



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1860

Date Filmed 6/25/86 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

Routing slips; 12 day report and comment

sheets; Pre-Brief Report; Circulation Materials

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

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| <input type="checkbox"/>            | (1) Classified Information                                | <input type="checkbox"/> | (6) Personal privacy                             |
| <input type="checkbox"/>            | (2) Internal rules and practices                          | <input type="checkbox"/> | (7) Investigatory files                          |
| <input checked="" type="checkbox"/> | (3) Exempted by other statute                             | <input type="checkbox"/> | (8) Banking information                          |
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| <input checked="" type="checkbox"/> | (5) Internal Documents                                    |                          |  |

Signed Maria White Callaway  
date June 9, 1986

RECEIVED AT THE FEC  
GCC# 765

86 JUN 12 P 1:16

**HERGE, SPARKS, CHRISTOPHER & BIONDI**

ATTORNEYS AT LAW  
SUITE 200  
8201 GREENSBORO DRIVE  
MCLEAN, VIRGINIA 22102

RECEIVED  
GENERAL COUNSEL  
96 JUN 12 P 3:20  
(703) 849-4700

J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
GEORGE V. BIONDI  
DONNA LYNN MILLER

June 11, 1986

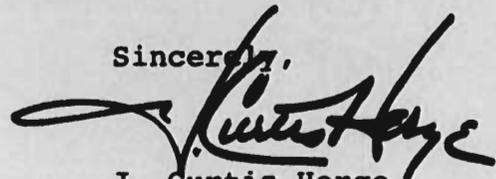
Mr. Lawrence M. Noble, Esq.  
Deputy General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D. C. 20463

RE: MUR 1860

Dear Mr. Noble:

In response to your letter of June 9, 1986,  
regarding the settlement of the captioned matter, respondents  
request that a copy of my letter to Mr. Steele, dated Feb-  
ruary 25, 1986, be made a part of the public record in this  
matter.

Sincerely,



J. Curtis Herge

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HERGE, SPARKS, CHRISTOPHER & BIONDI

SUITE 200

8201 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102



Mr. Lawrence M. Noble. Esq.  
Deputy General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D. C. 20463

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06 JUN 12 P 10 15



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 9, 1986

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Charles Orasin, Executive Vice-President  
Handgun Control, Inc.  
1400 K Street, N.W.  
Suite 500  
Washington, D.C. 20006

RE: MUR 1860

Dear Mr. Orasin:

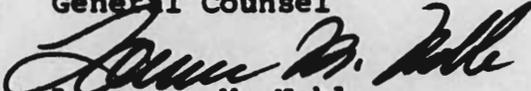
This is in reference to the complaint you filed with the Commission on January 7, 1985, concerning the Citizens Committee for the Right to Keep and Bear Arms ("CCRKBA") and the Right to Keep and Bear Arms Political Victory Fund ("PVF").

After conducting an investigation in this matter, the Commission determined that there was probable cause to believe CCRKBA, PVF, and its treasurer violated 2 U.S.C. § 441b(b)(4)(A)(i). On June 4, 1986, a conciliation agreement signed by the respondents was accepted by the Commission, at which time the file in this matter was closed. A copy of the conciliation agreement is enclosed for your information.

If you have any questions please contact Maura White Callaway at 376-5690.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

86040593656



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 9, 1986

J. Curtis Herge, Esquire  
Herge, Sparks, Christopher and Biondi  
Suite 200  
8201 Greensboro Drive  
McLean, Virginia 22102

RE: MUR 1860

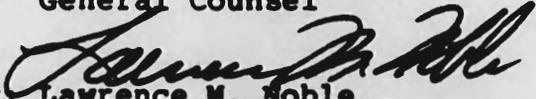
Dear Mr. Herge:

On June 4, 1986, the Commission accepted the conciliation agreement signed by your clients, Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Joe Friend, as treasurer, in settlement of a violation of 2 U.S.C. § 441b(b)(4)(A)(i). Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondents and the Commission. Should you wish any such information to become a part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele  
General Counsel

  
By: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

86040596657

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Citizens Committee for the ) MUR 1860  
Right to Keep and Bear Arms; )  
Right to Keep and Bear Arms )  
Political Victory Fund; )  
Joe Friend, as treasurer )

**CONCILIATION AGREEMENT**

This matter was initiated by a signed, sworn, and notarized complaint by Handgun Control, Inc. An investigation was conducted and the Commission found probable cause to believe that the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and its treasurer ("Respondents") violated 2 U.S.C. § 441b(b)(4)(A)(i).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding.
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondents enter voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:
  1. Respondent, Citizens Committee for the Right to Keep and Bear Arms, is a non-profit membership corporation without capital stock, which was incorporated in the State of Washington pursuant to Chapter 24.03 of the Revised Code of Washington.
  2. Respondent, Right to Keep and Bear Arms Political Victory Fund, is a political committee within the meaning of 2 U.S.C. § 431(4).

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3. Citizens Committee for the Right to Keep and Bear Arms is the connected organization of the Right to Keep and Bear Arms Political Victory Fund.
4. Respondent, Joe Friend, is the treasurer of the Right to Keep and Bear Arms Political Victory Fund.
5. Section 441b(b)(4)(A)(i) of Title 2, United States Code, provides that a corporation, or a separate segregated fund established by a corporation, may only solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families, except that under Section 441b(b)(4)(C) of Title 2, United States Code, a corporation without capital stock may solicit contributions from members of the corporation without capital stock.
6. Section 114.1(e) of Title 11, Code of Federal Regulations, defines the term "member" to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock.
7. In interpreting its regulations, the Commission has concluded that a person can only be considered a "member" of a corporation without capital stock if: he or she has knowingly taken some affirmative steps to become a member of the organization; the membership relationship is evidenced by the existence of rights and obligations vis-a-vis the corporation; and, there is a predetermined minimum amount for dues or contributions.
8. Article IV, Section 1 of the By-Laws of the Citizens Committee for the Right to Keep and Bear Arms states: "Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of the CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five year dues of \$50, or life membership dues of \$150.00 to the national office."
9. Chapter 24.03 of the Revised Code of Washington provides that each member of a Washington membership corporation is entitled to one vote on each matter submitted to a vote of members unless the right is expressly limited, enlarged or denied in the articles of incorporation or by-laws of the corporation.
10. The Articles of Incorporation and the By-laws of the Citizens Committee for the Right to Keep and Bear Arms do not limit or deny the right of its members to vote.

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The Articles of Incorporation and By-laws of Citizens Committee for the Right to Keep and Bear Arms do not, however, expressly provide any of the corporation's members with the right to cast a vote in corporate affairs or a vote for the election of the corporation's officials, or with any other rights vis-a-vis the corporation, including the right to attend membership meetings, to exercise formal control over the expenditure of their contributions, or to play a part in the operation or administration of the corporation.

11. From May 11, 1976, through April 17, 1985, none of the individuals whom the Citizens Committee for the Right to Keep and Bear Arms considered to be its members were presented with the opportunity to cast a vote in the corporation's affairs or to cast a vote for the election of the corporation's officials.
12. From January 1, 1982, through April 17, 1985, Respondents solicited contributions to the Right to Keep and Bear Arms Political Victory Fund from 5,812 individuals considered to be members by the Citizens Committee for the Right to Keep and Bear Arms. Such solicitations were conducted at a cost of \$6,957.92 and resulted in contributions to the Right to Keep and Bear Arms Political Victory Fund totalling \$23,319. Between 1976 and 1979 the Right to Keep and Bear Arms Political Victory Fund conducted approximately 230,614 solicitations of individuals considered to be members by the Citizens Committee for the Right to Keep and Bear Arms.
13. Respondents assert that, at the time the violations herein occurred, they believed that those individuals considered by Citizens Committee for the Right to Keep and Bear Arms to be its members met the definition of the term "member" in Section 114.1(e) of Title 11, Code of Federal Regulations, as interpreted by the Commission.

V. For the purpose of resolving this matter and avoiding litigation, Respondents acknowledge they violated 2 U.S.C. § 441b(b)(4)(A)(i) by soliciting contributions to the Right to Keep and Bear Arms Political Victory Fund from May 11, 1976, through April 17, 1985, from individuals who do not constitute

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"members" of the Citizens Committee for the Right to Keep and Bear Arms within the meaning of the Federal Election Campaign Act of 1971, as amended.

VI. Respondents will pay a civil penalty of One Thousand Five-Hundred Dollars (\$1,500) to the Treasurer of the United States pursuant to 2 U.S.C. §437g(a)(5)(A).

VII. Respondents agree that they will not solicit contributions to the Right to Keep and Bear Arms Political Victory Fund from any individual who does not constitute a "member" of the Citizens Committee for the Right to Keep and Bear Arms within the meaning of the Federal Election Campaign Act of 1971, as amended.

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

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

X. Respondents shall have no more than thirty (30) days from

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the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

By: *Lawrence M. Noble*  
Lawrence M. Noble  
Deputy General Counsel

*June 5, 1986*  
Date

FOR THE RESPONDENTS:

*Alan M. Gottlieb*  
Alan M. Gottlieb, Chairman  
Citizens Committee for the  
Right to Keep and Bear Arms

*May 12, 1986*  
Date

*Joe Friend*  
Joe Friend, Treasurer  
Right to Keep and Bear Arms  
Political Victory Fund

*May 12, 1986*  
Date

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Citizens Committee for the Right to	)	MUR 1860
Keep and Bear Arms; Right to Keep	)	
and Bear Arms Political Victory	)	
Fund; Joe Friend, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 4, 1986, the Commission decided by a vote of 5-1 to take the following actions in MUR 1860:

1. Accept the conciliation agreement with the Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Joe Friend, as treasurer, as recommended in the General Counsel's Report signed May 29, 1986.
2. Close the file.
3. Approve the letters attached to the General Counsel's Report signed May 29, 1986.

Commissioners Aikens, Harris, Josefiak, McDonald and McGarry voted affirmatively for this decision; Commissioner Elliott dissented.

Attest:

6-4-86

Date

*Marjorie W. Emmons*  
*for*

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:	Fri.,	5-30-86,	3:53
Circulated on 48 hour tally basis:	Mon.,	6-2-86,	11:00
Deadline for vote:	Wed.,	6-4-86,	11:00

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Callaway

**THE RIGHT TO KEEP AND BEAR ARMS**

1035

POLITICAL VICTORY FUND  
12500 NE. 10TH PL. 454-7012  
BELLEVUE, WA 98006

99-7172  
3251

May 13, 1986

DAY  
TO THE  
ORDER OF

Treasurer of the United States

\$ 1,500.00

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DOLLARS



THE RIGHT TO KEEP AND BEAR ARMS  
POLITICAL VICTORY FUND

*Ally M. Ruster*  
*Alan M. Gottlieb*

FOR

⑈001035⑈ ⑆325171724⑆0100000413⑈

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**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

February 3, 1986

**J. Curtis Herge, Esquire**  
**Sedam and Herge**  
**Suite 1100**  
**8300 Greensboro Drive**  
**McLean, Virginia 22102**

**RE: MUR 1860**  
**Citizens Committee for the**  
**Right to Keep and Bear Arms;**  
**Right to Keep and Bear Arms**  
**Political Victory Fund;**  
**Mark Challender, as treasurer**

**Dear Mr. Herge:**

On January 22, 1986, the Commission determined that there is probable cause to believe your clients, Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Mark Challender, as treasurer, committed a violation of 2 U.S.C. § 441b(b)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the solicitation of purported "members" of the Citizens Committee for the Right to Keep and Bear Arms for contributions to the Right to Keep and Bear Arms Political Victory Fund.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

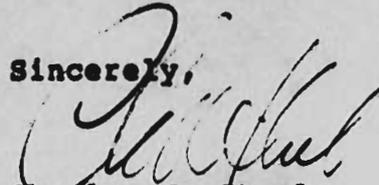
We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it to the Commission within ten days. I will then recommend that the Commission approve the agreement.

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J. Curtis Herge, Esquire  
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Maura White Callaway, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Citizens Committee for the Right	)	
to Keep and Bear Arms;	)	MUR 1860
Right to Keep and Bear Arms	)	
Political Victory Fund;	)	
Mark Challenger, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of January 22, 1986, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions in MUR 1860:

1. Find probable cause to believe the Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Mark Challenger, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i).
2. Approve the conciliation agreement and letter attached to the General Counsel's report dated January 8, 1986.

Commissioners Elliott, Harris, Josefiak, and McDonald voted affirmatively for the decision; Commissioner Aikens dissented; Commissioner McGarry was not present at the time of the vote.

Attest:

1-22-86

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
 FROM: Office of General Counsel *rd*  
 DATE: January 9, 1986  
 SUBJECT: MUR 1860 - General Counsel's Report

The attached is submitted as an Agenda document  
 for the Commission Meeting of January 22, 1986  
 Open Session \_\_\_\_\_  
 Closed Session XX

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

SENSITIVE -  
CIRCULATE ON BLUE PAPER  
on Agenda 1-22-86

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Citizens Committee for the Right to  
Keep and Bear Arms;  
Right to Keep and Bear Arms Political  
Victory Fund; Mark Challender,  
as treasurer

)  
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)  
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)  
)

MUR 1850

**SENSITIVE**

**EXECUTIVE SESSION**

**JAN 22 1986**

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On October 11, 1985, a General Counsel's Brief, recommending a finding of probable cause to believe with respect to a violation of 2 U.S.C. § 441b(b)(4)(A)(i), was mailed to the Citizens Committee for the Right to Keep and Bear Arms ("CCRKBA"), the Right to Keep and Bear Arms Political Victory Fund ("PVF"), and Mark Challender, as treasurer. The respondents submitted a reply brief on November 5, 1985.

**II. LEGAL ANALYSIS**

It is the position of the respondents that they did not violate 2 U.S.C. § 441b(b)(4)(A)(i) because their purported members have sufficient rights vis-a-vis the corporation to claim the membership exemption of 2 U.S.C. § 441b(b)(4)(C). In support of their position the respondents put forth several arguments, all of which are without merit in the view of this office.

The initial position taken by the respondents is that Advisory Opinion 1977-67 is dispositive of the issue because of the "marked degree of similarity between the governing documents" of CCRKBA and the requestor of the Advisory Opinion, the Public Service Research Counsel. The respondents emphasize that in Advisory Opinion 1977-67 the Commission concluded that a sufficient indicia of membership existed to satisfy 2 U.S.C.

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§ 441b(b)(4)(C) even though the members of the Public Service Research Counsel did not have a right to cast a vote in corporate affairs.

With respect to the above argument, the General Counsel's Brief to the respondents did not state, as the respondents imply, that the exemption can only be claimed when members of a corporation have the right to vote, but rather noted that there was no evidence within CCRKBA's organization of any members' rights vis-a-vis the corporation, CCRKBA. Although the respondents claim that such rights exist insofar as purported members "are asked for their input by way of polls, questionnaires, surveys, petitions and other membership involvement techniques," such informal input is insufficient to claim the membership exemption. As stated in the General Counsel's Brief to the respondents, CCRKBA's corporate documents do not provide for such input, nor do they require that the direction, policy, or management be effected by such input. Unlike CCRKBA, the advisory opinion involved a situation where the results of a "at least yearly" membership survey were presented to the corporation's governing board for consideration at the board's annual meeting; membership recommendations were then "discussed as an integral part of the President's recommendations for the organization's activities for the coming year and [were] formally acted upon by the Board in its meeting." Thus, despite the respondents' claims, a distinction exists between the two organizations with respect to the effect of members rights upon the organizations.

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The distinctions within organizational structures was itself recognized by the Commission in the above Advisory Opinion (1977-67) when the Commission stated: "In each instance where members do not have direct and enforceable participatory rights in the organization--such as those held by a shareholder or union member--facts must be examined before a determination can be made that a membership relationship exists (emphasis added)."

Subsequent to Advisory Opinion 1977-67, and most importantly, following the Court's decision in FEC v. NRWC, 459 U.S. 197 (1982), the Commission has continued to require that members have specific obligations and rights in an organization including some right to participate in the governance of the organization. See Advisory Opinions 1984-22 and 1984-63. Thus, the respondents insistence that Advisory Opinion 1977-67 is still valid because it has not been "modified" or "revoked" ignores the fact that several Advisory Opinions have been issued since the Supreme Court's decision in FEC v. NRWC, 459 U.S. 197 (1982) all of which hinge the claim to the membership exemption, at least in part, upon members' rights to participate in the governance of the organization.

Another argument presented by the respondents is that the holding of the Supreme Court "is not dispositive of this matter." Such an argument is equally unconvincing. The Court held that NRWC's purported members were insufficiently attached to the corporate structure to qualify as "members" under the Act. In reaching this conclusion the Court reasoned, inter alia, that purported members played "no part in the operation or

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administration of the corporation," that members "elect no corporate officials, and indeed there are no membership meetings," and that there "is no indication NRWC's asserted members exercise any control over the expenditure of their contributions." FEC v. NRWC, 459 U.S. at 206. Although one of the factors in the Court's opinion was that NRWC's corporate documents disclaimed the existence of members, this was not, as the respondents insist, the sole basis for the holding. Rather, all of the above factors in conjunction with one another were noted by the Court when it stated: "We think that under these circumstances, those solicited were insufficiently attached to the corporate structure of NRWC to qualify as 'members' under the statutory proviso (emphasis added)." Significantly, none of the "circumstances" are present within the respondents organization. Thus, in view of its relevancy to the instant matter the Court's decision must be looked to by the Commission, and not ignored as the respondents seem to suggest, in determining whether the membership exemption applies in the instant case.<sup>1/</sup>

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<sup>1/</sup> At this juncture in its argument the respondents state that in MUR 1604 the Commission found a violation of § 441b(b)(4)(A)(i) because the corporation's "organizational documents failed to provide for the existence of members." This office notes that the Commission's finding was not made for the sole reason cited by the respondents but instead reflected the fact that the corporate organization was lacking many of the indicia noted by the Court in FEC v. NRWC, 459 U.S. 197 (1982).

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A final argument raised by the respondents is that the Commission is estopped from finding that CCRKBA is not a membership organization. The basis for the respondents claim is that MUR 856 "involved the question of whether CCRKBA violated 2 U.S.C. § 441b(b)(4)(C) by soliciting contributions to PVF from individuals outside the membership of CCRKBA," and that "[a] Conciliation Agreement was executed by CCRKBA and the Commission, which acknowledged the unlawful solicitations, but which also acknowledged that CCRKBA was "an incorporated membership organization."

MUR 856 involved the question of whether the PVF, not CCRKBA, violated the Act by soliciting contributions from the general public. The Conciliation Agreement in MUR 856 stated that the PVF violated the Act "by soliciting contributions outside the membership of the Committee [CCRKBA]." Importantly, the question of whether purported members of CCRKBA were in fact "members" under the Act never arose in MUR 856. Thus, the Commission is not now precluded from finding that those persons who CCRKBA considers to be its members are not in fact "members" under the Act. In addition, the mere fact that the conciliation agreement in MUR 856 stated that the CCRKBA "is an incorporated membership organization" has no legal significance whatsoever because the Act does not define "membership organization," and the conciliation agreement did not state that CCRKBA's members are in fact "members" under the Act.

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In consideration of the foregoing it remains the recommendation of the Office of the General Counsel that there is probable cause to believe the Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Mark Challender, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i).

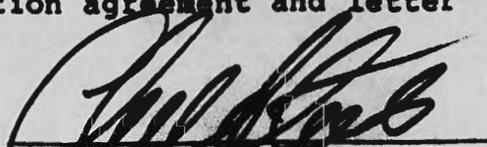
**III. Discussion of Conciliation and Civil Penalty**

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**IV. Recommendations**

1. Find probable cause to believe the Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Mark Challenger, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i).
2. Approve the attached conciliation agreement and letter

8 Jan 1975  
Date

  
\_\_\_\_\_  
Charles N. Steele  
General Counsel

Attachment  
1 - Conciliation agreement and letter

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

J. Curtis Herge, Esquire  
Sedam and Herge  
Suite 1100  
8300 Greensboro Drive  
McLean, Virginia 22102

RE: MUR 1860  
Citizens Committee for the  
Right to Keep and Bear Arms;  
Right to Keep and Bear Arms  
Political Victory Fund;  
Mark Challenger, as treasurer

Dear Mr. Herge:

On \_\_\_\_\_, 198\_\_\_\_, the Commission determined that there is probable cause to believe your clients, Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Mark Challenger, as treasurer, committed a violation of 2 U.S.C. § 441b(b)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the solicitation of purported "members" of the Citizens Committee for the Right to Keep and Bear Arms for contributions to the Right to Keep and Bear Arms Political Victory Fund.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it to the Commission within ten days. I will then recommend that the Commission approve the agreement.

Attachment 1(i)

86040593676

J. Curtis Herge, Esquire  
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Maura White Callaway, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Citizens Committee for the ) MUR 1860  
Right to Keep and Bear Arms; )  
Right to Keep and Bear Arms )  
Political Victory Fund; )  
Mark Challenger, as treasurer )

**CONCILIATION AGREEMENT**

This matter was initiated by a signed, sworn, and notarized complaint by Handgun Control, Inc. An investigation was conducted and the Commission found probable cause to believe that the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and Mark Challenger, as treasurer, ("Respondents") violated 2 U.S.C. § 441b(b)(4)(A)(i).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding.

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent, Citizens Committee for the Right to Keep and Bear Arms, is a corporation without capital stock and incorporated in the State of Washington.

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2. Respondent, Right to Keep and Bear Arms Political Victory Fund, is a political committee within the meaning of 2 U.S.C. § 431(4).

3. Citizens Committee for the Right to Keep and Bear Arms is the connected organization of the Right to Keep and Bear Arms Political Victory Fund.

4. Respondent, Mark Challender, is the treasurer of the Right to Keep and Bear Arms Political Victory Fund.

5. Section 441b(b)(4)(A)(i) of Title 2, United States Code, provides that a corporation, or a separate segregated fund established by a corporation, may only solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families, except that under Section 441b(b)(4)(C) of Title 2, United States Code, a corporation without capital stock may solicit contributions from members of the corporation without capital stock.

6. Section 114.1(e) of Title 11, Code of Federal Regulations, defines the term "member" to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock.

7. In interpreting its regulations, the Commission has concluded that a person can only be considered a "member" of a corporation without capital stock if: he or she has knowingly taken some affirmative steps to become a member of the organization; the membership relationship is evidenced by the existence of rights and obligations vis-a-vis the corporation; and, there is a predetermined minimum amount for dues or contributions.

8. Article IV, Section 1 of the By-Laws of the Citizens Committee for the Right to Keep and Bear Arms states: "Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of the CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five year dues of \$50, or life membership dues of \$150.00 to the national office."

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9. The By-Laws and the Articles of Incorporation of the Citizens Committee for the Right to Keep and Bear Arms do not provide any of the corporation's members with the right to cast a vote in corporate affairs or with any other rights vis-a-vis the corporation, including the right to attend membership meetings, to exercise formal control over the expenditure of their contributions, or to play a part in the operation or administration of the corporation.

10. From May 11, 1976, through April 17, 1985, none of the individuals whom the Citizens Committee for the Right to Keep and Bear Arms considered to be its members were presented with the opportunity to cast a vote in the corporation's affairs or to cast a vote for the election of the corporation's officials.

11. From January 1, 1982, through April 17, 1985, Respondents solicited contributions to the Right to Keep and Bear Arms Political Victory Fund from 5,812 individuals considered to be members of the Citizens Committee for the Right to Keep and Bear Arms. Such solicitations were conducted at a cost of \$6,957.92 and resulted in contributions to the Right to Keep and Bear Arms Political Victory Fund totalling \$23,319. Between 1976 and 1979 the Right to Keep and Bear Arms Political Victory Fund conducted approximately 230,614 solicitations of individuals considered to be members of the Citizens Committee for the Right to Keep and Bear Arms.

V. Respondents violated 2 U.S.C. § 441(b)(4)(A)(i) by soliciting contributions to the Right to Keep and Bear Arms Political Victory Fund from May 11, 1976, through April 17, 1985, from individuals who do not constitute "members" of the Citizens Committee for the Right to Keep and Bear Arms within the meaning of the Federal Election Campaign Act of 1971, as amended.

VI. Respondents will pay a civil penalty of One Thousand Five-Hundred Dollars (\$1,500) to the Treasurer of the United States pursuant to 2 U.S.C. § 437g(a)(5)(A).

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VII. Respondents agree that they will not solicit contributions to the Right to Keep and Bear Arms Political Victory Fund from any individual who does not constitute a "member" of the Citizens Committee for the Right to Keep and Bear Arms within the meaning of the Federal Election Campaign Act of 1971, as amended.

VIII. Respondents agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

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

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

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

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XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

Kenneth A. Gross  
Associate General Counsel

\_\_\_\_\_ Date

FOR THE RESPONDENTS:

Alan M. Gottlieb, Chairman  
Citizens Committee for the  
Right to Keep and Bear Arms

\_\_\_\_\_ Date

Mark Challender, Treasurer  
Right to Keep and Bear Arms  
Political Victory Fund

\_\_\_\_\_ Date

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November 4, 1985

BY HAND

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

RE: MUR 1860

Dear Madam Secretary:

In accordance with the provisions of 11 CFR §111.16(c), we are filing with you herewith ten (10) copies of a brief setting forth the respondents' position on the factual and legal issues in MUR 1860.

By a copy of this letter, we are also filing three (3) copies of the brief with the General Counsel.

Very truly yours,

~~(Handwritten)~~ J. Curtis Herge

J. Curtis Herge

cc: ✓ General Counsel  
Federal Election Commission  
(with 3 copies of enclosure)

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BEFORE THE FEDERAL ELECTION COMMISSION

CITIZENS COMMITTEE FOR THE RIGHT TO  
KEEP AND BEAR ARMS;

RIGHT TO KEEP AND BEAR ARMS POLITICAL  
VICTORY FUND; and

MARK CHALLENGER, AS TREASURER,

Respondents.

MUR 1860

BRIEF OF RESPONDENTS

I. Question Presented

The question in this case ultimately comes down to whether respondent Right to Keep and Bear Arms Political Victory Fund ("PVF") limited its solicitation of funds to the "members" of its connected organization, Citizens Committee for the Right to Keep and Bear Arms ("CCRKBA"). Notwithstanding the fact that the organization and activities of CCRKBA fit squarely within the scope of conduct determined to be lawful in Advisory Opinion 1977-67, the Office of General Counsel is here attempting to give the word "member" the expanded meaning advocated only by those who filed a dissenting opinion in Advisory Opinion 1977-67. Specifically, the Office of General Counsel is proposing that the word "member" include only those individuals whose direct and enforceable participatory rights in an organization give them the power to control the organization. If the Commission were to accept the recommendation of the Office of General Counsel, the

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result would be to amend the Commission's regulations and to invalidate previously issued advisory opinions. The Commission has previously decided not to tamper with either the regulation or the relevant advisory opinions. Should it now elect to do so, it is submitted that an enforcement matter is not the proper and lawful setting within which to accomplish the result.

II. Facts.

There appears to be no dispute between respondents and the Office of General Counsel as to the facts in this matter. CCRKBA is a non-profit membership corporation, organized and existing under and by virtue of Chapter 24.03 of the Revised Code of Washington, which has been determined by the Internal Revenue Service to be an organization described in Section 501(c)(4) of the Internal Revenue Code. The primary purpose of CCRKBA is to defend the rights secured by the Second Amendment to the United States Constitution. PVF, on the other hand, is an unincorporated political committee, which was organized on or about November 7, 1973 under the provisions of the Federal Election Campaign Act of 1971. P.L. 92-225. CCRKBA is registered as the connected organization of PVF.

Section 2 of Article IV of the Articles of Incorporation of CCRKBA provides that CCRKBA is a "voluntary membership corporation." That provision is consistent with the requirements of Section 24.03 of the Revised Code of Washington, relating to membership corporations, which provides, as follows:

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**"Members.** A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the by-laws. If the corporation has no members, that fact shall be set forth in the articles of incorporation or the by-laws. A corporation may issue certificates evidencing membership therein."

Further, Section 1 of Article IV of the By-laws of CCRKBA sets forth the qualifications for membership in CCRKBA, including the requirement for the payment of dues. That Section, as amended, provides, as follows:

"Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five years dues of \$50.00, or life membership dues of \$150.00 to the national office."

The foregoing, as well as the other provisions of Article IV of the By-laws of CCRKBA relating to "Membership", are consistent with Washington law. See, for example, Sections 24.03.070, 24.03.075 and 24.03.085<sup>1/</sup> of the Revised Code of Washington. In

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<sup>1/</sup> Each member of a Washington membership corporation is entitled to one vote on each matter submitted to a vote of members unless the right is expressly limited, enlarged or denied in the articles of incorporation or by-laws of the corporation. RCWA 24.03.085. Because the right of members to vote was not limited, enlarged, or denied in the Articles of Incorporation or By-laws of CCRKBA, the members of CCRKBA have the right to vote.

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Rodruck v. Sand Point Maintenance Com., 48 Wn. 2d 565, 295 P. 2d 714 (1956), it was held that the by-laws of a Washington membership corporation, in effect, constitute a contract between the corporation and its members. In addition, in Allen v. Office Emp. Intl. Unin, 53 Wn. 2d 1, 329 P. 2d 205 (1958), it was held that a member of a voluntary association may be expelled only on grounds contained in the constitution and by-laws of the association. In Section 24.06.005 of the Revised Code of Washington, it provides that the term "Member" means "one having membership rights in a corporation in accordance with provisions of its articles of incorporation or by-laws." As a consequence, under the laws of the State of Washington, CCRKBA is a membership corporation and any individual who complies with the requirements of membership in Section 1 of Article IV of its By-laws is a member of CCRKBA.

CCRKBA is active in the solicitation of individuals to become members of CCRKBA. In the evidentiary record before the Commission is a reproduction of an advertisement used to solicit membership. It will be observed that individuals who respond to the advertisement must make an affirmative decision, and take an affirmative act, to join CCRKBA as a member. In addition, there is in the record a copy of CCRKBA's standard reply to those who inquire about becoming members of CCRKBA. It will be observed that the letter explains how one becomes a member and it briefly describes some of the benefits of membership. Attached to that

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letter is a business reply envelope, which permits individuals to decide between just contributing to CCRKBA or becoming dues paying members of CCRKBA. Also in the record are samples of the annual dues statements and reminder notices which are mailed to existing members of CCRKBA. Each statement is personalized and bears the individual's membership number. They are mailed in carrier envelopes, a sample of which is in the record, which notes that a membership dues statement is enclosed. Individuals who elect to become members of CCRKBA and who pay their dues are then issued a Membership Card. A sample of the 1984 Membership Card is included in the record. The Card is inscribed with the member's name and membership number and it bears the statement that the named individual "is recognized as an official member in good standing and is entitled to all membership benefits and privileges."

Individuals who become members of CCRKBA enjoy special rights and privileges. Included in those rights and privileges are the following:

- (1) Members receive, at no cost, the official periodical publication of CCRKBA, POINT BLANK, on a monthly basis. Samples of that publication are included in the record.
- (2) Members receive, at no cost, copies of topical publications produced by CCRKBA. Included in that category, for example, are copies of "Action Alert", which address issues or events of particular interest in the member's particular geographic area or state.
- (3) Advice and assistance, at no cost, concerning firearms, firearms training,

acquisition of firearms licenses and permits, organization of gun clubs, implementation of grass roots lobbying plans and other matters.

(4) The provision, at no cost, of books, pamphlets, audio and video tapes, filmstrips and other pro-gun materials for use and distribution at schools, colleges, debates, fairs, gun shows and other forums.

(5) Use of a toll-free number to request the foregoing and other assistance from the national office staff.

(6) Special prices on various artifacts. Included on the record is a sample flyer and the last page of the August, 1984 edition of POINT BLANK, which described these items.

(7) General assistance, such as the recommendation of attorneys experienced with the laws relating to guns and gun ownership, assistance in dealing with police and administrative agencies and the preparation of testimony for members to deliver at municipal and legislative hearings.

(8) The right to support PVF. See the last page of the September, 1984 edition of POINT BLANK, which is included in the record.

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Although the members of CCRKBA have the right to vote under Washington law and the Articles of Incorporation and By-laws of CCRKBA, see footnote 1, supra, the historical truth is that no matter has been formally submitted to the membership to vote upon. Nevertheless, members of CCRKBA do have the opportunity to exercise control over the expenditure of their dues and contributions and play a part in the operation and administration of CCRKBA. Members are asked for their input by way of polls, questionnaires, surveys, petitions and other membership involvement techniques. Members are asked to tell the staff

and/or Board of Directors of CCRKBA which projects should be discontinued, initiated, continued or emphasized. Members are informed of these opportunities by mail, telephone, or by CCRKBA periodicals and other publications. In addition, members upon request are sent a copy of CCRKBA's audited financial statements. Comments, questions and suggestions are responded to and analyzed for possible implementation.

It is submitted that the benefits and privileges accorded to members of CCRKBA evidence a significant organizational attachment between the members of CCRKBA and CCRKBA. This organizational attachment is of significant importance to the members, who, as is well know, hold strong views about and are active in support of gun/gun ownership issues.

### III. Legal Analysis.

The Federal Election Campaign Act restricts corporate financial participation in the electoral process. Section 441b(a) forbids a corporation from making a contribution or expenditure of money in connection with a federal election. Section 441b(b)(4)(A)(i) provides that a corporation may expend money to solicit political contributions to its separate segregated fund, but only from its stockholders and its executive and administrative personnel and the families of those persons. In addition, section 441b(b)(4)(c) provides that a corporation

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without capital stock may expend money to solicit political contributions to its separate segregated fund from its "members."

The "membership exception," which allows membership organizations, cooperatives and corporations without capital stock to solicit their members, lies at the heart of this controversy. In this matter, the Office of General Counsel has alleged that CCRKBA, a membership corporation without capital stock, and PVF, its separate segregated fund, have solicited contributions from persons who are not CCRKBA "members" as that word is used in the Act.<sup>2/</sup>

The Commission's regulation defining the term "member" for the purpose of 2 U.S.C. §441b(b)(4)(C) is found at 11 CFR §114.1(e), which states in relevant part:

"Members' means all persons who are currently satisfying the requirements for membership in a membership organization, trade association, cooperative, or corporation without capital stock.... A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund."

This regulation was interpreted by the Commission in Advisory Opinion 1977-67 against the background of facts almost identical to those at hand.

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<sup>2/</sup> Neither the complainant in this matter, nor the Office of General Counsel, has suggested that individuals other than "members" of CCRKBA have been solicited to make contributions to PVF. The issue here is solely whether CCRKBA is a membership organization as defined in the Federal Election Campaign Act.

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- A. Advisory Opinion 1977-67 is dispositive of the issue of the issue whether members of CCRKBA are "members" within the meaning of the Act.

In Advisory Opinion 1977-67, dated June 28, 1978, the Commission addressed the relationship between Public Service Research Counsel ("PSRC") and its members and concluded that, at a minimum, there must be:

- (1) Formal evidence of membership in the corporate documents.
- (2) Some form of regular dues structure.
- (3) Some procedure for members to express their views to the officers (although direct participatory rights were not required).

These standards all exist in the instant case.

Analysis evidences a marked degree of similarity between the governing documents of PSRC and those of CCRKBA. For example, the Articles of Incorporation of PSRC, as set forth in the Advisory Opinion, provide as follows:

The Corporation shall have members who shall be persons who voluntarily support the purposes of the organization and are accepted as members by the Board of Directors of the Corporation under procedures established by the Board.

No members shall have any voting or property rights or have, or acquire any vested right, title, or interest in or to the property of this Corporation or any vested right in the exercise of any privileges of membership in this Corporation or any vested right in the

continuation of any of its purposes, policies or activities.<sup>3/</sup>

Every member in good standing shall have the right to receive such privileges as may be prescribed under rules and regulations adopted from time to time by the board of Directors.

The Board of Directors shall have the sole authority to establish the purposes and goals and direct the activities of the Corporation.

Further, the class of persons PSRC considered to be its members were those who met the following criterion: affirmatively expressed a specific and unambiguous desire to become, or join as, a member of PSRC by either writing to the organization or returning a card or notice which evidenced a specific and unambiguous desire to accept membership; were given the right and opportunity to participate in a membership opinion survey conducted at least yearly, the results of which were to be taken into consideration by the governing board; paid a predetermined minimum amount for dues or contributions to the organization at regular intervals; and, renewed their membership status in the organization at periodic intervals.

In the Advisory Opinion, the Commission stated that the term "member," as used in section 441b(b)(4)(C) and 11 CFR §114.1(e), assumes that certain threshold requirements must be met for a corporation to have members. Referring to the

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<sup>3/</sup> Unlike the corporate documents of CCRKBA, the corporate documents of PSRC expressly denied members the right to vote.

definition of "members" in 11 CFR §114.1(e), the Commission stated:

"This definition, along with §441b(b)(4)(C), assumes that certain threshold requirements must be met for a corporation to have members. As a threshold matter, the quoted regulation assumes that there are, in fact, requirements for membership in the organization. Obviously, a person can only be considered a member of an organization if he or she knowingly has taken some affirmative steps to become a member of the organization. Moreover, as regards a corporation without capital stock which is created and defined by its Articles of Incorporation, the corporation's formal documents must not preclude it from having members. See Advisory Opinion 1976-79."

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Going further, the Commission stated that the membership relationship must be evidenced by the existence of rights and obligations vis-a-vis the corporation. The Office of General Counsel now interprets that phrase to require a direct and enforceable participatory right of "control" over the organization. In point of fact, however, the Commission expressly acknowledged that instances may exist where members do not have direct and enforceable participatory rights. The full text of the relevant passage in Advisory Opinion 1977-67 is as follows:

"These basic requirements are premised on the existence of a membership relationship between the organization and the person solicited pursuant to §441b(b)(4)(C). The solicitation of political contributions from members of an organization derive from the special relationship that the organization has to its members (see the remarks of Representative Hansen, 117 Cong. Rec. 43380)

and accordingly, the membership relationship must be evidenced by the existence of rights and obligations vis-a-vis the corporation. In each instance where members do not have direct and enforceable participatory rights in the organization - such as those held by a shareholder or union member - facts must be examined before a determination can be made that a membership relationship exists." (Emphasis added.)

Because the members of PSRC did not have "direct and enforceable participatory rights," the Commission went on to examine the facts presented and concluded:

"In regard to this group of persons...[those meeting the criteria described in the text above]..., the Commission believes that sufficient indicia of a membership relationship exists for these people be solicited pursuant to 2 U.S.C. §441b(b)(4)(C).... [I]n so stating, the Commission does not pass on the question of whether §441b(b)(4)(C) permits PSRC's solicitation of persons with any lesser rights or obligations vis-a-vis the corporation." (Emphasis added.)

Clearly, the Commission concluded that members do not have to possess direct and enforceable participatory rights; and, that sufficient indicia of membership exists to satisfy section 441b(b)(4)(C) if there is formal evidence of membership in the corporate documents; if there is some form of affirmative expression to become a member; if there is some form of regular dues structure; and, if there is some procedure for members to express their views to the officers of the organization.

Undeniably, the evidentiary record before the Commission evidences the fact that the organizational documents

of CCRKBA and the relationship between CCRKBA and its members meet all the standards set forth in Advisory Opinion 1977-67.

- B. The holding in the National Right To Work Committee case does not demand more than that required by Advisory Opinion 1977-67

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The Supreme Court of the United States has held that the right to solicit individuals as "members" is limited to those persons attached in some way to the organization's corporate structure. Federal Election Commission v. National Right to Work Committee, 459 U.S. 197 (1982) ("NRWC"). It will be recalled that that case involved a corporation without capital stock, the organizational documents of which expressly disclaimed the existence of members. The corporation considered its members to be those who only contributed to the corporation. The Court's opinion, as delivered by Justice Rehnquist, can properly be synthesized in the following four passages:

"The question in the case ultimately comes down to whether respondent National Right to Work Committee ('NRWC') limited its solicitation of funds to 'members' within the meaning of 2 U.S.C. §441b(b)(4)(C)."

\* \* \* \*

"Given the central role of the congressional use of the word 'member' in this litigation, it is useful to set forth respondent's organizational history in some detail. In 1975, respondent's predecessor and another corporation merged; the articles of merger filed in the District of Columbia by the successor corporation stated that NRWC 'shall not have members'. A similar statement is contained in the articles of incorporation of NRWC that are presently filed in

Virginia. Likewise, respondent's by-laws make no reference to members or to membership in the corporation."

\* \* \* \* \*

"Essential to the proper resolution of the case is the interpretation of §441b(b)(4)(C)'s statement that the prohibition against corporate solicitation contained in §441b(b)(4)(A) shall not prevent "a...corporation without capital stock...from soliciting contributions to [a separate segregated fund established by a ...corporation without capital stock] from members of such...corporation.... The effect of this proviso is to limit solicitation by non-profit corporations to those persons attached in some way to its corporate structure. 2 U.S.C. §441b(b)(4)(C)." (Emphasis in the original.)

\* \* \* \* \*

"While we do not feel sufficiently informed at this time to attempt an exegesis of the statutory meaning of the word 'members' beyond that necessary to decide this case, we find it relatively easy to dispose of [the] arguments that Respondent's solicitation was limited to its 'members', since in our view this would virtually excise from the statute the restriction of solicitation to 'members'....NRWC's own articles of incorporation and other publicly filed documents explicitly disclaim the existence of members. We think that under these circumstances, those solicited were insufficiently attached to the corporate structure of NRWC to qualify as 'members' under the statutory proviso." (Emphasis added.)

Thus stands the question presented, the facts of the case, the statutory requirement and the holding of the Court. The holding was that corporations without capital stock, the organizational documents of which disclaim the existence of

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members, cannot claim they have members within the meaning of 2 U.S.C. §441b(b)(4)(C) and 11 CFR §114.1(e).

As a consequence, the holding of the Court in NRWC is not dispositive of this matter. Further, NRWC does not repudiate, invalidate or require a modification of Advisory Opinion 1977-67. In fact, NRWC reinforces and validates the conclusion of the Commission in Advisory Opinion 1977-67, which required, inter alia, that the organizational documents of a non-profit corporation must provide for the existence of members. NRWC also reinforced and validated the finding of the Commission in MUR 1604, which found Handgun Control, Inc. in violation of 2 U.S.C. §441b(b)(4)(C) by reason of the fact its organizational documents failed to provide for the existence of members.

A discussion of the specific parameters of the holding in NRWC is important, because it is evident that the Office of General Counsel interprets the holding to require that members of non-profit corporations have direct and enforceable participatory rights in the organization which equate to "control". Such an interpretation is incorrect. It will be recalled that, in NRWC, the Court expressly admonished that it was not sufficiently informed to attempt "an exegesis" of the statutory meaning of the word "members" beyond that necessary to decide that particular case. Notwithstanding that admonition, the Office of General Counsel seizes upon dicta in the Court's opinion in an effort to convince the Commission that the holding embodied more than what

was intended. Specifically, the Office of General Counsel leans upon the following passage in NRWC:

"The statement [by Senator Allen in introducing section 441b(b)(4)(C)], suggests that 'members' of non-stock corporations were to be defined, at least in part, by analogy to stockholders of business corporations and members of labor unions. The analogy to stockholders and union members suggests that some relatively enduring and independently significant financial or organizational attachment is required to be a 'member' under §441b(b)(C)." (Emphasis added.)

The Office of General Counsel reads the foregoing passage as if it were the holding in NRWC, which it was not; and, further, reads it to require that members of non-profit corporations have a relatively enduring and independently significant financial and organizational attachment to the organization, which it did not.

Respondents call the attention of the Commission to the following analysis of the immediately preceding quoted passage:

(1) The quoted passage was dicta not relevant to the holding of the case. The holding of the case was that NRWC had no "members" because its governing documents disclaimed the existence of members in the organizational or corporate sense. Therefore, the opinion of the Court cannot be read to hold that, if NRWC had members in the organizational sense, those members must also have the power to control the organization.

(2) In any event, the Court noted the legislative history only "suggests", not mandates or requires, that members of non-stock corporations were to be defined by analogy to shareholders of business corporations and members of labor unions.

(3) Even if one were to interpret the suggestion of an analogy to be a mandated

analogy, the Court noted that the analogy was not absolute. Indeed, the Court stated that the relationships were only "at least in part" analogous.

(4) Additionally, the Court noted that the suggested, partial comparison only further "suggests" that some relatively enduring and independently significant financial or organizational attachment is required between the member and the organization.

(5) Finally, it should be observed that the word "or" is used to separate the concept of financial attachment from the concept of organizational attachment. The word "or" is a disjunctive particle used to express an alternative, or to give a choice of one among two or more things. If the Court intended that the two concepts or requirements were to be added, or joined together as a single requirement, it would have used the word "and" instead of the word "or".

As a result, the quoted passage must be read with caution and not be interpreted to be a rule of law. Even if it were to be interpreted for the sake of argument to be a rule of law, however, it is clear that no more can be read into the statement then, to qualify as "members", individuals must either have some relatively enduring and independently significant financial attachment, or have some relatively enduring and independently significant organizational attachment, to the corporation.

In light of the foregoing, respondents note that the Office of General Counsel concedes in its Brief (General Counsel's Brief, page 10) that CCRKBA members meet the significant financial attachment requirement. Therefore, it is

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clear that the plain reading of NRMC requires this matter to be closed.

- C. The Commission has not taken action since the issuance of Advisory Opinion 1977-67 or the NRMC case which would invalidate Advisory Opinion 1977-67

In the deliberation by the Commission on Advisory Opinion 1977-67, discussion was had that the definition of "members" in 11 CFR §114.1(e) might require some clarification. The following is quoted from the transcript of the deliberations on Advisory Opinion 1977-67:

"COMMISSIONER TIERNAN: Could I ask the General Counsel. It would seem to me that Commissioner Harris raised that this might be a jumping off spot for proposing some changes in the Regulations with regards to what we consider to be criteria, as Commissioner Springer points out, or indicia of memberships in a membership organization, but I think we have gone as far as we can in this draft opinion. It may be that we have to submit some clarification on those Regulations. If we mean membership to mean, to require participation in the election of the Board of Directors or whatever we want to include, but I would think we would have to submit that to Congress.

GENERAL COUNSEL OLDAKER: I think that would be fair. I think the staff is quite uneasy with the sparseness of our present Regulations, and I think further definition should be given in the regulation format, but we felt that this was as far as we could go under the present Regulations."

Partial Transcript of Proceedings, Federal Election Commission, Regular Meeting, Thursday, June 22, 1978.

Nevertheless, the Commission has not revised the

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definition of "members" in 11 CFR §114.1(e). The reason for that may be found in Commissioner Aikens concurring opinion in Advisory Opinion 1977-67, in which she suggested that it was not the role of the Commission to impose more definitive standards on the definition. Commissioner Aikens stated, in her concurring opinion:

"Direct and enforceable participatory rights in the organization' (AO 1977-67) are not necessary ingredients in the formation of the membership relationship. This notion is not contained anywhere in §441b, nor is it consistent with the thrust of the Commission's Regulation §114.1(e), which defines 'member'.... For the Commission to prescribe an exclusive class of substantive rights in order to limit the type of associations which would qualify as 'bona fide' membership organizations within the meaning of the Act would inevitably and needlessly interject the government into an essentially private concern among individuals who are merely exercising their First Amendment right of association."

This statement was subsequently supported by Justice Rehnquist in a decision by the United States Supreme Court issued after the decision in the NRWC case. In Federal Election Commission v. National Conservative Political Action Committee, et al., \_\_\_\_\_ U.S. \_\_\_\_\_ (1985), Justice Rehnquist, in delivering the opinion of the Court, stated that contributors and dues paying members have substantially more control in practice than members of a large association in which each has a vote on policy. Justice Rehnquist, who also delivered the opinion of the Court in NRWC, stated:

"How active do the group members have to

be in setting policy to satisfy the control test? Moreover, it is doubtful that the members of a large association in which each have a vote on policy have substantially more control in practice than the contributors to NCPAC and FCM: the latter will surely cease contributing when the message those organizations deliver ceases to please them."

Thus, it is interesting to note that Justice Rehnquist, who articulated the concept of a relatively enduring and independently significant financial or organizational attachment in NRWC, would find that the power of the purse gives the member "substantially more control" over an organization than the member would have if he or she had the right to vote on policy. As enunciated by the Commission in Advisory Opinion 1977-67, if members are not vested with direct and enforceable participatory rights in the organization, other facts must be examined before a determination can be made that a membership relationship exists. And, when it comes to individuals willing to take an affirmative act to become members in, and pay periodic dues to, an organization which supports and expresses their viewpoint on a Constitutional right, Justice Rehnquist suggests they exercise substantial control even though they have been given no formal opportunity to vote on policy.

The Commission itself has not deemed it necessary to modify or revoke Advisory Opinion 1977-67. Since the issuance of that opinion, the Commission has considered and evaluated numerous requests for opinions on the question whether members must have the right to participate in the governance of non-stock

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corporations. See, for example, Advisory Opinions 1984-22, 1984-63 and advisory opinions cited therein, most of which were issued after the NRWC case. In its most recent evaluation of the issue, Advisory Opinion 1985-11, dated April 26, 1985, the Commission clarified the fact, in footnote 3, that Advisory Opinion 1977-67 and others held that voting rights were not in all cases a mandatory requirement for membership status under the Act and Commission regulations. Thus, the Commission has continued to assert that Advisory Opinion 1977-67 is alive and well and is distinguishable from those advisory opinions cited in the General Counsel's Brief which relate to savings and loan associations, stock exchanges, trade associations and other commercial endeavors which are intended to return a possible monetary, not purely philosophical, benefit to their members.

In summary, the Commission recognized, when it approved Advisory Opinion 1977-67, that the definition of "members" was not precise. Nevertheless, it has continued to stand by the Opinion in the face of the NRWC case and numerous other factual settings, because it was evident that each factual presentation had to be independently evaluated. And, no evaluation to date has disturbed the conclusion applied to the particular facts in Advisory Opinion 1977-67, facts which are parallel to those in this matter.

- D. The Commission is estopped from finding that CCRKBA is not a membership organization.

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Respondents call the attention of the Commission to MUR 856, which involved the question whether CCRKBA violated 2 U.S.C. 441b(b)(4)(C) by soliciting contributions to PVF from individuals outside the membership of CCRKBA. It was admitted in that matter that CCRKBA and PVF had solicited contributions from members of CCRKBA and from individuals who clearly did not meet the criteria of membership. A Conciliation Agreement was executed by CCRKBA and the Commission, which acknowledged the unlawful solicitations, but which also acknowledged that CCRKBA was "an incorporated membership organization." Because the Commission has acknowledged that CCRKBA is "an incorporated membership organization", it cannot now determine that CCRKBA is not a membership organization.

IV. Conclusion.

CCRKBA is a corporation without capital stock which, consistent with the laws of the State of Washington, has formal evidence of membership in its corporate documents; which has a procedure for individuals to declare affirmatively that they desire to join or become members of the organization; which has a structure for the payment of regular dues; and which has a procedure for members to express their views to its officers. As a result, the factual presentation is indistinguishable from that presented in Advisory Opinion 1977-67, which held that, based upon an examination of identical facts, sufficient indicia of a membership relationship exists for these people, the membership,

to be solicited pursuant to 2 U.S.C. §441b(b)(4)(C). The result in Advisory Opinion 1977-67 was not altered by the NRWC case, which held that non-profit corporations must contemplate "members" in their organizational documents before claiming the exemption in section 441b(b)(4)(C). And, while the NRWC case went on to suggest the possibility of a suggestion that members must also have some relatively enduring and independently significant financial or organizational attachment to the organization, the Office of General Counsel has conceded that the members of CCRKBA have the requisite disjunctive financial attachment. If that is not sufficient to dispose of this case, it is pointed out that the same Justice who articulated the suggested test in NRWC also subsequently equated the organizational attachment test to the power to control through the ability to refuse to contribute. Furthermore, the Commission, while perhaps uneasy about the amorphous definition of "members" in the regulations, has never taken it upon itself to revise the regulations. Indeed, by distinguishing Advisory Opinion 1977-67 from other factual settings involving commercially oriented non-profit groups, the Commission demonstrated a continued affirmation of the result or conclusion reached in Advisory Opinion 1977-67. For those reasons, CCRKBA must be found to have "members", as that word is defined in the Act and the Commission's regulations; and, as a result, that the

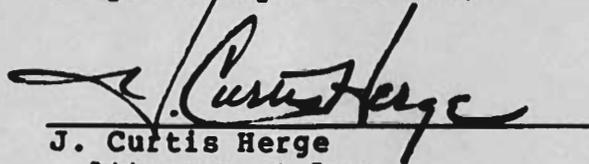
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solicitation of those members to contribute to PVF is within the exemption of 2 U.S.C. §441b(b) (4) (C).

For the reasons stated, it is respectfully submitted that the recommendation of the Office of General Counsel must be rejected and the file closed on this matter.

Dated: November 1, 1985

Respectfully submitted,



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(703) 821-1000

Counsel of Record for Citizens  
Committee for the Right to  
Keep and Bear Arms; Right to  
Keep and Bear Arms Political  
Victory Fund; and Mark  
Challender, as Treasurer.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

06C Docket

SENSITIVE

MEMORANDUM TO: THE COMMISSION  
FROM: MARJORIE W. EMMONS/ CHERYL A. FLEMING (CF)  
DATE: NOVEMBER 5, 1985  
SUBJECT: RESPONDENT'S BRIEF - MUR 1860

The attached has been circulated for your  
information.

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Attachment

BEFORE THE FEDERAL ELECTION COMMISSION

CITIZENS COMMITTEE FOR THE RIGHT TO	:	
KEEP AND BEAR ARMS;	:	
RIGHT TO KEEP AND BEAR ARMS POLITICAL	:	MUR 1860
VICTORY FUND; and	:	
MARK CHALLENGER, AS TREASURER,	:	
Respondents.	:	

BRIEF OF RESPONDENTS

I. Question Presented

The question in this case ultimately comes down to whether respondent Right to Keep and Bear Arms Political Victory Fund ("PVF") limited its solicitation of funds to the "members" of its connected organization, Citizens Committee for the Right to Keep and Bear Arms ("CCRKBA"). Notwithstanding the fact that the organization and activities of CCRKBA fit squarely within the scope of conduct determined to be lawful in Advisory Opinion 1977-67, the Office of General Counsel is here attempting to give the word "member" the expanded meaning advocated only by those who filed a dissenting opinion in Advisory Opinion 1977-67. Specifically, the Office of General Counsel is proposing that the word "member" include only those individuals whose direct and enforceable participatory rights in an organization give them the power to control the organization. If the Commission were to accept the recommendation of the Office of General Counsel, the

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result would be to amend the Commission's regulations and to invalidate previously issued advisory opinions. The Commission has previously decided not to tamper with either the regulation or the relevant advisory opinions. Should it now elect to do so, it is submitted that an enforcement matter is not the proper and lawful setting within which to accomplish the result.

II. Facts.

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There appears to be no dispute between respondents and the Office of General Counsel as to the facts in this matter. CCRKBA is a non-profit membership corporation, organized and existing under and by virtue of Chapter 24.03 of the Revised Code of Washington, which has been determined by the Internal Revenue Service to be an organization described in Section 501(c)(4) of the Internal Revenue Code. The primary purpose of CCRKBA is to defend the rights secured by the Second Amendment to the United States Constitution. PVF, on the other hand, is an unincorporated political committee, which was organized on or about November 7, 1973 under the provisions of the Federal Election Campaign Act of 1971. P.L. 92-225. CCRKBA is registered as the connected organization of PVF.

Section 2 of Article IV of the Articles of Incorporation of CCRKBA provides that CCRKBA is a "voluntary membership corporation." That provision is consistent with the requirements of Section 24.03 of the Revised Code of Washington, relating to membership corporations, which provides, as follows:

**"Members.** A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the by-laws. If the corporation has no members, that fact shall be set forth in the articles of incorporation or the by-laws. A corporation may issue certificates evidencing membership therein."

Further, Section 1 of Article IV of the By-laws of CCRKBA sets forth the qualifications for membership in CCRKBA, including the requirement for the payment of dues. That Section, as amended, provides, as follows:

"Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five years dues of \$50.00, or life membership dues of \$150.00 to the national office."

The foregoing, as well as the other provisions of Article IV of the By-laws of CCRKBA relating to "Membership", are consistent with Washington law. See, for example, Sections 24.03.070, 24.03.075 and 24.03.085<sup>1/</sup> of the Revised Code of Washington. In

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<sup>1/</sup> Each member of a Washington membership corporation is entitled to one vote on each matter submitted to a vote of members unless the right is expressly limited, enlarged or denied in the articles of incorporation or by-laws of the corporation. RCWA 24.03.085. Because the right of members to vote was not limited, enlarged, or denied in the Articles of Incorporation or By-laws of CCRKBA, the members of CCRKBA have the right to vote.

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Rodruck v. Sand Point Maintenance Com., 48 Wn. 2d 565, 295 P. 2d 714 (1956), it was held that the by-laws of a Washington membership corporation, in effect, constitute a contract between the corporation and its members. In addition, in Allen v. Office Emp. Intl. Unin, 53 Wn. 2d 1, 329 P. 2d 205 (1958), it was held that a member of a voluntary association may be expelled only on grounds contained in the constitution and by-laws of the association. In Section 24.06.005 of the Revised Code of Washington, it provides that the term "Member" means "one having membership rights in a corporation in accordance with provisions of its articles of incorporation or by-laws." As a consequence, under the laws of the State of Washington, CCRKBA is a membership corporation and any individual who complies with the requirements of membership in Section 1 of Article IV of its By-laws is a member of CCRKBA.

CCRKBA is active in the solicitation of individuals to become members of CCRKBA. In the evidentiary record before the Commission is a reproduction of an advertisement used to solicit membership. It will be observed that individuals who respond to the advertisement must make an affirmative decision, and take an affirmative act, to join CCRKBA as a member. In addition, there is in the record a copy of CCRKBA's standard reply to those who inquire about becoming members of CCRKBA. It will be observed that the letter explains how one becomes a member and it briefly describes some of the benefits of membership. Attached to that

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letter is a business reply envelope, which permits individuals to decide between just contributing to CCRKBA or becoming dues paying members of CCRKBA. Also in the record are samples of the annual dues statements and reminder notices which are mailed to existing members of CCRKBA. Each statement is personalized and bears the individual's membership number. They are mailed in carrier envelopes, a sample of which is in the record, which notes that a membership dues statement is enclosed. Individuals who elect to become members of CCRKBA and who pay their dues are then issued a Membership Card. A sample of the 1984 Membership Card is included in the record. The Card is inscribed with the member's name and membership number and it bears the statement that the named individual "is recognized as an official member in good standing and is entitled to all membership benefits and privileges."

Individuals who become members of CCRKBA enjoy special rights and privileges. Included in those rights and privileges are the following:

- (1) Members receive, at no cost, the official periodical publication of CCRKBA, POINT BLANK, on a monthly basis. Samples of that publication are included in the record.
- (2) Members receive, at no cost, copies of topical publications produced by CCRKBA. Included in that category, for example, are copies of "Action Alert", which address issues or events of particular interest in the member's particular geographic area or state.
- (3) Advice and assistance, at no cost, concerning firearms, firearms training,

acquisition of firearms licenses and permits, organization of gun clubs, implementation of grass roots lobbying plans and other matters.

(4) The provision, at no cost, of books, pamphlets, audio and video tapes, filmstrips and other pro-gun materials for use and distribution at schools, colleges, debates, fairs, gun shows and other forums.

(5) Use of a toll-free number to request the foregoing and other assistance from the national office staff.

(6) Special prices on various artifacts. Included on the record is a sample flyer and the last page of the August, 1984 edition of POINT BLANK, which described these items.

(7) General assistance, such as the recommendation of attorneys experienced with the laws relating to guns and gun ownership, assistance in dealing with police and administrative agencies and the preparation of testimony for members to deliver at municipal and legislative hearings.

(8) The right to support PVF. See the last page of the September, 1984 edition of POINT BLANK, which is included in the record.

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Although the members of CCRKBA have the right to vote under Washington law and the Articles of Incorporation and By-laws of CCRKBA, see footnote 1, supra, the historical truth is that no matter has been formally submitted to the membership to vote upon. Nevertheless, members of CCRKBA do have the opportunity to exercise control over the expenditure of their dues and contributions and play a part in the operation and administration of CCRKBA. Members are asked for their input by way of polls, questionnaires, surveys, petitions and other membership involvement techniques. Members are asked to tell the staff

and/or Board of Directors of CCRKBA which projects should be discontinued, initiated, continued or emphasized. Members are informed of these opportunities by mail, telephone, or by CCRKBA periodicals and other publications. In addition, members upon request are sent a copy of CCRKBA's audited financial statements. Comments, questions and suggestions are responded to and analyzed for possible implementation.

It is submitted that the benefits and privileges accorded to members of CCRKBA evidence a significant organizational attachment between the members of CCRKBA and CCRKBA. This organizational attachment is of significant importance to the members, who, as is well know, hold strong views about and are active in support of gun/gun ownership issues.

III. Legal Analysis.

The Federal Election Campaign Act restricts corporate financial participation in the electoral process. Section 441b(a) forbids a corporation from making a contribution or expenditure of money in connection with a federal election. Section 441b(b)(4)(A)(i) provides that a corporation may expend money to solicit political contributions to its separate segregated fund, but only from its stockholders and its executive and administrative personnel and the families of those persons. In addition, section 441b(b)(4)(c) provides that a corporation

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without capital stock may expend money to solicit political contributions to its separate segregated fund from its "members."

The "membership exception," which allows membership organizations, cooperatives and corporations without capital stock to solicit their members, lies at the heart of this controversy. In this matter, the Office of General Counsel has alleged that CCRKBA, a membership corporation without capital stock, and PVF, its separate segregated fund, have solicited contributions from persons who are not CCRKBA "members" as that word is used in the Act.<sup>2/</sup>

The Commission's regulation defining the term "member" for the purpose of 2 U.S.C. §441b(b)(4)(C) is found at 11 CFR §114.1(e), which states in relevant part:

"'Members' means all persons who are currently satisfying the requirements for membership in a membership organization, trade association, cooperative, or corporation without capital stock.... A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund."

This regulation was interpreted by the Commission in Advisory Opinion 1977-67 against the background of facts almost identical to those at hand.

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<sup>2/</sup> Neither the complainant in this matter, nor the Office of General Counsel, has suggested that individuals other than "members" of CCRKBA have been solicited to make contributions to PVF. The issue here is solely whether CCRKBA is a membership organization as defined in the Federal Election Campaign Act.

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- A. Advisory Opinion 1977-67 is dispositive of the issue of the issue whether members of CCRKBA are "members" within the meaning of the Act.

In Advisory Opinion 1977-67, dated June 28, 1978, the Commission addressed the relationship between Public Service Research Counsel ("PSRC") and its members and concluded that, at a minimum, there must be:

- (1) Formal evidence of membership in the corporate documents.
- (2) Some form of regular dues structure.
- (3) Some procedure for members to express their views to the officers (although direct participatory rights were not required).

These standards all exist in the instant case.

Analysis evidences a marked degree of similarity between the governing documents of PSRC and those of CCRKBA. For example, the Articles of Incorporation of PSRC, as set forth in the Advisory Opinion, provide as follows:

The Corporation shall have members who shall be persons who voluntarily support the purposes of the organization and are accepted as members by the Board of Directors of the Corporation under procedures established by the Board.

No members shall have any voting or property rights or have, or acquire any vested right, title, or interest in or to the property of this Corporation or any vested right in the exercise of any privileges of membership in this Corporation or any vested right in the

continuation of any of its purposes, policies or activities.<sup>3/</sup>

Every member in good standing shall have the right to receive such privileges as may be prescribed under rules and regulations adopted from time to time by the board of Directors.

The Board of Directors shall have the sole authority to establish the purposes and goals and direct the activities of the Corporation.

Further, the class of persons PSRC considered to be its members were those who met the following criterion: affirmatively expressed a specific and unambiguous desire to become, or join as, a member of PSRC by either writing to the organization or returning a card or notice which evidenced a specific and unambiguous desire to accept membership; were given the right and opportunity to participate in a membership opinion survey conducted at least yearly, the results of which were to be taken into consideration by the governing board; paid a predetermined minimum amount for dues or contributions to the organization at regular intervals; and, renewed their membership status in the organization at periodic intervals.

In the Advisory Opinion, the Commission stated that the term "member," as used in section 441b(b)(4)(C) and 11 CFR §114.1(e), assumes that certain threshold requirements must be met for a corporation to have members. Referring to the

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<sup>3/</sup> Unlike the corporate documents of CCRKBA, the corporate documents of PSRC expressly denied members the right to vote.

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definition of "members" in 11 CFR §114.1(e), the Commission stated:

"This definition, along with §441b(b)(4)(C), assumes that certain threshold requirements must be met for a corporation to have members. As a threshold matter, the quoted regulation assumes that there are, in fact, requirements for membership in the organization. Obviously, a person can only be considered a member of an organization if he or she knowingly has taken some affirmative steps to become a member of the organization. Moreover, as regards a corporation without capital stock which is created and defined by its Articles of Incorporation, the corporation's formal documents must not preclude it from having members. See Advisory Opinion 1976-79."

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Going further, the Commission stated that the membership relationship must be evidenced by the existence of rights and obligations vis-a-vis the corporation. The Office of General Counsel now interprets that phrase to require a direct and enforceable participatory right of "control" over the organization. In point of fact, however, the Commission expressly acknowledged that instances may exist where members do not have direct and enforceable participatory rights. The full text of the relevant passage in Advisory Opinion 1977-67 is as follows:

"These basic requirements are premised on the existence of a membership relationship between the organization and the person solicited pursuant to §441b(b)(4)(C). The solicitation of political contributions from members of an organization derive from the special relationship that the organization has to its members (see the remarks of Representative Hansen, 117 Cong. Rec. 43380)

and accordingly, the membership relationship must be evidenced by the existence of rights and obligations vis-a-vis the corporation. In each instance where members do not have direct and enforceable participatory rights in the organization - such as those held by a shareholder or union member - facts must be examined before a determination can be made that a membership relationship exists." (Emphasis added.)

Because the members of PSRC did not have "direct and enforceable participatory rights," the Commission went on to examine the facts presented and concluded:

"In regard to this group of persons...[those meeting the criteria described in the text above]..., the Commission believes that sufficient indicia of a membership relationship exists for these people be solicited pursuant to 2 U.S.C. §441b(b)(4)(C).... [I]n so stating, the Commission does not pass on the question of whether §441b(b)(4)(C) permits PSRC's solicitation of persons with any lesser rights or obligations vis-a-vis the corporation." (Emphasis added.)

Clearly, the Commission concluded that members do not have to possess direct and enforceable participatory rights; and, that sufficient indicia of membership exists to satisfy section 441b(b)(4)(C) if there is formal evidence of membership in the corporate documents; if there is some form of affirmative expression to become a member; if there is some form of regular dues structure; and, if there is some procedure for members to express their views to the officers of the organization.

Undeniably, the evidentiary record before the Commission evidences the fact that the organizational documents

of CCRKBA and the relationship between CCRKBA and its members meet all the standards set forth in Advisory Opinion 1977-67.

- B. The holding in the National Right To Work Committee case does not demand more than that required by Advisory Opinion 1977-67

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The Supreme Court of the United States has held that the right to solicit individuals as "members" is limited to those persons attached in some way to the organization's corporate structure. Federal Election Commission v. National Right to Work Committee, 459 U.S. 197 (1982) ("NRWC"). It will be recalled that that case involved a corporation without capital stock, the organizational documents of which expressly disclaimed the existence of members. The corporation considered its members to be those who only contributed to the corporation. The Court's opinion, as delivered by Justice Rehnquist, can properly be synthesized in the following four passages:

"The question in the case ultimately comes down to whether respondent National Right to Work Committee ('NRWC') limited its solicitation of funds to 'members' within the meaning of 2 U.S.C. §441b(b)(4)(C)."

\* \* \* \*

"Given the central role of the congressional use of the word 'member' in this litigation, it is useful to set forth respondent's organizational history in some detail. In 1975, respondent's predecessor and another corporation merged; the articles of merger filed in the District of Columbia by the successor corporation stated that NRWC 'shall not have members'. A similar statement is contained in the articles of incorporation of NRWC that are presently filed in

Virginia. Likewise, respondent's by-laws make no reference to members or to membership in the corporation."

\* \* \* \* \*

"Essential to the proper resolution of the case is the interpretation of §441b(b)(4)(C)'s statement that the prohibition against corporate solicitation contained in §441b(b)(4)(A) shall not prevent "a...corporation without capital stock...from soliciting contributions to [a separate segregated fund established by a ...corporation without capital stock] from members of such...corporation.... The effect of this proviso is to limit solicitation by non-profit corporations to those persons attached in some way to its corporate structure. 2 U.S.C. §441b(b)(4)(C)." (Emphasis in the original.)

\* \* \* \* \*

"While we do not feel sufficiently informed at this time to attempt an exegesis of the statutory meaning of the word 'members' beyond that necessary to decide this case, we find it relatively easy to dispose of [the] arguments that Respondent's solicitation was limited to its 'members', since in our view this would virtually excise from the statute the restriction of solicitation to 'members'....NRWC's own articles of incorporation and other publicly filed documents explicitly disclaim the existence of members. We think that under these circumstances, those solicited were insufficiently attached to the corporate structure of NRWC to qualify as 'members' under the statutory proviso." (Emphasis added.)

Thus stands the question presented, the facts of the case, the statutory requirement and the holding of the Court. The holding was that corporations without capital stock, the organizational documents of which disclaim the existence of

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members, cannot claim they have members within the meaning of 2 U.S.C. §441b(b)(4)(C) and 11 CFR §114.1(e).

As a consequence, the holding of the Court in NRWC is not dispositive of this matter. Further, NRWC does not repudiate, invalidate or require a modification of Advisory Opinion 1977-67. In fact, NRWC reinforces and validates the conclusion of the Commission in Advisory Opinion 1977-67, which required, inter alia, that the organizational documents of a non-profit corporation must provide for the existence of members. NRWC also reinforced and validated the finding of the Commission in MUR 1604, which found Handgun Control, Inc. in violation of 2 U.S.C. §441b(b)(4)(C) by reason of the fact its organizational documents failed to provide for the existence of members.

A discussion of the specific parameters of the holding in NRWC is important, because it is evident that the Office of General Counsel interprets the holding to require that members of non-profit corporations have direct and enforceable participatory rights in the organization which equate to "control". Such an interpretation is incorrect. It will be recalled that, in NRWC, the Court expressly admonished that it was not sufficiently informed to attempt "an exegesis" of the statutory meaning of the word "members" beyond that necessary to decide that particular case. Notwithstanding that admonition, the Office of General Counsel siezes upon dicta in the Court's opinion in an effort to convince the Commission that the holding embodied more than what

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was intended. Specifically, the Office of General Counsel leans upon the following passage in NRWC:

"The statement [by Senator Allen in introducing section 441b(b)(4)(C)], suggests that 'members' of non-stock corporations were to be defined, at least in part, by analogy to stockholders of business corporations and members of labor unions. The analogy to stockholders and union members suggests that some relatively enduring and independently significant financial or organizational attachment is required to be a 'member' under §441b(b)(C)." (Emphasis added.)

The Office of General Counsel reads the foregoing passage as if it were the holding in NRWC, which it was not; and, further, reads it to require that members of non-profit corporations have a relatively enduring and independently significant financial and organizational attachment to the organization, which it did not.

Respondents call the attention of the Commission to the following analysis of the immediately preceding quoted passage:

(1) The quoted passage was dicta not relevant to the holding of the case. The holding of the case was that NRWC had no "members" because its governing documents disclaimed the existence of members in the organizational or corporate sense. Therefore, the opinion of the Court cannot be read to hold that, if NRWC had members in the organizational sense, those members must also have the power to control the organization.

(2) In any event, the Court noted the legislative history only "suggests", not mandates or requires, that members of non-stock corporations were to be defined by analogy to shareholders of business corporations and members of labor unions.

(3) Even if one were to interpret the suggestion of an analogy to be a mandated

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analogy, the Court noted that the analogy was not absolute. Indeed, the Court stated that the relationships were only "at least in part" analogous.

(4) Additionally, the Court noted that the suggested, partial comparison only further "suggests" that some relatively enduring and independently significant financial or organizational attachment is required between the member and the organization.

(5) Finally, it should be observed that the word "or" is used to separate the concept of financial attachment from the concept of organizational attachment. The word "or" is a disjunctive particle used to express an alternative, or to give a choice of one among two or more things. If the Court intended that the two concepts or requirements were to be added, or joined together as a single requirement, it would have used the word "and" instead of the word "or".

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As a result, the quoted passage must be read with caution and not be interpreted to be a rule of law. Even if it were to be interpreted for the sake of argument to be a rule of law, however, it is clear that no more can be read into the statement then, to qualify as "members", individuals must either have some relatively enduring and independently significant financial attachment, or have some relatively enduring and independently significant organizational attachment, to the corporation.

In light of the foregoing, respondents note that the Office of General Counsel concedes in its Brief (General Counsel's Brief, page 10) that CCRKBA members meet the significant financial attachment requirement. Therefore, it is

clear that the plain reading of NRWC requires this matter to be closed.

- C. The Commission has not taken action since the issuance of Advisory Opinion 1977-67 or the NRWC case which would invalidate Advisory Opinion 1977-67

In the deliberation by the Commission on Advisory Opinion 1977-67, discussion was had that the definition of "members" in 11 CFR §114.1(e) might require some clarification. The following is quoted from the transcript of the deliberations on Advisory Opinion 1977-67:

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"COMMISSIONER TIERNAN: Could I ask the General Counsel. It would seem to me that Commissioner Harris raised that this might be a jumping off spot for proposing some changes in the Regulations with regards to what we consider to be criteria, as Commissioner Springer points out, or indicia of memberships in a membership organization, but I think we have gone as far as we can in this draft opinion. It may be that we have to submit some clarification on those Regulations. If we mean membership to mean, to require participation in the election of the Board of Directors or whatever we want to include, but I would think we would have to submit that to Congress.

GENERAL COUNSEL OLDAKER: I think that would be fair. I think the staff is quite uneasy with the sparseness of our present Regulations, and I think further definition should be given in the regulation format, but we felt that this was as far as we could go under the present Regulations."

Partial Transcript of Proceedings, Federal Election Commission, Regular Meeting, Thursday, June 22, 1978.

Nevertheless, the Commission has not revised the

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definition of "members" in 11 CFR §114.1(e). The reason for that may be found in Commissioner Aikens concurring opinion in Advisory Opinion 1977-67, in which she suggested that it was not the role of the Commission to impose more definitive standards on the definition. Commissioner Aikens stated, in her concurring opinion:

"'Direct and enforceable participatory rights in the organization' (AO 1977-67) are not necessary ingredients in the formation of the membership relationship. This notion is not contained anywhere in §441b, nor is it consistent with the thrust of the Commission's Regulation §114.1(e), which defines 'member'.... For the Commission to prescribe an exclusive class of substantive rights in order to limit the type of associations which would qualify as 'bona fide' membership organizations within the meaning of the Act would inevitably and needlessly interject the government into an essentially private concern among individuals who are merely exercising their First Amendment right of association."

This statement was subsequently supported by Justice Rehnquist in a decision by the United States Supreme Court issued after the decision in the NRWC case. In Federal Election Commission v. National Conservative Political Action Committee, et al., \_\_\_\_\_ U.S. \_\_\_\_\_ (1985), Justice Rehnquist, in delivering the opinion of the Court, stated that contributors and dues paying members have substantially more control in practice than members of a large association in which each has a vote on policy. Justice Rehnquist, who also delivered the opinion of the Court in NRWC, stated:

"How active do the group members have to

be in setting policy to satisfy the control test? Moreover, it is doubtful that the members of a large association in which each have a vote on policy have substantially more control in practice than the contributors to NCPAC and FCM: the latter will surely cease contributing when the message those organizations deliver ceases to please them."

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Thus, it is interesting to note that Justice Rehnquist, who articulated the concept of a relatively enduring and independently significant financial or organizational attachment in NRWC, would find that the power of the purse gives the member "substantially more control" over an organization than the member would have if he or she had the right to vote on policy. As enunciated by the Commission in Advisory Opinion 1977-67, if members are not vested with direct and enforceable participatory rights in the organization, other facts must be examined before a determination can be made that a membership relationship exists. And, when it comes to individuals willing to take an affirmative act to become members in, and pay periodic dues to, an organization which supports and expresses their viewpoint on a Constitutional right, Justice Rehnquist suggests they exercise substantial control even though they have been given no formal opportunity to vote on policy.

The Commission itself has not deemed it necessary to modify or revoke Advisory Opinion 1977-67. Since the issuance of that opinion, the Commission has considered and evaluated numerous requests for opinions on the question whether members must have the right to participate in the governance of non-stock

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corporations. See, for example, Advisory Opinions 1984-22, 1984-63 and advisory opinions cited therein, most of which were issued after the NRWC case. In its most recent evaluation of the issue, Advisory Opinion 1985-11, dated April 26, 1985, the Commission clarified the fact, in footnote 3, that Advisory Opinion 1977-67 and others held that voting rights were not in all cases a mandatory requirement for membership status under the Act and Commission regulations. Thus, the Commission has continued to assert that Advisory Opinion 1977-67 is alive and well and is distinguishable from those advisory opinions cited in the General Counsel's Brief which relate to savings and loan associations, stock exchanges, trade associations and other commercial endeavors which are intended to return a possible monetary, not purely philosophical, benefit to their members.

In summary, the Commission recognized, when it approved Advisory Opinion 1977-67, that the definition of "members" was not precise. Nevertheless, it has continued to stand by the Opinion in the face of the NRWC case and numerous other factual settings, because it was evident that each factual presentation had to be independently evaluated. And, no evaluation to date has disturbed the conclusion applied to the particular facts in Advisory Opinion 1977-67, facts which are parallel to those in this matter.

- D. The Commission is estopped from finding that CCRKBA is not a membership organization.

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Respondents call the attention of the Commission to MUR 856, which involved the question whether CCRKBA violated 2 U.S.C. 441b(b)(4)(C) by soliciting contributions to PVF from individuals outside the membership of CCRKBA. It was admitted in that matter that CCRKBA and PVF had solicited contributions from members of CCRKBA and from individuals who clearly did not meet the criteria of membership. A Conciliation Agreement was executed by CCRKBA and the Commission, which acknowledged the unlawful solicitations, but which also acknowledged that CCRKBA was "an incorporated membership organization." Because the Commission has acknowledged that CCRKBA is "an incorporated membership organization", it cannot now determine that CCRKBA is not a membership organization.

IV. Conclusion.

CCRKBA is a corporation without capital stock which, consistent with the laws of the State of Washington, has formal evidence of membership in its corporate documents; which has a procedure for individuals to declare affirmatively that they desire to join or become members of the organization; which has a structure for the payment of regular dues; and which has a procedure for members to express their views to its officers. As a result, the factual presentation is indistinguishable from that presented in Advisory Opinion 1977-67, which held that, based upon an examination of identical facts, sufficient indicia of a membership relationship exists for these people, the membership,

to be solicited pursuant to 2 U.S.C. §441b(b)(4)(C). The result in Advisory Opinion 1977-67 was not altered by the NRWC case, which held that non-profit corporations must contemplate "members" in their organizational documents before claiming the exemption in section 441b(b)(4)(C). And, while the NRWC case went on to suggest the possibility of a suggestion that members must also have some relatively enduring and independently significant financial or organizational attachment to the organization, the Office of General Counsel has conceded that the members of CCRKBA have the requisite disjunctive financial attachment. If that is not sufficient to dispose of this case, it is pointed out that the same Justice who articulated the suggested test in NRWC also subsequently equated the organizational attachment test to the power to control through the ability to refuse to contribute. Furthermore, the Commission, while perhaps uneasy about the amorphous definition of "members" in the regulations, has never taken it upon itself to revise the regulations. Indeed, by distinguishing Advisory Opinion 1977-67 from other factual settings involving commercially oriented non-profit groups, the Commission demonstrated a continued affirmation of the result or conclusion reached in Advisory Opinion 1977-67. For those reasons, CCRKBA must be found to have "members", as that word is defined in the Act and the Commission's regulations; and, as a result, that the

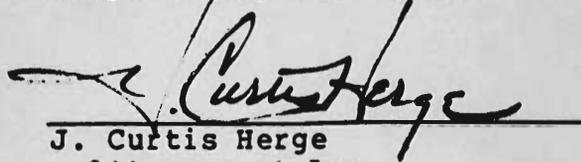
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solicitation of those members to contribute to PVF is within the exemption of 2 U.S.C. §441b(b)(4)(C).

For the reasons stated, it is respectfully submitted that the recommendation of the Office of General Counsel must be rejected and the file closed on this matter.

Dated: November 1, 1985

Respectfully submitted,



J. Curtis Herge  
Attorney at Law  
8300 Greensboro Drive  
Suite 1100  
McLean, Virginia 22102  
(703) 821-1000

Counsel of Record for Citizens  
Committee for the Right to  
Keep and Bear Arms; Right to  
Keep and Bear Arms Political  
Victory Fund; and Mark  
Challender, as Treasurer.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 25, 1985

J. Curtis Herge, Esquire  
Sedam & Herge P.C.  
8300 Greensboro Drive  
McLean, Va. 22102

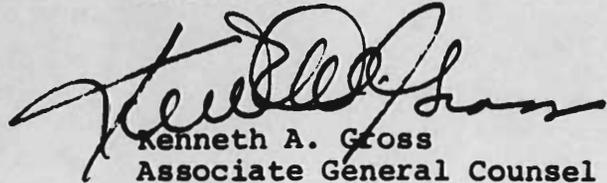
Re: MUR 1860

Dear Mr. Herge:

The Office of the General Counsel is in receipt of your recent letter requesting an extension of time in the above-captioned matter. After reviewing the circumstances detailed in your letter, this Office has determined to grant the requested extension. Accordingly, your response is due no later than November 15, 1985.

If you have any questions please contact either Maura White or Lois Lerner at 523-4143.

Sincerely,

  
Kenneth A. Gross  
Associate General Counsel

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**SEDAM & HERGE**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1000

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22108

(703) 884000

RECEIVED AT THE FPC

ACC # 8785

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GLENN J. SEDAM, JR.  
J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
CHRISTOPHER S. MOFFITT  
GEORGE V. BIONDI  
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OF COUNSEL

THOMAS J. FADOUL, JR.

October 21, 1985

**SEDAM, HERGE & REED**

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CHARLES D. REED

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JOHN D. HEFFNER

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CABLE: SEDAMHERG

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

Attention: Maura White, Esq.

RE: MUR 1860

OCT 22 11:18

RECEIVED  
GENERAL COUNSEL

Dear Mr. Steele:

This will acknowledge the receipt of your letter, dated October 11, 1985, in which you reported that the Office of General Counsel is prepared to recommend that the Federal Election Commission find probable cause to believe that the respondents in the above-captioned matter violated 2 U.S.C. 441b(b) (4) (A) (i).

Your letter, which was received on October 15, 1985, recommended that respondents' brief be filed within fifteen (15) days of our receipt of your letter, or by October 29, 1985. Because of the complexity of the relevant issues and because of the need to consult with our clients, who are located in the State of Washington, we find it necessary to request an extension of time within which to file respondents' brief. It appears that an extension to November 15, 1985 should be adequate.

Sincerely yours,

*J. Curtis Herge*  
J. Curtis Herge

8604050734

# SEDAM & HERGE

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ATTORNEYS AT LAW

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8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102



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

Attention: Maura White, Esq.

85 OCT 22

PM 12:21





**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

October 11, 1985

J. Curtis Herge, Esquire  
Sedam and Herge  
Suite 1100  
8300 Greensboro Drive  
McLean, Virginia 22102

RE: MUR 1860  
Citizens Committee for the Right to  
Keep and Bear Arms; Right to Keep  
and Bear Arms Political Victory Fund;  
Mark Challender, as treasurer

Dear Mr. Herge:

Based on a complaint filed with the Commission on January 7, 1985, and information supplied by your clients, the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and Mark Challender, as treasurer, the Commission determined on April 17, 1985, that there was reason to believe your clients had violated 2 U.S.C. § 441b(b)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your clients' position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

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Letter to J. Curtis Herge, Esquire  
Page 2

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Maura White, the staff member assigned to handle this matter, at (202) 523-4143.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

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submit written answers was sent to the PVF and Mark Challender, as treasurer. The respondents submitted their response to the Commission's order on July 9, 1985, and supplemented such response on August 5, 1985.

In response to the Commission's finding the respondents explained that "[n]o CCRKBA funds have ever been expended in support of PVF," and that the PVF "fully funds all solicitations undertaken on its behalf and PVF has always fully funded such solicitations." As to the extent of PVF's solicitations, the respondents have stated that no financial records exist for PVF between May 11, 1976, and December 31, 1981.<sup>1/</sup> According to the respondents, the PVF solicited 5,812 members of CCRKBA for contributions from January 1, 1982, through April 17, 1985, at a cost of \$6,957, resulting in contributions totalling \$23,319.

The respondents' answers to the Commission's interrogatories state that "[a]n individual need not 'affirmatively state' that he 'wishes to become a member of CCRKBA before being considered a member'," but that the individual must make an "affirmative decision and take an affirmative act to become a member." In support of this statement the respondents refer to Article IV, Section One of CCRKBA's By-Laws wherein it is stated that:

Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of the CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five year dues of \$50, or life membership dues of \$150.00 to the national office.

<sup>1/</sup> In the course of MUR 856 and based upon statistical sampling, the PVF admitted to conducting 230,614 solicitations of purported members between 1976 and 1979.

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With respect to the inclusion in CCRKBA's publications of a return form permitting members to sign up other persons as members the respondents contend that only in a few cases has a donor returned the form with a check in the amount of the membership dues.<sup>2/</sup> It is explained that where a donor submits the form and includes a check in the amount of membership dues the individuals whose names are provided are considered to be members of CCRKBA. The respondents assert that an opportunity for the individuals to revoke their gratuitous membership is presented in that "they are immediately mailed a letter informing them of their gift membership." According to the respondents, in the "vast majority of instances" the return form is returned under two circumstances. In the first situation only a name, address, and a notation to send information is returned, and these "persons are not considered to be members of CCRKBA unless and until they complete the requirements for membership." In the second situation, "the donor's own name and address together with a check for membership dues [is returned]." Those people are considered to be members of CCRKBA."

As to the solicitation by PVF of those individuals who receive a gratuitous membership in CCRKBA, the respondents explain that the "PVF solicits only CCRKBA members who have contributed at least fifty dollars at one time to CCRKBA and who have completed the requirements for membership" in CCRKBA. The respondents conclude, therefore, that despite the lack of

<sup>2/</sup> The respondents state that between May 11, 1976, and April 17, 1985, the names of about 25 persons were submitted by a donor who were thereafter considered members of CCRKBA.

accurate records "it can be safely asserted that no donor has submitted one of the referenced forms together with fifty or more dollars."

Since May 11, 1976, through the present there has been no opportunity for members of CCRKBA to elect the corporate officials of CCRKBA, according to the respondents' reply to the Commission's interrogatories. In the respondents' view members of CCRKBA do, however, have the opportunity to exercise control over the expenditure of their contribution and play a part in the operation or administration of CCRKBA. The respondents support their position by noting that:

CCRKBA members are asked for their input by way of polls, questionnaires, surveys, petitions, and other membership involvement techniques. In those cases, members are asked to tell the staff and/or board of directors which projects should be discontinued, initiated, continued, or emphasized. Members are informed of these opportunities by mail, telephone, or by CCRKBA periodicals and other publications. In addition, members upon request are sent a copy of CCRKBA's latest audited financial statements. Comments, questions, and suggestions are responded to and analyzed for possible implementation.

It is through the use of these "periodicals, direct mail pieces, and other publications [which] regularly solicit member input with respect to the projects, programs, and other areas of involvement" that CCRKBA members are presented with the opportunity to voice their opinion in the conduct of CCRKBA affairs, according to the respondents. The respondents further note that the opportunity to participate and be heard has been "presented through CCRKBA's various written materials or by telephone on a regular basis since the inception of CCRKBA." Finally, repeating their initial response to the complaint's allegations, the respondents argue that other rights from

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membership in CCRKBA include the following: (1) members receive the official monthly publication of CCRKBA, POINT BLANK, at no charge; (2) members receive, at no cost, topical publications produced by CCRKBA, some of which address issues or events of particular interest in the member's geographic area or state; (3) free advice and assistance concerning firearms and training, acquisition of firearms licenses and permits, organization of gun clubs, implementation of grassroots lobbying plans and other matters; (4) provision of free books, pamphlets, audio and video tapes, filmstrips and other pro-gun materials for use and distribution at various forums; (5) use of a toll free number to request the foregoing and other assistance from the national office; (6) special prices on various membership materials ; (7) general assistance including the "recommendation of attorneys experienced with the laws relating to guns and gun owners" and the preparation of testimony for members to deliver at municipal and legislative hearings; and, (8) the right to support the PVF.

II. Legal Analysis

Pursuant to 2 U.S.C. § 441b(b)(4)(A)(i), a corporation or a separate segregated fund established by a corporation, may only solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families. An exemption from this restriction is set forth at 2 U.S.C. § 441b(b)(4)(C), whereby a corporation without capital stock, or a separate segregated fund established by a corporation without capital stock, may solicit contributions to the fund from members of the corporation without capital stock.

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The term "member" is defined at 11 C.F.R. § 114.1(e) (formerly § 114.7(a)) to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund. Id.

The Supreme Court in FEC v. NRWC, 459 U.S. 197 (1982), considered the definition of "member" as it is used in the Act and the Commission's regulations concerning the solicitation of contributions to the separate segregated fund of a corporation without capital stock. The Court concluded that "some relatively enduring and independently significant financial or organizational attachment is required to be a 'member' under § 441b(b)(4)(C)." FEC v. NRWC, 459 U.S. 197 at 204.<sup>3/</sup> In

<sup>3/</sup> The Court reached this conclusion after reviewing the legislative history of § 441b(b)(4)(C). The opinion of the Court stated that the entire legislative history of the subsection appeared to be the floor statement of Senator Allen who explained the purpose of the amendment with this language:

Mr. President, all this amendment does is to cure an omission in the bill. It would allow corporations that do not have stock but have a membership organization, such as a cooperative or other corporation without capital stock and, hence, without stockholders, to set up separate segregated political funds as to which it can solicit contributions from its membership; since it does not have any stockholders to solicit, it should be allowed to solicit its members. That is all that amendment provides. It does cover an omission in the bill that I believe all agree should be filled. Id. at 204.

According to the Court, "[t]his statement suggests that 'members' of nonstock corporations were to be defined, at least in part, by analogy to stockholders of business corporations and members of labor unions." Id. at 204.

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addition, the Court recognized certain other indicia of membership. The fact that: the solicitation letters made "no reference to members"; members played "no part in the operation or administration of the corporation"; members did not elect corporate officials; there were no membership meetings; and, there was no indication that the asserted members exercised any control over the expenditure of their contribution caused the Court to decide that "those solicited were insufficiently attached to the corporate structure of NRWC to qualify as 'members'" under 2 U.S.C. § 441b(b)(4)(C).<sup>4/</sup> FEC v. NRWC, 459 U.S. at 206.

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In addition to its regulation defining "member," the Commission has, through the advisory opinion process, elaborated on the factors that will support an organization's claim to the membership exception of 2 U.S.C. § 441b(b)(4)(C). The Commission has considered, inter alia, whether persons help sustain the organization through regular financial contributions. In Advisory Opinion 1977-67 the existence of a "predetermined minimum amount for dues or contributions" was considered to be a prerequisite to claiming the membership exception under 2 U.S.C. § 441b(b)(4)(C).<sup>5/</sup>

The Commission further wrote in Advisory Opinion 1977-67 that 2 U.S.C. § 441b(b)(4)(C) and 11 C.F.R. § 114.1(e) assume

<sup>4/</sup> Another circumstance affecting the Court's decision was that the corporation's "articles of incorporation and other publicly filed documents explicitly disclaimed the existence of members." FEC v. NRWC, 459 U.S. at 206. CCRKBA's By-Laws provide for members, as discussed above.

<sup>5/</sup> The district court in FEC v. NRWC, 501 F.Supp. 422, 434 (D.D.C. 1980), considered the "obligation to contribute regularly" to be a "basic criteria of membership" in an organization.

that "there are, in fact, requirements for membership in the organization." The Commission concluded that "a person can only be considered a member of an organization if he or she knowingly has taken some affirmative steps to become a member of the organization."<sup>6/</sup> The Commission elaborated further by stating that "the solicitation of political contributions from members of an organization derive from the special relationship that the organization has to its members (see the remarks of Representative Hansen, 117 Cong. Rec. 43380) and accordingly, the membership relationship must be evidenced by the existence of rights and obligations vis-a-vis the corporation" (emphasis added).

Following the Court's decision in FEC v. NRWC, 459 U.S. 197 (1982), the Commission has continued to require that members have specific obligations to, and rights in, a corporation without capital stock including some right to participate in the governance of the organization. See Advisory Opinions 1984-63 and 1984-22. The Commission concluded in Advisory Opinion 1984-63 that those individuals who had the right to vote at membership meetings, to make proposals at membership meetings, and to receive a pro rata share of assets upon dissolution were sufficiently analagous to stockholders in a stock corporation, and were sufficiently attached to the organization's corporate

<sup>6/</sup> In Advisory Opinion 1977-67 the Commission noted that certain of the requestor's solicitation materials asked for a financial contribution and the solicitees' support on specific issues, but did not mention the procedures whereby an individual would become a member in the organization.

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structure to qualify for the membership exemption under 2 U.S.C. § 441b(b)(4)(C).

The issue involved herein is whether CCRKBA and PVF have solicited contributions from individuals who do not constitute "members" of CCRKBA within the meaning of the Act. The Commission found reason to believe that CCRBKA and PVF violated the Act by soliciting individuals for contributions to the PVF who CCRKBA considers to be its members but who do not have any corporate rights, and by soliciting individuals who as the recipients of gratuitous memberships in CCRBKA may not have taken an affirmative step to become members of CCRKBA.

Applying the above factors and indicia of membership to the facts of the instant case, it is the view of this office that the PVF has solicited individuals who do not constitute "members" of CCRKBA within the meaning of the Act. Although some of the necessary indicia for membership appear to exist within the CCRKBA organization, other indicia of membership under the Act considered determinative in AO 1977-67 and FEC v. NRWC, 459 U.S. 197 (1982) are lacking in the instant matter.

At the time of the reason to believe finding in this matter, and at this time as well it appears that all members of CCRKBA are required to pay dues as a condition of membership in CCRKBA.<sup>7/</sup> This requirement for membership in CCRKBA seems to conform to the Commission's requirement in AO 1977-67 that a predetermined minimum amount for dues exist before the membership

<sup>7/</sup> Article IV, Section 1 of CCRKBA's By-Laws stipulates that membership is contingent upon the completion of a membership form and payment of annual dues of \$15.

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exception of § 441b(b)(4)(C) can properly be claimed. Thus, the apparent obligation of CCRKBA "members" to pay minimum dues on an annual basis should be considered to be the "significant financial ... attachment" required to be a "member" under § 441b(b)(4)(C). See FEC v. NRWC, 459 U.S. at 204, and AO 1977-67. In addition, based upon the solicitation letters provided by the respondents for the years 1984-1985 it appears that CCRKBA's members who initiate their own membership have taken an affirmative step to become a member. These letters refer to "membership," "members," and include a "Voluntary Membership Dues Statement." CCRKBA's By-Laws further predicate membership upon "completion of a membership form" and the payment of annual or life membership dues. See Advisory Opinion 1977-67 and FEC v. NRWC, 459 U.S. at 206.

With respect to those individuals who receive a gratuitous membership in CCRKBA from other members, the Commission's reason to believe finding in this matter concerned whether these individuals have knowingly taken an affirmative step to become a member of CCRKBA and, hence, could be solicited under the Act for contributions to the PVF. In consideration of the respondents' representations that the recipients of gratuitous memberships are mailed a letter informing them of their gift membership thereby presenting them with an opportunity to revoke their membership, and that none of the recipients were solicited by PVF, it is the recommendation of this office that no further action be taken with respect to the solicitation of purported members who have received gratuitous memberships.

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Significantly, the requisite "enduring ... organizational attachment" (see FEC v. NRWC, 459 U.S. at 204) between purported members of CCRKBA and CCRKBA itself still appears to be lacking in the instant case, in the view of this office. Despite the respondents' contentions the record in this matter does not evidence the existence of any members rights vis-a-vis the corporation, CCRKBA. Although CCRKBA members "are asked for their input by way of polls, questionnaires, surveys, petitions, and other membership involvement techniques," it is the position of this office that such informal input is insufficient to claim the membership exemption of 2 U.S.C. § 441b(b)(4)(C). CCRKBA's corporate documents do not provide for "input" from members,<sup>8/</sup> nor do they require that the direction, policy, or management of CCRKBA be effected by such input. To be sure, it is the Chairman of CCRKBA that determines the policy and has general supervision of the affairs of CCRKBA subject to the direction of the Board of Directors. See Article VI, Section 3 of CCRKBA's By-Laws. Moreover, the authority to make, alter, amend or repeal the By-Laws is vested in the Board of Directors. See Article VI of CCRKBA's Articles of Incorporation and Article XIV of CCRKBA's By-Laws.

<sup>8/</sup> Although CCRKBA's By-Laws permit the Chairman to appoint "all members of all standing committees from inside or outside the Board of Directors," there is no evidence of the appointment of members outside the Board of Directors to these standing committees. There is also no indication that such standing committees have ever existed. See Article VII of CCRKBA's By-Laws.

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The respondents' initial claim that the exemption of 2 U.S.C. § 441b(b)(4)(C) applies in the instant case because Washington State law entitles each member of a membership corporation to one vote on each matter "submitted to a vote of members," also fails in this office's view. The respondents' contention ignores their clear admission that since May 11, 1976, CCRKBA members have never been presented with the opportunity "to elect corporate officials nor, therefore, to cast a binding vote in CCRKBA affairs." Thus, the evidence put forward demonstrates that the Board of Directors of CCRKBA is self-perpetuating<sup>9/</sup>, and the purported members of CCRKBA do not have an opportunity to express their views to CCRKBA by electing corporate officials. See FEC v. NRWC, 459 U.S. 197 (1982).

Although the respondents insist that CCRKBA members have an opportunity to exercise control over the expenditure of their contributions by making comments and suggestions on CCRKBA's "expenditure process" which are "welcomed and responded to,"<sup>10/</sup> it is the position of this office that such informal opportunities are insufficient to constitute the "control" contemplated by the

9/ Article V, Section 3 of CCRKBA's By-Laws state that the "Directors shall be elected by a majority vote of members of the Board present and voting at a regularly scheduled Biennial Meeting for such a purpose." Article V, Section 6 of the By-Laws further stipulates that any vacancies occurring on the Board of Directors may be filled by a majority vote of the Directors then in office. Moreover, a Director may removed from the Board for just cause by two-thirds vote of those Directors present and voting at any official constituted meeting of the Board, provided that 21 days notice of such proposed action is given to the members of the Board. See Article V, Section 9 of CCRKBA's By-Laws.

10/ Only upon request are CCRKBA members sent a copy of CCRKBA's financial statement.

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Court in FEC v. NRWC, 459 U.S. 206 (1982). Indeed, CCRKBA's formal corporate documents do not provide its members with the opportunity to attend membership meetings, another indicia for membership recognized by the Court in FEC v. NRWC, 459 U.S. at 206, and lacking within the CCRKBA organization. As to the "privileges" or "rights" of membership noted by the respondents, such as receipt of the periodicals of CCRKBA and the issuance of a membership card, it is the view of this office that the above do not constitute rights "vis-a-vis the corporation," (see Advisory Opinion 1977-67), but rather may be viewed solely as privileges of membership. Such privileges constitute only one component of the necessary ingredients for membership under 2 U.S.C. § 441b(b)(4)(C).

Based upon the foregoing, it is this office's belief that the structure of CCRKBA's organization does not provide its purported members with sufficient rights vis-a-vis CCRKBA to claim the membership exemption of 2 U.S.C. § 441b(b)(4)(C). Although the Court in FEC v. NRWC, 459 U.S. 197 (1982), did not dictate the requirements for membership in a corporation without capital stock, several of the indicia of membership noted by the Court are lacking in the instant matter. Accordingly, it is the recommendation of this office that the Commission find probable cause to believe CCRKBA, PVF, and Mark Challender, as treasurer,



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
 FROM: Office of General Counsel *rd*  
 DATE: October 11, 1985  
 SUBJECT: MUR 1860 - Memorandum to the Commission

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

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

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violated 2 U.S.C. § 441b(b) (4) (A) (i) from May 11, 1976, through April 17, 1985.<sup>11/</sup>

III. General Counsel's Recommendations

Find probable cause to believe the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and Mark Challender, as treasurer, violated 2 U.S.C. § 441b(b) (4) (A) (i).

10 October 1985  
Date

  
Charles N. Steele  
General Counsel

<sup>11/</sup> The respondents' reply to the Commission's interrogatories in this matter noted that CCRKBA does not expend funds in support of PVF, and that PVF funds its own solicitations. This office believes, however, that because the PVF uses the membership list of CCRKBA to conduct its solicitations the CCRKBA should be also considered to have conducted such solicitations.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Citizens Committee for the )  
Right to Keep and Bear Arms; ) MUR 1860  
Right to Keep and Bear Arms )  
Political Victory Fund; )  
Mark Challender, as treasurer )

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

On January 7, 1985, Handgun Control, Inc. filed a complaint against the Citizens Committee for the Right to Keep and Bear Arms ("CCRKBA"), the Right to Keep and Bear Arms Political Victory Fund ("PVF"), and Mark Challender, as treasurer, alleging that CCRKBA and PVF violated 2 U.S.C. § 441b(b)(4)(A)(i). The respondents responded to the allegations in the complaint on January 23, 1985. On April 17, 1985, the Commission determined that there is reason to believe CCRKBA, PVF, and Mark Challender, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i) by soliciting contributions to the PVF from individuals who do not constitute members of CCRKBA within the meaning of the Act. The Commission's determination was based upon its view that those individuals who the CCRKBA considers to be its members do not have sufficient rights vis-a-vis CCRKBA to constitute "members" under the Act, and that other persons considered by CCRKBA to be its members as a result of a gratuitous membership may not have taken an affirmative step to become a member of CCRKBA.

A response to the Commission's finding was submitted by the respondents on May 23, 1985. On June 24, 1985, an order to

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Attachment 1(i)

submit written answers was sent to the PVF and Mark Challender, as treasurer. The respondents submitted their response to the Commission's order on July 9, 1985, and supplemented such response on August 5, 1985.

In response to the Commission's finding the respondents explained that "[n]o CCRKBA funds have ever been expended in support of PVF," and that the PVF "fully funds all solicitations undertaken on its behalf and PVF has always fully funded such solicitations." As to the extent of PVF's solicitations, the respondents have stated that no financial records exist for PVF between May 11, 1976, and December 31, 1981.<sup>1/</sup> According to the respondents, the PVF solicited 5,812 members of CCRKBA for contributions from January 1, 1982, through April 17, 1985, at a cost of \$6,957, resulting in contributions totalling \$23,319.

The respondents' answers to the Commission's interrogatories state that "[a]n individual need not 'affirmatively state' that he 'wishes to become a member of CCRKBA before being considered a member'," but that the individual must make an "affirmative decision and take an affirmative act to become a member." In support of this statement the respondents refer to Article IV, Section One of CCRKBA's By-Laws wherein it is stated that:

Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of the CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five year dues of \$50, or life membership dues of \$150.00 to the national office.

<sup>1/</sup> In the course of MUR 856 and based upon statistical sampling, the PVF admitted to conducting 230,614 solicitations of purported members between 1976 and 1979.

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With respect to the inclusion in CCRKBA's publications of a return form permitting members to sign up other persons as members the respondents contend that only in a few cases has a donor returned the form with a check in the amount of the membership dues.<sup>2/</sup> It is explained that where a donor submits the form and includes a check in the amount of membership dues the individuals whose names are provided are considered to be members of CCRKBA. The respondents assert that an opportunity for the individuals to revoke their gratuitous membership is presented in that "they are immediately mailed a letter informing them of their gift membership." According to the respondents, in the "vast majority of instances" the return form is returned under two circumstances. In the first situation only a name, address, and a notation to send information is returned, and these "persons are not considered to be members of CCRKBA unless and until they complete the requirements for membership." In the second situation, "the donor's own name and address together with a check for membership dues [is returned]." Those people are considered to be members of CCRKBA."

As to the solicitation by PVF of those individuals who receive a gratuitous membership in CCRKBA, the respondents explain that the "PVF solicits only CCRKBA members who have contributed at least fifty dollars at one time to CCRKBA and who have completed the requirements for membership" in CCRKBA. The respondents conclude, therefore, that despite the lack of

<sup>2/</sup> The respondents state that between May 11, 1976, and April 17, 1985, the names of about 25 persons were submitted by a donor who were thereafter considered members of CCRKBA.

membership in CCRKBA include the following: (1) members receive the official monthly publication of CCRKBA, POINT BLANK, at no charge; (2) members receive, at no cost, topical publications produced by CCRKBA, some of which address issues or events of particular interest in the member's geographic area or state; (3) free advice and assistance concerning firearms and training, acquisition of firearms licenses and permits, organization of gun clubs, implementation of grassroots lobbying plans and other matters; (4) provision of free books, pamphlets, audio and video tapes, filmstrips and other pro-gun materials for use and distribution at various forums; (5) use of a toll free number to request the foregoing and other assistance from the national office; (6) special prices on various membership materials ; (7) general assistance including the "recommendation of attorneys experienced with the laws relating to guns and gun owners" and the preparation of testimony for members to deliver at municipal and legislative hearings; and, (8) the right to support the PVF.

II. Legal Analysis

Pursuant to 2 U.S.C. § 441b(b)(4)(A)(i), a corporation or a separate segregated fund established by a corporation, may only solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families. An exemption from this restriction is set forth at 2 U.S.C. § 441b(b)(4)(C), whereby a corporation without capital stock, or a separate segregated fund established by a corporation without capital stock, may solicit contributions to the fund from members of the corporation without capital stock.

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The term "member" is defined at 11 C.F.R. § 114.1(e) (formerly § 114.7(a)) to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund. Id.

The Supreme Court in FEC v. NRWC, 459 U.S. 197 (1982), considered the definition of "member" as it is used in the Act and the Commission's regulations concerning the solicitation of contributions to the separate segregated fund of a corporation without capital stock. The Court concluded that "some relatively enduring and independently significant financial or organizational attachment is required to be a 'member' under § 441b(b)(4)(C)." FEC v. NRWC, 459 U.S. 197 at 204.<sup>3/</sup> In

<sup>3/</sup> The Court reached this conclusion after reviewing the legislative history of § 441b(b)(4)(C). The opinion of the Court stated that the entire legislative history of the subsection appeared to be the floor statement of Senator Allen who explained the purpose of the amendment with this language:

Mr. President, all this amendment does is to cure an omission in the bill. It would allow corporations that do not have stock but have a membership organization, such as a cooperative or other corporation without capital stock and, hence, without stockholders, to set up separate segregated political funds as to which it can solicit contributions from its membership; since it does not have any stockholders to solicit, it should be allowed to solicit its members. That is all that amendment provides. It does cover an omission in the bill that I believe all agree should be filled. Id. at 204.

According to the Court, "[t]his statement suggests that 'members' of nonstock corporations were to be defined, at least in part, by analogy to stockholders of business corporations and members of labor unions." Id. at 204.

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addition, the Court recognized certain other indicia of membership. The fact that: the solicitation letters made "no reference to members"; members played "no part in the operation or administration of the corporation"; members did not elect corporate officials; there were no membership meetings; and, there was no indication that the asserted members exercised any control over the expenditure of their contribution caused the Court to decide that "those solicited were insufficiently attached to the corporate structure of NRWC to qualify as 'members'" under 2 U.S.C. § 441b(b)(4)(C).<sup>4/</sup> FEC v. NRWC, 459 U.S. at 206.

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In addition to its regulation defining "member," the Commission has, through the advisory opinion process, elaborated on the factors that will support an organization's claim to the membership exception of 2 U.S.C. § 441b(b)(4)(C). The Commission has considered, inter alia, whether persons help sustain the organization through regular financial contributions. In Advisory Opinion 1977-67 the existence of a "predetermined minimum amount for dues or contributions" was considered to be a prerequisite to claiming the membership exception under 2 U.S.C. § 441b(b)(4)(C).<sup>5/</sup>

The Commission further wrote in Advisory Opinion 1977-67 that 2 U.S.C. § 441b(b)(4)(C) and 11 C.F.R. § 114.1(e) assume

<sup>4/</sup> Another circumstance affecting the Court's decision was that the corporation's "articles of incorporation and other publicly filed documents explicitly disclaimed the existence of members." FEC v. NRWC, 459 U.S. at 206. CCRKBA's By-Laws provide for members, as discussed above.

<sup>5/</sup> The district court in FEC v. NRWC, 501 F.Supp. 422, 434 (D.D.C. 1980), considered the "obligation to contribute regularly" to be a "basic criteria of membership" in an organization.

that "there are, in fact, requirements for membership in the organization." The Commission concluded that "a person can only be considered a member of an organization if he or she knowingly has taken some affirmative steps to become a member of the organization."<sup>6/</sup> The Commission elaborated further by stating that "the solicitation of political contributions from members of an organization derive from the special relationship that the organization has to its members (see the remarks of Representative Hansen, 117 Cong. Rec. 43380) and, accordingly, the membership relationship must be evidenced by the existence of rights and obligations vis-a-vis the corporation" (emphasis added).

Following the Court's decision in FEC v. NRWC, 459 U.S. 197 (1982), the Commission has continued to require that members have specific obligations to, and rights in, a corporation without capital stock including some right to participate in the governance of the organization. See Advisory Opinions 1984-63 and 1984-22. The Commission concluded in Advisory Opinion 1984-63 that those individuals who had the right to vote at membership meetings, to make proposals at membership meetings, and to receive a pro rata share of assets upon dissolution were sufficiently analagous to stockholders in a stock corporation, and were sufficiently attached to the organization's corporate

<sup>6/</sup> In Advisory Opinion 1977-67 the Commission noted that certain of the requestor's solicitation materials asked for a financial contribution and the solicitees' support on specific issues, but did not mention the procedures whereby an individual would become a member in the organization.

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exception of § 441b(b)(4)(C) can properly be claimed. Thus, the apparent obligation of CCRKBA "members" to pay minimum dues on an annual basis should be considered to be the "significant financial ... attachment" required to be a "member" under § 441b(b)(4)(C). See FEC v. NRWC, 459 U.S. at 204, and AO 1977-67. In addition, based upon the solicitation letters provided by the respondents for the years 1984-1985 it appears that CCRKBA's members who initiate their own membership have taken an affirmative step to become a member. These letters refer to "membership," "members," and include a "Voluntary Membership Dues Statement." CCRKBA's By-Laws further predicate membership upon "completion of a membership form" and the payment of annual or life membership dues. See Advisory Opinion 1977-67 and FEC v. NRWC, 459 U.S. at 206.

With respect to those individuals who receive a gratuitous membership in CCRKBA from other members, the Commission's reason to believe finding in this matter concerned whether these individuals have knowingly taken an affirmative step to become a member of CCRKBA and, hence, could be solicited under the Act for contributions to the PVF. In consideration of the respondents' representations that the recipients of gratuitous memberships are mailed a letter informing them of their gift membership thereby presenting them with an opportunity to revoke their membership, and that none of the recipients were solicited by PVF, it is the recommendation of this office that no further action be taken with respect to the solicitation of purported members who have received gratuitous memberships.

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Significantly, the requisite "enduring ... organizational attachment" (see FEC v. NRWC, 459 U.S. at 204) between purported members of CCRKBA and CCRKBA itself still appears to be lacking in the instant case, in the view of this office. Despite the respondents' contentions the record in this matter does not evidence the existence of any members rights vis-a-vis the corporation, CCRKBA. Although CCRKBA members "are asked for their input by way of polls, questionnaires, surveys, petitions, and other membership involvement techniques," it is the position of this office that such informal input is insufficient to claim the membership exemption of 2 U.S.C. § 441b(b)(4)(C). CCRKBA's corporate documents do not provide for "input" from members,<sup>8/</sup> nor do they require that the direction, policy, or management of CCRKBA be effected by such input. To be sure, it is the Chairman of CCRKBA that determines the policy and has general supervision of the affairs of CCRKBA subject to the direction of the Board of Directors. See Article VI, Section 3 of CCRKBA's By-Laws. Moreover, the authority to make, alter, amend or repeal the By-Laws is vested in the Board of Directors. See Article VI of CCRKBA's Articles of Incorporation and Article XIV of CCRKBA's By-Laws.

<sup>8/</sup> Although CCRKBA's By-Laws permit the Chairman to appoint "all members of all standing committees from inside or outside the Board of Directors," there is no evidence of the appointment of members outside the Board of Directors to these standing committees. There is also no indication that such standing committees have ever existed. See Article VII of CCRKBA's By-Laws.

The respondents' initial claim that the exemption of 2 U.S.C. § 441b(b)(4)(C) applies in the instant case because Washington State law entitles each member of a membership corporation to one vote on each matter "submitted to a vote of members," also fails in this office's view. The respondents' contention ignores their clear admission that since May 11, 1976, CCRKBA members have never been presented with the opportunity "to elect corporate officials nor, therefore, to cast a binding vote in CCRKBA affairs." Thus, the evidence put forward demonstrates that the Board of Directors of CCRKBA is self-perpetuating<sup>9/</sup>, and the purported members of CCRKBA do not have an opportunity to express their views to CCRKBA by electing corporate officials. See FEC v. NRWC, 459 U.S. 197 (1982).

Although the respondents insist that CCRKBA members have an opportunity to exercise control over the expenditure of their contributions by making comments and suggestions on CCRKBA's "expenditure process" which are "welcomed and responded to,"<sup>10/</sup> it is the position of this office that such informal opportunities are insufficient to constitute the "control" contemplated by the

<sup>9/</sup> Article V, Section 3 of CCRKBA's By-Laws state that the "Directors shall be elected by a majority vote of members of the Board present and voting at a regularly scheduled Biennial Meeting for such a purpose." Article V, Section 6 of the By-Laws further stipulates that any vacancies occurring on the Board of Directors may be filled by a majority vote of the Directors then in office. Moreover, a Director may removed from the Board for just cause by two-thirds vote of those Directors present and voting at any official constituted meeting of the Board, provided that 21 days notice of such proposed action is given to the members of the Board. See Article V, Section 9 of CCRKBA's By-Laws.

<sup>10/</sup> Only upon request are CCRKBA members sent a copy of CCRKBA's financial statement.

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Court in FEC v. NRWC, 459 U.S. 206 (1982). Indeed, CCRKBA's formal corporate documents do not provide its members with the opportunity to attend membership meetings, another indicia for membership recognized by the Court in FEC v. NRWC, 459 U.S. at 206, and lacking within the CCRKBA organization. As to the "privileges" or "rights" of membership noted by the respondents, such as receipt of the periodicals of CCRKBA and the issuance of a membership card, it is the view of this office that the above do not constitute rights "vis-a-vis the corporation," (see Advisory Opinion 1977-67), but rather may be viewed solely as privileges of membership. Such privileges constitute only one component of the necessary ingredients for membership under 2 U.S.C. § 441b(b) (4) (C).

Based upon the foregoing, it is this office's belief that the structure of CCRKBA's organization does not provide its purported members with sufficient rights vis-a-vis CCRKBA to claim the membership exemption of 2 U.S.C. § 441b(b) (4) (C). Although the Court in FEC v. NRWC, 459 U.S. 197 (1982), did not dictate the requirements for membership in a corporation without capital stock, several of the indicia of membership noted by the Court are lacking in the instant matter. Accordingly, it is the recommendation of this office that the Commission find probable cause to believe CCRKBA, PVF, and Mark Challender, as treasurer,

violated 2 U.S.C. § 441b(b) (4) (A) (i) from May 11, 1976, through April 17, 1985.<sup>11/</sup>

III. General Counsel's Recommendations

Find probable cause to believe the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and Mark Challender, as treasurer, violated 2 U.S.C. § 441b(b) (4) (A) (i).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charles N. Steele  
General Counsel

<sup>11/</sup> The respondents' reply to the Commission's interrogatories in this matter noted that CCRKBA does not expend funds in support of PVF, and that PVF funds its own solicitations. This office believes, however, that because the PVF uses the membership list of CCRKBA to conduct its solicitations the CCRKBA should be also considered to have conducted such solicitations.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

J. Curtis Herge, Esquire  
Sedam and Herge  
Suite 1100  
8300 Greensboro Drive  
McLean, Virginia 22102

RE: MUR 1860  
Citizens Committee for the Right to  
Keep and Bear Arms; Right to Keep  
and Bear Arms Political Victory Fund;  
Mark Challenger, as treasurer

Dear Mr. Herge:

Based on a complaint filed with the Commission on January 7, 1985, and information supplied by your clients, the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and Mark Challenger, as treasurer, the Commission determined on April 17, 1985, that there was reason to believe your clients had violated 2 U.S.C. § 441b(b)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your clients' position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

Attachment 2(1)

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BEFORE THE FEDERAL ELECTION COMMISSION

85 SEP 19 12:03

In the Matter of )

Citizens Committee for the Right to Keep )  
and Bear Arms; Right to Keep and Bear )  
Arms Political Victory Fund; Mark )  
Challender, as treasurer )

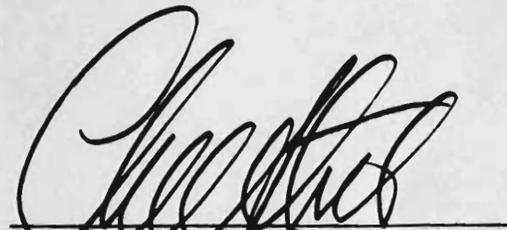
MUR 1860

**SENSITIVE**

GENERAL COUNSEL'S REPORT

Based upon the assessment of the information currently available, the Office of the General Counsel is prepared to close the investigation in this matter with respect to the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and Mark Challender, as treasurer.

18 Sept. 1985  
Date

  
\_\_\_\_\_  
Charles N. Steele  
General Counsel

86040593762



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *Red*  
DATE: September 19, 1985  
SUBJECT: MUR 1860 - 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	[ ]	Compliance	[X]
Sensitive	[ ]	Audit Matters	[ ]
Non-Sensitive	[ ]	Litigation	[ ]
24 Hour No Objection	[ ]	Closed MUR Letters	[ ]
Sensitive	[ ]	Status Sheets	[ ]
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Information	[X]	Other (see distribution below)	[ ]
Sensitive	[X]		
Non-Sensitive	[ ]		
Other	[ ]		

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**SEDAM & HERGE**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1100

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

(703) 821-1000

RECEIVED A. HE. FED.  
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85 AUG 5 8:02

**SEDAM, HERGE & REED**

SUITE 1000

1250 EYE STREET, N.W.

WASHINGTON, D. C. 20005

(202) 898-0200

CHARLES D. REED

RESIDENT PARTNER

JOHN D. HEFFNER

TELEX 831-0885

CABLE SEDAMHERG

PI2: 04

August 1, 1985

GLENN J. SEDAM, JR.  
J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
CHRISTOPHER S. MOFFITT  
GEORGE V. BIONDI  
PHILIP H. BANE  
DONNA LYNN MILLER

OF COUNSEL

THOMAS J. FADOU, JR.

Maura White, Esq.  
Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

RE: MUR 1860

Dear Maura:

In response to your inquiry over the telephone on July 25, 1985, and in confirmation of my telephonic response to you on July 30, 1985, I am enclosing a supplement to the July 3, 1985 Response to Order to Submit Written Answers. The enclosed supplement amends the earlier Response by stating that no costs were incurred or associated with the single contribution made to the Political Victory Fund in 1983. It will be recalled that in the Answers to Interrogatories, dated May 17, 1985, it is stated that no funds of Citizens Committee for the Right to Keep and Bear Arms have ever been expended in support of the Political Victory Fund.

Sincerely yours,

J. Curtis Herge

Enclosure

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# Citizens Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

Alan M. Gottlieb  
Chairman

Robert Kukla  
Legislative Director

John M. Snyder  
Director of Public Affairs

July 31, 1985

"... the right of the people to keep and bear Arms, shall not be infringed."

## National Advisory Council

(partial listing)

### Congressional Advisors

- Sen. James Abdnor (R-SD)
- Rep. Bill Alexander (D-AR)
- Sen. Mark Andrews (R-ND)
- Rep. Robert E. Badham (R-CA)
- Rep. Steve Bartlett (RTX)
- Sen. Max Baucus (D-MT)
- Rep. Tom Bevill (D-AI)
- Rep. Michael Bilirakis (R-FL)
- Rep. Marilyn Lloyd Bouquard (D-TN)
- Rep. John Breaux (D-LA)
- Rep. James T. Broyhill (R-NC)
- Rep. Beverly B. Byron (D-MD)
- Rep. Carroll A. Campbell, Jr. (R-SC)
- Rep. Bill Chappell (D-FL)
- Rep. Richard B. "Dick" Cheney (R-WY)
- Sen. Thad Cochran (R-MS)
- Rep. Larry Craig (R-ID)
- Rep. Phillip M. Crane (R-IL)
- Rep. Dan Daniel (D-VA)
- Rep. Eligio de la Garza (D-TX)
- Sen. Jeremiah Denton (R-L)
- Rep. William L. Dickinson (R-AL)
- Sen. Robert Dole (R-KS)
- Rep. Robert K. Dornan (R-CA)
- Rep. David Dreier (R-CA)
- Rep. John I. Duncan (RTN)
- Rep. Roy Dyson (D-MD)
- Rep. Fred Eckert (R-NY)
- Rep. M.H. "Mickey" Edwards (R-OK)
- Rep. Glenn English (D-OK)
- Rep. Jack Fields (R-TX)
- Rep. Hamilton Fish, Jr. (R-NY)
- Rep. James J. Florio (D-NJ)
- Rep. Don Fuqua (D-FL)
- Rep. Joseph M. Gaydos (D-PA)
- Rep. Benjamin A. Gilman (R-NY)
- Rep. William F. Goodling (R-PA)
- Sen. Phil Gramm (R-TX)
- Sen. Charles E. Grassley (R-IA)
- Rep. John Paul Hammerschmidt (R-AR)
- Sen. Orrin G. Hatch (R-UT)
- Sen. John Heinz, III (R-PA)
- Sen. Jesse Helms (R-NC)
- Rep. Elwood H. Hillis (R-IN)
- Rep. Larry Hopkins (R-KY)
- Rep. Carroll Hubbard, Jr. (D-KY)
- Rep. Jerry Huckabay (D-LA)
- Sen. Gordon J. Humphrey (R-NH)
- Rep. Andy Ireland (R-FL)
- Rep. Walter B. Jones (D-NC)
- Rep. John R. Kasich (R-OH)
- Sen. Robert W. Kasten (R-WI)
- Rep. Jack Kemp (R-NY)
- Rep. Thomas N. Kindness (R-OH)
- Rep. Ken Kramer (R-CO)
- Rep. Robert J. Lagomarsino (R-CA)
- Rep. Delbert L. Latta (R-OH)
- Sen. Paul Laxalt (R-NV)
- Rep. Marvin Leath (D-TX)
- Rep. Robert L. Livingston (R-LA)
- Rep. Tom Loeffler (R-TX)
- Rep. Trent Lott (R-MS)
- Rep. Bill Lowery (R-CA)
- Rep. Manuel Lujan, Jr. (R-NM)
- Sen. Mack Mattingly (R-GA)
- Rep. Robert H. Michel (R-IL)

Mr. Kenneth Gross, Esquire  
c/o Mr. J. Curtis Herge  
SEDAM AND HERGE  
8300 Greensboro Drive  
Suite 1100  
McLean, Virginia 22101

Dear Mr. Gross:

In response to your specific inquiry regarding the cost of the Political Victory Fund's (PVF) solicitations in 1983, as that cost was originally enumerated in our Reponse to Order to Submit Written Answers dated July 3, 1985, it now appears that our original answer was incorrect.

In fact, the cost of the solicitations described in your question numbered 1(a) and made in 1983 was zero. The amount of \$1,569.00 erroneously reported originally is actually attributable to operating and other expenditures paid during the year.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

*Alan M. Gottlieb*

ALAN M. GOTTLIEB  
Chairman, Citizens Committee for the Right to Keep and Bear Arms

SUBSCRIBED and SWORN to before me this thirty-first day of July 1985.

*Carol S. Lewis*  
NOTARY PUBLIC in and for the State of Washington residing at

*Mercer Island*

# SEDAM & HERGE

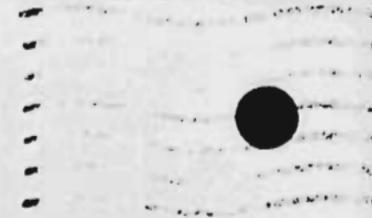
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1100

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102



Maura White, Esq.  
Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

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**SEDAM & HERGE**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1100

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22108

(703) 821-0000

White

**SEDAM, HERGE & REED**

SUITE 1000

1250 EYE STREET, N.W.

WASHINGTON, D. C. 20005

(202) 898-0200

CHARLES D. REED

RESIDENT PARTNER

JOHN D. HEFFNER

TELEX: 710-631-0896

CABLE: SEDAMHERG

GLENN J. SEDAM, JR.  
J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
CHRISTOPHER S. MOFFITT  
GEORGE V. BIONDI  
PHILIP H. BANE  
DONNA LYNN MILLER

OF COUNSEL  
THOMAS J. FADOU, JR.

July 8, 1985

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

Attention of Maura White

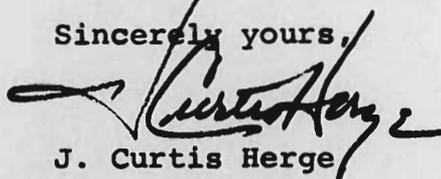
RE: MUR 1860

Dear Mr. Gross:

In response to your letter of June 24, 1985 and the Order to Submit Written Answers which was enclosed with your letter, we are submitting to you herewith our clients' Response to Order to Submit Written Answers dated July 3, 1985.

As you will note, no records exist for the period May 11, 1976 through December 31, 1981. Such records are not required to be preserved for longer than three years. 2 U.S.C. 432(d). In addition, you will note that all solicitations for contributions to the Right to Bear Arms Political Victory Fund (PVF) and all costs associated with making those solicitations are made and borne by PVF.

Sincerely yours,

  
J. Curtis Herge

Enclosure

06040593770

RECEIVED  
GENERAL COUNSEL  
JUL 9 10 52  
P I: 52

Citizens Committee for the Right to Keep and Bear Arms (CCRKBA),  
Right to Bear Arms Political Victory Fund (PVF),  
and Mark Challender, as Treasurer.

**RESPONSE TO ORDER TO SUBMIT WRITTEN ANSWERS**

1(a). No responsive records have been retained for the period May 11, 1976, through December 31, 1981, inclusive.

In 1982, PVF solicited 2,643 individuals considered to be members of CCRKBA for contributions.

In 1983, PVF solicited one individual considered to be a CCRKBA member for contributions.

In 1984, PVF solicited 3,169 individuals considered to be CCRKBA members for contributions.

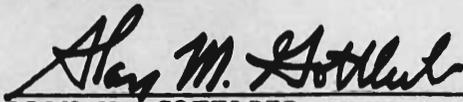
In 1985, no PVF solicitations have been made.

(b). As a result of the solicitations described in 1(a), PVF received in contributions \$9,990 in 1982; \$3,000 in 1983; \$13,329 in 1984; and \$0 in 1985.

(c). The cost to PVF of the solicitations described in 1(a) was \$1,343.28 in 1982; \$1,569.00 in 1983; \$5,614.64 in 1984; and \$0 in 1985.

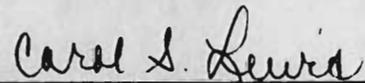
I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATE: July 3, 1985

  
ALAN M. GOTTLIEB  
Chairman, Citizens Committee  
for the Right to Keep and  
Bear Arms

BELLEVUE, WASHINGTON

SUBSCRIBED and SWORN to before me this third day of July 1985.

  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at  
Mercer Island



06040393771





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 24, 1985

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

J. Curtis Herge  
Sedam and Herge  
Suite 1100  
8300 Greensboro Drive  
McLean, Virginia 22102

Re: MUR 1860  
Right to Keep and Bear Arms  
Political Victory Fund;  
Mark Challender, as treasurer

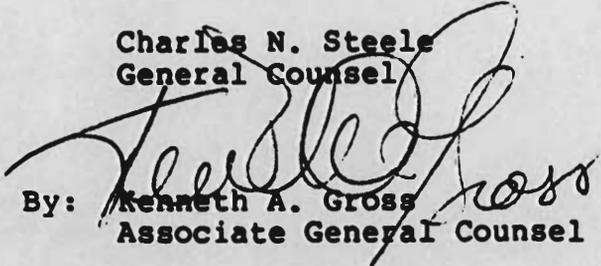
Dear Mr. Herge:

On April 24, 1985, you were notified that the Commission found reason to believe your clients, Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Mark Challender, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i). Although the Commission acknowledges receipt of your clients' answers to interrogatories issued in the matter, it has been determined that additional information from your clients is necessary. Consequently, the Commission has issued the attached order which requires your clients to provide written answers within 15 days of receipt of this order. Such answers should be submitted under oath.

If you have any questions, please contact Maura White at 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosure  
Order

8604059377

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Right to Keep and Bear Arms ) MUR 1860  
Political Victory Fund )  
Mark Challenger, as treasurer )

**ORDER TO SUBMIT WRITTEN ANSWERS**

To: Right to Keep and Bear Arms Political Victory Fund, and  
Mark Challenger, as treasurer

Pursuant to 2 U.S.C. § 437d(a)(1), and in furtherance of its  
investigation in the above-styled matter, the Federal Election  
Commission hereby orders you to submit written answers to the  
following questions:

1a. For each year from May 11, 1976, through the  
present state the number of individuals considered to  
be members of the Citizens Committee for the Right to  
Keep and Bear Arms who were solicited by the Right to  
Keep and Bear Arms Political Victory Fund ("PVF") for  
contributions to the PVF.

b. State the amount of contributions received each  
year by the PVF as a result of the solicitations  
described in 1a.

c. State the cost for each year of the solicitations  
described in 1a.

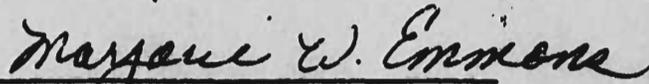
Such answers must be submitted under oath and must be  
forwarded to the Commission within 15 days of your receipt of  
this Order.

86040593774

WHEREFORE, the Chairman of the Federal Election Commission  
has hereunto set his hand in Washington, D.C. on this *20<sup>th</sup>* day of  
*June*, 1985.

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

86040393775

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Citizens Committee for the )  
Right to Keep and Bear Arms; ) MUR 1860  
Right to Keep and Bear Arms )  
Political Victory Fund; )  
Mark Challender, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 18, 1985, do hereby certify that the Commission decided by a vote of 5-1 to approve the letter and order to submit written answers issued to the Right to Keep and Bear Arms Political Victory Fund and Mark Challender, as treasurer, as recommended in the General Counsel's report dated June 10, 1985.

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

Attest:

6-19-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

86040593770



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO:

CHARLES STEELE  
GENERAL COUNSEL

FROM:

MARJORIE W. EMMONS/ CHERYL AL FLEMING *CAF*

DATE:

June 14, 1985

SUBJECT:

MUR 1860 - General Counsel's Report  
signed June 10, 1985.

The above-named document was circulated to the  
Commission on WEDNESDAY, June 12 1985, 11:00.

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

Commissioner Aikens	<u>          X          </u>
Commissioner Elliott	<u>                          </u>
Commissioner Harris	<u>                          </u>
Commissioner McDonald	<u>                          </u>
Commissioner McGarry	<u>                          </u>
Commissioner Reiche	<u>                          </u>

This matter will be placed on the Executive Session  
agenda for TUESDAY, June 18, 1985.

86040595777



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
 FROM: Office of General Counsel *WJ*  
 DATE: June 11, 1985  
 SUBJECT: MUR 1860 - 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"/>
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Non-Sensitive	<input type="checkbox"/>		
Other	<input type="checkbox"/>		
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_____		_____	

86040593776

RECEIVED  
COMMISSION SECRETARY

In the Matter of )  
Citizens Committee for the )  
Right to Keep and Bear Arms; )  
Right to Keep and Bear Arms )  
Political Victory Fund; )  
Mark Challender, as treasurer )

85 JUN 11 P2:45  
MUR 1980

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On April 17, 1985, the Commission determined that there is reason to believe the Citizens Committee for the Right to Keep and Bear Arms ("CCRBA"), the Right to Keep and Bear Arms Political Victory Fund ("PVF"), and Mark Challender, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i) by soliciting contributions to the PVF from individuals who do not constitute members of CCRBA within the meaning of the Act. Notification of the Commission's finding was mailed to the respondents on April 24, 1985.

By letter dated May 7, 1985, the respondents requested a ten day extension of time in which to respond to the Commission's finding and interrogatories. The respondents were notified on May 15, 1985, that the requested extension had been granted. The respondents submitted their response to the interrogatories on May 23, 1985.

In response to the interrogatories issued by the Commission the respondents stated, inter alia, that no CCRBA funds had "ever been expended in support of PVF" and that "PVF fully funds all solicitations undertaken on its behalf." In view of these

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circumstances this office believes that before proceeding to the next stage of this investigation the Commission should seek to obtain information concerning the number of individuals solicited by PVF, the amount of contributions received by PVF from individuals who are considered members of CCRBA, and the cost of solicitations conducted by PVF. Accordingly, it is the recommendation of this office that the Commission approve the attached order to submit written answers.

**II. RECOMMENDATIONS**

1. Approve the attached letter and order to submit written answers issued to the Right to Keep and Bear Arms Political Victory Fund and Mark Challenger, as treasurer.

Charles N. Steele  
General Counsel

June 10, 1985  
Date

By:

Kenneth A. Gross  
Associate General Counsel

**Attachments**

- 1 - Proposed order and letter

86040393780

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Right to Keep and Bear Arms ) MUR 1860  
Political Victory Fund )  
Mark Challender, as treasurer )

ORDER TO SUBMIT WRITTEN ANSWERS

To: Right to Keep and Bear Arms Political Victory Fund, and  
Mark Challender, as treasurer

Pursuant to 2 U.S.C. § 437d(a)(1), and in furtherance of its  
investigation in the above-styled matter, the Federal Election  
Commission hereby orders you to submit written answers to the  
following questions:

1a. For each year from May 11, 1976, through the  
present state the number of individuals considered to  
be members of the Citizens Committee for the Right to  
Keep and Bear Arms who were solicited by the Right to  
Keep and Bear Arms Political Victory Fund ("PVF") for  
contributions to the PVF.

b. State the amount of contributions received each  
year by the PVF as a result of the solicitations  
described in 1a.

c. State the cost for each year of the solicitations  
described in 1a.

Such answers must be submitted under oath and must be  
forwarded to the Commission within 15 days of your receipt of  
this Order.

Attachment 1(1)

86040593781





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

J. Curtis Herge  
Sedam and Herge  
Suite 1100  
8300 Greensboro Drive  
McLean, Virginia 22102

Re: MUR 1860  
Right to Keep and Bear Arms  
Political Victory Fund;  
Mark Challenger, as treasurer

Dear Mr. Herge:

On April 24, 1985, you were notified that the Commission found reason to believe your clients, Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Mark Challenger, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i). Although the Commission acknowledges receipt of your clients' answers to interrogatories issued in the matter, it has been determined that additional information from your clients is necessary. Consequently, the Commission has issued the attached order which requires your clients to provide written answers within 15 days of receipt of this order. Such answers should be submitted under oath.

If you have any questions, please contact Maura White at 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Order

1(3)

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OFFICE OF THE  
GENERAL COUNSEL

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**SEDAM & HERGE**

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
SUITE 1000  
8300 GREENSBORO DRIVE  
MCLEAN, VIRGINIA 22108

(703) 821-1000

GLENN J. SEDAM, JR.  
J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
CHRISTOPHER S. MOFFITT  
GEORGE V. BIONDI  
PHILIP H. BANE  
DONNA LYNN MILLER

OF COUNSEL  
THOMAS J. FADOU, JR.

**SEDAM, HERGE & REED**

SUITE 1000  
1250 EYE STREET, N.W.  
WASHINGTON, D. C. 20005  
(202) 898-0200

CHARLES D. REED  
RESIDENT PARTNER  
JOHN D. HEFFNER

TELEX: 710-831-0896

CABLE: SEDAMHERG

May 20, 1985

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

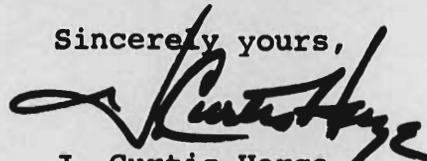
Attention of Maura White

RE: MUR 1860

Dear Mr. Gross:

In response to the letter from Chairman McGarry to me, dated April 24, 1985, there are enclosed herewith the answers to the questions which were enclosed with his letter.

Sincerely yours,

  
J. Curtis Herge

Enclosure

86040393784

STRATHMORE WRITING  
25% COTTON PAPER USA

Citizens Committee for the Right to Keep and Bear Arms (CCRKBA),  
Right to Bear Arms Political Victory Fund (PVF),  
and Mark Challenger, as Treasurer.

**ANSWERS TO INTERROGATORIES:**

1(a). None. PVF fully funds all solicitations undertaken on its behalf and PVF has always fully funded such solicitations. No CCRKBA funds have ever been expended in support of PVF.

(b). None.

(c). None. All costs of solicitation are borne exclusively by PVF and are regularly reported by PVF in its periodic filings with the FEC.

2. An individual need not "affirmatively state" that he "wishes to become a member of CCRBA before being considered a member." An individual must, however, as explained in detail in Mr. Herge's letter to you of January 22, 1985, make an affirmative decision and take an affirmative act to become a member. That requirement is detailed in Article IV, Section One, of the corporate by-laws.

3(a). In those few cases where a donor who submits the referenced form also includes a check in the amount of membership dues, those individuals whose names are submitted by a donor are subsequently considered to be members of CCRKBA. Those people whose names have been submitted by a donor together with membership dues, however, are then immediately mailed a letter informing them of their gift membership. The opportunity for them to revoke the gratuitous membership is thereby presented. A true and correct copy of the aforementioned letter is attached as Exhibit A.

In the vast majority of instances, however, the referenced form is returned with either:

(1) Only a name, address, and a notation to send information to an individual whom the donor thinks would be interested in CCRKBA. Those persons are not considered to be members of CCRKBA unless and until they complete the requirements for membership outlined in answer two, supra; or

(2) the donor's own name and address together with a check for membership dues. Those people are considered to be members of CCRKBA.

(b). PVF solicits only CCRKBA members who have contributed at least fifty dollars at one time to CCRKBA and who have completed the requirements for membership as outlined in question number two, supra. Perfectly accurate records of every one of the referenced forms ever received are not available; in light of the demographic composition of CCRKBA's membership, the comparatively small amount of

(8) The right to support PVF.

Members are informed of these opportunities by mail, telephone, television, or by CCRKBA periodicals and other publications.

5(a). CCRKBA members have not been presented with the opportunity to elect corporate officials nor, therefore, to cast a binding vote in CCRKBA affairs.

(b). CCRKBA members upon request are sent a copy of CCRKBA's latest audited financial statements. Comments, questions, and suggestions are responded to and analyzed for possible implementation. In addition, members comments and suggestions for improvement in CCRKBA's expenditure process are always welcomed and responded to.

(c) and (d). CCRKBA members are often given the opportunity to become involved in CCRKBA operations and to make their voices heard. CCRKBA periodicals, direct mail pieces, and other publications regularly solicit member input with respect to projects, programs, and other areas of involvement.

With respect to questions numbered 5(b),(c), and (d), the opportunity has been presented through CCRKBA's various written materials or by telephone on a regular basis since the inception of CCRKBA. The opportunity was presented to the full membership the number of which has increased from only a few thousand to several hundred thousand over the years.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: May 17, 1985

*Alan M. Gottlieb*

Alan M. Gottlieb  
Chairman, Citizens Committee  
for the Right to Keep and  
Bear Arms

Bellevue, Washington

SUBSCRIBED and SWORN to before me this 17th day of May, 1985.

*Carol S. Lewis*

NOTARY PUBLIC in and for the  
State of Washington, residing  
at  
MERCER ISLAND

86040596780



# Citizens Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

Alan M. Gottlieb  
Chairman

Michael Kenyon  
Executive Director

John M. Snyder  
Director of Public Affairs

Robert Kukla  
Legislative Director

January 18, 1985

"... the right of the people to keep and bear Arms, shall not be infringed."

## National Advisory Council

(partial listing)

### Congressional Advisers

- Sen. James Abdnor (R-SD)
- Rep. Donald J. Albosta (D-MI)
- Rep. Bill Alexander (D-AR)
- Sen. Mark Andrews (R-ND)
- Rep. Robert E. Badham (R-CA)
- Rep. Steve Bartlett (R-TX)
- Sen. Max Baucus (D-MT)
- Rep. Tom Bevill (D-AL)
- Rep. Michael Billirakis (R-FL)
- Rep. Marilyn Lloyd Bouquard (D-TN)
- Rep. John Breaux (D-LA)
- Rep. James T. Broyhill (R-NC)
- Rep. Beverly B. Byron (D-MD)
- Rep. Carroll A. Campbell, Jr. (R-SC)
- Rep. Bill Chappell (D-FL)
- Rep. Richard B. "Dick" Cheney (R-WY)
- Sen. Thad Cochran (R-MS)
- Rep. Barber Conable (R-NY)
- Rep. Larry Craig (R-ID)
- Rep. Daniel B. Crane (R-IL)
- Rep. Phillip M. Crane (R-IL)
- Rep. Dan Daniel (D-VA)
- Rep. Eligio de la Garza (D-TX)
- Sen. Jeremiah Denton (R-AL)
- Rep. William L. Dickinson (R-AL)
- Sen. Robert Dole (R-KS)
- Rep. David Dreier (R-CA)
- Rep. John J. Duncan (RTN)
- Rep. Roy Dyson (D-MD)
- Rep. M.H. "Mickey" Edwards (D-OK)
- Rep. Glenn English (D-OK)
- Rep. Jack Fields (R-TX)
- Rep. Hamilton Fish, Jr. (R-NY)
- Rep. James J. Florio (D-NJ)
- Rep. Don Fuqua (D-FL)
- Rep. Joseph M. Gaydos (D-PA)
- Rep. Benjamin A. Gilman (R-NY)
- Rep. William F. Goodling (R-PA)
- Rep. Phil Gramm (R-TX)
- Sen. Charles E. Grassley (R-IA)
- Rep. John Paul Hammerschmidt (R-AR)
- Rep. George Hansen (R-ID)
- Sen. Orrin G. Hatch (R-UT)
- Sen. John Heinz, III (R-PA)
- Sen. Jesse Helms (R-NC)
- Rep. Elwood H. Hillis (R-IN)
- Rep. Larry Hopkins (R-IN)
- Rep. Carroll Hubbard, Jr. (D-KY)
- Rep. Jerry Huckaby (D-LA)
- Sen. Gordon J. Humphrey (R-NH)
- Rep. Andy Ireland (D-FL)
- Sen. Roger W. Jepsen (R-LA)
- Rep. Walter B. Jones (D-NC)
- Rep. John R. Kasich (R-OH)
- Sen. Robert W. Kasten (R-WI)
- Rep. Jack Kemp (R-NY)
- Rep. Thomas N. Kindness (R-OH)
- Rep. Ken Kramer (R-CO)
- Rep. Robert J. Lagomarsino (R-CA)
- Rep. Delbert L. Latta (R-OH)
- Sen. Paul Laxalt (R-NV)
- Rep. Marvin Leath (D-TX)
- Rep. Robert L. Livingston (R-LA)
- Rep. Tom Loeffler (R-TX)
- Rep. Trent Lott (R-MS)
- Rep. Bill Lowery (R-CA)
- Rep. Manuel Lujan, Jr. (R-NM)
- Rep. Dan Marriott (R-UT)
- Sen. Mack Mattingly (R-GA)
- Rep. Robert H. Michel (R-IL)

Continued on reverse side

TP TF TTPs  
TA  
TC Tz

Dear TP TL,

This is to inform you that (gift givers name) has taken out a one year membership in your name in the Citizens Committee for the Right to Keep and Bear Arms.

As you may know, the Citizens Committee is a National grassroots lobbying organization dedicated to the defense of the Second Amendment Rights of all law-abiding Americans. The Citizens Committee maintains its National Headquarters in Bellevue, Washington, and has a lobby staff and offices in Washington, D.C.

Currently, the Citizens Committee for the Right to Keep and Bear Arms is composed of approximately 600,000 members and supporters across America including over 160 members of Congress. We are working hard to defend your rights in a number of ways.

You will start receiving our monthly newsletter POINT BLANK in the mail as well as other benefits such as discounts on bumper stickers, decals, etc. When ever possible we will try and keep you informed of legislation and activities concerning gun controll in your state and nationwide.

Please find enclosed some brochures for your information. If we can be of any assistance, please do not hesitate to contact us.

Sincerely,

*Exhibit A*

Kate Hansen  
Projects Coordinator

KH:jv

Enclosures

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RECEIVED AT THE

8 6 0 4 0 5 9 3 7 8 0

85 MAY 23 P12: 44



**SEDAM & HERGE**

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

SUITE 1100

8300 GREENSBORO DRIVE  
MCLEAN, VIRGINIA 22108

**TO:**

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

Attention: Maura White  
**FIRST CLASS MAIL**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 15, 1985

J. Curtis Herge, Esquire  
Sedam and Herge  
Suite 1100  
8300 Greensboro Drive  
McLean, Virginia 22102

Re: MUR 1860  
Citizens Committee for the  
Right to Keep and Bear Arms;  
Right to Keep and Bear Arms  
Political Victory Fund; Mark  
Challender, as treasurer

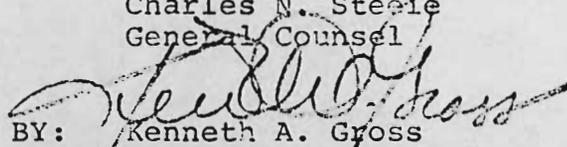
Dear Mr. Herge:

This is in response to your letter dated May 7, 1985, in which you request a ten day extension of time to respond to the interrogatories issued to your clients, the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and Mark Challender, as treasurer. I have reviewed your request and agree to the requested extension. The response of your clients is due, therefore, on May 24, 1985.

If you have any questions please contact Maura White, the staff member assigned to this matter, at 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

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RECEIVED BY THE FEC

BCC #7412

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White

**SEDAM & HERGE**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1000

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22108

(703) 821-0000

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(202) 698-0200

CHARLES D. REED

RESIDENT PARTNER

JOHN D. HEFFNER

TELEX: 710-831-0896

CABLE: SEDAMHERG

GLENN J. SEDAM, JR.  
J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
CHRISTOPHER S. MOFFITT  
GEORGE V. BIONDI  
PHILIP H. BANE  
DONNA LYNN MILLER

OF COUNSEL

THOMAS J. FADOU, JR.

May 7, 1985

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

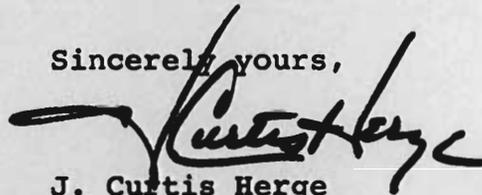
Attention of Maura White

RE: MUR 1860

Dear Mr. Gross:

In response to the letter from Chairman McGarry to me, dated April 24, 1985, I have consulted with our clients, Citizens Committee for the Right to Keep and Bear Arms and the Right to Keep and Bear Arms Political Victory Fund, about the length of time required to compile answers to the interrogatories posed by the Commission. I am advised that, in light of the detail requested for each year from May 11, 1976, it is reasonable to expect that the answers could be available for submission by May 24, 1985. For that reason, we request an extension until May 24, 1985 within which to respond.

Sincerely yours,



J. Curtis Herge

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p. 2: 49

# SEDAM & HERGE

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1100

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

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

85 MAY 8

11:58



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 24, 1985

J. Curtis Herge, Esquire  
Sedam and Herge  
Suite 1100  
8300 Greensboro Drive  
McLean, Virginia 22102

Re: MUR 1860  
Citizens Committee for the Right  
to Keep and Bear Arms; Right to  
Keep and Bear Arms Political Victory  
Fund; Mark Challenger, as treasurer

Dear Mr. Herge:

The Federal Election Commission notified you on January 11, 1985, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") by your clients, Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Mark Challenger, as treasurer. A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission determined on April 17, 1985, that there is reason to believe your clients violated 2 U.S.C. § 441b(b)(4)(A)(i). Specifically, it appears that from May 11, 1976, through the present your clients have solicited contributions to the PVF from individuals who do not constitute members of CCRBA within the meaning of the Act. From the information provided in your response to the complaint it appears that those individuals who CCRBA considers to be its members do not have sufficient rights vis-a-vis the corporation, CCRBA, to constitute "members" under the Act, and that other persons considered by CCRBA to be its members may not have taken an affirmative step to become a member of CCRBA.

Your clients' response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within 15 days of your receipt

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Letter to J. Curtis Herge  
Page 2

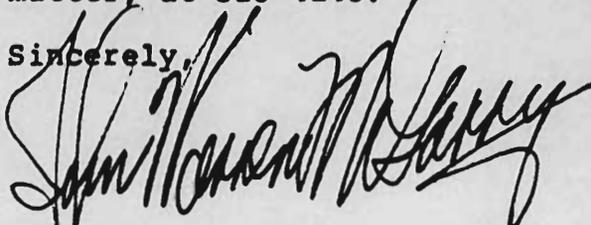
of this letter. Statements should be submitted under oath.

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

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

If you have any questions, please contact Maura White, the staff member assigned to this matter, at 523-4143.

Sincerely,



John Warren McGarry  
Chairman

Enclosures  
Procedures  
Interrogatories

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1860
Citizens Committee for the Right	)	
to Keep and Bear Arms	)	
Right to Keep and Bear Arms	)	
Political Victory Fund	)	
Mark Challenger, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 17, 1985, the Commission decided by a vote of 5-1 to take the following actions in MUR 1860:

1. Find reason to believe the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and Mark Challenger, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i).
2. Approve the letter and interrogatories attached to the General Counsel's Report signed April 11, 1985.

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

Attest:

4-17-85  
Date

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

Received in Office of Commission Secretary:	4-12-85, 12:34
Circulated on 48 hour tally basis:	4-15-85, 11:00

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FEDERAL ELECTION COMMISSION  
 WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
 FROM: Office of General Counsel *W*  
 DATE: April 12, 1985  
 SUBJECT: MUR 1860 - 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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**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

In the Matter of )  
 )  
Citizens Committee for the Right )  
to Keep and Bear Arms; )  
Right to Keep and Bear Arms )  
Political Victory Fund; Mark )  
Challender, as treasurer )

MUR 1860

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GENERAL COUNSEL'S REPORT

I. Background

On January 7, 1985, Charles Orasin, the Executive Vice-President of Handgun Control, Inc., filed a complaint against the Right to Keep and Bear Arms Political Victory Fund ("PVF"), Mark Challender, as treasurer, and the Citizens Committee for the Right to Keep and Bear Arms ("CCRBA").<sup>1/</sup> The complainant alleges that the PVF and CCRBA have solicited individuals for contributions to the PVF who are not "members" of CCRBA within the meaning of the Act, in violation of 2 U.S.C. § 441b(b)(4).

The complaint states that the PVF is a corporate political action committee which has identified CCRBA, a corporation without capital stock, as its connected organization. The complainant states that the definition of the term "member" (11 C.F.R. § 114.1(e)) has been "interpreted by the Commission to require that a person can only be considered a 'member' of a corporation without capital stock if, inter alia, the membership

<sup>1/</sup> The complaint was originally filed on December 5, 1984. Notification of the complaint was mailed to the respondents on December 12, 1984. Due to a defect in the notarization of the complaint, the complainant resubmitted the complaint on January 7, 1985. Notification of the resubmission of the complaint was mailed to the respondents on January 11, 1985, affording them an additional 15 days to respond.

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relationship is evidenced by the existence of rights and obligations vis-a-vis the corporation."2/ See MUR 1604.

According to the complainant, any qualified individual may become a "member" of CCRBA by completing a membership form and paying annual dues of \$15.3/ The complainant contends, however, that "[a]ll corporate power ... is held by the Board of Directors and nothing in the By-Laws requires Directors to be 'members'."4/ According to the complainant, the "Chairman of the Board of Directors is the senior officer of the corporation, and determines the policy and general supervision of the affairs

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2/ The complainant further states:

The other indicia of 'membership' required by the Commission which are not relevant to this complaint, and are admitted for the purposes hereof, are that prospective members must knowingly take some affirmative steps to become a member of the organization and pay a predetermined minimum amount for dues or contributions.

3/ This Office notes that these requirements are set forth in Article IV, Section 1 of CCRBA's By-Laws which were appended to the complaint. As discussed infra, Article IV, Section 1 of CCRBA's By-Laws was subsequently amended and now states that an individual may become a member of CCRBA "upon completion of a membership form and the payment of annual dues of \$15.00, five year dues of \$50, or life membership dues of \$150.00 to the national office." See Attachment 1.

4/ Article V, Section 1 of CCRBA's Articles of Incorporation state that the "management of the corporation shall be vested in a board of no less than three (3) trustees." Article VI of the Articles of Incorporation state that the "authority to make, alter, amend or repeal By-Laws is vested in the Board of Trustees, and may be exercised at any regular or special meeting of the Board." Article V, Section 1 of CCRBA's By-Laws state that "[a]ll powers of the Corporation shall be exercised by the Board of Directors who may delegate to officers and to committees established by them such powers as they may see fit in addition to such powers as are prescribed in these By-Laws."

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of the Committee subject to the direction of the Board of Directors."<sup>5/</sup> Moreover, the Chairman "also may refuse to accept an application for membership from or suspend membership of any individual who, among other things, engages in activities which are contrary to the interests" of CCRBA. See Article IV, Section 2 of CCRBA's By-Laws.

The complainant further alleges that "members" of CCRBA "do not have an opportunity to participate in the direction, operations and policies" of the CCRBA. The complainant supports its allegations by stating that the By-Laws "do not provide for meetings of members, nor do they generally afford members corporate powers, including the right to vote for directors of the [CCRBA]<sup>6/</sup>, the authority to elect officers, control over policy or general supervision of [CCRBA] or any right to amend the By-Laws." It is the complainant's contention that "members" of CCRBA "have no corporate rights or obligations whatsoever under the By-Laws of [CCRBA], and therefore [CCRBA] has no

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<sup>5/</sup> According to Article VII of CCRBA's By-Laws, the Chairman shall appoint the chairman of all standing committees, approved by the Board of Directors, from inside or outside the Board of Directors, and shall appoint all members of all standing committees from inside or outside the Board of Directors.

<sup>6/</sup> Article V, Section 3 of CCRBA's By-Laws state that the Directors shall be elected by a majority vote of members of the Board present and voting at a regularly scheduled Biennial Meeting for such a purpose." Article V, Section 6 of the By-Laws further states that any vacancies occurring on the Board of Directors may be filled by a majority vote of the Directors then in office.

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'members' as that term is defined in 11 C.F.R. Section 114.1(e) and interpreted by the Commission." In conclusion, the complainant argues that the PVF and CCRBA have improperly solicited individuals from 1975 through at least the end of 1983, and the Year-End Reports filed by the PVF "for these years indicate that more than \$382,500 has been contributed by individuals" to the CCRBA which "did not come exclusively from executive and administrative personnel and their families."<sup>7/</sup>

On January 23, 1985, the respondents submitted their response to the allegations in the complaint (Attachment 1). It is the position of the respondents that "the individuals who have been solicited to contribute to the [PVF] are 'members' of the [CCRBA], as that term is employed in the Federal Election Campaign Act and as it has been interpreted by the United States Supreme Court and the Federal Election Commission." The response states that in Federal Election Commission v. National Right to

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<sup>7/</sup> On November 20, 1978, the National Council to Control Handguns, Inc. (now known as Handgun Control, Inc., the complainant in the instant matter) filed a complaint against the PVF alleging, inter alia, that the PVF solicited contributions "from persons not members of [PVF or CCRBA] by means of a mailing" which went to the general public, in violation of 2 U.S.C. § 441b. See MUR 856. The Commission's resulting investigation focused upon PVF's solicitation of the general public for contributions. In response to the complaint, CCRBA and PVF maintained that the PVF was not the separate segregated fund of the CCRBA. Based upon evidence obtained it was the view of this office that CCRBA was the connected organization of the PVF. MUR 856 was concluded through a conciliation agreement, executed on September 30, 1980, wherein the pertinent facts include the statement that the PVF is the separate segregated fund of the CCRBA, and the PVF admitted that it "violated 2 U.S.C. § 441b(b)(4)(C) and 11 C.F.R. § 114.7(a) by soliciting contributions outside the membership" of the CCRBA. In addition, the PVF paid a \$25,000 civil penalty.

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Work Committee, 459 U.S. 197 (1982) ("PEC v. NRNC"), the Court "held that the meaning of the word 'member' should be primarily determined with reference to the laws of the state of incorporation of the corporation and its articles of incorporation and by-laws." CCRBA enclosed with its response an amendment to Section 1 of Article IV of its Articles of Incorporation, as well as amendments to Sections 1, 2, and 3 of Article III, and Section 1 of Article IV of its By-Laws.<sup>8/</sup>

CCRBA describes itself as a "non-profit corporation, organized and existing under and by virtue of Chapter 24.03 of the Revised Code of Washington." The PVF, in turn, describes itself as "an unincorporated political committee, which was organized on or about November 7, 1973." The respondents further state that in MUR 856, wherein the Commission determined that the PVF is the separate segregated fund of CCRBA, "all issues relevant to the solicitation of contributions to the [PVF] during the years prior to December 31, 1979, were resolved." The respondents submit, therefore, that "the finding by the Commission in MUR 856 that the [CCRBA] is, in fact, a membership organization for the purposes of 2 U.S.C. § 441b(b)(4)(C) should be dispositive of this matter."

With respect to CCRBA's Articles of Incorporation, the respondents note that CCRBA is defined in Article IV, Section 2

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<sup>8/</sup> The amendments supplied by the respondents are undated. The respondents note that the amendments were not supplied by the complainant.

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as being a "voluntary membership corporation" and that this "provision is consistent with the requirements of Section 24.03.065 of the Revised Code of Washington."<sup>9/</sup> The respondents emphasize that in FEC v. NRWC, 459 U.S. 197 (1982), the Articles of Incorporation of NRWC provided that the corporation had no members, whereas CCRBA "clearly was intended to be and is a membership organization." In addition, the respondents claim that the requirement of membership in CCRBA are clearly stated in Article IV, Section 1 of CCRBA's By-Laws <sup>10/</sup>, and conclude that the foregoing provision "as well as the other provisions of

<sup>9/</sup> The respondents state that this provision provides as follows:

**"Members.** A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the by-laws. If the corporation has no members, that fact shall be set forth in the articles of incorporation or the by-laws. A corporation may issue certificates evidencing membership therein."

<sup>10/</sup> Article IV, Section 1 of the By-Laws supplied by the respondents states:

Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five years dues of \$50.00 or life membership dues of \$150.00 to the national office.

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Article IV" of CCRBA's By-Laws relating to membership "are consistent with Washington law."<sup>11/</sup> In addition, the respondents argue that "[e]ach member of a Washington membership corporation is entitled to one vote on each matter submitted to a vote of members unless the right is expressly limited, enlarged or denied in the articles of incorporation or the by-laws of the corporation," and that "[b]ecause the rights of members to vote was not limited, enlarged, or denied in the Articles of Incorporation or By-Laws of [CCRBA], the members of [CCRBA] have the right to vote."

The respondents reply continues on to state that CCRBA "is active in the solicitation of individuals to become members" of CCRBA. CCRBA supplied a "reproduction of an advertisement used

11/ The respondents further argue that:

In Rodruck v. Sand Point Maintenance Com., 48 Wn. 2d 565, 295 P. 2d 714 (1956), it was held that the by-laws of a Washington membership corporation, in effect, constitute a contract between the corporation and its members. In addition, in Allen v. Office Emp. Intl. Union, 53 Wn. 2d 1, 329 P. 2d 205 (1958), it was held that a member of a voluntary association may be expelled only on grounds contained in the constitution and by-laws of the association. In Section 24.06.005 of the Revised Code of Washington, it provides that the term 'Member' means 'one having membership rights in a corporation in accordance with provisions of its articles of incorporation or by-laws.' As a consequence, under the laws of the State of Washington, the Committee is a membership corporation and any individual who complies with the requirements of membership in Section 1 of Article IV of its By-Laws is a member of the Committee.

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to solicit membership" and claims that "individuals who respond to the advertisement must make an affirmative decision, and take an affirmative act, to join [CCRBA] as a member."<sup>12/</sup> In addition, CCRBA enclosed a copy of CCRBA's "standard reply to those who inquire about becoming members" of CCRBA, and states "[i]t will be observed that the letter explains how one becomes a member and it briefly describes some of the benefits of membership."<sup>13/</sup> Samples of CCRBA's "annual dues statements and reminder notices which are mailed to existing members" of CCRBA were also appended to the respondents' reply. The respondents emphasize that "[e]ach statement is personalized and bears the

<sup>12/</sup> The reply portion of the solicitation supplied by CCRBA states "Yes! I'll join. My Membership fee is enclosed which entitles me to a subscription to POINT BLANK, the Committee's monthly newsletter and all other services." The reply form then provides for four types of membership: Annual (\$15); Five Year (\$50); Life (\$150); Patron (\$1,000).

<sup>13/</sup> The letter states, in part:

We have three membership plans; our one year for \$15.00, our five year for \$50.00, and our life membership for \$150.00, which may be made on our Conditional Life membership program. This means you must make three payments of \$50.00, each in one calendar year. Members receive our monthly newsletter POINT BLANK and other benefits, such as discounts on bumper stickers, decals, etc. Whenever possible we try to keep our members informed of legislation going on in their state.

CCRBA notes that attached to this letter is a "business reply envelope, which permits individuals to decide between just contributing to [CCRBA] and becoming a dues paying member of [CCRBA]."

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individual's membership number." Moreover, individuals "who elect to become members of [CCRBA] and who pay their dues are then issued a membership card.... [which] is inscribed with the member's name and membership number and it bears the statement that the named individual 'is recognized as an official member in good standing and is entitled to all membership benefits and privileges'."<sup>14/</sup>

Individuals who become members of CCRBA enjoy "special benefits and privileges," according to the respondents. The benefits and privileges identified by the respondents include the following: (1) members receive the official monthly periodical of CCRBA, POINT BLANK, at no charge; (2) members receive topical publications produced by CCRBA, some of which address issues or events of particular interest in the member's particular geographic area or state; (3) free advice and assistance concerning firearms and training, acquisition of firearms licenses and permits, organization of gun clubs, implementation of grassroots lobbying plans and other matters; (4) provision of free books, pamphlets, audio and video tapes, filmstrips and other pro-gun materials for use and distribution at various

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<sup>14/</sup> Two 1984 Voluntary Membership Dues Statements supplied by the respondents contain a suggested amount for dues. Reminder letters are addressed to "Dear CCRKBA Supporter" and refer to membership dues and membership cards. One reminder letter from the Chairman of CCRBA states "In order for me to go ahead with the final inscription on your 1984 CCRKBA Membership Card, I must receive your voluntary renewal payment," and "I wish I could just automatically issue a 1984 [CCRBA] Membership Card to you because of the past generous support you have given [CCRBA]." This reminder letter also states that the CCRBA 1983 Annual Report is enclosed.

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forums; (5) use of a toll free number to request the foregoing and other assistance from the national office; (6) special prices on various artifacts (e.g. key rings and mugs); (7) general assistance, "such as the recommendation of attorneys experienced with the laws relating to guns," and the preparation of testimony for members to deliver at municipal and legislative hearings; and, (8) the right to support the PVF. The respondents conclude that the above benefits and privileges "evidence the significant organizational attachment which exists between members of [CCRBA] and [CCRBA]."

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"Several of the indicia of membership which were considered determinative" in AO 1977-67 and in FEC v. NRWC, 103 U.S. 197 (1982), are present in the instant case, according to the respondents. The respondents insist that the requirements for membership set forth by the Commission and the Court in the above matters exist within the CCRBA organization. The respondents support their argument by emphasizing that the Articles of Incorporation and By-Laws "state that the payment of dues, as fixed in the By-laws, is a condition of membership," and that "an individual must make an affirmative decision and take an affirmative action to become a member."<sup>15/</sup> Thus, in the respondents' view the obligation of CCRBA "members" to pay minimum dues "should be considered to be the 'significant

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<sup>15/</sup> The respondents contend that the exhibits submitted with their response "show clearly that [CCRBA] draws a distinction between financial support and payment of dues."

financial ... attachment required to be a "member" under § 441b(b)(4)(C)', " which was noted by the Court. The respondents further claim that the requisite "enduring ... organizational attachment" discussed by the Court in FEC v. NRWC, 459 U.S. 197 (1982), also exists between members of CCRBA and the CCRBA itself. The respondents argue that this attachment is specifically evidenced by a membership card issued to each member, and a subscription to CCRBA's official journal, as well as other "privileges" discussed above.

Finally, the respondents claim that the structure of CCRBA's organization "provides all members of [CCRBA] with certain rights vis-a-vis [CCRBA]," and argue that the right to vote "was only one type of right vis-a-vis the corporation" noted in FEC v. NRWC, 459 U.S. 197 (1982). In conclusion, the respondents state their belief that CCRBA's organization provides all its members with sufficient rights, obligations, and privileges to claim the membership exemption of 2 U.S.C. § 441b(b)(4)(C)."

## II. Legal Analysis

### (a) The applicable law

Pursuant to 2 U.S.C. § 441b(b)(4)(A)(i), a corporation or a separate segregated fund established by a corporation, may only solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families. An exemption from this restriction is set forth at 2 U.S.C. § 441b(b)(4)(C), whereby a corporation without capital stock, or a separate segregated fund established by a corporation without capital stock, may solicit contributions to

the fund from members of the corporation without capital stock. The term "member" is defined at 11 C.F.R. § 114.1(e) (formerly § 114.7(a)) to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund. Id.

(b) Application of the law to the facts

In addition to its regulation defining "member," the Commission has, through the advisory opinion process, elaborated on the factors that will support an organization's claim to the membership exception of 2 U.S.C. § 441b(b)(4)(C). In Advisory Opinion 1977-67 the Commission wrote that 2 U.S.C. § 441b(b)(4)(C) and 11 C.F.R. § 114.1(e) assume that "there are, in fact, requirements for membership in the organization." The Commission concluded that "a person can only be considered a member of an organization if he or she knowingly has taken some affirmative steps to become a member of the organization."<sup>16/</sup> The Commission elaborated further by stating that "the solicitation of political contributions from members of an organization derive from the special relationship that the organization has to its members (see the remarks of Representative Hansen, 117 Cong. Rec. 43380) and accordingly, the membership relationship must be

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<sup>16/</sup> In AO 1977-67 the Commission noted that certain of the requestor's solicitation materials asked for a financial contribution and the solicitees' support on specific issues, but did not mention the procedures whereby an individual would become a member in the organization.

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evidenced by the existence of rights and obligations vis-a-vis the corporation" (emphasis added). The Commission also considered the existence of a "predetermined minimum amount for dues or contributions" as a prerequisite to claiming the membership exception under 2 U.S.C. § 441b(b)(4)(C). See AO 1977-67.17/

The Supreme Court in FEC v. NRWC, 459 U.S. 197 (1982), considered the definition of "member" as it is used in the Act and the Commission's regulations concerning the solicitation of contributions to the separate segregated fund of a corporation without capital stock. The Court concluded that "some relatively enduring and independently significant financial or organizational attachment is required to be a 'member' under § 441b(b)(4)(C)." FEC v. NRWC, 459 U.S. 197 at 204.18/ In

17/ The district court in FEC v. NRWC, 501 F. Supp. 422, 434 (D.D.C. 1980), considered the "obligation to contribute regularly" to be a "basic criteria of membership" in an organization.

18/ The Court reached this conclusion after reviewing the legislative history of § 441b(b)(4)(C). The opinion of the Court stated that the entire legislative history of the subsection appeared to be the floor statement of Senator Allen who explained the purpose of the amendment with this language:

Mr. President, all this amendment does is to cure an omission in the bill. It would allow corporations that do not have stock but have a membership organization, such as a cooperative or other corporation without capital stock and, hence, without stockholders, to set up separate segregated political funds as to which it can solicit contributions from its membership; since it does not have any stockholders to solicit, it should be allowed to solicit its members.

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addition, the Court recognized certain other indicia of membership. The fact that: the solicitation letters made "no reference to members"; members played "no part in the operation or administration of the corporation"; members did not elect corporate officials; there were no membership meetings; and, there was no indication that the asserted members exercised any control over the expenditure of their contribution caused the Court to decide that "those solicited were insufficiently attached to the corporate structure of NRWC to qualify as 'members'" under 2 U.S.C. § 441b(b) (4) (C).<sup>19/</sup> FEC v. NRWC, 459 U.S. at 206.

The issue involved herein is whether CCRBA and PVF have solicited contributions to PVF from individuals who do not constitute "members" of CCRBA within the meaning of the Act.<sup>20/</sup>

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cont'd 18/

That is all that amendment provides. It does cover an omission in the bill that I believe all agree should be filled. Id. at 204.

According to the Court, "[t]his statement suggests that 'members' of nonstock corporations were to be defined, at least in part, by analogy to stockholders of business corporations and members of labor unions." Id. at 204.

<sup>19/</sup> Another circumstance affecting the Court's decision was that the corporation's "articles of incorporation and other publicly filed documents explicitly disclaimed the existence of members." FEC v. NRWC, 459 U.S. at 206. CCRBA's By-laws provide for members, as discussed above.

<sup>20/</sup> The Office of the General Counsel does not share the respondents' view that "all issues relevant to the solicitation of contributions to [PVF] during the years prior to December 31, 1979, were resolved" in MUR 856. As discussed in footnote 7 supra, MUR 856 focused only upon the solicitation of the general public for contributions to PVF and not upon whether those deemed to be CRRBA's members were in fact "members" under the Act.

It is specifically alleged that those individuals who CCRBA considers to be its members, but who do not have any "corporate rights or obligations whatsoever," have been improperly solicited for contributions to PVF since 1975.

Applying the above factors and indicia of membership to the facts of the instant case, it is the view of the Office of the General Counsel that CCRBA and PVF have solicited individuals who do not constitute "members" of CCRBA within the meaning of the Act. Several facts in this matter are common to those considered determinative in AO 1977-67 and FEC v. NRWC, 459 U.S. 197 (1982).

Based upon the evidence in hand all members of CCRBA appear to be required to pay dues as a condition of membership in CCRBA.<sup>21/</sup> The respondents maintain that the requirements of membership are stated in Article IV, Section 1 of CCRBA's By-Laws. Indeed, this provision of the By-Laws makes membership contingent upon the completion of a membership form and payment of annual dues of \$15. See footnote 3 supra. Such a requirement for membership in CCRBA seems to conform to the Commission's requirement in AO 1977-67 that a predetermined

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<sup>21/</sup> Although CCRBA's By-Laws appended to the complaint were undated, they accompanied the Articles of Incorporation of CCRBA which were filed on January 30, 1974. Moreover, the complainant admits that members of CCRBA "pay a predetermined minimum amount for dues or contributions."

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minimum amount for dues exist before the membership exception of § 441b(b)(4)(C) can properly be claimed. Thus, the apparent obligation of CCRBA "members" to pay minimum dues on an annual basis should be considered to be the "significant financial ... attachment" required to be a "member" under § 441b(b)(4)(C). See FEC v. NRWC, 459 U.S. at 204.

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The requisite "enduring ... organizational attachment" (see FEC v. NRWC, 459 U.S. at 204) between purported members of CCRBA and CCRBA itself appears, however, to be lacking in the instant case, in the view of this Office. The record in this matter does not evidence the existence of any members' rights vis-a-vis the corporation, CCRBA. See AO 1977-67. Those individuals who CCRBA deems to be its members do not appear to have any right to participate in the direction, policy, or management of CCRBA. It is the Chairman of CCRBA that determines the policy and has general supervision of the affairs of CCRBA subject to the direction of the Board of Directors. See Article VI, Section 3 of CCRBA's By-Laws. Furthermore, the Board of Directors seems to be self-perpetuating<sup>22/</sup>, and the purported members do not have an opportunity to express their views to CCRBA by electing corporate officials or by exercising control over the expenditure of the contributions. See FEC v. NRWC, 459 U.S. 197 (1982). Although the respondents claim that under Washington State law

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<sup>22/</sup> Article V, Section 3 of CCRBA's By-Laws state that the "Directors shall be elected by a majority vote of members of the Board present and voting at a regularly scheduled Biennial Meeting for such a purpose."

each member of a membership corporation in Washington State is entitled to one vote on each matter "submitted to a vote of members," there is no evidence that members have ever been afforded an opportunity to vote on any matter involving CCRBA.<sup>23/</sup> Indeed, CCRBA's formal corporate documents do not provide its members with the opportunity to vote, or to attend membership meetings which is another indicia of membership recognized by the Court in FEC v. NRWC, 459 U.S. at 206, and lacking within the CCRBA organization. Although the respondents enumerate several "privileges" of membership in CCRBA, including receipt of CCRBA's "official periodical" and the issuance of a membership card, it is the view of this Office that the above privileges are only one component of the necessary ingredients for membership under 2 U.S.C. § 441b(b)(4)(C).

A final consideration involves whether those individuals considered by CCRBA to be its members "knowingly" have taken "some affirmative steps" to become a member of CCRBA. See AO 1977-67. A review of CCRBA's solicitation letters and forms supplied by the respondents reveal that they refer to membership

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<sup>23/</sup> Although in MUR 1765 it was determined that the majority of the members of the National Rifle Association of America ("NRA") did not have a right to a vote in NRA, the Commission determined that the members had sufficient other rights, obligations, and privileges to claim the membership exception of 2 U.S.C. § 441b(b)(4)(C). Among other things, the non-voting members of the NRA: may hold membership on any committee of the NRA which considers and recommends policies to the NRA Board of Directors; may attend all meetings of the NRA Board of Directors and other committees; have the privilege of attending and being heard at all official meetings of members; and, have the right to circulate and submit petitions for nominating directors. In the instant matter, CCRBA's By-Laws permit the Chairman to appoint all members of all standing committees from outside the Board of Directors, but at this time the extent of their influence or authority is not known nor is whether these committees have ever been appointed.

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in CCRBA (see FEC v. NRWC, 459 U.S. at 206). However, although the respondents insist that an individual "must take an affirmative act to become a member" of CCRBA, and CCRBA's By-laws predicate membership upon "completion of a membership form," the inclusion of a return form in POINT BLANK, CCRBA's official periodical, raises a question in this Office's view as to whether all members of CCRBA took affirmative steps themselves to become members of CCRBA (see Attachment 1). The return form contains the language "Why not help [CCRBA] to continue to grow in size and strength by signing up at least one additional member today by using the handy form below".<sup>24/</sup> This language seems to suggest that members of CCRBA may sign up other individuals as members of CCRBA without those individuals' knowledge or consent.

Based upon the foregoing, it is this Office's belief that the structure of CCRBA's organization does not provide its purported members with sufficient rights vis-a-vis CCRBA to claim the membership exemption of 2 U.S.C. § 441b(b)(4)(C). Although the Court in FEC v. NRWC, 459 U.S. 197 (1982), did not dictate the requirements for membership in a corporation without capital stock, several of the indicia of membership noted by the Court are lacking in the instant matter. Accordingly, it is the recommendation of this Office that the Commission find reason to

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<sup>24/</sup> The form provides for the payment of either Annual (\$15) or Life (\$150) membership dues by the donor on behalf of the individual who is being signed as a member.

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believe CCRBA, PVF, and Mark Challender, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i) from May 11, 1976, to the present 25/ by soliciting contributions to PVF from individuals who CCRBA considers to be its members but who do not constitute "members" of CCRBA within the meaning of the Act.

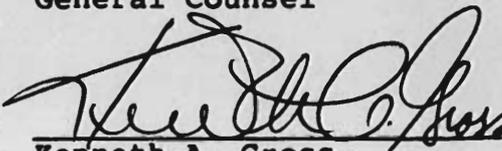
III. Recommendations

1. Find reason to believe the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and Mark Challender, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i).
2. Approve the attached letter and interrogatories.

Charles N. Steele  
General Counsel

April 11, 1985  
Date

By:

  
Kenneth A. Gross  
Associate General Counsel

Attachments

- 1-Respondents' response
- 2-Proposed letter and interrogatories

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25/ The Office of the General Counsel notes that 2 U.S.C. § 441b(b)(4)(C), which permits a corporation without capital stock and its separate segregated fund to solicit the members of the corporation for contributions to the separate segregated fund, was not enacted into law until May 11, 1976. Of the \$433,274 received by the PVF since January 1, 1975, only 12% (\$51,316) was received during the period of January 11, 1975, through March 31, 1976. In view of the above circumstances and the fact that it is unlikely the respondents' records span as much as a decade the recommendation to find reason to believe concerns only those violations occurring from May 11, 1976.

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January 22, 1985

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

Attention Of Maura White

Re: MUR 1860

Dear Mr. Gross:

This responds to your letters to our clients, Citizens Committee for the Right to Keep and Bear Arms ("the Committee") and Right to Keep and Bear Arms Political Victory Fund ("the Fund"), dated December 12, 1984, with which were enclosed copies of a complaint filed by Handgun Control, Inc., alleging that our clients solicited contributions in violation of 2 U.S.C. 441b(b)(4). By letter, dated January 11, 1985, which was received by me on January 17, 1985, you provided me with a copy of the amended complaint of Handgun Control, Inc. The amended complaint was filed in order to cure a defect in the notarization of the original complaint.

Specifically, the complaint of Handgun Control, Inc. alleges that the Committee and the Fund have violated 2 U.S.C. 441b(b)(4)(A) and (C) by soliciting contributions to the Fund from "non-voting" members of the Committee. It is the position of our clients that the individuals who have been solicited to contribute to the Fund are "members" of the Committee, as that term is employed in the Federal Election Campaign Act and as it has been interpreted by the United States Supreme Court and the Federal Election Commission. See, Federal Election Commission v. National Right to Work Committee, 103 S. Ct. 552 (1982), Advisory Opinion 1977-67 and MUR 1765.

Attachment I (1)

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Sections 441b(b)(4)(A) and (C) of Title 2 of the United States Code provide that a corporation without capital stock may pay the expenses of soliciting contributions to its separate segregated fund from the "members" of the corporation. Although, the term "members" is not defined in the statute, the corresponding regulations, 11 CFR 114.1(e), define the term, in relevant part, as follows:

"Members" means all persons who are currently satisfying the requirements for membership in a ... corporation without capital stock.... A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund.

In Federal Election Commission v. National Right to Work Committee, supra, the United States Supreme Court held that the meaning of the word "member" should be primarily determined with reference to the laws of the state of incorporation of the corporation and its articles of incorporation and by-laws. Moreover, the Court noted that Congressional intent could be determined by analogizing members of non-profit corporations to stockholders of business corporations, stating that "some relatively enduring and independently significant financial or organizational attachment is required to be a member under § 441 b(b)(4)(C)." 103 S. Ct. at 557. The Court then described factual indicia of this attachment, only one being the right to vote.

The Committee is a non-profit corporation, organized and existing under and by virtue of Chapter 24.03 of the Revised Code of Washington, which has been determined by the Internal Revenue Service to be an organization described in Section 501(c)(4) of the Internal Revenue Code. Attached to the complaint in this matter is a copy of the Articles of Incorporation of the Committee, which was filed on January 30, 1974. Section 1 of Article IV of the Articles of Incorporation were subsequently amended, a copy of that amendment being enclosed for your records. Also attached to the complaint in this matter is a copy of the By-laws of the Committee. Sections 1,2, and 3 of Article III and Section 1 of Article IV of the By-laws were subsequently amended, a copy of those amendments being also enclosed for your records. The Fund, on the other hand, is an

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unincorporated political committee, which was organized on or about November 7, 1973 under the provisions of the Federal Election Campaign Act of 1971. P.L. 92-225.

In MUR 856, the Federal Election Commission determined that the Committee is an incorporated membership organization and that the Fund is the separate segregated fund established by the Committee. In addition, in MUR 856, all issues relevant to the solicitation of contributions to the Fund during the years prior to December 31, 1979 were resolved.

The complainant in this matter has made no allegation that individuals other than "members" of the Committee have been solicited to make contributions to the Fund. The complainant only alleges that the Committee is not a membership organization as defined in the Federal Election Campaign Act of 1971, as amended. It is submitted, therefore, that the finding by the Commission in MUR 856 that the Committee is, in fact, a membership organization for the purposes of 2 U.S.C. 441b(b)(4)(C) should be dispositive of this matter. While we understand that the Office of General Counsel is not of that view, we reserve the right to assert that the conclusion reached in MUR 856 was dispositive.

It will be noted, with reference to Section 2 of Article IV of the Articles of Incorporation of the Committee, that the Committee is defined as being a "voluntary membership corporation." That provision is consistent with the requirements of Section 24.03.065 of the Revised Code of Washington, relating to membership corporations, which provides, as follows:

"Members. A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the by-laws. If the corporation has no members, that fact shall be set forth in the articles of incorporation or the by-laws. A corporation may issue certificates evidencing membership therein."

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It will be recalled, with reference to Federal Election Commission v. National Right to Work Committee, supra, that the Articles of Incorporation of the National Right to Work Committee provided that that corporation had no members. See, also, MUR 1604. Citizens Committee for the Right to Keep and Bear Arms, on the other hand, clearly was intended to be and is a membership organization.

It will also be noted, with reference to Section 1 of Article IV of the By-laws of the Committee, that the requirements of membership are clearly stated. That Section, as amended, provides:

"Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five years dues of \$50.00, or life membership dues of \$150.00 to the national office."

The foregoing, as well as the other provisions of Article IV of the By-laws of the Committee relating the "Membership", are consistent with Washington law. See, for example, Sections 24.03.070, 24.03.075 and 24.03.085<sup>1/</sup> of the Revised Code of Washington. In Rodruck v. Sand Point Maintenance Com., 48 Wn. 2d 565, 295 P. 2d 714 (1956), it was held that the by-laws of a Washington membership corporation, in effect, constitute a contract between the corporation and its members. In addition, in Allen v. Office Emp. Intl. Union, 53 Wn. 2d 1, 329 P. 2d 205 (1958), it was held that a member of a voluntary association may

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<sup>1/</sup> Each member of a Washington membership corporation is entitled to one vote on each matter submitted to a vote of members unless the right is expressly limited, enlarged or denied in the articles of incorporation or the by-laws of the corporation. RCWA 24.03.085. Because the right of members to vote was not limited, enlarged, or denied in the Articles of Incorporation or By-laws of the Committee, the members of the Committee have the right to vote.

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be expelled only on grounds contained in the constitution and by-laws of the association. In Section 24.06.005 of the Revised Code of Washington, it provides that the term "Member" means "one having membership rights in a corporation in accordance with provisions of its articles of incorporation or by-laws." As a consequence, under the laws of the State of Washington, the Committee is a membership corporation and any individual who complies with the requirements of membership in Section 1 of Article IV of its By-laws is a member of the Committee.

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The Committee is active in the solicitation of individuals to become members of the Committee. Enclosed is a reproduction of an advertisement used to solicit membership. It will be observed that individuals who respond to the advertisement must make an affirmative decision, and take an affirmative act, to join the Committee as a member. In addition, there is enclosed a copy of the Committee's standard reply to those who inquire about becoming members of the Committee. It will be observed that the letter explains how one becomes a member and it briefly describes some of the benefits of membership. Attached to that letter is a business reply envelope, which permits individuals to decide between just contributing to the Committee and becoming a dues paying member of the Committee. Also enclosed are samples of the annual dues statements and reminder notices which are mailed to existing members of the Committee. Each statement is personalized and bears the individual's membership number. They are mailed in carrier envelopes, a sample of which is enclosed, which notes that a membership dues statement is enclosed. Individuals who elect to become members of the Committee and who pay their dues are then issued a Membership Card. A sample of the 1984 Membership Card is enclosed. The Card is inscribed with the member's name and membership number and it bears the statement that the named individual "is recognized as an official member in good standing and is entitled to all membership benefits and privileges."

Individuals who become members of the Committee enjoy special benefits and privileges. Included in those benefits and privileges are the following:

- (1) Members receive, at no cost, the official periodical publication of the Committee, POINT BLANK, on a monthly basis. Samples of that publication are enclosed.

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(2) Members receive, at no cost, copies of topical publications produced by the Committee. Included in that category, for example, are copies of "Action Alert", which address issues or events of particular interest in the member's particular geographic area or state.

(3) Advice and assistance, at no cost, concerning firearms, firearms training, acquisition of firearms licenses and permits, organization of gun clubs, implementation of grass roots lobbying plans and other matters.

(4) The provision, at no cost, of books, pamphlets, audio and video tapes, filmstrips and other pro-gun materials for use and distribution at schools, colleges, debates, fairs, gun shows and other forums.

(5) Use of a toll free number to request the foregoing and other assistance from the national office staff.

(6) Special prices on various artifacts. See the enclosed flyer and the last page of the August, 1984 edition of POINT BLANK.

(7) General assistance, such as the recommendation of attorneys experienced with the laws relating to guns and gun ownership, assistance in dealing with police and administrative agencies and the preparation of testimony for members to deliver at municipal and legislative hearings.

(8) The right to support the Fund. See the last page of the September, 1984 edition of POINT BLANK.

The benefits and privileges accorded to members of the Committee evidence the significant organizational attachment which exists between members of the Committee and the Committee. This

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organizational attachment is of significant importance to the members, who, as is well known, hold strong views about and are active in support of gun/gun ownership issues.

Pursuant to 2 U.S.C. 441b(b)(4)(A)(i), a corporation, or a separate segregated fund established by a corporation, may only solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families. An exemption from this restriction is set forth at 2 U.S.C. 441b(b)(4)(C), which provides that a corporation without capital stock, or a separate segregated fund established by a corporation without capital stock, may solicit contributions to the fund from members of the corporation without capital stock. The term "member" is defined at 11 CFR 114.1(e) to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund. Id.

In addition to the regulation defining "member," the Commission has, through the advisory opinion process, elaborated on the factors that will support an organization's claim to the membership exception of 2 U.S.C. 441b(b)(4)(C). In Advisory Opinion 1977-67, the Commission noted that 2 U.S.C. 441b(b)(4)(C) and 11 CFR 114.1(e) assume that "there are, in fact, requirements for membership in the organization." The Commission concluded that "a person can only be considered a member of an organization if he or she knowingly has taken some affirmative steps to become a member of the organization."<sup>2/</sup> The Commission elaborated further by stating that "the solicitation of political contributions from members of an organization derived from the special relationship that the organization has to its members (see the remarks of Representative Hansen, 117 Cong. Rec. 43380) and

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<sup>2/</sup> In AO 1977-67 the Commission noted that certain of the requestor's solicitation materials asked for a financial contribution and the solicitees' support on specific issues, but did not mention the procedures whereby an individual would become a member in the organization. The exhibits submitted with this response show clearly that the Committee draws a distinction between financial support and payment of dues.

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accordingly, the membership relationship must be evidenced by the existence of rights and obligations vis-a-vis the corporation" The Commission also considered the existence of a "predetermined minimum amount for dues or contributions" as a prerequisite to claiming the membership exception under 2 U.S.C. 441b(b)(4)(C). See AO 1977-67.

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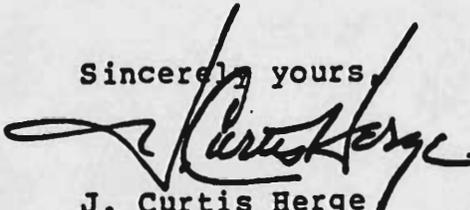
Kenneth A. Gross, Esq.  
January 22, 1985  
Page Nine

"significant financial ... attachment required to be a 'member' under § 441b(b)(4)(C)." See Federal Election Commission v. National Right to Work Committee, 103 S. Ct. 557.

The requisite "enduring ... organizational attachment" (See, Federal Election Commission v. National Right to Work Committee, 103 S. Ct. at 557) between members of the Committee and the Committee itself also exists. Specifically, a membership card is issued to each member as evidence of membership; and, as a privilege of membership, a subscription to the Committee's official journal is provided to all individual members. Besides the above indicia, there are certain "privileges" resulting from membership in the Committee, those privileges having been described on pages 5 and 6 of this reply.

The structure of the Committee's organization provides all members of the Committee with certain rights vis-a-vis the Committee. As discussed above, the Court did not dictate the requirements for membership in a corporation without capital stock, but rather commented upon the various indicia of membership that were lacking in the factual situation under its consideration. The right to vote, for example, was only one type of right vis-a-vis the corporation. In this matter, we believe that the Committee's organization provides all its members with sufficient rights, obligations, and privileges to claim the membership exemption of 2 U.S.C. 441b(b)(4)(C). See MUR 1765. Compare MUR 1604. In consideration of the foregoing, it is submitted that there is no reason to believe the Committee, the Fund and Mark E. Challender, as treasurer, violated 2 U.S.C. 441b(b)(4).

Sincerely yours,



J. Curtis Herge

Enclosures

I(9)

Amendment to  
Citizens Committee for the Right to Keep and Bear Arms  
Articles of Incorporation  
Article IV

Section 1. Purposes

1.1 The corporation is non-profit and organized to operate for charitable, philanthropic, and educational purposes, within the meaning of Section 501(c)(4) of the Internal Revenue Code of 1954.

1.2 The corporation is to operate exclusively to defend human and civil rights secured by law, specifically the Second Amendment to the United States Constitution.

1.3 The corporation is specifically to engage in presenting public discussion groups, forums, panels, debates, lectures, television and radio shows and public service broadcasts, or similar programs.

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Amendments to  
Citizens Committee for the Right to Keep and Bear Arms

By-Laws

Article III

Purposes

Section 1. The corporation is non-profit and organized to operate for charitable, philanthropic, and educational purposes, within the meaning of Section 501(c)(4) of the Internal Revenue Code of 1954.

Section 2. The corporation is to operate exclusively to defend human and civil rights secured by law, specifically the Second Amendment to the United States Constitution.

Section 3. The corporation is specifically to engage in presenting public discussion groups, forums, panels, debates, lectures, television and radio shows and public service broadcasts, or similar programs.

Article IV

Membership

Section 1. Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of the CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five year dues of \$50, or life membership dues of \$150.00 to the national office.

# Who?



- Is the only national pro-gun rights organization that boasts over a hundred and twenty U.S. Congressmen and Senators as members on their National Advisory Council?
- Makes over 450 TV and Radio appearances in defense of the right to keep and bear arms each year?
- Distributed more than 4 million pieces of pro-gun rights materials?
- Maintains a full-time office and staff on both the east and west coast?
- Is growing at a 40% per year membership increase?

- Is running TV ads across the country as a way of informing gun owners that their rights are being taken away?
- Vigorously fights propaganda from the biased anti-gun media?
- Reached more than 25 million Americans with pro-gun ads and articles in newspapers and magazines last year?
- Gives direct aid to citizens fighting local and state gun-control legislation?
- Has an affiliated Political Victory Fund to defeat anti-gun and elect pro-gun candidates for public office?

We've come so far so fast you might have missed us!

## THE CITIZENS COMMITTEE FOR THE RIGHT TO KEEP & BEAR ARMS

Join hundreds of thousands of law-abiding gun owners who have joined the Citizens Committee in a unified effort to prevent our Second Amendment Rights from being taken away by indiscriminate judges and politicians.

Yes! I'll join. My Membership fee is enclosed which entitles me to a subscription to POINT BLANK, the Committee's monthly newsletter and all other services:

- |   |  |
|---|--|
| <input type="checkbox"/> <b>\$15 Annual</b> | <input type="checkbox"/> <b>\$50 Five Year</b> |
| <input type="checkbox"/> <b>\$150 Life</b>  | <input type="checkbox"/> <b>\$1,000 Patron</b> |

(Please indicate whether Mr., Mrs., Miss, etc.; and please print)

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_

Make all checks payable to CCRKBA and mail to: CCRKBA, Liberty Park, 12500 N.E. Tenth Place, Bellevue, WA 98005.

I(12)

80040593320



# Citizens Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

Alan M. Gottlieb  
Chairman

Michael Kenyon  
Executive Director

John M. Snyder  
Director of Public Affairs

Robert Kukla  
Legislative Director

January 8, 1985

"... the right of the people to keep and bear Arms, shall not be infringed."

Mr. John Doe  
1212 Whatever Street  
Washington, D.C. 20000

Dear Mr. Doe,

Thank you for your inquiry regarding the Citizens Committee for the Right to Keep and Bear Arms.

The Citizens Committee (CCRKBA) maintains its National headquarters in Bellevue, WA., and has a lobby staff office in Washington, D.C. Currently, the Committee is composed of nearly 600,000 members and supporters across America, including over 130 members of Congress.

The CCRKBA is a national grassroots lobbying organization dedicated to the defense of the Second Amendment rights of all law-abiding Americans. The function of the CCRKBA is to effectively mobilize activity to ensure that restrictive firearms legislation does not become law. We uncompromisingly maintain that all law-abiding American citizens are constitutionally guaranteed the right to keep and bear arms.

We have three membership plans; our one year for \$15.00, our five year for \$50.00, and our life membership for \$150.00, which may be made on our Conditional Life membership program. This means you must make three payments of \$50.00, each in one calendar year. Members receive our monthly newsletter POINT BLANK and other benefits, such as discounts on bumper stickers, decals, etc. Whenever possible we try to keep our members informed of legislation going on in their state.

Thank you for your inquiry and I hope this letter has explained our functions and purpose.

Sincerely,

Mark Challender  
Projects Director

MC:jv

I(13)

## National Advisory Council

(partial listing)

### Congressional Advisors

- Sen. James Abdnor (R-SD)
- Rep. Donald J. Albosta (D-MI)
- Rep. Bill Alexander (D-AR)
- Sen. Mark Andrews (R-ND)
- Rep. Robert E. Badham (R-CA)
- Rep. Steve Bartlett (R-TX)
- Sen. Max Baucus (D-MT)
- Rep. Tom Bevill (D-AL)
- Rep. Michael Bilirakis (R-FL)
- Rep. Marilyn Lloyd Bouquard (D-TN)
- Rep. John Breaux (D-LA)
- Rep. James T. Broyhill (R-NC)
- Rep. Beverly B. Byron (D-MD)
- Rep. Carroll A. Campbell, Jr. (R-SC)
- Rep. Bill Chappell (D-FL)
- Rep. Richard B. "Dick" Cheney (R-WY)
- Sen. Thad Cochran (R-MS)
- Rep. Barber Conable (R-NY)
- Rep. Larry Craig (R-ID)
- Rep. Daniel B. Crane (R-IL)
- Rep. Phillip M. Crane (R-IL)
- Rep. Dan Daniel (D-VA)
- Rep. Eligio de la Garza (D-TX)
- Sen. Jeremiah Denton (R-AJ)
- Rep. William L. Dickinson (R-AL)
- Sen. Robert Dole (R-KS)
- Rep. David Drier (R-CA)
- Rep. John J. Duncan (R-TN)
- Rep. Roy Dyson (D-MD)
- Rep. M.H. "Mickey" Edwards (R-OK)
- Rep. Glenn English (D-OK)
- Rep. Jack Fields (R-TX)
- Rep. Hamilton Fish, Jr. (R-NY)
- Rep. James J. Florio (D-NJ)
- Rep. Don Fuqua (D-FL)
- Rep. Joseph M. Gaydos (D-PA)
- Rep. Benjamin A. Gilman (R-NY)
- Rep. William F. Goodling (R-PA)
- Rep. Phil Gramm (R-TX)
- Sen. Charles E. Grassley (R-IA)
- Rep. John Paul Hammerichmidt (R-AR)
- Rep. George Hansen (R-ID)
- Sen. Orrin G. Hatch (R-UT)
- Sen. John Heinz, III (R-PA)
- Sen. Jesse Helms (R-NC)
- Rep. Elwood H. Hillis (R-IN)
- Rep. Larry Hopkins (R-KY)
- Rep. Carroll Hubbard, Jr. (D-KY)
- Rep. Jerry Huckaby (D-LA)
- Sen. Gordon J. Humphrey (R-NH)
- Rep. Andy Ireland (D-FL)
- Sen. Roger W. Jepsen (R-LA)
- Rep. Walter B. Jones (D-NC)
- Rep. John R. Kasich (R-OH)
- Sen. Robert W. Kasten (R-WI)
- Rep. Jack Kemp (R-NY)
- Rep. Thomas N. Kindness (R-OH)
- Rep. Ken Kramer (R-CO)
- Rep. Robert J. Lagomarsino (R-CA)
- Rep. Delbert L. Latta (R-OH)
- Sen. Paul Laxalt (R-NV)
- Rep. Marvin Leath (D-TX)
- Rep. Robert L. Livingston (R-LA)
- Rep. Tom Loeffler (R-TX)
- Rep. Trent Lott (R-MS)
- Rep. Bill Lowery (R-CA)
- Rep. Manuel Lujan, Jr. (R-NM)
- Rep. Dan Marriott (R-UT)
- Sen. Mack Mattingly (R-GA)
- Rep. Robert H. Michel (R-IL)

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**CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS**

Liberty Park • 12500 N.E. Tenth Place • Bellevue, Washington 98005

**1984 VOLUNTARY MEMBERSHIP DUES STATEMENT**

CCRKBA Membership Number:  
23860PRCE318W

First Notice For:

Mr. William L Pierce  
318 Brown Avenue  
Hopewell, VA 23860

1984 Suggested Dues	\$20.00
Date of Request	1/09/84
Requested Payment Due	2/09/84

Please return this form, along with your check made out to CCRKBA. Thank you for your continued generous support.

*Alan M. Gottlieb*  
Chairman

I(14)



# Citizens Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

Alan M. Gottlieb  
Chairman

Michael Kenyon  
Executive Director

John M. Snyder  
Director of Public Affairs

Robert Kukla  
Legislative Director

"... the right of the people to keep and bear Arms, shall not be infringed."

Dear CCRKBA Supporter,

Thanks to your continued support the Citizens Committee For the Right to Keep and Bear Arms is one of the most successful educational and grass-root lobbying organizations in America.

I appreciate your support. And pledge to you that in 1984 the Citizens Committee will unload a new hard-hitting program against the anti-gunners who want to deny you your constitutional right.

I am having a personalized 1984 membership card made for you. That is why I have enclosed a voluntary dues statement for your 1984 membership dues.

By returning your voluntary dues payment, you will take a stand against those who are working around the clock to take away your gun.

Please return your voluntary dues statement with your payment in the enclosed postage-paid envelope.

And thank you for standing with us in defense of our precious Right to Keep and Bear Arms.

Sincerely yours,

*Alan M. Gottlieb*  
Alan M. Gottlieb  
Chairman

P.S. We have a CCRKBA executive board meeting coming up soon and I want to tell them that they can count on you in 1984. Please let me hear from you today if possible.

I(15)

## National Advisory Council

(partial listing)

### Congressional Advisors

Sen. James Abdnor (R-SD)  
Rep. Donald J. Albores (D-MI)  
Rep. Bill Alexander (D-AR)  
Sen. Mark Andrews (R-ND)  
Rep. Robert E. Badham (R-CA)  
Sen. Max Baucus (D-MT)  
Rep. Tom Bevill (D-AL)  
Rep. Michael Bilirakis (R-FL)  
Rep. Marilyn Lloyd Bouquard (D-TN)  
Rep. John Brokus (D-LA)  
Rep. James T. Broyhill (R-NC)  
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Rep. Barber Conable (R-NY)  
Rep. Larry Craig (R-ID)  
Rep. Daniel B. Crane (R-IL)  
Rep. Phillip M. Crane (R-IL)  
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Rep. Eligio de la Garza (D-TX)  
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Sen. Charles E. Grassley (R-IA)  
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Rep. George Hansen (R-ID)  
Sen. Orrin G. Hatch (R-UT)  
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Sen. Jesse Helms (R-NC)  
Rep. Elwood H. Hillis (R-IN)  
Rep. Larry Hopkins (R-KY)  
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Rep. Jerry Huckaby (D-LA)  
Sen. Gordon J. Humphrey (R-NH)  
Rep. Andy Ireland (D-FL)  
Sen. Roger W. Jepsen (R-IA)  
Rep. Walter B. Jones (D-NC)  
Rep. John R. Kasich (R-OH)  
Sen. Robert W. Kasten (R-WI)  
Rep. Jack Kemp (R-NY)  
Rep. Thomas N. Kindness (R-OH)  
Rep. Ken Kramer (R-CO)  
Rep. Robert J. Lagomarsino (R-CA)  
Rep. Delbert L. Latta (R-OH)  
Sen. Paul Laxalt (R-NV)  
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Rep. Robert L. Livingston (R-LA)  
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Rep. Trent Lott (R-MS)  
Rep. Bill Lowery (R-CA)  
Rep. Manuel Lujan, Jr. (R-NM)  
Rep. Dan Marriott (R-UT)  
Sen. Mack Mattingly (R-GA)  
Rep. Larry McDonald (D-GA)  
Rep. Robert H. Michel (R-IL)  
Rep. Clarence E. Miller (R-OH)  
Rep. G. V. Montgomery (D-MS)

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**CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS**  
Liberty Park • 12500 N.E. Tenth Place • Bellevue, Washington 98005

**1984 VOLUNTARY MEMBERSHIP DUES STATEMENT**

CCRKBA Membership Number:  
16326HARN002W

Second Notice For:

Mr. William C Hahn  
P O Box 02  
Pryburg, PA 16326

1984 Suggested Dues	\$15.00
Date of Request	2/09/84
Requested Payment Due	3/09/84

Please return this form, along with your check made out to CCRKBA. Thank you for your continued generous support.

*Alan M. Gottlieb*  
Chairman

I(16)



# Citizen Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

**Alan M. Gottlieb**  
Chairman

**Michael Kenyon**  
Executive Director

**John M. Snyder**  
Director of Public Affairs

**Robert Kukla**  
Legislative Director

"... the right of the people to keep and bear Arms, shall not be infringed."

## National Advisory Council

(partial listing)

### Congressional Advisors

- Sen. James Abdnor (R-SD)
- Rep. Donald J. Albosta (D-MI)
- Rep. Bill Alexander (D-AR)
- Sen. Mark Andrews (R-ND)
- Rep. Robert E. Badham (R-CA)
- Rep. Steve Bartlett (RTX)
- Sen. Max Baucus (D-MT)
- Rep. Tom Bevill (D-AL)
- Rep. Michael Bilirakis (R-FL)
- Rep. Marilyn Lloyd Bouquard (D-TN)
- Rep. John Breaux (D-LA)
- Rep. James T. Broyhill (R-NC)
- Rep. Beverly B. Byron (D-MD)
- Rep. Carroll A. Campbell, Jr. (R-SC)
- Rep. Bill Chappell (D-FL)
- Rep. Richard B. "Dick" Cheney (R-WY)
- Sen. Thad Cochran (R-MS)
- Rep. Barber Conable (R-NY)
- Rep. Larry Craig (R-ID)
- Rep. Daniel B. Crane (R-IL)
- Rep. Phillip M. Crane (R-IL)
- Rep. Dan Daniel (DVA)
- Rep. Eligio de la Garza (D-TX)
- Sen. Jeremiah Denton (R-AL)
- Rep. William L. Dickinson (R-AL)
- Sen. Robert Dole (R-KS)
- Rep. David Dreier (R-CA)
- Rep. John J. Duncan (R-TN)
- Rep. Roy Dyson (D-MD)
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- Rep. Benjamin A. Gilman (R-NY)
- Rep. William F. Goodling (R-PA)
- Rep. Phil Gramm (R-TX)
- Sen. Charles E. Grassley (R-IA)
- Rep. John Paul Hammerschmidt (R-AR)
- Rep. George Hansen (R-ID)
- Sen. Orrin G. Hatch (R-UT)
- Sen. John Heinz, III (R-PA)
- Sen. Jesse Helms (R-NC)
- Rep. Elwood H. Hillis (R-IN)
- Rep. Larry Hopkins (R-KY)
- Rep. Carroll Hubbard, Jr. (D-KY)
- Rep. Jerry Huckaby (D-LA)
- Sen. Gordon J. Humphrey (R-NH)
- Rep. Andy Ireland (D-FL)
- Sen. Roger W. Jepsen (R-LA)
- Rep. Walter B. Jones (D-NC)
- Rep. John R. Kasich (R-OH)
- Sen. Robert W. Kasten (R-WI)
- Rep. Jack Kemp (R-NY)
- Rep. Thomas N. Kindness (R-OH)
- Rep. Ken Kramer (R-CO)
- Rep. Robert J. Lagomarsino (R-CA)
- Rep. Delbert L. Latta (R-OH)
- Sen. Paul Laxalt (R-NV)
- Rep. Marvin Leath (D-TX)
- Rep. Robert L. Livingston (R-LA)
- Rep. Tom Loeffler (R-TX)
- Rep. Trent Lott (R-MS)
- Rep. Bill Lowery (R-CA)
- Rep. Manuel Lujan, Jr. (R-NM)
- Rep. Dan Marriott (R-UT)
- Sen. Mack Mattingly (R-GA)
- Rep. Robert H. Michel (R-IL)

Continued on reverse side

Dear CCRKBA Supporter,

The enclosed Voluntary Dues Statement is my personal attempt to urge you to make payment of your 1984 Membership dues or to make an additional contribution at this crucial time.

Please forgive this request. But due to increased and ongoing anti-gun activity that we have had to fight our cash on hand is at an all time low level.

We have just had to fight the anti-gunners in Cleveland Heights, Ohio and Broward County, Florida. And it looks like we may have problems in the city of Dallas and with the Texas legislature.

I pray that you can help us fight back. And I personally guarantee that your contribution will be used to help strengthen the pro-gun projects of your Citizens Committee for the Right to Keep and Bear Arms.

My plans to fight back depend on your help. If I don't hear from you -- we will have to seriously cut-back our activities at a time when we can ill afford to.

Please use the envelope I've enclosed to rush your 1984 Membership dues or an additional contribution to me so that I am not forced to order cut-backs in our 1984 plans.

I sincerely appreciate all that you have done to protect our gun rights. And I intend to repay your help with more hard hitting projects against the gun grabbers.

Sincerely yours,

*Mike Kenyon*

Mike Kenyon  
Executive Director

I(17)

P.S. On behalf of gun owners everywhere, thanks for your support of the Citizens Committee for the Right to Keep and Bear Arms.

**CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS**

Liberty Park • 12500 N.E. Tenth Place • Bellevue, Washington 98005

84D

**1984 VOLUNTARY MEMBERSHIP DUES STATEMENT**

CCRKBA Membership Number:  
32505VLR0506S

Third Notice For:

Mr. Steven C Valerio  
Lower Apt  
506 Cary Memorial  
Pensacola, FL 32505

1984 Suggested Dues	\$15.00
Date of Request	4/09/84
Requested Payment Due	4/25/84

Please return this form, along with your check made out to CCRKBA. Thank you for your continued generous support.

*Alan M. Gottlieb*  
Chairman

I(18)



# Citizens Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

Alan M. Gottlieb  
Chairman

Michael Kanyon  
Executive Director

John M. Snyder  
Director of Public Affairs

Robert Kukla  
Legislative Director

"... the right of the people to keep and bear Arms, shall not be infringed."

Dear CCRKBA Supporter,

I wish I could just automatically issue a 1984 Citizens Committee for the Right to Keep and Bear Arms Membership Card to you because of the past generous support you have given CCRKBA.

But our budget simply won't permit it.

Because the Citizens Committee's direct and grass-roots lobbying and pro-gun projects are on-going, they require on-going support from you and other CCRKBA supporters.

That's why it's so important that you let me know today if you want to contribute to the important work against the gun grabbers that the Citizens Committee performs.

I need to know if in 1984 CCRKBA has the membership support and funding to carry on our fight to restore and protect the rights of gun owners.

And to protect you and your family from those who want to deny you your constitutional rights.

I have enclosed a copy of the CCRKBA 1983 ANNUAL REPORT for you. You can see the Citizens Committee can do the job.

But without your renewed support for 1984 to launch new programs and continue those already under way, I fear the gun grabbers will continue to chip away our gun rights.

If you have already sent your voluntary support contribution and our letters have crossed, thank you and please disregard this request. However, if you can send any additional help I can assure you that CCRKBA will put it to good use.

Sincerely yours,

*Alan M. Gottlieb*

Alan M. Gottlieb  
Chairman

I(19)

P.S. - In order for me to go ahead with the final inscription on your 1984 CCRKBA Membership Card, I must receive your voluntary renewal payment.

## National Advisory Council

(partial listing)

### Congressional Advisers

Sen. James Abdnor (R-SD)  
 Rep. Donald J. Albosta (D-MI)  
 Rep. Bill Alexander (D-AR)  
 Sen. Mark Andrews (R-ND)  
 Rep. Robert E. Bodham (R-CA)  
 Sen. Max Baucus (D-MT)  
 Rep. Tom Bevill (D-AL)  
 Rep. Michael Bilirakis (R-FL)  
 Rep. Marilyn Lloyd Bouquard (D-TN)  
 Rep. John Breaux (D-LA)  
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 Rep. Barber Conable (R-NY)  
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 Rep. Daniel B. Crane (D-IL)  
 Rep. Phillip M. Crane (R-IL)  
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 Rep. Eligio de la Garza (D-TX)  
 Sen. Jeremiah Denton (R-AL)  
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 Sen. Robert Dole (R-KS)  
 Rep. David Dreier (R-CA)  
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 Sen. Charles E. Grassley (R-IA)  
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 Sen. Orrin G. Hatch (R-UT)  
 Sen. John Heinz, III (R-PA)  
 Sen. Jesse Helms (R-NC)  
 Rep. Elwood H. Hillis (R-IN)  
 Rep. Larry Hopkins (R-KY)  
 Rep. Carroll Hubbard, Jr. (D-KY)  
 Rep. Jerry Huckaby (D-LA)  
 Sen. Gordon J. Humphrey (R-NH)  
 Rep. Andy Ireland (D-FL)  
 Sen. Roger W. Jepsen (R-IA)  
 Rep. Walter B. Jones (D-NC)  
 Rep. John R. Kasich (R-OH)  
 Sen. Robert W. Kasten (R-WI)  
 Rep. Jack Kemp (R-NY)  
 Rep. Thomas N. Kindness (R-OH)  
 Rep. Ken Kramer (R-CO)  
 Rep. Robert J. Lagomarsino (R-CA)  
 Rep. Delbert L. Latta (R-OH)  
 Sen. Paul Laxalt (R-NV)  
 Rep. Marvin Leath (D-TX)  
 Rep. Robert L. Livingston (R-LA)  
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 Rep. Trent Lott (R-MS)  
 Rep. Bill Lowery (R-CA)  
 Rep. Manuel Lujan, Jr. (R-NM)  
 Rep. Dan Marriott (R-UT)  
 Sen. Meck Mattingly (R-GA)  
 Rep. Larry McDonald (D-GA)  
 Rep. Robert H. Michel (R-IL)  
 Rep. Clarence E. Miller (R-OH)  
 Rep. G. V. Montgomery (D-MS)

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*Thank you for joining in the battle to keep  
and bear arms.*

*Alan M. Gottlieb*  
CHAIRMAN



*"... the right of  
the people to  
keep and bear  
Arms, shall not  
be infringed"*

**1984 MEMBERSHIP CARD**  
**CITIZENS COMMITTEE FOR THE**  
**RIGHT TO KEEP AND BEAR ARMS**  
Liberty Park 12500 N.E. 12th Place Bellevue, Washington

is recognized as an official member in good  
standing and is entitled to all membership  
benefits and privileges.

Member #

I(20)

# POINT BLANK



## SUPPORT GROWS FOR CCRKBA RESOLUTION

Congressional support this summer began to mount for House Concurrent Resolution 311, the CCRKBA-endorsed and drafted Second Amendment affirmation proposal introduced in the spring by Rep. Philip M. Crane of Illinois, a CCRKBA Congressional Advisor. Congressman Crane introduced the measure in the House of Representatives in late May and it was referred to the House Judiciary Committee. (See *Point Blank*, July, 1984, pp. 1-3.)

By late July, at least eight other U.S. Representatives had signed on as co-sponsors of H. Con. Res. 311. They are Reps. Robert Badham of California, Dan Crane of Illinois, Jack Fields of Texas and Robert Lagomarsino of California, all CCRKBA Congressional Advisors, and Reps. Earl Hutto of Florida, Ron Marlenee of Montana, Stan Parris of Virginia and Pat Roberts of Kansas.

Congressman Fields wrote that "with regard to my thoughts on the Second Amendment, since coming to Congress I have consistently opposed any legislative efforts to impose Federal gun control laws, believing that gun ownership is a fundamental right of all Americans.

"For this reason, I have co-sponsored the Federal Firearms Reform

*continued on page 7*

STRAIGHT TALK  
ABOUT WHAT YOU  
CAN DO TO  
PRESERVE YOUR  
RIGHT TO KEEP AND  
BEAR ARMS

AUGUST 1984  
VOLUME XIV, No. 8

CITIZENS  
COMMITTEE  
FOR THE  
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AND BEAR ARMS  
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600 Pennsylvania Ave. S.W. Suite 205  
Washington, D.C. 20003



Congressman Jack Fields of Texas, a CCRKBA Congressional Advisor, discussed House Concurrent Resolution 311 with CCRKBA Chief Lobbyist John M. Snyder in his Washington, D.C. office.

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# Form 4473 Clearance Review Coming Up Soon

The Office of Management and Budget in Washington, D.C. must clear all government information collection and retention requirements, except those mandated by statute.

The Gun Control Act of 1968 requires FFL dealers to collect data on purchasers' identities, residence and age but leaves it up to the Bureau of Alcohol, Tobacco and Firearms to define how long records may be kept.

The Office of Management and Budget grants clearances for a maximum of three years. The clearance for Form 4473 ends next month, on September 30, 1984. The Office of Management and Budget requests that renewal applications be sent by the agency 60 days before expiration, and normally opens a 60-day comment period before renewal, although "emergency" clearances also are given.

FFL holders who wish to comment on the 4473 form could write to the Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503 and refer to Treasury Department clearance number 1512-0129.

FFL holders could write with details of their recordkeeping burdens for the information of the Office of Management and Budget and in particular include:

- The volume of old 4473s they must keep (photographs of boxes would be nice, or other specific data).

- The volume they would expect to have built up should they eventually go out of business.

- Data, if they have it, to suggest tracing is useless, or that tracing of records beyond five to 10 years is useless.

- The time it takes to fill out 4473s. BATF has claimed that 4473s take about 12-15 minutes to fill out. This is vital to the Office

of Management and Budget's assessment of how great the burden is. FFLs should let the Office know if it takes longer than 12-15 minutes.

- Any data on harassing inspections.

Collectors could write the Office of Management and Budget regarding any burdens of recordkeeping and the rarity of traces through themselves and other collectors.

Gun owners in general could write to The President, The White House, Washington, D.C. 20500 if they would like to see clearance for Form 4473 denied and if they would like to see that decision made without an extension until after the election.

Gun owners also could write their U.S. Senators, Washington, D.C. 20510 and their U.S. Representative, Washington, D.C. 20515, urging them in turn to write the Office of Management and Budget regarding this important matter.

## STRENGTHEN GUN LOBBY!

The Citizens Committee for the Right to Keep and Bear Arms is the Nation's largest and most effective lobbying force in the pro-gun movement. It has more than 300,000 members and 275 affiliated gun clubs. Nearly 150 Members of Congress serve on its National Advisory Council. Why not help the Citizens Committee to continue to grow in size and strength by signing up at least one additional member today by using the handy form below.

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Annual \$15  Life \$150   
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## New California Initiative

California Granges are sponsoring a signature drive to place a right to bear arms initiative on the November ballot as a constitutional amendment.

The proposed Firearms Initiative Constitutional Amendment would add a section to the California State Constitution stating that every law-abiding person has the right to acquire, own, possess, use, keep and bear firearms except as restricted by the statutes of the State of California and would provide that the right shall not be infringed.



# POINT BLANK

Straight talk about what you can do to preserve your right to keep and bear arms

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## Crime-Busting Connelly a National CCRKBA Director

*(Editor's Note: Michael R. Connelly, a national CCRKBA Director, recently prevented a violent crime with the use of his Walther PP 9mm near his home in Baton Rouge, Louisiana. A graduate of Louisiana State University, Mike is a partner in the law firm of Rogers and Connelly. A former Secretary of Young Americans for Freedom, he serves currently on the Board of Directors of the American Conservative Union and as General Counsel of the Council on Inter-American Security. He also is Chairman of the Louisiana Conservative Union and serves on the Louisiana Republican State Central Committee. Following is his own account of the Walther PP 9mm crimestopping incident.)*

On Sunday, May 13, 1984 at approximately 11:00 a.m., I was shopping in a Winn Dixie grocery store in a small shopping center near my house in Baton Rouge. I was near the front of the store when I heard the store manager yell at someone and saw him run out of the door. Within seconds thereafter several of the women working the check-out counters began screaming for someone to help the store manager. I immediately ran outside and saw the manager being pulled halfway into a car parked at the front of the store.

I opened the passenger door and observed the assailant in the driver's seat with one arm around the manager's throat. He was attempting to bite the manager on the back of the head. When he saw me, he let the manager go for a moment and tried to start the car. The manager reached in and took the keys, at which point the assailant began trying to choke the manager again and was reaching under the seat for something. Since I could not effectively reach him from where I was I ran to my car and pulled my Walther PP 9mm from my glove compartment.

I stood in front of his car and ordered him out. When he came up with an extra set of keys and tried to start the car and run over me, I pointed the pistol right at his head and ordered him to raise his hands and get out of the car. When he got out he took off running, but was caught by the manager and I when a third person threw open a car door in front of the assailant and knocked him down. I then held him at gun point until the police arrived.

I later learned that he was a recently released mental patient who was apparently on drugs at the time of the incident. When the manager chased him he was shoplifting two bags of groceries



Connelly

valued at approximately \$300.00. At the time I held the gun on him and first got him to release the manager, he had already severely bitten the manager on the arms and head and was attempting to strangle him.

## Reform of Pennsylvania License

The Pennsylvania Rifle and Pistol Association, a CCRKBA affiliate, announced that Pennsylvania state Senator D. Michael Fisher has introduced SB 1417 to reform the Pennsylvania law governing the application and issuance of a license to carry a firearm (handgun) in that state.

The bill, written by Michael J. Slavonic, Jr., legal affairs director of the PR&PA, is modeled after the Indiana statute. "Since this statute has withstood the test of the courts in Indiana, and since the Indiana right to bear arms provision is very similar to Pennsylvania's, we decided to incorporate much of that law in this proposal," said Slavonic.

The legislation was necessary because more and more sheriffs and police chiefs have been denying licenses to law-abiding citizens. These authorities have been relying on the discretionary provision in the current statute to deny Pennsylvanians their right to bear arms. "This new proposal will change all that", said Slavonic. "The burden will be on the sheriff to show cause why a license should be denied, and not on the applicant's need to have."

The problem of the authorities restricting or limiting licenses has grown over the years. Some sheriffs have just refused to issue a license

while some police chiefs have placed unnecessary requirements on applicants ranging from a letter from an employer, to psychiatric testing, to a course in lethal weapons training before an application is accepted. "It is our intent", said Slavonic, "that SB 1417 will eliminate all this."

The bill would:

- Guarantee that the application and licenses system shall be uniform in each county in the state.
- Define and limit the information required on the application and the license.
- Provide a provision for a non-resident to obtain a license to carry in Pennsylvania.
- Eliminate the necessity for having a reason to apply for a license.
- Set the fee for the license and that the license will be for life, with specific provisions for suspension or revocation.
- Clearly define who shall not be eligible for a license.
- Provide for administration appeals of denials, suspensions and revocations.
- Provide for judicial reviews in cases of an unfavorable or adverse final administration determination.
- Provide for a waiver of disability from either federal or state authorities.

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# CCRKBA CAUTIOUS ON LATEST KTW-BULL SNYDER WOULD TIE ACCEPTANCE OF AD SUPPORT FOR MC CLURE-VOLKMER BILL

Among the few national pro-gun owner spokesmen who did *not* this summer endorse the Thurmond-Brooks bill to regulate the manufacture and importation of armor piercing ammunition were CCRKBA Chief Lobbyist John M. Snyder, Sen. James A. McClure of Idaho, Sen. Steve Symms of Idaho, a CCRKBA Congressional Advisor, Neal Knox, former Executive Director of the National Rifle Association Institute for Legislative Action, Larry Pratt, Executive Director of Gun Owners of America, Joseph P. Tartaro, President of Hawkeye Publishing, Inc., and Morgan Norval, author of *Take My Gun If You Dare*.

Its numerous announced supporters included both the National Rifle Association and Handgun Control, Inc. and scores of United States Senators and Representatives.

The bill, S. 2766, by Sen. Strom Thurmond of South Carolina and many others in the U.S. Senate, and H.R. 5845, by Rep. Jack Brooks of Texas and many others in the U.S. House of Representatives, would make it illegal for any person to manufacture or import armor piercing ammunition except for the manufacture or importation of such ammunition for the use of the United States or any department or agency thereof or any State or any department, Agency or political subdivision thereof, or except the manufacture of such ammunition for the sole purpose of exportation.

The Thurmond-Brooks bill, which has White House support, would define armor piercing ammunition as "solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, depleted uranium. The term shall not include shotgun shot required

by Federal or State environmental or game regulations for hunting purposes, frangible projectiles designed for target shooting, or any projectile which the Secretary (of the Treasury) finds is primarily intended to be used for sporting purposes. The term 'solid' in the first sentence of this paragraph means made entirely from one or more of the substances specified therein, but may include the presence of trace elements of other substances."

## Snyder

In Washington, D.C., Snyder stated that "while I do not expect to offer particular opposition to this measure, I certainly do not support it.

"To my way of thinking, it's not appropriate, to say the least, for pro-gun spokesmen to offer support for severe restrictions or a ban on ammunition. The energies and resources of pro-gun people should be directed toward support of pro-gun legislation, such as the McClure-Volkmer Bill, and S. 45, the Symms Bill to eliminate Federal criminal justice or law enforcement funding of those local governments which ban private handgun possession or interfere with the legitimate use of firearms.

"If the Administration is so hot for the Thurmond-Brooks Bill, and I certainly can understand the political reasons for that, and if it feels it needs the support of the pro-gun community on this, it should be willing to come forth with something in return, a quid pro quo, such as an all-out drive for passage of the McClure-Volkmer Bill as well as for the Symms Bill."

In late June, the measure was polled out of the Senate Judiciary Committee, that is it was approved by unanimous vote of the

Committee without formal hearings or debate and sent to the Senate floor. Supporters had hoped for immediate full Senate consideration but were thwarted by Sens. McClure and Symms, who each put a "hold" on it to prevent immediate consideration.

## Kennedy

Among the Senate Judiciary Committee members waxing enthusiastic in support of the measure was Sen. Edward M. Kennedy of Massachusetts, who stated that "some things really do change. The fact that we are here together today with the NRA and the leaders of the effort for handgun control is as significant as the actual legislation that we are introducing. This is the second important advance that we have been able to make in the past month to reconcile our differences and to achieve genuine progress on the all-important issue of domestic arms control.

"In the past two years of angry and sometimes bitter debate, those of us who seek responsible gun control have learned something from the NRA and they have learned something from us, because the unfortunate polarizations that have prevented any progress in this complex emotional issue are receding....

"I believe the NRA no longer feels it must resist any and all efforts in Congress to strengthen the existing law in ways that will help keep handguns out of the hands of criminals to protect our citizens from handgun crime."

Sen. Thurmond stated that "the bill codifies in many respects a commendable initiative by the Administration. This bill will limit the proliferation of ammunition which might be sought by persons determined to engage in crime at all costs, but which has no legitimate sporting purpose."

# IT BAN MOVE; STAYS OFF BANDWAGON; ADMINISTRATION VIEW TO MORE VIGOROUS AND TO SUPPORT FOR SYMMS' BILL S. 45

## House Side

On the other side of Capitol Hill, Rep. William J. Hughes of New Jersey, Chairman of the Subcommittee on Crime of the House Judiciary Committee, held June 27 hearings to hear testimony in favor of the measure.

Witnesses Included Reps. Brooks and Mario Blaggi of New York, noted proponent of even more restrictive anti-bullet legislation; John M. Walker, Jr., Assistant Secretary of the Treasury for Enforcement and Operations; Jay B. Stephens, Deputy Associate Attorney General, U.S. Department of Justice; Samuel Kramer, Deputy Director, National Engineering Laboratory, National Bureau of Standards; George Kass, Owner, Forensic Ammunition, Spring Arbor, Michigan; Norman Darwick, Executive Director, International Association of Chiefs of Police; David M. Konstantin, Research Associate, Police Executive Research Forum; Art Stone, National Legislative Committee, Fraternal Order of Police; Edward Murphy, Legislative Counsel, International Brotherhood of Police Organizations; Sterling B. Epps, National Co-Chairman, Legislative Committee, National Association of Police Organizations; and Thomas P. Doyle, Executive Vice President and National Co-Chairman, Legislative Committee, Federal Law Enforcement Officers Association.

Not called to testify but offering testimony for the record was Neal Knox, who wrote that most gun control bills "shared a common premise: that criminal behavior could be controlled by controlling inanimate objects.

"The 'problem' addressed by H.R. 5845 is that hard metal bullets are capable of penetrating the lightweight Kevlar cloth vests

worn by police officers. Though I hesitate to mention it, since it could endanger police officers, knives will also penetrate those vests, as will icepicks. So will much conventional handgun ammunition. So will all high-powered—and most low-powered rifle ammunition. So will shot-shell ammunition—even a common skeet load. And much of the ammunition which will not penetrate Kevlar vests will kill the wearer of the vest without penetrating it.

"The real problem, and the one which this legislation does not address, is that it is against the law to attempt to kill a police officer, or any other citizen, with whatever means; however, the courts of this nation and the parole boards treat such horrendous offenses with incredible casualness.

"The offense at which this piece of legislation is supposedly directed—using a 'Cop-Killer Bullet' to kill a policeman by penetrating his Kevlar vest—is so rare that it has *never* occurred.

"Last week I spoke with the office of Rep. Blaggi, the initiator of this legislation. They confirmed that there have been a total of two police officers killed with armor piercing bullets. While that is a tragedy, neither of them were wearing Kevlar vests—not that it would have helped, since they were deliberately killed by shots to the head.

"In addition, a Federal building guard in Baltimore was wounded by a bullet which penetrated both sides of his vest in 1974; the source of the bullet was never recovered and the bullet never recovered. As a court-qualified firearms expert, I suspect it was a high-powered rifle bullet.

## Handgun Control

"Those two incidents comprise the total 'problem' that has

brought this bill into existence—with the help of a carefully orchestrated media campaign conducted by Handgun Control, Inc., whom I congratulate for their skill in misleading the public. If the bill had been enacted in 1977, we would be hearing loud accolades about how effective it has been, for we have had seven years without a single incident in which a policeman was killed or wounded with an armor piercing bullet.

"However, we have had an incident in which a police officer was killed after he shot a criminal—without effect—who was protected by a Kevlar vest. It occurred in the aftermath of the Nyack, N.Y. Brinks robbery.

"I submit that this bill enjoys its tremendous support for only one reason—that it affects very few people. But it will not, and it can not, have any real effect upon criminal behavior.

"I refer the committee to the Justice Department study *Weapons and Violent Crime*, by Professors Wright and Rossi of the University of Massachusetts at Amherst. Although written by scholars who were initially convinced that crime could be controlled with regulations upon firearms or ammunition, they could find no evidence that *any* form of "gun control" law had reduced the crime rates.

"The Wright-Rossi study—which cost the taxpayers \$287,000—was commissioned by the Carter Administration and completed in 1981 during the Reagan Administration. It has been totally, absolutely, completely ignored—both by the Justice Department which commissioned it, the Administration which received it, and the Congress which should be acting upon it, to eliminate the socially and fiscally expensive laws that now exist."

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# CCRKBA, Other Groups Join National Survival Coalition

CCRKBA and over 40 other national organizations joined recently in the National Coalition for America's Survival to promote a Human Rights and National Survival Program.

Included in the program are legislative proposals to establish the United States Commission on Human Rights, to prohibit both government and private financial assistance to Communist regimes, to prohibit imports made by slave labor, to penalize the transfer of military materials or technology to Communist regimes, to expose treaty violations by Communist regimes, to review diplomatic privileges and immunities of "diplomats" from Communist countries, to review most favored nation status of Communist countries, to develop a land- and space-based anti-ballistic missile system, to promote a national policy of assisting any Nation or peoples in the Western Hemisphere to halt and/or destroy any and all introduction of any totalitarian Communist Nation's combatants or equipment into their respective countries and to support and aid the survival of democratic governments in Central America through a systematic and predictable program of financial support and military assistance.

CCRKBA Public Affairs Director John M. Snyder wrote that "even a cursory reading of the daily newspapers would seem to suggest to any patriotic American citizen of basic native intelligence the necessity of getting on the books the proposed Human Rights and National Survival Program."

"It is not an exaggeration to state that the enemies of our Nation and of our way of life are on the march in a terrifyingly effective way and that it is our duty to our Nation, to ourselves, to our forefathers, and to our posterity to combat them with whatever means the Lord of Nations places at our disposal. In my opinion, the proposed legislation could, if passed, indicate our willingness as a Nation to commit ourselves to the use of those means."

Among the other national organizations included in the Coalition are American Legislative Exchange Council, American Security Council, American Space Frontiers Committee, Americans for a Sound Foreign Policy, Association for the Cooperation of Democratic Countries, California Religious Roundtable, Christian Voice, College Republican National Committee, Committee to Protect the Family, Conservative Alliance, Conserva-



Credit: Begley

Snyder

tive Caucus, Conservatives for America, Council of Volunteer Americans, Federation of Afghan Action, Fund for Objective News Reporting, Gun Owners of America, Larry McDonald Committee to Stop the Financing of Communism, Lincoln Log Homes, Moral Majority, National Conservative Political Action Committee, National Pro-Life PAC, Stockholders for World Freedom, Task Force on Freedom, U.S. Council for World Freedom, Young Americans for Freedom and Young Conservative Alliance of America.



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# —QUICK SHOTS—

In Atlanta, Georgia, Raymond Shives, 82, fell and broke his hip and was unable to reach a telephone to call for help. Later, a salesman knocked on his door. When he heard the knock, the elderly Shives, who was unable to call for help, discharged his pistol. Then, the salesman reported the gunshot to police. The police entered Shives' dwelling and found him lying on his floor where he had been for nearly eight hours. Shives was treated at a local hospital. Then he was charged with discharging a firearm within the city limits.

★ ★ ★

In Knoxville, Tennessee, according to the Associated Press, a 74-year-old grandmother always has her .32 caliber pistol "near me—when I'm in the kitchen cooking, in my bedroom, or in here watching my stories. It just makes me feel safer."

She's not alone, reports AP. Millions of other widowed, divorced or single women, young and old, are determined to gain a sense of security that a handgun can provide.

According to the 1980 Flgge Report on the Fear of Crime, 45 percent of the women in the United States own a gun. Those most likely to have guns are women who live alone, the report says.

The Knoxville grandmother, a retired businesswoman, said she has been the victim of four armed robberies. She's been shot at, tied up, taped to a chair and forced to lie face down on the floor of her store.

Her north Knoxville home has been broken into four times, including once when startled thieves ran out the back way as she entered the front door.

"Some people may think I'm crazy for having a gun, and it might be against the law to carry it around with me in my car, but I don't care," she said.

"I'm willing to go to jail if that's what it takes to protect myself," said the woman, who asked not to be identified because she has brought charges against some of her assailants and is afraid they will seek retribution when they are released from jail.

The woman and her 77-year-old sister, a Sevierville widow who also

asked not to be identified, have three shotguns, including a sawed-off 20-gauge; a .22-caliber pistol; the .32-caliber with its finely carved handle; a .38-caliber Rossi pistol; a 30.06 rifle, and a .38-caliber revolver.

"I guess that would surprise a lot of people," the sister said. "They probably look at us and think, 'Those sweet little old ladies? Why, they couldn't hurt a fly.'"

"Well, I say you just try me," she said.

The widow can shoot from the hip, plugging the bullseye of her home-made target from 20 paces. The younger sister learned how to shoot while working as a security guard during World War II.

★ ★ ★

Walter Mondale's choice for Vice President of the United States, Rep. Geraldine Ferraro of New York, has a comprehensive anti-gun congressional record.

In 1981, Mrs. Ferraro co-sponsored H.R. 40, by former Rep. Jonathan Bingham, also of New York.

H.R. 40 would have prohibited the importation, manufacture, sale, purchase, transfer, receipt, possession or transportation of handguns except for or by members of the Armed Forces, law enforcement officials and, as authorized by the Treasury Department, licensed importers, manufacturers, dealers, antique collectors and pistol clubs.

Just last year, she co-sponsored H.R. 1643, by Rep. Peter W. Rodino, Jr. of New Jersey.

If adopted, this measure would:

•Ban so-called Saturday Night Special handguns.

•Mandate a 21-day waiting period for other handgun purchases.

•Prohibit multiple handgun sales.

•Blackmail States into passing handgun purchase and carry licenses.

•Prohibit private handgun transactions.

•Prohibit pawnshops from selling handguns.

## CCRKBA Resolution

continued from page 1

Act which directs the Bureau of Alcohol, Tobacco and Firearms to concentrate their efforts toward the criminal use of firearms and not toward law-abiding citizens who use their guns for recreational and hunting purposes.

"In my opinion, the focus of firearms enforcement should be on the criminal use of firearms, not the weekend hunter who uses his gun for sport. It is my belief that the Second Amendment of the Constitution insures the right of all Americans to keep and bear arms. Any legislation designed to impose gun control would be unconstitutional and should be opposed in all forms."

If adopted, H.C. Res. 311 would put Congress on record as stipulating that:

•The Second Amendment conveys an inalienable right to all American citizens, such right occupying the same preferred position as all other constitutional rights.

•Unconscionable abridgements of the Second Amendment have been undertaken over the years by State and local governmental bodies and have been allowed by the courts to stand uncorrected.

•The framers and ratifiers of the Second Amendment intended that the individual retain the right to keep and bear arms in order to protect life, liberty and property and also to protect our Nation from those who would attempt to destroy our freedom.

•The Constitution provides that all individual citizens have the right to keep and bear arms, which right supercedes the power and authority of any government.

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PAID ADVERTISEMENT

I(27)

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1—\$9.95, 2—\$19.00, 5—\$45.00



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1—\$1.95, 2—\$3.50, 3—\$5.00, 5—\$8.00, 10—\$15.00



**T-shirt**—Polyester/cotton blend. Tan. Small, medium, large, or X-large.  
1—\$5.95, 2—\$11.00, 5—\$25.00



**Match book**—"Registering guns to prevent crime is like registering matches to prevent fires."  
10—\$1.00, 50—\$4.00, 100—\$7.00



**Cap**—Royal blue. One size fits all.  
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## C.C.R.K.B.A. ORDER FORM

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Please enclose check or money order — or we can bill your bankcard. Simply write your number in the boxes at the right and sign below the number. Be sure to indicate your expiration date.



ITEM	QTY.	COST
Mug .....	_____	_____
Lighter .....	_____	_____
Matchbook .....	_____	_____
Cap .....	_____	_____
Key Ring .....	_____	_____
T-Shirt .....	_____	_____
___ sm. ___ med.		
___ lg. ___ X-lg.		
SUB-TOTAL		_____
Postage		_____
GRAND TOTAL		_____

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ ST \_\_\_\_\_ ZIP \_\_\_\_\_

VISA / MASTERCARD NUMBER

EXP. DATE \_\_\_\_ / \_\_\_\_

Signature \_\_\_\_\_  
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Phone Number \_\_\_\_\_  
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POSTAGE and HANDLING CHART	
\$3.00 & under	\$0.50
\$3.01-\$7.50	\$1.00
\$7.51-\$15.00	\$1.50
\$15.01 & up	\$2.50

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# POINT BLANK



Wide World Photos

## GUN BAN SPONSOR NOMINATED FOR V-P

Rep. Geraldine A. Ferraro of New York, who was nominated in July for Vice President of the United States by the Democratic National Convention in San Francisco, in 1981 co-sponsored H.R. 40 by Rep. Jonathan Bingham of New York, which would have provided for a fine of \$5,000 or five years' imprisonment, or both, for the mere possession of a single handgun.

This means that, under the Ferraro-sponsored proposal, an otherwise law-abiding private citizen who owned 10 handguns could have been sentenced to 50 years in jail or fined \$50,000 or both.

The bill, a comprehensive anti-handgun measure, would have prohibited the importation, manufacture, sale, purchase, transfer, receipt, possession or transportation of handguns, except by or for members of the Armed Services, law enforcement officials and, as authorized by the Treasury Department, licensed importers, manufacturers, dealers, antique collectors and pistol clubs.

Under H.R. 40, the "pistol clubs" could not have been "authorized" unless they maintained possession and control of the handguns used by their members and "effected arrangements" for the storage of the members' handguns in a facility of the local police department or other law enforcement agency.

"The public policy encompassed by this bill," said John M. Snyder, Public Affairs Director, Citizens Committee for the Right to Keep and Bear Arms, "is similar to the public policy toward private handgun ownership followed currently in the Union of Soviet Socialist Republics and other totalitarian dictatorships where, as a matter of practical legal fact, such private handgun ownership is not tolerated. It is a cause for sorrow that so draconian an approach to public policy should have been made in the national legislature of the greatest republic in history. Shame!"

STRAIGHT TALK  
ABOUT WHAT YOU  
CAN DO TO  
PRESERVE YOUR  
RIGHT TO KEEP AND  
BEAR ARMS

SEPTEMBER 1984  
VOLUME XIV, No. 9

CITIZENS  
COMMITTEE  
FOR THE  
RIGHT TO KEEP  
AND BEAR ARMS  
(a non-profit corporation)  
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12500 N.E. 10th Place  
Bellevue, Washington 98005  
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Washington, D.C. 20003

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# Ferraro

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In the current Congress, Rep. Ferraro is a co-sponsor of H.R. 1543, by Rep. Peter W. Rodino, Jr. of New Jersey. The bill would ban so-called "Saturday Night Special" handguns, mandate a 21-day waiting period between the purchase and delivery of a handgun, prohibit multiple handgun sales, prohibit private handgun sales and prohibit pawnshops from selling handguns.

"H.R. 1543," said Snyder, "ignores the right to self-protection and, therefore, the right to life itself of an untold number of Americans needing handguns in a timely way and of an individually affordable variety for the defense of life, family and property."

The Democratic Vice-Presidential nominee also co-sponsored:

- H.R. 953, to prohibit the ownership of any bullet that "when fired from a handgun with a barrel five inches or less in length, is capable of penetrating body armor."

- H.R. 5835 and H.R. 5845, to ban the sale of armor-piercing bullets to private citizens.

- House Concurrent Resolution 25, calling upon the government of the United Kingdom to ban the use of plastic and rubber bullets against civilian rioters.

In July 1981, Rep. Ferraro voted against a successful motion by Rep. Delbert Latta of Ohio, a CCRKBA Congressional Advisor, to cut \$5 million from the budget of the Bureau of Alcohol, Tobacco and Firearms.

In 1982, Rep. Ferraro received \$250 from the Handgun Control, Incorporated Political Action Committee for her successful campaign for reelection to the U.S. House of Representatives.

The Democratic Presidential nominee himself, former Vice President (under President Jimmy Carter) Walter F. Mondale, answering questions before students at Urbandale High School, Des Moines, Iowa on January 19, 1984, and talking later to reporters, stated he favors a ban on the sale, manufacture, production and importation of short-barreled handguns which, he says, "are built solely for concealment. They're not good for hunting, not good for target practice." He did not comment on their possible legitimate use for protection of life, family or property.

In 1968, as a U.S. Senator from Minnesota, Mondale voted for the Gun Control Act of 1968 as well as for other gun controls.

Mondale voted for a proposal by Sen. Joseph Tydings of Maryland to require national firearms registration and gun owner licensing in

all States failing to enact such measures on their own.

Mondale also voted for a proposal by the late Sen. Henry M. Jackson of Washington which would have prohibited the interstate shipment of firearms into any State failing to enact gun registration by 1971.

He voted for a proposal by Sen. Ed Brooke of Massachusetts to establish a national registry of firearms.

In addition to nominating the Mondale-Ferraro ticket this summer, the Democratic National Convention adopted a platform which states that "we support tougher restraints on the manufacture, transportation and sale of snub-nose handguns, which have no legitimate sporting use and are used in a high percentage of violent crimes."



# POINT BLANK

*Straight talk about what you can do to preserve  
your right to keep and bear arms*

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One solid pro-gun lady and lady-like U.S. Representative is Congresswoman Barbara F. Vucanovich of Nevada, a CCRKBA Congressional Advisor and co-sponsor of House Concurrent Resolution 311, a CCRKBA-requested measure to affirm the Second Amendment, pictured here in her Washington, D.C. office with CCRKBA Chief Lobbyist John M. Snyder.

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# WOMAN, USING HANDGUN, FOILS SECOND RAPE TRY

At 4:45 a.m. on Wednesday, May 30, 1984, according to George Lecky, writing in *The Cincinnati Post* for May 31, "terror stalked a 22-year-old Walnut Hills woman for the second time."

The woman had been raped at gunpoint over a month before the May 30 incident, had obtained a revolver with which to protect herself and then used it, successfully, to foil the same culprit when he returned on May 30.

As reported by Lecky in the *Post*, a man she recognized as the one who had raped her and threatened her life April 20 again was forcing his way into her home.

This time, however, "she was terrorized but she knew what to do,"

said Cincinnati Homicide Investigator Tom Cameron.

Both she and police believe she put a bullet into her attacker.

Police alerted hospitals to be on the lookout for a man with a gunshot wound.

On April 20, the man came through an unlocked window. He stood by her bed in the darkness, and she awoke to find him looming over her.

"He said he had a gun and was going to blow her brains out," said Cameron. "She had no chance. He raped her."

On the officer's advice, the woman bought a dog, a rottweiler puppy. She also bought a .38-caliber revolver.

Police warned her the man might come back.

Wednesday, May 30, the woman was watching TV when the attacker returned.

"He was kicking the door down," she said. "Bam! Bam! Boom! He was in. I saw it was him.

"I ran up the stairs and locked the door to the second floor. I got my pistol and waited on the steps for him to come in. I could hear him walking around."

The man was cutting phone wires and opening a window as an escape route.

"He jimmed the second floor lock and came in and got the surprise of his life," the woman said.

"Once was enough—this is all for you," said the woman as she fired at the man's chest from three feet away.

The shot knocked him backwards. "Get out," she screamed, firing again.

"Don't come back," she yelled on the third shot.

She fired a fourth time as the man fled out the front door.

Officers could find where three of the bullets struck. The first shot apparently found its mark.

"I was not fearful," the woman said. "There was nothing but cold anger. I saw all red—I knew one of us was going out of here, and it wasn't going to be me.

"There is no sense in running. You can't run away from your problems."

## Mini-Editorial

### BAN THE USCC HANDGUN BANNERS!

In recent testimony before the platform committees of both the Democratic and Republican parties, the United States Catholic Conference (USCC), public policy agency of the National Conference of Catholic Bishops, called for "strong and effective action to control handguns, leading to their eventual elimination from society" while at the same time opposing outright and categorically capital punishment.

The organization of these allegedly Catholic Bishops also called for an end to aid to Nicaraguan rebels seeking to overthrow the pro-Soviet, anti-American, anti-Catholic, anti-Protestant, anti-Jewish Sandinista government of our Central American neighbor.

As a pro-gun, anti-Communist, ecumenical American practicing Catholic, I propose the peaceful overthrow of the insidious anti-gun, pro-Communist USCC bureaucracy.

To this end, I urge all readers of good will to:

- If Catholic, stop putting money into Sunday Catholic collections since some of the proceeds from such collections go to the support of USCC.
- Whether Catholic or not, inform Catholic Pastors and Bishops you're madder than all get out at USCC and you're not going to take it any more!
- If Catholic, put spent shell casings into the Sunday collection baskets so they'll really get the message!
- Whether Catholic or not, write to the Papal Nuncio to the United States and let him know you're upset with USCC. That's Most Rev. Pio Laghi, 3339 Massachusetts Avenue, N.W., Washington, D.C. 20008.
- Whether Catholic or not, write to Silvio Cardinal Oddi, Prefect, Sacred Congregation for the Clergy, 3 Piazza Pio XII, Rome, Italy, Europe, and let him, too, know you're upset with USCC.
- Whether Catholic or not, write to His Holiness Pope John Paul II, Apostolic Palace, Vatican City State, Europe, and ask him to *remove from office* all anti-gun, pro-Communist, allegedly Catholic Bishops in the United States.
- If possible, mail copies of your letters to us here at CCRKBA.

John M. Snyder  
Editor, *Point Blank*

### STRENGTHEN GUN LOBBY!

The Citizens Committee for the Right to Keep and Bear Arms is the Nation's largest and most effective lobbying force in the pro-gun movement. It has more than 300,000 members and 275 affiliated gun clubs. Nearly 150 Members of Congress serve on its National Advisory Council. Why not help the Citizens Committee to continue to grow in size and strength by signing up at least one additional member today by using the handy form below.

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 Membership Dues  
 Donor \_\_\_\_\_

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## U.S. Senators Join In Criticism

# CCRKBA, OTHERS LASH D.C. AP ANDREW L. FREY OF THE NATION

Demanding that the nomination of Andrew L. Frey, Deputy Solicitor General of the United States, to the Court of Appeals for the District of Columbia, be withdrawn, CCRKBA Chief Lobbyist John M. Snyder and others held a Washington, D.C. press conference August 15 lashing the nomination because of Frey's membership in the National Coalition to Ban Handguns and the National Abortion Rights Action League.

On the following day, *The Washington Post* reported that five U.S. Senators—Jeremiah Denton of Alabama, John P. East of North Carolina, Charles E. Grassley of Iowa, Orrin G. Hatch of Utah and Jesse Helms of North Carolina—had written Senate Majority Leader Howard Baker of Tennessee formally announcing their intent to withhold support of Frey pending a vote by the full Senate.

Sens. Denton, Grassley, Hatch and Helms all are CCRKBA Congressional Advisors.

According to *The Washington Post* article, "the move likely will mark the first time a President's choice of a judge for the city's courts has been debated on the Senate floor. Most White House nominations to the local bench sail through without objections."

Frederick B. Abramson, former chairman of the D.C. Judicial Nominations Commission, which recommends candidates to the President, called the action by the five Senators "startling."

Joining Snyder in calling for the withdrawal of the nomination at the August 15 press conference were Larry Pratt, Executive Director of Gun Owners of America, Gary L. Curran, Government Relations Director of the American Life Lobby, Howard Phillips, National Director of The Con-

servative Caucus, and Curt Young, Executive Director of the Christian Action Council.

In addition, a resolution signed by 25 pro-gun owner organizations calling upon President Reagan to withdraw the Frey nomination was made public at the press conference by Neal Knox of Neal Knox Associates.

The organizations, in addition to CCRKBA and Gun Owners of America, include Maryland & D.C. Rifle & Pistol Association, Joseph Burns, President; Sportsmen's Clubs of Texas, Dunlop Farren, Legislative Chairman; Gun Owners Action League of Massachusetts, Michael Yacino, Executive Director; Indiana Sportsmen's Council, Maurice Latimer, President; Committee for Effective Crime Control of Minnesota, Norman Jensvold, Chairman; Federation of New York State Rifle and Pistol Clubs, Gerald Preiser, President; Pennsylvania Rifle & Pistol Association, Jim Spicer, Legislative Chairman; Allegheny Sports-

men's League of Pittsburgh, Pennsylvania, Dr. Charles Provan, President; Gun Owners Action League of Colorado, Jay Lawless, President; United Sportsmen of California, James Watkins, President; Georgia Sport Shooting Association, George W. Morton, President; Sportsmen's Committee on Political Education (SCOPE) of New York, Harold W. Schroeder, President; El Paso Coalition of Sportsmen, Glen Voorhees, Jr., Legislative Chairman; Greater Houston Sportsmen's Coalition, Jack Clauder, Chairman; Houston Safari Club, Robert McElroy, Vice President; Mississippi Firearms Owners Association, Wayne Myers, President; Hattiesburg, Mississippi Gun Club, Edward Thames, President; Magnolia Rifle & Pistol Club, Jackson, Mississippi, I.B. Kelly, Legislative Director; Arizona State Rifle & Pistol Association, Terry Allison, Vice President; Arizona Gun Owners Association, Curtis Todd, President; Associated Gun Clubs of Baltimore,



Snyder stood up to call for withdrawal of the Frey nomination as, left to right, Cu

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# ELLATE COURT NOMINATION OF L COALITION TO BAN HANDGUNS

Ralph Musella, President; American Pistol & Rifle Association, Dr. John Grady, National President; and Gun Owners Civil Rights Movement, Leonard Horner, Government Affairs.

Readers of *Point Blank* who want to join in demanding withdrawal of the Frey nomination should write The President, The White House, Washington, D.C. 20500.

In his press conference statement, CCRKBA's Snyder said:

"When Ronald Wilson Reagan was inaugurated President of the United States on January 20, 1981, this event marked the answer to the hopes, dreams and prayers of tens of millions of law-abiding American firearms owners.

"As the presidential candidate and, in fact, for many years before his formal candidacy, Mr. Reagan had been one of the most outspoken public champions of the rectitude of the law-abiding gun owner's cause in the recent political history of our Nation.

"Mr. Reagan, for instance, stated that 'efforts are growing at the Federal level to further control or even

ban handguns, on the basis that such controls would control crime. I firmly oppose these proposals, whether for registration or confiscation of firearms; they would not reduce crime, and could seriously restrict the freedom of law-abiding citizens.'

"Mr. Reagan also stated that 'implementation of handgun controls could be only a first step toward further firearms controls, such as use restrictions or bans on long guns. Such guns are an essential part of the livelihood and recreation of sportsmen and hunters; the government has no right to take them away. Yet handgun controls could establish a significant, and perhaps, irresistible, political precedent for their registration and ultimate confiscation.'

"In 1980, the platform on which Mr. Reagan and George Bush ran explicitly endorsed the right to keep and bear arms. It declared that the right 'must be preserved. Accordingly, we oppose Federal registration of firearms. Mandatory sentences for commission of armed felonies are the most effective means to deter abuse of this right. We therefore support congressional initiatives to remove those provisions of the Gun Control Act of 1968 that do not significantly impact on crime but serve rather to restrain the law-abiding citizen in his legitimate use of firearms.'

"Candidate Bush, in a speech to the Pennsylvania Federation of Sportsmen's Clubs, pointed out that 'the Democratic Party platform proposes banning Saturday Night Specials and further regulation on the sale, possession and manufacture of all handguns. Governor Reagan and I are opposed to any form of Federal firearms license. We believe in the right of Americans to keep and bear arms.'

"In early 1981, tens of millions of law-abiding American firearms owners believed they had found a real hero in President Reagan, who, after being wounded here in Washington, D.C., by a would-be assassin's bullet, even then reiterated his opposition to gun control. At his June 16, 1981, press conference, President Reagan stated that 'my concern

about gun control is that it's taking our eyes off what might be the real answers to crime. It's diverting our attention. There are, today, more than 20,000 gun control laws in effect, Federal, State and local, in the United States. Indeed, some of the stiffest gun control laws in the Nation are right here in the District of Columbia and they didn't seem to prevent a fellow, a few weeks ago, from carrying one down by the Hilton Hotel.'

"Indeed, in the very same month of that very same year, Maurice Turner, the Chief of Police of Washington, D.C., stated he did not see the D.C. gun law 'being that much of a deterrent' to crime.

"It came as a resounding shock to gun owners, then, to learn that the Reagan Administration had nominated a member of the National Coalition to Ban Handguns, Deputy Solicitor General Andrew L. Frey, to a seat on the Washington, D.C., Court of Appeals.

"When one denies an otherwise law-abiding citizen of the United States the right to keep and bear arms, one is denying that citizen the right of self-defense against criminal aggression, the right to protect one's very life against criminal aggression. In fact, the denial of the right to keep and bear arms is tantamount, in principle, to a denial of the right to life itself. It is, in my opinion, a dastardly position for one to take. On the part of a judge, that is, one who supposedly protects the public interest in the area of justice, it is, in my opinion, an absolutely unconscionable position for one to take. The nomination to the judiciary of one who would perpetrate such a dastardly, unconscionable position constitutes a public outrage and should be withdrawn.

"What this country and this locality need, instead of gun banning judges, is cogent legislation designed to protect the people from the anti-gun machinations of both the judiciary and certain local governments. That is why we support, for instance, S. 45, by Senator Steve Symms of Idaho, to cut off certain



an, Young, Phillips and Pratt listened.

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# CCRKBA Bill Support Continues to Increase

More congressional co-sponsors were added to House Concurrent Resolution 311 as Congress recessed August 10.

The measure, introduced by Rep. Phillip M. Crane of Illinois at the request of CCRKBA, would affirm congressional support for the Second Amendment.

As of this writing, co-sponsors include:

Reps. Robert Badham of Texas, Tom Bevill of Alabama, Larry Craig of Idaho, Dan Crane of Illinois, Bill Dickinson of Alabama, John Duncan of Tennessee, Jack Fields of Texas, Phil Gramm of Texas, Robert Lagomarsino of California, Clarence Miller of Ohio, Sonny Montgomery of Mississippi, James Quillen of Tennessee, Hal Rogers of Kentucky, Eldon Rudd of Arizona, Norm Shumway of California, Bud Shuster of Pennsylvania, Jerry Solomon of New York, Arlan Stangeland of Minnesota, Bob Stump of Arizona, Bob Traxler of Michigan and Barbara Vucanovich of Nevada, all CCRKBA Congressional Advisors, as well as:

Reps. Thomas Bliley of Virginia, Dan Burton of Indiana, Gene Chapple of California, James Hansen of Utah, Earl Hutto of Florida, John Kasich of Ohio, Joe Kolter of Pennsylvania, Ron Marlenee of Montana, Alan Mollohan of West Virginia, Stan Parris of Virginia, Jerry Patterson of California, Pat Roberts of Kansas, Mark Siljander of Michigan, Denny Smith of Oregon and Billy Tauzin of Louisiana.

H. Con. Res. 311 has been referred to the House Judiciary Committee.

If adopted, it would put Congress on record as stipulating that:

- The Second Amendment con-

veys an inalienable right to all American citizens, such right occupying the same preferred position as all other constitutional rights.

- Unconscionable abridgements of the Second Amendment have been undertaken over the years by State and local governmental bodies and have been allowed by the courts to stand uncorrected.

- The framers and ratifiers of the Second Amendment intended that the individual retain the right to keep and bear arms in order to protect life, liberty and property and also to protect our Nation from those who would attempt to destroy our freedom.

- The Constitution provides that all individual citizens have the right to keep and bear arms, which right supercedes the power and authority of any government.

*Point Blank* readers could write to their U.S. Representative, House Office Building, Washington, D.C. 20510, asking him or her to become a co-sponsor of H. Con. Res. 311 if not already a co-sponsor.

Also, don't forget that CCRKBA needs your contribution in order to be able to keep promoting this and other pro-gun action both in Washington, D.C. and throughout the United States.



Rep. Bob Traxler of Michigan, a CCRKBA Congressional Advisor, flanked here by Frank Bierlein, his crack Legislative Assistant, and CCRKBA Chief Lobbyist John M. Snyder, announced his co-sponsorship of House Concurrent Resolution 311.



## "STAMP OUT GUN CONTROL!"

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Return to:

Citizen Committee for the Right to Keep and Bear Arms, Liberty Park, 12500 N.E., Tenth Place, Bellevue, Washington 98005

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# —QUICK SHOTS—

Don't forget National Hunting and Fishing Day the fourth Saturday this month. This year that's September 22.

★ ★ ★

Steven Notis, Associate Director of the Federation of New York State Rifle and Pistol Clubs, Inc., wrote in *The New York Times* July 29 that "since guns used in crime amount to less than 0.2 percent, you would need to strip 299 honest people of their means of protection to block criminal access to just one gun. (Besides, most crime guns are obtained illegally.)

"Justice Department polls have found that convicted felons fear armed citizens more than they fear the police, and indeed each year three times as many violent criminals are killed by citizens as by police. Honest gun owners (there is a gun in one of every two households) are America's single most effective crime deterrent."

★ ★ ★

The Committee on the Judiciary of the United States Senate finally has released its report on S. 914, the proposed Firearm Owners Protection Act reported favorably by unanimous Committee vote on May 10. Michael Hammond, the distinguished General Counsel to the Senate Steering Committee, was most instrumental in representing effectively the views of Sen. James A. McClure of Idaho and America's tens of millions of law-abiding firearms owners in the preparation of the report.

★ ★ ★

"I'd probably be six feet under if I hadn't had my guns," says 71-year-old Dorothy Rensink of Kooskia, Idaho, who used a shotgun and a handgun to hold off two attackers after they cut her phone lines and smashed their way into her rural home. "I'll

never get rid of my guns and the government is not going to take them away," she declared.

★ ★ ★

In New Jersey, Passaic Mayor Joseph Lipari's claim that he needs a handgun for personal protection persuaded Superior Court Judge Frank Donato to issue a 60-day permit.

The judge awarded Lipari the temporary permit because Lipari contended he has received more than 100 death threats in recent years.

Donato stopped short of authorizing a one-year, renewable permit, saying he believed the 60-day approval period was reasonable and that the "life threatening situation" Lipari faces might change within a couple of months.

★ ★ ★

The proposed California Firearms Initiative Constitutional Amendment will not appear on this year's ballot because of a lack of sufficient authorized valid signatures collected by the deadline.

★ ★ ★

In Kansas City, Kansas, 58-year-old Roy Verbanic, a liquor store owner charged with murder in the January 3 fatal shooting of a man attempting to rob his store,

was acquitted of all charges May 15.

Second-degree murder charges were filed against Verbanic after the shooting death of Nathaniel Bell as Bell attempted to rob Verbanic's store. They were filed after a coroner's jury decided that Verbanic, while justified in shooting Bell inside the store, went too far when he continued to fire at Bell as he lay wounded just outside the store. Verbanic felt his life was "renewed" by the verdict, he said.

★ ★ ★

Evan Marshall, a 13-year veteran of the Detroit Police Department with a Master's degree in criminal justice, told an August 14 Capitol Hill symposium on the proposed ban of armor-piercing bullets that he did not favor the legislation. It would not save the lives of police officers, he said. Also speaking was Larry Pratt, Executive Director of Gun Owners of America, which sponsored the session.

## Frey Nomination

*continued from page 5*

Federal criminal justice and law enforcement funds from local governments which ban private handgun possession or otherwise interfere with the right to keep and bear arms within their areas of jurisdiction."

During his remarks, Pratt demanded that "Frey's role be clarified in the outrageous decision to prosecute a victim who managed to defend himself with a gun against a knife-wielding assailant (U.S. v. Panter)."

Readers wishing to help in blocking confirmation of Frey should write to Sen. William V. Roth, Chairman, Committee on Governmental Affairs, 346 Dirksen Senate Office Building, Washington, D.C. 20510, requesting that he *not* hold hearings on the nomination.

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# Right to Bear Arms Political Victory Fund

Allied with the Citizens Committee for the Right to Keep and Bear Arms

Attention  
CCRKBA  
Members!

Are You:

- Fed up with gun grabbing Congressmen?
- Disgusted with anti-gun politicians constantly hacking away at our Second Amendment freedoms?
- Sick and tired of Congressmen who *say* one thing to you at home and *do* another thing in Washington, D.C.?

**THEN DO SOMETHING ABOUT IT!**

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### United States Senate

WASHINGTON, D.C. 20540

Dear Gun Owner,

You probably already know how slowly things usually move here in Washington. Well, let me tell you, they move even more slowly when we're dealing with the right to keep and bear arms.

Of course, we could speed things if we had a solidly pro-gun Senate and House of Representatives.

And that's where my friends at the Right to Bear Arms Political Victory Fund come in. They're 100% pro-gun and they pull no punches when it comes to supporting pro-gun candidates.

The Political Victory Fund deserves your full support. With your help, we'll have a pro-gun Congress after this November's election.

Please help me to defend and protect your gun rights by sending your most generous contribution to the Political Victory Fund as soon as possible.

Best Wishes,

*Jim McClure*  
James A. McClure  
United States Senate

The Right to Bear Arms Political Victory Fund (PVF) is the oldest pro-gun political action committee in America.

For years, PVF has led the fight to elect pro-gun Congressmen and to defeat the gun grabbers.

So, join today with United States Senator Jim McClure and help Political Victory Fund knock the gun grabbers out of Congress!

We guarantee that every dollar you send will be spent effectively and put to the best possible use.

If you are a CCRKBA Member and wish to help Sen. McClure elect pro-gun candidates to Congress, then join Political Victory Fund today!

Detach and MAIL TODAY

Senator Jim McClure  
Right to Bear Arms Political Victory Fund  
12500 N.E. Tenth Place  
Bellevue, WA 98005

Senator McClure,

I'm with you and PVF! I've enclosed my maximum contribution to PVF so that we can give you that solidly pro-gun U.S. Senate and House of Representatives that you need!

\_\_\_\_\_ \$500    \_\_\_\_\_ \$250    \_\_\_\_\_ \$100    \_\_\_\_\_ \$50    \_\_\_\_\_ \$25    \_\_\_\_\_ Other

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I (36)

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 10—\$1.00, 50—\$4.00,  
 100—\$7.00



**Cap**—Royal blue. One size fits all.  
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 3—\$15.00, 5—\$20.00

..... Detach and Mail NOW .....

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Key Ring .....	_____	_____
T-Shirt .....	_____	_____
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_____ lg. _____ X-lg.		
SUB-TOTAL		_____
Postage		_____
GRAND TOTAL		_____

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ ST \_\_\_\_\_ ZIP \_\_\_\_\_  
 VISA / MASTERCARD NUMBER  
  
 EXP. DATE \_\_\_\_\_ / \_\_\_\_\_  
 Signature \_\_\_\_\_  
 (if using VISA / MASTERCARD)  
 Phone Number \_\_\_\_\_ ( ) \_\_\_\_\_  
 (for verification purposes)

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POSTAGE and HANDLING CHART	
\$3.00 & under	\$0.50
\$3.01-\$7.50	\$1.00
\$7.51-\$15.00	\$1.50
\$15.01 & up	\$2.50

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

J. Curtis Herge, Esquire  
Sedam and Herge  
Suite 1100  
8300 Greensboro Drive  
McLean, Virginia 22102

Re: MUR 1860  
Citizens Committee for the Right  
to Keep and Bear Arms; Right to  
Keep and Bear Arms Political Victory  
Fund; Mark Challender, as treasurer

Dear Mr. Herge:

The Federal Election Commission notified you on January 11, 1985, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") by your clients, Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Mark Challender, as treasurer. A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission determined on , 1985, that there is reason to believe your clients violated 2 U.S.C. § 441b(b)(4)(A)(i). Specifically, it appears that from May 11, 1976, through the present your clients have solicited contributions to the PVF from individuals who do not constitute members of CCRBA within the meaning of the Act. From the information provided in your response to the complaint it appears that those individuals who CCRBA considers to be its members do not have sufficient rights vis-a-vis the corporation, CCRBA, to constitute "members" under the Act, and that other persons considered by CCRBA to be its members may not have taken an affirmative step to become a member of CCRBA.

Your clients' response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within 15 days of your receipt

Attachment 2(1)

Letter to J. Curtis Herge  
Page 2

of this letter. Statements should be submitted under oath.

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

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

If you have any questions, please contact Maura White, the staff member assigned to this matter, at 523-4143.

Sincerely,

John Warren McGarry  
Chairman

Enclosures  
Procedures  
Interrogatories

2(2)

**INTERROGATORIES TO: Citizens Committee for the Right to Keep and Bear Arms ("CCRBA"), Right to Keep and Bear Arms Political Victory Fund ("PVF"), and Mark Challender, as treasurer**

1a. State the number of individuals solicited by CCRBA which it considers to be its "members," other than CCRBA's executive or administrative personnel and their families, for contributions to PVF for each year from May 11, 1976, through the present.

b. State the amount of contributions received each year by PVF as a result of the solicitations described in 1a.

c. State the cost for each year of the solicitations described in 1a, including both CCRBA's and PVF's respective shares of the cost.

2. State whether from May 11, 1976, through the present there are any requirements that a person must affirmatively state that he or she wishes to become a member of CCRBA before being considered a member. Describe the requirements or conditions in complete detail, including whether the requirements or conditions are written and/or have been approved by the Board of Directors of CCRBA.

3. The September 1984 edition of the CCRBA publication "POINT BLANK" contains a form which permits a "donor" to sign up "at least one additional member" of CCRBA. With respect to the above form, state:

a) whether individuals whose names are submitted by a "donor" are subsequently considered members of CCRBA.

b) whether individuals whose names are submitted by a "donor" are solicited for contributions to PVF.

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c) the number of individuals whose names were submitted to CCRBA by a "donor" from May 11, 1976, through the present and who are considered "members" of CCRBA.

4. State whether from May 11, 1976, through the present those individuals who CCRBA considers to be its members:

a) have the opportunity to elect the corporate officials of CCRBA;

b) have the opportunity to exercise control over the expenditure of their contributions to CCRBA;

c) have the opportunity to play a part in the operation or administration of CCRBA; or

d) have any other rights from membership in CCRBA.

For each affirmative response to 4 a-d, describe each opportunity or right in complete detail, including whether those who CCRBA considers its members were informed of each opportunity or right and how they were informed.

5. State whether from May 11, 1976, through the present those individuals who CCRBA considers to be its members:

a) have been presented with the opportunity to elect corporate officials, or to cast a vote in CCRBA affairs;

b) have been presented with the opportunity to exercise control over the expenditure of their contributions to CCRBA;

c) have been presented with the opportunity to play a part in the operation or administration of CCRBA; or,

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d) have been presented with the opportunity to voice their opinion in the conduct of CCRBA affairs.

For each affirmative response to 5 a-d, describe each opportunity in complete detail, including the manner in which the opportunity was presented, the date of each opportunity presented, and the number of members to whom the opportunity was presented.

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**SEDAM & HERGE**

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
SUITE 1000  
8300 GREENSBORO DRIVE  
MCLEAN, VIRGINIA 22105

*MUR 1860  
White*

(703) 821-1000

**SEDAM, HERGE & REED**

SUITE 1000  
1250 EYE STREET, N.W.  
WASHINGTON, D. C. 20005  
(202) 898-0200

CHARLES D. REED  
RESIDENT PARTNER  
JOHN D. HEFFNER

TELEX: 710-831-0896

CABLE: SEDAMHERG

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A11:02

GLENN J. SEDAM, JR.  
J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
CHRISTOPHER S. MOFFITT  
GEORGE V. BIONDI  
PHILIP H. BANE  
DONNA LYNN MILLER

OF COUNSEL

THOMAS J. FADOU, JR.

January 22, 1985

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

Attention Of Maura White

Re: MUR 1860

Dear Mr. Gross:

This responds to your letters to our clients, Citizens Committee for the Right to Keep and Bear Arms ("the Committee") and Right to Keep and Bear Arms Political Victory Fund ("the Fund"), dated December 12, 1984, with which were enclosed copies of a complaint filed by Handgun Control, Inc., alleging that our clients solicited contributions in violation of 2 U.S.C. 441b(b)(4). By letter, dated January 11, 1985, which was received by me on January 17, 1985, you provided me with a copy of the amended complaint of Handgun Control, Inc. The amended complaint was filed in order to cure a defect in the notarization of the original complaint.

Specifically, the complaint of Handgun Control, Inc. alleges that the Committee and the Fund have violated 2 U.S.C. 441b(b)(4)(A) and (C) by soliciting contributions to the Fund from "non-voting" members of the Committee. It is the position of our clients that the individuals who have been solicited to contribute to the Fund are "members" of the Committee, as that term is employed in the Federal Election Campaign Act and as it has been interpreted by the United States Supreme Court and the Federal Election Commission. See, Federal Election Commission v. National Right to Work Committee, 103 S. Ct. 552 (1982), Advisory Opinion 1977-67 and MUR 1765.

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Kenneth A. Gross, Esq.  
January 22, 1985  
Page Two

Sections 441b(b)(4)(A) and (C) of Title 2 of the United States Code provide that a corporation without capital stock may pay the expenses of soliciting contributions to its separate segregated fund from the "members" of the corporation. Although, the term "members" is not defined in the statute, the corresponding regulations, 11 CFR 114.1(e), define the term, in relevant part, as follows:

"Members" means all persons who are currently satisfying the requirements for membership in a ... corporation without capital stock.... A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund.

In Federal Election Commission v. National Right to Work Committee, supra, the United States Supreme Court held that the meaning of the word "member" should be primarily determined with reference to the laws of the state of incorporation of the corporation and its articles of incorporation and by-laws. Moreover, the Court noted that Congressional intent could be determined by analogizing members of non-profit corporations to stockholders of business corporations, stating that "some relatively enduring and independently significant financial or organizational attachment is required to be a member under § 441 b(b)(4)(C)." 103 S. Ct. at 557. The Court then described factual indicia of this attachment, only one being the right to vote.

The Committee is a non-profit corporation, organized and existing under and by virtue of Chapter 24.03 of the Revised Code of Washington, which has been determined by the Internal Revenue Service to be an organization described in Section 501(c)(4) of the Internal Revenue Code. Attached to the complaint in this matter is a copy of the Articles of Incorporation of the Committee, which was filed on January 30, 1974. Section 1 of Article IV of the Articles of Incorporation were subsequently amended, a copy of that amendment being enclosed for your records. Also attached to the complaint in this matter is a copy of the By-laws of the Committee. Sections 1,2, and 3 of Article III and Section 1 of Article IV of the By-laws were subsequently amended, a copy of those amendments being also enclosed for your records. The Fund, on the other hand, is an

Kenneth A. Gross, Esq.  
January 22, 1985  
Page Three

unincorporated political committee, which was organized on or about November 7, 1973 under the provisions of the Federal Election Campaign Act of 1971. P.L. 92-225.

In MUR 856, the Federal Election Commission determined that the Committee is an incorporated membership organization and that the Fund is the separate segregated fund established by the Committee. In addition, in MUR 856, all issues relevant to the solicitation of contributions to the Fund during the years prior to December 31, 1979 were resolved.

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The complainant in this matter has made no allegation that individuals other than "members" of the Committee have been solicited to make contributions to the Fund. The complainant only alleges that the Committee is not a membership organization as defined in the Federal Election Campaign Act of 1971, as amended. It is submitted, therefore, that the finding by the Commission in MUR 856 that the Committee is, in fact, a membership organization for the purposes of 2 U.S.C. 441b(b)(4)(C) should be dispositive of this matter. While we understand that the Office of General Counsel is not of that view, we reserve the right to assert that the conclusion reached in MUR 856 was dispositive.

It will be noted, with reference to Section 2 of Article IV of the Articles of Incorporation of the Committee, that the Committee is defined as being a "voluntary membership corporation." That provision is consistent with the requirements of Section 24.03.065 of the Revised Code of Washington, relating to membership corporations, which provides, as follows:

"Members. A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes, the manner of election or appointment and the qualifications and rights of the members of each class shall be set forth in the articles of incorporation or the by-laws. If the corporation has no members, that fact shall be set forth in the articles of incorporation or the by-laws. A corporation may issue certificates evidencing membership therein."

Kenneth A. Gross, Esq.  
January 22, 1985  
Page Four

It will be recalled, with reference to Federal Election Commission v. National Right to Work Committee, supra, that the Articles of Incorporation of the National Right to Work Committee provided that that corporation had no members. See, also, MUR 1604. Citizens Committee for the Right to Keep and Bear Arms, on the other hand, clearly was intended to be and is a membership organization.

It will also be noted, with reference to Section 1 of Article IV of the By-laws of the Committee, that the requirements of membership are clearly stated. That Section, as amended, provides:

"Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five years dues of \$50.00, or life membership dues of \$150.00 to the national office."

The foregoing, as well as the other provisions of Article IV of the By-laws of the Committee relating the "Membership", are consistent with Washington law. See, for example, Sections 24.03.070, 24.03.075 and 24.03.085<sup>1/</sup> of the Revised Code of Washington. In Rodruck v. Sand Point Maintenance Com., 48 Wn. 2d 565, 295 P. 2d 714 (1956), it was held that the by-laws of a Washington membership corporation, in effect, constitute a contract between the corporation and its members. In addition, in Allen v. Office Emp. Intl. Union, 53 Wn. 2d 1, 329 P. 2d 205 (1958), it was held that a member of a voluntary association may

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<sup>1/</sup> Each member of a Washington membership corporation is entitled to one vote on each matter submitted to a vote of members unless the right is expressly limited, enlarged or denied in the articles of incorporation or the by-laws of the corporation. RCWA 24.03.085. Because the right of members to vote was not limited, enlarged, or denied in the Articles of Incorporation or By-laws of the Committee, the members of the Committee have the right to vote.

Kenneth A. Gross, Esq.  
January 22, 1985  
Page Five

be expelled only on grounds contained in the constitution and by-laws of the association. In Section 24.06.005 of the Revised Code of Washington, it provides that the term "Member" means "one having membership rights in a corporation in accordance with provisions of its articles of incorporation or by-laws." As a consequence, under the laws of the State of Washington, the Committee is a membership corporation and any individual who complies with the requirements of membership in Section 1 of Article IV of its By-laws is a member of the Committee.

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The Committee is active in the solicitation of individuals to become members of the Committee. Enclosed is a reproduction of an advertisement used to solicit membership. It will be observed that individuals who respond to the advertisement must make an affirmative decision, and take an affirmative act, to join the Committee as a member. In addition, there is enclosed a copy of the Committee's standard reply to those who inquire about becoming members of the Committee. It will be observed that the letter explains how one becomes a member and it briefly describes some of the benefits of membership. Attached to that letter is a business reply envelope, which permits individuals to decide between just contributing to the Committee and becoming a dues paying member of the Committee. Also enclosed are samples of the annual dues statements and reminder notices which are mailed to existing members of the Committee. Each statement is personalized and bears the individual's membership number. They are mailed in carrier envelopes, a sample of which is enclosed, which notes that a membership dues statement is enclosed. Individuals who elect to become members of the Committee and who pay their dues are then issued a Membership Card. A sample of the 1984 Membership Card is enclosed. The Card is inscribed with the member's name and membership number and it bears the statement that the named individual "is recognized as an official member in good standing and is entitled to all membership benefits and privileges."

Individuals who become members of the Committee enjoy special benefits and privileges. Included in those benefits and privileges are the following:

- (1) Members receive, at no cost, the official periodical publication of the Committee, POINT BLANK, on a monthly basis. Samples of that publication are enclosed.

Kenneth A. Gross  
January 22, 1985  
Page Six

(2) Members receive, at no cost, copies of topical publications produced by the Committee. Included in that category, for example, are copies of "Action Alert", which address issues or events of particular interest in the member's particular geographic area or state.

(3) Advice and assistance, at no cost, concerning firearms, firearms training, acquisition of firearms licenses and permits, organization of gun clubs, implementation of grass roots lobbying plans and other matters.

(4) The provision, at no cost, of books, pamphlets, audio and video tapes, filmstrips and other pro-gun materials for use and distribution at schools, colleges, debates, fairs, gun shows and other forums.

(5) Use of a toll free number to request the foregoing and other assistance from the national office staff.

(6) Special prices on various artifacts. See the enclosed flyer and the last page of the August, 1984 edition of POINT BLANK.

(7) General assistance, such as the recommendation of attorneys experienced with the laws relating to guns and gun ownership, assistance in dealing with police and administrative agencies and the preparation of testimony for members to deliver at municipal and legislative hearings.

(8) The right to support the Fund. See the last page of the September, 1984 edition of POINT BLANK.

The benefits and privileges accorded to members of the Committee evidence the significant organizational attachment which exists between members of the Committee and the Committee. This

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Kenneth A. Gross, Esq.  
January 22, 1985  
Page Seven

organizational attachment is of significant importance to the members, who, as is well known, hold strong views about and are active in support of gun/gun ownership issues.

Pursuant to 2 U.S.C. 441b(b)(4)(A)(i), a corporation, or a separate segregated fund established by a corporation, may only solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families. An exemption from this restriction is set forth at 2 U.S.C. 441b(b)(4)(C), which provides that a corporation without capital stock, or a separate segregated fund established by a corporation without capital stock, may solicit contributions to the fund from members of the corporation without capital stock. The term "member" is defined at 11 CFR 114.1(e) to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund. Id.

In addition to the regulation defining "member," the Commission has, through the advisory opinion process, elaborated on the factors that will support an organization's claim to the membership exception of 2 U.S.C. 441b(b)(4)(C). In Advisory Opinion 1977-67, the Commission noted that 2 U.S.C. 441b(b)(4)(C) and 11 CFR 114.1(e) assume that "there are, in fact, requirements for membership in the organization." The Commission concluded that "a person can only be considered a member of an organization if he or she knowingly has taken some affirmative steps to become a member of the organization."<sup>2/</sup> The Commission elaborated further by stating that "the solicitation of political contributions from members of an organization derived from the special relationship that the organization has to its members (see the remarks of Representative Hansen, 117 Cong. Rec. 43380) and

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<sup>2/</sup> In AO 1977-67 the Commission noted that certain of the requestor's solicitation materials asked for a financial contribution and the solicitees' support on specific issues, but did not mention the procedures whereby an individual would become a member in the organization. The exhibits submitted with this response show clearly that the Committee draws a distinction between financial support and payment of dues.



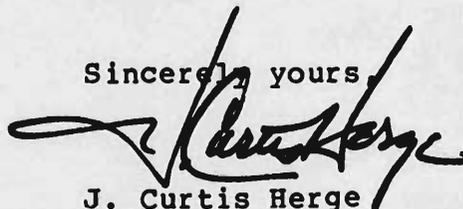
Kenneth A. Gross, Esq.  
January 22, 1985  
Page Nine

"significant financial ... attachment required to be a 'member' under § 441b(b)(4)(C)." See Federal Election Commission v. National Right to Work Committee, 103 S. Ct. 557.

The requisite "enduring ... organizational attachment" (See, Federal Election Commission v. National Right to Work Committee, 103 S. Ct. at 557) between members of the Committee and the Committee itself also exists. Specifically, a membership card is issued to each member as evidence of membership; and, as a privilege of membership, a subscription to the Committee's official journal is provided to all individual members. Besides the above indicia, there are certain "privileges" resulting from membership in the Committee, those privileges having been described on pages 5 and 6 of this reply.

The structure of the Committee's organization provides all members of the Committee with certain rights vis-a-vis the Committee. As discussed above, the Court did not dictate the requirements for membership in a corporation without capital stock, but rather commented upon the various indicia of membership that were lacking in the factual situation under its consideration. The right to vote, for example, was only one type of right vis-a-vis the corporation. In this matter, we believe that the Committee's organization provides all its members with sufficient rights, obligations, and privileges to claim the membership exemption of 2 U.S.C. 441b(b)(4)(C). See MUR 1765. Compare MUR 1604. In consideration of the foregoing, it is submitted that there is no reason to believe the Committee, the Fund and Mark E. Challenger, as treasurer, violated 2 U.S.C. 441b(b)(4).

Sincerely yours,



J. Curtis Herge

Enclosures

Amendment to  
Citizens Committee for the Right to Keep and Bear Arms  
Articles of Incorporation  
Article IV

Section 1. Purposes

1.1 The corporation is non-profit and organized to operate for charitable, philanthropic, and educational purposes, within the meaning of Section 501(c)(4) of the Internal Revenue Code of 1954.

1.2 The corporation is to operate exclusively to defend human and civil rights secured by law, specifically the Second Amendment to the United States Constitution.

1.3 The corporation is specifically to engage in presenting public discussion groups, forums, panels, debates, lectures, television and radio shows and public service broadcasts, or similar programs.

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Amendments to  
Citizens Committee for the Right to Keep and Bear Arms

By-Laws

Article III

Purposes

Section 1. The corporation is non-profit and organized to operate for charitable, philanthropic, and educational purposes, within the meaning of Section 501(c)(4) of the Internal Revenue Code of 1954.

Section 2. The corporation is to operate exclusively to defend human and civil rights secured by law, specifically the Second Amendment to the United States Constitution.

Section 3. The corporation is specifically to engage in presenting public discussion groups, forums, panels, debates, lectures, television and radio shows and public service broadcasts, or similar programs.

Article IV

Membership

Section 1. Any individual who is in agreement with the goal stated in Article III, Section 2, may become a member of the CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00, five year dues of \$50, or life membership dues of \$150.00 to the national office.

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# Who?



- Is the only national pro-gun rights organization that boasts over a hundred and twenty U.S. Congressmen and Senators as members on their National Advisory Council?
- Makes over 450 TV and Radio appearances in defense of the right to keep and bear arms each year?
- Distributed more than 4 million pieces of pro-gun rights materials?
- Maintains a full-time office and staff on both the east and west coast?
- Is growing at a 40% per year membership increase?

- Is running TV ads across the country as a way of informing gun owners that their rights are being taken away?
- Vigorously fights propaganda from the biased anti-gun media?
- Reached more than 25 million Americans with pro-gun ads and articles in newspapers and magazines last year?
- Gives direct aid to citizens fighting local and state gun-control legislation?
- Has an affiliated Political Victory Fund to defeat anti-gun and elect pro-gun candidates for public office?

We've come so far so fast you might have missed us!

## THE CITIZENS COMMITTEE FOR THE RIGHT TO KEEP & BEAR ARMS

Join hundreds of thousands of law-abiding gun owners who have joined the Citizens Committee in a unified effort to prevent our Second Amendment Rights from being taken away by indiscriminate judges and politicians.

Yes! I'll join. My Membership fee is enclosed which entitles me to a subscription to POINT BLANK, the Committee's monthly newsletter and all other services:

**\$15 Annual**

**\$50 Five Year**

**\$150 Life**

**\$1,000 Patron**

(Please indicate whether Mr., Mrs., Miss, etc.; and please print)

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_

Make all checks payable to CCRKBA and mail to: CCRKBA, Liberty Park, 12500 N.E. Tenth Place, Bellevue, WA 98005.

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# Citizens Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

Alan M. Gottlieb  
Chairman

Michael Kenyon  
Executive Director

John M. Snyder  
Director of Public Affairs

Robert Kukia  
Legislative Director

January 8, 1985

"... the right of the people to keep and bear Arms, shall not be infringed."

Mr. John Doe  
1212 Whatever Street  
Washington, D.C. 20000

Dear Mr. Doe,

Thank you for your inquiry regarding the Citizens Committee for the Right to Keep and Bear Arms.

The Citizens Committee (CCRKBA) maintains its National headquarters in Bellevue, WA., and has a lobby staff office in Washington, D.C. Currently, the Committee is composed of nearly 600,000 members and supporters across America, including over 130 members of Congress.

The CCRKBA is a national grassroots lobbying organization dedicated to the defense of the Second Amendment rights of all law-abiding Americans. The function of the CCRKBA is to effectively mobilize activity to ensure that restrictive firearms legislation does not become law. We uncompromisingly maintain that all law-abiding American citizens are constitutionally guaranteed the right to keep and bear arms.

We have three membership plans; our one year for \$15.00, our five year for \$50.00, and our life membership for \$150.00, which may be made on our Conditional Life membership program. This means you must make three payments of \$50.00, each in one calendar year. Members receive our monthly newsletter POINT BLANK and other benefits, such as discounts on bumper stickers, decals, etc. Whenever possible we try to keep our members informed of legislation going on in their state.

Thank you for your inquiry and I hope this letter has explained our functions and purpose.

Sincerely,

Mark Challender  
Projects Director

MC:jv

## National Advisory Council

(partial listing)

### Congressional Advisors

- Sen. James Abdnor (R-SD)
- Rep. Donald J. Albores (D-MI)
- Rep. Bill Alexander (D-AR)
- Sen. Mark Andrews (R-ND)
- Rep. Robert E. Badham (R-CA)
- Rep. Steve Bartlett (R-TX)
- Sen. Max Baucus (D-MT)
- Rep. Tom Bevill (D-AL)
- Rep. Michael Bilirakis (R-FL)
- Rep. Marilyn Lloyd Bouquard (D-TN)
- Rep. John Breaux (D-LA)
- Rep. James T. Broyhill (R-NC)
- Rep. Beverly B. Byron (D-MD)
- Rep. Carroll A. Campbell, Jr. (R-SC)
- Rep. Bill Chappell (D-FL)
- Rep. Richard B. "Dick" Cheney (R-WY)
- Sen. Thad Cochran (R-MS)
- Rep. Barber Conable (R-NY)
- Rep. Larry Craig (R-ID)
- Rep. Daniel B. Crane (R-IL)
- Rep. Phillip M. Crane (R-IL)
- Rep. Dan Daniel (D-WA)
- Rep. Eligio de la Garza (D-TX)
- Sen. Jeremiah Denton (R-AL)
- Rep. William L. Dickinson (R-AL)
- Sen. Robert Dole (R-KS)
- Rep. David Dreier (R-CA)
- Rep. John J. Duncan (R-TN)
- Rep. Roy Dyson (D-MD)
- Rep. M.H. "Mickey" Edwards (R-OK)
- Rep. Glenn English (D-OK)
- Rep. Jack Fields (R-TX)
- Rep. Hamilton Fish, Jr. (R-NY)
- Rep. James J. Florio (D-NJ)
- Rep. Don Fuqua (D-FL)
- Rep. Joseph M. Gaydos (D-PA)
- Rep. Benjamin A. Gilman (R-NY)
- Rep. William F. Goodling (R-PA)
- Rep. Phil Gramm (R-TX)
- Sen. Charles E. Grassley (R-IA)
- Rep. John Paul Hammerschmidt (R-AR)
- Rep. George Hansen (R-ID)
- Sen. Orrin G. Hatch (R-UT)
- Sen. John Heinz, III (R-PA)
- Sen. Jesse Helms (R-NC)
- Rep. Elwood H. Hillis (R-IN)
- Rep. Larry Hopkins (R-KY)
- Rep. Carroll Hubbard, Jr. (D-KY)
- Rep. Jerry Huckaby (D-LA)
- Sen. Gordon J. Humphrey (R-NH)
- Rep. Andy Ireland (D-FL)
- Sen. Roger W. Jepsen (R-LA)
- Rep. Walter B. Jones (D-NC)
- Rep. John R. Kasich (R-OH)
- Sen. Robert W. Kasten (R-WI)
- Rep. Jack Kemp (R-NY)
- Rep. Thomas N. Kindness (R-OH)
- Rep. Ken Kramer (R-CO)
- Rep. Robert J. Lagomarsino (R-CA)
- Rep. Delbert L. Latta (R-OH)
- Sen. Paul Laxalt (R-NV)
- Rep. Marvin Leath (D-TX)
- Rep. Robert L. Livingston (R-LA)
- Rep. Tom Loeffler (R-TX)
- Rep. Trent Lott (R-MS)
- Rep. Bill Lowery (R-CA)
- Rep. Manuel Lujan, Jr. (R-NM)
- Rep. Dan Marriott (R-UT)
- Sen. Mack Mattingly (R-GA)
- Rep. Robert H. Michel (R-IL)

Continued on reverse side

U.S. Capital Office: 600 Pennsylvania Ave. S.E., Suite 205, Washington, D.C. 20003 202/543-3363



# Citizens Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

Alan M. Gottlieb  
Chairman

Michael Kenyon  
Executive Director

John M. Snyder  
Director of Public Affairs

Robert Kukla  
Legislative Director

"... the right of the people to keep and bear Arms, shall not be infringed."

Dear CCRKBA Supporter,

Thanks to your continued support the Citizens Committee For the Right to Keep and Bear Arms is one of the most successful educational and grass-root lobbying organizations in America.

I appreciate your support. And pledge to you that in 1984 the Citizens Committee will unload a new hard-hitting program against the anti-gunners who want to deny you your constitutional right.

I am having a personalized 1984 membership card made for you. That is why I have enclosed a voluntary dues statement for your 1984 membership dues.

By returning your voluntary dues payment, you will take a stand against those who are working around the clock to take away your gun.

Please return your voluntary dues statement with your payment in the enclosed postage-paid envelope.

And thank you for standing with us in defense of our precious Right to Keep and Bear Arms.

Sincerely yours,

*Alan M. Gottlieb*  
Alan M. Gottlieb  
Chairman

P.S. We have a CCRKBA executive board meeting coming up soon and I want to tell them that they can count on you in 1984. Please let me hear from you today if possible.

## National Advisory Council

(partial listing)

### Congressional Advisors

- Sen. James Abdnor (R-SD)
- Rep. Donald J. Albores (D-MI)
- Rep. Bill Alexander (D-AR)
- Sen. Mark Andrews (R-ND)
- Rep. Robert E. Badham (R-CA)
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- Sen. Mack Mattingly (R-GA)
- Rep. Larry McDonald (D-GA)
- Rep. Robert H. Michel (R-IL)
- Rep. Clarence E. Miller (R-OH)
- Rep. G. V. Montgomery (D-MS)

Continued on reverse side



# Citizens Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

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"... the right of the people to keep and bear Arms, shall not be infringed."

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- Rep. Tom Loeffler (R-TX)
- Rep. Trent Lott (R-MS)
- Rep. Bill Lowery (R-CA)
- Rep. Manuel Lujan, Jr. (R-NM)
- Rep. Dan Marriot (R-UT)
- Sen. Mack Mattingly (R-GA)
- Rep. Robert H. Michel (R-IL)

Continued on reverse side

Dear CCRKBA Supporter,

The enclosed Voluntary Dues Statement is my personal attempt to urge you to make payment of your 1984 Membership dues or to make an additional contribution at this crucial time.

Please forgive this request. But due to increased and ongoing anti-gun activity that we have had to fight our cash on hand is at an all time low level.

We have just had to fight the anti-gunners in Cleveland Heights, Ohio and Broward County, Florida. And it looks like we may have problems in the city of Dallas and with the Texas legislature.

I pray that you can help us fight back. And I personally guarantee that your contribution will be used to help strengthen the pro-gun projects of your Citizens Committee for the Right to Keep and Bear Arms.

My plans to fight back depend on your help. If I don't hear from you -- we will have to seriously cut-back our activities at a time when we can ill afford to.

Please use the envelope I've enclosed to rush your 1984 Membership dues or an additional contribution to me so that I am not forced to order cut-backs in our 1984 plans.

I sincerely appreciate all that you have done to protect our gun rights. And I intend to repay your help with more hard hitting projects against the gun grabbers.

Sincerely yours,

Mike Kenyon  
Executive Director

P.S. On behalf of gun owners everywhere, thanks for your support of the Citizens Committee for the Right to Keep and Bear Arms.



# Citizens Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

**Alan M. Gottlieb**  
Chairman

**Michael Kenyon**  
Executive Director

**John M. Snyder**  
Director of Public Affairs

**Robert Kukla**  
Legislative Director

"... the right of the people to keep and bear Arms, shall not be infringed."

Dear CCRKBA Supporter,

I wish I could just automatically issue a 1984 Citizens Committee for the Right to Keep and Bear Arms Membership Card to you because of the past generous support you have given CCRKBA.

But our budget simply won't permit it.

Because the Citizens Committee's direct and grass-roots lobbying and pro-gun projects are on-going, they require on-going support from you and other CCRKBA supporters.

That's why it's so important that you let me know today if you want to contribute to the important work against the gun grabbers that the Citizens Committee performs.

I need to know if in 1984 CCRKBA has the membership support and funding to carry on our fight to restore and protect the rights of gun owners.

And to protect you and your family from those who want to deny you your constitutional rights.

I have enclosed a copy of the CCRKBA 1983 ANNUAL REPORT for you. You can see the Citizens Committee can do the job.

But without your renewed support for 1984 to launch new programs and continue those already under way, I fear the gun grabbers will continue to chip away our gun rights.

If you have already sent your voluntary support contribution and our letters have crossed, thank you and please disregard this request. However, if you can send any additional help I can assure you that CCRKBA will put it to good use.

Sincerely yours,

*Alan M. Gottlieb*

Alan M. Gottlieb  
Chairman

P.S. - In order for me to go ahead with the final inscription on your 1984 CCRKBA Membership Card, I must receive your voluntary renewal payment.

## National Advisory Council

(partial listing)

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Rep. Robert H. Michel (R-IL)  
Rep. Clarence E. Miller (R-OH)  
Rep. G. V. Montgomery (D-MS)

Continued on reverse side



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
 FROM: Office of General Counsel *GC*  
 DATE: January 17, 1985  
 SUBJECT: MUR 1860 - 1st GC's Rpt

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

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

ATTORNEYS AT LAW

SUITE 1100

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

*To*

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

**FIRST CLASS MAIL**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL *MWE*

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

DATE: JANUARY 22, 1985

SUBJECT: MUR 1860 - First General Counsel's  
Report signed January 16, 1985

The above-captioned matter was circulated to the Commission on a 24 hour no-objection basis at 2:00, January 18, 1985.

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

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

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT 17 P 4:31

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION 1/17/85 4:20pm

MUR 1860  
DATE COMPLAINT RECEIVED  
BY OGC 1-7-85  
DATE OF NOTIFICATION TO  
RESPONDENT 1-11-85  
STAFF MEMBER Maura White

COMPLAINANT'S NAME: Handgun Control, Inc.  
RESPONDENTS' NAMES: Right to Keep and Bear Arms Political  
Victory Fund;  
Mark Challender, as treasurer;  
Citizens Committee for the Right to  
Keep and Bear Arms  
RELEVANT STATUTE: 2 U.S.C. § 441b(b)(4)  
INTERNAL REPORTS CHECKED: Public Records  
FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On January 7, 1985, Charles Orasin, the Executive Vice-President of Handgun Control, Inc., filed a complaint against the Right to Keep and Bear Arms Political Victory Fund ("PVF"), Mark Challender, as treasurer, and the Citizens Committee for the Right to Keep and Bear Arms ("CCRBA"). 1/ The complainant alleges that the PVF and CCRBA have solicited individuals for

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1/ The complaint was originally filed on December 5, 1984. Notification of the complaint was mailed to the respondents on December 12, 1984. Return receipts obtained from the U.S. Postal Service demonstrate that the PVF and CCRBA received notification of the complaint on December 27, 1984, and December 26, 1984, respectively. Due to a defect in the notarization of the complaint, the complainant resubmitted the complaint on January 7, 1985. Notification of the resubmission of the complaint was mailed to the respondents on January 11, 1985, affording them an additional 15 days to respond.

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contributions to the Fund who are not "members" of CCRBA within the meaning of the Act, in violation of 2 U.S.C. § 441b(b)(4).

The complaint states that the PVF is a corporate political action committee which has identified CCRBA, a corporation without capital stock, as its connected organization. The complainant states that the definition of the term "member" (11 C.F.R. § 114.1(e)) has been "interpreted by the Commission to require that a person can only be considered a 'member' of a corporation without capital stock if, inter alia, the membership relationship is evidenced by the existence of rights and obligations vis-a-vis the corporation." 2/ See MUR 1604. According to the complainant, any qualified individual may become a "member" of CCRBA by completing a membership form and paying annual dues of \$15. 3/ The complainant contends, however, that "[a]ll corporate power ... is held by the Board of Directors and

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2/ The complainant further states:

The other indicia of 'membership' required by the Commission which are not relevant to this complaint, and are admitted for the purposes hereof, are that prospective members must knowingly take some affirmative steps to become a member of the organization and pay a predetermined minimum amount for dues or contributions.

3/ This Office notes that these requirements are set forth in Article IV, Section 1 of CCRBA's By-Laws.

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nothing in the By-Laws requires Directors to be 'members'." 4/ According to the complainant, the "Chairman of the Board of Directors is the senior officer of the corporation, and determines the policy and general supervision of the affairs of the Committee subject to the direction of the Board of Directors." 5/ Moreover, the Chairman "also may refuse to accept an application for membership from or suspend membership of any individual who, among other things, engages in activities which are contrary to the interests" of CCRBA. See Article IV, Section 2 of CCRBA's By-Laws.

The complainant further alleges that "members" of CCRBA "do not have an opportunity to participate in the direction, operations and policies" of the CCRBA. The complainant supports its allegations by stating that the By-Laws "do not provide for meetings of members, nor do they generally afford members corporate powers, including the right to vote for directors of

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4/ Article V, Section 1 of the CCRBA's Articles of Incorporation state that the "management of the corporation shall be vested in a board of no less than three (3) trustees." Article VI of the Articles of Incorporation state that the "authority to make, alter, amend or repeal Bylaws is vested in the Board of Trustees, and may be exercised at any regular or special meeting of the Board." Article V, Section 1 of CCRBA's By-Laws state that "[a]ll powers of the Corporation shall be exercised by the Board of Directors who may delegate to officers and to committees established by them such powers as they may see fit in addition to such powers as are prescribed in these By-Laws."

5/ According to Article VII of the CCRBA's By-Laws, the Chairman shall appoint the chairman of all standing committees, approved by the Board of Directors, from inside or outside the Board of Directors, and shall appoint all members of all standing committees from inside or outside the Board of Directors.

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the [CCRBA] 6/, the authority to elect officers, control over policy or general supervision of [CCRBA] or any right to amend the By-Laws." It is the complainant's contention that "members" of CCRBA "have no corporate rights or obligations whatsoever under the By-Laws of [CCRBA], and therefore [CCRBA] has no 'members' as that term is defined in 11 C.F.R. Section 114.1(e) and interpreted by the Commission." In conclusion, the complainant argues that the PVF and CCRBA have improperly solicited individuals from 1975 through at least the end of 1983, and the Year-End Reports filed by the PVF "for these years indicate that more than \$382,500 has been contributed by individuals" to the CCRBA which "did not come exclusively from executive and administrative personnel and their families." 7/

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6/ Article V, Section 3 of CCRBA's By-Laws state that the Directors shall be elected by a majority vote of members of the Board present and voting at a regularly scheduled Biennial Meeting for such a purpose." Article V, Section 6 of the By-Laws further states that any vacancies occurring on the Board of Directors may be filled by a majority vote of the Directors then in office.

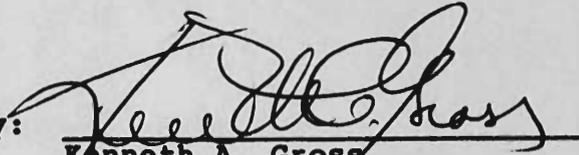
7/ On November 20, 1978, the National Council to Control Handguns, Inc. (now known as Handgun Control, Inc., the complainant in the instant matter) filed a complaint against the PVF alleging, inter alia, that the PVF solicited contributions "from persons not members of [PVF or CCRBA] by means of a mailing" which went to the general public, in violation of 2 U.S.C. § 441b. See MUR 856. The Commission's resulting investigation focused upon PVF's solicitation of the general public for contributions, and not apparently upon whether "members" of CCRBA were in fact "members" within the meaning of the Act. In response to the complaint, the CCRBA and PVF maintained that the PVF was not the separate segregated fund of the CCRBA. Based upon evidence obtained it was the view of this office, that CCRBA was the connected organization of the PVF. In a conciliation agreement, executed on September 30, 1980, the (continued on next page)

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Upon receipt of the respondents' replies to the complaint, this Office will prepare a report to the Commission containing specific recommendations.

Charles N. Steele  
General Counsel

January 16, 1985  
Date

By:   
Kenneth A. Gross  
Associate General Counsel

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7/ (continued)  
pertinent facts include the statement that the PVF is the separate segregated fund of the CCRBA, and the PVF admitted that it "violated 2 U.S.C. § 441b(b)(4)(C) and 11 C.F.R. § 114.7(a) by soliciting contributions outside the membership" of the CCRBA. In addition, the PVF paid a \$25,000 civil penalty.

file



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 11, 1985

Charles Orasin, Executive Vice-President  
Handgun Control, Inc.  
1400 K Street, N.W.  
Suite 500  
Washington, D.C. 20005

Dear Mr. Orasin:

This letter is to acknowledge receipt of the complaint which you resubmitted on January 7, 1985, against the Citizens Committee for the Right to Keep and Bear Arms and the Right to Keep and Bear Arms Political Victory Fund alleging violations of Federal Election Campaign laws. In view of the resubmission of the complaint you originally filed on December 5, 1984, the complaint is now considered to have been filed on January 7, 1985.

You will be notified as soon as the Commission takes final action on your complaint. If you have any questions please contact Barbara Johnson at 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

85040593831



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 11, 1985

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

J. Curtis Herge, Esquire  
Sedam and Herge  
Suite 1100  
8300 Greensboro Drive  
McLean, Virginia 22102

Re: MUR 1860

Dear Mr. Herge:

This letter is to notify you that on January 7, 1985, the complainant in this matter resubmitted the complaint he filed on December 5, 1984, against your clients, the Citizens Committee for the Right to Keep and Bear Arms, the Right to Keep and Bear Arms Political Victory Fund, and Mark Challenger, as treasurer, in order to cure a defect in the notarization of the complaint. A copy of the resubmitted complaint is enclosed for your information.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your clients in connection with this matter. In view of this resubmission your response to the allegations contained in the complaint originally filed on December 5, 1984, should be submitted within 15 days of your receipt of this letter. Hence, there is no need for an extension of time in which to respond to the allegations contained in the complaint.

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.

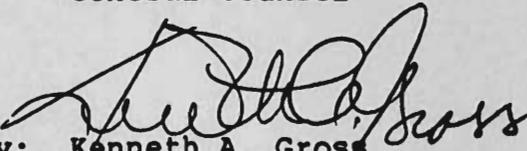
85040573882

Letter to J. Curtis Herge  
Page 2

If you have any questions, please contact Maura White, the staff person assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Complaint

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RECEIVED AT THE FEC  
GCC #6419  
85 JAN 15 AB: 45  
MUR 1860  
White

**SEDAM & HERGE**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1000

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22108

(703) 821-0000

**SEDAM, HERGE & REED**

SUITE 1000

1250 EYE STREET, N.W.

WASHINGTON, D. C. 20008

(202) 698-0200

CHARLES D. REED

RESIDENT PARTNER

JOHN D. HEFFNER

TELEX: 710-831-0896

CABLE: SEDAMHERG

AG: 47

GLENN J. SEDAM, JR.  
J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
CHRISTOPHER S. MOFFITT  
GEORGE V. BIONDI  
PHILIP H. BANE  
DONNA LYNN MILLER

OF COUNSEL  
THOMAS J. FADOU, JR.

January 11, 1985

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

Attention of Maura White

RE: MUR 1860

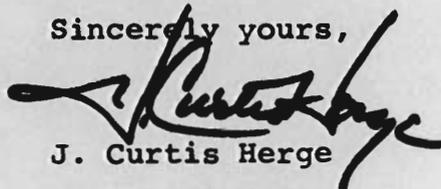
Dear Mr. Gross:

By letter dated January 4, 1985, I advised you that I have been engaged by Citizens Committee for the Right to Keep and Bear Arms to represent it in connection with the issues alleged in the complaint filed by Handgun Control, Inc., numbered MUR 1860. I now have also been engaged to represent the interests of the other named respondents in this matter, Citizens Committee for the Right to Keep and Bear Arms Political Victory Fund and its Treasurer, Mark E. Challender. A signed Statement of Designation of Counsel is enclosed for your records.

In the circumstances, you can anticipate that we will file a consolidated response on behalf of all the respondents.

It is my understanding that you will serve on me, as counsel to the respondents, a copy of the amended complaint and that I will have fifteen days from the date of the receipt of the amended complaint within which to respond.

Sincerely yours,



J. Curtis Herge

Enclosure

85040590354

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1860

NAME OF COUNSEL: J. Curtis Herge, Esq.

ADDRESS: Sedam & Herge, P.C.  
8300 Greensboro Drive, Suite 1100  
McLean, Virginia 22102

TELEPHONE: 703/821-1000

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.

1-8-84  
Date

Mark Challend  
Signature  
For himself and as Treasurer of  
Citizens Committee for the Right to Keep and  
Bear Arms Political Victory Fund

RESPONDENT'S NAME: Citizens Committee for the Right to Keep and Bear  
Arms Political Victory Fund  
ADDRESS: 12500 N. E. Tenth Place  
Bellevue, Washington 98005

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_

# SEDAM & HERGE

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 400

8300 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102



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

Attention of Maura White

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**SEDAM & HERGE**

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
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8300 GREENSBORO DRIVE  
MCLEAN, VIRGINIA 22102

(703) 821-1000

**SEDAM, HERGE & REED**

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1250 EYE STREET, N.W.  
WASHINGTON, D. C. 20005  
(202) 698-0200

CHARLES D. REED  
RESIDENT PARTNER  
JOHN D. HEFFNER

TELEX: 710-631-0896

CABLE: SEDAMHERG

GLENN J. SEDAM, JR.  
J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
CHRISTOPHER S. MOFFITT  
GEORGE V. BIONDI  
PHILIP H. BANE  
DONNA LYNN MILLER

OF COUNSEL  
THOMAS J. FADOU, JR.

January 4, 1985

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

Attention of Maura White

RE: MUR 1860

Dear Mr. Gross:

The purpose of this letter is to advise you that I have been engaged by Citizens Committee for the Right to Keep and Bear Arms to represent it in connection with the issues alleged in the complaint filed by Handgun Control, Inc., numbered MUR 1860. Enclosed, for your records, is a copy of our client's Statement of Designation of Counsel, authorizing me to represent it before the Commission in connection with this matter.

Your letter of notification to our client, dated December 12, 1984, was picked up from the post office by a private deliveryman on December 26, 1984. Your letter was then placed on the desk of Mr. Michael Kenyon, a senior officer of our client, who was then away from the office for the holidays. Upon returning to the office on January 3, 1985, he discovered your letter and immediately forwarded copies to me by overnight express. In light of this inadvertant delay and the need for me to secure the relevant facts from my client, I request an extension until January 18, 1985 within which to

60040120057

60040120057

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1860

NAME OF COUNSEL: J. Curtis Herge, Esq.

ADDRESS: Sedam & Herge, P.C.

8300 Greensboro Drive, Suite 1100

McLean, Virginia 22102

TELEPHONE: 703/821-1000

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.

Citizens Committee for the Right to  
Keep and Bear Arms

1/3/85  
Date

By: Michael Kingon  
Signature Vice President

RESPONDENT'S NAME: Citizens Committee for the Right  
to Keep and Bear Arms

ADDRESS: 12500 N.E. Tenth Place

Bellevue, Washington 98005

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: (206) 454-4911

# SEDAM & HERGE

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

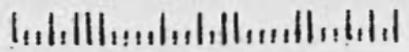
SUITE 1100

8300 GREENSBORO DRIVE  
MCLEAN, VIRGINIA 22102



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

06040593383



**HANDGUN CONTROL**

**ONE MILLION STRONG... working to  
keep handguns out of the wrong hands.**

January 7, 1985

GC#6268

5 JAN 7  
P 1:07

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

Dear Mr. Steele:

I am resubmitting a complaint I filed with the Federal Election Commission on December 5, 1984 since I understand there was some question as to the validity of the notary's commission.

Pursuant to 2 U.S.C. §437(g) and 11 CRF §111.4(a), I request that you investigate this complaint that the Citizens Committee For The Right to Keep And Bear Arms ("Committee") and the Right To Keep And Bear Arms Political Victory Fund ("Fund") have solicited contributions in violation of 2 U.S.C. §441b(b)(4). This complaint is filed on behalf of Handgun Control, Inc., 1400 K Street, N.W., Suite 500, Washington, D.C. 20005.

THE COMMITTEE IS A NON-STOCK CORPORATION CONNECTED TO THE FUND.

1. The Committee is, upon information and belief, a corporation without capital stock according to the Articles of Incorporation and By-Laws filed by the Committee in the State of Washington, where it is incorporated (Exhibit 1).

2. The Fund is a corporate political action committee within the definition of 2 U.S.C. §441b(b)(2). It has identified the Committee as its connected organization on its Statement of Organization on file with the Federal Election Commission (Exhibit 2). Complainant does not have sufficient information to determine whether the Fund is a separate incorporated entity or simply an organization component of the Committee.

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**THE COMMITTEE AND THE FUND HAVE SOLICITED CONTRIBUTIONS IN VIOLATION OF 2 U.S.C. §441b(b)(4).**

1. As a separate segregated fund whose connected organization is a corporation with no capital stock, the Fund is allowed under 2 U.S.C. 441b(b)(4) to solicit individual contributions only from the executive or administrative personnel and their families of the Committee and the Fund, and from members of the Committee.

2. 11 CFR §114.1(e) of the regulations of the Federal Election Commission ("Commission") defines the term "member" to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock. The regulations have been interpreted by the Commission to require that a person can only be considered a "member" of a corporation without capital stock if, inter alia, the membership relationship is evidenced by the existence of rights and obligations vis-a-vis the corporation.\*/  
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3. Upon information and belief based upon the By-Laws of the Committee, any qualified individual may become a "member" of the Committee by completing a membership form and paying \$15.00 annual dues. All corporate power, however, is held by the Board of Directors and nothing in the By-Laws requires Directors to be "members". The Chairman of the Board of Directors is the senior officer of the corporation, and determines the policy and general

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\*/The other indicia of "membership" required by the Commission which are not relevant to this Complaint, and are admitted for the purposes hereof, are that the prospective member must knowingly take some affirmative steps to become a member of the organization and pay a predetermined minimum amount for dues or contributions.

supervision of the affairs of the Committee subject to the direction of the Board of Directors. The Chairman also may refuse to accept an application for membership from, or suspend membership of any individual who, among other things, engages in activities which are contrary to the interests of the Committee. By contrast, "members" of the Committee do not have an opportunity to participate in the direction, operations and policies of the Committee, e.g., the By-Laws do not provide for meetings of members, nor do they generally afford members corporate powers, including the right to vote for directors of the Committee, the authority to elect officers, control over policy or general supervision of the Committee or any right to amend the By-Laws (Exhibit 1).

4. Upon information and belief derived from the evidence set forth above, I aver that members of the Committee have no corporate rights or obligations whatsoever under the By-Laws of the Committee, and therefore the Committee has no "members" as that term is defined in 11 CFR Section 114.1(e) and interpreted by the Commission. Accordingly, the Committee and the Fund may solicit individual contributions only from the executive or administrative personnel and their families of the Committee and the Fund.

5. Upon information and belief, I aver that the Committee and the Fund have solicited individual contributions from persons other than executive or administrative personnel and their families every year from 1975 through at least the end of 1983. The year-end Reports of Receipts and Expenditures filed by the

Fund for these years indicate that more than \$382,500.00 has been contributed by individuals to the Fund (Exhibit 3). Upon information and belief, this sum did not come exclusively from executive and administrative personnel and their families.

CONCLUSION

If these averments are correct, then the Committee and the Fund have violated the Federal Election Campaign Act by soliciting contributions from individuals outside of the restrictions imposed by law. If the Commission confirms these averments, then sanctions should be imposed on the Committee and the Fund for these violations.

Sincerely yours,

*Charles J. Orasin*  
Charles J. Orasin  
Executive Vice President

DISTRICT OF COLUMBIA, SS:

Subscribed and sworn before me this 7 day of Jan, 1985.

*Catherine A. McGuire*  
Notary Public

My Commission Expires: \_\_\_\_\_  
CATHERINE A. MCGUIRE  
MY COMMISSION EXPIRES  
FEBRUARY 14, 1989

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235412  
FILE NUMBER

EXHIBIT 1

DOMESTIC



STATE OF WASHINGTON | DEPARTMENT OF STATE

I, A. LUDLOW KRAMER, Secretary of State of the State of Washington and custodian of its seal, hereby certify that

ARTICLES OF INCORPORATION

of CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS  
a domestic corporation of Seattle, Washington,

was filed for record in this office on this date, and I further certify that such Articles remain on file in this office.



In witness whereof I have signed and have affixed the seal of the State of Washington to this certificate at Olympia, the State Capitol,

January 30, 1974

*[Handwritten signature]*

A. LUDLOW KRAMER  
SECRETARY OF STATE

FILED  
JAN 30 1974

A. LUSLOW KRAMER  
SECRETARY OF STATE

ARTICLES OF INCORPORATION

OF

CITIZENS COMMITTEE FOR THE RIGHT  
TO KEEP AND BEAR ARMS

The undersigned, in order to form a non-profit corporation under Chapter 24.03 of the Revised Codes of Washington, hereby signs and verifies the following Articles of Incorporation:

ARTICLE I

The name of the corporation is CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS.

ARTICLE II

The duration of the corporation shall be perpetual.

ARTICLE III

The initial registered office of the corporation shall be 3214 West McGraw Street, Seattle, Washington, and the initial registered agent at such address is Alan Gottlieb.

ARTICLE IV

SECTION 1. Purposes. To operate exclusively for the purpose of defending the Second Amendment to the United States Constitution, to provide aid and information to people throughout the United States who may desire it to assist them in achieving and maintaining the realization of goals of the organization.

SECTION 2. Limitations.

2.1 The corporation shall be a non-sectarian, bi-partisan voluntary membership corporation.

2.2 The corporation shall have no capital stock, and no part of its net earnings shall inure to the benefit of any trustee, officer, or member of the corporation, or any private individual.

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2.3 Upon dissolution or winding up of the affairs of the corporation, all of the remaining assets of the corporation shall be distributed pursuant to a plan adopted by the Board of Trustees either to any other organization to be used for identical uses and purposes or, if then permitted by law, to the members of the corporation on a pro-rata share.

**SECTION 3. Powers.** In general, and subject to such limitations and conditions as are or may be prescribed by law, or in the corporation's Articles of Incorporation or Bylaws, the corporation shall have all powers which now or are hereafter conferred by law upon a corporation organized for the purpose hereinabove set forth, or necessary or incidental to the powers so conferred, or conducive to the attainment of the purpose of the corporation.

#### ARTICLE V

1. The management of the corporation shall be vested in a board of no less than three (3) trustees. The number, qualifications, terms of office, manner of election, time and place of meeting, and powers and duties of trustees shall be such as are prescribed by the Bylaws of the corporation.

2. The names and addresses of the trustees who will first manage the affairs of the corporation until the first meeting for election of board of directors, as provided in the Bylaws, and until their successors are elected and qualified, are:

Alan M. Gottlieb	3214-A West McGraw Street Suite #7 Seattle, Washington 98199
John M. Snyder	2326 - 39th Street NW Washington, D. C. 20007
Jeffrey D. Kane	915 Queen Anne Avenue North Seattle, Washington 98119
Jack Gullahorn	4102 Idlewild Austin, Texas 78731
James B. Whisker	RD #1, Box #1181 Point Marion, Pennsylvania 15474



BY-LAWS OF  
CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

ARTICLE I

NAME

Section 1. The name of the Corporation shall be CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS.

ARTICLE II

SEAL

Section 1. The seal of the Corporation shall be circular in form and shall bear the name of the Corporation, the year of its organization, and the words, "Corporate Seal, Washington."

Section 2. The adoption of the seal of the Corporation does not limit the power of the Corporation to have a trademark and a registration of same.

ARTICLE III

PURPOSES

Section 1. The Corporation is a non-profit, non-sectarian, bipartisan, voluntary membership Corporation.

Section 2. The Corporation is organized exclusively for the purpose of defending the Second Amendment to the United States Constitution.

Section 3. To provide aid and information to such people throughout the nation who desire it to assist them in achieving and maintaining the realization of goals stated in Section 2 of this Article.

ARTICLE IV

MEMBERSHIP

Section 1. Any individual who is in agreement with the goal stated in Article III, Section 2, and is not a convicted felon,

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fugitive from justice, an adjudicated mental incompetent, drug addict, alcoholic, member of any organization seeking to overthrow the U. S. government by force or violence, a person who has received dishonorable discharges from the U. S. Armed Forces, or a member of any organization on the U. S. Attorney General's list of subversive organizations, may become a member of the CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00 to the National office.

Section 2. The Chairman may refuse to accept an application for membership form, or suspend the membership of any individual who engages in activities which constitute anti-semitism, racism, facism, communism, religious discrimination or which are contrary to the interests of the Corporation. The Chairman's action under this section shall be reviewed by the Board of Directors within ten days, which shall thereupon vote either to accept or reinstate the individual or to revoke his membership.

Section 3. No personal benefits shall inure to any member, director, or officer of the Corporation except that reasonable compensation may be paid for or on behalf of the Corporation.

Section 4. Any member may terminate his membership by written resignation at any time.

## ARTICLE V

### BOARD OF DIRECTORS

Section 1. All powers of the Corporation shall be exercised by the Board of Directors who may delegate to officers and to committees established by them such powers as they may see fit in addition to such powers as are specified in these By-Laws.

Section 2. The number of Directors which shall constitute the whole Board shall be set by the Board and shall be seven (7).

Section 3. The Directors shall be elected by a majority vote of members of the Board present and voting at a regularly scheduled Biennial Meeting for such a purpose, and shall serve for a period of two years and until their successors have been elected and qualified. The first Biennial Meeting shall be held in 1975.

Section 4. The Board of Directors shall meet at least once a year at the call of the Chairman or a majority of the Board, upon written petition, such petition to be submitted to the Chairman. Notice of all regular meetings shall be mailed to each director not less than twenty-one (21) days prior to the date of the meeting. In

the case of a meeting called by petition, the Board shall meet at the National office of the Corporation on a date set forth therein not less than five (5) days nor more than fifteen (15) days after receipt of said petition by the Chairman, to discuss and vote upon the specific issues raised by such petitions.

Section 5. At all meetings of the Board of Directors, a majority of the membership of the Board of Directors shall constitute a quorum.

Section 6. Any vacancies occurring on the Board of Directors may be filled by a majority vote of the Directors then in office.

Section 7. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, any member of the Board of Directors, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered.

Section 8. Any Director may terminate his membership on the Board by written resignation at any time.

Section 9. A Director may be removed from the Board for just cause by two-thirds vote of those Directors, present and voting at any official constituted meeting of the Board, provided that twenty-one (21) days notice of such proposed action is given to the members of the Board. In cases of removal, the action of the Board shall be final.

Section 10. All members of the Board shall serve from the time of their election until their successors are elected and qualified.

Section 11. The Board of Directors may hold their meetings and keep the books of the Corporation outside the State of Washington.

Section 12. Notice of any meeting of the Board of Directors need not be given to any Director if it be waived by him in writing, whether before or after such meeting is held, or if he is present at such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of business because the meeting is not lawfully called or convened; and any meeting of the Board shall be a legal meeting without any notice thereof having been given, if all of the Directors are either present thereat or waive notice thereof.

Section 13. Any action which may be taken by the Board of Directors may be taken without a meeting if a consent in writing, setting forth the action so to be taken, shall be signed by all of the Directors. Such consent shall have the same effect as a unanimous vote.

## ARTICLE VI

### OFFICERS

Section 1. The general officers of the Corporation shall be the Chairman, Vice-Chairman, Secretary, and Treasurer, who must be members of the Board of Directors.

Section 2. The Chairman shall be elected from the membership of the Board of Directors for a two (2) year term, subject to removal for just cause by an affirmative vote of three-fourths (3/4) of the entire Board of Directors. The other general officers shall be elected by the Board of Directors for a two (2) year term, subject to the removal from their offices, but not from the Board of Directors, at any time by an affirmative vote of a majority of the Board of Directors. All general officers shall be elected at the Annual Meeting. They shall serve until the election of their successors.

Section 3. The Chairman shall be the Chairman of the Board of Directors, senior officer of the Corporation, and shall determine the policy and have general supervision of the affairs of the Corporation subject to the direction of the Board of Directors. The Chairman shall preside at all meetings of the Corporation and of its Board of Directors. He shall appoint, subject to the approval of the Board of Directors, all committees, temporary and standing. He shall see that all books, records, reports, and certificates, as required by law, are properly filed or kept, and he shall have sole authority to contract for professional personnel to assist with such matters. He shall have authority to exercise the powers granted by provisions of these By-Laws as to notices, and he shall be one of the officers who may sign checks or drafts of the Corporation, provided that such drafts or checks are also signed by one other person authorized by the Board of Directors.

Section 4. The Vice-Chairman shall serve as Chairman in case of disability, illness, death, or absence of the Chairman, until a successor is elected.

Section 5. The Secretary shall be responsible for recording all of the proceedings and votes of these meetings, and may sign the notices of the meetings thereof. The Secretary shall keep the minutes and records of the Corporation in appropriate books. It shall be the duty of the Secretary to file any certificate required by a state or federal government. He shall give and serve all notices to members of the Corporation, shall perform in general, the duties incident to the office of Secretary, subject to the control of the Chairman, Board of Directors, and the provisions of these By-Laws. The Secretary shall be one of the officers authorized to

sign checks or drafts of the Corporation provided that such drafts or checks are also signed by one other authorized Director.

Section 6. The Treasurer shall have the care and custody of the corporate funds and securities and shall keep full and accurate records of accounts of receipts and disbursements of all monies received and paid by him on account of the Corporation; he shall exhibit such books of accounts and records to any of the Directors at any time upon request at the office of the Corporation and shall render a detailed statement to the Directors as often as they shall require it. He shall cause to be deposited in such regular business bank or trust company as the Board of Directors may authorize the funds of the Corporation.

Section 7. If a vacancy shall occur in any office of the Corporation, the Board of Directors shall elect a successor to complete the unexpired term.

## ARTICLE VII

### STANDING COMMITTEES

Section 1. The Chairman shall appoint the chairman of all standing committees, approved by the Board of Directors, from inside or outside the Board of Directors.

Section 2. The Chairman shall appoint all members of all standing committees from inside or outside the Board of Directors.

## ARTICLE VIII

### OFFICES

Section 1. An office of the Corporation shall be located in the city of Seattle, State of Washington. The Registered office and Registered agent shall be determined by the Board of Directors.

Section 2. The Corporation may also have offices at such other places, either within or without the State of Washington, as the Board of Directors may from time to time determine.

Section 3. The principle office of the Corporation shall be located by decision of the Board of Directors.

## ARTICLE IX

### FUNDS AND SECURITIES

Section 1. The Board of Directors may authorize any officer or

officers, in the name of and on behalf of the Corporation, to enter into any contract or execute and deliver any instrument, or to sign checks, drafts, or other orders for the payment of money or notes or other evidences of indebtedness, and such authority may be general or confined to specific circumstances; and unless so authorized by the Board of Directors or by these By-Laws, no officer shall have the power or authority to bind the Corporation by any contract or agreement or engagement or to render it pecuniarily liable for any purpose or to any amount.

Section 2. No loan shall be contracted on behalf of the Corporation and no negotiable paper shall be issued in its name unless authorized by the vote of the Board of Directors or by these By-Laws. When authorized by the Board of Directors to do so, any officer of the Corporation may effect loans and advances at any time for the Corporation from any bank, trust company, or other institution, or from any firm, corporation, or individual. Such authority may be general or confined to specific instances.

Section 3. All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select, or as may be selected by any officer or officers by the Board of Directors or by these By-Laws.

Section 4. No loans shall be made by the Corporation to any officer or to any Director.

#### ARTICLE X

#### INDEMNIFICATION OF TRUSTEES AND OFFICERS

Each trustee or officer now or hereafter serving the Corporation and each person who at the request of or on behalf of the Corporation is now serving or hereafter serves as a trustee, Director or officer of any other corporation, whether for profit, or not for profit, and his respective heirs, executors, and personal representatives, shall be indemnified by the Corporation against expenses actually and necessarily incurred by him in connection with the defense of any action, suit or proceeding in which he is made a party by reason of being or having been such trustee, Director or officer, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duties; but such indemnification shall not be deemed exclusive of any other rights to which such person may be entitled under any By-Law agreement, vote of board of trustees or members, or otherwise.

ARTICLE XI

FISCAL YEAR

Section 1. The fiscal year shall be fixed by resolution of the Board of Directors.

ARTICLE XII

NOTICES

Section 1. Whenever, under the provisions of these By-Laws, the Certificate of Incorporation or any statute, notice is required to be given to any Director or officer or member, it shall not be construed to be a personal notice, but such notice may be given in writing by mail or by telegram, addressed to such officer or Director, at such address as appears on the books of the Corporation. Any officer or Director may waive any notice required to be given by law, the Certificate of Incorporation, or these By-Laws.

ARTICLE XIII

PARLIAMENTARY PROCEDURE

Section 1. All matters not covered by the By-Laws of the Corporation shall be governed by Roberts Rules of Order, Revised.

ARTICLE XIV.

AMENDMENTS

Section 1. The Board of Directors, by vote of two-thirds (2/3) of the entire Board of Directors, may amend the By-Laws, provided that each member of the Board of Directors be given twenty-one (21) days notice of the substance of the proposed change.

Office of the Clerk  
Washington, D.C.

031003

# REGISTRATION FORM AND STATEMENT OF ORGANIZATION FOR A COMMITTEE

NOV-12-PM 3:24

## SUPPORTING ANY CANDIDATE(S) FOR THE U.S. HOUSE OF REPRESENTATIVES AND ANTICIPATING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF \$1,000 IN ANY CALENDAR YEAR.

Requirements for Disclosure of Political Committees

(In accordance with the provisions of the Federal Election Campaign Act of 1971, P.L. 92-225)

### SEE APPROPRIATE SUPERVISORY OFFICER'S MANUAL FOR ADDITIONAL REGULATIONS AND INSTRUCTIONS

A. The treasurer of each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives shall file with the Clerk of the U.S. House of Representatives a Registration Form and Statement of Organization, within 10 days after its organization, or, if later, 10 days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives. Each such committee in existence on April 1, 1972 shall file a Registration Form and Statement of Organization with the Clerk of the U.S. House of Representatives on or before April 17, 1972. Note: If the committee also supports a candidate for the U.S. Senate, a similar statement must be filed with the Secretary of the Senate, and if the committee supports a candidate for President or Vice President of the United States a similar statement must be filed with the Comptroller General.

B. A copy of this statement shall be filed with the Secretary of State (or, if there is no Office of Secretary of State, the equivalent State office) of the appropriate State.

C. A copy of this statement shall be preserved by the treasurer of the political committee for a period of not less than two (2) years.

D. Any change or correction of information previously submitted in a Registration Form and Statement of Organization shall be reported to the Clerk of the U.S. House of Representatives within ten (10) days following the change or correction. Such amendments to the statement shall contain the date, identity of the committee, the changed or corrected information appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any other authorized to administer the oath.

E. Any committee which, after having filed one or more Registration Form and Statement of Organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Clerk of the U.S. House of Representatives. Such notification shall be verified by the oath or affirmation of the person filing it, taken before any other authorized to administer the oath, and such notification shall include a statement as to the disposition of residual funds if the committee is disbanding.

1. Full name of committee: Right to Keep and Bear Arms Political Victory Fund

Mailing address and ZIP code: 3214-A West McGraw, Suite 09  
Seattle, Washington 90199

Date of this registration: November 7th, 1972

2. Affiliated or connected organizations:

Name of affiliated or connected organization	Mailing address and ZIP code	Relationship
Citizens Committee for the Right to Keep and Bear Arms	3214-A. W. McGraw Suite 07 Seattle, WA 90199	Organized the report committee, membership is generally similar

\*Submit additional information on separate attachments clearly appropriately labeled and attached to this Statement of Organization. Indicate to the appropriate box above where information is contained on separate page(s).

3. Area, Scope and Jurisdiction of the Committee:

(a) Will this committee operate in more than one State? YES

(b) Will it operate on a statewide basis in one State? YES

(c) Will it primarily support candidates seeking State or local office? NO

(d) Will it support a candidate for the U.S. House of Representatives in an aggregate amount in excess of \$1,000 during the calendar year? YES

**to Save and Bear the Political Victory Fund**  
 (Full Name of Committee)

(a) If the committee is supporting individual candidates for the U.S. House of Representatives, list each candidate by name, address, office sought, and party affiliation:

Full names of candidates	Mailing address and ZIP code	State and Congressional District	Party
NOT KNOWN AT THIS TIME			

(b) List by name, address, office sought, and party affiliation, any candidate for other Federal office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
NOT KNOWN AT THIS TIME			

(c) List by name, address, office sought, and party affiliation, any candidate for any other public office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
NOT KNOWN AT THIS TIME			

5. If this committee is supporting the entire ticket of a party, give name of party: \_\_\_\_\_

6. Identify by name, address and position, the committee's custodian of books and accounts:

Full name	Mailing address and ZIP code	Committee title or position
Alan H. Gottlieb	3214-A W. McGraw Salco 09 Seattle, WA 98199	Chairman

7. List by name, address and position, other principal officers of the committee, including officers and members of the finance committee, if any:

Full name	Mailing address and ZIP code	Committee title or position
Jeffrey D. Fano	3214-A. W. McGraw 09 Seattle, WA 98199	Treasurer
James D. Whicker	R.D. 01 Bx 01101 Pt. Marion, PA 15474	Research Director
Jack Gullehorn	4102 Idlewild, Austin, TX 78731	Secretary

\*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization, in accordance to the appropriate tax laws when information is contained on separate page(s).

8. Does this committee plan to stay in existence beyond the current calendar year? YES If so how long? Indefinitely

9. In the event of dissolution, what disposition will be made of residual funds? The money will be transferred to the Citizens Committee for the Right to Keep & Bear Arms

10. List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
National Bank of Commerce Magnolia Branch	West McGraw Seattle, Washington 90199

11. List all reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports:

Report title	Date required to be filed	Name and position of recipient	Mailing address and ZIP code
NOT KNOWN AT THIS TIME			

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate to the appropriate line where this information is contained on separate page(s).

State of Washington  
County of King

I, Jesse D. Kane, being duly sworn, depose (affirm) and say that the information in this Registration Form and Statement of Organization is complete, true, and correct.

Jesse D. Kane  
(Signature)  
(Name and Position of Declarant)

Subscribed and sworn to (affirmed) before me this 11th day of June, A.D. 1977

James L. ...  
(Signature)  
(Name and Position of Officer)

My commission expires 7-15, 1975

Return completed form and attachments to:  
The Clerk, U.S. House of Representatives  
Office of Records and Registration  
1033 Longworth House Office Building  
Washington, D.C. 20515

PEC Form 3  
July 1976  
Federal Election Commission  
1300 K Street, N.W.  
Washington, D.C. 20463

**Report of Receipts and Expenditures  
for a Candidate or Committee  
Supporting any Candidate for  
Nomination or Election to Federal Office**

END  
RECEIVED  
FEDERAL ELECTION  
COMMISSION

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must submit separate reports with respect to each election.

1(a) Name of Candidate or Committee (in full) <input type="checkbox"/> Check if name or address is changed <b>The Right to Keep and Bear Arms Political Victory Fund</b>		2 Identification Number <b>C00012906</b>
1(b) Address (number and street) <b>1601 114th SE, #151-B</b>		2(a) Is this a report of receipts and expenditures for only one election? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1(c) City, State and ZIP code <b>Bellevue, WA 98004</b>		2(b) If "Yes," for which election? (general, primary, runoff) (date)
4 Type of Report (Check appropriate box and complete, if applicable) 1(a) <input type="checkbox"/> Amendment For _____ (Which report) 1(d) <input type="checkbox"/> July 10 Quarterly Report 1(b) <input type="checkbox"/> April 10 Quarterly Report 1(e) <input type="checkbox"/> October 10 Quarterly Report 1(c) <input type="checkbox"/> Tenth day report preceding _____ election on _____ in the State of _____ (primary, general or convention) (date)		1(d) <input checked="" type="checkbox"/> January 31 Year End Report 1(f) <input type="checkbox"/> Monthly Report (month) 1(g) <input type="checkbox"/> Termination Report
1(e) <input type="checkbox"/> Thirtieth day report following _____ election on _____ in the State of _____ (primary, general or convention) (date)		

**Candidate or Committee Summary of Receipts and Expenditures**

5 Covering Period: From **11/23/76** Through **12/31/76**

Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year-To-Date
6 Cash on hand January 1, 19 <b>76</b>		\$ <b>25,908.58</b>
7 Cash on hand at beginning of reporting period	\$ <b>10,006.83</b>	
8 Total receipts (from line 18)	\$ <b>860.00</b>	\$ <b>77,086.80</b>
1(a) Subtotal (Add lines 7 and 8)	\$ <b>10,866.83</b>	\$ <b>102,995.38</b>
9 Total expenditures (From line 25)	\$ <b>290.01</b>	\$ <b>92,418.56</b>
10 Cash on hand at close of reporting period (Subtract line 9 from line 8)	\$ <b>10,576.82</b>	\$ <b>10,576.82</b>
11 Contributed items on hand to be liquidated (attach itemized list) <b>8 none</b>		

**Section B - Presidential Campaign Expenditures Subject to Limitation - Summary  
(To Be Used Only By Presidential Candidates Receiving Federal Funds)**

12 Operating expenditures (from line 20)	\$ <b>NA</b>	\$ <b>NA</b>
13 Refunds and Rebates (from line 17)	\$ <b>NA</b>	\$ <b>NA</b>
14 (a) Expenditures subject to limitation (Subtract line 13 from line 12)	\$ <b>NA</b>	\$ <b>NA</b>
(b) Expenditures from prior years subject to limitation		\$ <b>NA</b>
(c) Total expenditures subject to limitation (Add lines 14a and 14b)		\$ <b>NA</b>

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

Eric J. Bohrbach  
(Typed Name of Treasurer or Candidate)

[Signature]  
(Signature of Treasurer or Candidate)

1/27/77  
(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g or §441 (See reverse side of form)

For further information Contact:

Federal Election Commission  
1300 K Street, N.W.  
Washington, D.C. 20463

Any information reported herein may not be copied for sale or use by any person for purposes of collecting contributions or for any commercial purpose.

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Statement of Receipts and Expenditures  
 (Page 2)

77030464571

Name of Candidate or Committee		REPORT COVERING THE PERIOD	
The Right to Keep and Bear Arms Political Victory Fund		FROM 11/23/76	TO: 12/31/76
		Column A This Period	Column B Calendar year-to-date
<b>PART I - RECEIPTS</b>			
15 Contributions and other income:			
(a) Itemized (see Schedule A) .....		\$ 0.00	
(b) Unitemized .....		\$ 860.00	
(c) Sales and Collections (Indicated Above) List by event on margin (Schedule B (1) - NONE)			
(d) Subtotal of contributions and other income .....		\$ 860.00	\$ 72,061.80
16 Loans and Loan Repayments Received:			
(a) Itemized (see Schedule A) .....		\$ NONE	
(b) Unitemized .....		\$ NONE	
(c) Subtotal of loans and loan repayments received .....		\$ NONE	\$ 5,025.00
17 Refunds, Rebates, Returns Received:			
(a) Itemized (see Schedule A) .....		\$ NONE	
(b) Unitemized .....		\$ NONE	
(c) Subtotal of refunds, rebates, returns .....		\$ NONE	\$ none
18 Transfers In:			
(a) From Affiliated Committee (Itemize on Schedule A Regardless of Amount) .....		\$ NONE	
(b) From other Committee (Itemize on Schedule A Regardless of Amount) .....		\$ NONE	
(c) Subtotal of transfers in .....		\$ NONE	\$ none
19 Total Receipts .....		\$ 860.00	\$ 77,086.80
<b>PART II - EXPENDITURES</b>			
20 Operating Expenditures (Committee Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):			
(a) Itemized (see Schedule B) .....		\$ 40.00	
(b) Unitemized .....		\$ 0.00	
(c) Subtotal of operating expenditures .....		\$ 40.00	\$ 18,119.86
21 Independent Expenditures (see Schedule B) .....		\$ 50.01	\$ 50,673.70
22 Loans, Loan Repayments, and Contribution Refunds Made:			
(a) Itemized (see Schedule B) .....		\$ none	
(b) Unitemized .....		\$ none	
(c) Subtotal of loans and loan repayments made and contribution refunds .....		\$ none	\$ 5,025.00
23 For Use Only By Presidential Campaigns Receiving Federal Funds; Except Fundraising, Legal and Accounting Expenditures:			
(a) Itemized (see Schedule B) .....		\$ NA	
(b) Unitemized .....		\$ NA	
(c) Subtotal of fundraising expenditures .....		\$ NA	\$ NA
24 Transfers Out:			
(a) To Affiliated Committee (Itemize on Schedule B Regardless of Amount) .....		\$ none	
(b) To Other Committee (Itemize on Schedule B Regardless of Amount) .....		\$ 200.00	
(c) Subtotal of transfers out .....		\$ 200.00	\$ 18,600.00
25 Total Expenditures .....		\$ 290.01	\$ 92,418.56
<b>PART III - NETS AND OBLIGATIONS</b>			
26 Debts and obligations owed to the Committee (Itemize all on Schedule C) .....		\$ None	
27 Debts and obligations owed by the Committee (Itemize all on Schedule C) .....		\$ None	
<b>PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES</b>			
28 Total Receipts (from line 19) .....		\$ 860.00	
29 Transfers in (from line 18a) .....		\$ none	
30 Net Receipts (Subtract line 29 from line 28) .....		\$ 860.00	
31 Total Expenditures (from line 25) .....		\$ 290.01	
32 Transfers out (from line 24a) .....		\$ NONE	
33 Net Expenditures (Subtract line 32 from line 31) .....		\$ 290.01	

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

REPORT OF RECEIPTS AND EXPENDITURES  
FOR A

POLITICAL COMMITTEE

SUPPORTING ANY CANDIDATE(S) FOR NOMINATION OR ELECTION TO  
FEDERAL OFFICE

Right to Keep and Bear Arms Political Victory Fund

(Full Name of Committee)

1601 114th S.E. Suite 151B

(Street)

Check if New Address Bellevue, Washington 98004

(City, State, ZIP code)

TYPE OF ELECTION

PRIMARY     GENERAL     SPECIAL     RUNOFF     CONVENTION OR CAUCUS

TYPE OF REPORT

10 DAY PRE-ELECTION

30 DAY POST-ELECTION

APRIL 10

AMENDMENT TO \_\_\_\_\_ REPORT

JULY 10

SUSPENSION

OCTOBER 10

TERMINATION

JANUARY 10 Annual Report

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS REPORT INCLUDING SCHEDULES AND STATEMENTS, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE, CORRECT, AND COMPLETE.

  
\_\_\_\_\_  
Signature of Treasurer of Committee

January 6, 1976

Date

RETURN COMPLETED REPORT AND ATTACHMENTS TO:  
FEDERAL ELECTION COMMISSION  
1225 K STREET, N.W.  
WASHINGTON, D.C. 20463

75 YA  
ENO

NAME OF COMMITTEE: LIBRARY FOR THE DEAF - AMERICAN FEDERATION OF THE DEAF  
 REPORT COVERING PERIOD FROM: OCTOBER 1, 1975 TO: DECEMBER 31, 1975

	Column A - 1975 period	Column B - Cumulative total to date
<b>SECTION A - RECEIPTS:</b>		
<b>Part 1. Individual contributions:</b>		
a. Itemized (use schedule A*)	\$ 2,650.00	
b. Unitemized	\$ 29,607.21	
<b>Total individual contributions</b>	<b>\$ 32,257.21</b>	<b>\$ 32,248.21</b>
<b>Part 2. Sales and collections:</b>		
Itemized (use schedule B and as necessary schedule A*)	\$ -	\$ -
<b>Part 3. Loans received:</b>		
a. Itemized (use schedule A*)	\$ -	\$ -
b. Unitemized	\$ -	\$ -
<b>Total loans received</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Part 4. Other receipts (refunds, rebates, interest, etc.):</b>		
a. Itemized (use schedule A*)	\$ -	\$ -
b. Unitemized	\$ -	\$ -
<b>Total other receipts</b>	<b>\$ -</b>	<b>\$ 260.32</b>
<b>Part 5. Transfers in:</b>		
Itemize all (use schedule A*)	\$ -	\$ -
<b>TOTAL RECEIPTS</b>	<b>\$ 32,051.21</b>	<b>\$ 32,508.53</b>
<b>SECTION B - EXPENDITURES:</b>		
<b>Part 6. Void: Use Part 9.</b>		
<b>Part 7. Expenditures for personal services, salaries, and reimbursed expenses:</b>		
a. Itemized (use schedule D*)	\$ -	\$ -
b. Unitemized	\$ -	\$ -
<b>Total expenditures for personal services, salaries, and reimbursed expenses</b>	<b>\$ -</b>	<b>\$ 50.00</b>
<b>Part 8. Loans made:</b>		
a. Itemized (use schedule D*)	\$ -	\$ -
b. Unitemized	\$ -	\$ -
<b>Total loans made</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Part 9. Media and other expenses:</b>		
a. Itemized (use schedule C*)	\$ 7,519.90	\$ -
b. Unitemized	\$ -	\$ -
<b>Total other expenditures</b>	<b>\$ 7,519.90</b>	<b>\$ 7,519.90</b>
<b>Part 10. Transfers out:</b>		
Itemize all (use schedule D*)	\$ -	\$ 450.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 7,519.90</b>	<b>\$ 8,019.90</b>
<b>SECTION C - CASH BALANCES:</b>		
Cash on hand at beginning of reporting period	\$ 1,377.27	
Add total receipts (section A above)	\$ 32,051.21	
Subtotal	\$ 33,428.48	
Subtract total expenditures (section B above)	\$ 7,519.90	
Cash on hand at close of reporting period	\$ 25,908.58	
<b>SECTION D - DEBTS AND OBLIGATIONS:</b>		
Part 11. Debts and obligations owed to the committee (use schedule E*)	\$ -	
Part 12. Debts and obligations owed by the committee (use schedule E*)	\$ -	

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76030131214

\*Schedules are to be used only when itemization is required. (Use each Schedule for instructions.) When itemization is unnecessary for a given Part, the total of any amounts for that Part is to be entered as a lump sum on the "Unitemized" line of the appropriate Part of the Summary Report. The word "None" should be entered on any line of the Summary Report when no amount is being reported.

JEC Form 3  
July 1976  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

**Report of Receipts  
(for a Candidate)  
Supporting any Campaign for  
Nomination or Election to Public Office**

7  
7R END

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election shall file separate reports and records with respect to each election.

1(a) Name of Candidate or Committee (in full)  Check if name or address is changed  
**The Right to Keep and Bear Arms Political Victory Fund**

2 Identification Number  
**C00012906**

3(a) Is this a report of receipts and expenditures for only one election?  Yes  No

(b) If "Yes," for which election?  
\_\_\_\_\_  
(general, primary, runoff) (date)

4 Type of Report (Check appropriate box and complete, if applicable)

(a)  Amendment For \_\_\_\_\_ (which report) (date)  
(i)  July 10 Quarterly Report  
(ii)  October 10 Quarterly Report

(b)  April 10 Quarterly Report

(c)  Termination Report

(N)  Tenth day report preceding \_\_\_\_\_ election on \_\_\_\_\_ in the State of \_\_\_\_\_  
(primary, general or convention) (date)

(E)  Thirtieth day report following \_\_\_\_\_ election on \_\_\_\_\_ in the State of \_\_\_\_\_  
(primary, general or convention) (date)

**Candidate or Committee Summary of Receipts and Expenditures**

5 Covering Period: From **10-1-77** Through **12-31-77**

	Column A This Period	Column B Calendar Year-To-Date
<b>Section A - Cash Balance Summary</b>		
6 Cash on hand January 1, 1977		\$ 10,576.82
7 Cash on hand at beginning of reporting period	\$ 9,596.30	
8 Total receipts (from line 19)	\$ 6,758.50	\$ 25,216.76
(a) Subtotal (Add lines 7 and 8)	\$ 16,354.80	\$ 35,793.58
9 Total expenditures (From line 26)	\$ 3,781.05	\$ 23,219.83
10 Cash on hand at close of reporting period (Subtract line 9 from line 8)	\$ 12,573.75	\$ 12,573.75
11 Contributed items on hand to be liquidated (attach itemized list)	\$ -None	
<b>Section B - Presidential Campaign Expenditures Subject to Limitation - Summary (To Be Used Only By Presidential Candidates Receiving Federal Funds)</b>		
12 Operating expenditures (from line 20)	\$ Na	\$ Na
13 Refunds and Rebates (from line 17)	\$ Na	\$ Na
14 (a) Expenditures subject to limitation (Subtract line 13 from line 12)	\$ Na	\$ Na
(b) Expenditures from prior years subject to limitation		\$ Na
(c) Total expenditures subject to limitation (Add lines 14a and 14b)		\$ Na

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

**Eric J. Rohrbach**

(Typed Name of Treasurer or Candidate)

*Eric J. Rohrbach*  
(Signature of Treasurer or Candidate)

1-6-78

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 437g or § 441j (See reverse side of form)

For further information Contact:

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

Any information reported herein may not be copied for sale or use by any person for purposes of catching contributions or for any commercial purpose.

dollars

Name of Candidate and The Right to Know		FOR THE PERIOD TO 12-31-77	
		Column 1 Calendar year-to-date	Column 2 Calendar year-to-date
<b>PART I - RECEIPTS</b>			
16	Contributions (See Instructions)		
(a)	Itemized (see Schedule B)	\$ 2,000.00	
(b)	Unitemized	\$ 1,216.76	
(c)	Gifts and Contributions (See Instructions)		
	List by donor on page		
(d)	Subtotal of contributions	\$ 3,216.76	\$ 3,216.76
16	Loans and Loan Repayments (See Instructions)		
(a)	Itemized (see Schedule B)	\$ None	
(b)	Unitemized	\$ None	
(c)	Subtotal of loans and loan repayments	\$ None	\$ 13,000.00
17	Refunds, Rebates, and Other Refunds (See Instructions)		
(a)	Itemized (see Schedule B)	\$ None	
(b)	Unitemized	\$ None	
(c)	Subtotal of refunds, rebates, and other refunds	\$ None	\$ None
18	Transfers In		
(a)	From Affiliated Committees (Transfers on Schedule A Regardless of Amount)	\$ None	
(b)	From other Committees (Transfers on Schedule A Regardless of Amount)	\$ None	
(c)	Subtotal of transfers in	\$ None	\$ None
19	Total Receipts	\$ 6,758.50	\$ 25,216.76
<b>PART II - EXPENDITURES</b>			
20	Operating Expenditures (Committee Not Receiving Federal Funds Including Fundraising, Legal and Accounting Expenditures)		
(a)	Itemized (see Schedule B)	\$ 3,744.76	
(b)	Unitemized	\$ 2,724.91	
(c)	Subtotal of operating expenditures	\$ 6,469.67	\$ 6,469.65
21	Independent Expenditures (see Schedule B)	\$ None	\$ None
22	Loans, Loan Repayments, and Contributions Refunds Made		
(a)	Itemized (see Schedule B)	\$ None	
(b)	Unitemized	\$ None	
(c)	Subtotal of loans and loan repayments made and contributions refunds	\$ None	\$ 13,000.00
23	For Use Only By Presidential Campaigns Receiving Federal Funds; Election Fundraising, Legal and Accounting Expenditures		
(a)	Itemized (see Schedule B)	\$ Na	
(b)	Unitemized	\$ Na	
(c)	Subtotal of fundraising expenditures	\$ Na	\$ Na
24	Transfers Out:		
(a)	To Affiliated Committees (Transfers on Schedule B Regardless of Amount)	\$ 350.38	
(b)	To Other Committees (Transfers on Schedule B Regardless of Amount)	\$ 350.38	
(c)	Subtotal of transfers out	\$ 700.76	\$ 3,750.38
25	Total Expenditures	\$ 3,781.05	\$ 23,219.83
<b>PART III - DEBTS AND OBLIGATIONS</b>			
26	Debts and obligations owed to the Committee (Transfers all on Schedule C)	\$ None	
27	Debts and obligations owed by the Committee (Transfers all on Schedule C)	\$ None	
<b>PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES</b>			
28	Total Receipts (from line 19)	\$ 6,758.50	
29	Transfers in (from line 18(a))	\$ None	
30	Net Receipts (Subtract line 29 from line 28)	\$ 6,758.50	
31	Total Expenditures (from line 25)	\$ 3,781.05	
32	Transfers out (from line 24(a))	\$ None	
33	Net Expenditures (Subtract line 32 from line 31)	\$ 3,781.05	

18 YR  
END

FEC FORM 3  
REVISED  
January, 1978  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

REPORT OF RECEIPTS AND EXPENDITURES  
FOR A CANDIDATE OR COMMITTEE  
SUPPORTING CANDIDATE(S) FOR  
NOMINATION OR ELECTION TO FEDERAL OFFICE

(Except for Candidates or Committees Receiving Federal Matching Funds)

1 13:00

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

1. RIGHT TO BEAR ARMS POLITICAL VICTORY FUND I.D. No. C 000 12906  
Name of Candidate or Committee (in full) Candidate/Committee  
1601 114<sup>th</sup> SE Slick 151 B 3  
Address (number and street) Office Sought, State/District (if applicable)  
Bellevue WASH 98004  
City, State and ZIP Code  Check if address is different than previously reported. Year of Election 1978

4 Type of Report (check appropriate boxes)  
 April 10 Quarterly Report  Tenth day report preceding \_\_\_\_\_ election (primary, general or convention)  Termination Report  
 July 10 Quarterly Report on \_\_\_\_\_ in the State of \_\_\_\_\_  Amendment for \_\_\_\_\_  
 October 10 Quarterly Report (date) (which report)  
 January 31 Annual Report  Thirtieth day report following \_\_\_\_\_ election (primary, general or convention)  
 Monthly Report \_\_\_\_\_ on \_\_\_\_\_ in the State of \_\_\_\_\_ (month) (date)  
This is a report for  Primary Election  General Election  Primary and General  Other (special, runoff, etc.)

SUMMARY OF RECEIPTS AND EXPENDITURES  
(Figures may be rounded to nearest dollar.)

	Column A This Period	Column B Calendar Year-To-Date
5 Covering Period <u>12/7-78</u> Through <u>12-31-78</u>		
6 Cash on hand January 1, 1978		\$ 12,573 <sup>75</sup>
7 Cash on hand at beginning of reporting period	\$ 39,101 <sup>88</sup>	
8 Total receipts (from line 19)	\$ 119,265 <sup>0</sup>	\$ 217,322 <sup>49</sup>
(a) Subtotal (Add lines 7 and 8 for Column A and lines 6 and 8 for Column B)	\$ 51,028 <sup>38</sup>	\$ 229,896 <sup>24</sup>
9 Total expenditures (from line 25)	\$ 4,656 <sup>16</sup>	\$ 183,524 <sup>02</sup>
10 Cash on hand at close of reporting period (Subtract line 9 from line 8a)	\$ 46,372 <sup>22</sup>	\$ 46,372 <sup>22</sup>
11 Value of contributed items on hand to be liquidated (Attach itemized list)	\$ NONE	
12 Debts and obligations owed to the Committee/Candidate (itemize all on Schedule C)	\$	
13 Debts and obligations owed by the Committee/Candidate (itemize all on Schedule C)	\$	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.  
1 129/79 (Date)  
MERRILL R JACOBS (Typed Name of Treasurer or Candidate)  
*Merrill Jacobs* (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437e, or Section 441, (see reverse side of form).

For further information, contact:

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

or call 800/424-0630

Approved by GAO  
8-187870 (R0608)  
Expires 3-31-81

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

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

**DETAILED SUMMARY OF RECEIPTS AND EXPENDITURES**  
(Page 2, FEC FORM 3)

78  
1R END

NAME OF CANDIDATE OR COMMITTEE	REPORT COVERING THE PERIOD	
<b>POLITICAL</b> RIGHT TO BEAR ARMS VICTORY FUND	FROM: 12-7-78	TO: 12 31 78
RECEIPTS		
	Column A This Period	Column B Calendar Year To Date
14. Contributions from individuals (including contributions in-kind):		
(a) Itemized (use Schedule A)	\$ 1825 <sup>00</sup>	
(b) Unitemized	\$ 10101 <sup>50</sup>	
(c) Sales and collections included above:		
List by event on memo Schedule D (S _____)		
(d) Subtotal of contributions from individuals	\$ 11926 <sup>50</sup>	\$ 11,822.49
15. Transfers from Political Committees:		
(a) Funds from affiliated/authorized committees (itemize on Schedule A regardless of amount)	\$	
(b) Funds from other committees (itemize on Schedule A regardless of amount)	\$	
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount)	\$	
(d) Subtotal of transfers in and contributions in-kind from political committees	\$	\$
16. Other Income:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of other income	\$	\$
17. Loans and Loan Repayments Received:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments received	\$	\$ 5000 <sup>00</sup>
18. Refunds, Rebates, Returns of Deposits:		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of refunds, rebates, returns of deposits	\$	\$ 500 <sup>00</sup>
19. Total Receipts	\$ 11926 <sup>50</sup>	\$ 217,322.49
EXPENDITURES		
20. Operating Expenditures:		
(a) Itemized (use Schedule B)	\$ 4656 <sup>16</sup>	
(b) Unitemized	\$	
(c) Subtotal of operating expenditures	\$ 4656 <sup>16</sup>	\$ 152,074 <sup>02</sup>
21. Loans, Loan Repayments, and Contribution Refunds Made:		
(a) Itemized (use Schedule B)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments made and contribution refunds	\$	\$ 5000
22. Transfers Out to Political Committees:		
(a) To affiliated/authorized committees (itemize on Schedule B regardless of amount)	\$	
(b) To other committees (itemize on Schedule B regardless of amount)	\$	
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount)	\$	
(d) Subtotal of transfers out	\$	\$ 26,250 <sup>00</sup>
23. Independent Expenditures (use Schedule E)	\$	\$ 200 <sup>00</sup>
24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441(d)) (itemize on Schedule F)	\$	\$
25. Total Expenditures	\$ 4656 <sup>16</sup>	\$ 183,524 <sup>02</sup>
RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES		
26. Total Receipts (from line 19)	\$ 11926 <sup>50</sup>	
27. Transfers In (from line 15(d))	\$	
28. Net Receipts (Subtract line 27 from line 26)	\$ 11926 <sup>50</sup>	
29. Total Expenditures (from line 25)	\$ 4656 <sup>16</sup>	
30. Transfers Out (from line 22(d))	\$ 0	
31. Net Expenditures (Subtract line 30 from line 29)	\$ 4656 <sup>16</sup>	

Form 3  
 January, 1978  
 Federal Election Commission  
 1325 K Street, N.W.  
 Washington, D.C. 20463

REPORT OF RECEIPTS AND EXPENDITURES  
 FOR THE DATE OF CONVENTION  
 OF THE NATIONAL ASSOCIATION FOR  
 THE PROTECTION OF FEDERAL ELECTIONS

YR  
 610

Name: Right To Life National Victory Fund I.D. No. 2000 12906  
 Name of Candidate or Committee (in full) \_\_\_\_\_ Candidate/Committee

Address (number and street) 1601 114th SE Suite 101 B \_\_\_\_\_  
 Office (number, State/District (if applicable)) \_\_\_\_\_

City, State and ZIP Code Bellevue, WA 98004 \_\_\_\_\_  
 Check if address is different than previously reported. Year of Election 79

- 4 Type of Report (check appropriate boxes)
- April 10 Quarterly Report
  - July 10 Quarterly Report
  - October 10 Quarterly Report
  - January 31 Annual Report
  - Monthly Report DEC (month)
  - Tenth day report preceding \_\_\_\_\_ election (primary, general or convention)
  - Thirtieth day report following \_\_\_\_\_ election (primary, general or convention)
  - Termination Report
  - Amendment for: \_\_\_\_\_ (which report)
- This is a report for  Primary Election  General Election  Primary and General  Other (specify, runoff, etc.)

SUMMARY OF RECEIPTS AND EXPENDITURES  
 (Figures may be rounded to nearest dollar.)

5 Covering Period	Column A This Period	Column B Calendar Year-To-Date
<u>DEC 1</u> Through <u>DEC 31</u>		
6 Cash on hand January 1, 19		<u>46372.22</u>
7 Cash on hand at beginning of reporting period	<u>39935.26</u>	
8 Total receipts (from line 19)	<u>0</u>	<u>40657.70</u>
(a) Subtotal (Add lines 7 and 8 for Column A and lines 6 and 8 for Column B)	<u>39935.26</u>	<u>87029.92</u>
9 Total expenditures (from line 25)	<u>1364.50</u>	<u>48459.16</u>
10 Cash on hand at close of reporting period (Subtract line 9 from line 8a)	<u>38570.76</u>	<u>38570.76</u>
11 Value of contributed items on hand to be liquidated (Attach itemized list)		
12 Debts and obligations owed to the Committee/Candidate (itemize all on Schedule C)	<u>5000</u>	
13 Debts and obligations owed by the Committee/Candidate (itemize all on Schedule C)		

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.  
1/10/79 (Date) MERRILL R. JACOBS (Typed Name of Treasurer or Candidate) Merrill R. Jacobs (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437g, or Section 441; (see reverse side of form).

For further information, contact:  Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463 or call 800/424-9530 Approved by GAO B 187620 (R0506) Expires 3-31-81

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

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

00314916

**DETAILED SUMMARY OF RECEIPTS AND EXPENDITURES**  
(Page 2, FEC FORM 3)

NAME OF CANDIDATE OR COMMITTEE	REPORT COVERING THE PERIOD	
<i>Right to Keep and Bear Arms Pol. Victory Fund</i>	FROM: <i>PFC1</i>	TO: <i>DEC 31</i>
RECEIPTS	Column A This Period	Column B Calendar Year To Date
14. Contributions from individuals (including contributions in-kind)		
(a) Itemized (use Schedule A)	\$ 0	
(b) Unitemized	\$	
(c) Sales and collections included above		
List by event on memo Schedule D (S _____)		
(d) Subtotal of contributions from individuals	\$ 0	\$ 40657.70
15. Transfers from Political Committees		
(a) Funds from affiliated/authorized committee (itemize on Schedule A regardless of amount)	\$	
(b) Funds from other committees (itemize on Schedule A regardless of amount)	\$	
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount)	\$	
(d) Subtotal of transfers and contributions in-kind from political committees	\$	\$
16. Other Income		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of other income	\$	\$
17. Loans and Loan Repayments Received		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments received	\$	\$
18. Refunds, Rebates, Returns of Deposits		
(a) Itemized (use Schedule A)	\$	
(b) Unitemized	\$	
(c) Subtotal of refunds, rebates, returns of deposits	\$	\$
19. Total Receipts	\$	\$ 40657.70
EXPENDITURES		
20. Operating Expenditures		
(a) Itemized (use Schedule B)	\$ 114.50	
(b) Unitemized	\$	
(c) Subtotal of operating expenditures	\$ 114.50	\$ 33809.16
21. Loans, Loan Repayments, and Contribution Refunds Made		
(a) Itemized (use Schedule B)	\$ 1250.	
(b) Unitemized	\$	
(c) Subtotal of loans and loan repayments made and contribution refunds	\$ 1250	\$ 6250
22. Transfers Out to Political Committees:		
(a) To affiliated/authorized committee (itemize on Schedule B regardless of amount)	\$	
(b) To other committees (itemize on Schedule B regardless of amount)	\$	
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount)	\$	
(d) Subtotal of transfers out	\$	\$ 8900
23. Independent Expenditures (use Schedule E)	\$	\$
24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441a(d)) (itemize on Schedule F)	\$	\$
25. Total Expenditures	\$ 1364.50	\$ 48459.16
RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES		
26. Total Receipts from the 14-18	\$	
27. Transfers to and from affiliated committees	\$	

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

JAN 9 AM '80

(Summary Page)

1. Name of Committee (in Full)  
**CITIZENS COMMITTEE FOR THE RIGHT  
TO KEEP AND BEAR ARMS  
POLITICAL VICTORY FUND**

Address (Number and Street)  
**1601 114th St Suite 151**

City, State and ZIP Code  
**Belleuve, WA 98004**

Check if address is different than previously reported.

2. FEC Identification Number  
**C00012906**

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

4. TYPE OF REPORT (check appropriate boxes)

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

(b) Is this Report an Amendment?  
 YES  NO

SUMMARY

5. Covering Period	<b>DEC 1</b> Through <b>DEC 31</b>
6. (a) Cash on Hand January 1, 19 <b>80</b>	
(b) Cash on Hand at Beginning of Reporting Period	\$ <b>567.41</b>
(c) Total Receipts (from Line 18)	\$ <b>2594.80</b>
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	\$ <b>567.41</b>
7. Total Disbursements (from Line 28)	\$ <b>40598.15</b>
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	\$ <b>567.41</b>
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	\$ <b>5000</b>
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$

	Column A This Period	Column B Calendar Year-to-Date
		\$ <b>38570.76</b>
	\$ <b>567.41</b>	
	\$	\$ <b>2594.80</b>
	\$ <b>567.41</b>	\$ <b>41165.56</b>
	\$	\$ <b>40598.15</b>
	\$ <b>567.41</b>	\$ <b>567.41</b>
	\$ <b>5000</b>	
	\$	

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

For further information, contact:

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

**MERRILL R. JACOBS**  
Type or Print Name of Treasurer

*Merrill Jacobs*  
SIGNATURE OF TREASURER

**1/5/81**  
Date

NOTE Submission of false, erroneous or incomplete information may subject the person signing this Report to the penalties of 2 USC 5437a

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

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FEC FORM 3 (1979)

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

81 JAN 9 AM: 5n

Name of Committee (in Full)	Report Covering the Period:	
	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
<b>CCRKBA POLITICAL VICTORY FUND</b>	From: <b>DEC 11</b>	To: <b>DEC 31</b>
<b>I. RECEIPTS</b>		
11 CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(Memo Entry Unrec'd \$ _____)		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b and 11c)		264.92
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13. ALL LOANS RECEIVED		
14. LOAN REPAYMENTS RECEIVED		
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17. OTHER RECEIPTS (Dividends, Interest, etc.)		2329.88
18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17)		2594.80
<b>II. DISBURSEMENTS</b>		
19. OPERATING EXPENDITURES		15373.15
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		225
22. INDEPENDENT EXPENDITURES (See Schedule E)		
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §447c(2)) (See Schedule F)		
24. LOAN REPAYMENTS MADE		
25. LOANS MADE		
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c)		
27. OTHER DISBURSEMENTS		25000
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)		40598.15
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d		264.92
30. TOTAL OPERATING EXPENDITURES from Line 26d		
31. TOTAL INDEPENDENT EXPENDITURES from Line 22		
32. TOTAL COORDINATED EXPENDITURES from Line 23		264.92
33. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 29)		

81031954179

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

81-  
YR 6ND

(Summary Page)

<p>1. Name of Committee (in Full) <b>RIGHT TO BEAR ARMS POLITICAL VICTORY FUND</b></p> <hr/> <p>Address (Number and Street) <b>1601 114 SE Suite 131</b></p> <hr/> <p>City, State and ZIP Code <b>Bellvue WA 98004</b></p> <hr/> <p><input type="checkbox"/> Check if address is different than previously reported.</p> <p>2. FEC Identification Number <b>C 000 12906</b></p> <hr/> <p>3. <input type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on _____ (date)</p>	<p>4. TYPE OF REPORT (check appropriate boxes)</p> <p>(a) <input type="checkbox"/> April 15 Quarterly Report  <input type="checkbox"/> July 15 Quarterly Report  <input type="checkbox"/> October 15 Quarterly Report  <input type="checkbox"/> January 31 Year End Report  <input type="checkbox"/> July 31 Mid Year Report (Non-election Year Only)  <input checked="" type="checkbox"/> Monthly Report for <u>Decem. 1981</u>  <input type="checkbox"/> Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____  <input type="checkbox"/> Thirtieth day report following the General Election on _____ in the State of _____  <input type="checkbox"/> Termination Report</p> <p>(b) Is this Report an Amendment?  <input type="checkbox"/> YES <input type="checkbox"/> NO</p>
--	--

030705

SUMMARY	Column A This Period	Column B Calendar Year-to-Date
5. Covering Period <u>12/1/81</u> Through <u>12/31/81</u>		
6. (a) Cash on Hand January 1, 19 <u>81</u> .....		\$ 567.41
(b) Cash on Hand at Beginning of Reporting Period .....	\$ 548.94	
(c) Total Receipts (from Line 18) .....	\$ 0	\$ 70.40
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B) .....	\$ 548.94	\$ 637.81
7. Total Disbursements (from Line 28) .....	\$ 3.62	\$ 32.95
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d)) .....	\$ 545.32	\$ 604.86
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D) .....	\$ 5000.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D) .....	\$ /	

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

For further information, contact:

Michael R. Kenyon  
Type or Print Name of Treasurer

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

Michael R. Kenyon  
SIGNATURE OF TREASURER

1/4/82  
Date

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

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

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FEC FORM 3X (3-80)

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

Name of Committee (in Full)

**RIENT TO BEAR ARMS POLITICAL VIBROGY FUND**

Report Covering the Period:

From: **12/1/81** To: **12/31/81**

**02 JAN / P12: 31**

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
<b>I. RECEIPTS</b>		
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>		
(a) Individuals/Persons Other Than Political Committees .....	0	70.40
(Make Entry Uniformed § .....		
(b) Political Party Committees .....		
(c) Other Political Committees .....		
(d) TOTAL CONTRIBUTIONS (other than loans) (Add 11a, 11b and 11c) .....	0	70.40
<b>12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES .....</b>		
<b>13. ALL LOANS RECEIVED .....</b>		
<b>14. LOAN REPAYMENTS RECEIVED .....</b>		
<b>15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....</b>		
<b>16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES .....</b>		
<b>17. OTHER RECEIPTS (Dividends, Interest, etc.) .....</b>	0	70.40
<b>18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17) .....</b>		
<b>II. DISBURSEMENTS</b>		
<b>19. OPERATING EXPENDITURES .....</b>	3.62	32.95
<b>20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES .....</b>		
<b>21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES .....</b>		
<b>22. INDEPENDENT EXPENDITURES (Use Schedule E) .....</b>		
<b>23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441(d)) (Use Schedule F) .....</b>		
<b>24. LOAN REPAYMENTS MADE .....</b>		
<b>25. LOANS MADE .....</b>		
<b>26. REFUNDS OF CONTRIBUTIONS TO:</b>		
(a) Individuals/Persons Other Than Political Committees .....		
(b) Political Party Committees .....		
(c) Other Political Committees .....		
(d) TOTAL CONTRIBUTION REFUNDS (Add 26a, 26b and 26c) .....		
<b>27. OTHER DISBURSEMENTS .....</b>	3.62	32.95
<b>28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27) .....</b>		
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>		
<b>29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d .....</b>	0	70.40
<b>30. TOTAL CONTRIBUTION REFUNDS from Line 26d .....</b>		
<b>31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29) .....</b>	0	70.40
<b>32. TOTAL OPERATING EXPENDITURES from Line 19 .....</b>	3.62	32.95
<b>33. OFFSETS TO OPERATING EXPENDITURES from Line 15 .....</b>		
<b>34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32) .....</b>	3.62	32.95

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

82  
NR END  
RECEIVED AT THE FEC

(Summary Page)

03 JAN 8 11:10

**1. Name of Committee (in Full)**  
Right to Bear Arms  
Political Victory Fund

---

**Address (Number and Street)**  
Liberty Park  
12500 NE Tenth Place

---

**City, State and ZIP Code**  
Bellevue, WA 98005

---

Check if address is different than previously reported.

**2. FEC Identification Number**  
C 000 12906

**3.  This committee qualified as a multi-candidate committee during this Reporting Period on \_\_\_\_\_ (Month)**

**4. TYPE OF REPORT (check appropriate box)**

April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Monthly Report for DECEMBER, 1982  
 Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Termination Report

**5. Is this Report an Amendment?**  
 YES  NO

**SUMMARY**

**6. Covering Period** 12/1/82 Through 12/31/82

**6. (a) Cash on Hand January 1, 1982** .....

**(b) Cash on Hand at Beginning of Reporting Period** .....

**(c) Total Receipts (from Line 10)** .....

**(d) Subtotal (add lines 6(a) and 6(c) for Column A and lines 6(b) and 6(c) for Column B)** .....

**7. Total Disbursements (from Line 20)** .....

**8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))** .....

**9. Debts and Obligations Owed TO the Committee (Provide all on Schedule C or Schedule D)** .....

**10. Debts and Obligations Owed BY the Committee (Provide all on Schedule C or Schedule D)** .....

	Column A This Period	Column B Calendar Year-to-Date
		\$ 541.69
	\$ 5786.63	
	\$ 310.00	\$ 15,190.00
	\$ 6096.63	\$ 15,731.69
	\$ 8.22	\$ 9643.28
	\$ 6088.41	\$ 6088.41
	\$ 3000.00	
	\$ -00-	

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

For further information, contact:

Federal Election Commission  
Toll Free 800-424-9630  
Local 202-423-4988

Michael R. Kenyon

Type or Print Name of Treasurer

Michael R Kenyon  
SIGNATURE OF TREASURER

1/3/83  
Date

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

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

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FEC FORM 3X (3/80)

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**REPORT OF RECEIPTS AND DISBURSEMENTS**  
 For a Political Committee Other Than an Authorized Committee  
 (Summary Page)

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 YR END  
 84 JAN 9 12:20  
 REC

1. Name of Committee (in Full)  
 Right to Bear Arms  
 Political Victory Fund

---

Address (Number and Street)  
 Liberty Park  
 12500 NE 10 Place

---

City, State and ZIP Code  
 Bellevue, WA 98005

---

Check if address is different than previously reported.

2. FEC Identification Number  
 C00012906

---

3.  This committee qualified as a multi-candidate committee during this Reporting Period on \_\_\_\_\_ (date)

4. TYPE OF REPORT (check appropriate boxes)

(a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Monthly Report for December, 1983  
 Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Termination Report

(b) Is this Report an Amendment?  
 YES  NO

**SUMMARY**

5. Covering Period 12/1/83 Through 12/31/83

6. (a) Cash on Hand January 1, 1983 .....

(b) Cash on Hand at Beginning of Reporting Period .....

(c) Total Receipts (from Line 18) .....

(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B) .....

7. Total Disbursements (from Line 28) .....

8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d)) .....

9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C or Schedule D) .....

10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C or Schedule D) .....

	Column A This Period	Column B Calendar Year-to-Date
6. (a)		\$ 6088.41
6. (b)	\$ 2909.63	
6. (c)	\$ 28.37	\$ 8884.60
6. (d)	\$ 2938.00	\$ 14973.01
7.	\$ 400.00	\$ 12435.01
8.	\$ 2538.00	\$ 2538.00
9.	\$ 0	
10.	\$ 0	

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

For further information, contact:

Federal Election Commission  
 Toll Free 800-424-9638  
 Local 202-623-4008

Mark E. Challender

Type or Print Name of Treasurer

*Mark Challender*

1/3/84

SIGNATURE OF TREASURER

Date

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

All previous versions of FBC FORM 3 and FBC FORM 2a are obsolete and should no longer be used.

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FEC FORM 3X (3/80)

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

12:20

Name of Committee (in Full)  
**Right to Bear Arms Political Victory Fund**

Report Covering the Period:  
From **12/1/82** to **12/31/83**

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
<b>I. RECEIPTS</b>		
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>		
(a) Individuals/Persons Other Than Political Committees .....	1.00	3201.00
(Enter Every Unfilled \$ <u>1.00</u> )		
(b) Political Party Committees .....	0	0
(c) Other Political Committees .....	0	1000.00
(d) TOTAL CONTRIBUTIONS (other than loans) (11a, 11b and 11c) .....	1.00	4201.00
<b>12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES</b> .....	0	0
<b>13. ALL LOANS RECEIVED</b> .....		
<b>14. LOAN REPAYMENTS RECEIVED</b> .....	0	3000.00
<b>15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Returns, etc.)</b> .....		
<b>16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b> .....	0	1500.00
<b>17. OTHER RECEIPTS (Dividends, Interest, etc.)</b> .....	27.37	183.60
<b>18. TOTAL RECEIPTS (Add 11a, 12, 13, 14, 15, 16 and 17)</b> .....	28.37	8884.60
<b>II. DISBURSEMENTS</b>		
<b>19. OPERATING EXPENDITURES</b> .....	400.00	452.40
<b>20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES</b> .....		
<b>21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b> .....	0	9365.61
<b>22. INDEPENDENT EXPENDITURES (See Schedule E)</b> .....	0	0
<b>23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §41 (old)) (See Schedule F)</b> .....		
<b>24. LOAN REPAYMENTS MADE</b> .....		
<b>25. LOANS MADE</b> .....	0	1500.00
<b>26. REFUNDS OF CONTRIBUTIONS TO:</b>		
(a) Individuals/Persons Other Than Political Committees .....		
(b) Political Party Committees .....		
(c) Other Political Committees .....	0	0
(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c) .....		1117.00
<b>27. OTHER DISBURSEMENTS</b> .....		
<b>28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)</b> .....	400.00	12435.01
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>		
<b>29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d</b> .....	1.00	4201.00
<b>30. TOTAL CONTRIBUTION REFUNDS from Line 26d</b> .....	0	0
<b>31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)</b> .....	1.00	4201.00
<b>32. TOTAL OPERATING EXPENDITURES from Line 19</b> .....	400.00	452.40
<b>33. OFFSETS TO OPERATING EXPENDITURES from Line 15</b> .....	0	0
<b>34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32)</b> .....	400.00	452.40

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

RECEIVED AT THE FEC

(Summary Page)

84 SEP 18 AM: 58

**1. Name of Committee (in Full)**  
Right to Bear Arms Political Victory Fund

---

**Address (Number and Street)**  
Liberty Park  
12500 NE 10 Place

---

**City, State and ZIP Code**  
Bellevue, WA 98005

---

Check if address is different than previously reported.

---

**2. FEC Identification Number**  
C00012906

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**3.  This committee qualified as a multicandidate committee during this Reporting Period on \_\_\_\_\_ (date)**

**4. TYPE OF REPORT (check appropriate boxes)**

(a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Monthly Report for August, 1984  
 Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Termination Report

(b) Is this Report an Amendment?  
 YES  NO

**SUMMARY**

**5. Covering Period** 8-1-84 Through 8-31-84

**6. (a) Cash on Hand January 1, 1984** .....

**(b) Cash on Hand at Beginning of Reporting Period** .....

**(c) Total Receipts (from Line 16)** .....

**(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)** .....

**7. Total Disbursements (from Line 22)** .....

**8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))** .....

**9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)** .....

**10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)** .....

	Column A This Period	Column B Calendar Year-to-Date
		\$ 2538.00
	\$ 5092.31	
	\$ 0	\$ 12152.73
	\$ 5092.31	\$ 14690.73
	\$ 0	\$ 9598.42
	\$ 5092.31	\$ 5092.31
	\$	
	\$	

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

For further information, contact:

Federal Election Commission  
Toll Free 800-424-9630  
Local 202-637-4088

Mark E. Challender  
Type or Print Name of Treasurer

*Mark E. Challender*  
SIGNATURE OF TREASURER

9-7-84  
Date

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

All previous versions of FEC FORM 3 and FEC FORM 2s are obsolete and should no longer be used.

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FEC FORM 3X (3/80)

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**REVISED SUMMARY PAGE  
of Receipts and Disbursements  
(Page 2, FEC FORM 280)**

Name of Committee (in Full)	Report Covering the Period	
	Column A Total This Period	Column B Calendar Year-to-Date
<b>Right to Bear Arms Political Victory Fund</b>	From 8-1-84 To:	8-31-84
<b>I. RECEIPTS</b>		
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees .....	0	11974.00
(Include Entry Underlined ( ) .....		
(b) Political Party Committees .....		
(c) Other Political Committees .....		
(d) TOTAL CONTRIBUTIONS (other than loans) from 11a, 11b and 11c) .....	0	11974.00
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES .....		
13. ALL LOANS RECEIVED .....		
14. LOAN REPAYMENTS RECEIVED .....		
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....		
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES .....	0	178.73
17. OTHER RECEIPTS (Endorsements, Interest, etc.) .....		
18. TOTAL RECEIPTS (Add 11a, 12, 13, 14, 15, 16 and 17) .....	0	12152.73
<b>II. DISBURSEMENTS</b>		
19. OPERATING EXPENDITURES .....	0	5093.42
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES .....		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES .....	0	4500.00
22. INDEPENDENT EXPENDITURES (See Schedule E) .....		
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441(d)) (See Schedule F) .....		
24. LOAN REPAYMENTS MADE .....		
25. LOANS MADE .....	0	0
26. REFUNDS OF CONTRIBUTIONS TO		
(a) Individuals/Persons Other Than Political Committees .....		
(b) Political Party Committees .....		
(c) Other Political Committees .....		
(d) TOTAL CONTRIBUTION REFUNDS (Add 26a, 26b and 26c) .....		
27. OTHER DISBURSEMENTS .....	0	5.00
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27) .....	0	9598.42
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d .....	0	11974.00
30. TOTAL CONTRIBUTION REFUNDS from Line 26d .....	0	0
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29) .....	0	11974.00
32. TOTAL OPERATING EXPENDITURES from Line 19 .....	0	4893.42
33. OFFSETS TO OPERATING EXPENDITURES from Line 15 .....	0	0
34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32) .....	0	4893.42

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FEC  
1325 E. ...  
WASHINGTON, D.C. 20102



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 12, 1984

Mr. Charles Orasin  
Executive Vice-President  
Handgun Control, Inc.  
1400 K Street, N.W.  
Suite 500  
Washington, D. C. 20006

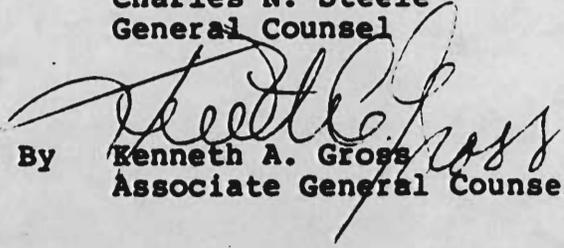
Dear Mr. Orasin:

This letter is to acknowledge receipt of your complaint which we received on December 5, 1984, against Mark Challenger, Treasurer, Citizens Committee for the Right to Keep and Bear Arms Political Victory Fund and Citizens Committee for the Right to Keep and Bear Arms, 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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 12, 1984

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Citizens Committee for the  
Right to Keep and Bear Arms  
1601 114th SE  
Suite 151  
Bellevue, WA 98004

Re: MUR 1860

Dear Sir or Madam:

This letter is to notify you that on December 5, 1984 the Federal Election Commission received a complaint which alleges that the corporation 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 1860. Please refer to this number in all future correspondence.

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

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

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

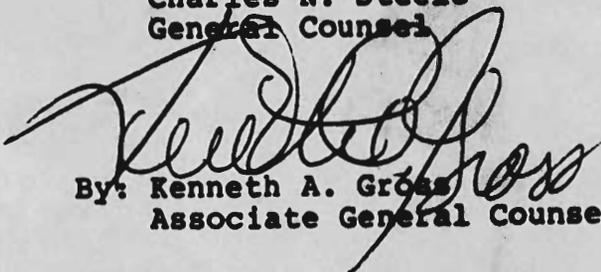
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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

Sincerely,

Charles N. Steele  
General Counsel



By: Kenneth A. Gross  
Associate General Counsel

Enclosures

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 12, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mark Challender, Treasurer  
Citizens Committee for the Right  
to Keep and Bear Arms Political  
Victory Fund  
Liberty Park  
12500 NE 10th Place  
Bellevue, WA 98005

Re: MUR 1860

Dear Mr. Challender:

This letter is to notify you that on December 5, 1984 the Federal Election Commission received a complaint which alleges that you and your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1860. 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 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.

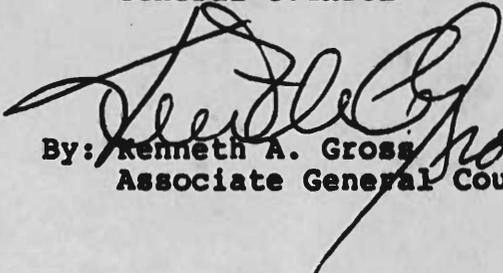
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures

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

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THE COMMITTEE AND THE FUND HAVE SOLICITED CONTRIBUTIONS IN VIOLATION OF 2 U.S.C. §441b(b)(4).

1. As a separate segregated fund whose connected organization is a corporation with no capital stock, the Fund is allowed under 2 U.S.C. 441b(b)(4) to solicit individual contributions only from the executive or administrative personnel and their families of the Committee and the Fund, and from members of the Committee.

2. 11 CFR §114.1(e) of the regulations of the Federal Election Commission ("Commission") defines the term "member" to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock. The regulations have been interpreted by the Commission to require that a person can only be considered a "member" of a corporation without capital stock if, inter alia, the membership relationship is evidenced by the existence of rights and obligations vis-a-vis the corporation.\*/  
3 6 0 4 0 5 9 3 9 3 5

3. Upon information and belief based upon the By-Laws of the Committee, any qualified individual may become a "member" of the Committee by completing a membership form and paying \$15.00 annual dues. All corporate power, however, is held by the Board of Directors and nothing in the By-Laws requires Directors to be "members". The Chairman of the Board of Directors is the senior officer of the corporation, and determines the policy and general

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\*/The other indicia of "membership" required by the Commission which are not relevant to this Complaint, and are admitted for the purposes hereof, are that the prospective member must knowingly take some affirmative steps to become a member of the organization and pay a predetermined minimum amount for dues or contributions.

supervision of the affairs of the Committee subject to the direction of the Board of Directors. The Chairman also may refuse to accept an application for membership from, or suspend membership of any individual who, among other things, engages in activities which are contrary to the interests of the Committee. By contrast, "members" of the Committee do not have an opportunity to participate in the direction, operations and policies of the Committee, e.g., the By-Laws do not provide for meetings of members, nor do they generally afford members corporate powers, including the right to vote for directors of the Committee, the authority to elect officers, control over policy or general supervision of the Committee or any right to amend the By-Laws (Exhibit 1).

4. Upon information and belief derived from the evidence set forth above, I aver that members of the Committee have no corporate rights or obligations whatsoever under the By-Laws of the Committee, and therefore the Committee has no "members" as that term is defined in 11 CFR Section 114.1(e) and interpreted by the Commission. Accordingly, the Committee and the Fund may solicit individual contributions only from the executive or administrative personnel and their families of the Committee and the Fund.

5. Upon information and belief, I aver that the Committee and the Fund have solicited individual contributions from persons other than executive or administrative personnel and their families every year from 1975 through at least the end of 1983. The year-end Reports of Receipts and Expenditures filed by the

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Fund for these years indicate that more than \$382,500.00 has been contributed by individuals to the Fund (Exhibit 3). Upon information and belief, this sum did not come exclusively from executive and administrative personnel and their families.

CONCLUSION

If these averments are correct, then the Committee and the Fund have violated the Federal Election Campaign Act by soliciting contributions from individuals outside of the restrictions imposed by law. If the Commission confirms these averments, then sanctions should be imposed on the Committee and the Fund for these violations.

Sincerely yours,



Charles Orasin  
Executive Vice President

DISTRICT OF COLUMBIA, SS:

Subscribed and sworn before me this 5<sup>th</sup> day of December 1984.



Notary Public

My Commission Expires: 11-14-84

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235412  
FILE NUMBER



EXHIBIT 1

DOMESTIC

STATE OF WASHINGTON | DEPARTMENT OF STATE

I, A. LUDLOW KRAMER, Secretary of State of the State of Washington and custodian of its seal, hereby certify that

ARTICLES OF INCORPORATION

of CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS  
a domestic corporation of Seattle, Washington,

was filed for record in this office on this date, and I further certify that such Articles remain on file in this office.



In witness whereof I have signed and have affixed the seal of the State of Washington to this certificate at Olympia, the State Capitol,

January 30, 1974

*A. Ludlow Kramer*

A. LUDLOW KRAMER  
SECRETARY OF STATE

FILED  
JAN 30 1974  
A. LUDLOW FRAMER  
SECRETARY OF STATE

ARTICLES OF INCORPORATION

OF

CITIZENS COMMITTEE FOR THE RIGHT  
TO KEEP AND BEAR ARMS

The undersigned, in order to form a non-profit corporation under Chapter 24.03 of the Revised Codes of Washington, hereby signs and verifies the following Articles of Incorporation:

ARTICLE I

The name of the corporation is CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS.

ARTICLE II

The duration of the corporation shall be perpetual.

ARTICLE III

The initial registered office of the corporation shall be 3214 West McGraw Street, Seattle, Washington, and the initial registered agent at such address is Alan Gottlieb.

ARTICLE IV

SECTION 1. Purposes. To operate exclusively for the purpose of defending the Second Amendment to the United States Constitution, to provide aid and information to people throughout the United States who may desire it to assist them in achieving and maintaining the realization of goals of the organization.

SECTION 2. Limitations.

2.1 The corporation shall be a non-sectarian, bi-partisan voluntary membership corporation.

2.2 The corporation shall have no capital stock, and no part of its net earnings shall inure to the benefit of any trustee, officer, or member of the corporation, or any private individual.

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2.3 Upon dissolution or winding up of the affairs of the corporation, all of the remaining assets of the corporation shall be distributed pursuant to a plan adopted by the Board of Trustees either to any other organization to be used for identical uses and purposes or, if then permitted by law, to the members of the corporation on a pro-rata share.

**SECTION 3. Powers.** In general, and subject to such limitations and conditions as are or may be prescribed by law, or in the corporation's Articles of Incorporation or Bylaws, the corporation shall have all powers which now or are hereafter conferred by law upon a corporation organized for the purpose hereinabove set forth, or necessary or incidental to the powers so conferred, or conducive to the attainment of the purpose of the corporation.

#### ARTICLE V

1. The management of the corporation shall be vested in a board of no less than three (3) trustees. The number, qualifications, terms of office, manner of election, time and place of meeting, and powers and duties of trustees shall be such as are prescribed by the Bylaws of the corporation.

2. The names and addresses of the trustees who will first manage the affairs of the corporation until the first meeting for election of board of directors, as provided in the Bylaws, and until their successors are elected and qualified, are:

Alan M. Gottlieb	3214-A West McGraw Street Suite #7 Seattle, Washington 98199
John M. Snyder	2326 - 39th Street NW Washington, D. C. 20007
Jeffrey D. Kane	915 Queen Anne Avenue North Seattle, Washington 98119
Jack Gullahorn	4102 Idlewild Austin, Texas 78731
James B. Whisker	RD #1, Box #1181 Point Marion, Pennsylvania 15474

ARTICLE VI

The authority to make, alter, amend or repeal Bylaws is vested in the Board of Trustees, and may be exercised at any regular or special meeting of the Board.

IN WITNESS WHEREOF, I have hereunto set my hand this 4<sup>TH</sup> day of January, 1974.

Alan M. Gottlieb  
ALAN M. GOTTLIEB, Incorporator

STATE OF WASHINGTON )  
                                  ) ss.  
COUNTY OF KING )

ALAN M. GOTTLIEB, being first duly sworn, upon oath deposes and says:

I am the incorporator of the above-named corporation; I have read the foregoing Articles of Incorporation of CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, know the contents thereof, and believe the same to be true.

Alan M. Gottlieb  
ALAN M. GOTTLIEB

SUBSCRIBED AND SWORN TO before me this 4<sup>TH</sup> day of January, 1974.

[Signature]  
Notary Public in and for the State of Washington, Residing at [Address].

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BY-LAWS OF  
CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

ARTICLE I

NAME

Section 1. The name of the Corporation shall be CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS.

ARTICLE II

SEAL

Section 1. The seal of the Corporation shall be circular in form and shall bear the name of the Corporation, the year of its organization, and the words, "Corporate Seal, Washington."

Section 2. The adoption of the seal of the Corporation does not limit the power of the Corporation to have a trademark and a registration of same.

ARTICLE III

PURPOSES

Section 1. The Corporation is a non-profit, non-sectarian, bipartisan, voluntary membership Corporation.

Section 2. The Corporation is organized exclusively for the purpose of defending the Second Amendment to the United States Constitution.

Section 3. To provide aid and information to such people throughout the nation who desire it to assist them in achieving and maintaining the realization of goals stated in Section 2 of this Article.

ARTICLE IV

MEMBERSHIP

Section 1. Any individual who is in agreement with the goal stated in Article III, Section 2, and is not a convicted felon,

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fugitive from justice, an adjudicated mental incompetent, drug addict, alcoholic, member of any organization seeking to overthrow the U. S. government by force or violence, a person who has received dishonorable discharges from the U. S. Armed Forces, or a member of any organization on the U. S. Attorney General's list of subversive organizations, may become a member of the CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, upon completion of a membership form and payment of annual dues of \$15.00 to the National office.

Section 2. The Chairman may refuse to accept an application for membership form, or suspend the membership of any individual who engages in activities which constitute anti-semitism, racism, facism, communism, religious discrimination or which are contrary to the interests of the Corporation. The Chairman's action under this section shall be reviewed by the Board of Directors within ten days, which shall thereupon vote either to accept or reinstate the individual or to revoke his membership.

Section 3. No personal benefits shall inure to any member, director, or officer of the Corporation except that reasonable compensation may be paid for or on behalf of the Corporation.

Section 4. Any member may terminate his membership by written resignation at any time.

## ARTICLE V

### BOARD OF DIRECTORS

Section 1. All powers of the Corporation shall be exercised by the Board of Directors who may delegate to officers and to committees established by them such powers as they may see fit in addition to such powers as are specified in these By-Laws.

Section 2. The number of Directors which shall constitute the whole Board shall be set by the Board and shall be seven (7).

Section 3. The Directors shall be elected by a majority vote of members of the Board present and voting at a regularly scheduled Biennial Meeting for such a purpose, and shall serve for a period of two years and until their successors have been elected and qualified. The first Biennial Meeting shall be held in 1975.

Section 4. The Board of Directors shall meet at least once a year at the call of the Chairman or a majority of the Board, upon written petition, such petition to be submitted to the Chairman. Notice of all regular meetings shall be mailed to each director not less than twenty-one (21) days prior to the date of the meeting. In

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the case of a meeting called by petition, the Board shall meet at the National office of the Corporation on a date set forth therein not less than five (5) days nor more than fifteen (15) days after receipt of said petition by the Chairman, to discuss and vote upon the specific issues raised by such petitions.

Section 5. At all meetings of the Board of Directors, a majority of the membership of the Board of Directors shall constitute a quorum.

Section 6. Any vacancies occurring on the Board of Directors may be filled by a majority vote of the Directors then in office.

Section 7. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, any member of the Board of Directors, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered.

Section 8. Any Director may terminate his membership on the Board by written resignation at any time.

Section 9. A Director may be removed from the Board for just cause by two-thirds vote of those Directors, present and voting at any official constituted meeting of the Board, provided that twenty-one (21) days notice of such proposed action is given to the members of the Board. In cases of removal, the action of the Board shall be final.

Section 10. All members of the Board shall serve from the time of their election until their successors are elected and qualified.

Section 11. The Board of Directors may hold their meetings and keep the books of the Corporation outside the State of Washington.

Section 12. Notice of any meeting of the Board of Directors need not be given to any Director if it be waived by him in writing, whether before or after such meeting is held, or if he is present at such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of business because the meeting is not lawfully called or convened; and any meeting of the Board shall be a legal meeting without any notice thereof having been given, if all of the Directors are either present thereat or waive notice thereof.

Section 13. Any action which may be taken by the Board of Directors may be taken without a meeting if a consent in writing, setting forth the action so to be taken, shall be signed by all of the Directors. Such consent shall have the same effect as a unanimous vote.

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ARTICLE VI

OFFICERS

Section 1. The general officers of the Corporation shall be the Chairman, Vice-Chairman, Secretary, and Treasurer, who must be members of the Board of Directors.

Section 2. The Chairman shall be elected from the membership of the Board of Directors for a two (2) year term, subject to removal for just cause by an affirmative vote of three-fourths (3/4) of the entire Board of Directors. The other general officers shall be elected by the Board of Directors for a two (2) year term, subject to the removal from their offices, but not from the Board of Directors, at any time by an affirmative vote of a majority of the Board of Directors. All general officers shall be elected at the Annual Meeting. They shall serve until the election of their successors.

Section 3. The Chairman shall be the Chairman of the Board of Directors, senior officer of the Corporation, and shall determine the policy and have general supervision of the affairs of the Corporation subject to the direction of the Board of Directors. The Chairman shall preside at all meetings of the Corporation and of its Board of Directors. He shall appoint, subject to the approval of the Board of Directors, all committees, temporary and standing. He shall see that all books, records, reports, and certificates, as required by law, are properly filed or kept, and he shall have sole authority to contract for professional personnel to assist with such matters. He shall have authority to exercise the powers granted by provisions of these By-Laws as to notices, and he shall be one of the officers who may sign checks or drafts of the Corporation, provided that such drafts or checks are also signed by one other person authorized by the Board of Directors.

Section 4. The Vice-Chairman shall serve as Chairman in case of disability, illness, death, or absence of the Chairman, until a successor is elected.

Section 5. The Secretary shall be responsible for recording all of the proceedings and votes of these meetings, and may sign the notices of the meetings thereof. The Secretary shall keep the minutes and records of the Corporation in appropriate books. It shall be the duty of the Secretary to file any certificate required by a state or federal government. He shall give and serve all notices to members of the Corporation, shall perform in general, the duties incident to the office of Secretary, subject to the control of the Chairman, Board of Directors, and the provisions of these By-Laws. The Secretary shall be one of the officers authorized to

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sign checks or drafts of the Corporation provided that such drafts or checks are also signed by one other authorized Director.

Section 6. The Treasurer shall have the care and custody of the corporate funds and securities and shall keep full and accurate records of accounts of receipts and disbursements of all monies received and paid by him on account of the Corporation; he shall exhibit such books of accounts and records to any of the Directors at any time upon request at the office of the Corporation and shall render a detailed statement to the Directors as often as they shall require it. He shall cause to be deposited in such regular business bank or trust company as the Board of Directors may authorize the funds of the Corporation.

Section 7. If a vacancy shall occur in any office of the Corporation, the Board of Directors shall elect a successor to complete the unexpired term.

## ARTICLE VII

### STANDING COMMITTEES

Section 1. The Chairman shall appoint the chairman of all standing committees, approved by the Board of Directors, from inside or outside the Board of Directors.

Section 2. The Chairman shall appoint all members of all standing committees from inside or outside the Board of Directors.

## ARTICLE VIII

### OFFICES

Section 1. An office of the Corporation shall be located in the city of Seattle, State of Washington. The Registered office and Registered agent shall be determined by the Board of Directors.

Section 2. The Corporation may also have offices at such other places, either within or without the State of Washington, as the Board of Directors may from time to time determine.

Section 3. The principle office of the Corporation shall be located by decision of the Board of Directors.

## ARTICLE IX

### FUNDS AND SECURITIES

Section 1. The Board of Directors may authorize any officer or

officers, in the name of and on behalf of the Corporation, to enter into any contract or execute and deliver any instrument, or to sign checks, drafts, or other orders for the payment of money or notes or other evidences of indebtedness, and such authority may be general or confined to specific circumstances; and unless so authorized by the Board of Directors or by these By-Laws, no officer shall have the power or authority to bind the Corporation by any contract or agreement or engagement or to render it pecuniarily liable for any purpose or to any amount.

Section 2. No loan shall be contracted on behalf of the Corporation and no negotiable paper shall be issued in its name unless authorized by the vote of the Board of Directors or by these By-Laws. When authorized by the Board of Directors to do so, any officer of the Corporation may effect loans and advances at any time for the Corporation from any bank, trust company, or other institution, or from any firm, corporation, or individual. Such authority may be general or confined to specific instances.

Section 3. All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select, or as may be selected by any officer or officers by the Board of Directors or by these By-Laws.

Section 4. No loans shall be made by the Corporation to any officer or to any Director.

## ARTICLE X

### INDEMNIFICATION OF TRUSTEES AND OFFICERS

Each trustee or officer now or hereafter serving the Corporation and each person who at the request of or on behalf of the Corporation is now serving or hereafter serves as a trustee, Director or officer of any other corporation, whether for profit, or not for profit, and his respective heirs, executors, and personal representatives, shall be indemnified by the Corporation against expenses actually and necessarily incurred by him in connection with the defense of any action, suit or proceeding in which he is made a party by reason of being or having been such trustee, Director or officer, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duties; but such indemnification shall not be deemed exclusive of any other rights to which such person may be entitled under any By-Law agreement, vote of board of trustees or members, or otherwise.

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ARTICLE XI

FISCAL YEAR

Section 1. The fiscal year shall be fixed by resolution of the Board of Directors.

ARTICLE XII

NOTICES

Section 1. Whenever, under the provisions of these By-Laws, the Certificate of Incorporation or any statute, notice is required to be given to any Director or officer or member, it shall not be construed to be a personal notice, but such notice may be given in writing by mail or by telegram, addressed to such officer or Director, at such address as appears on the books of the Corporation. Any officer or Director may waive any notice required to be given by law, the Certificate of Incorporation, or these By-Laws.

ARTICLE XIII

PARLIAMENTARY PROCEDURE

Section 1. All matters not covered by the By-Laws of the Corporation shall be governed by Roberts Rules of Order, Revised.

ARTICLE XIV.

AMENDMENTS

Section 1. The Board of Directors, by vote of two-thirds (2/3) of the entire Board of Directors, may amend the By-Laws, provided that each member of the Board of Directors be given twenty-one (21) days notice of the substance of the proposed change.

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Office of the Clerk  
Washington, D.C.

031003

**REGISTRATION FORM AND STATEMENT OF ORGANIZATION**

**FOR A  
COMMITTEE**

**SUPPORTING ANY CANDIDATE(S) FOR THE U.S. HOUSE OF REPRESENTATIVES AND  
ANTICIPATING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF  
\$1,000 IN ANY CALENDAR YEAR.**

Requirements for Registration of Political Committees

(In accordance with the provisions of the Federal Election Campaign Act of 1971, P.L. 92-225)

SEE APPROPRIATE SUPERVISORY OFFICER'S MANUAL FOR ADDITIONAL  
REGULATIONS AND INSTRUCTIONS

A. The treasurer of each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives shall file with the Clerk of the U.S. House of Representatives a Registration Form and Statement of Organization, within 10 days after its organization, or, if later, 10 days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000 any portion of which will be expended for the purpose of influencing the nomination or election of candidates for the U.S. House of Representatives. Each such committee in existence on April 1, 1972 shall file a Registration Form and Statement of Organization with the Clerk of the U.S. House of Representatives on or before April 17, 1972. Note: If the committee also supports a candidate for the U.S. Senate, a similar statement must be filed with the Secretary of the Senate, and if the committee supports a candidate for President or Vice President of the United States a similar statement must be filed with the Comptroller General.

B. A copy of this statement shall be filed with the Secretary of State (or, if there is no Office of Secretary of State, the equivalent State officer) of the appropriate State.

C. A copy of this statement shall be preserved by the treasurer of the political committee for a period of not less than two (2) years.

D. Any change or correction of information previously submitted in a Registration Form and Statement of Organization shall be reported to the Clerk of the U.S. House of Representatives within ten (10) days following the change or correction. Each amendment to the statement shall contain the date, identity of the committee, the changed or corrected information appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any officer authorized to administer the oath.

E. Any committee which, after having filed one or more Registration Form and Statement of Organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Clerk of the U.S. House of Representatives. Such notification shall be verified by the oath or affirmation of the person filing it, taken before any officer authorized to administer the oath, and such notification shall include a statement as to the disposition of residual funds if the committee is disbanding.

1. Full name of committee: Right to Keep and Bear Arms Political Victory Fund  
 Mailing address and ZIP code: 3214-A West McGraw, Suite 09  
Seattle, Washington 90199

Date of this registration: November 2th, 1972

2. Affiliated or connected organizations:

Name of affiliated or connected organization	Mailing address and ZIP code	Relationship
Citizens Committee for the Right to Keep and Bear Arms	3214-A. W. McGraw Suite 07 Seattle, WA 90199	Organized the report committee, membership is generally similar

\*Submit additional information on separate attachments clearly appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above where information is contained on separate page(s).

3. Area, Scope and Jurisdiction of the Committee:

- (a) Will this committee operate in more than one State? YES
- (b) Will it operate on a statewide basis in one State? YES
- (c) Will it primarily support candidates seeking State or local offices? NO
- (d) Will it support a candidate for the U.S. House of Representatives in an aggregate amount in excess of \$1,000 during the calendar year? YES

**Light to Food and Drug Administration Victory Fund**

(Full Name of Committee)

4. (a) If the committee is supporting individual candidates for the U.S. House of Representatives, list each candidate by name, address, office sought, and party affiliation:

Full names of candidates	Mailing address and ZIP code	State and Congressional District	Party
NOT KNOWN AT THIS TIME			

(b) List by name, address, office sought, and party affiliation, any candidate for other Federal office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
NOT KNOWN AT THIS TIME			

(c) List by name, address, office sought, and party affiliation, any candidate for any other public office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
NOT KNOWN AT THIS TIME			

5. If this committee is supporting the entire ticket of a party, give name of party: \_\_\_\_\_

6. Identify by name, address and position, the committee's custodian of books and accounts:

Full name	Mailing address and ZIP code	Committee title or position
Alan M. Cottlieb	3214-A W. McGraw Suite 09 Seattle, WA 98199	Chairman

7. List by name, address and position, other principal officers of the committee, including officers and members of the finance committee, if any:

Full name	Mailing address and ZIP code	Committee title or position
Jeffrey D. Kane	3214-A. W. McGraw 09 Seattle, WA 98199	Treasurer
James D. Whicker	R.D. 01 Box 01101 Pt. Marion, PA 15474	Research Director
Jack Gullahorn	4102 Idlewild, Austin, TX 78731	Secretary

\*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization, in OMB's to the appropriate box above when information is contained on separate page(s).

8. Does this committee plan to stay in existence beyond the current calendar year? Yes If so how long? Indefinitely

9. In the event of dissolution, what disposition will be made of residual funds? The money will be transferred to the Citizens Committee for the Right to Keep & Bear Arms

10. List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
National Bank of Commerce Magnolia Branch	West McGraw Seattle, Washington 90199

11. List all reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports:

Report title	Date required to be filed	Name and position of recipient	Mailing address and ZIP code
NONE KNOWN AT THIS TIME			

Submit additional information on separate attachments clearly appropriately labeled and attached to this Statement of Organization. Indicate to the appropriate law enforcement authority in which jurisdiction the information is contained on separate page(s).

State of Washington  
County of King

I, Jeffrey D. Kase, being duly sworn, depose (affirm) and say that the information in this Registration Form and Statement of Organization is complete, true, and correct.

Jeffrey D. Kase  
(Name of Member of Political Committee)

Subscribed and sworn to (affirmed) before me this 14th day of June, A.D. 1977

James L. [Signature]  
(Notary Public)

My commission expires 3-18, 1975

SEAL

Return completed form and attachments to:  
The Clerk, U.S. House of Representatives  
Office of Records and Registration  
1033 Longworth House Office Building  
Washington, D.C. 20515

PSC Form 3  
July 1976  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

**Report of Receipts and Expenditures  
for a Candidate or Committee  
Supporting any Candidate for  
Nomination or Election to Federal Office**

END  
RECEIVED  
FEDERAL ELECTION  
COMMISSION

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

1(a) Name of Candidate or Committee (in full) <input type="checkbox"/> Check if name or address is changed <b>The Right to Keep and Bear Arms Political Victory Fund</b>		2 Identification Number <b>C00012906</b>
3(a) Address (number and street) <b>1601 114th SE, #151-B</b>		3(b) Is this a report of receipts and expenditures for only one election? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3(c) City, State and ZIP code <b>Bellevue, WA 98004</b>		3(d) If "Yes," for which election? (general, primary, runoff) (state)
4 Type of Report (Check appropriate box and complete, if applicable) (a) <input type="checkbox"/> Amendment For _____ (Which report) (b) <input type="checkbox"/> July 10 Quarterly Report (c) <input type="checkbox"/> April 10 Quarterly Report (d) <input type="checkbox"/> October 10 Quarterly Report (e) <input type="checkbox"/> Tenth day report preceding _____ election on _____ in the State of _____ (primary, general or convention) (state) (f) <input type="checkbox"/> Thirtieth day report following _____ election on _____ in the State of _____ (primary, general or convention) (state)		4(a) <input checked="" type="checkbox"/> January 31 Year End Report (b) <input type="checkbox"/> Monthly Report (Specify) (c) <input type="checkbox"/> Termination Report

**Candidate or Committee Summary of Receipts and Expenditures**

5 Covering Period: From **11/23/76** Through **12/31/76**

Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year-To-Date
6 Cash on hand January 1, 1976		\$ 25,908.58
7 Cash on hand at beginning of reporting period	\$ 10,006.83	
8 Total receipts (from line 10)	\$ 860.00	\$ 77,086.80
(a) Subtotal (Add lines 7 and 8)	\$ 10,866.83	\$ 102,995.38
9 Total expenditures (From line 20)	\$ 290.01	\$ 92,418.56
10 Cash on hand at close of reporting period (Subtract line 9 from line 8)	\$ 10,576.82	\$ 10,576.82
11 Contributed items on hand to be liquidated (attach itemized list)		\$ none
Section B - Presidential Campaign Expenditures Subject to Limitation - Summary (To Be Used Only By Presidential Candidates Receiving Federal Funds)		
12 Operating expenditures (from line 20)	\$ NA	\$ NA
13 Refunds and Rebates (from line 17)	\$ NA	\$ NA
14 (a) Expenditures subject to limitation (Subtract line 13 from line 12)	\$ NA	\$ NA
(b) Expenditures from prior years subject to limitation		\$ NA
(c) Total expenditures subject to limitation (Add lines 14a and 14b)		\$ NA

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

**Eric J. Rohrbach**  
(Typed Name of Treasurer or Candidate)

*Eric J. Rohrbach*  
(Signature of Treasurer or Candidate)

**1/27/77**  
(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 5 U.S.C. §437g or §441 (See reverse side of form.)

For further information Contact:

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

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

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Statement of Receipts and Expenditures  
 (Page 2)

Name of Candidate or Committee <b>The Right to Keep and Bear Arms Political Victory Fund</b>		REPORT COVERING THE PERIOD FROM <b>11/23/76</b> TO: <b>12/31/76</b>	
		Column A This Period	Column B Calendar year-to-date
<b>PART I - RECEIPTS</b>			
<b>15 Contributions and other income:</b>			
(a) Itemized (see Schedule A)	\$ 0.00		
(b) Unitemized	\$ 860.00		
(c) Sales and Collections (Include Amounts List by event on margin (Schedule B (II)))			
(d) Subtotal of contributions and other income	\$ 860.00	\$ 72,061.80	
<b>16 Loans and Loan Repayments Received:</b>			
(a) Itemized (see Schedule A)	\$ none		
(b) Unitemized	\$ none		
(c) Subtotal of loans and loan repayments received	\$ none	\$ 5,025.00	
<b>17 Refunds, Rebates, Returns Received:</b>			
(a) Itemized (see Schedule A)	\$ none		
(b) Unitemized	\$ none		
(c) Subtotal of refunds, rebates, returns	\$ none	\$ none	
<b>18 Transfers In:</b>			
(a) From Affiliated Committee (Itemize on Schedule A Regardless of Amount)	\$ none		
(b) From other Committee (Itemize on Schedule A Regardless of Amount)	\$ none		
(c) Subtotal of transfers in	\$ none	\$ none	
<b>19 Total Receipts</b>	\$ 860.00	\$ 77,086.80	
<b>PART II - EXPENDITURES</b>			
<b>20 Operating Expenditures (Committee Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):</b>			
(a) Itemized (see Schedule B)	\$ 40.00		
(b) Unitemized	\$ 0.00		
(c) Subtotal of operating expenditures	\$ 40.00	\$ 18,119.86	
<b>21 Independent Expenditures (see Schedule B)</b>	\$ 50.01	\$ 50,673.70	
<b>22 Loans, Loan Repayments, and Contribution Refunds Made:</b>			
(a) Itemized (see Schedule B)	\$ none		
(b) Unitemized	\$ none		
(c) Subtotal of loans and loan repayments made and contribution refunds	\$ none	\$ 5,025.00	
<b>23 For Use Only by Presidential Campaigns Receiving Federal Funds: (Exclude Fundraising, Legal and Accounting Expenditures)</b>			
(a) Itemized (see Schedule B)	\$ NA		
(b) Unitemized	\$ NA		
(c) Subtotal of fundraising expenditures	\$ NA	\$ NA	
<b>24 Transfers Out:</b>			
(a) To Affiliated Committee (Itemize on Schedule B Regardless of Amount)	\$ none		
(b) To Other Committee (Itemize on Schedule B Regardless of Amount)	\$ 200.00		
(c) Subtotal of transfers out	\$ 200.00	\$ 18,600.00	
<b>25 Total Expenditures</b>	\$ 290.01	\$ 92,418.56	
<b>PART III - DEBTS AND OBLIGATIONS</b>			
<b>26 Debts and obligations owed to the Committee (Itemize all on Schedule C)</b>	\$ None		
<b>27 Debts and obligations owed by the Committee (Itemize all on Schedule C)</b>	\$ None		
<b>PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES</b>			
<b>28 Total Receipts (from line 19)</b>	\$ 860.00		
<b>29 Transfers In (from line 18(d))</b>	\$ none		
<b>30 Net Receipts (Subtract line 29 from line 28)</b>	\$ 860.00		
<b>31 Total Expenditures (from line 25)</b>	\$ 290.01		
<b>32 Transfers out (from line 24(d))</b>	\$ none		
<b>33 Net Expenditures (Subtract line 32 from line 31)</b>	\$ 290.01		

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# FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

## REPORT OF RECEIPTS AND EXPENDITURES FOR A

### POLITICAL COMMITTEE

SUPPORTING ANY CANDIDATE(S) FOR NOMINATION OR ELECTION TO  
FEDERAL OFFICE

Right to Keep and Bear Arms Political Victory Fund

(Full Name of Committee)

1601 114th S.E. Suite 151B

(Street)

Check if New Address Bellevue, Washington 98004

(City, State, ZIP code)

### TYPE OF ELECTION

PRIMARY     GENERAL     SPECIAL     RUNOFF     CONVENTION OR CAUCUS

### TYPE OF REPORT

10 DAY PRE-ELECTION

30 DAY POST-ELECTION

APRIL 10

AMENDMENT TO \_\_\_\_\_ REPORT

JULY 10

SUSPENSION

OCTOBER 10

TERMINATION

JANUARY 10 Annual Report

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS REPORT INCLUDING SCHEDULES AND STATEMENTS, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE, CORRECT, AND COMPLETE.



Signature of Treasurer of Committee

January 6, 1976

Date

RETURN COMPLETED REPORT AND ATTACHMENTS TO:

FEDERAL ELECTION COMMISSION  
1225 K STREET, N.W.  
WASHINGTON, D.C. 20463

76030131213

75 YR  
ENO

Name of Committee: STATE OF TEXAS - STATE ATTORNEY GENERAL  
REPORT COVERING PERIOD FROM: OCTOBER 1, 1975 TO: SEPTEMBER 30, 1975

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76030131214

SECTION A-RECEIPTS

Part 1. Individual contributions:		
a. Itemized (use schedule A*) .....	\$ 2,850.00	
b. Unitemized .....	\$ 19,398.21	
	<b>Total individual contributions</b>	<b>\$ 32,248.21</b>
Part 2. Sales and collections:		
Itemized (use schedule B and as necessary schedule A*) .....	\$ -	\$ -
Part 3. Loans received:		
a. Itemized (use schedule A*) .....	\$ -	\$ -
b. Unitemized .....	\$ -	\$ -
	<b>Total loans received</b>	<b>\$ -</b>
Part 4. Other receipts (rentals, salaries, interest, etc.):		
a. Itemized (use schedule A*) .....	\$ -	\$ -
b. Unitemized .....	\$ -	\$ -
	<b>Total other receipts</b>	<b>\$ 260.32</b>
Part 5. Transfers in:		
Itemize all (use schedule A*) .....	\$ -	\$ -
	<b>TOTAL RECEIPTS</b>	<b>\$ 32,508.53</b>

SECTION B-EXPENDITURES:

Part 6. Void: Use Part 9.		
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized (use schedule D*) .....	\$ -	\$ -
b. Unitemized .....	\$ -	\$ -
	<b>Total expenditures for personal services, salaries, and reimbursed expenses</b>	<b>\$ 50.00</b>
Part 8. Loans made:		
a. Itemized (use schedule D*) .....	\$ -	\$ -
b. Unitemized .....	\$ -	\$ -
	<b>Total loans made</b>	<b>\$ -</b>
Part 9. Media and other expenses:		
a. Itemized (use schedule C*) .....	\$ 7,519.90	\$ -
b. Unitemized .....	\$ -	\$ -
	<b>Total other expenditures</b>	<b>\$ 7,519.90</b>
Part 10. Transfers out:		
Itemize all (use schedule D*) .....	\$ -	\$ 450.00
	<b>TOTAL EXPENDITURES</b>	<b>\$ 8,019.90</b>

SECTION C-CASH BALANCES:

Cash on hand at beginning of reporting period .....	\$ 1,377.27
Add total receipts (section A above) .....	\$ 32,051.21
Subtotal .....	\$ 33,428.48
Subtract total expenditures (section B above) .....	\$ 7,519.90
Cash on hand at close of reporting period .....	\$ 25,908.58

SECTION D-DEBTS AND OBLIGATIONS:

Part 11. Debts and obligations owed to the committee (use schedule E*) .....	\$ -
Part 12. Debts and obligations owed by the committee (use schedule E*) .....	\$ -

\*Schedules are to be used only when itemization is required. (See each Schedule for instructions.) When itemization is unnecessary for a given Part, the total of any amounts for that Part is to be entered as a lump sum on the "Unitemized" line of the appropriate Part of the Summary Report. The word "None" should be entered on any line of the Summary Report when no amount is being reported.

PEC Form 3  
July 1976  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

**Report of \_\_\_\_\_  
for a Candidate  
Supporting \_\_\_\_\_  
Nomination or Election to \_\_\_\_\_ Office**

7  
YR END

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with such campaign are required to maintain separate records with respect to each election.

1(a) Name of Candidate or Committee (in full) <input type="checkbox"/> Check if name or address is changed <b>The Right to Keep and Bear Arms Political Victory Fund</b>		2 Identification Number <b>C00012906</b>
(b) Address (number and street) <b>1601 114th S.E. #151-B</b>		3(a) Is this a report of receipts and expenditures for only one election? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(c) City, State and ZIP code <b>Bellevue, Wa. 98004</b>		(b) If "Yes," for which election? _____ (general, primary, runoff) _____ (date)
4 Type of Report (Check appropriate box and complete, if applicable)		
(a) <input type="checkbox"/> Amendment For _____ (Which report)		(d) <input type="checkbox"/> January 31 Year End Report
(b) <input type="checkbox"/> April 10 Quarterly Report		(e) <input type="checkbox"/> Monthly Report _____ (date)
(c) <input type="checkbox"/> July 10 Quarterly Report		(f) <input type="checkbox"/> Termination Report
(d) <input type="checkbox"/> October 10 Quarterly Report		
(N) <input type="checkbox"/> Tenth day report preceding _____ election on _____ in the State of _____ (primary, general or convention) (date)		
(B) <input type="checkbox"/> Thirtieth day report following _____ election on _____ in the State of _____ (primary, general or convention) (date)		

**Candidate or Committee Summary of Receipts and Expenditures**

5 Covering Period: From <u>10-1-77</u> Through <u>12-31-77</u>			
<b>Section A - Cash Balance Summary</b>		<b>Column A This Period</b>	<b>Column B Calendar Year-To-Date</b>
6	Cash on hand January 1, 19 77.....		\$ 10,576.82
7	Cash on hand at beginning of reporting period.....	\$ 9,596.30	
8	Total receipts (from line 10).....	\$ 6,758.50	\$ 25,216.76
	(a) Subtotal (Add lines 7 and 8).....	\$ 16,354.80	\$ 35,793.58
9	Total expenditures (From line 26).....	\$ 3,781.05	\$ 23,219.83
10	Cash on hand at close of reporting period (Subtract line 9 from line 8).....	\$ 12,573.75	\$ 12,573.75
11	Contributed items on hand to be liquidated (attach itemized list).....	\$ -None	
<b>Section B - Presidential Campaign Expenditures Subject to Limitation - Summary (To Be Used Only By Presidential Candidates Receiving Federal Funds)</b>			
12	Operating expenditures (from line 20).....	\$ Na	\$ Na
13	Refunds and Rebates (from line 17).....	\$ Na	\$ Na
14	(a) Expenditures subject to limitation (Subtract line 13 from line 12).....	\$ Na	\$ Na
	(b) Expenditures from prior years subject to limitation.....		\$ Na
	(c) Total expenditures subject to limitation (Add lines 14a and 14b).....		\$ Na

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

**Eric J. Rohrbach**

(Typed Name of Treasurer or Candidate)

(Signature of Treasurer or Candidate)

1-6-78

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 437g or § 441. (See reverse side of form.)

For further information contact:  Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Any information reported herein may not be copied for sale or use by any person for purposes of circulating contributions or for any commercial purpose.

Form 278  
 1977  
 U.S. GOVERNMENT PRINTING OFFICE: 1976

11/19/77

Name of Committee or Candidate <b>The Right to Life</b>		Reporting Period TO: 12-31-77	
		Column 7 Amount	Column 8 Calendar year-to-date
<b>PART I - RECEIPTS</b>			
16 Contributions (See Instructions)			
(a) Itemized (see Schedule B)	.....	\$ 1,000.00	
(b) Unitemized	.....	\$ 5,758.50	
(c) State and Other Government Grants	.....		
List by amount on reverse of this form			
(d) Subtotal of contributions	.....	\$ 6,758.50	\$ 12,216.76
18 Loans and Loan Repayments			
(a) Itemized (see Schedule B)	.....		
(b) Unitemized	.....		
(c) Subtotal of loans and loan repayments	.....		\$ 13,000.00
17 Refunds, Rebates, and Other Returns			
(a) Itemized (see Schedule B)	.....	\$ 0.00	
(b) Unitemized	.....	\$ 0.00	
(c) Subtotal of refunds, rebates, returns	.....	\$ 0.00	\$ None
19 Transfers In:			
(a) From Affiliated Committees (Items on Schedule A Regardless of Amount)	.....	\$ 0.00	
(b) From Other Committees (Items on Schedule A Regardless of Amount)	.....	\$ 0.00	
(c) Subtotal of transfers in	.....	\$ 0.00	\$ None
<b>Total Receipts</b>	.....	<b>\$ 6,758.50</b>	<b>\$ 25,216.76</b>
<b>PART II - EXPENDITURES</b>			
20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures)			
(a) Itemized (see Schedule B)	.....	\$ 3,544.76	
(b) Unitemized	.....	\$ 2,925.91	
(c) Subtotal of operating expenditures	.....	\$ 6,470.67	\$ 6,469.45
21 Independent Expenditures (see Schedule B)	.....	\$ 0.00	\$ None
22 Loans, Loan Repayments, and Contributing Refunds Made			
(a) Itemized (see Schedule B)	.....	\$ 0.00	
(b) Unitemized	.....	\$ 0.00	
(c) Subtotal of loans and loan repayments made and contributing refunds	.....	\$ 0.00	\$ 13,000.00
23 For Use Only By Presidential Candidate Receiving Federal Funds (Include Fundraising, Legal and Accounting Expenditures)			
(a) Itemized (see Schedule B)	.....	\$ 0.00	
(b) Unitemized	.....	\$ 0.00	
(c) Subtotal of fundraising expenditures	.....	\$ 0.00	\$ Na
24 Transfers Out:			
(a) To Affiliated Committees (Items on Schedule B Regardless of Amount)	.....	\$ 0.00	
(b) To Other Committees (Items on Schedule B Regardless of Amount)	.....	\$ 350.38	
(c) Subtotal of transfers out	.....	\$ 350.38	\$ 3,750.38
<b>Total Expenditures</b>	.....	<b>\$ 3,781.05</b>	<b>\$ 23,219.83</b>
<b>PART III - DEBTS AND OBLIGATIONS</b>			
26 Debts and obligations owed to the Committee (Items all on Schedule C)	.....	\$ 0.00	
27 Debts and obligations owed by the Committee (Items all on Schedule C)	.....	\$ 0.00	
<b>PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES</b>			
28 Total Receipts (from line 19)	.....	6,758.50	
29 Transfers in (from line 19(a))	.....	\$ 0.00	
30 Net Receipts (Subtract line 29 from line 28)	.....	6,758.50	
31 Total Expenditures (from line 24)	.....	3,781.05	
32 Transfers out (from line 24(a))	.....	\$ 0.00	
33 Net Expenditures (Subtract line 32 from line 31)	.....	3,781.05	

78 YR  
END

FEC FORM 3  
REVISED  
January, 1978  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

**REPORT OF RECEIPTS AND EXPENDITURES  
FOR A CANDIDATE OR COMMITTEE  
SUPPORTING CANDIDATE(S) FOR  
NOMINATION OR ELECTION TO FEDERAL OFFICE**

(Except for Candidates or Committees Receiving Federal Matching Funds)

1 13:00

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election.

1 RIGHT TO BEAR ARMS POLITICAL VICTORY FUND I.D. No. C 000 12906  
Name of Candidate or Committee (in full) Candidate/Committee  
1601 114<sup>th</sup> SE S.W. 151B 3 \_\_\_\_\_  
Address (number and street) Office Sought, State/District (if applicable)  
Bellevue WASH G 6014 \_\_\_\_\_  
City, State and ZIP Code  Check if address is different than previously reported. Year of Election 1978

4 Type of Report (check appropriate boxes)  
 April 10 Quarterly Report  Tenth day report preceding \_\_\_\_\_ election (primary, general or convention)  Termination Report  
 July 10 Quarterly Report on \_\_\_\_\_ in the State of \_\_\_\_\_  Amendment for \_\_\_\_\_  
 October 10 Quarterly Report  Thirtieth day report following \_\_\_\_\_ election (which report) \_\_\_\_\_  
 January 31 Annual Report  Thirtieth day report following \_\_\_\_\_ election (primary, general or convention) \_\_\_\_\_  
 Monthly Report \_\_\_\_\_ on \_\_\_\_\_ in the State of \_\_\_\_\_ (month) (date)  
This is a report for  Primary Election  General Election  Primary and General  Other (special, runoff, etc.)

**SUMMARY OF RECEIPTS AND EXPENDITURES**  
(Figures may be rounded to nearest dollar.)

5 Covering Period	Column A This Period	Column B Calendar Year-To-Date
<u>12/7-78</u> Through <u>12-31-78</u>		
6 Cash on hand January 1, 19 <u>78</u>		\$ <u>12573</u> <sup>75</sup>
7 Cash on hand at beginning of reporting period	\$ <u>39101</u> <sup>88</sup>	
8 Total receipts (from line 19)	\$ <u>11926</u> <sup>50</sup>	\$ <u>217322</u> <sup>49</sup>
(a) Subtotal (Add lines 7 and 8 for Column A and lines 6 and 8 for Column B)	\$ <u>51028</u> <sup>38</sup>	\$ <u>229896</u> <sup>24</sup>
9 Total expenditures (from line 25)	\$ <u>4656</u> <sup>16</sup>	\$ <u>183524</u> <sup>02</sup>
10 Cash on hand at close of reporting period (Subtract line 9 from line 8a)	\$ <u>46372</u> <sup>22</sup>	\$ <u>46372</u> <sup>22</sup>
11 Value of contributed items on hand to be liquidated (Attach itemized list)	\$ <u>NONE</u>	
12 Debts and obligations owed to the Committee/Candidate (itemize all on Schedule C)	\$	
13 Debts and obligations owed by the Committee/Candidate (itemize all on Schedule C)	\$	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.  
1 129/79 (Date) MERRILL R JACOBS (Typed Name of Treasurer or Candidate) [Signature] (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437g or Section 441; (see reverse side of form).

For further information, contact:  Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463 or call 800/424-9630 Approved by GAO 8-187820 (R0808) Expires 3-31-81

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

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**DETAILED SUMMARY OF RECEIPTS AND EXPENDITURES**  
(Page 2, FEC FORM 2)

78  
YR END

NAME OF CANDIDATE OR COMMITTEE		REPORT COVERING THE PERIOD	
POLITICAL RIGHT TO BEAR ARMS VICTORY FUND		FROM: 12-7-78	TO: 12-31-78
RECEIPTS		Column A This Period	Column B Calendar Year-To-Date
14. Contributions from individuals (including contributions in-kind):			
(a) Itemized (use Schedule A)		\$ 1825 <sup>00</sup>	
(b) Unitemized		\$ 10,101 <sup>50</sup>	
(c) Sales and collections included above:			
List by event on memo Schedule D (S _____)			
(d) Subtotal of contributions from individuals		\$ 11,926 <sup>50</sup>	\$ 11,822.49
15. Transfers from Political Committees:			
(a) Funds from affiliated/authorized committees (itemize on Schedule A regardless of amount)		\$	
(b) Funds from other committees (itemize on Schedule A regardless of amount)		\$	
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount)		\$	
(d) Subtotal of transfers in and contributions in-kind from political committees		\$	\$
16. Other Income:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of other income		\$	\$
17. Loans and Loan Repayments Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments received		\$	\$ 5000 <sup>00</sup>
18. Refunds, Rebates, Returns of Deposits:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of refunds, rebates, returns of deposits		\$	\$ 500 <sup>00</sup>
19. Total Receipts		\$ 11,926 <sup>50</sup>	\$ 217,322.49
EXPENDITURES			
20. Operating Expenditures:			
(a) Itemized (use Schedule B)		\$ 4656 <sup>16</sup>	
(b) Unitemized		\$	
(c) Subtotal of operating expenditures		\$ 4656 <sup>16</sup>	\$ 152,074 <sup>02</sup>
21. Loans, Loan Repayments, and Contribution Refunds Made:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments made and contribution refunds		\$	\$ 5000
22. Transfers Out to Political Committees:			
(a) To affiliated/authorized committees (itemize on Schedule B regardless of amount)		\$	
(b) To other committees (itemize on Schedule B regardless of amount)		\$	
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount)		\$	
(d) Subtotal of transfers out		\$	\$ 26,250 <sup>00</sup>
23. Independent Expenditures (use Schedule E)		\$	\$ 200.00
24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 4314d) (itemize on Schedule F)		\$	\$
25. Total Expenditures		\$ 4656 <sup>16</sup>	\$ 183,524 <sup>02</sup>
RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES			
26. Total Receipts (from line 19)		\$ 11,926 <sup>50</sup>	
27. Transfers In (from line 15(a))		\$	
28. Net Receipts (Subtract line 27 from line 26)		\$ 11,926 <sup>50</sup>	
29. Total Expenditures (from line 25)		\$ 4656 <sup>16</sup>	
30. Transfers Out (from line 22(a))		\$	
31. Net Expenditures (Subtract line 30 from line 29)		\$ 4656 <sup>16</sup>	

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FEC Form 3  
 January, 1978  
 Federal Election Commission  
 1325 K Street, N.W.  
 Washington, D.C. 20463

REPORT OF RECEIPTS AND EXPENDITURES

FEDERAL ELECTION COMMISSION  
 SECTION 302 FEDERAL CAMPAIGN DISCLOSURE ACT

79  
 YR  
 010

1. Name of Candidate or Committee (in full): **RIGHT TO LIFE AND FREEDOM POLITICAL ACTION FUND** I.D. No. **C00012916**

2. Address (number and street): **1101 11th SE Suite 101 B**

3. City, State and ZIP Code: **Belleve, Va 22009**

4. Office Sought, State/District (if applicable): \_\_\_\_\_

5. Year of Election: **79**

Check if address is different than previously reported.

4. Type of Report (check appropriate boxes)

April 10 Quarterly Report

July 10 Quarterly Report

October 10 Quarterly Report

January 31 Annual Report

Monthly Report **DEC** (month)

Tenth day report preceding \_\_\_\_\_ election (primary, general or convention)

Thirtieth day report following \_\_\_\_\_ election (primary, general or convention)

Termination Report

Amendment for: \_\_\_\_\_ (which report)

This is a report for  Primary Election  General Election  Primary and General  Other (specify, runoff, etc.)

SUMMARY OF RECEIPTS AND EXPENDITURES  
 (Figures may be rounded to nearest dollar.)

6. Covering Period	Column A This Period	Column B Calendar Year-To-Date
<b>DEC 1</b> Through <b>DEC 31</b>		
6 Cash on hand January 1, 19		\$ 46372.22
7 Cash on hand at beginning of reporting period	\$ 39935.26	
8 Total receipts (from line 19)	\$ 0	\$ 40657.70
(a) Subtotal (Add lines 7 and 8 for Column A and lines 6 and 8 for Column B)	\$ 39935.26	\$ 87029.92
9 Total expenditures (from line 25)	\$ 1364.50	\$ 48459.16
10 Cash on hand at close of reporting period (Subtract line 9 from line 8a)	\$ 38570.76	\$ 38570.76
11 Value of contributed items on hand to be liquidated (Attach itemized list)	\$	\$
12 Debts and obligations owed to the Committee/Candidate (itemize all on Schedule C)	\$ 5000	
13 Debts and obligations owed by the Committee/Candidate (itemize all on Schedule C)	\$	

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

1/10/79 (Date)

MERRILL R. JACOBS (Typed Name of Treasurer or Candidate)

Merrill Jacobs (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437g, or Section 461; (see reverse side of form.)

For further information, contact:  Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463 or call 800/424-9630

Approved by GAO 8-187620 (R0508) Expires 3-31-81

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

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**DETAILED SUMMARY OF RECEIPTS AND EXPENDITURES**  
(Page 2, FEC FORM 3)

**NAME OF CANDIDATE OR COMMITTEE**  
*RIGHT TO LIFE AND BIRTH RIGHTS POL. Victory Fund*

**REPORT COVERING THE PERIOD**  
FROM: *DEC 1* TO: *DEC 31*

17  
11  
9  
1  
7  
0  
7

RECEIPTS		Column A This Period	Column B Calendar Year To-Date
14. Contributions from individuals (including contributions in-kind):			
(a) Itemized (use Schedule A)	\$ 0		
(b) Unitemized	\$		
(c) Sales and collections included above. List by event on memo Schedule D (S _____)	\$		
(d) Subtotal of contributions from individuals	\$ 0	\$ 40657.70	0
15. Transfers from Political Committees			
(a) Funds from affiliated/authorized committee (itemize on Schedule A regardless of amount)	\$		
(b) Funds from other committees (itemize on Schedule A regardless of amount)	\$		
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount)	\$		
(d) Subtotal of transfers in-kind and contributions in-kind from political committees	\$		
16. Other Income			
(a) Itemized (use Schedule A)	\$		
(b) Unitemized	\$		
(c) Subtotal of other income	\$		
17. Loans and Loan Repayments Received			
(a) Itemized (use Schedule A)	\$		
(b) Unitemized	\$		
(c) Subtotal of loans and loan repayments received	\$		
18. Refunds, Rebates, Returns of Deposits			
(a) Itemized (use Schedule A)	\$		
(b) Unitemized	\$		
(c) Subtotal of refunds, rebates, returns of deposits	\$		
19. Total Receipts	\$	\$ 40657.70	

EXPENDITURES		Column A This Period	Column B Calendar Year To-Date
20. Operating Expenditures			
(a) Itemized (use Schedule B)	\$ 114.50		
(b) Unitemized	\$		
(c) Subtotal of operating expenditures	\$ 114.50	\$ 33809.16	
21. Loans, Loan Repayments, and Contribution Refunds Made:			
(a) Itemized (use Schedule B)	\$ 1250.		
(b) Unitemized	\$		
(c) Subtotal of loans and loan repayments made and contribution refunds	\$ 1250	\$ 6250	
22. Transfers Out to Political Committees:			
(a) To affiliated/authorized committee (itemize on Schedule B regardless of amount)	\$		
(b) To other committees (itemize on Schedule B regardless of amount)	\$		
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount)	\$		
(d) Subtotal of transfers out	\$	\$ 8400	
23. Independent Expenditures (use Schedule E)	\$		
24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441a(d)) (itemize on Schedule F)	\$		
25. Total Expenditures	\$ 1364.50	\$ 48459.16	

NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES			
26. Total Receipts from Affiliates	\$		
27. Total Transfers to Affiliates	\$		

RECEIVED TO  
YR END

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

(Summary Page)

1. Name of Committee (in Full)  
**CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BURN ARMS POLITICAL VICTORY FUND**

Address (Number and Street)  
**1601 114th St Suite 151**

City, State and ZIP Code  
**Belleuve, WA 98004**

Check if address is different than previously reported.

2. FEC Identification Number  
**C00012906**

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

4. TYPE OF REPORT (check appropriate boxes)

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

(b) Is this Report an Amendment?  
 YES  NO

**SUMMARY**

5. Covering Period **DEC 1** Through **DEC 31**

6. (a) Cash on Hand January 1, 19**80**.....

(b) Cash on Hand at Beginning of Reporting Period .....

(c) Total Receipts (from Line 18).....

(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B).....

7. Total Disbursements (from Line 28).....

8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d)) .....

9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D).....

10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D).....

	Column A This Period	Column B Calendar Year-to-Date
6(a)		\$ 38570.76
6(b)	\$ 567.41	
6(c)	\$	\$ 2594.80
6(d)	\$ 567.41	\$ 41165.56
7	\$	\$ 40598.15
8	\$ 567.41	\$ 567.41
9	\$ 5000	
10	\$	

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

For further information, contact:

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

**MERRILL R. JACOBS**  
Type or Print Name of Treasurer  
*Merrill Jacobs*  
SIGNATURE OF TREASURER

**1/5/81**  
Date

NOTE Submission of false, incorrect or incomplete information may subject the person signing this Report to the penalties of 2 USC 5437g

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 3 (1977)

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

81 JAN 9 All: 5n

Name of Committee (in Full)	Report Covering the Period:	
	From:	To:
<b>CCRKBA POLITICAL VICTORY FUND</b>	<b>DEC 11</b>	<b>DEC 31</b>
	<b>COLUMN A Total This Period</b>	<b>COLUMN B Calendar Year-to-Date</b>
<b>I. RECEIPTS</b>		
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>		
(a) Individuals/Persons Other Than Political Committees .....		
(Memo Entry Unrestricted \$ _____)		
(b) Political Party Committees .....		
(c) Other Political Committees .....		
<b>(d) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b and 11c) .....</b>		<b>264.92</b>
<b>12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES .....</b>		
<b>13. ALL LOANS RECEIVED .....</b>		
<b>14. LOAN REPAYMENTS RECEIVED .....</b>		
<b>15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....</b>		
<b>16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES .....</b>		
<b>17. OTHER RECEIPTS (Dividends, Interest, etc.) .....</b>		<b>2329.88</b>
<b>18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17) .....</b>		<b>2594.80</b>
<b>II. DISBURSEMENTS</b>		
<b>19. OPERATING EXPENDITURES .....</b>		<b>15373.15</b>
<b>20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES .....</b>		
<b>21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES .....</b>		<b>225</b>
<b>22. INDEPENDENT EXPENDITURES (See Schedule E) .....</b>		
<b>23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441e-2) (See Schedule F) .....</b>		
<b>24. LOAN REPAYMENTS MADE .....</b>		
<b>25. LOANS MADE .....</b>		
<b>26. REFUNDS OF CONTRIBUTIONS TO:</b>		
(a) Individuals/Persons Other Than Political Committees .....		
(b) Political Party Committees .....		
(c) Other Political Committees .....		
<b>(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c) .....</b>		<b>25000</b>
<b>27. OTHER DISBURSEMENTS .....</b>		<b>40598.15</b>
<b>28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27) .....</b>		
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>		
<b>29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d .....</b>		<b>264.92</b>
<b>30. TOTAL OPERATING EXPENDITURES from Line 19 .....</b>		<b>15373.15</b>
<b>31. TOTAL INDEPENDENT EXPENDITURES from Line 22 .....</b>		
<b>32. TOTAL COORDINATED EXPENDITURES from Line 23 .....</b>		
<b>33. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32) .....</b>		<b>264.92</b>

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

Name of Committee (in Full)  
**RIGHT TO BEAR ARMS POLITICAL VEBBY FUND**

Report Covering the Period: **02 JAN 7** P12: 31  
From: **12/1/51** To: **12/31/51**

	COLUMN A Total This Period	COLUMN B Calendar Year to Date
<b>I. RECEIPTS</b>		
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>		
(a) Individuals/Persons Other Than Political Committees .....	0	70.40
(b) Political Party Committees .....		
(c) Other Political Committees .....		
(d) TOTAL CONTRIBUTIONS (other than loans) (Add 11a, 11b and 11c) .....	0	70.40
<b>12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES</b> .....		
<b>13. ALL LOANS RECEIVED</b> .....		
<b>14. LOAN REPAYMENTS RECEIVED</b> .....		
<b>15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)</b> .....		
<b>16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b> .....		
<b>17. OTHER RECEIPTS (Dividends, Interest, etc.)</b> .....		
<b>18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17)</b> .....	0	70.40
<b>II. DISBURSEMENTS</b>		
<b>19. OPERATING EXPENDITURES</b> .....	3.62	32.95
<b>20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES</b> .....		
<b>21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b> .....		
<b>22. INDEPENDENT EXPENDITURES (Use Schedule E)</b> .....		
<b>23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441a(d)) (Use Schedule F)</b> .....		
<b>24. LOAN REPAYMENTS MADE</b> .....		
<b>25. LOANS MADE</b> .....		
<b>26. REFUNDS OF CONTRIBUTIONS TO:</b>		
(a) Individuals/Persons Other Than Political Committees .....		
(b) Political Party Committees .....		
(c) Other Political Committees .....		
(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c) .....		
<b>27. OTHER DISBURSEMENTS</b> .....		
<b>28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)</b> .....	3.62	32.95
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>		
<b>29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d</b> .....	0	70.40
<b>30. TOTAL CONTRIBUTION REFUNDS from Line 26d</b> .....		
<b>31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)</b> .....	0	70.40
<b>32. TOTAL OPERATING EXPENDITURES from Line 19</b> .....	3.62	32.95
<b>33. OFFSETS TO OPERATING EXPENDITURES from Line 15</b> .....		
<b>34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32)</b> .....	3.62	32.95

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

82  
NR END  
RECEIVED AT THE FEC

(Summary Page)

83 JAN 8 AM: 48

**1. Name of Committee (in Full)**  
Right to Bear ARMS  
Political Victory Fund

---

**Address (Number and Street)**  
Liberty Park  
12500 NE Tenth Place

---

**City, State and ZIP Code**  
Bellevue, WA 98005

---

Check if address is different than previously reported.

**2. FEC Identification Number**  
C 000 12906

**3.  This committee qualified as a non-federally controlled committee during this Reporting Period on \_\_\_\_\_ (Date)**

**4. TYPE OF REPORT (check appropriate boxes)**

(a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Monthly Report for DECEMBER, 1982  
 Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Termination Report

(b) **Is this Report an Amendment?**  
 YES  NO

**SUMMARY**

	Column A This Period	Column B Calendar Year-to-Date
<b>5. Covering Period</b> <u>12/1/82</u> through <u>12/31/82</u>		
<b>6. (a) Cash on Hand January 1, 1982</b> .....		\$ 541.69
<b>(b) Cash on Hand at Beginning of Reporting Period</b> .....	\$ 5786.63	
<b>(c) Total Receipts (from Line 10)</b> .....	\$ 310.00	\$ 15,190.00
<b>(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(b) and 6(c) for Column B)</b> .....	\$ 6096.63	\$ 15,731.69
<b>7. Total Disbursements (from Line 20)</b> .....	\$ 8.22	\$ 9643.28
<b>8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))</b> ..	\$ 6088.41	\$ 6088.41
<b>9. Debts and Obligations Owed TO the Committee (Provide all on Schedule C or Schedule D)</b> .....	\$ 3000.00	
<b>10. Debts and Obligations Owed BY the Committee (Provide all on Schedule C or Schedule D)</b> .....	\$ -00-	

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

For further information, contact:

Federal Election Commission  
Toll Free 800-424-9529  
Local 202-633-4000

**Michael R. Kenyon**

Type or Print Name of Treasurer  
Michael R Kenyon  
SIGNATURE OF TREASURER

1/3/83  
Date

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

All previous versions of FEC FORM 3 and FEC FORM 2b are obsolete and should no longer be used.

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86040573960  
13032503570

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

Name of Committee (in Full)  
**Right to Bear Arms Political Victory Fund**

Report Covering the Period  
From **12/1/82** to **12/31/82**

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
<b>I. RECEIPTS</b>		
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>		
(a) Individuals/Persons Other Than Political Committees .....	110.00	9990.00
(Stamps Every Underscored \$ <u>110.00</u> )		
(b) Political Party Committees .....		
(c) Other Political Committees .....	110.00	9990.00
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b and 11c) .....		
<b>12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES</b> .....		
<b>13. ALL LOANS RECEIVED</b> .....	0	5000.00
<b>14. LOAN REPAYMENTS RECEIVED</b> .....		
<b>15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)</b> .....		
<b>16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b> .....	200.00	200.00
<b>17. OTHER RECEIPTS (Dividends, Interest, etc.)</b> .....		
<b>18. TOTAL RECEIPTS (Add 11a, 12, 13, 14, 15, 16 and 17)</b> .....	<b>310.00</b>	<b>15,190.00</b>
<b>II. DISBURSEMENTS</b>		
<b>19. OPERATING EXPENDITURES</b> .....	8.22	25.26
<b>20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES</b> .....		
<b>21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b> .....	0	5300.00
<b>22. INDEPENDENT EXPENDITURES (Use Schedule E)</b> .....		
<b>23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §41e(4)) (Use Schedule F)</b> .....		
<b>24. LOAN REPAYMENTS MADE</b> .....		
<b>25. LOANS MADE</b> .....	0	3000.00
<b>26. REFUNDS OF CONTRIBUTIONS TO:</b>		
(a) Individuals/Persons Other Than Political Committees .....		
(b) Political Party Committees .....		
(c) Other Political Committees .....		
(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c) .....	0	1318.02
<b>27. OTHER DISBURSEMENTS</b> .....	8.22	9643.28
<b>28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)</b> .....		
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>		
<b>29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d</b> .....	110.00	9990.00
<b>30. TOTAL CONTRIBUTION REFUNDS from Line 26d</b> .....		
<b>31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)</b> .....	110.00	9990.00
<b>32. TOTAL OPERATING EXPENDITURES from Line 19</b> .....	8.22	25.26
<b>33. OFFSETS TO OPERATING EXPENDITURES from Line 15</b> .....		
<b>34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32)</b> .....	8.22	25.26

13032503621

**REPORT OF RECEIPTS AND DISBURSEMENTS**  
 For a Political Committee Other Than an Authorized Committee  
 (Summary Page)

RECEIVED  
 83  
 YR END  
 84 JAN 9 12:20  
 FEC

1. Name of Committee (in Full)  
 Right to Bear Arms  
 Political Victory Fund

---

Address (Number and Street)  
 Liberty Park  
 12500 NE 10 Place

---

City, State and ZIP Code  
 Bellevue, WA 98005

---

Check if address is different than previously reported.

2. FEC Identification Number  
 C00012906

---

3.  This committee qualified as a multicandidate committee during this Reporting Period on \_\_\_\_\_ (Date)

4. TYPE OF REPORT (check appropriate boxes)

(a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Monthly Report for December, 1983  
 Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Termination Report

(b) Is this Report an Amendment?  
 YES  NO

3 5 0 4 0 5 9 6 8  
 3 1 0 3 2 9 0 1 4 2 3

SUMMARY		Column A This Period	Column B Calendar Year-to-Date
5. Covering Period	<u>12/1/83</u> Through <u>12/31/83</u>		
6. (a) Cash on Hand January 1, 1983	.....		\$ 6088.41
(b) Cash on Hand at Beginning of Reporting Period	.....	\$ 2909.63	
(c) Total Receipts (from Line 18)	.....	\$ 28.37	\$ 8884.60
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	.....	\$ 2938.00	\$ 14973.01
7. Total Disbursements (from Line 28)	.....	\$ 400.00	\$ 12435.01
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	.....	\$ 2538.00	\$ 2538.00
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	.....	\$ 0	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	.....	\$ 0	

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

For further information, contact:  
 Federal Election Commission  
 Toll Free 800-424-9630  
 Local 302-622-4088

Mark E. Challender  
 Type or Print Name of Treasurer

*Mark Challender*  
 SIGNATURE OF TREASURER

1/3/84  
 Date

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

All previous versions of FEC FORM 3 and FEC FORM 2a are obsolete and should no longer be used.

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**Report of Activity and Disbursements**  
For a Political Committee Other Than an Authorized Committee

RECEIVED AT THE FEC

(Summary Page)

84 SEP 18 AM 11:58

1. Name of Committee (in Full)  
**Right to Bear Arms Political Victory Fund**

Address (Number and Street)  
**Liberty Park  
12500 NE 10 Place**

City, State and ZIP Code  
**Belleveu, WA 98005**

Check if address is different than previously reported.

2. FEC Identification Number  
**C00012906**

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

4. TYPE OF REPORT (check appropriate boxes)

- (a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Monthly Report for August, 1984  
 Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Termination Report
- (b) Is this Report an Amendment?  
 YES  NO

**SUMMARY**

5. Covering Period 8-1-84 Through 8-31-84

6. (a) Cash on Hand January 1, 1984 .....

(b) Cash on Hand at Beginning of Reporting Period .....

(c) Total Receipts (from Line 18) .....

(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B) .....

7. Total Disbursements (from Line 22) .....

8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d)) ..

9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D) .....

10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D) .....

	Column A This Period	Column B Calendar Year-to-Date
		\$ 2538.00
	\$ 5092.31	
	\$ 0	\$ 12152.73
	\$ 5092.31	\$ 14690.73
	\$ 0	\$ 9598.42
	\$ 5092.31	\$ 5092.31
	\$	
	\$	

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

For further information, contact:

Federal Election Commission  
Toll Free 800-424-9630  
Local 202-673-4088

**Mark E. Challender**

Type or Print Name of Treasurer

*Mark E. Challender*

SIGNATURE OF TREASURER

9-7-84  
Date

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

All previous versions of FEC FORM 3 and FEC FORM 2e are obsolete and should no longer be used.

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FEC FORM 3X (3/80)

85040593970-1103515007

**FEDERAL CAMPAIGN FINANCE ACT  
OF 1976 AND AMENDMENTS  
(Page 2, FEC FORM 280)**

Name of Committee (in Full)	Period Covering the Period	
	Column A From 1-1-84 To:	Column B Calendar Year-to-Date
<b>Right to Bear Arms Political Victory Fund</b>		
<b>I. RECEIPTS</b>		
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees .....	0	11974.00
(Enter Every Undersized \$ _____)		
(b) Political Party Committees .....		
(c) Other Political Committees .....		
(d) TOTAL CONTRIBUTIONS (other than loans) (11a, 11b and 11c) .....	0	11974.00
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES .....		
13. ALL LOANS RECEIVED .....		
14. LOAN REPAYMENTS RECEIVED .....		
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....		
16. REFUNDS (of CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES) .....	0	178.73
17. OTHER RECEIPTS (Donations, Interest, etc.) .....		
18. TOTAL RECEIPTS (Add 11a, 12, 13, 14, 15, 16 and 17) .....	0	12152.73
<b>II. DISBURSEMENTS</b>		
19. OPERATING EXPENDITURES .....	0	5093.42
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES .....		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES .....	0	4500.00
22. INDEPENDENT EXPENDITURES (Use Schedule E) .....		
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441e(d)) (Use Schedule F) .....		
24. LOAN REPAYMENTS MADE .....		
25. LOANS MADE .....	0	0
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....		
(b) Political Party Committees .....		
(c) Other Political Committees .....		
(d) TOTAL CONTRIBUTION REFUNDS (Add 26a, 26b and 26c) .....		
27. OTHER DISBURSEMENTS .....	0	5.00
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27) .....	0	9598.42
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d .....	0	11974.00
30. TOTAL CONTRIBUTION REFUNDS from Line 26d .....	0	0
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29) .....	0	11974.00
32. TOTAL OPERATING EXPENDITURES from Line 19 .....	0	4893.42
33. OFFSETS TO OPERATING EXPENDITURES from Line 15 .....	0	0
34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32) .....	0	4893.42

85040593971  
 3173375008

NO  
Arms  
of Victory

64 SEPT 10 ALL



FEC  
1325 E. 14th St.  
Washington, D.C. 20401



FEDERAL ELECTION COMMISSION

1325 K STREET NW  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1840

Date Filmed 6/25/86 Camera No. --- 2

Cameraman AS

86040570970



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC FILE OF CLOSED MUR 1860 .

85040374475

85040594477

Form 3811, Jan. 1979

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

1. The following service is requested (check one.)

Show to whom and date delivered.....

Show to whom, date and address of delivery.....

RESTRICTED DELIVERY  
Show to whom and date delivered.....

RESTRICTED DELIVERY.  
Show to whom, date, and address of delivery.\$\_\_\_\_\_

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
Charles Crasin  
Haugen Circle  
1400 K St #500  
DC 20006

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
—	943569	—

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*[Signature]*

4. DATE OF DELIVERY: 6-12-86

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

111860



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

~~6 20-86~~  
7/8/86

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC FILE OF CLOSED MUR 1860 .

8 6 0 4 0 7 9 4 5 7 8

FEC  
ECC# 705

6 JUN 12 P 1: 16

**HERGE, SPARKS, CHRISTOPHER & BIONDI**

ATTORNEYS AT LAW

SUITE 200

8201 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

36 JUN 12 P 3: 20

GENERAL COUNSEL  
(703) 848-4700

**SENSITIVE**

J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
GEORGE V. BIONDI  
DONNA LYNN MILLER

June 11, 1986

Mr. Lawrence M. Noble, Esq.  
Deputy General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D. C. 20463

RE: MUR 1860 - *Closed*

Dear Mr. Noble:

In response to your letter of June 9, 1986, regarding the settlement of the captioned matter, respondents request that a copy of my letter to Mr. Steele, dated February 25, 1986, be made a part of the public record in this matter.

Sincerely,



J. Curtis Herge

:kdm

86040374579

6 JUN 12 11 55

OSC Decked

FEC  
GCC# 705

6 JUN 12 P 1: 16

**HERGE, SPARKS, CHRISTOPHER & BIONDI**

ATTORNEYS AT LAW

SUITE 200

8201 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

36 JUN 12 P 3: 20

GENERAL COUNSEL  
(703) 848-2700

**SENSITIVE**

J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
GEORGE V. BIONDI  
DONNA LYNN MILLER

June 11, 1986

Mr. Lawrence M. Noble, Esq.  
Deputy General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D. C. 20463

RE: MUR 1860

Dear Mr. Noble:

In response to your letter of June 9, 1986, regarding the settlement of the captioned matter, respondents request that a copy of my letter to Mr. Steele, dated February 25, 1986, be made a part of the public record in this matter.

Sincerely,



J. Curtis Herge

:kdm

8 6 0 4 0 5 7 1 5 8 0

6 JUN 12 1986  
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1860

Date Filmed 8/8/86 Camera No. --- 3

Cameraman AS

86040510002



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

*planned*

July 15, 1986

J. Curtis Herge, Esquire  
Herge, Sparks, Christopher and Biondi  
Suite 200  
8201 Greensboro Drive  
McLean, Virginia 22102

RE: MUR 1860

Dear Mr. Herge:

This is in response to your letter dated June 11, 1986, in which you request that a copy of your communication to Charles N. Steele in MUR 1860 dated February 25, 1986, be placed on the public record. The Commission has reviewed your request and has agreed to place your February 25, 1986, letter, with the exception of the underlined portions, on the public record. (See enclosed copy.)

If you have any questions please contact Maura White Callaway at 376-5690.

Sincerely,

Charles N. Steele  
General Counsel

BY: Lawrence M. Noble  
Deputy General Counsel

Enclosure

85040510003

HERGE, SPARKS, CHRISTOPHER & BIONDI

ATTORNEYS AT LAW

SUITE 200

8201 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
GEORGE V. BIONDI  
DONNA LYNN MILLER

(703) 848-4700

February 25, 1986

Charles N. Steele, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D. C. 20463

Attention: Maura White Callaway

RE: MUR 1860

Dear Mr. Steele:

This responds to your letter, dated February 3, 1986, in which you reported that the Federal Election Commission had determined there is probable cause to believe that our clients, Citizens Committee for the Right to Keep and Bears Arms, Right to Keep and Bear Arms Political Victory Fund and Mark Challenger, in his capacity as treasurer of the Fund, violated 2 U.S.C. 441b(b)(4)(A)(i) in connection with the solicitation of the "members" of the Citizens Committee for the Right to Keep and Bear Arms for contributions to the Right to Keep and Bear Arms Political Victory Fund. There is no doubt in our minds that the determination by the Commission was wrong as a matter of law.

As a consequence of the extensive investigation undertaken by the Commission in MUR 856, and the mutually agreed upon findings of fact set forth in the Conciliation Agreement in the matter, our clients continued to conduct their activities over the intervening years in the good faith belief that Citizens Committee for the Right to Keep and Bear Arms had been determined by the Commission to be a "membership organization" and that, as a consequence, solicitations directed at its members would be lawful. Furthermore, our clients conducted their activities in the good faith belief that their organizational framework and administrative method of operation was clearly sanctioned by Advisory Opinion 1977-67. There is nothing in the Federal Election Campaign Act, the regulations, judicial decisions or closed matters under review which would support the conclusion reached by the Commission in this matter.

85040510004

5  
17:13



Charles N. Steele, Esq.  
February 25, 1986  
Page 3

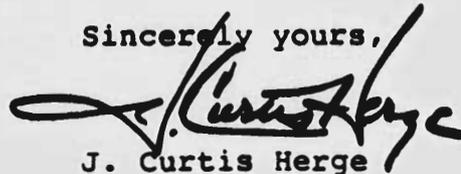
cast a vote for the election of the corporation's officials" to  
the continuing satisfaction of the Commission.

} delete

Section 437f(c) provides that any person who acts in  
good faith in accordance with the provisions and findings of an  
advisory opinion shall not, as a result of such act, be subject  
to any sanction. As discussed in detail in the pre-probable  
cause brief of respondents in this matter, there can be no  
question that our clients acted in good faith in accordance with  
the provisions and findings in Advisory Opinion 1977-67.

} delete

Sincerely yours,



J. Curtis Herge

:sbl

Enclosure

cc: Members of the FEC

8 5 0 4 0 5 1 0 0 0 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Citizens Committee for the Right )  
to Keep and Bear Arms ) MUR 1860  
Right to Keep and Bear Arms )  
Political Victory Fund, and )  
Joe Friend, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 10, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 1860:

1. Approve the placement on the public record of the February 25, 1986 letter from J. Curtis Herge to Charles N. Steele in MUR 1860, subject to the deletion of certain language on pages 2 and 3 of the letter.
2. Approve the letter attached to the General Counsel's report dated July 7, 1986.

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

Attest:

7-10-86

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

86040510007



BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
 )  
Citizens Committee for the ) MUR 1860  
Right to Keep and Bear Arms, )  
Right to Keep and Bear Arms, )  
Political Victory Fund, )  
and Joe Friend, as treasurer )

GENERAL COUNSEL'S REPORT

I. Background

On June 4, 1986, the Commission determined to close the file in MUR 1860 after it accepted the conciliation agreement signed by Citizens Committee for the Right to Keep and Bear Arms, Right to Keep and Bear Arms Political Victory Fund, and Joe Friend, as treasurer. On June 9, 1986, the respondents were notified of the closing of the file in this matter, and advised that in the event they wished any conciliation materials to appear on the public record they should advise the Commission in writing. On June 12, 1986, this Office received a letter from counsel for the respondents requesting that a copy of his letter to this Office dated February 25, 1986, be made part of the public record. Attached is a copy of the letter which the respondents request be made public (Attachment 1). This letter was received in response to the Commission's finding of probable cause to believe and proposed conciliation agreement, and primarily expresses the respondents' disagreement with the finding.<sup>1/</sup>

<sup>1/</sup> Although this letter refers to an enclosed conciliation agreement, counsel informed staff of this Office that he was not interested in having the conciliation agreement made public.

86040510009

**II. FACTUAL AND LEGAL ANALYSIS**

As a general premise the Commission is reluctant to agree to a respondent's request to place conciliation materials on the public record, as they may divulge matters that the Commission has a valid interest in keeping confidential. In fact, the approval of the Commission is specifically required under 2 U.S.C. § 437g(a)(4)(B)(i) which states:

No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission.

This Office believes, however, that such reluctance should not be implemented as a categorical denial of all such requests, but rather should result in a separate evaluation of these appeals which vary as to the extent of the disclosure desired.

Where, such as here, the respondents have requested that their disagreement with the probable cause to believe finding be made public, it is this Office's view that such should be made public to the extent it does not reveal any of the parties' positions on conciliation. Specifically, where the major portion of a letter provided by the respondent does not refer to conciliation and only falls under 2 U.S.C. § 437g(a)(4)(B)(i) because it was sent during negotiations, it seems appropriate to release that portion of the document.

In this case, the major portion of the letter does not appear to constitute conciliation discussions as contemplated in 2 U.S.C.

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§ 437g(a)(4)(B)(i). With respect to certain of the (underlined) language contained on pages 2 and 3 of the letter, however, it is this Office's view that such should not be made public because it specifically pertains to the Commission's and the respondents' conciliation stance. This Office believes that the release of such materials ultimately bears upon the ensuing conciliation negotiations and may serve to undermine the conciliation process especially where only a very limited picture of such negotiations is presented for public scrutiny. In a recent discussion involving a similar request in MUR 1929 the Commission indicated that it did not wish to place said conciliation materials on the public record. See the Memorandum to the Commission in MUR 1929.

III. Recommendations

1. Approve the placement on the public record of the February 25, 1986, letter from J. Curtis Herge to Charles N. Steele in MUR 1860, subject to the deletion of certain language on pages 2 and 3 of the letter.
2. Approve the attached letter.

Charles N. Steele  
General Counsel

Date

7/7/86

BY:   
Lawrence M. Noble  
Deputy General Counsel

Attachments:

- 1-Letter from Herge dated June 11, 1986
- 2-Letter from Herge dated February 25, 1986
- 3-Proposed letter

HERGE, SPARKS, CHRISTOPHER & BIONDI

ATTORNEYS AT LAW

SUITE 200

8201 GREENSBORO DRIVE

MCLEAN, VIRGINIA 22102

FEC  
CC# 705  
6 JUN 12 P 1: 16

RECEIVED  
GENERAL COUNSEL  
(703) 646-6700  
36 JUN 12 P 3: 20

J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
GEORGE V. BIONDI  
DONNA LYNN MILLER

June 11, 1986

Mr. Lawrence M. Noble, Esq.  
Deputy General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D. C. 20463

RE: MUR 1860

Dear Mr. Noble:

In response to your letter of June 9, 1986,  
regarding the settlement of the captioned matter, respondents  
request that a copy of my letter to Mr. Steele, dated Feb-  
ruary 25, 1986, be made a part of the public record in this  
matter.

Sincerely,



J. Curtis Herge

: kdm

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Attachment 1

Q004-9253

**HERGE, SPARKS, CHRISTOPHER & BIONDI**

**ATTORNEYS AT LAW**

**SUITE 200**

**8201 GREENSBORO DRIVE**

**MCLEAN, VIRGINIA 22102**

J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
GEORGE V. BIONDI  
DONNA LYNN MILLER

(703) 848-4700

February 25, 1986

Charles N. Steele, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D. C. 20463

Attention: Maura White Callaway

RE: MUR 1860

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P12:13

Dear Mr. Steele:

This responds to your letter, dated February 3, 1986, in which you reported that the Federal Election Commission had determined there is probable cause to believe that our clients, Citizens Committee for the Right to Keep and Bears Arms, Right to Keep and Bear Arms Political Victory Fund and Mark Challenger, in his capacity as treasurer of the Fund, violated 2 U.S.C. 441b(b)(4)(A)(i) in connection with the solicitation of the "members" of the Citizens Committee for the Right to Keep and Bear Arms for contributions to the Right to Keep and Bear Arms Political Victory Fund. There is no doubt in our minds that the determination by the Commission was wrong as a matter of law.

As a consequence of the extensive investigation undertaken by the Commission in MUR 856, and the mutually agreed upon findings of fact set forth in the Conciliation Agreement in the matter, our clients continued to conduct their activities over the intervening years in the good faith belief that Citizens Committee for the Right to Keep and Bear Arms had been determined by the Commission to be a "membership organization" and that, as a consequence, solicitations directed at its members would be lawful. Furthermore, our clients conducted their activities in the good faith belief that their organizational framework and administrative method of operation was clearly sanctioned by Advisory Opinion 1977-67. There is nothing in the Federal Election Campaign Act, the regulations, judicial decisions or closed matters under review which would support the conclusion reached by the Commission in this matter.

Attachment 2(1)

3 5 0 4 0 5 1 0 0 1 3



Charles N. Steele, Esq.  
February 25, 1986  
Page 3

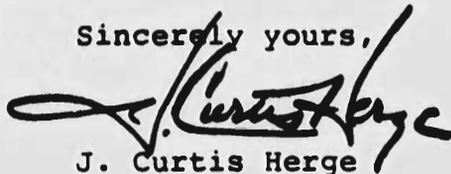
cast a vote for the election of the corporation's officials" to the continuing satisfaction of the Commission.

} delete

Section 437f(c) provides that any person who acts in good faith in accordance with the provisions and findings of an advisory opinion shall not, as a result of such act, be subject to any sanction. As discussed in detail in the pre-probable cause brief of respondents in this matter, there can be no question that our clients acted in good faith in accordance with the provisions and findings in Advisory Opinion 1977-67.

} delete

Sincerely yours,



J. Curtis Herge

:sbl

Enclosure

cc: Members of the FEC

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

J. Curtis Herge, Esquire  
Herge, Sparks, Christopher and Biondi  
Suite 200  
8201 Greensboro Drive  
McLean, Virginia 22102

RE: MUR 1860

Dear Mr. Herge:

This is in response to your letter dated June 11, 1986, in which you request that a copy of your communication to Charles N. Steele in MUR 1860 dated February 25, 1986, be placed on the public record. The Commission has reviewed your request and has agreed to place your entire February 25, 1986, letter, with the exception of the underlined portions, on the public record. (See enclosed copy.)

If you have any questions please contact Maura White Callaway at 376-5690.

Sincerely,

Charles N. Steele  
General Counsel

BY: Lawrence M. Noble  
Deputy General Counsel

Enclosure

Attachment 3 (1)

86040510016

**HERGE, SPARKS, CHRISTOPHER & BIONDI**

**ATTORNEYS AT LAW**

**SUITE 200**

**8201 GREENSBORO DRIVE  
MCLEAN, VIRGINIA 22102**

J. CURTIS HERGE  
ROBERT R. SPARKS, JR.  
A. MARK CHRISTOPHER  
GEORGE V. BIONDI  
DONNA LYNN MILLER

(703) 848-4700

February 25, 1986

Charles N. Steele, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D. C. 20463

Attention: Maura White Callaway

RE: MUR 1860

Dear Mr. Steele:

This responds to your letter, dated February 3, 1986, in which you reported that the Federal Election Commission had determined there is probable cause to believe that our clients, Citizens Committee for the Right to Keep and Bears Arms, Right to Keep and Bear Arms Political Victory Fund and Mark Challender, in his capacity as treasurer of the Fund, violated 2 U.S.C. 441b(b)(4)(A)(i) in connection with the solicitation of the "members" of the Citizens Committee for the Right to Keep and Bear Arms for contributions to the Right to Keep and Bear Arms Political Victory Fund. There is no doubt in our minds that the determination by the Commission was wrong as a matter of law.

As a consequence of the extensive investigation undertaken by the Commission in MUR 856, and the mutually agreed upon findings of fact set forth in the Conciliation Agreement in the matter, our clients continued to conduct their activities over the intervening years in the good faith belief that Citizens Committee for the Right to Keep and Bear Arms had been determined by the Commission to be a "membership organization" and that, as a consequence, solicitations directed at its members would be lawful. Furthermore, our clients conducted their activities in the good faith belief that their organizational framework and administrative method of operation was clearly sanctioned by Advisory Opinion 1977-67. There is nothing in the Federal Election Campaign Act, the regulations, judicial decisions or closed matters under review which would support the conclusion reached by the Commission in this matter.

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P7:13

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Charles N. Steele, Esq.  
February 25, 1986  
Page 2

There is no doubt in our minds that at least a majority of the members of the Commission have now decided to amend the definition of "members" in 11 CFR 114.1(e). This conclusion is made clear in the Commission's finding in this matter, \_\_\_\_\_, that there must

be a showing that members have the right to cast a vote and, additionally, a showing that the members were actually presented with the opportunity to cast a vote in the corporation's affairs or to cast a vote for the election of the corporation's officials. That is an imposition by the Commission, for the first time, of specific requirements for membership and is a radical departure from the regulatory provision that they be persons who satisfy the organization's, not the Commission's, requirements for membership. The attempt to amend the regulation in this setting and the attempt by the Commission to impose its amended definition on our clients, is an evident violation of due process.

Furthermore, there is no doubt in our minds that the Commission has misread the decision in Federal Election Commission v. National Right to Work Committee, 459 U.S. 197 (1982), and is utilizing that misinterpretation as a bootstrap to make the dissenting opinion of Commissioners Harris and Staebler in Advisory Opinion 1977-67 the law applicable to this case, an evident arbitrary and capricious act.

Finally, there is no doubt in our minds that, because the conclusion reached in this matter is different than that contained in Advisory Opinion 1977-67, Public Service Research Council shall be the only organization in the country which may continue to solicit contributions from "members" who have no right to vote. This is because Public Service Research Council requested Advisory Opinion 1977-67 and is protected by 2 U.S.C. 437f(c). This result would be a clear violation of our clients' rights of equal protection.

Because the Commission has so clouded the issue of what it now takes to be a "member" of a corporation without capital stock, Citizens Committee for the Right to Keep and Bear Arms has decided to terminate the Right to Keep and Bear Arms Political Victory Fund. It has reached that decision because, until the definition of "members" in the regulations is amended with certainty, no corporation without capital stock shall ever be confident in knowing whether its members "were presented with the opportunity to cast a vote in the corporation's affairs or to

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Charles N. Steele, Esq.  
February 25, 1986  
Page 3

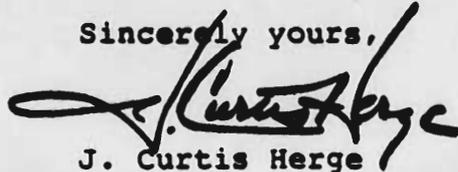
cast a vote for the election of the corporation's officials" to  
the continuing satisfaction of the Commission.

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Section 437f(c) provides that any person who acts in  
good faith in accordance with the provisions and findings of an  
advisory opinion shall not, as a result of such act, be subject  
to any sanction. As discussed in detail in the pre-probable  
cause brief of respondents in this matter, there can be no  
question that our clients acted in good faith in accordance with  
the provisions and findings in Advisory Opinion 1977-67.

} delete

Sincerely yours,



J. Curtis Herge

:sbl

Enclosure

cc: Members of the FEC

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FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1860

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC FILE OF CLOSED MUR 1860

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)



# Citizens Committee for the Right to Keep and Bear Arms

Liberty Park 12500 N.E. Tenth Place Bellevue, WA 98005 (206) 454-4911

Alan M. Gottlieb  
Chairman

Robert Kuhn  
Legislative Director

John M. Snyder  
Director of Public Affairs

July 2, 1986

REC'D  
86 JUL 7 10:01  
MUR1860

"... the right of the people to keep and bear Arms, shall not be infringed."

## National Advisory Council

(Special listing)

### Congressional Advisors

- Sen. James Abdnor (R-SD)
- Rep. Bill Alexander (D-AR)
- Sen. Mark Andrews (R-ND)
- Rep. Robert E. Bauman (R-CA)
- Rep. Steve Bartlett (R-TX)
- Sen. Max Baucus (D-MT)
- Rep. Tom Bevill (D-AL)
- Rep. Michael Bilirakis (R-FL)
- Rep. Marilyn Lloyd Boushield (D-TN)
- Rep. John Brown (D-LA)
- Rep. James T. Broyhill (R-NC)
- Rep. Beverly S. Byron (D-MD)
- Rep. Carroll A. Campbell, Jr. (R-SC)
- Rep. Bill Chappell (D-FL)
- Rep. Richard B. "Dick" Cheney (R-WY)
- Sen. Thad Cochran (R-MS)
- Rep. Larry Craig (R-ID)
- Rep. Phillip M. Crane (R-IL)
- Rep. Dan Daniel (D-VA)
- Rep. Eligio de la Garza (D-TX)
- Sen. Jeremiah Denton (R-AL)
- Rep. William L. Dickinson (R-AL)
- Sen. Robert Dale (R-KS)
- Rep. Robert K. Dornan (R-CA)
- Rep. David Dreier (R-CA)
- Rep. John J. Duncan (R-TN)
- Rep. Roy Dyson (D-MD)
- Rep. Fred Echart (R-NY)
- Rep. M.H. "Mickey" Edwards (R-OK)
- Rep. Glenn English (D-OK)
- Rep. Jack Fields (R-TX)
- Rep. Hamilton Fish, Jr. (R-NY)
- Rep. James J. Florio (D-NJ)
- Rep. Don Fuqua (D-FL)
- Rep. Joseph M. Gaydos (D-PA)
- Rep. Benjamin A. Gilman (R-NY)
- Rep. William F. Goodling (R-PA)
- Sen. Phil Gramm (R-TX)
- Sen. Charles E. Grassley (R-IA)
- Rep. John Paul Hammerschmidt (R-AR)
- Sen. Orrin G. Hatch (R-UT)
- Sen. John Heinz, III (R-PA)
- Sen. Jesse Helms (R-NC)
- Rep. Elwood H. Hillis (R-IN)
- Rep. Larry Hopkins (R-KY)
- Rep. Carroll Hubbard, Jr. (D-KY)
- Rep. Jerry Huckaby (D-LA)
- Sen. Gordon J. Humphrey (R-NH)
- Rep. Andy Ireland (R-FL)
- Rep. Walter B. Jones (D-NC)
- Rep. John R. Kasich (R-OH)
- Sen. Robert W. Kasten (R-WI)
- Rep. Jack Kemp (R-NY)
- Rep. Thomas N. Kindness (R-OH)
- Rep. Ken Kramer (R-CO)
- Rep. Robert J. Lagomarcino (R-CA)
- Rep. Delbert L. Latta (R-OH)
- Sen. Paul Laxalt (R-NV)
- Rep. Marvin Leath (D-TX)
- Rep. Robert L. Livingston (R-LA)
- Rep. Tom Loeffler (R-TX)
- Rep. Trent Lott (R-MS)
- Rep. Bill Lowery (R-CA)
- Rep. Manuel Lujan, Jr. (R-NM)
- Sen. Mack Mattingly (R-GA)
- Rep. Robert H. Michel (R-IL)

Mr. Lawrence M. Noble  
Deputy General Counsel  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463

Dear Mr. Noble:

This letter is to notify you, as required by Section X of the Conciliation Agreement, that the Citizens Committee for the Right to Keep and Bear Arms and the Right to Keep and Bear Arms Political Victory Fund have complied with and implemented the terms of the agreement.

It is my understanding that ~~via your receipt~~ of this letter and the \$1,500 fine ~~this issue will be closed~~. The \$1,500 fine was sent to you via our lawyer ~~over one month ago~~.

Sincerely,

*Joe Friend*  
Joe Friend  
Executive Director, CCRKBA  
Treasurer, PVF



JF:ld

cc: Charles N. Steel, General Counsel

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OFFICE OF THE  
GENERAL COUNSEL

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