in this manner is extremely flimsy. First, affidavits of the private investigators hired by Complainants have no credibility since they gained their information under false pretenses. The statements of investigators who admittedly lied to gain access to information are entitled to no weight as evidence. Second, Complainants' investigators, by failing to provide the last names of many of the people alleged to have been at MPC or delegate committee offices, did not adequately identify individuals mentioned in affidavits.1/ Third, Complainants' investigators reached absolutely ridiculous conclusions based on their unsubstantiated "impressions" and "beliefs".

1/ MPC, in the limited time available, has attempted to identify the individuals mentioned in the complaint where possible. It is impossible, however, for us to wander around Pennsylvania looking e.g., for "Bill...a white man about age 50, about 5'5" tall, rather heavy set, weighing approximately 170 pounds and having salt and pepper hair and a moustache." Attachment C.

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For example, they reached the conclusion that individuals were staff members if they were wearing a gold pin in the shape of Pennsylvania with "Mondale" printed on it and were in a good mood. There is no basis given for this conclusion which is illustrative of the quality of the evidence offered by the affidavits.

2. The Complaint should be dismissed because it does not meet standards established in Commission's policy on complaints based on newspaper articles.

Like MUR 1667, a substantial portion of the evidence presented in this complaint is based on inaccurate and undocumented newspaper articles. On November 15, 1979, the Commission adopted a policy set forth in Commission Memorandum No. 663 (the "policy") concerning the opening of compliance actions on the basis of newspaper accounts. Because Complainants have not submitted reliable, credible affidavits, this complaint must meet the standards established by the Commission in its policy on newspaper articles.

That policy requires a news account to be well-documented, substantial, and to meet all of the requirements of a complaint in order to constitute a sufficient basis for an enforcement action. Policy at 2. Under the regulations, a complaint must set forth a "clear and concise statement of the acts which are alleged to constitute a violation." 11 C.F.R. Section 111.2(b)(2). Where the only statement of facts is that contained in a news report, the Commission noted that an article must be "substantive in its statement of fact." Policy at 3. By contrast, the news accounts upon which this complaint are based are not well-documented or substantial, and do not set forth a sub-

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stantive statement of facts.

In fact, out of eleven so called "news accounts" presented as attachments to the complaint, seven can not even be properly characterized as news articles: six are editorials presenting the conclusions and opinions of their authors, and one is an article which gives the opinions and criticisms of one candidate. These editorial and partisan opinions are clearly insufficient to form the basis of a complaint. The four remaining articles are inaccurate and distort the facts. MPC's response in MUR 1667 explains in detail how instances of legitimate activity were incorrectly reported by the press in a context which insinuated impropriety or illegality. Undocumented accusations and inaccurate factual assertions of the types presented by Complainants are precisely the reasons that the Commission adopted a policy of careful scrutiny of complaints based on newspaper articles. As shown in our response to MUR 1667, a review of the excerpts relied upon by Complainants demonstrates the insufficiency of the complaint.

3. Delegate committees are not affiliated with each other or with MPC.

Complainants' submissions simply fail to establish that either the statutory standard or any of the regulatory indicia of affiliation are present in the relationship between the delegate committees or between MPC and the delegate committees. As shown below, there is no reason to believe that the delegate committees are affiliated with MPC or with each other.

a. Mondale delegate committees were established, financed, maintained and controlled by delegates.

MPC's response in MUR 1667 fully explains the relevant legal criteria for affiliation and demonstrates that MPC and the delegate committees are not affiliated. For a complete discussion of this issue, MPC incorporates its response in MUR 1667, pp. 19-30.

b. The evidence offered in this complaint does not show affiliation.

Despite Complainant's $100,000 investment in private investigators, a substantial portion of the "evidence" in this complaint merely reiterates many of the allegations made in MUR 1667. MPC's response in MUR 1667 answers the following allegations which are made in the instant complaint: provision of legal assistance to delegate committees (MUR 1667 Response, p. 30); establishment of delegate committees (p. 26-28); former MPC field staff and volunteers subsequently volunteering for delegate committees (p. 28); contributions from one delegate committee to another (p. 29); common handwriting and return address on delegate committee reports (p. 29).

In addition to the substantial overlap with MUR 1667, Complainants utilize newspaper reports to make four new allegations. Complainants allege that: (1) Mr. Mondale reacted to criticism of the delegate committees by writing a letter urging them not to accept PAC contributions and that PAC contributions stopped; (2) delegate committees started to "disband" after Mr. Mondale gave "orders" to do so; (3) the head of the Mondale Delegates D.C. Committee "admitted" that the delegate committee "was the principal finance committee for Mondale in the District of Columbia"; and (4) delegate committees "took the place of" MPC in

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Pennsylvania. See NRWC Complaint at 5, 6. At the outset, MPC notes that, even if true, these allegations standing alone would not justify a finding of affiliation among the delegate committees or between MPC and the delegate committees.

The first two allegations listed above concern Mr. Mondale's political communications with the delegate committees. Mr. Mondale, like any other candidate for public office, has the right to ask his loyal supporters to consider his preferences in their plans to support his candidacy. More important, Mr. Mondale could only make requests of his supporters who formed delegate committees.2/ The delegates and their supporters could not be compelled to abide by Mr. Mondale's or MPC's requests. They were free to pursue their own courses of action irrespective of Mr. Mondale's stated preferences.

Finally, Complainants make allegations concerning the Mondale At-Large Delegate Committee in Philadelphia, PA and the Mondale Delegates Committee in Washington, D.C. These allegations are based on press reports of purported statements made by individuals supporting these delegate committees. MPC cannot explain the isolated and possibly out-of-context statements which these supporters may have made to the press or the public. However, delegate committees in Pennsylvania did not "take the place of" MPC in that state. MPC put substantial resources into Pennsylvania, primarily through media and candidate appearances,

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*/ A copy of the telegram asking delegate committees to terminate is attached. Exhibit 1.

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because of the nature of the Pennsylvania primary process. Furthermore, the Mondale Delegates -- D.C. Committee was not the "principal finance committee" for MPC in the District of Columbia. MPC is not even certain what this statement means. The expenditures of the Mondale Delegates -- D.C. Committee were made to further the election of specific Mondale delegates. A reading of the committee's campaign literature makes this perfectly clear. No funds were raised by the D.C. Committee for MPC.

c. Private investigator reports do not provide any facts which would show affiliation.

Complainants assert that the reports of private investigators confirm that MPC "coordinated and controlled" delegate committees. As stated above, these affidavits have little or no credibility because the information contained in them was admittedly obtained under false pretenses. The credibility of the affidavits is further undermined by careful scrutiny. They are replete with inaccuracies and offer no substantiation for Complainant's allegations. Rather, these reports confirm only the predisposed conclusions and conjecture of the private investigators.

Stripped of their insinuations and conclusions, it is obvious that these reports provide no factual support for allegations that delegate committees were established, maintained, controlled, or financed by MPC. In fact, as set forth below, an examination of this so-called "evidence" shows that it fails to support a conclusion of any improper activity on which a legitimate complaint could be based.

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1. Affidavit of Albert J. Brown (Attachment B).

Mr. Brown, allegedly "a private investigator" from Pennsylvania, apparently asked Pennsylvania State Senator Joe Rock how he could "help" the Mondale campaign and was directed to the Mondale At-Large Delegate Committee in Philadelphia. While there on April 9, 10, and 11, he identified three individuals who "seemed" to be supervising activities. The facts presented show that: 1) these individuals wore gold pins in the shape of Pennsylvania with the name "Mondale" imprinted on them; 2) Mr. Brown was told that one individual had taken papers to the 14th floor of the Bellevue Stratford Hotel; 3) one individual commented about "going back to Washington" after the delegate committee office was closed; and 4) two individuals received telephone calls by name.

It is unclear what possible violations of the Act the above listed "facts" are intended to show. The only clue in the affidavits is Mr. Brown's statement that he got the "impression" that one of the individuals he observed at the delegate committee office, Kathy Russell, coordinated activities with MPC offices at the Bellevue Stratford. However, Mr. Brown gives no indication of the factual basis for this impression, other than that she "seemed to receive a number of official calls by name" from unidentified sources, and that she "had 'taken papers up to the suite area.'"

The affidavit infers that those individuals wearing a "gold pin" were MPC staff performing MPC work from the delegate committee headquarters. The affidavit does not explain how Mr. Brown arrived at the conclusion that those wearing a "gold pin" were

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MPC staff. In fact, the pins described in this affidavit were not Mondale staff pins. MPC made expenditures in early 1984 for MPC headquarters staff pins. However, these pins are imprinted with the word "staff" on them and are not in the shape of a map of Pennsylvania. Other than Mr. Brown's "belief" that individuals wearing a "gold pin" were paid versus unpaid workers, no evidence is presented to show that they were being paid at all.

As explained in MPC's response to MUR 1667, some individuals who had been volunteer field workers for MPC subsequently became volunteers for delegate committees and were reimbursed for travel and subsistence. MPC's records indicate that Kathy Russell and Jennifer Collins ("Little Ginny") did, at one time, receive travel and subsistence reimbursements from MPC. However, they received no reimbursements from MPC during the time that Mr. Brown observed them apparently working for a delegate committee. As noted in our previous response, the Commission has never used as an indication of affiliation, the fact that one committee reimbursed the expenses of volunteers formerly reimbursed by another committee. There are no allegations that these individuals were performing anything other than delegate committee work. The man referred to as "Boss Al" in Mr. Brown's affidavit is not sufficiently described for MPC to make any determination as to the identity of this individual.

2. Affidavit of Nicole Chambers/aka Josefina Rivera (Attachment C).

Ms. Chambers/Rivera, identified only as a resident of Philadelphia, was present in a Mondale At-Large Delegate Committee office for two hours on April 9. While there she identified

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four individuals whom she "believed" to be Mondale staff workers. These people were "identified" because:1) three individuals wore a gold pin in the shape of Pennsylvania with the name Mondale imprinted on it; 2) they were in a good mood; 3) they mentioned receiving "Mondale paychecks".

MPC's records indicate that, like the individuals named in Attachment B, an Ann Lewis had, at one time, received travel and subsistence reimbursements from MPC, but was not receiving such payments on April 9. However, the person identified in this affidavit as Ann Lewis does not fit the description of the Ann Lewis who, at one time, worked for MPC. The Ann Lewis who worked at MPC does not fit the age, weight or hair color description of the woman described in the affidavit, nor does the Ann Lewis who at one time worked for MPC wear glasses. Of the remaining individuals mentioned in this affidavit, MPC has no knowledge of who Doris Lassons is and cannot identify "Wanda" or "Bill" from the description given. The conclusion that any identifiable individuals were being paid by MPC while performing delegate committee work is contradicted by MPC records. Additionally, the reported statements by certain individuals described in this affidavit that they had been or would be "<u>invited to go to work</u> for the Mondale campaign" in California contradicts any inference that these individuals were already employed by MPC. Notwithstanding their reported characterization of their paychecks (which, speculatively, could be "Mondale delegate committee" paychecks) and their conclusions about why they had been invited to join the Mondale campaign, MPC's records show that no indivi-

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dual described in this affidavit, or in any of the affidavits was employed or was being reimbursed by MPC at the time that they were performing delegate committee work.

The descriptions of the activities of these individuals do not reveal any activity that is improper. The affidavit states that one individual left a full time job in New York to work "on behalf of" Mondale; another handed out paychecks (source unidentified); another had apparently been working to fill the delegate slate; another was working for pay. None of these acts could be remotely construed as violations.

This affidavit also alleges that the three women described by Ms. Chambers/Rivera stayed at the Bellevue Stratford Hotel and attempts to imply that it was improper for them to stay there because the Stratford also served as the state headquarters for MPC in Pennsylvania. We are at a loss to understand how the allegation that individuals, who volunteered in delegate committee offices, stayed at a particular hotel is relevant to any conceivable violation of the Act.

3. Affidavit of Albert J. Brown (Attachment D).

This affidavit describes certain campaign materials which were in the At-Large Delegate Committee bathroom. From Mr. Brown's description it appears that there was one box which contained an assortment of Mondale literature from around the country. Four of these items apparently were paid for by MPC, one was a poster apparently printed by AFL-CIO COPE and one was paid for by the 2nd Congressional Delegates for Mondale. The final item is a press release.

Complainants infer that the mere presence of such material

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indicates affiliation. Yet they do not allege that 1) the At-Large Committee distributed any of these named materials; 2) MPC paid for delegate committee campaign materials; 3) these materials were not properly reported as expenditures by the appropriate organizations; or 4) the materials themselves in some way violated the Act or the regulations. These materials were not on public display. The only questionable activity here is Mr. Brown's apparent theft of these materials, which may very well have been gathered by a Mondale supporter for his or her own private collection of campaign memorabilia.

4. Affidavit of Nicole Chambers/AKA Josefina Rivera (Attachment E).

This affidavit presents a description of several pieces of campaign literature which Ms. Chambers/Rivera obtained by posing as a volunteer. A delegate committee staff member allegedly gave Ms. Chambers/Rivera the literature as samples of materials which allegedly were to be distributed in Philadelphia later that day. These campaign materials are perfectly proper and legal under the Act. Seven of the nine items were paid for by the At-Large Delegate Committee. One item was paid for by and solicited votes for the 2nd Congressional District Delegates for Mondale which is in the city of Philadelphia. The last item was apparently issued by Pennsylvania AFL-CIO COPE. There is no indication that any of these materials were improperly distributed, carried false disclaimers, or were not properly reported as expenditures.

5. Affidavit of Donald B. Priestly (Attachment F)

In this affidavit, Mr. Priestly, allegedly "an investigator" from Pennsylvania, states that he went to the Upper Darby Demo-

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cratic office. He identifies a Cathy Tutillo as a paid "Mondale staffer" because of the way she "associated" with a Mike Hackman as well as with an unidentified man who came into the office, and because it "seemed" that she was going to Texas after the Pennsylvania election. Mike Hackman, on the other hand, is identified as a "Mondale staff person" because of the way he "associated" with Cathy Tutillo and the "unidentified man" with whom he conversed "rather privately." The affidavit does not explain what is meant by "associating". The unidentified man is "believed" to be a Mondale staffer due to "the manner in which he spoke to Tutillo and Mike Hackman", and because he was treated with deference and he made a phone call from the office. MPC is unable to identify any of these people.

Similarly, Complainants would have the Commission infer improper collaboration between MCP and the unions based on the "evidence" that a man named Randy came to the office and the president of the Delaware County, PA AFL-CIO is also named Randy. MPC has no idea who any of these people are.

The evidence here is clearly of the lowest form. This affidavit is based entirely on innuendo, and insinuation. It contains no substance whatsoever, nor does it allege any violations of the Act.

6. Affidavit of James P. Carino (Attachment G).

Mr. Carino, allegedly "a private investigator" from Pennsylvania, "volunteered" in the Upper Darby Democratic Party office. There he "identified" certain individuals as paid Mondale staffers by the ubiquitous "gold pin" and once so identi-

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fied he got "impressions" from them to verify his initial conclusions.

Mr. Carino identifies a Mike Hackman who apparently claimed that he was a paid Mondale campaign organizer. However, MPC's records show no evidence of any "Mike Hackman" having been employed by MPC at any time nor has MPC's field staff been able to identify the individual described in this affidavit. However, as Mr. Carino admits there is no evidence to indicate the source of Mr. Hackman's employment. The lack of any record of previous association of Mr. Hackman with MPC leads to the inference that any payment he was receiving was from a source other than MPC.

Innuendo is substituted for facts and where facts are presented, they either show no violation or they are twisted into totally baseless inferences. A prime example concerns the description of Mary Baulis who was an alternate delegate. There was a Mondale alternate delegate candidate named Nancy Baulis, so we presume this affidavit refers to her. Complainants would infer that it was improper for delegates to be receiving "union support". However, the facts presented do not indicate any violation of the Act. Similarly, the disclaimer "Labor Donated" does not indicate any improper union activity. It is our understanding that "Labor Donated" is commonly printed on materials when a union printing bug is not used. The bug is used only when the printers are compensated at union scale. When the materials are paid for by a political committee and the services of the printers are on their volunteer time, the phrase "Labor Donated" is used instead. This phrase has no connection whatsoever to the FEC disclaimer which in any event is not required on flyers

passed out by volunteers. 11 C.F.R. Sec. 110.11 (a)(1).

Mr. Carino seems to find it significant that Mondale supporters were "well organized," "highly motivated," and included high school-aged volunteers. Complaint, Attachment G, paragraph 6. None of these circumstances are unusual in a campaign setting, nor do they set forth any violation of the Act.

7. Affidavit of James P. Carino (Attachment H), Affidavit of Ernest W. Lyles (Attachment I), Affidavit of Richard F. Lawrence (Attachment J).

None of the campaign materials attached as exhibits are in violation of the Act or regulations. Complainants do not allege, nor could they, that these materials are improper in any way. These affidavits and materials seem designed primarily to add to the thickness of the complaint rather than to offer any relevant information.

8. Affidavit of Howard L. Miller, Jr. (Attachment K).

This affidavit of Howard Miller, allegedly "a private investigator" from Virginia, asserts that "volunteer" investigators were sent in Illinois to work on a union operated phone bank, to stuff envelopes and to distribute literature.

The Act expressly permits unions to make partisan communications in connection with a Federal election to members and their families. 11 C.F.R. Sec. 114.3(a). Such communication includes the distribution of material and the establishment and operation of phone banks. 11 C.F.R. Sec. 114.3(c)(1) and (3). The limitation contained in these sections is primarily aimed at restricting the class who may receive the partisan communication. Nothing in the Act or regulations prohibits a non-union volunteer

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from assisting in the distribution of material or in making phone calls, so long as the recipients of the communications paid for by union treasury funds are within the restricted class. The facts alleged do not give any indication that the union material was distributed to the general public or that the phone calls from the phone banks were made to non-union households. There is also nothing in the affidavit which indicates who paid for the phones or the literature. If anything can be gleaned from the affidavit, it appears that there was an intention to distribute some campaign material, at a factory (or factories), where the recipients would be union members.

9. Miscellaneous Allegations

Additionally, Complainants set forth certain other facts to support their conclusions. These facts are too slim to support a conclusion that MPC is affiliated with any delegate committee. Complainants allege that Donald G. Gross who worked for MPC in Illinois transmitted Statements of Organization for three Illinois delegate committees in "Illinois for Mondale" envelopes with, apparently, a cover letter on "Illinois for Mondale" stationary. This allegation is substantially similar to an allegation made in MUR 1667. The simple explanation is likewise similar to our response to this allegation in MUR 1667. MPC offered compliance assistance to some delegate committees where requested. In this case, Donald Gross was a volunteer for the Illinois campaign who offered to help these committees properly comply with the Act's requirements for registering and reporting. The fact that he, or someone on his behalf, addressed the envelopes and sent them in together is irrelevant. To the best of

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our knowledge, each of these delegate committees operated on its own and MPC simply referred a volunteer attorney to them to provide compliance assistance to ensure proper registration and reporting.

A second allegation is that a delegate committee transmitted reimbursement payments for two individuals "through" MPC offices in Washington, D.C. Complaint nts in this instance reveal once again the shallowness of their "evidence." These payments were not made "through" MPC headquarters at all. The delegate committee's quarterly report shows only that these individuals used MPC headquarters as their mailing address. As with most presidential campaigns, many volunteers are people who travel from state to state and have no fixed address. This appears to have been the case in this instance. Our records show that neither of these individuals were working for or being reimbursed by MPC.

Finally, Complainants allege that an officer of NRWC reached a disconnected delegate committee telephone number in Illinois (312 area code) and was referred to MPC headquarters in Washington, D.C. However, the number which Complainants called (312-368-1984) was not, in fact, a delegate committee office as Complainants allege. It was the number for the Mondale state headquarters in Illinois. This is a perfect example of the untruthfulness of Complainants' allegations. Clearly, Complainants must have known that the number they called was not a delegate committee number, as this information may easily be obtained from the telephone company. Complainants, here and throughout their complaint, deliberately manipulate information

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in an attempt to mislead the Commission.

One by one, the facts presented in Complainants' affidavits purportedly to "confirm" that MPC staff members were controlling delegate committees fail not only to prove a violation of the Act or the regulations but also fail to provide a shred of evidence showing affiliation.

CONCLUSION

For the foregoing reasons, MPC respectfully requests that the Commission find no reason to believe that a violation of the Act has occurred.

Respectfully submitted,

David M. Ifshin
General Counsel

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy General Counsel

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MONDALE FOR PRESIDENT INC.
2201 WISCONSIN AVENUE #100
WASHINGTON DC 20007 25PM

Western Union Mailgram

1-253449U116023 04/25/84 ICS WA16614 WSHA
00150 MLTN VA 04/25/84

Exhibit 1

CONNIE ONOFRE
MONDALE FOR PRESIDENT
2201 WISCONSIN AVE. N.W.
WASHINGTON, D.C. 20007

MEMORANDUM
TO: TREASURERS OF MONDALE DELEGATE COMMITTEES
FROM: WALTER F. MONDALE
DATE: APRIL 25, 1984

TODAY I AM ASKING ALL MONDALE DELEGATE COMMITTEES TO TERMINATE THEIR ACTIVITIES. I URGE YOU TO MOVE AS QUICKLY AS POSSIBLE TO WIND UP THE ACTIVITIES OF YOUR COMMITTEE AND TO SUBMIT A NOTICE OF TERMINATION AND FINAL REPORT TO THE FEDERAL ELECTION COMMISSION. I TOOK THIS STEP BECAUSE I BELIEVE THAT THE DISCUSSION OF THE TECHNICALITIES RELATED TO FEDERAL ELECTION REGULATIONS HAS INTERFERING WITH MY ABILITY TO FOCUS THE DEMOCRATIC PARTY'S DEBATE ON THE MORE CRITICAL ISSUES FACING OUR COUNTRY.

I AM CONFIDENT THAT ALL DELEGATES COMMITTED TO ME AND MY ENTIRE CAMPAIGN HAVE FULLY COMPLIED WITH BOTH THE LETTER AND SPIRIT OF FEDERAL ELECTION LAW. MY DECISION IN NO WAY SUGGESTS ANYTHING TO THE CONTRARY. I AM CONFIDENT THAT THE FEDERAL ELECTION COMMISSION WILL REACH THE SAME CONCLUSION.

THANK YOU FOR YOUR CONTINUING SUPPORT.

11468

20:53 EST

MGMCOMP

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

OFFICE OF THE COMMISSION SECRETARY

SENSITIVE

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FIRST GENERAL COUNSEL'S REPORT

Submitted Late

Date and Time of Transmittal
By OGC to the Commission 7/27/84-4:15

MUR #1704
Date Complaint Received By OGC: 5/18/84
Dates of Notification to Respondents: 5/30/84 and 6/19/84
Staff Members: Lerner/Bonham/Mims

EXECUTIVE SESSION

JUL 31 1984

COMPLAINANTS' NAMES: National Right To Work Committee, by William A. Wilson, Vice President
Ralph Martin ("Bud") Hettinga, Jr.

RESPONDENTS' NAMES: Mondale For President Committee, Inc., and Michael S. Berman, as Treasurer
Amalgamated Clothing and Textile Workers Union Political Action Committee and John Fox, as Treasurer
American Federation of Labor, Congress of Industrial Organizations Committee on Political Education Political Contribution Committee and Thomas R. Donahue, as Treasurer
American Federation of State, County and Municipal Employees Public Employees Organized to Promote Legislative Equality--Qualified and William Lucy, as Treasurer
American Federation of Teachers Committee on Political Education and Robert G. Porter, as Treasurer
Communication Workers of America Committee on Political Education Political Contribution Committee and Louis B. Knecht, as Treasurer
Ironworkers Political Action League and John T. Taylor, as Treasurer
International Union of Bricklayers and Allied Craftsmen Political Action Committee and Edward M. Bellucci, as Treasurer

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Machinist Non-Partisan Political League and Eugene Glover, as Treasurer
Service Employees International Union Committee on Political Education Political Contribution Committee and Richard W. Cordts, as Treasurer
United Auto Workers V-CAP and Donald J. Moll, as Treasurer
Carpenters Legislative Improvement Committee and Patrick J. Campbell, as Treasurer
United Food and Commerical Workers Active Ballot Club and Anthony Lutty, as Treasurer
United Mine Workers of America Coal Miners' Political Action Committee and John J. Banovic, as Treasurer,
and
All Mondale delegate committees and their treasurers 1/

RELEVANT STATUTES: 2 U.S.C. § 433(b)(2)
§ 433(c)
§ 434(b)(3)(B)
§ 434(b)(6)(B)(i)
§ 441a(a)(1)(A)
§ 441a(a)(2)(A)
§ 441a(a)(5)
§ 441a(f)

11 C.F.R. § 100.5(g)
§ 110.3(a)(1)

CHECKED INTERNAL REPORTS: Mondale For President Committee, Inc., all registered Mondale delegate committees, and all thirteen respondent labor PAC reports filed through July 17, 1984.

OTHER FEDERAL AGENCIES CHECKED: None

1/ For a complete list of all the delegate committee respondents and their treasurers arranged alphabetically by state, see attachment 1.

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INTRODUCTION

On May 18, 1984, the National Right to Work Committee and Ralph Martin ("Bud") Hettinga, Jr., filed the complaint in MUR 1704 alleging violations of the Act and regulations by the Mondale for President Committee, Inc. ("MPC"), Michael S. Berman, as treasurer, and thirteen labor organization political action committees ("labor PACs"). The following is the First General Counsel's Report in MUR 1704. Because the allegations in the MUR 1704 complaint are similar to the allegations in the complaint filed in MUR 1667, this report recommends that the two matters be merged (pgs. 37-38). Therefore, to assist the Commission in its consideration of this matter, this report briefly summarizes the actions taken in MUR 1667 (pgs. 6-9) before discussing the actions which have occurred in MUR 1704 (pgs. 9-11). Next, the report addresses a preliminary challenge to the sufficiency of the complaint in MUR 1704, raised by MPC in its initial response (pgs. 12-15). The report then discusses each of the complainants' allegations in turn.

Initially, this report recommends that the Commission find reason to believe that the thirteen labor PACs and their treasurers violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to MPC, and that MPC and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441a(f) by accepting those excessive contributions, based on allegations that MPC and the Mondale delegate committees are affiliated (pgs. 16-21).

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In addition, this report concludes that the evidence indicates there is no affiliation among the thirteen labor PACs. That conclusion is based on a discussion of both of the Commission's longstanding interpretation of the legislative history of the Act's anti-proliferation provision, 2 U.S.C. § 441a(a)(5), (pgs. 23-29) and on the known facts surrounding the labor PACs' involvement here (pgs. 29-35). Furthermore, with respect to several possible violations of the Act apparent from the facts alleged in the complaint, this report recommends that the Commission find reason to believe that five political committees and their treasurers committed registration and reporting violations of the Act (pgs. 35-37).

Three respondents have requested that the Commission enter into pre-probable cause conciliation negotiations with them. After discussing two present questions for the Commission, the report recommends that the Commission enter into pre-probable cause negotiations with those respondents at this time (pgs. 38-44). That discussion is followed by a review of the evidence compiled by this Office in MUR 1667 concerning the issue of affiliation between MPC and the Mondale delegate committees (pgs. 45-55). The factual and legal analysis of the evidence is based on a review by the Office of the General Counsel of all available relevant information presently in our possession. This Office,

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in conjunction with other divisions of the Commission, has reviewed and analyzed the reports of receipts and expenditures filed by MPC, the thirteen labor PACs and each of the registered Mondale delegate committees. In addition, the Office of the General Counsel has reviewed each of the respondents' respective responses to their notification of the complaints in these matters. Finally, since receiving the answers to interrogatories and documents produced by MPC in response to the Commission's subpoena and order, the General Counsel's Office has carefully reviewed those items to locate all possible additional evidence of affiliation between MPC and the delegate committee.

As the report demonstrates, the Commission's investigation to date in MUR 1667 has produced considerable further evidence supporting the conclusion that MPC apparently established, financed, maintained and controlled the Mondale delegate committees. The Office of General Counsel emphasizes, however, that most of this evidence only supports the conclusion that MPC is affiliated with a limited number of delegate committees in certain states. As no discovery has yet been requested from any delegate committees, there is considerably less evidence at this stage of the investigation with regard to the activities of the delegate committees and their leaders than there is as to the activities of the Mondale committee itself. Thus, the investigation to date has yielded little specific evidence of affiliation with regard to many of the delegate committees.

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Because the General Counsel's Office believes the evidence available is sufficient to warrant an attempt to settle this case by entering into pre-probable cause conciliation negotiations with MPC and the labor PACs, the report includes a discussion of three proposed conciliation agreements and recommends their approval (pgs. 55-57). This Office does not believe, however, that the Commission's investigation presently is complete enough to warrant proceeding to the briefing stage. Thus, should the Commission continue to believe that entering into pre-probable cause conciliation negotiations with those respondents who have requested conciliation is not an appropriate course, this Office will recommend substantial further investigation and conduct a considerable amount of additional discovery.

I. MUR 1667

On April 6, 1984, Americans With Hart, Inc., filed a complaint ("Hart complaint") with the Commission alleging violations of the Act and regulations by the Mondale for President Committee, Inc., ("MPC"), Michael S. Berman, as treasurer, and the Mondale delegate committees. 2/ Specifically, the complainant alleged that the delegate committees established for the purpose of affecting the selection of delegates

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2/ Supplements to the complaint were filed on April 18 and 27, and May 2, 1984. The supplements provided additional evidence allegedly substantiating the contentions contained in the original complaint.

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supporting Walter Mondale violated the contribution limits of 2 U.S.C. § 441a(a) and that expenditures by these delegate committees should be charged to the Mondale campaign's expenditure limitations under 2 U.S.C. § 441a(b). 3/ Complainant advanced four theories in support of its allegations:

1. All the delegate committees are affiliated with the Mondale campaign.

2. All the delegate committees are affiliated with one another.

3. The "coattails" exemption does not apply to expenditures made by the Mondale delegate committees.

4. Contributors to the delegate committees have violated the contribution limits through the operation of 11 C.F.R. § 110.1(h).

As the basis for these assertions, the Hart complaint relied on numerous comments reported in the newspaper media attributed to key Mondale campaign personnel.

Subsequently, on April 30, 1984, MPC filed its response to the complainant's allegations. In his cover letter, counsel for MPC expressed the view that there was no reason to believe that a violation of the Act had occurred. Nevertheless, counsel stated that, "for purposes of resolving this matter . . . the Committee would voluntarily treat Mondale delegate committees as though

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3/ In addition, the complaint alleged that some Mondale delegate committees either had not filed required reports or had failed to file such reports in a timely manner.

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they were affiliated with the Committee." On that basis, the committee requested pre-probable cause conciliation pursuant to 11 C.F.R. § 111.18(d).

Thereafter, on May 8, 1984, the Commission concluded that there was evidence that indicated the Mondale delegate committees were affiliated with MPC, and found reason to believe that MPC and Michael S. Berman, as treasurer, accepted excessive contributions in violation of 2 U.S.C. § 441a(f) and made excessive expenditures in violation of 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f). The Commission, however, declined to enter into pre-probable cause conciliation negotiations with MPC and Berman at that time because it felt the matter needed further investigation.

In addition, the Commission decided to take no action at that time with respect to the allegations that: (i) the delegate committees accepted contributions in violation of 2 U.S.C. § 441a(f); (ii) the delegate committees made excessive contributions, and MPC and Berman, as treasurer, accepted those contributions in violation of 2 U.S.C. § 441a(f); (iii) contributors to the delegate committees and to MPC made excessive contributions in violation of 2 U.S.C. § 441a based on the operation of 11 C.F.R. § 110.1(h); and (iv) some of the delegate committees failed to register and/or timely report in violation

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of 2 U.S.C. §§ 433(a) and 434(a). Finally, the Commission decided to send the original complaint and all the supplementary materials filed by the complainant to all the Mondale delegate committees registered with the Commission as of that date, which had not previously received notification of the complaint.

Subsequently, the Comaission issued a subpoena and order to MPC requesting information relative to its investigation concerning the possible affiliation between MPC and the delegate committees. MPC's response to the subpoena was received on July 16, 1984. The committee's response, which is quite lengthy, was previously circulated to the Commission on July 18, 1984, and, therefore, is not provided as an attachment to this report.

II. MUR 1704

On May 18, 1984, the National Right to Work Committee and Ralph Martin ("Bud") Hettinga, Jr., ("complainants") filed a complaint ("NRWC complaint") with the Commission alleging violations of the Act by the Mondale for President Committee, Inc. ("MPC") and thirteen labor organization political action committees ("labor PACs"). Specifically, the NRWC complaint alleges that the labor PACs knowingly and willfully funneled contributions to Mondale and MPC through the Mondale delegate committees in an effort to circumvent the Act's contribution and expenditure limitations. Complainants further contend that the Mondale delegate committees are affiliated with each other and with

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MPC within the meaning of 11 C.F.R. § 100.5(g); therefore, they are subject to a single shared limit on the receipt of contributions. Thus, they allege that contributions by the labor PACs, each of which contributed more than $5,000 in the aggregate to the delegate committees, are excessive. In addition, complainants argue that because the labor PACs allegedly are affiliated with one another, their contributions to the individual delegate committees are subject to a single shared limitation. 4/ Thus, complainants allege that by exceeding the shared $5,000 contribution limitation the labor PACs violated 2 U.S.C. § 441a(a)(2)(A). Finally, the complainants suggest that the labor PACs may be affiliated both with MPC and the delegate committees, thereby allegedly leading to more excessive contributions. The complainants ask the Commission to determine that excessive contributions occurred, order the Mondale campaign to refund the excessive amounts, and order the Mondale campaign and the labor PACs each to pay the maximum civil penalty for knowing and willing violations of the Act.

MPC and Michael S. Berman, as treasurer of the committee, were notified of the NRWC complaint. In their response, which was circulated to the Commission on June 28, 1984, they assert that the complainants fail to offer any substantive or credible

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4/ Complainants make general allegations regarding the affiliation of "fifteen or sixteen labor PACs," but name only thirteen labor related committees in their complaint. Without further identification, the Office of the General Counsel has neither drawn any conclusions nor made any recommendations regarding the two or three unidentified labor PACs.

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evidence that would support a conclusion of affiliation under 11 C.F.R. § 100.5(g) or a finding that MPC violated the Act. The labor PACs and their treasurers were similiarly notified. The labor PAC responses, two of which included requests for pre-probable cause conciliation, are attached as Attachments 2 - 14, respectively. Finally, both the unregistered Mondale delegate committees named in the complaint and all registered Mondale delegate committees were notified of the complaint. To date, approximately 56 responses have been received by the Office of the General Counsel from the delegate committees. Because of the number of delegate committee responses, those responses are not attached.

For the reasons discussed below, the Office of the General Counsel recommends that the Commission conclude in MUR 1704 that there is evidence indicating the Mondale delegate committees are affiliated with MPC and, based on that conclusion, find reason to believe that the labor PACs and their treasurers violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to MPC, and that MPC and Michael S. Berman, as treasurer, violated 2 U.S.C. § 441a(f) by accepting those excessive contributions. In addition, because the allegations concerning affiliation between MPC and the delegate committees set forth in the complaint in MUR 1667 are similar to those in MUR 1704, the General Counsel's Office recommends that the Commission merge MUR 1667 with MUR 1704 and enter into pre-probable cause conciliation negotiations with MPC and the two labor PACs that have requested it, at this time.

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FACTUAL AND LEGAL ANALYSIS

I. PRELIMINARY QUESTIONS

Prior to addressing the substantive issues involved in this matter, it is necessary to consider briefly a preliminary challenge to the sufficiency of the complaint raised by MPC's response.

In support of the allegations contained in their complaint, NRWC and Hettinga submitted copies of eleven newspaper clippings together with eight affidavits executed by private investigators hired by NRWC. MPC claims that this documentary evidence should be rejected by the Commission, thereby rendering the complaint insufficient. Initially, the Mondale Committee contends that the statements in the affidavits have no credibility and are entitled to no weight as evidence because all the information they purport to convey was obtained under false pretenses. In addition, MPC claims the affidavits inadequately identify some individuals mentioned and reach some "absolutely ridiculous conclusions" based on "unsubstantiated 'impressions' and 'beliefs.'" MPC goes on to argue that, assuming the Commission accepts MPC's arguments and disregards the affidavits, the complaint fails to meet the standards established by the Commission in its policy with regard to complaints based on newspaper articles because the clippings are neither well-documented nor substantial, and do not set forth a substantive statement of facts. In addition, MPC characterizes seven of the clippings as editorials or commentaries, which it

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claims cannot form the basis of a complaint, and criticises the remaining four news articles either as inaccurate or as distortions of the true facts. In this regard, MPC incorporates by reference the discussion in its response to the complaint in MUR 1667, which contained a number of the same or similiar articles. Accordingly, in MPC's view the complaint must be dismissed.

The Act provides that "[a]ny person who believes a violation" has occurred may file a complaint which must be signed, sworn to by the person filing, and made subject to the criminal false statement statute at 18 U.S.C. § 1001. 2 U.S.C. § 437g(a). The regulations further provide that the complaint "should conform" to additional requirements, such as identifying the source of information where a statement is not made based upon personal knowledge, and setting forth "a clear and concise recitation of the facts which describe a violation." 11 C.F.R. § 111.4(d).

MPC's challenge to the sufficiency of the complaint fails for a number of reasons. First, MPC's response ignores the fact that some of the allegations in the complaint are based on personal knowledge and, therefore, do not require independent corroboration. See, e.g., NRWC complaint at 24.

Second, although the affidavits are not based on the personal knowledge of the complainant, they do identify the source of the information and set forth a clear recitation of

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facts that describe a violation, thereby meeting the requirements of 11 C.F.R. § 111.4(d). MPC's criticism as to the reliability and accuracy of the affidavits is irrelevant at this stage in the proceedings. Prior to a reason to believe finding the Commission relies on a complainant's sworn statement of allegations, and does not investigate or take steps to determine the credibility of those allegations. 5/

Finally, MPC's challenge of the newspaper articles as a basis for the complaint also fails. On November 15, 1979, the Commission approved the General Counsel's recommendation in Agenda Document #79-299 to continue the practice of accepting complaints based on newspaper articles. As noted in that document, the legislative history of 2 U.S.C. § 437g(a)(1), particularly the debates in the House of Representatives, indicates that the requirement of a signed, sworn and notarized complaint stemmed from a desire to deter false accusations by requiring that complainants identify themselves and that they face prosecution for false statements. See, e.g., 122 Cong. Rec. H2542 (daily ed. Mar. 30, 1976) (remarks of Representative Rostenkowski). "These concerns are met without further requirements for external complaints based on newspaper articles." Agenda Document #79-299 at 3. The issue

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5/ MPC's contentions regarding the manner in which the evidence contained in the affidavits was gathered are also set forth in MPC's motion to strike the complaints in MURs 1702, 1703 and 1704. This office discusses those contentions in its response to the motion to strike; therefore, that discussion is not repeated here.

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of possible inaccuracies is met by the requirement that news articles used as the basis for complaints be substantive in their statements of fact. Accordingly, Agenda Document #79-299 recommended that complaints based on newspaper articles be accepted

> . . .so long as a complaint. . .satisfied 2 U.S.C. § 437g(a)(1), by including a sworn statement that the complainant believes the facts to be true as alleged, and satisfies 11 C.F.R. § 111.2 [now § 111.4], in that the news article on which the complaint is based must be <u>substantive in its facts</u>. . ..

<u>Id</u>. (emphasis added).

Respondents assert that the stories involved here "contain speculative, conclusory or innocuous quotes" which are insufficient, and those which are substantive, i.e. constitute a violation, are "inaccurate." A review of the news articles attached to the complaint indicates they are substantive in their facts. Particular persons are named and particular acts and violations of the Act are alleged to have taken place. The present complaint, therefore, meets the Commission's criteria. Whether the facts in the articles are inaccurate, as respondents allege, will be determined only upon the Commission's investigation of the matter, and will be evaluated at this stage of the proceeding.

Accordingly, MPC's challenge to the sufficiency of the complaint is without merit.

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II. EXCESSIVE CONTRIBUTIONS

A. Background

Complainants contend that the thirteen labor PACs violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Mondale delegate committees, and that MPC and the delegate committees violated 2 U.S.C. § 441a(f) by accepting those contributions. 6/ Section 441a(a)(2)(A) provides, in relevant part:

> (2) No multicandidate political committee shall make contributions -- (A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000.

In addition, 2 U.S.C. § 441a(f) states, that "[n]o candidate or political committee shall knowingly accept any contribution . . . in violation of the provisions of . . . section [441a]."

In support of their proposition that excessive contributions occurred, complainants allege that the delegate committees, which collectively received more than $5,000 from each labor PAC, 7/

6/ A review of reports filed with the Commission indicates that some individuals made contributions to MPC and the delegate committees which exceed, in the aggregate, $1,000. See Attachment 15. As there were no allegations concerning these contributions in the 1704 complaint, the individual contributors were not notified of the complaint.

7/ See Attachment 16, for a list of the aggregate totals for the contributions made by each of the thirteen labor PACs to the Mondale delegate committees as disclosed on the reports filed as of July 17, 1984.

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are affiliated both among themselves and with MPC within the meaning of 11 C.F.R. § 100.5(g) and, therefore, are subject to a single shared limit on contributions received. Similarly, complainants allege that the labor PACs, all of which are multicandidate committees, are affiliated among themselves within the meaning of 11 C.F.R. § 100.5(g) and, therefore, share a single limit on contributions made. Section 100.5(g)(2) states that:

> All committees . . . established, financed, maintained or controlled by the same corporation, labor organization, persons, or group of persons, including any parent, subsidiary, branch, division, department, or local unit thereof, are affiliated.

Subsection (2)(i) of that section sets forth the types of organizations that are considered per se affiliated. The last of these, at § 100.5(g)(2)(i)(E), states that all political committees established by the same group of persons are treated as a single political committee. In addition, section 100.5(g)(2)(ii) lists several indicia of establishing, financing, maintaining or controlling a political committee that may lead to a determination of affiliation.

The definition of affiliation embodied in 100.5(g) is identical to that contained in 11 C.F.R. § 110.3(a)(1), which provides that all contributions made by affiliated committees shall be considered to be made by a single political committee,

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thus limiting total contributions made by those committees to $5,000. 8/ Section 110.3(a)(1) also limits the acceptance of contributions by all affiliated committees to a total of $5,000 per election. 9/ A determination of whether excessive contributions were made or received in this matter, therefore, necessarily involves an inquiry into the issue whether the respondents are affiliated.

B. Affiliation Among the Mondale Delegate Committees and Between the Mondale for President Committee, Inc., and the Delegate Committees

The issues with respect to affiliation among the delegate committees and between MPC and the delegate committees in this matter are almost identical to those discussed in MUR 1667. In both matters, the complainants allege that the delegate committees were established, financed, maintained and controlled by agents of the Mondale campaign and that the delegate committees' activities were "coordinated" with one another. In support of their allegations of affiliation, the complainants in

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8/ Section 110.3(a)(1) is almost identical to the Act's anti-proliferation provision, 2 U.S.C. § 441a(a)(5) which, together with 110.3(a)(1), was relied upon by this office in the First General Counsel's Report in MUR 1667 to support the recommendation that the Commission conclude that MPC and the Mondale delegate committees are affiliated.

9/ The Commission has consistently interpreted 2 U.S.C. § 441a(a)(5), the statutory section that corresponds to 11 C.F.R. § 110.3(a)(1), to mean that contributions made to affiliated committees are considered to have been made to a single political committee. See Advisory Opinions 1976-104; 1978-39; 1979-56; 1979-77; 1980-40; 1982-18.

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both matters submitted a number of newspaper clippings alleging the same or similar facts to demonstrate that the delegate committees, rather than being truly antonomous, were, in fact, affiliated among themselves and with the Mondale campaign. In addition, the complainants in MUR 1704 submitted a number of affidavits to further substantiate their claim that the delegate committees' activities were "coordinated" with and controlled by MPC. The evidence of indicia of affiliation submitted by the complainants in this matter and MPC's response thereto are substantially the same as those in MUR 1667. Rather than repeat the lengthy factual and legal discussion on affiliation between MPC and the delegate committees contained in the First General Counsel's Report in MUR 1667, that discussion is incorporated herein by reference. 10/ For the reasons stated in the First General Counsel's Report in MUR 1667, it appears that the delegate committees are affiliated with MPC. 11/ There is reason to believe, therefore, that all contributions to the delegate committees, should be considered contributions to the Mondale

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10/ MPC's response expressly relies on and incorporates the legal and factual arguments contained in its response to the complaint in MUR 1667.

11/ In their initial responses, several of the Mondale delegate committees assert that they have not received contributions aggregating in excess of $1,000 this year and, therefore, are not political committees within the meaning of 2 U.S.C. § 431(4)(A). Commission regulations, however, recognize that two committees may be considered to be "affiliated" even though one of them is not a "political committee" under the Act. See 11 C.F.R. § 102.6(a); see also Advisory Opinion 82-52.

campaign. Accordingly, because each of the thirteen labor PACs named in the complaint made contributions to the delegate committees which, in the aggregate exceeded $5,000, the Office of the General Counsel recommends that the Commission find reason to believe that the thirteen labor PACs and their treasurers made excessive contributions to MPC in violation of 2 U.S.C. § 441a (a)(2)(A). In addition, the General Counsel's Office recommends that the Commission find reason to believe that the Mondale for President Committee, Inc., and Michael S. Berman, as treasurer, accepted excessive contributions in violation of 2 U.S.C. § 441a (f). 12/

As previously noted, complainants assert that the violations alleged to have been committed by respondents are knowing and willful. In response to that assertion, most of the labor PACs state that they made their contributions to the individual delegate committees, which they claim held themselves out as independent political committees, in good faith and with the belief that the delegate committees were not affiliated either with each other or MPC as a matter of law. That belief was based on both information in the PACs' possession and the advice of

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12/ If the Commission concludes that the delegate committees are affiliated with MPC, there is no need to pursue the question whether the delegate committees are affiliated among themselves. A conclusion that either theory is true leads to the same result with regard to the receipt of excessive contributions. The Commission already has concluded that there is evidence indicating that MPC and the delegate committees are affiliated in the context of MUR 1667, based on factual allegations similar to those present here. This report, therefore, does not analyze the relationship among the delegate committees themselves, as that is unnecessary.

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counsel. See also discussion, infra, at Section II C. In addition, several of the labor PACs allege that they made their contributions to the Mondale delegate committees in specific reliance on Commission regulations and decisions establishing separate contribution limits for individual delegate committees. They assert that pursuant to 2 U.S.C. § 438(e) they, therefore, should not be subject to any sanctions under the Act. 13/

C. Affiliation Among the Thirteen Labor Political Action Committees.

The complaint in this matter also alleges that the thirteen labor PACs are affiliated with each other within the meaning of 11 C.F.R. § 100.5(g) and, therefore, are subject to a single shared $5,000 limit on contributions to the Mondale delegate committees. 14/ In support of this proposition, complainants

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13/ Respondent labor PACs have misconstrued § 438(e). That section only protects those who have acted "in good faith in accordance with the . . . regulation" involved (emphasis added). The regulations provide for separate contribution limits for individual delegate committees so long as those committees are not affiliated with each other or with another committee. Here, it appears that the delegate committees are affiliated with MPC; therefore, when the labor PACs made contributions to them which, in the aggregate, exceeded the limits they were not acting in accordance with the Commission's regulations.

14/ The NRWC complaint also suggests that the labor PACs may be affiliated with MPC and the Mondale delegate committees, see NRWC complaint at 21-23, but it neither makes any allegations that this affiliation would lead to additional violations nor requests any relief from the Commission relative to this "affiliation." The Office of the General Counsel believes that these suggestions of affiliation were inadvertent since, if the labor PACs are affiliated with the Mondale campaign, they can make unlimited transfers to the delegate committees, see 11 C.F.R. § 102.6(d), thereby undermining the complainants' central allegation that excessive contributions occurred.

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contend that the labor PACs have "coordinated" their support of the delegate committees, citing a meeting that allegedly occurred between representatives of the labor organizations connected to the PACs and a "pattern" of subsequent contributions to the delegate committees by the labor PACs.

As previously discussed, the definition of affiliation contained in 11 C.F.R. § 100.5(g), the provision of the regulations relied upon by complainants, closely follows that in 2 U.S.C. § 441a(a)(5), the Act's "anti-proliferation" provision. It has been the Commission's consistent position since 1977 that Congress intended AFL-CIO COPE-PCC and the separate segregated funds of the AFL-CIO's constituent member unions to be exempted from the anti-proliferation rules established by 2 U.S.C. § 441a(a)(5) and are not per se affiliated. See MURs 354, 783 and 1605. This conclusion is based on the legislative history of section 441a(a)(5) and on the Commission's interpretation of that section in its regulations at 11 C.F.R. §§ 100.5(g)(2) (formerly 11 C.F.R. § 100.14(c)(2)) and 110.3(a)(1)(i) and (ii). The legislative history and interpretation discussed below support the maintenance of this position by the Commission.

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1. **Affiliation Per Se - Legislative History of Section 441a(a)(2)(A)** 15/

2 U.S.C. § 441a(a)(2)(A) limits to $5,000 the contributions that a multicandidate committee may make to any candidate and his authorized political committees. 2 U.S.C. § 441a(a)(5) states that for purposes of the limitations set forth at Section 441a(a)(2)

> all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that - (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fundraising efforts, . . .
>
> In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by . . . paragraph (2).

2 U.S.C. § 441a(a)(5) represents the codification of Section

15/ This issue was recently discussed in MUR 1605. In that MUR the Commission found no reason to believe any violations had occurred.

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320(a)(5) of Senate Bill 3065 as reported out of the Committee on Conference on April 28, 1976. This provision amended the Federal Election Campaign Act of 1971 in accordance with language that originated in Section 320(a)(2) of H.R. 12406, a bill reported out of the Committee on House Administration on March 17, 1976, and passed by the House on April 1, 1976. During the March 8, 1976, markup session on that section, then Chairman of the House Committee on Administration, Wayne Hays, stated that this section "would enact the following rules:

> First, all of the political committees set up by a single corporation and its subsidiaries would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> . . .Second, all of the political committees set up by a single international union and its local unions would be treated as a single political committee for the purposes of the limitations stated in Section 320.
>
> . . .Third, all the political committees set up by the AFL-CIO and all its state and local central bodies would be treated as a single political committee for the purposes of the limitations stated in Section 320.
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> * * *
>
> Fifth, the anti-proliferation rule just stated would also apply in the case of multiple committees established by a group of persons.
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> * * *

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Federal Election Campaign Act Amendments of 1976; Hearings on H.R. 12406 Before the Committee on House Administration, 94th Cong., 1st Sess. 41-42 (March 8, 1976).

Mr. Hays responded during the mark-up session to a question of Rep. Mathis regarding the meaning of this provision as follows:

> Chairman Hays. It applies across the board, Mr. Mathis, and any corporation which is a corporation with subsidiaries, that the subsidiaries may well have PACs, but for the purposes of this section, the total amount the parent corporation and all its subsidiaries can contribute is $5,000. Then it says, second, that an international union can set up a PAC and all of its local unions, state unions, etc., would be treated as a single political committee. In other words, the total they could contribute would be $5,000. Then the AFL-CIO which is a voluntary conglomerate and all its state and central bodies would be treated as a single political committee and, five, they could give up to $5,000 in any fragments they wanted to.
>
> Let me take two examples. Let us take the example of - well, I have a list here which I think is interesting of the top 100 largest corporations. 30 of them have political action committees. The first one underlined is Texaco of New York. So I will just take it. It is the first of the top 100. Texaco of New York has apparently branches in many states. At least there are Texaco stations in Ohio. They could form a PAC, solicit voluntary contributions and could give either by State or national but all put together no more than $5,000 to my candidate.
>
> Take the second one, U.S. Steel Workers of America. They have the headquarters in Pittsburgh, District 6 is in my district and its headquarters are in Wheeling. There is another district up in Canton. I think it is

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> 11. They do have a PAC. In the past, District 11 has given me $500 as has District 6. The international has given me as much as a thousand. But suppose they had a lot of money, all three of those put together couldn't give me more than $5,000. Then you have the AFL-CIO COPE, which is the National Association, they could give you $5,000 and that's it.
>
> The local COPE in Ohio, couldn't give me anything if the National Association had given me $5,000.
>
> In all fairness, if it is weighted in any direction, it seems to me it is weighted towards the corporations because of the top hundred corporations last year, 76 of them were involved in political giving. I guarantee that is more than the number of unions involved."

Id. at 42-44 (emphasis added).

Rep. Mathis later asked Rep. Hays:

> Mr. Mathis. A corporation which has an active political action committee also belonging to a trade association could they give twice by joining a number of trade associations and thereby escape the $5,000 limitation.
>
> * * *
>
> Chairman Hays. I'll have to answer that this way, Mr. Mathis: As I view it if the National Association of Manufacturers had a PAC and any corporation contributed to it, then the NAM could contribute $5,000 and the corporation could, exactly the same as the steel workers could and COPE, UAW-CIO can. But those are the exceptions.

Id., at 46-47 (emphasis added).

On March 9, 1976, Rep. Hays introduced the statutory language that became Section 441a(a)(5), and further explained as follows:

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> Chairman Hays. I think that [the draft statutory language] does what we said yesterday we wanted to do. I will only take a minute to explain it. It simply says all subsidiaries of unions and corporations will be limited in the aggregate in the contribution limit of $5,000.
>
> . . .
>
> The last part, starting with ". . . in any case," simply reiterates if they have more than one segregated fund, all such segregated funds shall be treated as one for the purpose of the contribution limitation.
>
> Any questions?
>
> Mr. Frenzel. Mr. Chairman.
>
> Chairman Hays. Mr. Frenzel.
>
> Mr. Frenzel. I raised the question yesterday and got this response from the Chairman. I don't think it is the best policy but I will say it is fair and I think our side will accept it.
>
> Chairman Hays. I am glad to hear you say that, Mr. Frenzel, the Chair did its utmost to make it fair to both sides.

<u>Federal Election Campaign Act Amendments of 1976 Hearings on H.R. 12406 Before the Committee on House Administration</u>, 94th Cong. 1st Sess. 9-10 (March 9, 1976).

Later, just prior to the committee vote agreeing to Rep. Hays' proposed statutory language, the following discussion took place:

> Mr. Brademas. I am a little fuzzy on this part of the amendment in which in the last sentence of your amendment you indicate in any case in which a corporation or labor organization establishes or finances or maintains or controls more than one separate segregated fund, all such funds shall be

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treated as a single segregated fund -

Chairman Hays. The aggregate amount the Steel Workers can contribute by locals or state organizations is $5,000.

Mr. Brademas. Except that, to finish my question, suppose you have a case in which a corporation or labor organization doesn't establish or finance or maintain or control the fund of a subsidiary, either of the corporation or of the union . . . .

I think what this amendment does, I just want to be sure we all understand what we are doing, is it can permit two contributions up to $5,000? That may or may not be a good thing.

Chairman Hays. No, it doesn't do that <u>except in the case of COPE which is specifically exempted</u>. The language says in any case in which a corporation, subsidiaries, divisions, departments or local units, or labor organizations or any of its subsidiaries, departments, etc.

Mr. Brademas. Suppose you have a corporation or a union and you have a subsidiary or a local union. The subsidiary or the local union is not controlled or established or financed or maintained, is it not then the case, Mr. Chairman, that two funds are permitted?

Chairman Hays. No. If you read the language of the amendment.

<u>Id</u>. at 13-14.

The House Committee Report dated March 17, 1976, contained an explanation of Section 320(a)(2), which largely followed Rep. Hays' explanation during the committee markup session on March 8th. There was no discussion during the floor debate in the House about the relationship of a federation of unions and its

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affiliates as regards contribution limits. The language of H.R. 12406 was adopted by the Conference Committee as Section 320(a)(5) of S. 3065, and the explanation of this provision echos that set forth in the House Report. The Conference Report was adopted by Congress with no further discussion of Section 320(a)(5). The Commission's regulations at 11 C.F.R § 110.3(a)(1)(i) and (ii) track the language of Section 441a(a)(5), of Rep. Hays' explanation, and of the House Committee and Conference Committee Reports.

2. Affiliation in Fact

Although the Commission consistently has held that the separate segregated funds of the AFL-CIO and its constitutent member unions cannot be found to be affiliated, at least one authority has rejected this position. During the course of litigation initiated by Henry L. Walther in 1979 with regard to the Commission's determinations in MUR 783, et al., the court rejected what it saw as the Commission's finding that "never" and "under no circumstances" could the AFL-CIO COPE-PCC and an affiliated national union's political action committee be found to be affiliated. Walther v. FEC, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 9076 (D.D.C. April 17, 1979) at page 50636. 16/ Even if

16/ The court did not, however, have before it at the time of this decision the transcript of the House markup cited above. The transcript was supplied to the court at a later date, but was never addressed because the court determined that the Commission had been justified on other grounds in declining to pursue investigations in the matters at issue.

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the Commission were to follow the Walther court's decision and reject its previous position that AFL-CIO COPE-PCC and the separate segregated funds of the AFL-CIO's constitutent member unions can never be affiliated within the meaning of 2 U.S.C. § 441a(a)(5) and the corresponding regulation provisions, the factual allegations raised by the complainants in the present matter are insufficient to support a finding of affiliation.

In support of their contention that the labor PACs are affiliated with each other, complainants allege that 39 percent of the labor PAC contributions to the delegate committees were made within seven days of a March 22, 1984 meeting attended by 15 or 16 unions and chaired by John Perkins, the executive director of the AFL-CIO. Notwithstanding complainants' allegation that the timing of these contributions relative to the meeting demonstrates a similar pattern of contributions, one of the indicia of affiliation listed in 11 C.F.R. §§ 100.5(g)(2) and 110.3(a)(1)(i), the Office of the General Counsel believes that under the totality of the circumstances this evidence does not support the conclusion the labor PACs are affiliated.

In their responses, the labor PACs admit that AFL-CIO COPE director John Perkins met with representatives of certain AFL-CIO

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constituent member international unions on March 22, 1984. 17/ At the meeting Mr. Perkins provided information about various Mondale delegate committees and urged the unions represented to consider making contributions to those committees. Respondents contend, however, that the meeting constituted an excercise of the AFL-CIO's statutory right to communicate on any subject with its members as permitted by 2 U.S.C. § 441b(b)(2)(A). See, e.g., Response of AFL-CIO, Attachment 3, at pp. 3-4. In addition, the respondent labor PACs consistently assert that neither the AFL-CIO nor any other entity made any effort to control their decisions with respect to contributions to the Mondale delegate committees. Instead, the labor PACs contend that those decisions were independent ones made on a case-by-case basis, premised on their own assessment of how the PAC funds could best be used to further the political interests of the individual unions and their members. 18/

17/ The connected organization of the Coal Miners PAC is not a constituent member union of the AFL-CIO. Thus, the legislative history of section 441a does not preclude the Commission from finding that the Coal Miners PAC is affiliated with the other labor PACs. In this situation, however, there is no evidence of such affiliation, particularly since the Coal Miners Union did not even attend the March 22 meeting. The UAW, which is a constitutent member, also did not attend the meeting.

18/ Several labor PACs indicate that the contributions were made in response to solicitations from delegate committees and recommendations from local union representatives and members, rather than as a result of the March 22 meeting.

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With respect to the alleged similar pattern of contributions, respondents correctly contend that complainants' observation that 39 percent of the cited contributions by the respondent labor PACs during February and March occurred within seven days of the March 22 meeting does not provide evidence of affiliation. Id., at 4 ("nothing more than playing with numbers"). After emphasizing that "no pattern is described nor is any pattern that supports complainants' theory discernible," respondents explain that:

> approximately 60% . . . of the committees received contributions from only one of the respondent union political committees, while the other 40% received contributions from as few as two and as many as nine different union political committees. The particular combinations of union political committees that gave to the delegate committees, the dates on which the contributions were made, and the amounts of the contributions all vary widely from delegate committee to delegate committee.

Id. at 4-5. Furthermore, respondents point out that the 39 percent figure is misleading because many of the contributions made within seven days of the March 22 meeting were made prior to the meeting, which was the alleged impetus for the contributions and, thus, cannot be used to demonstrate any pattern relative to that meeting. As the AFL-CIO explains in its response:

> complainant fails to mention that 23 percent of the total contributions for February and March made to Mondale delegate committees by the respondent union political committees were made in the week preceding the March 22 meeting, or that three of the political

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> committees named as respondents - AFL-CIO COPE/PCC, the Bricklayers and Allied Craftsmen PAC, and the United Mine Workers of America Coal Miners PAC - made no contributions whatsoever to Mondale delegate committees during the week following the March 22 meeting. Thus, the timing of the contributions made by respondent union political committees does nothing to prove complainant's allegations.

Id. at 4.19/

In addition, several respondents note that the reported date of the contributions does not necessarily correspond to the date on which the decision to make a contribution was reached. AFSCME, for example, contends the March 23 date for its contributions to various New York delegate committees is merely the date that the final step in the contribution process occurred -- in this case, the date the check was prepared. AFSCME asserts that the decision to make those contributions actually was finalized prior to March 22.

Finally, respondents allege that, even assuming a pattern with respect to the timing of the contributions relative to the meeting is discernible, it is attributable to little more than coincidence and does not constitute evidence of affiliation.

> The New York primary took place on April 3, 1984, and the Pennsylvania primary on April 10, 1984. In light of the sequence of Democratic Presidential primaries and caucuses beginning February 20 in Iowa and

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19/ In fact, the Bricklayers PAC made each of its four contributions to the delegate committees prior to the March 22 meeting. See Bricklayers Response, Attachment 8, at 3.

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> February 28 in New Hampshire, followed by primaries and caucuses in 25 states during the first three weeks in March, the end of March is when one would expect contributions to New York and Pennsylvania's committees to be made. And, due to the large number of delegates at stake, the relatively large number of Mondale delegate committees in operation, the large number of union members serving on delegate committees, and the large number of union members in these two highly industrialized states, it is not surprising that union political committees should have determined to concentrate resources on the election of Mondale delegates in those primaries. In contrast, the earlier primaries had been in states having far fewer delegates and union members.

Id., at 3. See also Response of UAW, Attachment 11, at 2 ("it is to be expected that SSFs connected with organizations which have similiar economic and political interests will wind up making contributions to the same candidates and committees who are supportive of their interests").

The Office of the General Counsel has reviewed the reports of receipts and expenditures filed by the 13 labor PACs and the registered Mondale delegate committees. Although, according to this office's calculations, approximately 41 percent of the contributions by the labor PACs to the delegate committees during the two months in question were reported as having been made within seven days following the March 22 meeting, this office believes that in light of the foregoing discussion, that proximity in time is not enough to establish a pattern that proves affiliation. Accordingly, the Office of the General Counsel recommends that the Commission conclude that the

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13 union political action committees named as respondents in the complaint are not affiliated with each other.

D. Conclusions Concerning Affiliation

Based on the foregoing, it appears that there is evidence which indicates:

1) The delegate committees are affiliated with the Mondale for President Committee; therefore, all contributions to the delegate committee should be considered contributions to the Mondale campaign.

2) The labor PACs are not affiliated with one another.

III. OTHER VIOLATIONS

Complainants also allege numerous facts that may constitute reporting and other violations of the Act, including that: the Ironworkers Political Action League and John T. Taylor, as treasurer, failed to report a $1,000 contribution to Pennsylvania's 21st Congressional District Delegates for Mondale Committee; the Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer, failed to report the receipt of $5,000 in contributions from the Ironworkers Political Action League; the Pennsylvania 22nd Congressional District Delegates for Mondale Committee and Debbie O'Dell Seneca, as treasurer, failed to identify the contributors of two contributions the committee received totalling $7,000; and the Rhode Island 1st District Delegate Committee for Mondale and Salvatore Mancini, as treasurer, and the Rhode Island 2nd District Delegate Committee for Mondale and Joseph DeLorenzo, as

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treasurer, failed to indicate their affiliation on their Statements of Organization. Each of these allegations is discussed below.

Pursuant to 2 U.S.C. § 434(b)(6)(B)(i), an unauthorized political committee must report the name and address of each political committee it makes a contribution to, together with the amount and date of the contribution. The Pennsylvania 21st Congressional District Delegates for Mondale Committee reported receiving a $1,000 contribution on March 28, 1984. The reported contributor, Ironworkers Political Action League failed to report the contribution to the Pennsylvania 21st Congressional District Delegates for Mondale Committee. Accordingly, this office recommends that the Commission find reason to believe the Ironworkers Political Action League and John T. Taylor, as treasurer, violated § 434(b)(6)(B)(i).

Pursuant to 2 U.S.C. § 434(b)(3)(B), a political committee must report the identity of each political committee from which it receives a contribution, together with the amount and date of the contribution. The Ironworkers Political Action League reported making four contributions, totalling $5,000, to the Pennsylvania At-Large Delegates for Mondale Committee. The At-Large Committee has not reported receipt of those contributions. In addition, the Pennsylvania 22nd Congressional District Delegates for Mondale Committee failed to identify the contributor(s) and provide the contribution dates for two contributions totalling $7,000. The Office of the General

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Counsel, therefore, recommends that the Commission find reason to believe Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer, and the Pennsylvania 22nd Congressional District Delegates for Mondale Committee and Debbie O'Dell Seneca, as treasurer, violated § 434(b)(3)(B).

Pursuant to 2 U.S.C. § 433(b)(2), a political committee's Statement of Organization must include the name, address, relationship, and type of any connected organization or affiliated committee. Any change in information previously submitted in a Statement of Organization must be reported no later than 10 days after the date of the change. 2 U.S.C. § 433(c). Neither the Rhode Island 1st or 2nd District Delegate Committees for Mondale reported affiliation with any committee on their Statements of Organization. Subsequently, the two delegate committees filed a joint report signed by both treasurers indicating they were affiliated. The committees failed to amend their Statements of Organization to indicate the affiliation. Accordingly, The General Counsel's office recommends the Commission find reason to believe the Rhode Island 1st District Delegate Committee for Mondale and Salvatore Mancini, as treasurer, and the Rhode Island 2nd District Delegate Committee for Mondale and Joseph DeLorenzo as treasurer, failed to indicate their affiliation on their Statements of Organization in violation of § 433(c).

IV. <u>MERGER OF THIS MATTER WITH MUR 1667</u>

With the exception of the allegation of affiliation between the labor PACs, the allegations concerning affiliation between

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MPC and the delegate committees and resulting excessive contributions raised by complainants in this matter are nearly identical to those raised in MUR 1667. Furthermore, each of the named respondents in MUR 1667 was also either named or implicated in this matter and was notified of the Commission's receipt of the complaint in MUR 1704 and given an opportunity to submit a preliminary response. Thus, as these two matters are so similiar, the Office of the General Counsel believes that the two matters could best be handled if merged together. Joint processing and consideration of these two cases would eliminate unnecessary duplication of effort. In addition, joint treatment of these two matters will help ensure consistent Commission action with regard to all respondents. Accordingly, the Office of the General Counsel recommends that the Commission merge MUR 1667 with MUR 1704. The proposed sample letter attached to this report would notify the respondents who were previously notified of the complaints in both matters of this merger. Attachment 17.

V. CONCILIATION

A. Requests For Pre-Probable Cause Conciliation

MPC and Michael S. Berman previously requested pre-probable cause conciliation in the context of MUR 1667. In addition, counsel for both the American Federation of Teachers Committee on Political Education and the Machinists Non-Partisan Political League and their treasurers, has requested that, should the Commission decide to pursue this matter with respect to his

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clients, it enter into pre-probable cause conciliation negotiations. 20/ Attachments 18 and 19. At the time MPC and Berman, as treasurer, originally requested pre-probable cause conciliation, the Commission indicated its interest in a more detailed independent development of the facts by this Office prior to making a final decision regarding whether pre-probable cause conciliation negotiations should begin. Subsequently, the General Counsel's Office sent MPC a detailed subpoena to produce documents and order to answer interrogatories. In response, MPC submitted a lengthy reply and numerous documents. This Office has thoroughly reviewed those documents and answers to glean all relevant evidence of possible affiliation between and among the respondents. In addition, the Office of the General Counsel, in consultation with the Reports Analysis, Audit and Data Systems Development Divisions ("DSDD"), has reviewed the reports and other routine submissions filed with the Commission by respondents.

The Reports Analysis Division provided this Office with a substantial amount of information, including the aggregate totals for the contributions by each of the individual labor PACs to the delegate committees, and the names and addresses of the known unregistered delegate committees. The Audit Division provided information regarding the total expenditures by both MPC and

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20/ Although none of the 11 other labor PACs or their treasurers have requested pre-probable cause conciliation at this time, the Office of the General Counsel anticipates that some of these committees will do so should the Commission determine there is reason to believe they have violated the Act and so notifies them.

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delegate committees, which are subject to the state by state expenditure limitations. Similarly, DSDD provided compilations of information previously entered in the Commission's computer database, including printouts of all contributions to the delegate committees as reported by both the contributor political committees and the recipient delegate committees, and printouts of all disbursements reported by the delegate committees. 21/ DSDD also prepared a consolidated list of all the names of contributors submitted by MPC in its matching fund submissions. In addition, DSDD attempted to retrieve the information encoded on the cassette and magnetic tapes provided by MPC in response to the Commission's subpoena. To date, however, DSDD has been unable to decode these tapes because we do not have the specific information necessary to convert the tapes to a format compatible with the Commission's system. Finally, this Office has compared the information found in MPC's reply to the subpoena and order and in the FEC reports, with the responses to the complaints submitted by all of the respondents.

Although the General Counsel's Office believes that it has

21/ The DSDD database includes information contained on delegate committee reports filed through June 29, 1984. With respect to reports filed by other political committees, however, the database only includes those reports with coverage dates ending on April 30, 1984. The General Counsel's Office, therefore, reviewed the hard copies of the reports filed since April by the 13 respondent labor PACs to update the information provided by DSDD.

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compiled sufficient evidence indicating affiliation between MPC and the Mondale delegate committees to warrant attempts to negotiate conciliation agreements with MPC and the two labor PACs, this Office does not believe that the investigation is sufficiently complete to warrant proceeding to the briefing stage. This Office thus believes that the Commission must decide either to enter into pre-probable cause negotiations at this time, based on the available evidence, or to extend its investigation to include further discovery aimed at MPC staff as well as discovery aimed at the non-MPC respondents.

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Accordingly, the General Counsel's Office recommends that the Commission now enter into pre-probable cause conciliation negotiations with MPC and Michael S. Berman, as treasurer, the American Federation of Teachers Committee on Political Education and Robert G. Porter, as treasurer, and the Machinists Non-Partisan Political League and Eugene Glover, as treasurer.

Attached for the Commission's review are three proposed conciliation agreements. Attachments 20 - 22. Before discussing the content of those agreements, this report summarizes the evidence found in the responses received in MURs 1667 and 1704, as well as the evidence obtained during the investigation into the allegations in MUR 1667.

B. Discussion of the Evidence

As previously noted this Office has thoroughly reviewed the available evidence. The discussion below analyzes that evidence in relation to the four statutory criteria of affiliation (establishment, financing, maintanence and control) that apply to committees set up by the same group of persons. For purposes of the discussion, the evidence is analyzed under the criterion that appears to be most relevant. It is noted, however, that some of the evidence discussed may also prove affiliation under other criteria. This discussion does not include an analysis of the evidence submitted in the two complaints which was previously discussed and with which the Commission is already familiar.

1. **Establishment**

Proof of the criterion of establishment generally involves a finding that the same person or group of persons had a significant role in the formation of the relevant political committees. In the case of delegate committees, however, some contact between the campaign and the delegates is expected and is often necessary. The communications with delegates frequently involve advice from the campaign regarding statutory requirements of which the delegates must be aware. For this reason, principal campaign committees are permitted to give some degree of legal advice to groups who support their candidates. The question becomes whether these contacts go beyond this normal interchange to become evidence that supports a closer relationship indicating affiliation.

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The evidence shows that MPC was actively involved in the formation of the Mondale delegate committees. Specifically, MPC provided its delegates with a significant amount of encouragement and support in forming the committees. As indicated in MPC's initial response to the notification of the Hart complaint, MPC believed that the formation of formal delegate committees, which would report the financial activity of the various Mondale delegates, was desirable. Accordingly, MPC vigorously promoted the creation of delegate committees by systematically notifying persons selected as Mondale delegates of the benefits of forming political committees.

MPC sent these individuals a package containing three documents -- a cover letter from Campaign Manager Bob Beckel congratulating them on their selection; a memorandum from Delegate Selection Director Elaine Kamarck discussing the operation of delegate committees and how MPC believes "these committees should work" ("Kamarck Memo"); and a detailed memorandum from MPC's legal counsel explaining the procedures for the formation of delegate committees ("Ifshin Memo"). Sub. Doc. 1-3. 22/

Rather than merely informing the delegates of their option to form a political committee, the document package strongly suggests that such committees be formed. For example, the

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22/ MPC's response to the Commission's subpoena was previously circulated to the Commission. Because of its volume, it is not attached to this report. All references in the report to subpoenaed documents ("Sub. Doc.") and interrogatory responses ("Int. Res.") correspond to the page and document numbers in the MPC response.

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Kamarck Memo stresses that the formation of such a committee "can be of enormous benefit in assuring your election as a delegate." Sub. Doc. 3, at 1. The Memo further points out that such committees can raise and expend funds to support the delegates' candidacies. To further encourage the formation of delegate committees, the Kamarck Memo promises that "[i]mmediately upon being slated as a Mondale delegate, the campaign will assist each slate of delegates in forming a committee if they so desire." Id. To illustrate MPC's intention to assist the delegate committees, the Ifshin Memo enclosed blank copies of FEC registration and reporting forms. Sub. Doc. 2, at 1. Furthermore, by inviting the committees to contact MPC for additional forms, the Ifshin Memo encourages contact between MPC and the delegates concerning delegate committee operations.

Several other facts indicate that MPC went beyond merely notifying delegates that they might form committees, and actually was involved in the establishment of the delegate committees. First, one delegate committee response states that MPC informed "prominent Mondale supporters that, in order to comply with federal law, activity which they chose to take had to be organized and financed under the aegis of a delegate committee. . .." Attachment 41, at 5 (emphasis added). Second, a MPC memorandum to Florida delegates indicates that delegates who had not formed committees after being informed of that option were reminded that they "should have formed Delegate Slate

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Campaign Committees . . . ." Sub. Doc. 19. Finally, in several instances MPC recommended persons who might serve as treasurers to delegates who were considering forming committees. Int. Res., at 27-28.

Although some of the evidence discussed can be viewed as simple advice to the delegates on the status of the law, many of the communications between MPC and the delegate committees demonstrate direct involvement by MPC in the establishment of those committees.

2. **Financed**

While "financing" usually refers to the direct or indirect flow of monetary assistance between organizations, it also includes efforts exerted by the establishing entity to arrange for contributions to be made to the other entities. The evidence available to the Commission indicates that MPC did not make any direct cash contributions to the delegate committees, but was instrumental in guaranteeing that the delegate committees received financial support.

Initially, MPC admits having taken a direct role in orchestrating the fundraising of the delegate committees. In its response to the Commission's subpeona and order, MPC acknowledges that numerous MPC representatives actively solicited contributions from individuals to the delegate committees. Int.

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Res. at 23-26. 23/ Similarly, when an individual wishing to make a contribution contacted an MPC representative, he was given the name of a delegate committee to which he could contribute. Int. Res. at 24. Furthermore, a memorandum from Campaign Manager Bob Beckel, to MPC state coordinators in Florida, Illinois and Pennsylvania provided them with lists of contributors who previously had given the maximum permissible contribution to MPC and, therefore, would probably be receptive to appeals from the delegate committees. Sub. Doc. 5; see also Int. Res. at 31-32. 24/ All of these MPC activities faciliated fundraising by the delegate committees.

MPC's efforts to encourage labor PAC contributions to delegate committees provides further evidence of MPC's orchestration of contributions to those committees. Notwithstanding MPC's refusal to accept PAC contributions and its initial suggestion to the delegate committees that they also decline such contributions, MPC's response to the subpoena indicates that MPC Labor Liaison, Paul Jensen, later encouraged the 96 labor organizations that had endorsed Mondale to make contributions to the delegate committees. Int. Res. at 24.

23/ An example of such solicitation appears to have occurred in New Hampshire. All of the individual contributors to delegate committees in New Hampshire were from out-of-state. Attachment 15. Forty-two contributors out of a total of 51 contributed $1,000 or more to a New Hampshire Delegate Committee. Thirty-one contributors had also contributed $1,000 or more to MPC. This would seem to indicate that MPC solicited contributions either by contacting the contributors or by giving a list to the New Hampshire delegate committees of "generous" contributors.

24/ In its response to the subpoena MPC asserts that only two coordinators ever received the memorandum and only one of those provided their contributor list to any delegate committees.

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Although it is difficult to tell exactly how many PAC contributions were given to the delegate committees as a result of this encouragement, it is noted that the delegate committees received over $348,976.40 from the 13 respondent labor PACs alone.

In light of the foregoing evidence, it appears that MPC was significantly involved in the financing of the Mondale delegate committees.

3. Maintained

Proof that committees are maintained by another entity often involves evidence that the entity has provided ongoing support to those committees. Here, the evidence indicates that MPC provided ongoing administrative and other assistance to the delegate committees.

To ensure that the delegate committees would be able to perform the necessary campaign activities, MPC took steps to provide the delegate committees with a ready supply of volunteers. MPC maintained a central roster of available volunteers and coordinated the distribution of those volunteers to the delegate committees in various primary and caucus states as needed. See e.g., Int. Res. at 5 and Sub. Doc. 18. Frequently, individuals who had worked as MPC field staff later worked as volunteers for one or more delegate committee, often traveling from state to state. It appears that MPC also coordinated these activities because, in many cases, MPC paid the

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transportation costs of those persons. Int. Res. at 21. 25/ Furthermore, in some instances, an MPC staff member helped individuals who performed volunteer work to obtain per diem reimbursement for that work. Int. Res. at 20.

In addition to providing volunteer labor, MPC advised delegate committees on the "nuts and bolts" of basic campaign activities. Members of the MPC field staff, for example, advised committees on "the use of volunteers in grass roots activity," including the "distribution of literature." Int. Res. at 19-20. Other MPC staff were even more directly involved in the operations of the Mondale delegate committee operations. The MPC Michigan Field Director advised delegate committees in his state on a volunteer phone bank script. Int. Res. at 20. Several MPC staff in various states prepared sample brochures for delegate committee use 26/ and recommended which printers the

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25/ Several delegate committee responses also mention that former MPC staff and/or volunteers worked for their committees See, e.g., Responses from the Mondale Delegate Committee of Reading (PA) and the Pennsylvania At-Large Delegate Committee. Attachments 41 and 42.

26/ In its response to the subpoenas, MPC claims that "[b]ecause amounts spent on volunteer campaign materials are exempt from the definitions of contribution and specifically do not count as expenditures subject to MPC['s] limit, MPC may assist, coordinate and cooperate with delegate committees on such materials. This activity could not, therefore, under any circumstances be evidence of affiliation." Int. Res. at, 18-19. Presumably, this argument refers to the "coattails" exemption. Although that provision assumes some measure of cooperation between the delegate and the candidate concerning campaign materials, the regulation should not be read to permit a candidate to direct the delegate committee's campaign material efforts. Where as here, the candidate is not merely consulting with the delegate committees, but is actually providing the materials to be used, such facts may support a finding of affiliation.

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committees should employ. Int. Res. at 29-30 and 33-34. Finally, Patricia Eltman, a member of MPC's national field staff, actually maintained the financial records of the Michigan 6th Congressional District Delegate Committee in furtherance of that committee's FEC compliance responsibilities. Int. Res. at 19. Through the continuing provision of support services and the direct involvement of Mondale staff in the activities of the delegate committees, it appears that the Mondale campaign maintained the delegate committees.

4. Control

The evidence shows that MPC sought to exert control over the delegate committees from the outset, particularly in the area of fundraising. These efforts began with MPC gathering as much information as it could about the delegate committees already in existence and encouraging the formation of additional delegate committees. For instance, a memorandum from the MPC Florida state coordinator told the delegates that they should be forming delegate committees in all congressional districts in their state. Sub. Doc. 19. A follow up document from the Florida coordinator, reporting back to MPC, confirmed that such committees had been formed and specified that all the committees would have filed with the FEC by a specified date. Sub. Doc. 6. MPC also directed the delegate committees to send copies of their Statements of Organization and all other FEC filings to MPC national headquarters and, through its field staff, gathered the specifics on who was heading committees. Sub. Doc. 11. 27/

27/ MPC also closely monitored the committees to be sure their reports were filed with the FEC. See Sub. Doc. 6, at 2.

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Once MPC had obtained information about the delegate committees, it took steps to ensure that the activities of those committees would not conflict with MPC efforts. Delegate committees in Florida, for example, were notified that their treasurers and press spokespersons should "work with" Bill Fleming, state director for MPC. Sub. Doc. 20. MPC's efforts to control the delegate committees, however, primarily focused on fundraising.

As the various delegate committees began to gear up, a competition developed between MPC and delegate committees for the limited number of individual contributions available. MPC thought that its fundraising should take priority over delegate committee efforts because contributions received by MPC were matchable, and because all expenditures for media buys had to be made by MPC and not by the delegate committees. Accordingly, in a January 30, 1984, memorandum, Campaign Manager Bob Beckel and Finance Director Tim Finchem told Florida, Illinois and Pennsylvania state coordinators to "urge our delegate committees to raise money from <u>only</u> those people who have <u>maxed out</u> to the Mondale Campaign." Sub. Doc. 5. (Emphasis in the original). To further this effort, MPC gave those coordinators lists of contributors who had already given the maximum amount to MPC. The same memorandum also instructed the state coordinators to inform MPC of any fundraising by the delegate committees and not to schedule any fundraising event without first checking with the National Campaign Fundraising Office.

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Nine days later, on February 8, 1984, Finchem issued another memorandum to Beckel and fourteen senior campaign officials, the stated purpose of which was "to outline and reaffirm our campaign-wide understanding on delegate committee fundraising." That memorandum states:

> As we have discussed, we only want to encourage delegate committee fundraising in ways and in areas where it does not conflict with our existing fundraising schedule. The reason for this is that conflicts will result in an inability to attain our projected revenues upon which we plan campaign operations, including media buys.
>
> Therefore, we have all agreed to pursue as a priority the encouragement of fundraising for the New Hampshire delegate committees, and to place all other such fundraising on the back burner. All other fundraising should be discouraged totally.

Sub. Doc. 4.

It is clear from the evidence that MPC sought to allow the delegate committees to operate only in those areas that would not interfere with MPC's strategy. Instead, MPC carved out an approach for the delegate committees that would supplement MPC efforts. That could only be achieved through a high degree of control, exercised by senior MPC officials through MPC state coordinators and directed at the delegate committees.

5. Conclusion

As the foregoing discussion demonstrates, MPC appears to have actively encouraged and supported the establishment of the

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Mondale delegate committees. Furthermore, once those committees were formed, MPC apparently helped to finance the committees and provided them with such a degree of ongoing support as to constitute maintenance of the committees. Finally, the evidence indicates MPC directed and coordinated the activities of the delegate committees, particularly in the area of fundraising, to such an extent that MPC essentially controlled the committees. Thus, the Office of the General Counsel believes that there is evidence indicating that the Mondale delegate committees are affiliated with MPC.

C. Proposed Conciliation Agreements.

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RECOMMENDATIONS:

1. Find reason to believe that the Mondale For President Committee, Inc., and Michael S. Berman, as treasurer, accepted excessive contributions in violation of 2 U.S.C. § 441a(f);

2. Find reason to believe that the Amalgamated Clothing and Textile Workers Union PAC and John Fox, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

3. Find reason to believe that the American Federation of Labor, Congress of Industrial Organizations Committee on Political Education Political Contribution Committee and Thomas R. Donahue, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

4. Find reason to believe that the AFSCME Public Employees Organized to Promote Legislative Equality-QUALIFIED and William Lucy, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

5. Find reason to believe that the American Federation of Teachers COPE and Robert G. Porter, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

6. Find reason to believe that the Communication Workers of America COPE PCC and Louis B. Knecht, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

7. Find reason to believe that the Ironworkers Political Action League and John T. Taylor, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

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8. Find reason to believe that the International Union of Bricklayers and Allied Craftsmen PAC and Edward M. Bellucci, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

9. Find reason to believe that the Machinist Non-Partisan Political League and Eugene Glover, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

10. Find reason to believe that the Service Employees International Union COPE PCC and Richard W. Cordtz, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

11. Find reason to believe that the United Auto Workers V-CAP and Donald J. Moll, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

12. Find reason to believe that the Carpenters Legislative Improvement Committee and Patrick J. Campbell, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

13. Find reason to believe that the United Food and Commercial Workers Active Ballot Club and Anthony Lutty, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

14. Find reason to believe that the United Mine Workers of America Coal Miners' PAC and John J. Banovic, as treasurer, made excessive contributions in violation of 2 U.S.C. § 441a(a)(2)(A);

15. Find reason to believe that the Ironworkers Political

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Action League and John T. Taylor, as treasurer, failed to report a $1,000 contribution to the Pennsylvania 21st Congressional Delegates for Mondale Committee in violation of 2 U.S.C. § 434(b)(6)(B)(i);

16. Find reason to believe that the Pennsylvania At-Large Delegates for Mondale Committee and Joanne Ciulla, as treasurer, and the Pennsylvania 22nd Congressional District Delegates for Mondale Committee and Debbie O'Dell Seneca, as treasurer, failed to report contributor information in violation of 2 U.S.C. § 434(b)(3)(B);

17. Find reason to believe that the 1st District Delegate Committee for Mondale (RI) and Salvatore Mancini, as treasurer, and the 2nd District Delegate Committee for Mondale (RI) and Joseph DeLorenzo, as treasurer, failed to amend their Statements of Organization in violation of 2 U.S.C. § 434(c);

18. Merge MUR 1667 with MUR 1704;

19. Enter into pre-probable cause conciliation negotiations with the Mondale For President Committee, Inc. and Michael S. Berman, as treasurer, the American Federation of Teachers Committee on Political Education and Robert G. Porter, as treasurer, and the Machinists Non-Partisan Political League and Eugene Glover, as treasurer, at this time;

20. Approve the attached conciliation agreements for the Mondale For President Committee, Inc. and Michael S. Berman, as treasurer, the American Federation of Teachers Committee on

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Political Education and Robert G. Porter, as treasurer, and the Machinists Non-Partisan Political League and Eugene Glover, as treasurer;

21. Approve and sent the attached letters.

Date

Charles N. Steele
General Counsel

Attachments

1) List of delegate committees and their treasurers
2-14) Responses of the labor PACs
15) List of individual contributors to MPC and the delegate committees who exceeded, in the aggregate, $1,000
16) List of aggregate totals of labor PAC contributions to the delegate committees
17) Sample merger letter
18) Letter from AFT COPE counsel
19) Letter from MNPL counsel
20-22) Conciliation agreements with letters to counsel
23-32) Letters to ten labor PACs
33) Letter to Ironworkers Political Action League counsel
34) Letter to Pennsylvania At-Large Delegate for Mondale counsel
35) Letter to 22nd Congressional District Delegates for Mondale (PA)
36) Letter to Rhode Island 1st District Delegate Committee for Mondale
37) Letter to Rhode Island 2nd District Delegate Committee for Mondale
38) Chart listing total numbers of contributions to the delegate committees from indivduals, by state
39) Chart listing disbursements to out-of-state individuals by the delegate committees
40) Chart analyzing delegate committee disbursements to vendors
41) Responses from Pennsylvania At-Large Delegates for Mondale
42) Response from Mondale Delegate committee of Reading (PA)

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MONDALE DELEGATE COMMITTEES AND DELEGATE COMMITTEE TREASURERS

ARIZONA

Arizona Mondale Delegate Cmte. - David J. Cantelme

CALIFORNIA

Mondale Delegate Election Cmte. - 6th CD - Ray Castell-Blanch
11th CD Mondale Delegate Cmte. - Janet Epstein
37th CD Delegate Advisory Cmte. - Susan K. Sweeney

COLORADO

Mondale Colorado Delegate Selection - Howard A. Roitman
Cmte. Statewide

DISTRICT OF COLUMBIA

ADA Campaign Committees - Leon Shull
Mondale Delegates - D.C. Cmte. - William H. Simon

FLORIDA

CD #1 Delegates for Mondale - J. Gordon Pennington
CD #2 Delegates for Mondale - Jo Anna Conte, Florida
CD 4 Delegates for Mondale - Calvin D. DeVoney
CD 5 Delegates for Mondale - Cheryl B. Frazier
*CD 6 Delegates for Mondale - Carl W. Harner
CD 7 Delegates for Mondale - James L. Ghiotto
Mondale Delegates CD #8 - Sue Moore
CD 9 Delegates for Mondale - LaVaunne Miller
CD #10 Delegates for Mondale - Bernard E. Shingle
*CD 11 Delegate for Mondale - Monnie Yung Kans
Northern 12th CD Delegates for Mondale - Nancy Miller
Mondale Delegates, CD #13 - Melinda Greiner
14th CD for Mondale - George E. Comford
Mondale 15th District Delegate Cmte. - Robert D. Parks
Mondale 16th District Delegate Cmte. - Angelique O. Stahl
Delegates for Mondale - Samuel C. Catherwood
South Florida Delegates for Mondale - Robert A. Sugarman

IDAHO

Idaho Delegates for Mondale - Larry Laroco

* indicates unregistered delegate committee

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ILLINOIS

1st CD Delegates for Walter Mondale - Georgia E. Trevan
2nd CD Delegates for Mondale - Ceila A. Rivers
3rd CD Delegates for Mondale - Lenore T. Colson
4th Dist. Mondale Delegate Cmte. - Terrie L. Hanus
6th Dist. Mondale Delegate Cmte. - Jack L. Bright
7th CD Delegates for Mondale - William H. Taylor, II
8th Dist. Mondale Delegate Cmte. - Roman Lobodzinski
9th Dist. Mondale Delegate Cmte. - Gregory A. Kinczewski
10th Dist. Mondale Delegate Cmte. - Elliott D. Hartstein
11th Dist. Mondale Delegate Cmte. - Jean M. Foran
12th Dist. Mondale Delegate Cmte. - George Moser
13th CD Delegate Cmte. for Walter F. Mondale - Joan P. Murphy
14th Dist. Delegates for Mondale - Jerome C. Shapiro
15th Dist. Delegates for Mondale - Herman L. Dammerman
16th Delegates for Mondale - Frank G. Mabrey
17th Dist. Mondale Delegate Cmte. - Donna M. McWilliams
Mondale Delegates for the Illinois 18th Cmte. - James K. Polk
19th Dist. Mondale Delegate Cmte. - John S. Adkins
20th CD Delegates for Mondale - Bill Dempsey
Delegates for Mondale Cmte. 21st CD - Betty Donovan
22nd CD Delegates for Mondale - Patrick C. Brumleve

KANSAS

Kansas At-Large Delegate Cmte. - Terry Scanlon
Kansas Mondale At-Large Delegate Cmte. - Dan Watkins

KENTUCKY

KY At-Large Delegates for Mondale Cmte. - Ralph Coldiron

MARYLAND

1st Dist. Delegates for Mondale - James M. Voss
2nd Dist. Delegates for Mondale - Joan Sanders Rudolph
3rd Dist. Delegates for Mondale - Frank Lidinsky
4th Dist. Delegates for Mondale - Ellen O. Moyer
6th Dist. Delegates for Mondale - Thomas G. Slater
7th Dist. Delegates for Mondale - Alma Bell
Mondale Delegate At-Large Cmte. for MD - Lawrence M. Vincent
Montgomery County for Mondale Delegate Cmte. - Otto Unsinn
Prince George's Delegates for Mondale - Barbara Levin

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MASSACHUSETTS

*6th District Delegates for Mondale - John D. Von Dusen

MICHIGAN

6th Dist. Delegates for Mondale Cmte. - Larry D. Owen
15th District Delegates for Mondale Cmte. - Patricia Tallmadge

MISSOURI

Western Missouri Mondale Delegates Cmte. - Marsha Murphy

MONTANA

Montana At-Large Delegates for Mondale Cmte. - Blake Wordal

NEW HAMPSHIRE

NH 1st Dist. Delegates for Mondale - Nancy Ryan
NH 2nd Dist. Delegates for Mondale - Anthony Redington

NEW YORK

Long Island Mondale 1st CD Delegates - Barry M. McCoy
LI - Mondale 2nd CD - Diane M. Carr
Long Island Mondale 4th CD Cmte. - Craig Heller
6th CD Delegates for Mondale - Paul Gross
7th CD Delegates for Mondale - Charlotte K. Scheman
8th CD Delegates for Mondale - Benjamin Chevat
9th CD Delegates for Mondale - Gerard J. Sweeney
10th CD Delegates for Mondale - Steven D. Goldenkranz
Delegates for Mondale - Kings/Richmond 11th CD - Lawrence Rosenweiz
Delegates for Mondale 12th CD Kings/Richmond - William Steinman
Delegates for Mondale 13th CD Kings/Richmond - Barbara Capon
Delegates for Mondale - Kings/Richmond 14th CD - Mary Ellen Hunold
*15th CD Delegates Coalition for Mondale
16th CD Delegates for Mondale - Heyward Davenport
Mondale 17th CD Delegate Cmte. - Elizabeth Bolden
*18th CD Delegate Committee for Mondale
Mondale 19th CD Delegate Cmte. - Joseph Miller
21st Dist. Friends of Walter Mondale Delegates - Stephen J. Wing
22nd CD Delegates for Mondale - Kevin Thompson
23rd CD Delegates for Walter F. Mondale - Ruben S. Gersowitz

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NEW YORK (continued)

Delegates for Mondale 25th Dist. - Francis J. Kloster
27th CD Delegates for Mondale - John E. McAuliffe
28th CD Delegates for Mondale Cmte. - Evelyn L. Rockas
Cmte. for Western NY Mondale Delegates - Thomas A. Fink
Erie County Delegates for Mondale - Kenneth C. Kruly
NY At-Large Delegates - Chester J. Straubb
Haney, Mains, Rankin, Trobia, Delegate Cmte. - Paul E. Haney
Long Island Mondale Cmte. - Jurgen Worthing
Lower Hudson Delegates for Mondale - Ronald V. Iaboni
*The Mondale Team (32nd CD) - Jean M. Kroetsch
Naples-Mondale for Pres. Delegate Slate - Mary E. Gurnett
North Country Delegates for Mondale - Louis Nicolella
Northern NY Delegates for Mondale - Clifford R. Donaldson, Jr.
Sharpe/Jackson Delegates for Mondale - Elizabeth Tarpey
Southern Tier for Mondale - Janet E. Bald
*West New York Elect Mondale Committee (31st CD)

NORTH CAROLINA

Guilford Delegates for Mondale - Helen Russell Allegrone

NORTH DAKOTA

ND Delegates for Mondale Cmte. - Nicholas Spaeth

OHIO

1st and 2nd Dist. Delegates for Mondale - Peter W. Swenty
4th Dist. Mondale Delegate Cmte. - William D. Angel, Jr.
17th Dist. Mondale Delegate Cmte. - Jeffrey George
Cuyahoga County Mondale Delegates Cmte. - Dorothy J. Sievers

PENNSYLVANIA

2nd CD Delegates for Mondale - Anthony McNeil
3rd CD Delegates for Mondale - Alice K. Gardan
4th Dist. Delegates for Mondale - Elizabeth McCurdy
Delegates for Mondale Cmte. (5th CD) - Kathleen Neary
7th CD Mondale Delegates - Nancy B. Baulis
9th CD Delegates for Mondale - Gerard S. Ziegler
10th CD Mondale Delegates Cmte. - Joseph M. Cognetti
11th Congressional Delegates for Mondale - Mae McHugh

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PENNSYLVANIA (continued)

Mondale Delegate Cmte. - 12th CD - William H. Kerr
Mondale 13th Delegate Cmte. - Joseph P. Manko
PA 14th CD Delegates for Mondale - Richard Brabender
*15th CD Delegates for Mondale
Delegate Cmte. for Mondale - 16th CD - Philip B. Ebersole
PA 17th CD Delegates for Mondale - Susan D. Carle
PA 18th CD Delegates for Mondale - Art Rooney, II
19th CD Delegates for Mondale Cmte. - Louann Shrader
Mondale Delegates - 20th Dist. - Kathleen Smith
21st CD 1984 - Delegates for Mondale - Dolores C. Bross
22nd CD - Delegates Cmte. for Mondale - Debbie O'Dell Seneca
Delegates At-Large for Mondale - Joanne B. Ciulla
Mondale Delegates Cmte. - Lawrence P. Murin
Mondale Delegate Team - Thomas E. Mellon, Jr.
*Philadelphia Democratic County Executive Committee

PUERTO RICO

*Delegates Committee With Mondale - Francisco Gonzalez

RHODE ISLAND

1st Dist. Delegate Cmte. for Mondale - Salvatore Mancini
2nd Dist. Delegate Cmte. for Mondale - Joseph DeLorenzo

TEXAS

14th Dist. Mondale Delegate Cmte. - Roger Duncan
23rd Dist. Mondale Delegate Cmte. - Millie Bruner
26th Dist. Mondale Delegate Cmte. - Frank Herrera
Tarrant County Delegate Cmte. - Melinda T. Vance

VIRGINIA

Arlington Mondale Delegate Cmte. - Ann M. Yarborough
*Mondale 2nd CD Delegate Recruitment Committee - Pauline Davis
Mondale 3rd Dist. Delegate Section Cmte. - Paddi Valentine

WASHINGTON

At-Large Delegates for Mondale - Meade Emory

WISCONSIN

5th Dist. Mondale Delegate Cmte. - Keven D. O'Connor
Wisconsin At-Large Delegates for Mondale - Rick Asplund

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AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION

ACTWU

AFL-CIO, CLC

15 UNION SQUARE • NEW YORK, N.Y. 10003
(212) 242-0700

RECEIVED AT THE FEC
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ATT: 38

MURRAY H. FINLEY
President

JACK SHERMAN

SCOTT NOVAK
Executive Vice President

June 19, 1984

Express Mail #38663435

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

Re: MUR 1704

Dear Mr. Steele:

The following is the response to the Complaint filed in MUR 1704 on behalf of the Amalgamated Clothing and Textile Workers Union (ACTWU) and Amalgamated Clothing and Textile Workers Union Political Action Committee (ACTWU-PAC).

The Complaint alleges that ACTWU-PAC is affiliated with other political committees named as Respondents in the Complaint, and made excessive contributions to Mondale Delegate Committees. ACTWU-PAC denies these allegations which are unsupported by any evidence proffered with the Complaint.

ACTWU-PAC is the federal separate, segregated fund and is not affiliated with any other political committee, including the other political committees named in the Complaint, within the meaning of the Federal Election Campaign Act (FECA) or the Regulations 11 CFR §100.5(g). ACTWU-PAC acted independently in deciding which delegate committees to contribute to, and in determining the timing and amounts of those contributions. The contributions to the various delegate committees listed in the Complaint were based on information and requests from ACTWU's local union representatives and members.

In making these contributions, ACTWU-PAC acted in good faith reliance on FEC regulations permitting such contributions and abided by the statutory contribution limits. 11 CFR §110.2(a)(3) and §110.14. ACTWU-PAC relied on the independent nature of these delegate committees in restricting contributions to the

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CECIL TORPIN
JIM WALRAVEN

ATTACHMENT 2 (Page 1 of 2)

$5,000 maximum contribution limit to each delegate committee.

No specific allegation or proof has been presented in the Complaint to establish any wrong doing on the part of ACTWU-PAC or ACTWU.[1/] Therefore, Respondent ACTWU-PAC respectfully requests that the Complaint be dismissed as against ACTWU-PAC and that no further action be taken on MUR 1704.

Very truly yours,

Joan Ruby/gsk

Joan Ruby
Assistant General Counsel

JR/mdc
cc: Stephen Mims
George A. Kirschenbaum

1/ The affidavit of Howard L. Miller, Jr., (Attachment K) is cited in support for the allegation that the ACTWU was operating in "close cooperation" with the Mondale Campaign (Complaint at 23). Although this allegation is unrelated to the gravaman of the Complaint and prayer for relief, a brief response follows.

First, it must be noted that statements in the affidavit are all hearsay reports from other investigators. Secondly, no illegal conduct on the part of ACTWU is described in the Affidavit, Attachment K.

No impropriety or violation of the FECA is committed if someone from the Mondale Campaign should suggest that a volunteer help out at a Union operated phone-bank. Nor is there any impropriety or violation if a Union should accept help from Volunteers in communicating to the restricted class of members and their families. Finally, there is no violation in volunteers addressing AFL-CIO mailings to be sent to AFL-CIO members and their families.

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American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

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Joyce D. Miller
James E. Hatfield
Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

June 21, 1984

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C.

Re: FEC MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), the AFL-CIO Committee on Political Education Political Contributions Committee ("AFL-CIO COPE/PCC") and its treasurer Thomas R. Donahue (hereinafter "respondents") to the complaint filed by the National Right to Work Committee ("N.R.T.W.C.") on May 18, 1984 and numbered FEC MUR 1704 by the Commission.

In its complaint the N.R.T.W.C. alleges that AFL-CIO COPE/PCC and the international union political committees also named as respondents in the complaint (hereinafter referred to as "respondent union political committees") are "affiliated" within the meaning of 11 C.F.R. §100.5(g) and have "knowingly and willfully" exceeded the contribution limits of the Federal Election Campaign Act by contributing, in the aggregate, in excess of $5,000 to various Mondale delegate committees alleged by complainant to be affiliated with each other and with the Mondale for President Committee. Complainant alleges in the alternative that even if respondent AFL-CIO COPE/PCC and respondent union political committees are not affiliated and are not therefore subject to a single contribution limit, the committees should nevertheless be found to have "knowingly and willfully" exceeded the contribution limits of the Act because each one has made contributions totalling more than $5,000 to various Mondale delegate committees which, according to the complainant, are affiliated within the meaning of 11 C.F.R. §100.5(g).

As we show below, the complaint against respondents lacks any basis either in law or in fact. Accordingly, the Federal Election Commission should find no reason to believe that respondents have violated the Act and should dismiss the complaint against them.

1. <u>The AFL-CIO COPE/PCC Is Not Affiliated With the International Union Political Committees Named As Respondents In The Complaint.</u>

Complainant's allegation that the respondent AFL-CIO COPE/PCC and respondent union political committees are affiliated within the meaning of 11 C.F.R. §100.5(g) rests entirely on a claim that respondents have "coordinated" their

ATTACHMENT 3 (Page 1 of 19)

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support of Mondale delegate committees and have "engaged in similar patterns of contributions" to the delegate committees.

A. Complainant's affiliation argument is without any support in law. Complainant makes no attempt to articulate any legal basis for the claim that "coordination" of contributions and "similar patterns" of contributions, even if established, support the conclusion that respondent AFL-CIO COPE/PCC and respondent union political committees are affiliated within the meaning of 2 U.S.C. §441a(a)(5) and of 11 C.F.R. §100.5(g) and §110.3. This is not surprising since in fashioning the complaint the complainant has studiously ignored both the language and the legislative history of the statute and the Commission's regulations.

The general test for affiliation is set out in §100.5(g)(2) of the Commission's regulations:

> [a]ll committees ... established, financed, maintained, or controlled by the same corporation, labor organization, person, or group of persons including any parent, subsidiary, branch, division, department or local unit thereof, are affiliated.

Even if this test were applicable to the relationship between the AFL-CIO and its member unions, which it is not, complainant has not offered a shred of evidence that either the AFL-CIO COPE/PCC or any of the other union political committees named in the complaint "established, financed, maintained or controlled" any of the other union political committees.

Complainant's lone attempt to demonstrate one of the indicia of establishment, financing, maintenance, or control set forth in §100.5(g) — "similar patterns of contributions" — is, as we show below, unsupported by the facts. But such a pattern, standing alone, is not sufficient to establish affiliation in any case since there is bound to be similarity in the contributions made by any group of individuals or organizations that share similar political, social and economic views. Complainant's reliance on alleged "coordination" of contributions to establish affiliation is also without merit. As the statute and the Commission's regulations reflect, "control" not "coordination" is the test for determining affiliation. While coordination of contributions may well be present where there is actual control by one political committee over another, such coordination alone, even if established, is not in itself proof of control where, as here, political committees retain and exercise the right to make their own decisions with regard to contributions.

Moreover, the legislative history of §441a(a)(5), setting forth the Act's antiproliferation rules, clearly demonstrates that Congress in enacting that section did not intend to subject the AFL-CIO and its member national and international unions, as those unions operated then and continue to operate now, to a single contribution limit. See Respondents' reply to FEC MUR 1605 dated January 27, 1984, at 2-18. The Commission's regulation at §100.5(g)(2)(i) specifically incorporates Congress' directions with regard to the proper application of the antiproliferation rules to the AFL-CIO and its member national and international unions:

> (B) All political committees set up by a single national or international union and/or its local unions or other subordinate organizations of the national or international union are affiliated;

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(C) All of the political committees set up by an organization of national or international unions [e.g., the AFL-CIO] and all of its State and/or local central bodies are affiliated.

These rules require rejection of the complainant's assertion that respondents can be found to be affiliated on the strength of a showing of "coordination" of and a similar pattern of" contributions.1/

B. The only evidence cited by complainant in support of its claim that the AFL-CIO COPE/PCC and respondent union political committees "coordinated" their contributions to Mondale delegate committees is that representatives of 15 or 16 international unions attended a meeting on March 22, 1984 chaired by AFL-CIO COPE Director John Perkins, and that 39 percent of all of the delegate committee contributions made by respondent AFL-CIO COPE/PCC and respondent union political committees during February and March of 1984 occurred on or within seven days of that meeting.

Complainant is correct in stating that AFL-CIO COPE Director John Perkins met with representatives of certain AFL-CIO affiliated international unions on March 22, 1984 at one of a series of regular meetings of the political directors of AFL-CIO member unions held for the purpose of discussing internal political education and get-out-the-vote activities jointly undertaken by the AFL-CIO and those unions.2/ At the March 22 meeting Mr. Perkins did provide information on New York Mondale delegate committees and urged the unions represented at the meeting to consider making contributions to those committees. Neither Mr. Perkins nor any other AFL-CIO staff member made any effort to control the decision of any union political committee on whether to make such a contribution. Nor did the AFL-CIO monitor union political committee contributions to New York delegate committtees; until the complaint herein was served, Mr. Perkins had no knowledge, except where the information was volunteered by an international union, concerning the extent of such contributions.

1/ Respondents call to the Commission's attention the fact that one of the union political committees named in the complaint, the UMWA Coal Miners PAC, is the political committee of a union that is not affiliated with the AFL-CIO. Respondents acknowledge that the test for determining whether the United Mine Workers of America Coal Miners PAC is affiliated with the AFL-CIO COPE/PCC is the general test for affiliation set out in §100.5(g)(2) of the Committee's regulations (i.e., whether the committees are "established, financed, maintained or controlled by the same corporation, labor organization, person or group of persons"), but denies any such relationship with the UMWA Coal Miners PAC and notes that complainant has proffered no evidence whatsover of any such relationship.

2/ No UMWA representative was present at the March 22, 1984 meeting chaired by COPE Director John Perkins, nor do UMWA representatives participate in the regular meetings of the political directors of AFL-CIO member unions held for the purpose of discussing internal political education and get-out-the-vote activities jointly undertaken by the AFL-CIO COPE and those member unions.

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In sum, the March 22 meeting constituted an exercise of the AFL-CIO's statutory right to communicate on any subject with its members. See 2 U.S.C. §441b(b)(2)(A). The exercise of that right does not make AFL-CIO COPE/PCC affiliated with the international union political committees with whom the AFL-CIO communicates. The legislative history of §441a(a)(5) clearly demonstrates that in framing the antiproliferation rules Congress fully understood that the AFL-CIO had a statutory right to communicate with its member unions and their members and families and that the Federation exercised that right. Congress nevertheless determined that the exercise of that right should not prevent the AFL-CIO and its affiliated national and international unions from sponsoring separate political committees with separate contribution limits. See respondents' reply to FEC MUR 1605 dated January 27, 1984, at 5-7. A determination of affiliation based on communications between the AFL-CIO and its affiliates would not only be contrary to the language and legislative intent of §441a(a)(5) but would also lead to the absurdity that any political committee that exchanged information with any other political committee regarding campaign related matters becomes affiliated with the recipient of the information.

Complainant's observation that 39 percent of the cited contributions by the respondent union political committees during the months of February and March, 1984, occurred on or within seven days of the March 22 meeting discussed above is nothing more than playing with numbers. The New York primary took place on April 3, 1984 and the Pennsylvania primary on April 10, 1984. In light of the sequence of Democratic Presidential primaries and caucuses beginning February 20 in Iowa and February 28 in New Hampshire, followed by primaries and caucuses in 25 states during the first three weeks in March, the end of March is when one would expect contributions to New York and Pennsylvania committees to be made. And, due to the large number of delegates at stake, the relatively large number of Mondale delegate committees in operation, the large number of union members serving on delegate committees, and the large number of union members in these two highly industrialized states, it is not surprising that union political committees should have determined to concentrate resources on the election of Mondale delegates in those primaries. In contrast, the earlier primaries had been in states having far fewer delegates and union members. Moreover, complainant fails to mention that 23 percent of the total contributions for February and March made to Mondale delegate committees by the respondent union political committees were made in the week preceding the March 22 meeting, or that three of the political committees named as respondents — AFL-CIO COPE/PCC, the Bricklayers and Allied Craftsmen PAC, and the United Mine Workers of America Coal Miners PAC — made no contributions whatsoever to Mondale delegate committees during the week following the March 22 meeting. Thus, the timing of the contributions made by respondent union political committees does nothing to prove complainant's allegations.

While it is claimed that the list of contributions to Mondale delegate committees during February and March "demonstrates that respondent union PACs ... have engaged in similar patterns of contributions," no pattern is described nor is any pattern that supports complainant's theory discernible. Upon receipt of the complaint, respondent AFL-CIO COPE/PCC prepared from FEC reports a list of the February and March contributions by the respondent political committees on a state-by-state, committee-by-committee basis. That list, a copy of which is appended hereto as Attachment A, shows that approximately 60% half of the

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committees received contributions from only one of the respondent union political committees, while the other 49% received contributions from as few as two and as many as nine different union political committees. The particular combinations of union political committees that gave to the delegate committees, the dates on which the contributions were made, and the amounts of the contributions all vary widely from delegate committee to delegate committee. This lack of a pattern belies complainant's allegations.

2. The AFL-CIO COPE/PCC Has Not Knowingly and Willfully Made Excess Contributions To The Mondale For President Committee or To Any Mondale Delegate Committee

AFL-CIO COPE/PCC's contributions to Mondale delegate committees are set out in the margin.3/ In making these contributions, the AFL-CIO COPE/PCC and its treasurer, Thomas R. Donahue, relied on a memorandum, a copy of which is appended hereto as Attachment B, prepared by the committee's counsel, describing the Commission's delegate regulations governing contributions to and expenditures by delegates and delegate committees. (11 C.F.R. 110.14.) The memorandum states that contributions from labor organizations' voluntary separate segregated funds to delegate committees are lawful but are subject to the $5000 per political committee per year contribution limit stated in 2 U.S.C. §441a(a)(2)(C).

Respondents' contributions to delegate committees were made with the good faith belief that each of the committees were independent from each other and from the Mondale For President Committee and that each delegate committee had a separate contribution limit for purposes of 2 U.S.C. §441a. Respondents made the independent decision to contribute to those delegate committees based on their own assessment of what contributions would further the AFL-CIO's interest in achieving the election of Mondale delegates in general and labor union delegates in particular.

Based on the above, respondents deny that they have "knowingly and willfully" violated 2 U.S.C. §441a. Furthermore, since respondents acted in good faith reliance on §110.14 of the Commission's regulations in making contributions to delegate committees, respondents submit that they should not be subject to any sanctions under the Act in relation to the making of those contributions. See 2 U.S.C. §438(e).4/

3/ A $1000 contribution to the South Florida Delegates For Mondale Committee on 3/8/84; a $3000 contribution to the Mondale 15th District Delegate Committee (Florida) on 3/9/84; a $1000 contribution to the Mondale Delegate Congressional District Eight Committee (Florida) on 3/9/84; a $5000 contribution to the Delegates Committee With Mondale (Puerto Rico) on 3/12/84; a $3200 contribution to the 17th District Mondale Delegate Committee (Illinois) on 3/15/84; a $3200 contribution to the 22nd District Mondale Delegate Committee on 3/15/84; a $3200 contribution to the 19th District Mondale Delegate Committee (ILL) on 3/15/84; a $600 contribution to the Mondale Delegates D.C. Committee on 3/16/84; and a $5000 contribution to the Mondale Delegates At Large Committee of Maryland on 4/19/84.

4/ The complaint (at pp. 22-23) offers the suggestion that the respondent AFL-CIO COPE/PCC and respondent union political committees are somehow affiliated with the Mondale for President Committee and various delegate committees. The basis for this suggestion, so far as we understand it, is the allegation that for

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For the foregoing reasons, respondents respectfully request that the Commission find no reason to believe that respondents have violated the Federal Election Campaign Act and that the Commission dismiss the complaint against them.5/

Sincerely,

Laurence Gold

Laurence Gold

Margaret E. McCormick

Margaret E. McCormick

(footnote 4 continued): certain periods some of the delegate committees named in the complaint received a "significant part" of their contributions from union political committees and the further allegation that an individual who is an officer of a Florida county AFL-CIO is also an assistant treasurer to a delegate committee in Florida. These allegations are plainly insufficient to demonstrate affiliation. See FEC Advisory Opinion 1982-21. We add only that there is nothing in the Act that puts individuals who are officers of local labor organizations to the choice between resigning their union officer position or foregoing their right to seek delegate status.

5/ The supporting documents submitted by complainants includes affidavits from two persons who allege that they found COPE materials at the office of the Mondale At-Large Delegate Committee at 1420 Walnut Street in Philadelphia. The affidavit of private investigator Albert Brown (Attachment D of the complaint) states that Mr. Brown discovered and stole an AFL-CIO COPE poster headed "Reaganism: A Price Too High" from the bathroom of the delegate committee office. Copies of the AFL-CIO COPE poster described above were distributed solely to AFL-CIO members and their families. The AFL-CIO has no knowledge of how one copy of that poster found its way into the bathroom of the above-described delegate committee. In any event, it is clear that the recirculation of a single COPE poster outside the AFL-CIO's restricted class is de minimis and therefore does not violate the statute or the Commission's regulations. See FEC Advisory Opinions 80-139; 79-50.

The affidavit of Nicole Chambers (Attachment E of the complaint) states that among the "campaign material" that she was asked to distribute to unidentified individuals coming into the delegate committee office was a two-page flyer bearing the logo of the Pennsylvania AFL-CIO Committee on Political Education. The flyer, appended as Exhibit 9 to Attachment E, was prepared by the Pennsylvania AFL-CIO for distribution to AFL-CIO members and their families. Copies of the flyer were distributed only to AFL-CIO local central bodies. The Pennsylvania AFL-CIO has repeatedly instructed such local central bodies not to distribute COPE materials to anyone but AFL-CIO members and their families. The Pennsylvania AFL-CIO has no knowledge of how copies of the flyer came to be in the office of the delegate committee.

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ATTACHMENT A

MONDALE DELEGATE COMMITTEE

CONTRIBUTIONS RECEIVED FROM AFL-CIO COPE/PCC OR RESPONDENT UNION POLITICAL COMMITTEES FEBRUARY - MARCH 1984

FLORIDA

So. Fla. Dels for Mondale
1) CWA 3/5 $1,000
2) AFT 2/21 $2,000
3) AFSCME 3/7 $5,000
4) COPE 3/9 $1,000

C.D. 2 Dels. for Mondale
1) AFSCME 2/22 $1,000

Dels. for Mondale 3rd C.D.
1) CWA 3/8 $1,000
2) AFT 2/13 $2,000
3) AFSCME 3/12 $2,000

5th C.D. Dels. for Mondale
1) CWA 3/5 $1,000
2) AFSCME 2/22 $1,000

C.D. 6th Dels. for Mondale
1) AFT 2/16 $500

C.D. 7th Dels. for Mondale
1) AFSCME 3/1 $1,000

Mondale Dels. C.D. 8th
1) COPE 3/9 $1,000 ($500 returned)

C.D. 9th Dels. for Mondale
1) AFT 2/17 $2,000

C.D. 11th Dels. for Mondale
1) AFT 2/27 $500

Northern C.D. (12th) Dels. for Mondale
1) AFT 2/27 $500

Mondale Dels. C.D. 13
1) AFSCME 2/22 $1,000

23,500

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14th C.D. Dels. for Mondale
1) AFT 2/16 $500

Mondale 15th Dist. Del. Comm.
1) AFT 2/16 $1,500
2) COPE 3/9 $3,000

Mondale 16th Dist. Del. Comm
1) AFSCME 3/12 $2,000

ILLINOIS

1st C.D. of Ill. Del. Comm. to Mondale
1) AFT 2/15 $1,000

2nd C.D. Mondale Comm.
1) CWA 3/2 $1,000
2) AFT 2/15 $1,000

3rd C.D. Mondale Del. Comm
1) Ironworkers 3/14 $5,000 (voided)
2) AFT 2/15 $1,000
3) AFSCME 2/17 $2,000

4th C.D. Mondale Dels.
1) AFT 3/2 $1,000

Dels. for Mondale Comm. (6th C.D.)
1) AFT 2/15 $1,000

Ill. 7th Dist. Mondale Del. Comm.
1) Bricklayers 3/1 $500
2) ACTWU 3/8 $1,000
3) AFT 3/16 $1,500

9th C.D. Mondale Dels.
1) AFSCME 2/17 $2,000

11 C.D. Mondale Del. Comm.
1) SEIU 2/24 $1,000
2) AFSCME 2/29 $1,000

12th Dist. Mondale Dels.
1) UAW 2/14 $2,000 ($1,717.74 Returned)

15th Dist. Dels. for Mondale
1) AFSCME 2/10 $5,000

16th Dist. Mondale Dels.
1) UAW 2/14 $2,000

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17th Dist. Mondale Dels.
1) UAW 2/14 $2,000
2) COPE 3/15 $3,200 ($1,563.36 Returned)

18th Dist. Mondale Dels
1) UAW 2/14 $2,000

19th Dist. Mondale Dels.
1) UAW 2/14 $2,000
2) COPE 3/15 $3,200

20th Dist. Dels. for Mondale
1) Carpenters 2/29 $5,000
2) UAW 2/14 $2,000

22nd District Mondale Del. Comm.
1) COPE 3/15 $3,200
2) UMWA 2/16 $200
3) UMWA 2/8 $4,800

KENTUCKY

Kentucky At-Lge. Mondale Comm.
1) UFCW 3/21 $5,000
2) UMWA 3/21 $5,000

MARYLAND

Montgomery Co. Mondale Del. Comm.
1) Machinists 3/23 $500 (Returned)

MASSACHUSETTS

6th Dist. Dels. for Mondale
1) SEIU 3/5 $500

MICHIGAN

6th Dist. Dels. for Mondale
1) UAW 3/15 $3,000

MONTANA

Mt. At-Lge. Dels. for Mondale
1) AFT 3/21 $1,000

42600

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NEW HAMPSHIRE

N.H. 1st Dist. Dels. to Mondale
1) Bricklayers 2/9 $5,000
2) ACTWU 2/16 $5,000
3) AFT 2/9 $5,000
4) AFSCME 2/10 $5,000

N.H. 2nd Dist. Dels. for Mondale
1) CWA 2/10 $5,000
2) UFCW 2/23 $5,000
3) AFSCME 3/23 $1,350
4) UMWA 2/22/84 $5,000

NEW YORK

N.Y. State At-Lge. Del. Comm. for Mondale
1) ACTWU 3/23 $2,500
2) CWA 3/23 $5,000
3) UFCW 3/23 $5,000
4) Ironworkers 3/28 $5,000 ($1,000 Returned)
5) Machinists 3/23 $5,000
6) AFT 3/22 $5,000
7) SEIU 3/22 $5,000
8) UAW 3/23 $5,000
9) AFSCME 3/23 $5,000

Lower Hudson Dels. for Mondale
1) AFSCME 3/23 $565

Northern County Dels. for Mondale
1) AFSCME 3/23 $1,210

Northern N.Y. Dels. for Mondale
1) Machinists 3/26 $1,000

Southern Tier Comm. for Mondale
1) AFT 3/22 $1,500
2) AFSCME 3/23 $500

Long Island 1st C.D. Dels.
1) AFT 3/22 $2,000

Long Island Mondale Del. Comm. (2nd C.D.)
1) CWA 3/20 $2,500

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Long Island Mondale 4th C.D.
1) AFSCME 3/23 $2,055

6th C.D. Dels. for Mondale
1) AFSCME 3/23 $1,910 (2)

7th C.D. Dist. Dels. for Mondale
1) AFT 3/23 $500
2) AFSCME 3/23 $45

8th C.D. Dels. for Mondale
1) AFSCME 3/23 $610

9th C.D. Dels. for Mondale
1) AFT 3/23 $250
2) AFSCME 3/23 $625 (2)

10th C.D. Dels. for Mondale
1) AFT 3/23 $500

Dels. for Mondale 11th C.D.
1) AFT 3/23 $250
2) AFSCME 3/23 $760

Dels. for Mondale 12th C.D.
1) AFT 3/23 $250
2) AFSCME 3/23 $760 (2)

Dels. for Mondale 13th C.D.
1) AFSCME 3/23 $15

Dels. for Mondale 14th C.D.
1) AFT 3/23 $250
2) AFSCME 3/23 $605 (2)

15th C.D. Dels. Coalition for Mondale
1) AFT 3/23 $750
2) AFSCME 3/23 $ 1,710 (2)
3) AFT (N.Y.) 2/27 & 31 $370

16th C.D. Dels. for Mondale
1) AFSCME 3/23 $835 (2)

Mondale 19th C.D. Dels. Comm.
1) AFT 3/23 $750
2) AFSCME 3/23 $1,610 (2)

1500

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18th C.D. Dels. for Mondale
1) AFSCME 3/23 $400 (2)

Mondale 19th C.D. Dels. Comm.
1) AFT 3/23 $300
2) AFSCME 3/23 $1,225 (2)

22nd C.D. Dels. for Mondale
1) Carpenters 3/29 $2,000

23rd C.D. Dels. for Mondale
1) AFSCME 3/23 $3,000

Naples Mondale for Pres. Slate (24th C.D.)
1) AFT 3/23 $1,300
2) AFSCME 3/23 $715

25th Dels. for Mondale
1) AFSCME 3/23 $775

28th C.D. Dels. for Mondale
1) AFT 3/22 $2,000

Comm. for Western N.Y. Demo. Del. (31st C.D.)
1) Carpenters 3/20 $2,000
2) ACTWU 3/20 $1,000 & 3/23 $1,000
3) UFCW 3/23 $2,000
4) AFT 3/22 $3,000

Mondale's Team (32nd C.D.)
1) Carpenters 3/29 $1,000
2) CWA 3/26 $500
3) AFT 3/22 $3,000
4) AFSCME 3/23 $1,215

PENNSYLVANIA

PA. At-Large Dels. for Mondale
1) Bricklayers-3/21/84 $2,000.00
2) CWA-3/23/84 $5,000.00
3) UFCW-3/22/84 $5,000.00 - ($1,000.00 Returned)
4) Ironworkers-3/28-29/84 $5,000.00
5) AFT-3/21/84 $5,000.00
6) SEIU-3/22/84 $4,000.00
7) UAW-3/23/84 $5,000.00
8) AFSCME-3/23/84 $5,000.00

Phila. Demo. Co. Exec. Comm.
1) Machinists-3/23/84 $5,000.00
2) SEIU-3/22/84 $5,000.00

-72 (12)

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2nd C.D. Dels. for Mondale Comm.
1) AFT-3/21/84 $5,000.00
2) AFSCME-3/24/84 $1,000.00

3rd C.D. Dels. for Mondale Comm.
1) AFT-3/21/84 $1,500.00

10th C.D. Dels. for Mondale Comm.
1) AFT-3/21/84 $1,000.00

12th C.D. Dels. for Mondale
1) SEIU-3/19/84 $1,000.00
2) UMWA-3/21/84 $5,000.00

14th C.D. Dels. for Mondale
1) Machinists-3/23/84 $2,500.00
2) AFT-3/21/84 $2,000.00

PA. 17th C.D. Dels. for Mondale Comm.
1) SEIU-3/26/84 $1,000.00 (Returned)

PA. 18th C.D. Dels. for Mondale
1) Bricklayers 3/21/84 $3,000.00

21st Mondale Del. Comm.
1) AFSCME-3/23/84 $1,500.00

22nd C.D. Dels. for Mondale
1) UMWA 3/21/84 $5,000.00

23rd Mondale Del. Comm.
1) AFSCME-3/23/84 $1,000.00

PUERTO RICO

Delegates Comm. With Mondale
1) COPE 3/12 $5,000

RHODE ISLAND

1st C.D. Mondale Del. Comm.
1) AFSCME-3/12/84 $2,500.00

2nd C.D. Mondale Del. Comm.
1) AFSCME-3/12/84 $2,500.00

VIRGINIA

3rd C.D. Mondale Del. Selection Comm.
1) UMWA 3/21/84 $5,000

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WISCONSIN

Wisconsin At-Large Mondale Dels.
1) CWA-3/21/84 $5,000.00
2) AFSCME-3/24/84 $5,000.00

Wisconsin 5th C.D. Mondale Del. Comm.
1) CWA-3/21/84 $5,000.00

DISTRICT OF COLUMBIA

Mondale Dels. D.C. Comm.
1) AFT-3/19/84 $500.00
2) AFSCME-3/7/84 $1,000.00
3) COPE 3/16 $600.00

17,100

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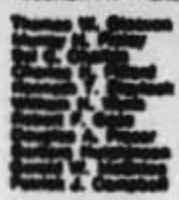
ATTACHMENT 3 (Page 14 of 19)

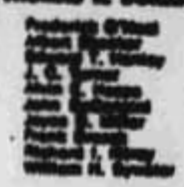
American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

LANE KIRKLAND PRESIDENT

SECRETARY-TREASURER THOMAS R. DONAHUE





September 28, 1983

MEMORANDUM

TO: John Perkins

FROM: Larry Gold and Peggy McCormick

RE: FECA Rules on Contributions to and Expenditures by Individuals

The purpose of this memorandum is to summarize the Federal Election Campaign Act's (FECA) provisions and the Federal Election Commission's (FEC) regulations that govern contributions to and expenditures by individuals who seek to become delegates to a national nominating convention. The rules set out below apply to all levels of the delegate selection process — from the precinct level up — and to all methods of delegate selection — by primary, by convention, by caucus.

Since the FEC regulations on contributions to and expenditures by delegate(s) running individually differ significantly from the regulations applying to delegates running as a delegate committee, the rules applicable to each type of delegate campaign are treated separately below.

The term "delegate" as used herein includes: any individual who becomes or seeks to become a delegate, as defined by state law or party rule, to a national nominating convention, or to a State, district, or local convention, caucus, or primary which is held to select delegates to a national nominating convention.

The term "delegate committee" as included herein includes: a group of delegates, a group of individuals jointly seeking selection as delegates and a group of individuals supporting delegate(s) which has either jointly received contributions aggregating more than $1000 or jointly made expenditures aggregating more than $1000 during a calendar year. (For example, a delegate slate that receives more than a $1000 in contributions or spends more than $1000 is a "delegate committee.")

NOTE: While delegates are not federal "candidates" within the meaning of the FECA, funds donated to or spent by or on behalf of delegates and delegate committees are treated as "contributions" and "expenditures" made in connection with a federal election". Labor organizations, therefore, are: (1) prohibited from making such contributions or expenditures out of treasury funds (11 C.F.R. 110.14(f)); (2) permitted to contribute to delegates and delegate committees

SOLIDARITY DAY 1983

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from their voluntary separate segregated funds (PACs), subject to the limits discussed below; and (3) permitted to spend treasury money on partisan communications in connection with the delegate selection process aimed at the organizations' members and their families. (The rules governing the use of treasury money for registration/get-out-the-vote drives depend on the type of delegate selection process; because of the resulting complexity, those rules are not summarized in this memorandum.

I. Delegates Running Individually

A. Registration/Reporting

Individual delegates do not have to register with the Federal Election Commission nor are they required to file reports of the contributions they receive or the expenditures they make with the FEC.

B. Contributions To

1. Individual delegates may not accept treasury money contributions (including in-kind contributions of goods or services) from labor organizations, corporations, incorporated membership organizations, trade associations, government contractors or foreign nationals. 11 C.F.R. 110.14(f).

2. Political committees, including PACs and party committees, may contribute unlimited amounts of voluntary money to an individual delegate(s).

3. Individual delegates may spend unlimited amounts of their personal funds on their own delegate campaigns.

4. Other individuals may contribute up to $25,000 to an individual delegate, to the extent that such other individuals have not already depleted their annual contribution limit of $25,000.

5. Individual delegates may accept contributions from a Presidential candidate's campaign committee. Such contributions count against the contributing Presidential candidate's primary expenditure limits.

6. Contributions made to a delegate for the purpose of furthering his or her selection are not treated as a contribution to a Presidential candidate even if that delegate is pledged to or has announced his or her support of a particular Presidential candidate.

C. Expenditures By

1. General Rule. An individual delegate may make unlimited expenditures out of personal funds or from funds contributed to his or her delegate campaign to promote his or her own selection as a delegate. Such expenditures may include: expenditures for campaign materials and communications solely advocating the individual's own selection as a delegate, as well as, expenditures for travel and subsistence during the delegate selection process and during the national convention. Such expenditures do not count as contributions to or towards the spending limits of a Presidential candidate to whom the delegate may be pledged or

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by whom the delegate may be authorized.

2. Grassroots Campaign Materials. An individual delegate may spend unlimited amounts of personal funds or funds contributed to his/her delegate campaign on grassroots campaign materials which mention both the individual delegate's name and the name of a Presidential candidate whom the delegate supports. Grassroots campaign materials include: buttons, bumpersticlers, leaflets, brochures, posters, yard signs and similar items. These items may only be used in connection with volunteer activity (they may not be distributed by a commercial vendor) and not for general public advertising. A delegate's expenditures for these items will not count as a contribution to a Presidential campaign, even though the name of a Presidential candidate is mentioned. Delegates should not reproduce or otherwise incorporate a Presidential candidate's campaign materials in preparing these items. (See section 3(c) below.)

3. General Public Advertising

(a) An individual delegate may make unlimited expenditures for general public advertising (e.g., broadcast media, newspaper advertisements, magazine ads, billboards, and direct mail by commercial vendors or to lists purchased from commercial sources and similar types of advertising) provided that such advertising only advocates the delegate's own selection and does not mention the name of a Presidential candidate.

(b) If a delegate spends money for general public advertising (as defined above) advocating his or her selection and that advertising also mentions the name of a Presidential candidate an allocated share of the delegate's expenditure will be treated as: (1) a contribution-in-kind to that Presidential candidate if the expenditure(s) in question is made in cooperation or consultation with, or at the request or suggestion of, or is authorized by the Presidential candidate or any agent of the candidate, e.g., a member of his campaign staff. Such contributions by individual delegates may not exceed $1000 for the primary; or (2) an independent expenditure if the advertisement(s) expressly advocates the election of the named Presidential candidate and is not requested, suggested or authorized by or made in consultation or cooperation with that candidate or his campaign. Independent expenditures are not limited by the FECA but individuals must file reports with the FEC if their independent expenditures exceed $250 during a calendar year. The Act's disclaimer requirements apply to such "independent expenditures".

(c) Expenditures by a delegate to finance the distribution or republication in whole or in part of any broadcast or campaign materials prepared by a Presidential candidate or his campaign/agents will be treated as a contribution to that candidate if made in cooperation or consultation with or with the consent or at the request/suggestion of the candidate or his agents.

II. Delegate Committees

These rules apply to groups of individuals supporting delegate(s), to groups of individuals seeking selection as delegates, as well as to groups of delegates, if such individuals, acting as a group, either receive joint contributions aggregating more than $1000 or make joint expenditures aggregating more than $1000 during a calendar year. In general "delegate committees" are treated like any other "political committee" under the FECA.

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A. Registration and Reporting

A delegate committee must register as a political committee with the FEC within 10 days after it either receives contributions or makes expenditures totalling more than $1000. In order to register, such a committee must designate a treasurer and open a bank account. The committee must also maintain the contribution and expenditure records required by the FECA and file periodic reports of all contributions received by and all expenditures made by the committee with the FEC. Reporting information and forms may be obtained by calling the Commission toll free at 800-424-9530.

B. Contributions To

1. Political committees, including separate segregated funds, may contribute up to $5000 of voluntary money per year to a delegate committee. There is no limit on the number of delegate committees to which a political committee, including a separate segregated fund, may contribute.

2. Delegate committees may not accept treasury money contributions from labor organizations, corporations, incorporated membership organizations, trade associations, government contractors or foreign nationals.

3. Individuals, including individual delegates who are part of a delegate committee, may contribute up to $5000 per calendar year to a delegate committee, subject to their overall $25,000 annual contribution limit.

4. Contributions to a delegate committee do not count as contributions to a Presidential candidate to whom members of that committee may be pledged or whom they may support.

C. Expenditures By

1. General Rule. Delegate committees may spend unlimited amounts of the committee's funds on campaign materials or public advertising which advocates the selection of delegates but does not mention the name of a Presidential candidate.

2. Grassroots Campaign Materials. It also appears that delegate committees may spend unlimited amounts of the committee's funds on grassroots campaign materials which mention delegates' names and the name of a Presidential candidate provided that those materials are used for volunteer activity and not for general public advertising.

3. General Public Advertising. Delegate committee expenditures for general public advertising which urges the selection of delegates and also mentions the name of a Presidential candidate will be treated as allocable contributions-in-kind to the Presidential candidate whose name is mentioned, if the expenditures are made in cooperation or consultation with, or at the suggestion or request of, or are authorized by the Presidential candidate or his campaign. Delegate committees may not contribute more than $1000 to a Presidential primary campaign.

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Delegate committee expenditures for general public advertising which which urges the selection of delegates and also expressly advocates the election of a Presidential candidate will be treated as allocable independent expenditures (and thus will not count as a contribution to that candidate) provided that those expenditures are not made in cooperation or consultation with, or at the suggestion or request of, or with the authorization of the Presidential candidate whose name is mentioned or his agents, e.g., campaign staff. There is no limit on such "independent expenditures" but they must be reported by the delegate committee on its regular FEC reports.

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GCC#3727

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June 19 1984

HAND DELIVERED

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
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Re: MUR 1704

Dear Mr. Steele:

Pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. §111.6, respondent, AFSCME Public Employees Organized to Promote Legislative Equality Qualified ("AFSCME PEOPLE"), respectfully requests, for the reasons stated below, that the Federal Election Commission take no action against it with respect to the matters alleged in the complaint filed by the National Right to Work Committee and Ralph Martin Hettinga, Jr. (hereinafter referred to as "NRTW").

In its complaint, the NRTW alleges that the 41 delegate committees which received contributions from AFSCME PEOPLE were affiliated within the meaning of 11 C.F.R. § 100.5(g) and, as a result, AFSCME PEOPLE "knowingly" and "willfully" violated the limitations on contributions set forth in 2 U.S.C. § 441a(a)(2)(C). The NRTW also alleges that the political action committee established by the AFL-CIO and the political action committees established by 12 international unions, including AFSCME, are affiliated within the meaning of 11 C.F.R. § 100.5(g) and are therefore subject, as a single multicandidate political committee, to the dollar limitations on contributions specified in 2 U.S.C. § 441a(a)(2)(C). By making aggregate contributions to delegate committees in excess of $5,000, the NRTW alleges that the respondent union PACs, including AFSCME PEOPLE, "knowingly" and "willfully" violated § 441a(a)(2)(C). Respondent AFSCME PEOPLE respectfully submits that the petitioner NRTW has not, and cannot, allege facts sufficient to create reason to believe that the requirements of 2 U.S.C. § 441a(a)(2)(C) have been violated

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ATTACHMENT 4 (Page 1 of 11)

by the respondents and the Commission should therefore dismiss the instant complaint.[1]

In an attempt to regulate the growing influence of political action committees, as well as to restore a proper balance between business and labor PACs that Congress felt was destroyed by the Commission's SUNPAC decision (FEC Advisory Opinion 1975-23), the Congress amended the Act in 1976 by enacting the anti-proliferation provisions of 2 U.S.C. § 441a(a)(5). Section 441a(a)(5) provides in pertinent part that:

> "For the purposes of the limitations provided by paragraph (1) and paragraph (2) (2 U.S.C. 441a(a)(1) and (2)), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other persons, or by any group of such persons, shall be considered to have been made by a single political committee . . . .
>
> "In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments or local units establish or finance or maintain or control more than one separate segregated

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1/ Petitioner NRTW states at page 22 of its complaint that "serious questions must be raised about whether respondent union PACs have become affiliated with the Mondale 'delegate committees' and the Mondale campaign." This allegation, if it is an allegation, is an obvious red herring and should be treated as such by this Commission. The NRTW in its complaint does not claim that this alleged "affiliation" was violative of the federal election laws nor does it request any relief from this Commission regarding this "affiliation." Respondent AFSCME PEOPLE respectfully submits that not only has the petitioner failed to state a claim under the federal election laws based on this alleged "affiliation", such an allegation is factually unsupportable.

> fund, all such separate segregated funds shall be treated as a single separate segregated fund for the purposes of limitations provided by paragraph (1) and paragraph (2)."

2 U.S.C. § 441a(a)(5).

While Congress enacted § 441a(a)(5) in order to halt the proliferation of PACs, it did not intend to legislate the result advocated by the petitioner, i.e., the amalgamation of all labor PACs into one entity for the purposes of the limitations contained in § 441a(a)(1) and (2). The clear implication of the language of the statute itself precludes this result. In the statute, Congress clearly makes reference to "a labor organization" rather than "labor organizations". Congress was, at the time of its consideration of the 1976 Amendments to the Act, well aware of the fact that the AFL-CIO, as well as its member national unions, had established numerous separate PAC's which made contributions to federal candidates. Congress was also well aware of a similar pattern of contributions by trade associations and their member corporations. In fact, a Common Cause study was inserted in the Congressional Record listing "Special interests registering political action committees since January 1, 1975" which included three separate segregated funds established by AFSCME or its local affiliates. In addition, the Common Cause study listed numerous other separate segregated funds established by the AFL-CIO and its state and local bodies, national unions affiliated with the AFL-CIO, trade associations and individual corporations. Legislative History of the Federal Election Campaign Act Amendments of 1976 (GPO 1977) at pp. 367-381 (hereinafter "Legislative History at _____"). While Congress certainly intended to treat such an organization and its subsidiary divisions or local units as a single entity, it did not require that various separate and autonomous labor organizations would be treated as a single entity for the purposes of the federal election laws. This interpretation of the scope of 2 U.S.C. § 441a(a)(5) finds overwhelming support in the legislative history of the 1976 amendments to the statute.

The floor manager of the Senate bill, Senate Rules Committee Chairman Cannon, described the "exception" to the anti-proliferation provisions of the 1976 amendments to the Federal Election Act in the following terms:

> "I would like to illustrate this third exception by using an example which was referred to us during our Committee deliberations. The proposed rule to curtail

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> the vertical proliferation of political committee contributions would not preclude a national union through its political committee, such as, for example, the Boilermakers, from making a maximum contribution to a candidate through its national political committee in the event that COPE, the political committee of the AFL-CIO, with which the Boilermakers are affiliated, has already made its maximum contribution to that candidate."

Legislative History at 350. Congressman Hayes, in describing the House version of the anti-proliferation provisions of the bill, stated that:

> "Locals of a union, subsidiaries of a corporation, and any other similarly structured groups . . . would be treated as part of the parent with respect to the $5,000 limitation on contributions to any one candidate or political committee.
>
> "In other words, if an international union contributed $5,000 to a candidate, no local union could contribute anything. If the international contributed $1,000, then its locals could contribute up to a maximum of $4,000, but the maximum applies to the whole bag."

Legislative History at page 903.

The legislative history of § 441a(a)(5) clearly recognizes the existence of separate and autonomous international unions and that such unions would be treated as separate entities for the purposes of the Act. In addition, the legislative history recognizes that the AFL-CIO and its state and local central bodies would be treated as a single entity separate and apart from its affiliated international unions. This interpretation is explicitly confirmed in the House Committee Report on the 1976 amendments to the Federal Election Campaign Act. The report describes the purpose and scope of the anti-proliferation provisions of the bill in the following terms:

> "To prevent corporations, labor organizations, or other persons or groups of persons from evading the contribution limit

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> of H.R. 12406, the bill establishes the following rules:
>
> . . .
>
> "All of the political committees set up by a single international union and its local unions will be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> "All of the political committees set up by the AFL-CIO and all of its state and local central bodies would be treated as a single political committee for the purpose of H.R. 12406's contribution limitations; . . . ."

Legislative History, page 806; see also 11 C.F.R. § 100.5(g)(2)(i), which is a virtual restatement of the quoted language of the House Committee Report.

The petitioner's contention that all of the respondent union PACs should be treated as a single entity for the purposes of § 441a is not only inconsistent with the clear language of the statute, it is contrary to the overwhelming legislative history of the 1976 amendments to the Act. The Congress by enacting the anti-proliferation provisions of the act struck a balance between the right of labor organizations, and corporations, to participate in federal elections and the desire of Congress to limit the influence of PACs in the political process. Congress determined that this balance should be struck by treating national unions and their various components, as well as corporations and their subsidiaries as single entities for the purpose of the act's limitation on contributions. Similarly federations of unions and corporate trade associations would be treated as single segregated funds for the purposes of the act. The NRTW in its complaint has not alleged facts that would justify a change in the balance struck by the Congress in 1976 nor has it alleged that the present relationship between the AFL-CIO and its member organizations and among those organizations is fundamentally different from the relationship examined by Congress when it amended the Act to halt the proliferation of "Labor PACs".

Perhaps in recognition of this clear expression by Congress that international unions and the AFL-CIO were to be treated as separate entities, the petitioner has attempted to invoke the alternative criteria for establishing affiliation contained in 11 C.F.R. § 110.5g(2)(ii). The regulation clearly states that its criteria for establishing affiliation are applicable to "organizations not covered by paragraph (g)(2)(i)." Since

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international unions and labor federations are specifically included in paragraph (g)(2)(i), they are, according to the regulation's terms, specifically excluded from the scope of paragraph (g)(2)(ii) and as such are not subject to the alternative criteria for establishing affiliation. Without conceding that the criteria set forth in paragraph (g)(2)(ii) are applicable to it, respondent AFSCME PEOPLE respectfully submits that as a factual matter the petitioner is unable to demonstrate that AFSCME PEOPLE is affiliated with the other respondent international union PACs or with respondent AFL-CIO COPE under any of the criteria set forth in that regulation.

Petitioner NRTW apparently bases its claim of affiliation against the respondent union PACs on the basis of an alleged "similar pattern of contributions," 11 C.F.R. § 100.5(g)(2)(ii)(D). In support of this allegation, the petitioner relies on the fact that on March 22, 1984, a meeting took place that was attended by representatives of 15 or 16 union PACs and was chaired by John Perkins, Executive Director of AFL-CIO COPE. In addition, the petitioner alleges that 39% of the contributions to the delegate committees by the respondent union PACs in March or April of 1984 were made on or within seven days of the March 22, 1984 meeting. Respondent AFSCME PEOPLE respectfully submits that all of its decisions regarding contributions to delegate committees were made independent of any meeting or discussion with the other respondent union PACs. Whatever pattern of contributions that may be discerned by comparing the contributions of the respective respondents, such a pattern can be attributed to little more than coincidence and certainly cannot be seen as evidencing the kind of common establishment, finance, maintenance or control that constitutes affiliation under § 441a(a)(5) of the statute.

The petitioner alleges that the various union respondents coordinated their contributions to the Mondale delegate committees and that this coordination is evidenced by a similar pattern of contribution among the individual respondents. On the basis of this alleged pattern of contributions, the petitioner concludes that all of the respondents' contributions were centrally controlled and as such the respondents should be considered affiliated for the purposes of the Act. Respondent AFSCME PEOPLE respectfully submits that far from being a product of a joint plan or central control of contributions, its decisions regarding contributions were made on a case-by-case basis in response to the needs of its membership and the recommendations of its staff in the field.

If a pattern can be discerned among AFSCME PEOPLE's contributions to the Mondale delegate committees, that pattern is

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a result of the fact that contributions were targeted for delegate committees that had placed AFSCME members on their respective delegate slates. The procedure for formulating the delegate slates in the primary states differed from state to state. Of the 41 delegate committees that received contributions from AFSCME PEOPLE, 30 had one or more AFSCME members on the delegate slates, nine had identifiable union members on the delegate slates, and two had no identifiable union members on the delegate slate. Similarly, if there is a pattern of AFSCME PEOPLE's contributions it is a product of the respective influence of AFSCME as an organization in a particular state or in particular congressional districts. In this light, it is not unusual to expect that AFSCME members would tend to be selected for delegate committees in states and/or congressional districts where AFSCME had concentrations of its membership. Moreover, it is not unusual that AFSCME PEOPLE would target its contributions to those areas. AFSCME PEOPLE's overall pattern of contributions is clearly consistent with a pattern of directing contributions to committees which placed AFSCME members on their respective delegate slates in areas where AFSCME has influence and/or concentrations of its membership.

The petitioner implies that decisions regarding contributions to delegate committees were made in a meeting in Washington attended by the representatives of the various respondent union PACs. Such a conclusion, however, is unsupported by the facts. Decisions made by AFSCME PEOPLE regarding which committees would receive contributions and the amounts of these contributions were the result of a process that started in the delegate committees themselves and not in Washington, as the petitioners would have this Commission believe. This process would begin when an AFSCME member was selected for a delegate slate. At some point after their creation, it would not be uncommon for the delegate committees to meet and decide how much money would be needed for their primary activities. Similarly, it would not be uncommon for committees to assign specific quotas to its members for fundraising. At this point, the AFSCME member would customarily contact AFSCME PEOPLE regarding a contribution to their respective delegate committee. In addition, throughout the primary season AFSCME PEOPLE had staff members working with AFSCME locals and councils, and their members, in the respective primary campaigns. In addition, officials of the various AFSCME district councils worked with their affiliated locals and their members in the primaries. These staff people and district council officials would make recommendations to AFSCME PEOPLE officials in Washington. Such officials would consider the requests, make decisions on the amount of the contributions, and transmit the

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contributions directly to the delegate committees. The decisions made by AFSCME PEOPLE regarding contributions were not the result of coordination with other of the respondents, but were the product of a series of individual interactions between AFSCME members, AFSCME PEOPLE staff, district council officials in the various states, and AFSCME PEOPLE officials in Washington.

The petitioner places great emphasis on a March 22, 1984 meeting chaired by John Perkins, Executive Director of the AFL-CIO COPE, and the fact that 39% of the delegate committee contributions "made between February and March 1984 were made on or within seven days of that meeting." The petitioner would have this Commission believe that certain decisions were made at that meeting by the respondents acting in concert regarding the contributions to delegate committees and that such conduct evidences an affiliation between the various respondents. Not only is such a contention absurd on its face, it is simply not supported by the facts.

It is inconceivable that a meeting held after a contribution is made could have any impact on the decision to make that contribution and as such the March 22 meeting is clearly irrelevant to the petitioner's allegation of a "pattern of contributions" between the respondents with regard to those contributions made prior to March 22. In addition, while the contributions made by AFSCME PEOPLE to the New York delegate committees are dated March 23, 1984 (this was the last major round of contributions made to delegate committees prior to the end of such contributions), the decision to make those contributions was made prior to and independent of the March 22 meeting. As described above, the request for contributions and the recommendation regarding contributions come from the field. The recommendations are then considered and approved by the AFSCME PEOPLE officials in Washington. Once a final decision has been made, AFSCME Political Action staff in Washington prepare the necessary paperwork and the AFSCME Accounting Department prepares a check to be sent to the delegate committee only after that paperwork is approved by an assistant to the AFSCME President. Once a check is prepared, it must be signed by the Secretary-Treasurer of AFSCME or his deputy and the President of AFSCME and his deputy and returned to the Political Action Department for transmittal to the appropriate delegate committee. The date on the "contributions" contained in the NRTW complaint is merely the date on which the check was prepared by the Accounting Department. This is also the date that the Accounting Department uses to prepare the appropriate FEC reporting forms. This date bears no relationship to the date on which the recommendation of the field staff was considered, nor does it bear any relation to the date when a final decision

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regarding the contribution was made. The March 22, 1984 meeting is clearly irrelevant to AFSCME PEOPLE's contributions to the New York Mondale delegate committees because the decisions regarding these contributions were made prior to that meeting.

Petitioner NRTW in its complaint makes a series of allegations regarding the coordination of activities between the various delegate committees and between the delegate committees and the Mondale campaign. On the basis of these allegations, the petitioner concludes that the various delegate committees are affiliated among themselves and with the Mondale campaign. Respondent AFSCME PEOPLE is without sufficient information to form a belief as to the truth or falsity of the factual allegations made by the petitioner against the various delegate committees and the Mondale campaign. However, respondent AFSCME PEOPLE does respectfully submit that in order to prevail on its claim of affiliation, the petitioner must meet the exacting standards spelled out by Congress in § 441a(a)(5). The Act provides that in order to be deemed affiliated, the committees in question must be established, financed, maintained or controlled by the same person. In support of its allegation against the delegate committees and the Mondale campaign, the petitioner relies upon a series of newspaper articles regarding the Mondale delegate committees. These newspaper articles are of little assistance to the Commission because they are neither well-documented nor substantially addressed to the legal standards contained in the Act and the Commission's regulations (see Commission Memorandum No. 663). The petitioner also relies upon a series of affidavits obtained from private investigators in the employ of the NRTW. These affidavits, replete with hearsay and conclusions supported by little more than the investigators' limited perception of the facts, do not support a conclusion that the delegate committees were either established, financed, maintained or controlled by the same person. Respondent AFSCME PEOPLE respectfully submits that the petitioner has failed to allege facts sufficient to create a reason to believe that the requirements of 2 U.S.C. § 441a(a) have been violated by the delegate committees or by the Mondale Campaign.

In addition to alleging that the delegate committees were affiliated among themselves and with the Mondale campaign, the petitioner alleges that the respondent union PACs made excessive contributions to these allegedly affiliated committees and that such contributions violated the limitations contained in §441a(a) of the Act. AFSCME PEOPLE respectfully submits that its contributions to the Mondale delegate committees were made in good faith and in compliance with the requirements of the Act and in accordance with the rules and regulations established by this Commission. AFSCME PEOPLE further submits that it is not subject

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to any sanctions provided by the Act pursuant to 2 U.S.C. §438(e).

The Commission has promulgated regulations regarding the limitations on contributions of affiliated committees. 11 C.F.R. 110.3. These regulations provide that in interpreting the Commission's regulations on contribution limitations;

> "(B) all of the political committees set up by a single national or international union and/or its local unions or other subordinate organizations are treated as a single political committee,
>
> (C) all of the political committees set up by an organization of national or international unions and/or its state and local central bodies are treated as a single political committee"

11 C.F.R. §110.3(a)(1)(ii)(b) and (c). AFSCME PEOPLE relied in good faith upon these provisions of the Commission's regulations when it made its contributions to the various delegate committees and as such should not be subject to sanctions under the Act.

Even if the Commission were to conclude that some or all of the delegate committees are to be treated as affiliated with each other and/or with the Mondale Campaign Committee, Respondent AFSCME respectfully, submits that its contributions to the various delegate committees were made without knowledge of such affiliation and in good faith reliance on the Commission's regulations regarding the treatment of delegate committees. See 11 C.F.R. §100.5(e)(5) and 11 C.F.R. §110.13(c) and (e)

In its complaint the petitioner points to two Rhode Island committees which, in their Statements of Organization filed with the FEC pursuant to 11 C.F.R. §102.1(c), stated that they were affiliated with one another. While AFSMCE PEOPLE gave separate contributions to these two committees, the contributions together did not exceed $5,000 and as such were within the limits of contributions to an affiliated committee established by 2 U.S.C. §441(a)(2), even assuming these two delegate committees are in fact, affiliated. The petitioner does not identify any other delegate committees that have reported in their Statements of Organization that they are affiliated either with one another or with the Mondale campaign and AFSCME PEOPLE is not aware of any such affiliated committees.

In summary, AFSCME PEOPLE has acted in good faith and in reliance upon the Commission's regulations. In addition, the petitioner does not allege that AFSCME PEOPLE knew or should have

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known that any delegate committee (other than those in Rhode Island) stated that it was affiliated with any other delegate committee or with the Mondale campaign. On the contrary, the delegate committees, with the exception of the Rhode Island committees, held themselves out as independent political committees and presumably filed reports with the FEC that reflected their independent existence. Having in good faith relied upon the Commission's regulations regarding delegate committees and the adequacy of Commission's regulations regarding disclosure, §438(e) of the Act bars the imposition of sanctions on respondent AFSCME PEOPLE.

In conclusion, for the above-stated reasons, AFSCME PEOPLE respectfully requests that this Commission take no action with respect to the matters alleged in the complaint filed by the National Right to Work Committee and James Martin Hetting, Jr., MUR 1704, and that it dismiss the complaint.

RESPECTFULLY SUBMITTED,

Larry P. Weinberg

Larry P. Weinberg
Counsel for Respondent
AFSCME PEOPLE

LPW/em

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June 22, 1984

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

Re: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the American Federation of Teachers Committee on Political Education (hereinafter "AFT-COPE" or "the Respondent") to a complaint, MUR 1704, which alleges that Respondent may have violated the Federal Election Campaign Act, 2 U.S.C. § 431, et seq. (hereinafter "FECA" or "the Act").

The complaint involves three distinct allegations of "discretionary affiliation" pursuant to 2 U.S.C. § 441a(a)(5) between various political committees, which allegedly subject the committees involved to aggregate contribution limitations. First, the complaint alleges that the Mondale for President Campaign Committee (hereinafter "the Mondale Committee") and individual delegate committee which support the election of Mondale delegates (hereinafter "Delegate Committees") are all "affiliated committees" pursuant to § 441a(a)(5), and thus subject to an aggregate contribution limitation. Alternatively, the complaint alleges that the individual Delegate Committees are all "affiliated committees" and share an aggregate contribution limitation under the Act. Third, the complaint alleges that the political action committees (hereinafter "PACs") of the Respondent unions are "affiliated committees" with an aggregate contribution limitation, pursuant to 441a(a)(5). ATTACHMENT 5 (Page 1 of 5)

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Thus, the complaint contends that AFT-COPE, AFL-CIO COPE-PCC and other Respondent union PACs, may have violated the Act, by contributing in aggregate more than $5,000 to "affiliated committees." Alternatively, the complaint alleges that AFT-COPE, individually, may have violated the Act by contributing more than $5,000 in aggregate to "affiliated committees."

Respondent denies each and every allegation set forth in MUR 1704. As discussed below, Respondent contends that: (1) AFT-COPE is not affiliated, pursuant to § 441a(a)(5), with AFL-CIO COPE-PCC or any of the political committees of the other Respondent unions; (2) Contributions made by AFT-COPE to individual Delegate Committees were based on Respondent's belief that the individual Delegate Committees were not affiliated pursuant to § 441a(a)(5) with each other or with the Mondale Committee; and (3) Respondent's contributions to the individual Delegate Committees were based on a reasonable reliance on FEC regulations and decisions establishing separate contribution limitations for individual delegate committees.

Thus, Respondent requests that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Act.

1) AFT-COPE IS NOT AFFILIATED, PURSUANT TO § 441a(a)(5), WITH ANY OF THE OTHER RESPONDENT POLITICAL COMMITTEES.

The allegation that AFT-COPE is affiliated with the political committees of the AFL-CIO and other international unions for the purpose of the Act's contribution limitations has been raised by the Complainant on numerous occasions, and consistently rejected by the Commission. See MURs 783-803, 821-844, 861-881; also see MUR 354(76). Further, this same allegation by Complainant is the subject of a complaint, MUR 1605, currently pending before the Commission.

Accordingly, Respondent reasserts its previously established position that the allegation of "FECA-affiliation" between itself, AFL-CIO COPE-PCC, and other Respondent union PACs is legally and factually without merit. (See Respondent's Response to MUR 1605 for a detailed discussion of Respondent's position).

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Further, Respondent contends that any alleged "additional evidence of affiliation" proferred by Complainant in the instant MUR is extraneous and meaningless. For example, evidence that contributions by the Respondent PACs to individual Delegate Committees were often made within several weeks of the pertinent delegate election reveals a "fact-of-life" in the world of political contributions, rather than any coordinated contribution-making effort; to draw additional inferences from such information is patently absurd. Likewise, Complainant's reliance on a calculation that thirty-nine percent of Respondent's contributions to Delegate Committees during the months of February and March, 1984 were made on or within seven days of a March 22, 1984 AFL-CIO COPE-PCC meeting vividly illustrates the weakness, rather than the strength, of Complainant's allegation.

In accordance with Respondent's customary practice, AFT-COPE contributions to individual Delegate Committees were the result of independent decisions made by the Respondent, and were in no way controlled by AFL-CIO COPE-PCC or any other Respondent union PAC. Similarly, AFT-COPE did not exercise control over contributions made by AFL-CIO COPE-PCC or other Respondent union PACs to the Delegate Committees.

Therefore, Respondent requests the Commission to again determine that Complainant's allegation of "FECA-affiliation" between the Respondent political committee is meritless.

2) CONTRIBUTIONS MADE BY AFT-COPE TO INDIVIDUAL DELEGATE COMMITTEES WERE BASED ON RESPONDENT'S BELIEF, SUPPORTED BY FEC RECORDS AND INFORMATION IN ITS POSSESSION, THAT THE INDIVIDUAL DELEGATE COMMITTEES WERE NOT AFFILIATED PURSUANT TO § 441a(a)(5) WITH EACH OTHER OR WITH THE MONDALE COMMITTEE.

Respondent denies, on information and belief, Complainant's allegations that the Mondale Committee is affiliated pursuant to § 441a(a)(5) with the Delegate Committees and that, alternatively, the individual Delegate Committees are affiliated with each other. Additionally, Respondent asserts that Complainant proffers no evidence of such alleged affiliation.

Further, Respondent asserts that AFT-COPE contributions to individual Delegate Committees were based on its belief, supported by FEC records and information in its possession, that the individual delegate committees were not "affiliated" with each other or with the Mondale Committee, and contends that Complainant does not proffer any evidence to the contrary.

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3) RESPONDENT'S CONTRIBUTIONS TO THE DELEGATE COMMITTEES WERE BASED ON REASONABLE RELIANCE ON FEC REGULATIONS AND DECISIONS ESTABLISHING SEPARATE CONTRIBUTION LIMITATIONS FOR INDIVIDUAL DELEGATE COMMITTEES.

As defined in FEC regulations, a delegate committee "is a political committee which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention." 11 C.F.R. § 110.14(b)(2). The prohibitions, limitations and requirements applicable under the Act to delegates and delegate committees are set forth in their entirety in 11 C.F.R. § 110.14, with the requirements relating to delegate committees contained solely in § 110.14(e) and (f).

These regulations provide that contributions by and to delegate committees are subject to the contribution limits of 2 U.S.C. § 441a. 11 C.F.R. § 110.14(e). Relying on this regulation, Respondent's contributions to individual delegate committees were made within the permissible limits, and thus in accordance with the Act.

Significantly, Respondent's position is supported by the Commission's decision in MUR 1240, the only decided MUR to our knowledge concerning the Delegate Committee regulations. In this internally-generated MUR, the Commission found that there were separate contribution limits under the Act for a candidate's authorized committee and a delegate committee which supports the candidate, and, therefore, that individuals who contributed $1,000 to both of these committees had not exceeded the statutory contribution limits.

Thus, Respondent's reliance on the above-discussed regulations and Commission decisions that individual delegate committees have separate contributions limits was reasonable. Accordingly, Respondent's contributions to the individual Delegate Committees were within permissible FEC limits, and Respondent should not be subject to any sanctions, including a determination of "reason to believe" in the instant MUR, with regard to its contributions to the Delegate Committees. See 2 U.S.C. § 438(e).

CONCLUSION

For the foregoing reasons, we request that the Commission find no reason to believe that the Complaint sets

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forth a possible violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. by Respondent.

Respectfully submitted,

BY: William C. Oldaker

William C. Oldaker

BY: Leslie J. Kerman

Leslie J. Kerman

1140 19th Street, N.W.
Suite 900
Washington, D.C. 20036
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Attorneys for AFT-COPE

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MARY KATHRYN LYNCH (GA.)
PATRICIA M. SIEBA (D.C.)
MARCIA E. FRIEDMAN (GA.)

June 18, 1984

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1704
CWA-COPE PCC
Louis B. Knecht, Treasurer

Dear Mr. Steele:

This is the response on behalf of the Communications Workers of America Committee on Political Education PCC and its Treasurer Louis B. Knecht to the complaint filed in MUR 1704.

The complaint sets forth two general allegations against the respondent union political committees. First, it alleges that all of the union political committees named in the complaint are affiliated with each other and therefore subject to a single $5,000 contribution limit, and that they have exceeded that limit by contributing more than $5,000 in aggregate to each of the delegate committees named in the complaint. Second, the complaint alleges that even if the respondent union political committees are not affiliated with each other, each union political committee has "knowingly and willfully" violated 2 U.S.C. §441(a)(2)(C) by contributing in excess of $5,000 to the named delegate committees, which the complaint alleges are all affiliated with the Mondale for President Committee.

With respect to the first allegation, CWA COPE PCC is the separate segregated fund affiliated with the Communications Workers of America. CWA COPE PCC was established by and is maintained by the Communications Workers of America. The decisions with respect to contributions by CWA COPE PCC are made by the officers and staff of that organization and these decisions are based on the organization's view of which candidates will best serve the interests of workers represented by the Communications Workers of America. Thus, CWA COPE PCC is not affiliated, within the meaning of 2 U.S.C. §441a(a)(5), with any of the union political committees named in the complaint or with any other organization or committee besides the Communications Workers of America.

ATTACHMENT 6 (Page 1 of 2)

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With respect to the second allegation, CWA COPE PCC contributed to delegate committees in the good faith belief that these committees were independent of the Mondale for President Committee and that therefore each has a separate contribution limit. CWA COPE PCC contributed no more than $5,000 to any one delegate committee. In so doing, CWA COPE PCC relied upon the regulations of the Federal Election Commission, which state that contributions to a delegate committee are subject to a separate $5,000 limit for each delegate committee. 11 CFR §110.14. It remains the belief of CWA COPE PCC that the delegate committees to which it has contributed are independent of the Mondale for President Committee.

For these reasons, we request that the Commission dismiss the complaint against CWA COPE PCC in MUR 1704.

Respectfully submitted,

James B. Coppess

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JBC/ver

RESPONSE BY WAY OF SPECIAL APPEARANCE

Comes now Ironworkers Political Action League, alleged Respondent herein, and by way of special appearance responds to the alleged complaint on file herein as follows:

1. In response to the first unnumbered paragraph on page 2 of the alleged complaint said respondent has no knowledge, information or belief of how the National Right to Work Committee is constituted or what it is nor who Ralph Martin (Bud) Hettinga, Jr. is and based upon such lack of knowledge, information and belief denies, generally and specifically, each and every, all and singular, of the allegations contained in said paragraph; it is further affirmatively stated by way of special appearance that said Committee and said Hettinga have no standing of any nature or kind, whatsoever to make this alleged complaint with respect to this specially responding respondent.

2. In response to the second, third, fourth, fifth, sixth, eighth, nineth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first unnumbered paragraphs contained on pages 2 through 25 of the alleged complaint, respectively, said respondent, consistent with its special appearance, denies, generally and specifically, each and every, all and singular, of the allegations, assumptions or conclusions alleging or construed to allege a violation of any law, rule, regulation, decision or ruling or alleging any unlawful conduct of any nature or kind, whatsoever; and lacks any knowledge, information or belief as to any facts alleged with respect to any entity, person, firm or organization other than this specially answering respondent and based upon such lack of knowledge,

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information or belief denies, generally and specifically, each and every, all and singular, of the said allegations.

3. In response to the nineth unnumbered paragraph commencing on page 7 and ending on page 20 of the alleged complaint, said respondent, consistent with its special appearance, and in addition to the denials as to that paragraph specified in paragraph 2 of this response, denies, generally and specifically, each and every, all and singular, of the allegations, assumptions or conclusions specified in the first three lines at the top of page 7 and in addition, consistent with its special appearance, said respondent, has no knowledge of the facts alleged in said unnumbered paragraph on pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20 and based upon such lack of knowledge, information or belief, denies, generally and specifically, each and every, all and singular, of the allegations contained in said nineth unnumbered paragraph on said pages; said answering respondent, consistent with its special appearance, affirmatively states and alleges that it is not affiliated with any other alleged respondent specified in the alleged complaint.

4. In response to the nineth unnumbered paragraph on page 16 of the alleged complaint, said respondent, consistent with its special appearance, denies, generally and specifically, each and every, all and singular, of the allegations contained in the first, second and eighth entries contained on that page.

5. In response to the twelfth unnumbered paragraph contained on pages 21 and 22 of the alleged complaint, and in addition to the response made with respect to that paragraph above, save and accept as admitted as to the nineth unnumbered paragraph, said respondent, consistent with

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its special appearance, denies, generally and specifically, each and every, all and singular, of the allegations, assumptions or conclusions contained therein and as to those matters as to which it has no knowledge, information or belief and based upon such lack of knowledge, information or belief, denies, generally and specifically, each and every, all and singular, of the allegations. A review of the alleged attachments shows no reference to alleged respondent, Ironworkers Political Action League, and is based upon purported statements by private investigators whose employment is not disclosed and whose signatures cannot be verified or identified. No reference in said attachments is made to alleged respondent, Ironworkers Political Action League.

6. This response by this respondent is made by way of special appearance and without waiver of any legal, technical or substantive defense available to it and without conceding that the Federal Election Commission has jurisdiction over the subject matter raised in the alleged complaint, statutory or constitutional, or over the person of the alleged respondent, Ironworkers Political Action League.

Signed by: _____
Victor J. Van Bourg, Attorney for Iron Workers Political Action League

Dated: 6/13/84

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GCC#3686

International Union of
Bricklayers & Allied Craftsmen
815 Fifteenth Street, N.W., Washington, D.C. 20005 • Phone 202/ 783-3788

Memo

Office of the President

June 18, 1984

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the International Union of Bricklayers and Allied Craftsmen Political Action Committee (BACPAC) to the complaint filed by the National Right to Work Committee in the above referenced matter.

The complaint alleges that respondent BACPAC "knowingly and willfully" violated the contribution limits of the Federal Election Campaign Act by making contributions of $5,000 or less during the months of February and March 1984 to four committees of delegates supporting the presidential candidacy of Walter Mondale in the states of New Hampshire, Illinois and Pennsylvania. In support of this claim, the complainant asserts that the delegate committees are affiliated with each other and with the Mondale for President campaign within the meaning of 11 CFR §100.5(g) and that no union political committee is therefore entitled to contribute more than $5,000 in the aggregate to Mondale delegate committees. The complainant further asks the Commission to find that the thirteen union political committees named in the complaint are "affiliated" with each other within the meaning of 11 CFR §100.5(g) and that they are therefore subject collectively to a single $5,000 limit on contributions to the allegedly "affiliated" Mondale delegate committees.

Respondent BACPAC specifically denies that its contributions to Mondale delegate committees were made in knowing and willful violation of any established contribution limit, or that BACPAC is "affiliated" with the other union political committees named in the complaint. Since, as we show below, the complainant has failed to establish a legal of factual basis for either of these allegations, we respectfully request that the Commission take no further action against respondent BACPAC with regard to this complaint.

ATTACHMENT 8 (Page 1 of 3)

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APR 18 P5:59

1. Respondent BACPAC Did Not Knowingly and Willfully Make Excessive Contributions to Any Mondale Delegate Committee

Section 441a(a)(2) of the Federal Election Campaign Act and the regulations interpreting that section specifically authorize multicandidate political committees such as respondent BACPAC to contribute up to $5,000 a year to any "political committee," including delegate committees that receive contributions and make expenditures for the purpose of influencing the selection of delegates to a national nominating convention. Respondent BACPAC's contributions to the four delegate committees cited in the complaint were made in good faith reliance on the statutory language and the regulations, and on the advice of legal counsel.

Respondent BACPAC made its contributions to the delegate committees in the good faith belief that the committees to which it made contributions were not "affiliated" as a matter of law, and the complainant has produced no evidence of any knowledge to the contrary on the part of BACPAC. Indeed neither the complaint nor the supporting documents submitted by the complainant even mention the Bricklayers union or its separate segregated fund, except to list its four contributions to delegate committees. Thus the complainant has failed entirely to substantiate its claim that BACPAC's contributions to Mondale delegate committees were made in deliberate disregard of the applicable contribution limits.

2. Respondent BACPAC is Not Affiliated With Any of the Other Union Political Committees Named in the Complaint

The only basis for complainant's claim that BACPAC is "affiliated" within the meaning of 11 CFR §100.5(g) is its assertion that the respondent union political committees "coordinated" their contributions to Mondale delegate committees and engaged in a "similar pattern of contributions" to delegate committees. In turn, the only evidence offered in support of the claim of "coordination" is that contributions by the respondent union political committees to Mondale delegate committees increased toward the end of March of 1984, after a March 22 meeting of representatives of a number of AFL-CIO affiliated unions chaired by AFL-CIO COPE Director John Perkins.

Respondent BACPAC is a separate segregated fund controlled solely by the International Union of Bricklayers and Allied Craftsmen and is not "affiliated" with any other organization within the meaning of 11 CFR §100.5(g). Decisions as to which candidates and political committees receive contributions from respondent BACPAC are and have in each case been made independently by John T. Joyce President of the International Union and Chairman of BACPAC, based on the recommendations of Bricklayers Communications Director Joan Baggett. In the case of the contributions to Mondale delegate committees that are the subject matter of the complaint, Ms. Baggett made her recommendations and President Joyce made his decisions as to which contributions would be made based on their assessments as to how BACPAC funds could be most effectively used to further the selection of delegates who are members of the Bricklayers Union in particular, and delegates who support the candidacy of Walter Mondale in general.

ATTACHMENT 8 (Page 2 of 3)

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In response to complainant's proferred "evidence" of affiliation, respondent BACPAC notes first that each of its four cited contributions to Mondale delegate committees was made prior to the March 22 meeting which complainant indicates was the impetus for the contributions. Second, respondent fails to see any "pattern" in the contributions made by BACPAC and the other union political committees named in the complaint, except insofar as three of the four delegate committees to which BACPAC made contributions also received contributions from various other union political committees. If complainant is suggesting that in a presidential primary race among three candidates, the fact that otherwise independent political committees with similar political goals all choose to support the election of delegates committed to the nomination of the candidate widely perceived to be the one most likely to support those goals is in and of itself sufficient to demonstrate "affiliation" within the meaning of 11 CFR §100.5(g), we submit that the separate contribution limits for separate political committees would be rendered meaningless.

For the foregoing reasons, respondent BACPAC respectfully requests that the Commission find no reason to believe that BACPAC violated the Federal Election Campaign Act and that the complaint be dismissed.

Sincerely yours,

Sarah Fox

Sarah Fox
Counsel for Respondent BACPAC

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ATTACHMENT 8 (Page 3 of 3)

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INA A. PLOTSKY*
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June 22, 1984

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

Re: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the Machinists Non-Partisan Political League (hereinafter "the MACHINISTS-PAC" or "the Respondent") to a complaint, MUR 1704, which alleges that Respondent may have violated the Federal Election Campaign Act, 2 U.S.C. § 431, et seq. (hereinafter "FECA" or "the Act").

The complaint involves three distinct allegations of "discretionary affiliation" pursuant to 2 U.S.C. § 441a(a)(5) between various political committees, which allegedly subject the committees involved to aggregate contribution limitations. First, the complaint alleges that the Mondale for President Campaign Committee (hereinafter "the Mondale Committee") and individual delegate committee which support the election of Mondale delegates (hereinafter "Delegate Committees") are all "affiliated committees" pursuant to § 441a(a)(5), and thus subject to an aggregate contribution limitation. Alternatively, the complaint alleges that the individual Delegate Committees are all "affiliated committees" and share an aggregate contribution limitation under the Act. Third, the complaint alleges that the political action committees (hereinafter "PACs") of the Respondent unions are "affiliated committees" with an aggregate contribution limitation, pursuant to 441a(a)(5).

ATTACHMENT 9 (Page 1 of 5)

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Thus, the complaint contends that the MACHINISTS-PAC, AFL-CIO COPE-PCC and other Respondent union PACs, may have violated the Act, by contributing in aggregate more than $5,000 to "affiliated committees." Alternatively, the complaint alleges that the MACHINISTS-PAC, individually, may have violated the Act by contributing more than $5,000 in aggregate to "affiliated committees."

Respondent denies each and every allegation set forth in MUR 1704. As discussed below, Respondent contends that: (1) the MACHINISTS-PAC is not affiliated, pursuant to § 441a(a)(5), with AFL-CIO COPE-PCC or any of the political committees of the other Respondent unions; (2) Contributions made by the MACHINISTS-PAC to individual Delegate Committees were based on Respondent's belief that the individual Delegate Committees were not affiliated pursuant to § 441a(a)(5) with each other or with the Mondale Committee; and (3) Respondent's contributions to the individual Delegate Committees were based on a reasonable reliance on FEC regulations and decisions establishing separate contribution limitations for individual delegate committees.

Thus, Respondent requests that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Act.

1) The MACHINISTS-PAC IS NOT AFFILIATED, PURSUANT TO § 441a(a)(5), WITH ANY OF THE OTHER RESPONDENT POLITICAL COMMITTEES.

The allegation that the MACHINISTS-PAC is affiliated with the political committees of the AFL-CIO and other international unions for the purpose of the Act's contribution limitations has been raised by the Complainant on numerous occasions, and consistently rejected by the Commission. See MURs 783-803, 821-844, 861-881; also see MUR 354(76). Further, this same allegation by Complainant is the subject of a complaint, MUR 1605, currently pending before the Commission.

Accordingly, Respondent reasserts its previously established position that the allegation of "FECA-affiliation" between itself, AFL-CIO COPE-PCC, and other Respondent union PACs is legally and factually without merit. (See Respondent's Response to MUR 1605 for a detailed discussion of Respondent's position).

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Further, Respondent contends that any alleged "additional evidence of affiliation" proferred by Complainant in the instant MUR is extraneous and meaningless. For example, evidence that contributions by the Respondent PACs to individual Delegate Committees were often made within several weeks of the pertinent delegate election reveals a "fact-of-life" in the world of political contributions, rather than any coordinated contribution-making effort; to draw additional inferences from such information is patently absurd. Likewise, Complainant's reliance on a calculation that thirty-nine percent of Respondent's contributions to Delegate Committees during the months of February and March, 1984 were made on or within seven days of a March 22, 1984 AFL-CIO COPE-PCC meeting vividly illustrates the weakness, rather than the strength, of Complainant's allegation.

In accordance with Respondent's customary practice, MACHINISTS-PAC contributions to individual Delegate Committees were the result of independent decisions made by the Respondent, and were in no way controlled by AFL-CIO COPE-PCC or any other Respondent union PAC. Similarly, the MACHINISTS-PAC did not exercise control over contributions made by AFL-CIO COPE-PCC or other Respondent union PACs to the Delegate Committees.

Therefore, Respondent requests the Commission to again determine that Complainant's allegation of "FECA-affiliation" between the Respondent political committee is meritless.

2) CONTRIBUTIONS MADE BY THE MACHINISTS-PAC TO INDIVIDUAL DELEGATE COMMITTEES WERE BASED ON RESPONDENT'S BELIEF, SUPPORTED BY FEC RECORDS AND INFORMATION IN ITS POSSESSION, THAT THE INDIVIDUAL DELEGATE COMMITTEES WERE NOT AFFILIATED PURSUANT TO § 441a(a)(5) WITH EACH OTHER OR WITH THE MONDALE COMMITTEE.

Respondent denies, on information and belief, Complainant's allegations that the Mondale Committee is affiliated pursuant to § 441a(a)(5) with the Delegate Committees and that, alternatively, the individual Delegate Committees are affiliated with each other. Additionally, Respondent asserts that Complainant proffers no evidence of such alleged affiliation.

Further, Respondent asserts that MACHINISTS-PAC contributions to individual Delegate Committees were based on its belief, supported by FEC records and information in its possession, that the individual delegate committees were not "affiliated" with each other or with the Mondale Committee, and contends that Complainant does not proffer any evidence to the contrary.

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3) RESPONDENT'S CONTRIBUTIONS TO THE DELEGATE COMMITTEES WERE BASED ON REASONABLE RELIANCE ON FEC REGULATIONS AND DECISIONS ESTABLISHING SEPARATE CONTRIBUTION LIMITATIONS FOR INDIVIDUAL DELEGATE COMMITTEES.

As defined in FEC regulations, a delegate committee "is a political committee which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention." 11 C.F.R. § 110.14(b)(2). The prohibitions, limitations and requirements applicable under the Act to delegates and delegate committees are set forth in their entirety in 11 C.F.R. § 110.14, with the requirements relating to delegate committees contained solely in § 110.14(e) and (f).

These regulations provide that contributions by and to delegate committees are subject to the contribution limits of 2 U.S.C. § 441a. 11 C.F.R. § 110.14(e). Relying on this regulation, Respondent's contributions to individual delegate committees were made within the permissible limits, and thus in accordance with the Act.

Significantly, Respondent's position is supported by the Commission's decision in MUR 1240, the only decided MUR to our knowledge concerning the Delegate Committee regulations. In this internally-generated MUR, the Commission found that there were separate contribution limits under the Act for a candidate's authorized committee and a delegate committee which supports the candidate, and, therefore, that individuals who contributed $1,000 to both of these committees had not exceeded the statutory contribution limits.

Thus, Respondent's reliance on the above-discussed regulations and Commission decisions that individual delegate committees have separate contributions limits was reasonable. Accordingly, Respondent's contributions to the individual Delegate Committees were within permissible FEC limits, and Respondent should not be subject to any sanctions, including a determination of "reason to believe" in the instant MUR, with regard to its contributions to the Delegate Committees. See 2 U.S.C. § 438(e).

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CONCLUSION

For the foregoing reasons, we request that the Commission find no reason to believe that the Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. by Respondent.

Respectfully submitted,

BY: William C. Oldaker

BY: Leslie J. Kerman

1140 19th Street, N.W.
Suite 900
Washington, D.C. 20036
(202) 861-0900

Attorneys for the Machinists Non-Partisan Political League

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202-462-5730

SERVICE EMPLOYEES INTERNATIONAL UNION
AFL-CIO, CLC

2020 K Street, N.W. Washington, D.C. 20006-1846

John J. Sweeney
International President

Richard W. Cordtz
International Secretary-Treasurer

June 18, 1984

Mr. Charles N. Steele
General Counsel
Federal Elections Commission
Washington, D.C. 20006

Re: MUR 1704

Dear Mr. Steele:

This letter constitutes the response of the Service Employees International Union COPE PCC in the above captioned matter. The National Right to Work Committee has alleged that the Service Employees International Union COPE PCC (hereinafter "SEIU COPE PCC") is affiliated with the other union political committees named in its complaint and that SEIU COPE PCC has violated the contribution limits of the Federal Election Campaign Act by making contributions to delegate committees. For the reasons stated below, we deny that SEIU COPE PCC violated the Federal Election Campaign Act.

SEIU COPE PCC is the federal segregated fund of the Service Employees International Union. SEIU COPE PCC is not affiliated with the other organizations named in the complaint or with anybody else within the meaning of 2 USC 441a(a)(5) of the Federal Election Campaign Act.

SEIU COPE PCC made its decision to contribut to delegate committees independently based on the fact that members of SEIU Locals were on the delegate committees. The contributions to the delegate committees were made in the good faith understanding that each committee was separate from the other committees and that they were all separate and unrelated to the Mondale Campaign. Each separate committee was provided with contributions that were within the limits of the Federal Election Campaign Act as was contained in the complaint. The contributions were made to the separate and unrelated committees that were separate and unrelated to the

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ATTACHMENT 10 (Page 1 of 2)

Mondale Campaign in reliance on the FEC Regulation 11 C.F.R.110.14.

For the above reasons, we respectfully request that the Commission find no reason to determine that SEIU COPE PCC violated the Federal Election Campaign Act and the complaint should be dismissed.

Respectfully submitted,

Lester Asher

Gerald Sommer
Legal Counsel for Service
Employees International Union

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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

OWEN F. BIEBER, PRESIDENT RAYMOND E. MAJERUS, SECRETARY-TREASURER

VICE PRESIDENTS

BILL CASSTEVENS • DONALD F. EPHLIN • ODESSA KOMER • MARC STEPP • ROBERT WHITE • STEPHEN P. YOKICH

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TELEPHONE: (202) 828-8600

June 18, 1984

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

Re: MUR 1704

Dear Mr. Steele:

This statement is submitted on behalf of UAW V-CAP in response to the complaint filed by the National Right to Work Committee (NRWC) against the Mondale for President Campaign Committee, UAW V-CAP and various other union separate, segregated funds (SSFs) in the above referenced case.

The complaint makes two basic allegations against the union SSFs. First, the NRWC alleges that the union SSFs coordinated their efforts on behalf of, and made a similar pattern of contributions to the various Mondale delegate committees. According to the NRWC, the union SSFs should therefore be treated as "affiliated" with each other, and thus subject to a single contribution limit. Since the union SSFs taken together gave more than $5,000 to a number of delegate committees, they allegedly violated the contribution limits set forth in section 441a(a)(2) of the Federal Election Campaign Act (FECA).

The simple response to this allegation is that UAW V-CAP is not "affiliated" with any of the other union SSFs, and therefore is not subject to a single contribution limit. Since UAW V-CAP itself did not give more than $5,000 to any delegate committee, it did not exceed the contribution limits contained in section 441a(a)(2).

The NRWC made a similar allegation in MUR 1605, which is currently pending before the Commission. For the sake of brevity, UAW V-CAP will not repeat all of the legal and factual arguments set forth in its response to the NRWC's complaint in that case. Suffice it to say that the legislative history of the 1976 amendments to the FECA unequivocally demonstrates that Congress did not intend for the SSFs maintained by various international unions, such as UAW V-CAP, to be treated as "affiliated" with each other or with the SSFs maintained by the AFL-CIO. Rather, each SSF was considered to be a separate entity, and thus subject to distinct contribution limits.

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Based on this clear legislative history, the Commission has ruled on two previous occasions that the SSFs maintained by various international unions should not be treated as "affiliated" with each other or the SSFs maintained by the AFL-CIO under section 441a(a)(5) of the FECA or sections 100.3 & 100.5(g)(2) of the Commission's regulations. See MUR 354 (76) and MUR 783 (78). This judgment has also been upheld by the courts. In re Federal Election Campaign Act Litigation, 2 Fed. Camp. Fin. Guide (CCH) 9082 (D.D.C. June 14, 1979), p. 50655.

In addition, as was set forth in our response to MUR 1605, the record clearly demonstrates that UAW V-CAP is not in fact "affiliated" with any other union SSFs. UAW V-CAP has not been established, financed, maintained or controlled by any other unions or their SSFs. It is a completely autonomous and independent entity, and is not under the direction or control of any other union SSFs. In particular, neither AFL-CIO COPE nor any other union SSFs have exercised any control over the decisions by UAW V-CAP to make contributions to various candidates and political committees — including the Mondale delegate committees.

Significantly, the NRWC's complaint in the present case does not offer any credible evidence that would tend to show that UAW V-CAP should be treated as "affiliated" with any other union SSFs. Indeed, except for a list of contributions which UAW V-CAP made to various Mondale delegate committees, the complaint does not contain any specific allegations pertaining to UAW V-CAP. For this reason alone, the complaint is deficient on its face, and should be dismissed with respect to UAW V-CAP.

The only "evidence" offered by the NRWC to support its contention that all of the union SSFs are "affiliated" is that: (1) the union SSFs all made contributions to various Mondale delegate committees, and (2) AFL-CIO COPE allegedly held a meeting on March 22, 1984, which was attended by a number of unions. This so-called "evidence" is patently insufficient to establish that the union SSFs should be treated as "affiliated".

To begin with, contrary to the NRWC's assertions, when the list of contributions from union SSFs to the various Mondale delegate committees is closely examined, it becomes apparent that in fact there is no discernable pattern of contributions. Specifically, there is no pattern with respect to the amount, timing, donor, or recipient of the contributions. Different union SSFs supported different delegate committees, at different times, and in different amounts. Thus, the list of contributions actually refutes the NRWC's allegation that the union SSFs are "affiliated".

Even assuming arguendo that there was a pattern of contributions, that standing alone would not constitute any evidence of "affiliation". After all, it is to be expected that SSFs connected with organizations which have similar economic and political interests will wind up making contributions to the same candidates and committees who are supportive of their interests. For example, an examination of the contributions made by SSFs connected with various corporations and trade associations would undoubtedly show similarities in their contributions. But certainly this does not mean that all of those SSFs are "affiliated".

Furthermore, it is simply irrelevant whether or not AFL-CIO COPE held a meeting on March 22nd which was attended by various unions. As was set forth in detail in UAW V-CAP's response to the NRWC's complaint in MUR 1605, the legislative history of

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the 1976 amendments to the FECA demonstrates that the AFL-CIO has the right to communicate with its constitutent unions and their members, and that such internal communciations do not constitute any evidence of "affiliation". Congress was well aware that labor unions and corporations had conducted massive programs involving partisan internal communications. Although it added a new reporting requirement pertaining to certain internal communications, Congress clearly affirmed the right of the AFL-CIO and trade associations to continue to engage in such programs with their member unions and corporations, without being considered "affiliated" with each other. This interpretation of the FECA was subsequently confirmed by the Commission in MUR 354 (76).

In any event, no representatives from the UAW or UAW V-CAP were present at the meeting which AFL-CIO COPE allegedly held March 22nd. Thus, this alleged meeting certainly cannot provide any basis for concluding that UAW V-CAP is "affiliated" with the other union SSFs.

Second, the NRWC also alleges that UAW V-CAP and the other union SSFs knowingly and willfully violated the contribution limits in section 441a(a)(2) because, either together or separately, they gave more than $5,000 to all of the Mondale delegate committees combined. According to the NRWC, all of the Mondale delegate committees should be treated as "affiliated" with each other and the Mondale for President Campaign Committee, and thus subject to a single contribution limit.

Again, however, the NRWC does not offer any evidence which would tend to show that UAW V-CAP or the other union SSFs knowingly and willfully violated section 441a(a)(2) in this manner. The regulations promulgated by the Commission expressly contemplate that individuals who are candidates for delegate to a national nominating convention can join together and form delegate committees. These delegate committees are treated like other political committees under the FECA. Specifically, they may solicit and receive contributions from union and corporate SSFs, as well as individual donors. See 11 C.F.R. 110.14. Thus, under the FECA, UAW V-CAP and other union SSFs clearly have the right to make contributions to delegate committees.

UAW V-CAP made contributions to the various Mondale delegate committees based on the advise of counsel that such contributions were expressly permitted under the Commission's regulations set forth in 11 C.F.R. 110.14. UAW V-CAP therefore made the contributions in the good faith belief that they were perfectly lawful under the FECA and the Commission's regulations. Certainly UAW V-CAP had no reason to believe that, as a matter of law, the Mondale delegate committees would be considered "affiliated" with each other and the Mondale for President Campaign Committee, and thus subject to a single contribution limit. Since the NRWC does not offer any evidence to suggest otherwise, UAW V-CAP and the other union SSFs cannot be considered to have violated section 441a(a)(2) by knowingly and willfully making excess contributions to all of the Mondale delegate committees combined.

Finally, it is our understanding that the Mondale for President Campaign Committee has offered to treat all of the Mondale delegate committees as "affiliated",

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and to refund all of the contributions which they received from union SSFs. Since this would cure any inadvertent violations, if such were deemed to exist, UAW V-CAP submits that there is no basis for taking any further action against UAW V-CAP or the other union SSFs in the present case.

For the foregoing reasons, UAW V-CAP respectfully submits that the Commission should dismiss the NRWC's complaint forthwith.

Sincerely,

Alan Reuther

Alan V. Reuther
Counsel for UAW V-CAP
1757 N Street, N. W.
Washington, D. C. 20036
(202) 828-8500

AVR:njk
opeiu494

cc: Stephen Mims

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UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

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THE NATIONAL RIGHT TO WORK COMMITTEE, et al.,	)	
Complainants,	)	
v.	)	MUR 1704
WALTER F. MONDALE AND MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al.,	)	
Respondents.	)	

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RESPONSE OF RESPONDENT
CARPENTERS LEGISLATIVE IMPROVEMENT COMMITTEE

In accordance with the Federal Election Campaign Act, 2 U.S.C. § 437g(a)(1), and the Rules and Regulations of the Federal Election Commission, 11 CFR § 111.6(a), the Respondent Carpenters Legislative Improvement Committee (hereafter "CLIC") submits the following response demonstrating that no action should be taken against it pursuant to the Complaint in the above-captioned matter.

INTRODUCTION

The National Right to Work Committee filed the instant Complaint against Presidential Candidate Walter F. Mondale, the Can-

didate's authorized Campaign Committee, and 13 separate political action committees (hereafter "PACs") established as separate segregated funds by 13 autonomous labor organizations.

The Complaint alleges that all 13 named Union PACs are "affiliated" with each other, within the meaning of 11 CFR § 100.5(g), and that they are therefore subject collectively to a single $5,000 limit on contributions to the Mondale for President Campaign Committee together with any and all committees of delegates backing candidate Mondale, which the Complainants allege to be "affiliated" committees. The Complaint further charges that the 13 Respondent Union PACs "knowingly and willfully" violated 2 U.S.C. § 441a by contributing, whether as affiliated entities or on an individual basis, more than $5,000 to delegate committees comprising Mondale supporters.

We submit that the Complaint and accompanying documents fail to establish a legal of factual basis for these allegations. With respect to Respondent CLIC, Complainants have failed to show, and we specifically deny, that CLIC is "affiliated" with any other of the named Respondent political committees. Moreover, Complainants cannot establish that CLIC knowingly and willfully made excessive contributions prohibited by § 441a. Accordingly, as set forth below, there is no basis for taking any action against Respondent CLIC in this matter.

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DISCUSSION

A. CLIC is Not Affiliated With Any or All Other Respondent Committees

CLIC is a separate, segregated fund within the meaning of 2 U.S.C. § 441b(b), established in 1966 by the United Brotherhood of Carpenters and Joiners of America (hereafter "UBC"), an autonomous International Union. The UBC is CLIC's sole "connected organization" and CLIC's governing documents vest control of this PAC exclusively in UBC officers. CLIC is not established, administered, financed, or controlled by any other labor organization outside of the UBC, and CLIC is not affiliated with any of the other Respondent committees named in this proceeding.

The conduct of CLIC cited by the Complainants herein consists solely of making contributions of $5,000 or less to five separate delegate committees in three states, during the periods when those respective states conducted their Democratic primary election and delegate selection processes. The decision to contribute CLIC funds to those recipients was an independent decision made by CLIC, based on its assessment of how best to further its espoused political and trade union principles, interests, and objectives in the upcoming Democratic National Convention. Such action, we submit, cannot establish CLIC's "affiliation" with any other named Respondent.

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B. CLIC Did Not Knowingly and Willfully Make Excessive Contributions

Under 2 U.S.C. § 441a(a)(2)(C), a multicandidate political committee may lawfully contribute $5,000 to any "political committee" in a calendar year. The applicable regulations (11 CFR § 100.5(e)(5)) specifically include, within the definition and examples of a "political committee", a "delegate committee" which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention. The regulations further provide (11 CFR § 220.14(b)(2), (e), and (f)) that contributions to such delegate committees are governed as to amount and source by 2 U.S.C. §§ 441a(a) and 441b.

In making contributions to the five recipient delegate committees mentioned in the Complaint, CLIC relied on the above statutory provisions and FEC regulations which, as construed by legal counsel, authorized CLIC as a separate segregated fund and qualifying multicandidate committee to contribute $5,000 or less from its funds to each "delegate committee". Each of CLIC's contributions was of $5,000 or less, in accordance with those statutory provisions and regulations and in the reasonable belief that each recipient committee should be individually deemed a delegate committee.

To substantiate the allegation of "knowingly and willfully" making excessive contributions, it must be established that CLIC knew and understood that its contributions would violate the Act, yet nonetheless proceeded to make the contributions in conscious

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and deliberate disregard of the statute and regulations. This condition cannot be met with respect to CLIC, since CLIC acted in reliance upon the legality of its contributions under the statute and specifically applicable regulations.

CONCLUSION

Because the record shows that CLIC is not affiliated with any other Respondent political committee in this matter, within the meaning of 11 CFR § 100.5(g), the amount of contributions made by the other Respondent Union PACs is not chargeable to CLIC for purposes of this proceeding. It cannot be established that CLIC "knowingly and willfully" exceeded the contribution limit of $5,000 per recipient committee under 2 U.S.C. § 441a(a)(2). Accordingly, the Complaint should be dismissed as to Respondent CLIC.

Respectfully submitted,

Kathy L. Krieger

Kathy L. Krieger
Counsel for Respondent CLIC
101 Constitution Avenue N.W.
Washington, D.C. 20001
202/546-6206

Dated at Washington, D.C.
this 15th day of June, 1984.

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UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE, et al., Complainants, v. WALTER F. MONDALE AND MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, et al., Respondents.	MUR 1704

RESPONSE OF RESPONDENT
CARPENTERS LEGISLATIVE IMPROVEMENT COMMITTEE

In accordance with the Federal Election Campaign Act, 2 U.S.C. § 437g(a)(1), and the Rules and Regulations of the Federal Election Commission, 11 CFR § 111.6(a), the Respondent Carpenters Legislative Improvement Committee (hereafter "CLIC") submits the following response demonstrating that no action should be taken against it pursuant to the Complaint in the above-captioned matter.

INTRODUCTION

The National Right to Work Committee filed the instant Complaint against Presidential Candidate Walter F. Mondale, the Can-

ATTACHMENT 12 (Page 4 of 10)

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didate's authorized Campaign Committee, and 13 separate political action committees (hereafter "PACs") established as separate segregated funds by 13 autonomous labor organizations.

The Complaint alleges that all 13 named Union PACs are "affiliated" with each other, within the meaning of 11 CFR § 100.5(g), and that they are therefore subject collectively to a single $5,000 limit on contributions to the Mondale for President Campaign Committee together with any and all committees of delegates backing candidate Mondale, which the Complainants allege to be "affiliated" committees. The Complaint further charges that the 13 Respondent Union PACs "knowingly and willfully" violated 2 U.S.C. § 441a by contributing, whether as affiliated entities or on an individual basis, more than $5,000 to delegate committees comprising Mondale supporters.

We submit that the Complaint and accompanying documents fail to establish a legal or factual basis for these allegations. With respect to Respondent CLIC, Complainants have failed to show, and we specifically deny, that CLIC is "affiliated" with any other of the named Respondent political committees. Moreover, Complainants cannot establish that CLIC knowingly and willfully made excessive contributions prohibited by § 441a. Accordingly, as set forth below, there is no basis for taking any action against Respondent CLIC in this matter.

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DISCUSSION

A. CLIC is Not Affiliated With Any or All Other Respondent Committees

CLIC is a separate, segregated fund within the meaning of 2 U.S.C. § 441b(b), established in 1966 by the United Brotherhood of Carpenters and Joiners of America (hereafter "UBC"), an autonomous International Union. The UBC is CLIC's sole "connected organization" and CLIC's governing documents vest control of this PAC exclusively in UBC officers. CLIC is not established, administered, financed, or controlled by any other labor organization outside of the UBC, and CLIC is not affiliated with any of the other Respondent committees named in this proceeding.

The conduct of CLIC cited by the Complainants herein consists solely of making contributions of $5,000 or less to five separate delegate committees in three states, during the periods when those respective states conducted their Democratic primary election and delegate selection processes. The decision to contribute CLIC funds to those recipients was an independent decision made by CLIC, based on its assessment of how best to further its espoused political and trade union principles, interests, and objectives in the upcoming Democratic National Convention. Such action, we submit, cannot establish CLIC's "affiliation" with any other named Respondent.

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B. CLIC Did Not Knowingly and Willfully Make Excessive Contributions

Under 2 U.S.C. § 441a(a)(2)(C), a multicandidate political committee may lawfully contribute $5,000 to any "political committee" in a calendar year. The applicable regulations (11 CFR § 100.5(e)(5)) specifically include, within the definition and examples of a "political committee", a "delegate committee" which receives contributions or makes expenditures for the purpose of influencing the selection of delegates to a national nominating convention. The regulations further provide (11 CFR § 220.14(b)(2), (e), and (f)) that contributions to such delegate committees are governed as to amount and source by 2 U.S.C. §§ 441a(a) and 441b.

In making contributions to the five recipient delegate committees mentioned in the Complaint, CLIC relied on the above statutory provisions and FEC regulations which, as construed by legal counsel, authorized CLIC as a separate segregated fund and qualifying multicandidate committee to contribute $5,000 or less from its funds to each "delegate committee". Each of CLIC's contributions was of $5,000 or less, in accordance with those statutory provisions and regulations and in the reasonable belief that each recipient committee should be individually deemed a delegate committee.

To substantiate the allegation of "knowingly and willfully" making excessive contributions, it must be established that CLIC knew and understood that its contributions would violate the Act, yet nonetheless proceeded to make the contributions in conscious

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and deliberate disregard of the statute and regulations. This condition cannot be met with respect to CLIC, since CLIC acted in reliance upon the legality of its contributions under the statute and specifically applicable regulations.

CONCLUSION

Because the record shows that CLIC is not affiliated with any other Respondent political committee in this matter, within the meaning of 11 CFR § 100.5(g), the amount of contributions made by the other Respondent Union PACs is not chargeable to CLIC for purposes of this proceeding. It cannot be established that CLIC "knowingly and willfully" exceeded the contribution limit of $5,000 per recipient committee under 2 U.S.C. § 441a(a)(2). Accordingly, the Complaint should be dismissed as to Respondent CLIC.

Respectfully submitted,

Kathy L. Krieger
Counsel for Respondent CLIC
101 Constitution Avenue N.W.
Washington, D.C. 20001
202/546-6206

Dated at Washington, D.C.
this day of June, 1984.

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UFCW

Gall 3600

Legal Department
(202) 466-1520 / 1523

June 12, 1984

Mr. Stephen Mims
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1704

Dear Mr. Mims:

This is in response to the Complaint filed in MUR 1704. The Complaint contains a great deal of newspaper articles and the like, but few specific allegations with regard to the United Food and Commercial Workers Active Ballot Club. I will attempt to answer those few allegations. The UFCW Active Ballot Club did make contributions to a number of Mondale Delegate Committees. These contributions were made with the understanding and belief that all of the delegate committees were independent committees and not, as alleged in the Complaint, that they were "branch offices" of the Mondale campaign. In any event, both the Delegate Committees and the Mondale campaign are entities that were neither established, nor controlled in any fashion by the UFCW Active Ballot Club. Accordingly, not only is it not within our ability, but we do not believe it is legally our role or responsibility to defend those Mondale Delegate Committees or the Mondale campaign organization.

The decision to make contributions to the Mondale Delegate committees by the UFCW Active Ballot Club was decided upon solely by UFCW officials. The procedure for contributions made by the Active Ballot Club is for William J. Olwell, International Vice President and Director of Public Affairs and Communications, to make recommendations to the Office of the International Union President, which must approve the contributions. No outside organization or individual takes part in this process. I would note that the Active Ballot Club is the separate, segregated fund of the United Food and Commercial Workers International Union and was not established by, nor is it financed, maintained, or controlled by the AFL-CIO COPE Political Contribution Committee, or any other labor organization or political committee. Contrary to the Complainant's assertions,

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William H. Wynn
International
President

Anthony J. Luthy
International
Secretary-Treasurer

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(Page 1 of 3)

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111

the UFCW Active Ballot Club is not an affiliated committee of any other organization under 11 C.F.R. §100.5(a)(See attached Affidavit of William J. Olwell).

We would be most happy to answer any questions you may have or to supply any additional affidavits you may deem necessary to support the positions set forth in this letter.

Sincerely yours,

Edward P. Wendel /ee

Edward P. Wendel
Assistant General Counsel
United Food and Commercial
Workers International
Union

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AFFIDAVIT

My name is William J. Olwell. My office address is 1775 K Street, N.W., Washington, D.C. 20006. I am an International Vice President and Director of Public Affairs and Communications of the United Food and Commercial Workers International Union. As part of my responsibilities I administer the Active Ballot Club, the separate, segregated fund of the UFCW. The Active Ballot Club is solely the creation of and exclusively under the control of the United Food and Commercial Workers International Union. It is not controlled or administered in any manner by any other organization. As part of my responsibilities in administering the Active Ballot Club, I am exclusively responsible for making recommendations to the Office of the International President with regard to political contributions. Following my recommendations and the approval of the Office of the International President, the contributions would then be made. I was solely responsible for making the recommendations to various Mondale Delegate Committees, which recommendations were then approved by the Office of the International President.

6/12/84
Date

William J. Olwell
International Vice President
and Director of Public
Affairs and Communications

District of Columbia, ss:

Subscribed and sworn to before me
this 12th day of June, 1984.
My Commission Expires September 14, 1988

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BEFORE THE
FEDERAL ELECTION COMMISSION

THE NATIONAL RIGHT TO WORK COMMITTEE and RALPH MARTIN (BUD) HETTINGA, JR., Complainants, v. WALTER F. MONDALE AND MONDALE FOR PRESIDENT CAMPAIGN COMMITTEE, AFL-CIO COPE POLITICAL CONTRIBUTION COMMITTEE, AFSCME PUBLIC EMPLOYEES ORGANIZED TO PROMOTE LEGISLATIVE EQUALITY QUALIFIED, AMERICAN FEDERATION OF TEACHERS COPE, UNITED FOOD AND COMMERCIAL WORKERS, ACTIVE BALLOT CLUB, INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTSMEN PAC, CARPENTERS LEGISLATIVE IMPROVEMENT COMMITTEE, IRONWORKERS POLITICAL ACTION LEAGUE, MACHINISTS NON-PARTISAN POLITICAL LEAGUE, AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION PAC, CWA-COPE PCC, SERVICE EMPLOYEES INTERNATIONAL UNION COPE PCC, UAW V CAP, and UNITED MINE WORKERS OF AMERICA COAL MINERS PAC, Respondents.	MUR 1704

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MEMORANDUM PURSUANT TO 11 C.F.R. §111.6(a) SETTING FORTH REASONS WHY THE COMMISSION SHOULD TAKE NO ACTION ON AND DISMISS THE COMPLAINT AGAINST RESPONDENT UNITED MINE WORKERS OF AMERICA COAL MINERS POLITICAL ACTION COMMITTEE

Michael H. Holland
Earl R. Pfeffer
900 15th Street N.W.
Washington, D.C. 20005
(202) 842-7330

Attorneys for United Mineworkers of America Coal Miners Political Action Committee

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