



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1722

Date Filmed 3/10/85 Camera No. --- 3

Cameraman JRL

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FEDERAL ELECTION COMMISSION

All routing slips

Extra copies of letters.

12 Day Report and Comment sheets

Commissioner objection memos

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

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

Signed Marybeth Taniand
date 3/14/85

FEC 9-21-77

[Handwritten Signature]
3/14/85

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1984

Don Richmond
2133 Rambling Rose
Waukesha, Wisconsin 53186

Re: MUR 1722
Governor Anthony S. Earl
Mondale for President Committee, Inc.
and Michael S. Berman, as treasurer
Wisconsin At-Large Delegate
Mondale Committee and
Richard Asplund, as treasurer

Dear Mr. Richmond:

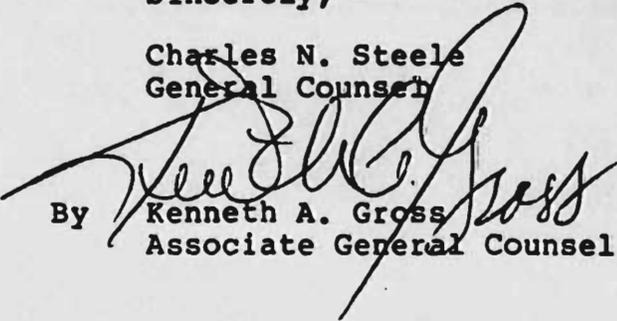
8 5 0 4 0 5 1 4 7 8 7

The Federal Election Commission has reviewed the allegations of your complaint received June 4, 1984, and determined that on the basis of the information provided in your complaint, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") was committed by Governor Anthony S. Earl. In addition, based on the resolution of MUR 1704, a matter dealing with the same issues and respondents as in your complaint, the Commission voted to take no action with respect to the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, and the Wisconsin At-Large Delegate Mondale Committee and Richard Asplund, as treasurer. (See enclosed report.) Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

Enclosure

General Counsel's Report



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1984

David M. Ifshin, Esquire
Carolyn U. Oliphant, Esquire
Mondale for President Committee, Inc.
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007

RE: MUR 1722
Mondale for President Committee, Inc.
and Michael S. Berman, as treasurer

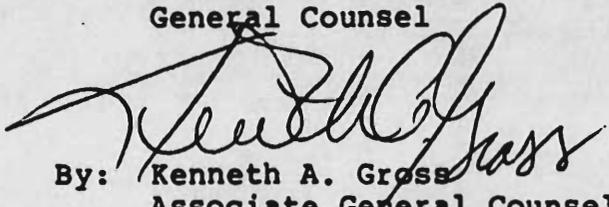
Dear Mr. Ifshin and Ms. Oliphant:

The Federal Election Commission notified your clients on June 13, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time. We acknowledge receipt of your explanation of this matter which was dated July 2, 1984.

Based upon the allegations contained in the complaint and the resolution of MUR 1704, the Commission, on December 3, 1984, determined to take no action with regard to the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

85040514788



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 1984

Brady C. Williamson, Esquire
LaFollette, Sinykin, Anderson & Munson
P.O. Box 2719
Madison, Wisconsin 53701

Re: MUR 1722
Governor Anthony S. Earl
Wisconsin At-Large Delegate Mondale
Committee and Richard Asplund,
as treasurer

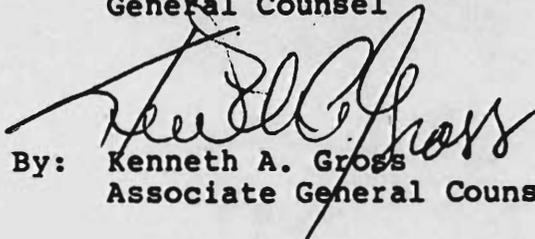
Dear Mr. Williamson:

On June 13, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your clients at that time.

Based upon the allegations contained in the complaint and the resolution of MUR 1704, in which the Wisconsin At-Large Delegate Mondale Committee ("Delegate Committee") and Richard Asplund, as treasurer, are Respondents, the Commission, on December 3, 1984, determined to take no action with regard to the Delegate Committee and Richard Asplund, as treasurer. In addition, the Commission determined that on the basis of the information in the complaint, there was no reason to believe that Governor Earl violated the Act. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

cc: Kenneth J. Doran

Enclosure
General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 1722
Mondale for President Committee, Inc.)	
and Michael S. Berman, as treasurer)	
Governor Anthony S. Earl)	
Wisconsin At-Large Delegate Mondale)	
Committee and Richard Asplund,)	
as treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 3, 1984, the Commission decided by a vote of 4-2 to take the following actions in MUR 1722:

1. Take no action with regard to Mondale for President Committee, Inc. and Michael S. Berman, as treasurer.
2. Take no action with regard to the Wisconsin At-Large Delegate Mondale Committee and Richard Asplund, as treasurer.
3. Find no reason to believe that Governor Anthony S. Earl violated any section of the Act.
4. Close the file.
5. Approve the letters attached to the General Counsel's Report signed November 28, 1984.

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

Attest:

12-7-84
Date

Judy C. Ransom
for Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

TO: Office of the Commission Secretary
FROM: Office of General Counsel *CC*
DATE: November 28, 1984
SUBJECT: MUR 1722 - 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	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
Sensitive	<input checked="" type="checkbox"/>	Audit Matters	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Litigation	<input type="checkbox"/>
24 Hour No Objection	<input type="checkbox"/>	Closed MUR Letters	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>	Status Sheets	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Advisory Opinions	<input type="checkbox"/>
Information	<input type="checkbox"/>	Other (see distribution below)	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>		
Non-Sensitive	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

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In the Matter of)
)
Mondale for President Committee, Inc.)
and Michael S. Berman, as treasurer)
Governor Anthony S. Earl)
Wisconsin At-Large Delegate Mondale)
Committee and Richard Asplund,)
as treasurer)

84 NOV 28 P 4: 20
MUR 1722

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Complainant alleges that Governor Anthony S. Earl of Wisconsin formed a delegate committee and that said committee raised funds with the "cooperation, prearrangement and assistance" of the Mondale for President Committee, Inc. ("MPC"). He further states that said committee expended nearly \$10,000 in support of Walter Mondale's candidacy for President and not in support of Governor Earl's candidacy for delegate to the Democratic National Convention. Due to its alleged affiliation with MPC, the complainant states that the delegate committee's expenditures have been falsely represented as "independent expenditures." As evidence, the complainant incorporated in his complaint two newspaper articles.

Although the complainant did not state the name of the delegate committee, we now know it to be the Wisconsin At-Large Delegate Mondale Committee ("Wisconsin Delegate Committee") due to information received in MUR 1667. 1/ See Attachments 1 and 2.

1/ It is noted that the letter notifying the respondents of the complaint was sent to Governor Earl addressing both the Governor and his delegate committee as respondents.

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On July 6, 1984, a response was received from counsel representing MPC and Michael Berman, as treasurer. See Attachment 3. In addition, on the same date a request for an extension until July 25, 1984, was received from counsel representing Governor Earl. Based on the circumstances presented in counsel's letter, the Office of the General Counsel granted the requested extension. Although there were several phone calls from counsel subsequent to July 25, 1984, explaining delays but assuring a response would be filed, as of this date no response has been received.

II. FACTUAL AND LEGAL ANALYSIS

According to one of the newspaper articles, the Wisconsin Delegate Committee funded a mailing of 5,000-6,000 letters prior to the April 7, 1984, Wisconsin Democratic caucuses which promoted Walter Mondale's candidacy. The article further states that the mailing was paid for by the Delegate Committee out of the \$13,600 in contributions collected by the committee.^{2/} The second newspaper article does not mention the Wisconsin Delegate Committee specifically but merely talks about the Mondale delegate committees in general. The complainant bases his allegations solely on these two newspaper articles.

On April 6, 1984, Americans With Hart, Inc., filed a complaint with the Commission alleging violations of the Act and

^{2/} According to reports filed by the Delegate Committee which cover 1/1/84-6/30/84, the committee has had total receipts of \$31,520.73 and total disbursements of \$30,253.44.

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regulations by MPC, Michael S. Berman, as treasurer, and the Mondale delegate committees. ^{3/} Specifically, the complainant alleged that the delegate committees established for the purpose of affecting the selection of delegates 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).

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 also 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. On April 26, 1984, the Wisconsin Delegate Committee was sent a copy of the complaint in MUR 1667 and on May 25, 1984, the Wisconsin Delegate Committee responded through counsel. See Attachment 1.

^{3/} 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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On May 18, 1984, the National Right to Work Committee and Ralph Martin ("Bud") Hettinga, Jr. filed a complaint with the Commission (MUR 1704) alleging, among other assertions, that the Mondale delegate committees were affiliated with each other and with MPC within the meaning of 11 C.F.R. § 100.5(g); therefore, they were subject to a single shared limit on the receipt of contributions. On August 7, 1984, the Commission found reason to believe that MPC and Michael S. Berman, as treasurer, accepted excessive contributions, through delegate committees, in violation of 2 U.S.C. § 441a(f). The Commission also voted to merge MUR 1667 with MUR 1704 and to enter into pre-probable cause conciliation with MPC and Michael S. Berman, as treasurer. On November 27, 1984, the Commission voted to accept a signed conciliation agreement from MPC in which MPC agreed, for the purpose of resolving MUR 1704, to treat the delegate committees as committees affiliated with MPC. As part of that agreement, the Commission agreed to take no further action against the delegate committees with respect to contributions which may be excessive when aggregated with contributions to other delegate committees or to MPC or with respect to the expenditures made by delegate committees which may be excessive when aggregated with expenditures made by MPC. In addition, the Commission voted to close the file with respect to all respondents.

The issue with respect to affiliation between MPC and the Wisconsin Delegate Committee is almost identical to that discussed in MURs 1667/1704. The complainant in this instant matter has alleged that the Wisconsin Delegate Committee raised

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funds with the "cooperation, prearrangement and assistance" of MPC. The complainants in the other matters alleged 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 all of these matters submitted a number of newspaper clippings alleging the same or similar facts to demonstrate that the delegate committees, rather than being truly autonomous, were, in fact, affiliated among themselves and with the Mondale campaign.

Rather than repeat the lengthy factual and legal discussions on affiliation between MPC and the delegate committees contained in the First General Counsel's Reports in MURs 1667 and 1704 and the discussions regarding MPC's responses (MPC makes essentially the same arguments in its response to this MUR - see Attachment 3), those discussions are incorporated by reference. For the reasons stated in those reports, it appears that the delegate committees appear to be affiliated with MPC. However, based on the Commission's actions in MUR 1704, this Office recommends that the Commission take no action with respect to MPC and Michael Berman, as treasurer, and the Wisconsin Delegate Committee and Richard Asplund, as treasurer, in connection with the issues raised in this MUR. As the conciliation agreement in MUR 1704 resolved the issues involved

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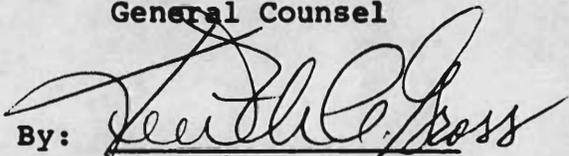
in this MUR, there is no need to further pursue the allegations in this MUR. Also, this recommendation ensures consistent treatment of the respondents by the Commission, as they were also respondents in MUR 1704.

In addition, the Office of the General Counsel recommends that the Commission find no reason to believe that Governor Earl violated the Act. This recommendation is based on the fact that the dispositive issue in this case is whether or not the Wisconsin Delegate Committee is affiliated with MPC. Governor Earl was merely a delegate and is not a proper respondent in light of the allegations. The complainant has provided no evidence that Governor Earl violated the Act. This Office further recommends that the file in this matter be closed.

III. RECOMMENDATIONS

1. Take no action with regard to Mondale for President Committee, Inc. and Michael S. Berman, as treasurer.
2. Take no action with regard to the Wisconsin At-Large Delegate Mondale Committee and Richard Asplund, as treasurer.
3. Find no reason to believe that Governor Anthony S. Earl violated any section of the Act.
4. Close the file.
5. Approve the attached letters.

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Nov. 28, 1984
Date

Attachments

1. Response filed by Wisconsin Delegate Committee in MUR 1667.
2. Reports filed by Wisconsin Delegate Committee
3. Response filed by MPC
4. Proposed letters.

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SMOLER, ALBERT & ROSTAD

ATTORNEYS AT LAW

119 MONONA AVENUE - SUITE 520

MADISON, WISCONSIN 53703

May 23, 1984

WILLIAM W. SMOLER
JOHN C. ALBERT
THOMAS J. ROSTAD
C. WILLIAM FOUST
KENNETH J. DORAN

RECEIVED IN THE FILE
HAND DELIVERED
84 MAY 25 AIL: 15
GC# 3312

TELEPHONE
608/255-9000

Attachment 1

11:25 AM
M2: 16

Attorney Charles M. Steele
Federal Elections Commission
1325 K Street NW
Washington, DC 20463

RE: MUR 1667

Dear Mr. Steele:

This letter constitutes the response of Richard (Rick) Asplund to the complaint filed by Americans With Hart, Inc., against Mondale for President Committee, Inc., MUR 1667. Mr. Asplund was apparently made a respondent by administrative determination, and first served with the complaint by a letter from the Commission dated April 26, 1984.

It must be noted at the outset that however large the scope of this matter, the record is devoid of any evidence connecting Mr. Asplund with any delegate committee other than the Wisconsin At-Large Delegate Mondale Committee (WALDMC) of which he is treasurer; and he denies any involvement in other such committees. (Minor variations on the name of WALDMC have appeared on various documents and campaign materials.) Any decision to proceed further against him must therefore be based on coherent allegations and supporting evidence concerning that committee. The complaint and supplemented record present neither.

Mr. Asplund requests the commission to consider the following points.

1. Committees composed of delegates enjoy the same financial independence as do individual delegates pursuant to 11 CFR 110.14 (d)(2). Committees are subject to separate reporting requirements (which WALDMC has met; a termination statement and financial report will be filed as soon as this action is authorized.) The different interpretation stated in the complaint is unfounded.

2. WALDMC is not affiliated with any other committee. The record contains no allegations sufficient to establish affiliation within the meaning of 11 CFR 100.5(g)(2)(ii).

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May 23, 1984

This and the previous point are both addressed in much greater detail in the response of the Mondale for President Committee, Inc. (MPC), of April 30, 1984, which Mr. Asplund finds persuasive and adopts by reference with regard to its legal analysis on these points.

Neither Mr. Asplund nor anyone on his behalf took any part in the preparation of that response or had any knowledge of it before it was filed with the commission.

The allegation of use by WALDMC of campaign materials prepared by MPC (complaint, p. 6) supports no conclusion adverse to WALDMC or Mr. Asplund. The reuse of such materials as an independent expenditure is expressly authorized by 11 CFR 110.14 (d)(2)(ii)(A)(2). Nothing in the record justifies a conclusion that the materials in question were not within the protection of that section. (In addition, the particular items at issue were prepared without actual authorization even from WALDMC.)

3. It is elementary common knowledge that many if not most participants in the major party delegate selection process seek election expressly and primarily to support a particular candidate, rather than as independent decision makers. The complaint is totally in error in concluding that an emphasis on the qualifications of the presidential candidate in the materials of WALDMC or any other such committee undercuts its independent status. Nothing in law or the realities of the political system supports the position of the complaint. A "minimum delegate information content" requirement is not established by law and would serve no constructive purpose.

Regarding WALDMC in particular, its members are extremely well-known to the constituency; they include the governor and lieutenant governor of Wisconsin. Attaching their resumes to committee material was unnecessary. The name of the committee and the names of its members were prominently displayed on the letterhead used.

4. The commission should first investigate and consider carefully the extent to which this matter has been rendered moot by the voluntary decisions of the Mondale for President Committee, Inc., concerning treatment of independent committee funds. (Mr. Asplund has elected to follow a request from Vice-President Mondale on April 26, 1984 to terminate the activities of WALDMC.)

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Mr. Charles Steele
Page 3

May 23, 1984

Mr. Asplund therefore believes that no further proceeding against him is justified, and requests the commission to so determine.

Very truly yours,

SMOLER, ALBERT & ROSTAD, S.C.

Kenneth J. Doran

Kenneth J. Doran

KJD:wmr

cc: Richard Asplund

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3

STATEMENT OF ORGANIZATION

Attachment 2
RECEIVED AT THE FEC

(See reverse side for instructions)

1. (a) Name of Committee (in Full) <input type="checkbox"/> Check if name or address is changed. Wisconsin At-Large Delegate Mondale Committee	2. Date March 22, 1984
(b) Address (Number and Street) 126 Sunny Meade Lane, No. 6	3. FEC Identification Number
(c) City, State and ZIP Code Madison, WI 53713	4. Is this an amended Statement? <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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 Walter F. Mondale 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 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
None.		

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
Treasurer		
8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee, and the name and address of any designated agent (e.g., assistant treasurer).		
Full Name Richard Asplund	Mailing Address and ZIP Code 126 Sunny Meade Lane, No. 6 Madison, WI 53713 Telephone 608-257-5833	Title or Position Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
First Wisconsin National Bank of Madison	Madison, WI 53707

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

Richard Asplund
Type or Print Name of Treasurer

Richard Asplund
SIGNATURE OF TREASURER

March 29, 1984
Date

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

For further information contact

Federal Election Commission, Toll-Free 800-424-9530, Local 202-523-4068

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FEC FORM 1280

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

Name of Committee (on Page 1)

Wisconsin At-Large Telegate Mondale Committee From To 1/21/86

	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 Unitized \$ <u>25.00</u>)			11(a)
(b) Political Party Committees			11(b)
(c) Other Political Committees			11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))			11(d)
12. TRANSFERS FROM AFFILIATED OTHER PARTY COMMITTEES			12
13. ALL LOANS RECEIVED			13
14. LOAN REPAYMENTS RECEIVED			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17. OTHER RECEIPTS (Dividends, Interest, etc.)			17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)			18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES			19
20. TRANSFERS TO AFFILIATED OTHER PARTY COMMITTEES			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			21
22. INDEPENDENT EXPENDITURES (use Schedule E)			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. § 441 (d)) (Use Schedule F)			23
24. LOAN REPAYMENTS MADE			24
25. LOANS MADE			25
26. REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees			26(a)
(b) Political Party Committees			26(b)
(c) Other Political Committees			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))			26(d)
27. OTHER DISBURSEMENTS			27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)			28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)			29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)			30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)			31
32. TOTAL OPERATING EXPENDITURES from Line 19			32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15			33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)			34

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SCHEDULE A

ITEMIZED RECEIPTS

Part 1 of Form 1040
 Also attach statement for each category of the following (Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of collecting 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)			
Wisconsin At-Large Delegate Mondale Committee			
A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
6th District Delegates for Mondale Committee Lansing, MI Mailing Address to follow		3/22/84	3,600.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date-\$	3,600.00	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Communication Workers of America COPE - PCC 1925 K Street, N.W. Washington, I.C. 20006		3/22/84	5,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date-\$	5,000.00	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
AFSCME Public Employees Organized to Promote Legislative Equality 1625 I Street, N.W. Washington, I.C. 20036		3/29/84	5,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date-\$	5,000.00	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date-\$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date-\$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date-\$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date-\$		
SUBTOTAL of Receipts This Page (optional)			13,600.00
TOTAL This Period (last page this line number only)			13,600.00

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Any information copied from such reports and documents may not be sold or used by any person for the purpose of obtaining 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)

Wisconsin At-Large Delegate Mondale Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Robert Bassin Washington, I.C. Mailing Address to follow	Travel expense reimbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	205.00
Jenifer Collins Route 1, Box 188 McGregor, IA 52157	Salary Shipping expenses Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	210.00 60.80
Steve Elmendorf 34 Cross Gates Road Madison, NJ 07940	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	280.00
Bennett Freeman 1702 P Street, N.W. Washington, I.C. 20036	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	280.00
John Glasheen 222 Sackett Street Providence, RI 02901	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	280.00
Sue Hofer 644 Massachusetts, N.E., #404 Washington, I.C. 20002	Salary Travel reimbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	189.00 50.40
Deborah Katz 2 Grenwolde Irive Great Neck, NY 11024	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	238.00
Margaret Masteller 2008 Helmer Street Sioux City, IA 51103	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	280.00
Jan Paradee 29 Summerville Street Waterville, ME 04901	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	210.00
SUBTOTAL of Disbursements This Page (optional)			2,285.20
TOTAL This Period (last page this line number only)			

8

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 2 of 2
 List attached
 This amount pertains to 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)

Wisconsin At-Large Relegate Mondale Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Cathy Radner 3562 Green Briar, #416C Ann Arbor, MI 48105	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	238.00
Suzy Spilker 806 Huron Hill Road Madison, WI 53711	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	238.00
Joseph Sur'bay 65 Melbourne Street Portland, ME 04401	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	210.00
Elizabeth Sullivan 6815 99th Avenue Seabrook, ME 20801	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	210.00
Daniel Reid Wilson 11624 Danville Drive Rockville, ME 20852	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/29/84	238.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> 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: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> 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: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> 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: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			1,134.00
TOTAL This Period (last page this line number only)			3,417.20

8304031400

RECEIVED AT THE FEC

Summary Page

20 JUL 1984

1. NAME OF COMMITTEE OR FUND
 Michigan At-Large Delegate
 House Committee

2. OFFICE NUMBER AND STREET
 126 Sunny Knolls Lane, No. 6

3. CITY, STATE AND ZIP CODE
 Madison, VI 53713

Check here if address is different than previously reported.

4. FEC IDENTIFICATION NUMBER
 000180687

This committee qualified as a campaign/issue committee during this reporting period on _____

5. TYPE OF REPORT (Check appropriate box)

(a) April 15 Quarterly Report October 15 Quarterly Report

July 15 Quarterly Report January 31 Year End Report

July 31 Mid Year Report (Non-Candidate Year Only)

Monthly Report for _____

Tenth day report preceding _____
 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

8 3 0 9 4 0 5 3 6 3 1 4 7 4

6. COVERING PERIOD	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. Covering Period <u>Apr 1, 1984</u> through <u>Jun 30, 1984</u>		
6(a) Cash on hand January 1, 19 <u>84</u>		\$ 00.00
(b) Cash on Hand at Beginning of Reporting Period	\$ 17,895.73	
(c) Total Receipts From Line 10	\$ 17,895.73	\$ 31,520.73
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(b) and 6(c) for Column B)	\$ 25,705.99	\$ 31,520.73
7. Total Disbursements From Line 20	\$ 24,438.70	\$ 30,253.44
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 1,267.29	\$ 1,267.29
9. Debts and Obligations Owed TO The Committee (Transfer all on Schedule C or Schedule D)	\$ 00.00	
10. Debts and Obligations Owed BY the Committee (Transfer all on Schedule C or Schedule D)	\$ 101.32	

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

Richard Applund
 Type or Print Name of Treasurer

Richard Applund
 Signature of Treasurer

July 14, 1984
 Date

For further information contact:
 Federal Election Commission
 Toll Free 800-424-9630
 Local 202-423-4888

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

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

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FEC FORM 3X (3/80)

10

DISBURSEMENT STATEMENT
of Receipts and Disbursements
Form R-FPE FORM 20

Virginia At-Large Delegate Wendale Committee

From **4/1/84** to **6/30/84**

850840537400175

	Column A Total This Period	Column B Calendar Year-to-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loaned funds):			
(a) Individuals/Persons Other Than Political Committees	15,070.76	15,070.76	116d
(When Only Calendar 6-30-74)			
(b) Political Party Committees	2,500.00	16,100.00	116e
(c) Other Political Committees			116f
(d) TOTAL CONTRIBUTIONS (other than loaned funds 116d, 116e and 116f)	17,570.76	31,195.76	116g
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			12
13. ALL LOANS RECEIVED			13
14. LOAN REPAYMENTS RECEIVED			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Returns, etc.)	324.99	324.99	15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17. OTHER RECEIPTS (Grants, Interest, etc.)			17
18. TOTAL RECEIPTS (Add 116g, 12, 13, 14, 15, 16 and 17)	17,895.75	31,520.75	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES	24,438.70	30,255.44	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			21
22. INDEPENDENT EXPENDITURES (see Schedule B)			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES			23
(2 U.S.C. 6401 (d)(4) (See Schedule F))			
24. LOAN REPAYMENTS MADE			24
25. LOANS MADE			25
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			26(a)
(b) Political Party Committees			26(b)
(c) Other Political Committees			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))			26(d)
27. OTHER DISBURSEMENTS			27
28. TOTAL DISBURSEMENTS (Add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	24,438.70	30,255.44	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loaned from Line 116g)	17,570.74	31,195.74	29
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))			30
31. NET CONTRIBUTIONS (other than loaned) (Subtract Line 30 from Line 29)	17,570.74	31,195.74	31
32. TOTAL OPERATING EXPENDITURES (from Line 19)	24,438.70	30,255.44	32
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)	324.99	324.99	33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	24,113.71	29,930.45	34

(11)

Wisconsin At-Large Delegate Nondale Committee	Outstanding Balance Beginning This Period	Amount Paid This Period	Amount Paid This Period	Outstanding Balance End of This Period
A. Full Name, Mailing Address and Zip Code of Debtor or Creditor Committee for Tony Earl P.O. Box 428 Madison, WI 53701	--00.00	101.32	--00.00	101.32
Nature of Debt (Purpose): Mailing List Labels				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
1) SUBTOTALS This Period This Page (optional)				101.32
2) TOTAL This Period (last page this line only)				101.32
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only)				
4) ADD 2) and 3) and carry forward to 2) appropriate line of S. 1000, Page (last page only)				101.32

8 5 0 8 4 0 0 5 3 1 3 4 0 8 3 5 1 7 6

SCHEDULE A

ITEMIZED RECEIPTS



Any information reported from such Returns or Statements may not be used by any person for the purpose of evading any tax liability or for commercial purposes, other than using the name and address of any such tax committee to solicit contributions from such contributors.

Name of Committee on Form

Wisconsin At-Large Delegate Mondak Committee

A. Full Name, Mailing Address and ZIP Code

**Harold Roitenberg
3690 IDS Center
Minneapolis, MN 55402**

Name of Employer

Occupation

Date (month, day, year)

4/2/84

Amount of Each Receipt This Period

9,000.00

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date—\$ **5,000.00**

B. Full Name, Mailing Address and ZIP Code

**Mr. & Mrs. Leland S. MacPhail, Jr.
101 Peavey Lane
Wayzata, MN 55391**

Name of Employer

**American League
Baseball, Inc.**

Occupation

Baseball Executive

Date (month, day, year)

4/4/84

Amount of Each Receipt This Period

9,000.00

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date—\$ **5,000.00**

C. Full Name, Mailing Address and ZIP Code

**Mark B. Dayton
4225 E. Lake Harriet Boulevard
Minneapolis, MN 55409**

Name of Employer

State of Minnesota

Occupation

Commissioner

Date (month, day, year)

4/4/84

Amount of Each Receipt This Period

2,900.00

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date—\$ **2,500.00**

D. Full Name, Mailing Address and ZIP Code

**Bruce B. Dayton
990 Old Long Lake Road
Wayzata, MN 55391**

Name of Employer

Occupation

Investments

Date (month, day, year)

4/4/84

Amount of Each Receipt This Period

2,900.00

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date—\$ **2,500.00**

E. Full Name, Mailing Address and ZIP Code

Receipt For: Primary General
 Other (specify):

Name of Employer

Occupation

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

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

Date (month, day, year)

Amount of Each Receipt This Period

SUBTOTAL of Receipts This Page (optional) 15,000.00

TOTAL This Period (last page this line number only) 15,000.00

8 5 0 3 4 0 1 5 3 1 3 4 0 8 ; 1 . 1 1 7 7



Any information printed from each Receipt or Statement may not be valid or used for any purpose for the purpose of obtaining credit or for any other purpose, other than using the name and address of any national committee to obtain contributions from such individual.

Name of Committee or Fund
Virginia At-Large Delegate Wendale Committee

A. Full Name, Mailing Address and ZIP Code United Auto Workers V CAP 8000 E. Jefferson Detroit, MI 48214	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period 2,500.00
	Occupation	4/2/84	

Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date-\$ 2,500.00
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B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		

Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date-\$
---	---------------------------

C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		

Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date-\$
---	---------------------------

D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		

Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date-\$
---	---------------------------

E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		

Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date-\$
---	---------------------------

F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		

Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date-\$
---	---------------------------

G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		

Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date-\$
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SUBTOTAL of Receipts This Page (optional)	2,500.00
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TOTAL This Period (see page one line number only)	2,500.00
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850440531340831470

Any information printed hereon is for the use of the donor only and is not to be used for the purpose of obtaining credit or for any other purpose. After obtaining the name and address of any person mentioned in this receipt, please write such person.

Name of Commission (in Full)

Wisconsin At-Large Delegate Mandate Committee

A. Full Name, Mailing Address and ZIP Code American International Rent-A-Car 2406 Packers Avenue Madison, WI 53704	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period 324.99
	Occupation	4/20/84	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$ 324.99		

B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$		

C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$		

D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$		

E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$		

F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$		

G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date—\$		

SUBTOTAL of Receipts This Page (optional) **324.99**

TOTAL This Period (from page this line number only) **324.99**

850840334831479

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JUL 6 P 2: 13

Jarrant

July 2, 1984

Attachment 3

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

RE: MUR 1722

Dear Mr. Steele:

5 of the Mondale for President Committee, Inc. ("MPC") to the
1
4 8 1 complaint filed by Mr. Don Richmond on June 4, 1984. The crux of
1 4 8 1 this complaint relates to a letter sent by the At-Large Delegate
1 4 8 1 Committee in Wisconsin. Mr. Richmond alleges that the delegate
1 5 committee's expenditure of funds relating to that letter was in
1 5 0 4 0 violation of certain sections of the Federal Election Campaign
1 5 0 4 0 Act ("FECA") of 1971, as amended.

1 5 0 4 0 Complainant offers no legal or factual basis for Mr.
8 Richmond's complaint. The FEC regulations exempt from the Act's
8 contribution and expenditure limitations payments by delegates
8 for the cost of certain campaign materials used in connection
8 with volunteer activities. 11 C.F.R. Section 110.14(d)(2)(i).
8 The letter at issue in this complaint appears to fit squarely
8 within this exemption and, thus, expenditures relating to it are
8 not subject to these limitations.

Even if the letters are deemed to be general public adverti-

sing rather than volunteer campaign materials, the complaint does not allege a violation of the Act because it contains no suggestion that the expenditures were made in "cooperation, consultation or concert with, or at the request or suggestion of" anyone associated with MPC (Section 110.14(d)(ii)(A)(1)). Thus, regardless of how the letter is characterized -- as volunteer campaign material or as general public advertising -- expenditures incurred by the delegates in producing and distributing the letter would not be subject to the contribution and expenditure limitations of the Act.

I. BACKGROUND

1 Following the 1976 Presidential election, there was univer-
2 sal concern over the Act's impact on grass roots campaign acti-
3 vity. The Commission and Congress shared this concern over the
4 Act's unintended and unwanted effect on grass roots campaigning.
5 In response to these concerns, Congress enacted the coattails
6 provision of the FECA Amendments of 1979. 2 U.S.C. Section
7 431(8)(B)(xi). Under this provision, candidates for any public
8 Office may pay for campaign materials which refer to another
9 candidate without making a "contribution" if the materials are
0 used in connection with volunteer activity. The Commission
1 incorporated this exemption into its delegate regulations in
2 1980. 11 C.F.R. Section 110.14(d)(2)(i).

The delegate committee at issue in this complaint was an autonomous entity which was established, financed, maintained and controlled by the delegates who comprised it. It was comprised of at-large delegates who sought to promote their selection as delegates to the Democratic National Convention. All four dele-

gates who established the committee were, in fact, selected as convention delegates.* / In sending the challenged letter which was intended to promote their candidacies, these delegates engaged in precisely the type of grass roots activity that the Commission and Congress intended to encourage.** /

II. THE COMPLAINT SHOULD BE DISMISSED BECAUSE IT DOES NOT MEET STANDARDS ESTABLISHED IN COMMISSION'S POLICY ON COMPLAINTS BASED ON NEWSPAPER ARTICLES.

The only evidence presented in this complaint is based on an inaccurate and undocumented newspaper article. 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. 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

* / Complainant's allegation that this delegate committee was a "pretend" committee is totally baseless. The four individuals involved all actively sought and attained selection as Mondale delegates.

** / We presume that the letter in question is the one attached to MUR 1667, amendment dated April 18, 1984, as Exhibit C, page 5.

contrast, the news account upon which this complaint is based is not well-documented or substantial, and does not set forth a substantive statement of facts. Undocumented accusations and inaccurate factual assertions of the types presented by the Complainant are precisely the reasons that the Commission adopted a policy of careful scrutiny of complaints based on newspaper articles. Indeed, Complainant did not even produce a copy of the letter he challenges, and the complaint sets forth no facts as to conduct of MPC. Thus, MPC must speculate as to what conduct on its part is allegedly violative of the Act.

III. EXPENDITURES RELATING TO THE LETTER SENT BY THE AT-LARGE DELEGATE COMMITTEE ARE NOT IN-KIND CONTRIBUTIONS TO MPC.

1 The Commission's delegate regulations exempt spending for
8 certain campaign materials used in connection with volunteer
4 activities from the Act's contribution and expenditure limita-
1 tions. Materials falling within this exemption are not consi-
5 dered in-kind contributions to any candidate. This exemption
0 applies to volunteer campaign materials containing references to
0 or information on the presidential candidate which the delegate
5 supports. 11 C.F.R. Section 110.14(d). Thus, delegate expendi-
8 tures relating to volunteer campaign materials such as pins,
bumper stickers, or brochures, which advocate the delegate's
selection as well as that of the presidential candidate are not
"contributions" to the presidential candidate, and are not "ex-
penditures" which count against the presidential candidates'
limitations. As long as the materials are used in volunteer
activities and involve no general public advertising, delegates
or their committees may spend unlimited amounts for volunteer

campaign materials which promote both the delegates and their presidential candidate.

. There is no evidence provided in the complaint to show that the letter which is the subject of this complaint is not within the exemption for volunteer campaign materials. The letter was prepared and distributed by the At-Large Delegate Committee in Wisconsin. According to the newspaper article attached to Mr. Richmond's complaint, the letter was sent to a limited list of supporters of Governor Earl. This type of a mailing list apparently drawn up by Governor Earl is not direct mail as defined in the regulations. 11 C.F.R. Section 110.14 (d) (2) (i) (D).

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Mr. Richmond's complaint implies that the letter, which promotes both Mr. Mondale and the delegates responsible for the letter, does not qualify as exempt volunteer campaign materials because its primary purpose was allegedly to promote the Mondale candidacy. 11 C.F.R. Section 110.14(d) (2) (i) does not specify what portion of volunteer campaign materials must be devoted to the delegates and what portion may be devoted to the presidential candidate. In Wisconsin, at-large delegates are not directly elected and their selection as delegates depends entirely on the success of the presidential candidate. Thus, it is not unusual that volunteer campaign materials used by these at-large delegates would attempt to garner support for the presidential candidate they support. Regardless, Congress rejected the notion that a purpose test be applied to campaign materials produced under the coattails exemption. H.R. Rep. No. 96-422, 96th Cong. 1st Sess. 10 (1979). Congress specifically left to candidates pre-

paring the campaign materials the decision as to what best furthers his or her selection.

Any communication between a presidential campaign staff and its delegates on volunteer campaign materials would not alter this analysis. Even though no such communications are alleged in the complaint, they were anticipated by the Commission by its incorporation of the coattails provision into the delegate regulations. Thus, communications concerning the preparation of volunteer campaign materials do not change the exempt status of the materials. If the Commission had wanted to limit the interaction, it would have subjected all delegate expenditures to the presidential campaigns' limits.

The letter which is the subject of this complaint apparently falls within the exemption created by Section 110.14(d)(2)(i).

Thus, funds spent to produce and distribute the letter are not "contributions" to MPC and are not "expenditures" which count against MPC's limitation.

IV. EVEN IF THE LETTER DOES NOT QUALIFY AS VOLUNTEER CAMPAIGN MATERIAL, NOTHING IN THE COMPLAINT SUGGESTS THAT THE EXPENDITURES RELATING TO THE LETTER DID NOT QUALIFY AS INDEPENDENT EXPENDITURES.

If the Commission concludes that the letter at issue does does not fall within the exemption for volunteer campaign materials, 11 C.F.R. Section 110.14(d)(2)(i), the expenditures would be treated as if they were for general public advertising -- a factual conclusion which we believe has absolutely no factual basis -- and therefore, would be governed by 11 C.F.R. Section 110.14(d)(2)(ii). Even under this analysis, the complaint provides no basis for a conclusion that this expenditure

was impermissible. Expenditures by delegates for general public advertising which advocate their selection and which include information on or a reference to the presidential candidate are treated as either an in-kind contribution to the presidential candidate or as an independent expenditure by the delegate. In-kind contributions are subject to limits and are treated as expenditures by the candidate while independent expenditures are not. The regulations clearly set forth the standard for independent expenditures. Specific expenditures are independent if they are not made in "cooperation, consultation or concert with, or at the request or suggestion of" the presidential candidate or his or her campaign or agents.

1 There is absolutely nothing in the complaint or attached
8 newspaper article which suggests that the expenditures relating
4 to the letter were not independent. Rather, the complaint implies
1 that because the letter mentioned Mondale it was prepared in
5 cooperation with MPC. Such a conclusion is absurd. For the
0 reasons set forth in the discussion relating to volunteer cam-
4 paign materials, it is quite logical for delegates, especially
0 at-large delegates in Wisconsin, to discuss the candidate they
5 support in their general public advertising as well as their
8 volunteer campaign materials.

V. MR. RICHMOND'S OTHER ALLEGATIONS ARE VAGUE, UNSUPPORTED AND UNSUBSTANTIAL

Mr. Richmond's complaint and attached newspaper articles made several other vague challenges to the manner in which the At-Large Delegate Committee was established and raised funds. These allegations are not only so vague as not to justify a

response, but they are not supported by any facts or suppositions which would give them any degree of credulity. Nevertheless, we will respond briefly to what we suspect underlie Mr. Richmond's objections.

A. THE AT-LARGE DELEGATE COMMITTEE WAS PROPERLY ESTABLISHED, FINANCED, MAINTAINED AND CONTROLLED BY THE DELEGATES

Mr. Richmond suggests that the committee was improperly established. Insofar as known to MPC, the facts demonstrate that this was not the case. First, the delegate committee challenged by Mr. Richmond was established by delegates to further their own selection to the Democratic National Convention. Decisions on whether to establish the committee and how to organize it were made by the delegates. All necessary administrative functions were performed by the committee. Second, the delegate committee financed its own operations. MPC made no contributions to it. Third, the delegates maintained and controlled the activities of their committee. MPC did not provide ongoing financial or administrative support to the committee.

There is nothing in the complaint which contradicts any of these facts. Indeed, the complaint states that the committee was established by Governor Earl. Thus, there is no possible basis for any challenge to MPC's involvement in the manner in which the committee was established, maintained, or controlled.

B. MR. RICHMOND'S VAGUE ALLEGATIONS REGARDING CONTRIBUTIONS TO THE DELEGATE COMMITTEE ARE COMPLETELY LACKING IN MERIT

Finally, Mr. Richmond seems to make two challenges to the manner in which contributions were made to the At-Large Delegate Committee. Mr. Richmond seems to allege a violation based on

reports that the delegate committee obtained funds from organized labor and from sources outside the State of Wisconsin. With regard to the labor contributions, there is nothing in the law or regulations which prohibits delegates from receiving contributions from labor PACs.

With regard to out-of-state contributions, Mr. Richmond again distorts alleged facts which have a simple and logical explanation. Many Mondale delegates are supported by union members and some receive contributions from their union PACs. Since it is generally the international unions that operate PACs, such contributions normally arrive from out-of-state. In any event, this allegation is a red herring. The issue is not the origin of the contributions to delegates, but whether delegate expenditures actually further the selection of the delegates.

VI. CONCLUSION

Mr. Richmond has made several vague and unsupported allegations regarding the Wisconsin At-Large Delegate Committee, MPC, and the relationship between the two organizations. As we have explained in this response, none of Mr. Richmond's allegations have any basis in fact or law.

The letter which the committee sent seeking support for the delegates who formed the committee constitutes volunteer campaign material. As such, it is exempt from the normal "contribution" and "expenditure" limitations of the Act. However, even if the letter is characterized as general public advertising, there are no facts alleged to support a conclusion that the letter did not constitute an independent expenditure. Finally, there is no

basis for any of the other vague and unsupported allegations contained in Mr. Richmond's complaint.

For the reasons set forth in this letter, the Commission should find no reason to believe a violation of the Act has occurred.

Respectfully submitted,

David M. Ifshin

David M. Ifshin
General Counsel

By CWO

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy General Counsel

85040514822



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Brady C. Williamson, Esquire
LaFollette, Sinykin, Anderson & Munson
P.O. Box 2719
Madison, Wisconsin 53701

Re: MUR 1722
Governor Anthony S. Earl
Wisconsin At-Large Delegate Mondale
Committee and Richard Asplund,
as treasurer

Dear Mr. Williamson:

On June 13, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your clients at that time.

Based upon the allegations contained in the complaint and the resolution of MUR 1704, in which the Wisconsin At-Large Delegate Mondale Committee ("Delegate Committee") and Richard Asplund, as treasurer, are Respondents, the Commission, on December , 1984, determined to take no action with regard to the Delegate Committee and Richard Asplund, as treasurer. In addition, the Commission determined that on the basis of the information in the complaint, there was no reason to believe that Governor Earl violated the Act. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

cc: Kenneth J. Doran

85040514823



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.
Washington, D.C. 20007

RE: MUR 1722
Mondale for President Committee, Inc.
and Michael S. Berman, as treasurer

Dear Mr. Ifshin and Ms. Oliphant:

The Federal Election Commission notified your clients on June 13, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time. We acknowledge receipt of your explanation of this matter which was dated July 2, 1984.

Based upon the allegations contained in the complaint and the resolution of MUR 1704, the Commission, on December , 1984, determined to take no action with regard to the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

85040514821



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Don Richmond
2133 Rambling Rose
Waukesha, Wisconsin 53186

Re: MUR 1722
Governor Anthony S. Earl
Mondale for President Committee, Inc.
and Michael S. Berman, as treasurer
Wisconsin At-Large Delegate
Mondale Committee and
Richard Asplund, as treasurer

Dear Mr. Richmond:

85040514825

The Federal Election Commission has reviewed the allegations of your complaint received June 4, 1984, and determined that on the basis of the information provided in your complaint, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") was committed by Governor Anthony S. Earl. In addition, based on the resolution of MUR 1704, a matter dealing with the same issues and respondents as in your complaint, the Commission voted to take no action with respect to the Mondale for President Committee, Inc. and Michael S. Berman, as treasurer, and the Wisconsin At-Large Delegate Mondale Committee and Richard Asplund, as treasurer. (See enclosed report.) Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure

General Counsel's Report



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: JULY 31, 1984

SUBJECT: MUR 1722 - First General Counsel's Report
dated July 27, 1984

The above-captioned matter was circulated to the Commission on a 24 hour no-objection basis at 2:00, July 27, 1984.

There were no objections to the First General Counsel's Report at the time of the deadline.

85040514826



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
 FROM: Office of General Counsel *Cut*
 DATE: July 27, 1984
 SUBJECT: MUR 1722 - First General Counsel's Report

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

CIRCULATIONS

48 Hour Tally Vote []
 Sensitive []
 Non-Sensitive []
 24 Hour No Objection [X]
 Sensitive [X]
 Non-Sensitive []
 Information []
 Sensitive []
 Non-Sensitive []
 Other []

DISTRIBUTION

Compliance [X]
 Audit Matters []
 Litigation []
 Closed MUR Letters []
 Status Sheets []
 Advisory Opinions []
 Other (see distribution below) []

85040514827

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

21 JUL 27 9:56

SENSITIVE

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 10:00 - 7/27/84

MUR # 1722
DATE COMPLAINT RECEIVED
BY OGC 6/4/84
DATE OF NOTIFICATION TO
RESPONDENTS 6/13/84
STAFF MEMBER
Marybeth Tarrant

COMPLAINANT'S NAME: Don Richmond

RESPONDENTS' NAMES: Mondale for President Committee, Inc.
and Michael S. Berman, as treasurer,
Governor Anthony S. Earl and his
Delegate Committee

RELEVANT STATUTE: 2 U.S.C. §§434(b), 441a(a)(1)(A),
441a(a)(5), 441a(b), 441a(f)
11 C.F.R. §§110.3, 110.8, 110.14,
Part 109

INTERNAL REPORTS CHECKED: Reports filed by Wisconsin At-Large
Delegate Mondale Committee

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

Complainant alleges that Governor Anthony S. Earl of Wisconsin formed a delegate committee and that said committee raised funds with the "cooperation, prearrangement and assistance" of the Mondale for President Committee, Inc. ("MPC"). He further states that said committee expended nearly \$10,000 in support of Walter Mondale's candidacy for President and not in support of Governor Earl's candidacy for delegate to the Democratic National Convention. Due to its alleged affiliation with MPC, the complainant states that the delegate committee's

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expenditures have been falsely represented as "independent expenditures." As evidence, the complainant incorporated in his complaint two newspaper articles.

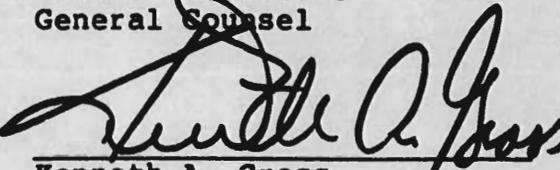
Although the complainant did not state the name of the delegate committee, we believe it to be the Wisconsin At-Large Delegate Mondale Committee due to information received in MUR 1667.

On July 6, 1984, a response was received from counsel representing MPC and Michael Berman, as treasurer. In addition, on that same date a request for an extension until July 25, 1984, was received from counsel representing Governor Earl. Based on the circumstances presented in counsel's letter, the Office of the General Counsel granted the requested extension.

Upon receipt and analysis of a response on behalf of Governor Earl and his delegate committee, a report containing recommendations will be circulated to the Commission.

Charles N. Steele
General Counsel

July 26, 1984
Date

By: 
Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 1984

Brady C. Williamson, Esquire
LaFollette, Sinykin, Anderson & Munson
P.O. Box 2719
Madison, Wisconsin 53701

Re: MUR 1722
Governor Anthony S. Earl and
his delegate committee

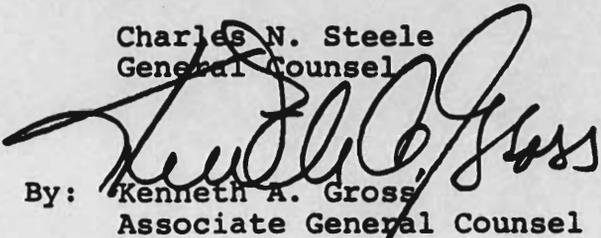
Dear Mr. Williamson:

This is in reference to your letter dated July 2, 1984, requesting an extension until July 25, 1984, to respond to the Commission's notification that a complaint has been filed against your client, Governor Earl. After considering the circumstances presented in your letter, the Office of the General Counsel has granted your request for an extension. Accordingly, your response will be due on or before July 25, 1984.

With regard to your response, will you please notify this Office as to whether you are also representing the Governor's delegate committee in this matter. Please note that the Commission's notification of complaint letter was addressed to Governor Earl and his delegate committee. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

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44-3943
RECEIVED AT THE FBI
Tarrant
84 JUL 6 12:15
PHILIP F. LAPOLLETTE
(608) 257-3911

LAW OFFICES OF
LAPOLLETTE, SINYKIN, ANDERSON & MUNSON
SUITE 300, 222 WEST WASHINGTON AVENUE
MAILING ADDRESS: P. O. BOX 2719
MADISON, WISCONSIN 53702-13
(608) 257-3911

GORDON SINYKIN
AXEL ROY ANDERSON
EARL MUNSON, JR.
CHRISTOPHER J. WILCOX
HOWARD A. SWEET
THOMAS A. HOPFNER
DAVID E. MCFARLANE
BRADY C. WILLIAMSON
ROBERT E. CHRITTON
TIMOTHY J. MULDOWNNEY
MICHAEL E. SKINDRUD
TERESA M. ELGUZABAL
DIANE S. GUTMANN
LINDA M. CLIFFORD
THOMAS P. WALZ
RUSSELL D. FEINGOLD
JANET L. KELLY
LAWRENCE BENSKY
MARGARET J. VERGERONT

SAUK CITY OFFICE
603 WATER STREET
SAUK CITY, WISCONSIN 53583
(608) 843-2408

July 2, 1984

Marybeth Tarrant
Office of the General Counsel
Federal Elections Commission
Washington, D.C. 20463

MUR 1722

Dear Ms. Tarrant:

With this letter, we'll summarize our telephone conversation earlier today and formally request an extension of the time which we have to respond to your inquiry in this matter. We represent Anthony S. Earl, the Governor of the State of Wisconsin, as you know. You will find enclosed with this letter the designation of counsel form signed by the Governor.

The Governor's office received your June 13, 1984 letter on June 18, 1984. The Governor then was in China on a state visit, and he returned only this weekend. He left today on another trip and, as a result, we have not yet had the opportunity to confer with him at any length about the substance of the complaint. Accordingly, we request that the Commission extend the time which we have to respond until July 25, 1984. We will try to respond before then, but the Governor's participation in the Democratic National Convention from July 14 through July 21, 1984 will make that difficult.

Please let us know if you have any questions about our position or if you anticipate any difficulty in responding to our request.

LA FOLLETTE, SINYKIN, ANDERSON
& MUNSON

By *Brady C. Williamson*
Brady C. Williamson

BCW/hg
Enclosures

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1722

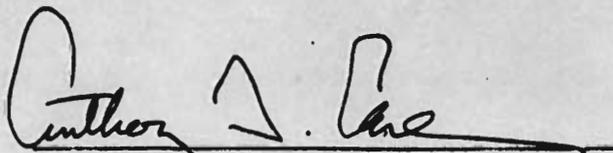
NAME OF COUNSEL: Brady C. Williamson

ADDRESS: LaFollette, Sinykin, Anderson & Munson
Suite 300
222 West Washington Avenue
P.O. Box 2719
Madison, Wisconsin 53701

TELEPHONE: (608) 257-3911

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 2, 1984
Date


Signature

RESPONDENT'S NAME: Anthony S. Earl

ADDRESS: Office of the Governor
State Capitol
Madison, Wisconsin 53702

HOME PHONE: _____

BUSINESS PHONE: (608) 266-1212

85040514832

LAW OFFICES OF
A FOLLETTE, SINYKIN, ANDERSON & MUNSON

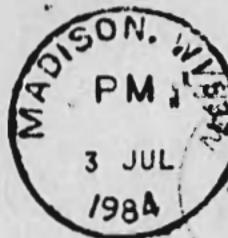
SUITE 300, 222 WEST WASHINGTON AVENUE

P. O. BOX 2719

MADISON, WISCONSIN 53701

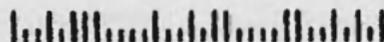
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Marybeth Tarrant
Office of the General Counsel
Federal Elections Commission
Washington, D.C. 20463



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Mondale for President
2201 Wisconsin Avenue, N.W.
Washington, D.C. 20007
Telephone: 202-625-1800

600 3942
RECEIVED
MONDALE
OFFICE

JUL 6 P2:13

Jarrant

July 2, 1984

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

RE: MUR 1722

Dear Mr. Steele:

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85040
This letter and supporting exhibits constitute the response of the Mondale for President Committee, Inc. ("MPC") to the complaint filed by Mr. Don Richmond on June 4, 1984. The crux of this complaint relates to a letter sent by the At-Large Delegate Committee in Wisconsin. Mr. Richmond alleges that the delegate committee's expenditure of funds relating to that letter was in violation of certain sections of the Federal Election Campaign Act ("FECA") of 1971, as amended.

Complainant offers no legal or factual basis for Mr. Richmond's complaint. The FEC regulations exempt from the Act's contribution and expenditure limitations payments by delegates for the cost of certain campaign materials used in connection with volunteer activities. 11 C.F.R. Section 110.14(d)(2)(i). The letter at issue in this complaint appears to fit squarely within this exemption and, thus, expenditures relating to it are not subject to these limitations.

Even if the letters are deemed to be general public adverti-

sing rather than volunteer campaign materials, the complaint does not allege a violation of the Act because it contains no suggestion that the expenditures were made in "cooperation, consultation or concert with, or at the request or suggestion of" anyone associated with MPC (Section 110.14(d)(11)(A)(i)). Thus, regardless of how the letter is characterized -- as volunteer campaign material or as general public advertising -- expenditures incurred by the delegates in producing and distributing the letter would not be subject to the contribution and expenditure limitations of the Act.

I. BACKGROUND

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Following the 1976 Presidential election, there was universal concern over the Act's impact on grass roots campaign activity. The Commission and Congress shared this concern over the Act's unintended and unwanted effect on grass roots campaigning. In response to these concerns, Congress enacted the coattails provision of the FECA Amendments of 1979. 2 U.S.C. Section 431(8)(B)(xi). Under this provision, candidates for any public office may pay for campaign materials which refer to another candidate without making a "contribution" if the materials are used in connection with volunteer activity. The Commission incorporated this exemption into its delegate regulations in 1980. 11 C.F.R. Section 110.14(d)(2)(i).

The delegate committee at issue in this complaint was an autonomous entity which was established, financed, maintained and controlled by the delegates who comprised it. It was comprised of at-large delegates who sought to promote their selection as delegates to the Democratic National Convention. All four dele-

gates who established the committee were, in fact, selected as convention delegates.*/ In sending the challenged letter which was intended to promote their candidacies, these delegates engaged in precisely the type of grass roots activity that the Commission and Congress intended to encourage.**/

II. THE COMPLAINT SHOULD BE DISMISSED BECAUSE IT DOES NOT MEET STANDARDS ESTABLISHED IN COMMISSION'S POLICY ON COMPLAINTS BASED ON NEWSPAPER ARTICLES.

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The only evidence presented in this complaint is based on an inaccurate and undocumented newspaper article. 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. 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

*/ Complainant's allegation that this delegate committee was a "pretend" committee is totally baseless. The four individuals involved all actively sought and attained selection as Mondale delegates.

**/ We presume that the letter in question is the one attached to MUR 1667, amendment dated April 18, 1984, as Exhibit C, page 5.

contrast, the news account upon which this complaint is based is not well-documented or substantial, and does not set forth a substantive statement of facts. Undocumented accusations and inaccurate factual assertions of the types presented by the Complainant are precisely the reasons that the Commission adopted a policy of careful scrutiny of complaints based on newspaper articles. Indeed, Complainant did not even produce a copy of the letter he challenges, and the complaint sets forth no facts as to conduct of MPC. Thus, MPC must speculate as to what conduct on its part is allegedly violative of the Act.

III. EXPENDITURES RELATING TO THE LETTER SENT BY THE AT-LARGE DELEGATE COMMITTEE ARE NOT IN-KIND CONTRIBUTIONS TO MPC.

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The Commission's delegate regulations exempt spending for certain campaign materials used in connection with volunteer activities from the Act's contribution and expenditure limitations. Materials falling within this exemption are not considered in-kind contributions to any candidate. This exemption applies to volunteer campaign materials containing references to or information on the presidential candidate which the delegate supports. 11 C.F.R. Section 110.14(d). Thus, delegate expenditures relating to volunteer campaign materials such as pins, bumper stickers, or brochures, which advocate the delegate's selection as well as that of the presidential candidate are not "contributions" to the presidential candidate, and are not "expenditures" which count against the presidential candidates' limitations. As long as the materials are used in volunteer activities and involve no general public advertising, delegates or their committees may spend unlimited amounts for volunteer

campaign materials which promote both the delegates and their presidential candidate.

There is no evidence provided in the complaint to show that the letter which is the subject of this complaint is not within the exemption for volunteer campaign materials. The letter was prepared and distributed by the At-Large Delegate Committee in Wisconsin. According to the newspaper article attached to Mr. Richmond's complaint, the letter was sent to a limited list of supporters of Governor Earl. This type of a mailing list apparently drawn up by Governor Earl is not direct mail as defined in the regulations. 11 C.F.R. Section 110.14 (d) (2) (i) (D).

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Mr. Richmond's complaint implies that the letter, which promotes both Mr. Mondale and the delegates responsible for the letter, does not qualify as exempt volunteer campaign materials because its primary purpose was allegedly to promote the Mondale candidacy. 11 C.F.R. Section 110.14(d) (2) (i) does not specify what portion of volunteer campaign materials must be devoted to the delegates and what portion may be devoted to the presidential candidate. In Wisconsin, at-large delegates are not directly elected and their selection as delegates depends entirely on the success of the presidential candidate. Thus, it is not unusual that volunteer campaign materials used by these at-large delegates would attempt to garner support for the presidential candidate they support. Regardless, Congress rejected the notion that a purpose test be applied to campaign materials produced under the coattails exemption. H.R. Rep. No. 96-422, 96th Cong. 1st Sess. 10 (1979). Congress specifically left to candidates pre-

paring the campaign materials the decision as to what best furthers his or her selection.

Any communication between a presidential campaign staff and its delegates on volunteer campaign materials would not alter this analysis. Even though no such communications are alleged in the complaint, they were anticipated by the Commission by its incorporation of the coattails provision into the delegate regulations. Thus, communications concerning the preparation of volunteer campaign materials do not change the exempt status of the materials. If the Commission had wanted to limit the interaction, it would have subjected all delegate expenditures to the presidential campaigns' limits.

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The letter which is the subject of this complaint apparently falls within the exemption created by Section 110.14(d)(2)(i). Thus, funds spent to produce and distribute the letter are not "contributions" to MPC and are not "expenditures" which count against MPC's limitation.

IV. EVEN IF THE LETTER DOES NOT QUALIFY AS VOLUNTEER CAMPAIGN MATERIAL, NOTHING IN THE COMPLAINT SUGGESTS THAT THE EXPENDITURES RELATING TO THE LETTER DID NOT QUALIFY AS INDEPENDENT EXPENDITURES.

If the Commission concludes that the letter at issue does does not fall within the exemption for volunteer campaign materials, 11 C.F.R. Section 110.14(d)(2)(i), the expenditures would be treated as if they were for general public advertising -- a factual conclusion which we believe has absolutely no factual basis -- and therefore, would be governed by 11 C.F.R. Section 110.14(d)(2)(ii). Even under this analysis, the complaint provides no basis for a conclusion that this expenditure

response, but they are not supported by any facts or suppositions which would give them any degree of credulity. Nevertheless, we will respond briefly to what we suspect underlie Mr. Richmond's objections.

A. THE AT-LARGE DELEGATE COMMITTEE WAS PROPERLY ESTABLISHED, FINANCED, MAINTAINED AND CONTROLLED BY THE DELEGATES

Mr. Richmond suggests that the committee was improperly established. Insofar as known to MPC, the facts demonstrate that this was not the case. First, the delegate committee challenged by Mr. Richmond was established by delegates to further their own selection to the Democratic National Convention. Decisions on whether to establish the committee and how to organize it were made by the delegates. All necessary administrative functions were performed by the committee. Second, the delegate committee financed its own operations. MPC made no contributions to it. Third, the delegates maintained and controlled the activities of their committee. MPC did not provide ongoing financial or administrative support to the committee.

There is nothing in the complaint which contradicts any of these facts. Indeed, the complaint states that the committee was established by Governor Earl. Thus, there is no possible basis for any challenge to MPC's involvement in the manner in which the committee was established, maintained, or controlled.

B. MR. RICHMOND'S VAGUE ALLEGATIONS REGARDING CONTRIBUTIONS TO THE DELEGATE COMMITTEE ARE COMPLETELY LACKING IN MERIT

Finally, Mr. Richmond seems to make two challenges to the manner in which contributions were made to the At-Large Delegate Committee. Mr. Richmond seems to allege a violation based on

reports that the delegate committee obtained funds from organized labor and from sources outside the State of Wisconsin. With regard to the labor contributions, there is nothing in the law or regulations which prohibits delegates from receiving contributions from labor PACs.

With regard to out-of-state contributions, Mr. Richmond again distorts alleged facts which have a simple and logical explanation. Many Mondale delegates are supported by union members and some receive contributions from their union PACs. Since it is generally the international unions that operate PACs, such contributions normally arrive from out-of-state. In any event, this allegation is a red herring. The issue is not the origin of the contributions to delegates, but whether delegate expenditures actually further the selection of the delegates.

VI. CONCLUSION

Mr. Richmond has made several vague and unsupported allegations regarding the Wisconsin At-Large Delegate Committee, MPC, and the relationship between the two organizations. As we have explained in this response, none of Mr. Richmond's allegations have any basis in fact or law.

The letter which the committee sent seeking support for the delegates who formed the committee constitutes volunteer campaign material. As such, it is exempt from the normal "contribution" and "expenditure" limitations of the Act. However, even if the letter is characterized as general public advertising, there are no facts alleged to support a conclusion that the letter did not constitute an independent expenditure. Finally, there is no

85040514842

basis for any of the other vague and unsupported allegations contained in Mr. Richmond's complaint.

For the reasons set forth in this letter, the Commission should find no reason to believe a violation of the Act has occurred.

Respectfully submitted,

David M. Ifshin

David M. Ifshin
General Counsel

by CWO

Carolyn U. Oliphant

Carolyn U. Oliphant
Deputy General Counsel

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U.S. POSTAGE
WASHINGTON, D.C.
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CERTIFIED

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MAIL

Washington, D.C.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1984

Don Richmond
2133 Rambling Rose
Waukesha, Wisconsin 53186

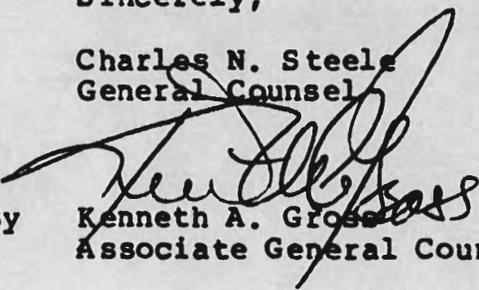
Dear Mr. Richmond:

This letter is to acknowledge receipt of your complaint which we received on June 4, 1984, against Governor Anthony S. Earl and his delegate committee, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosure

85040514845

85040514816

6/19/84

Get your mail early in the morning

3. CONSULT POSTMASTER FOR FEES
 The following service is requested (check one).
 Show to whom and date delivered
 Show to whom, date, and address of delivery..
 RESTRICTED DELIVERY
 (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

ARTICLE ADDRESSED TO: Don Richmond
 2133 Rambling Rose
 Lesha, WI 53186

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

ARTICLE NUMBER
 A
 943986

(Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE Addressee Authorized agent
 Mary Richmond

DATE OF DELIVERY
 6-22-84

POSTMARK

5. ADDRESSEE'S ADDRESS (Only if requested)
 11111

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS
 JD

MUR 1722 Tarrant



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 13, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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 1722

Dear Mr. Ifshin and Ms. Oliphant:

This letter is to notify you that on June 4, 1984 the Federal Election Commission received a complaint which alleges that your clients, Mondale for President Committee, Inc. and Michael S. Berman, as 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 1722. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your clients, Mondale for President Committee, Inc. and Michael S. Berman, 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.

85040514847

If you have any questions, please contact Marybeth Tarrant, the staff person assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

[Handwritten Signature]
By: Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 1 4 8 4 8

Enclosures

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

cc: Walter F. Mondale

4/23/84

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).	
<input type="checkbox"/> Show to whom and date delivered	
<input checked="" type="checkbox"/> Show to whom, date, and address of delivery..	
<input type="checkbox"/> RESTRICTED DELIVERY <small>(The restricted delivery fee is charged in addition to the return receipt fee.)</small>	
TOTAL \$ _____	
2. ARTICLE ADDRESSED TO: David M. Ziskin, Esq. Carolynn A. Olinow Mondale for President Contz, Inc 2801 WISCONSIN AVE. NW Suite 100 Wash DC 20007	
4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COO <input type="checkbox"/> EXPRESS MAIL	ARTICLE NUMBER: 943921
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
<input checked="" type="checkbox"/> <i>[Handwritten Signature]</i>	
5. DATE OF DELIVERY: 6/15/84	
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	

MUR 1722 Tarrant



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 13, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Anthony S. Earl
Governor of Wisconsin
Madison, Wisconsin 53702

Re: MUR 1722

Dear Governor Earl:

This letter is to notify you that on June 4, 1984 the Federal Election Commission received a complaint which alleges that you and your delegate committee, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1722. Please refer to this number in all future correspondence.

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

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

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

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

85040514849

If you have any questions, please contact Marybeth Tarrant, the staff person assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

[Handwritten Signature]
By: Kenneth A. Gross
Associate General Counsel

85040514853

Enclosures

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

6/13/84

● 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).	
<input type="checkbox"/> Show to whom and date delivered	
<input checked="" type="checkbox"/> Show to whom, date, and address of delivery..	
<input type="checkbox"/> RESTRICTED DELIVERY <small>(The restricted delivery fee is charged in addition to the return receipt fee.)</small>	
TOTAL \$ _____	
2. ARTICLE ADDRESSED TO: <i>The Honorable Anthony S. Earl</i> <i>Governor of Wisconsin</i> <i>Madison, Wisconsin 53702</i>	
4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD <input type="checkbox"/> EXPRESS MAIL	ARTICLE NUMBER <i>943980</i>
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE <i>David Earl</i>	
5. DATE OF DELIVERY <i>JUN 18 1984</i>	REG SECT <i>18 1984</i>
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE INITIALS

mur 1722 Tarrant

Mondale's race for President of the United States, and Anthony S. Earl agreed to do so.

4. That, on information and belief, Anthony S. Earl formed a committee and said committee raised funds with the cooperation, prearrangement and assistance of the Mondale for President Committee, said funds being raised from organized labor; on information and belief, the committee called itself _____.

5. That, Anthony S. Earl and the _____ Committee represented and pretended that the funds so raised would be expended to elect Anthony S. Earl as a delegate to the Democratic National Convention scheduled for the summer of 1984.

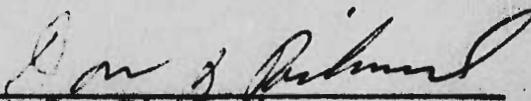
6. That, on information and belief, Anthony S. Earl and the _____ Committee actually expended funds of nearly \$10,000 from said committee in support of Walter Mondale's candidacy for president; and not in support of Anthony S. Earl's candidacy for delegate to the Democratic National Committee.

7. That, on information and belief, Anthony S. Earl and the _____ Committee has falsely represented itself to the Federal Elections Commission as engaging in independent expenditures as permitted by law.

8. That, on information and belief, the activities of Anthony S. Earl, the Mondale for President Committee, and the _____ Committee, were intended by those involved, including Anthony S. Earl, as an illegal conspiracy to

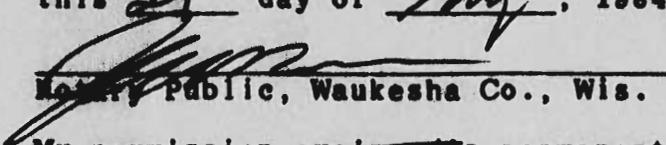
85040514852

violate Federal Elections laws regarding independent expenditures.



Don Richmond

Subscribed and sworn to before me
this 21 day of May, 1984.



Notary Public, Waukesha Co., Wis.

My commission ~~expires~~ is permanent _____

85040514853

Milwaukee Sentinel

APRIL 28, 1984

Funds for Earl aided Mondale

Sentinel Madison Bureau

Madison — Funds raised by a committee formed ostensibly to tout Gov. Earl as a delegate to the 1984 Democratic National Convention were actually used by Earl to gather support for former Vice President Walter F. Mondale prior to the April 7 Democratic caucuses, a spokesman for the governor said Friday.

Earl, who is unchallenged to lead the Wisconsin delegation to the July 15 to 20 convention in San Francisco, wrote a letter promoting Mondale prior to the caucuses.

It was mailed to 5,000 to 6,000 Earl supporters in the 2nd and 8th Congressional Districts, said Daniel Wisniewski, executive secretary to the governor.

The letter was written on committee stationery and the mailing was funded from the \$12,000 contributed, mostly from out of state, to the committee. Wisniewski said he believed the mailing cost less than \$10,000.

"The mailing went to a list of Earl supporters," Wisniewski said. "The rationale was that we would have some influence on them."

Mondale won the Democratic caucus fight with Colorado Sen. Gary Hart, besting him 2-1 in delegates after narrowly losing the April 3 Wisconsin "beauty contest" presidential primary to Hart.

Mondale, under criticism from rival Democratic candidate Rev. Jesse Jackson, has ordered the delegate committees disbanded.

Wisniewski acknowledged that the committee to select Earl and three others as delegates was simply a Mondale organizational tool.

"It was a mechanism used in other states, such as New York, where committees were formed in each congressional district," Wisniewski said.

"Here, it was a very limited enterprise. The Mondale campaign asked Tony if he would be on it and he agreed," he said.

Wisniewski said the governor's office took steps to make sure the committee was legal.

Its stated purpose was to back Earl, Lt. Gov. James T. Flynn, Ruth Clusen of Green Bay and Ada Deer of Madison as delegates.

8 5 0 4 0 5 1 4 8 5 4

Mondale's committees: how they worked

Last week Walter Mondale, bowing to pressure on rival Gary Hart, ordered the disbanding of 25 committees of delegates set up to raise funds subject to federal campaign spending limits. Mondale also ordered the groups to refund donations from political action committees and decided that all other money they had raised would be applied against the spending limits. This is a look at how one of the delegate committees functioned.

Washington Post Service

Washington, D.C. — On Jan. 13, the day after a how-to memo was sent out by the Mondale for President organization here, the paperwork to start the first Mondale delegate committee was under way in New Hampshire, apparently at Mondale headquarters in Manchester.

The supposedly independent effort was named the New Hampshire 2nd District Delegates for Mondale. Within weeks, according to reports belatedly filed this month with the Federal Election Commission, it had taken in close to \$60,000 from labor unions and individuals throughout the country who somehow had learned of the needs of the Mondale supporters seeking places at the Democratic National Convention as six delegates and two alternates from the 2nd District.

The first contribution, a \$5,000 check, came in on Feb. 13 from the Washington-based political action arm of the Communications Workers of America. The United Auto Workers sent \$5,000 more from Detroit nine days later. Individual donations poured in, too: \$2,000 from a Bethesda, Md., real estate developer and his wife; \$1,000 from a Miami insurance executive; another \$1,000 from an architect in Daytona Beach, and yet another \$1,000 from a housewife in Tiburon, Calif.

How was the word passed? Efforts to find this out last week met with amnesia and ambiguity.

By all accounts, the contributors made out their checks to the "New Hampshire 2nd District Delegates for Mondale" at 4 Nell Dr. in Allentown, N.H., the home of committee treasurer Anthony Redington.

"I do remember I was tapped [for a contribution]," said Howard T. Rosen, a lawyer in Milburn, N.J., who sent the committee \$200.

How and by whom?

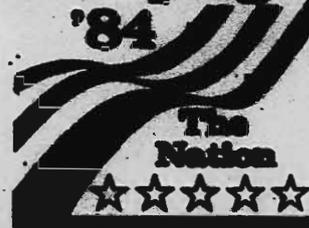
"I don't know — I don't remember exactly," he said. "I've been generally supportive of the Mondale campaign and I heard the delegates up there needed some dough. How? I don't recall exactly at the moment."

Maryland builder Nathan Landow and his wife each sent \$1,000. Said Landow, who headed fund raising in Maryland for the 1980 Carter-Mondale campaign:

"We got on these lists, and if it's a Democratic

Campaign

'84



cause and your name comes up, you get a call. It seemed like a good cause."

Redington said he and the other Mondale delegate candidates in the 2nd District "became aware of the opportunity" in early January to form a committee "to help elect ourselves." He said the tip came from someone in the Mondale campaign, but he would not say who.

The chief delegate coordinator for the Mondale campaign in Washington, Elaine Kamarck, sent the group a memo dated Jan. 12 explaining "how these committees should work," including advice on how to raise funds and making plain that the group could legally accept contributions of up to \$5,000 per delegate committee from "political action committees or issue groups or labor unions."

"Walter Mondale has made a decision not to accept money from PACs for his campaign," Kamarck wrote. "Each delegate committee may make their own decision regarding PAC money." (Later, Mondale urged the committees not to accept PAC donations.)

With the contributions flowing in, the 2nd District Committee prepared for the Feb. 28 New Hampshire primary. Campaign workers came in to help from Maine, Minnesota, Michigan, Missouri, Washington, D.C., Alabama and elsewhere.

Redington's group paid out more than \$14,000 for the workers' "subsistence" in the state. At least 10 workers who got subsistence checks from the 2nd District Committee Feb. 23 also turned up on Mondale's national campaign payroll for March 1.

Under federal law, expenditures "made by any person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, his authorized political committees or their agents, shall be considered a contribution to such candidate." Reproduction by "any person" of a campaign's literature is also chargeable to the candidate.

"I think it was a fair use of our funds," Redington said of all the subsistence payments. "They were distributing our literature and carrying our papers." But he also acknowledged that the literature in general was "a receipt of [standard literature] distributed with our [delegates] names added."

Despite the efforts, Hart won the primary and the Mondale delegate committee was left with unspent money. It began transferring the money in March to other committees across the country, including \$1,000 to the 10th District Delegates for Mondale in Pembroke Pines, Fla., March 2, and \$1,200 to "Cong. Dist. 2 for Mondale" in Tallahassee March 9.

"We were made aware that there were other delegate committees and that they could use the funds," Redington said.

Hart keeps firing

Saturday, Hart questioned whether Mondale should consider returning delegates won with money from PACs that was being used by the delegate committees on his behalf.

"When a candidate says ... that political action committee money taints the process ... and they take hundreds of thousands of dollars through the back door, yes I think that will be of concern to people ... and perhaps even to many who are pledged delegates going to the convention," Hart said in Louisiana.

Mondale said Saturday that his return to the band (the committee went "clear beyond what was necessary. ... I'm trying to make clear my commitment to not just legal standards, but ethical standards."

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1325 1st St. N.W.
Washington, D.C. 20004



FEDERAL ELECTION COMMISSION

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

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THIS IS THE BEGINNING OF MUR # 1722

Date Filmed 5/18/85 Camera No. ---3

Cameraman JRL