



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20543

THIS IS THE END OF ROL # 1865

Date Filmed _____ Camera No. --- 2

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FEDERAL ELECTION COMMISSION

Routing Card & slips 12 day pd
Comment sheets

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

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input checked="" type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed D. Curran
date 7-24-85

FEC 9-21-77

85040544376



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Jesse E. Pond, Chairman
Republican Party of Rappahannock
County, Virginia
P.O. Box 205
Sperryville, Virginia 22740

D.C.

RE: MUR 1865

Dear Mr. Pond:

The Federal Election Commission has reviewed the allegations of your complaint dated December 10, 1984, and determined that on the basis of information provided in your complaint and information provided by Respondents, that there is reason to believe The Rappahannock County, Virginia Democratic Committee violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended (the "Act"). However, after considering the circumstances of this matter, the Commission on June , 1985, determined to take no further action and close its file. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C § 437g(a)(1) and 11 C.F.R. § 114.4.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

85040544378



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Jesse E. Pond, Chairman
Republican Party of Rappahannock
County, Virginia
P.O. Box 205
Sperryville, Virginia 22740

RE: MUR 1865

Dear Mr. Pond:

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

85040544379



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Douglas K. Baumgardner, Esquire
P.O. Box 235
Washington, Virginia 22747

D.C.
RE: MUR 1865
Rappahannock County, Virginia
Democratic Committee, Benjamin
Lee Bird, Chair

Dear Mr. Baumgardner:

On April 17, 1985, the Commission found reason to believe that your client had violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission on June , 1985, determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that failing to state who paid for the advertisement in The Rappahannock News and that it was not authorized by the candidates, appears to be a violation of 2 U.S.C. § 441d. You should take steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

85040544380



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Douglas K. Baumgardner, Esquire
P.O. Box 235
Washington, Virginia 22747

RE: MUR 1865
Rappahannock County, Virginia
Democratic Committee, Benjamin
Lee Bird, Chair

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 24, 1985

Jesse E. Pond, Chairman
Republican Party of Rappahannock
County, Virginia
P.O. Box 205
Sperryville, Virginia 22740

RE: MUR 1865

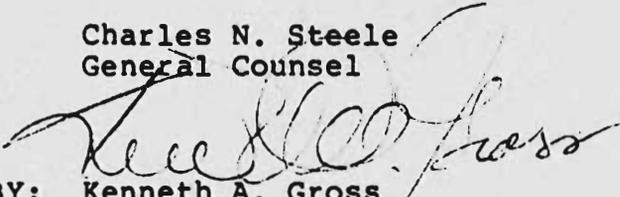
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Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 114.4.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

85040544382



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 20, 1985

Douglas K. Baumgardner, Esquire
P.O. Box 235
Washington, Virginia 22747

RE: MUR 1865
Rappahannock County, Virginia
Democratic Committee, Benjamin
Lee Bird, Chair

Dear Mr. Baumgardner:

On April 17, 1985, the Commission found reason to believe that your client had violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission on June 10, 1985, determined to take no further action and close its file.

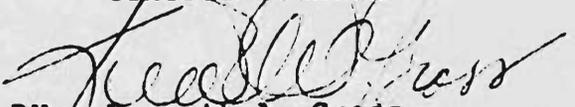
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The Commission reminds you that failing to state who paid for the advertisement in The Rappahannock News and that it was not authorized by the candidates, appears to be a violation of 2 U.S.C. § 441d. You should take steps to insure that this activity does not occur in the future.

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Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

85040544383

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

In the Matter of)
)
Rappahannock County, Virginia,)
Democratic Committee)
Benjamin Lee Bird, Chair)
)

MUR 1865

95 JUN 6 A10:58

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND/PREVIOUS COMMISSION ACTION

This matter was generated by a complaint filed by Jesse E. Pond, Chairman of the Republican Party of Rappahannock County, Virginia against Rappahannock County, Virginia, Democratic Committee, Benjamin Lee Bird as Chair, (hereinafter "Rappahannock Committee") alleging violations of the Federal Campaign Act of 1971, as amended (hereinafter the "Act.").

On April 17, 1985, the Commission found reason to believe Rappahannock Committee violated 2 U.S.C. § 441d with regard to an advertisement placed in the Rappahannock News in November of 1984.

The Commission on that same date approved a letter and interrogatories attached to that report in furtherance of its investigation of this matter.

II. ANALYSIS

On May 9, 1985, the Office of General Counsel received answers to the Commission's interrogatories from the Rappahannock Committee. (Attachment 1) Rappahannock Committee states in their answers that the organizational purpose of the committee was to encourage Democratic candidates as well as Democratic principles. (Attachment 1 page 2) Rappahannock Committee states that the publication of the ad "was intended to further this general objective." (Attachment 1 page 2)

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According to the answers to the interrogatories, "Benjamin Lee Bird Chair of the Committee, paid for the advertisement in full and was reimbursed from Committee funds." (Attachment 1 page 2)

Rappahannock Committee's answers to the interrogatories state further that the advertisement was not authorized by candidates mentioned in the ad, nor by the Virginia Democratic Party committees and that none of the candidates were consulted prior to the publication of the advertisement. (Attachment 1 page 2) Additionally, Rappahannock states that the cost of the advertisement was \$157.60. (Attachment 1 page 2)

2 U.S.C. § 441d requires that such political advertisements expressly advocating the election of candidates, carry a disclaimer stating who paid for it and that it was not authorized by the candidates. Based on the foregoing the Commission found reason to believe a violation of 2 U.S.C. § 441d had occurred.

However, the advertisement clearly indicated that it was authorized by the Rappahannock Committee. It appears that there was no attempt to deceive the public for the reader would certainly understand that this advertisement was sponsored by a Democratic committee that advocated the election of candidates espousing Democratic principles. Furthermore, the amount expended by the Rappahannock Committee for the advertisement is small (\$157.60).

Therefore, the Office of General Counsel recommends that the Commission take no further action against the Rappahannock



850405443385

Committee and send the attached letter of admonishment to the Rappahannock Committee. Such a resolution of the matter is consistent with Commission determinations made in similar circumstances in past enforcement actions.

RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. Take no further action against the Rappahannock County, Virginia, Democratic Committee;
2. Close the file; and
3. Approve the attached letter.

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Date

June 5, 1985

Attachments

1. Response of Rappahannock Committee
2. Letters

85040544386



RE
GENERAL

85 MAY 9 7:55
①

LAW OFFICES
DOUGLAS K. BAUMGARDNER
ATTORNEY AT LAW
THE MILLER BUILDING
PORTER AND MAIN STREETS
P. O. BOX 238
WASHINGTON, VIRGINIA 22747

15 MAY 9 12:09

TELEPHONE: (703) 678-3617

Attachment 1
May 2, 1985

Ms. Deborah Curry
Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

Re: MUR 1865

Dear Ms. Curry:

Enclosed please find the original of the Interrogatories answered by Mr. Benjamin Lee Bird, Chair of the Rappahannock County Democratic Committee, in accordance with the letter of Mr. John Warren McGarry dated April 24, 1985 regarding the above referenced complaint.

Please do not hesitate to advise if you have any questions with regard to this matter.

With kindest regards, I am

Sincerely,

Douglas K. Baumgardner
Douglas K. Baumgardner

DKB/rec

Enclosure

cc: Mr. Benjamin Lee Bird

85040544387

Interrogatories

2

Rappahannock County
Virginia Democratic
Committee, Lee Bird Chair

Please answer the following questions.

- 1. What is the organizational purpose of the Rappahannock County, Virginia Democratic Committee (hereinafter "Rappahannock Committee").

It provided a formal setting for the encouragement of Democratic candidates and the espousal of Democratic Party principles and candidates. The publication of this ad was intended to further this general objective.

- 2. Please answer the following questions with regard to the political advertisement, that is an issue in this matter, placed by the Rappahannock Committee in the Rappahannock News.

- a. Who paid for the advertisement? Please list names and amounts.

Benjamin Lee Bird, Chair of the Committee, paid for the advertisement in full and was reimbursed from Committee funds.

- b. Was the advertisement authorized by any of the candidates mentioned in the advertisement.

No.

- c. Were any of the candidates consulted prior to the publication of the advertisement.

No.

- d. Was the advertisement authorized by the national or Virginia State Democratic Party committees prior to its publication?

No.

- e. What was the cost of the advertisement?

\$157.60

COMMONWEALTH OF VIRGINIA AT LARGE) ss:

Benjamin Lee Bird
BENJAMIN LEE BIRD, Chair
Rappahannock County Democratic
Committee

Subscribed, sworn to and acknowledged before me by BENJAMIN LEE BIRD, Chair of the Rappahannock County Democratic Committee this 2nd day of May, 1985.
My Commission Expires:

March 10, 1989

Douglas Ramminger
NOTARY PUBLIC

85040544388



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

Attachment 2

3

Douglas K. Baumgardner, Esquire
P.O. Box 235
Washington, Virginia 22747

RE: MUR 1865
Rappahannock County, Virginia
Democratic Committee, Benjamin
Lee Bird, Chair

Dear Mr. Baumgardner:

On April 17, 1985, the Commission found reason to believe that your client had violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission on June , 1985, determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that failing to state who paid for the advertisement in The Rappahannock News and that it was not authorized by the candidates, appears to be a violation of 2 U.S.C. § 441d. You should take steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

85040544389



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

4

Jesse E. Pond, Chairman
Republican Party of Rappahannock
County, Virginia
P.O. Box 205
Sperryville, Virginia 22740

RE: MUR 1865

Dear Mr. Pond:

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Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C § 437g(a)(1) and 11 C.F.R. § 114.4.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

85040544390

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 1865
Rappahannock County, Virginia,)	
Democratic Committee)	
Benjamin Lee Bird, Chair)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 10, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1865:

1. Take no further action against the Rappahannock County, Virginia, Democratic Committee.
2. Close the file.
3. Approve the letter attached to the General Counsel's Report signed June 5, 1985.

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

Attest:

6-12-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

6-6-85, 10:58
6-6-85, 4:00

85040544391

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Rappahannock County, Virginia,)
Democratic Committee)
Benjamin Lee Bird, Chair)
)

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY
MUR 1865
85 JUN 6 A10:58

GENERAL COUNSEL'S REPORT

SENSITIVE

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85044392

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Therefore, the Office of General Counsel recommends that the Commission take no further action against the Rappahannock

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Committee and send the attached letter of admonishment to the Rappahannock Committee. Such a resolution of the matter is consistent with Commission determinations made in similar circumstances in past enforcement actions.

RECOMMENDATIONS

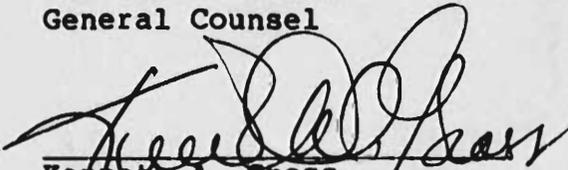
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1. Take no further action against the Rappahannock County, Virginia, Democratic Committee;
2. Close the file; and
3. Approve the attached letter.

Charles N. Steele
General Counsel

June 5, 1985
Date

BY:


Kenneth A. Gross
Associate General Counsel

Attachments

1. Response of Rappahannock Committee
2. Letters

85040544394

RECEIVED
GENERAL COUNSEL

85 MAY 9 17:55

LAW OFFICES
DOUGLAS K. BAUMGARDNER
ATTORNEY AT LAW
THE MILLER BUILDING
PORTER AND MAIN STREETS
P. O. BOX 235
WASHINGTON, VIRGINIA 22747

MAY 9 12:09

1

TELEPHONE: (703) 675-3617

Attachment 1
May 2, 1985

Ms. Deborah Curry
Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

Re: MUR 1865

Dear Ms. Curry:

Enclosed please find the original of the Interrogatories answered by Mr. Benjamin Lee Bird, Chair of the Rappahannock County Democratic Committee, in accordance with the letter of Mr. John Warren McGarry dated April 24, 1985 regarding the above referenced complaint.

Please do not hesitate to advise if you have any questions with regard to this matter.

With kindest regards, I am

Sincerely,

Douglas K. Baumgardner
Douglas K. Baumgardner

DKB/rec

Enclosure

cc: Mr. Benjamin Lee Bird

85040544395

Interrogatories

Rappahannock County
Virginia Democratic
Committee, Lee Bird Chair

2

Please answer the following questions.

- 1. What is the organizational purpose of the Rappahannock County, Virginia Democratic Committee (hereinafter "Rappahannock Committee").

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- 2. Please answer the following questions with regard to the political advertisement, that is an issue in this matter, placed by the Rappahannock Committee in the Rappahannock News.

- a. Who paid for the advertisement? Please list names and amounts.

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- b. Was the advertisement authorized by any of the candidates mentioned in the advertisement.

No.

- c. Were any of the candidates consulted prior to the publication of the advertisement.

No.

- d. Was the advertisement authorized by the national or Virginia State Democratic Party committees prior to its publication?

No.

- e. What was the cost of the advertisement?

\$157.60

COMMONWEALTH OF VIRGINIA AT LARGE) ss:

Benjamin Lee Bird
BENJAMIN LEE BIRD, Chair
Rappahannock County Democratic
Committee

Subscribed, sworn to and acknowledged before me by BENJAMIN LEE BIRD, Chair of the Rappahannock County Democratic Committee this 2nd day of May, 1985.
My Commission Expires:

March 10, 1989

Douglas Baumgardner
NOTARY PUBLIC

85040544396

3



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Attachment 2

Douglas K. Baumgardner, Esquire
P.O. Box 235
Washington, Virginia 22747

RE: MUR 1865
Rappahannock County, Virginia
Democratic Committee, Benjamin
Lee Bird, Chair

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If you have any questions, please direct them to Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

85040544397

4



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Jesse E. Pond, Chairman
Republican Party of Rappahannock
County, Virginia
P.O. Box 205
Sperryville, Virginia 22740

RE: MUR 1865

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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Ms. Deborah Curry
Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463



95 MAY 9 7: A7:

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

RECEIVED AT THE
05 MAY 9 11:55

MAY 9 12:09

LAW OFFICES
DOUGLAS K. BAUMGARDNER

ATTORNEY AT LAW
THE MILLER BUILDING
PORTER AND MAIN STREETS
P. O. BOX 238
WASHINGTON, VIRGINIA 22747

TELEPHONE: (703) 675-3617

May 2, 1985

Ms. Deborah Curry
Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

Re: MUR 1865

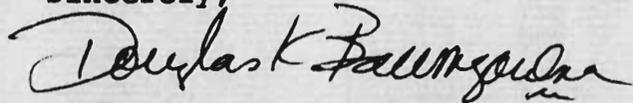
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With kindest regards, I am

Sincerely,



Douglas K. Baumgardner

DKB/rec

Enclosure

cc: Mr. Benjamin Lee Bird

8504054400

Interrogatories

Rappahannock County
Virginia Democratic
Committee, Lee Bird Chair

Please answer the following questions.

1. What is the organizational purpose of the Rappahannock County, Virginia Democratic Committee (hereinafter "Rappahannock Committee").

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- c. Were any of the candidates consulted prior to the publication of the advertisement.

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No.

- e. What was the cost of the advertisement?

\$157.60

COMMONWEALTH OF VIRGINIA AT LARGE

) ss:

Benjamin Lee Bird
 BENJAMIN LEE BIRD, Chair
 Rappahannock County Democratic
 Committee

Subscribed, sworn to and acknowledged before me by BENJAMIN LEE BIRD, Chair of the Rappahannock County Democratic Committee this 2nd day of May, 1985.
My Commission Expires:

March 10, 1989

Douglas Baumgardner
 NOTARY PUBLIC

8504054401

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 1865
Rappahannock County, Virginia)	
Democratic Committee)	
Lee Bird, Chair and Benjamin)	
Lee Bird)	

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 6-0 to take the following actions in MUR 1865:

1. Find reason to believe the Rappahannock County, Virginia Democratic Committee violated 2 U.S.C. § 441(d).
2. Approve letter and interrogatories attached to the First General Counsel's Report signed April 11, 1985.

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

Attest:

4-17-85
Date

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

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

4-12-85, 12:34
4-15-85, 11:00

85040544402



FEDERAL ELECTION COMMISSION
 WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
 FROM: Office of General Counsel *OK*
 DATE: April 12, 1985
 SUBJECT: MUR 1865 - First General Counsel's Report

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

CIRCULATIONS

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

Other]

DISTRIBUTION

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

85040544403

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

MUR 1865
DATE COMPLAINT RECEIVED
BY OGC 12-14-84
DATE OF NOTIFICATION
TO RESPONDENT 12-27-84

COMPLAINANT'S NAME: Jesse P. Pond, Chairman Republican Party
of Rappahannock County, Virginia
RESPONDENT'S NAMES: Rappahannock County Virginia Democratic
Committee, Lee Bird Chair and Benjamin Lee
Bird

RELEVANT STATUTE: 2 U.S.C. §§ 441d
INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On December 14, 1984, the Office of General Counsel received a signed, sworn and notarized complaint (Attachment 1) from Jesse E. Pond, Chairman of the Republican Party of Rappahannock County, Virginia (hereinafter "Complainant") alleging violations of the Federal Election Campaign Act of 1971, as amended (hereinafter the "Act") by Rappahannock County, Virginia Democratic Committee, Lee Bird Chair and Benjamin Lee Bird (hereinafter "Rappahannock Committee" or "Respondent").

Complainant alleges that Respondent placed a political advertisement in the county newspaper without the knowledge, approval or consent of the candidates in violation of the Act.

On January 18, 1985, the Office of General Counsel received a response from counsel for Rappahannock Committee.

(Attachment 2)

85040544404

SENSITIVE

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

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

05 APR 12 012:34

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION	<u>4/12/85-12:35</u>	MUR 1865
		DATE COMPLAINT RECEIVED BY OGC <u>12-14-84</u>
		DATE OF NOTIFICATION TO RESPONDENT <u>12-27-84</u>

COMPLAINANT'S NAME: Jesse P. Pond, Chairman Republican Party
of Rappahannoch County, Virginia

RESPONDENT'S NAMES: Rappahannoch County Virginia Democratic
Committee, Lee Bird Chair and Benjamin Lee
Bird

RELEVANT STATUTE: 2 U.S.C. §§ 441d

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On December 14, 1984, the Office of General Counsel received a signed, sworn and notarized complaint (Attachment 1) from Jesse E. Pond, Chairman of the Republican Party of Rappahannoch County, Virginia (hereinafter "Complainant") alleging violations of the Federal Election Campaign Act of 1971, as amended (hereinafter the "Act") by Rappahannoch County, Virginia Democratic Committee, Lee Bird Chair and Benjamin Lee Bird (hereinafter "Rappahannock Committee" or "Respondent").

Complainant alleges that Respondent placed a political advertisement in the county newspaper without the knowledge, approval or consent of the candidates in violation of the Act.

On January 18, 1985, the Office of General Counsel received a response from counsel for Rappahannock Committee.
(Attachment 2)

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FACTUAL AND LEGAL ANALYSIS

Complainant states that "on or about November 1, 1984, the Respondents caused a political advertisement to be published in the Rappahannock News, a newspaper published in and having general circulation in the County of Rappahannock, State of Virginia." (Attachment 1, page 1). Complainant submitted a copy of the advertisement with the complaint. (Attachment 1, pages 4-5). Complainant alleges that the advertisement contains "specific and direct references" to the following nominees of the Democratic Party.

- 1) Walter F. ("Fritz") Mondale - President of United States
- 2) Geraldine ("Gerry") Ferraro - Vice President of the United States
- 3) Edythe ("Edie") C. Harrison - Senator from Virginia
- 4) Lewis ("Lew") M. Costello - House of Representatives, Seventh Congressional District of Virginia

Complainant also alleges that the advertisement "was published by authority of respondent, Benjamin Lee Bird, on behalf of respondent, the Rappahanock County, Virginia Democratic Committee and without the authority of any of the aforementioned candidates for said federal offices." (Attachment 1, page 2).

Therefore, Complainant contends that publication of the advertisement "without the knowledge, prior approval, consent or published statement of authority from each of the respective candidates for federal office or their respective official campaign committees constitutes a violation of the [Act]."

(Attachment 1 page 2.)

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Respondent's answer to the notification of complaint does not deny complainant's allegations contained in paragraphs one through three of the complaint with regard to the publication of the advertisement without the consent of the candidates in the Rappahannock News (Attachment 2, page 7). However, Respondent does differ with Complainant's conclusion of law with respect to the publication of the advertisement.

Respondent states that prior to placing the advertisement in the Rappahannock News, "they had been informally advised that mention by name of all candidates for federal office in one advertisement, where the emphasis is on the party ticket rather than on one individual candidate, does not constitute a violation of the [Act]." (Attachment 2 page 7.) Furthermore, Respondent contends that with regard to the foregoing they acted in good faith.

2 U.S.C. § 441d - Notice Provisions

2 U.S.C. § 441d(a)(3) states that

a) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of an clearly identified candidate, ... such communication _____

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

The political advertisement in question advocated the election of clearly identified candidates. Respondent does not deny Complainant's allegation that the political advertisement was not authorized by the candidates, their committees or their

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agents. Therefore, the political advertisement was required under the Act to carry the requisite disclaimer stating who paid for it and that it was not authorized by the candidates.

The political advertisement at issue did not state who paid for it. Additionally, though stating that it was authorized by Respondent it did not carry the necessary language stating that it was not authorized by the candidate, his committee or his agent.

Respondent, though not citing a specific section of the Act, contends that the political advertisement did not constitute a violation of the Act because the party ticket was emphasized rather than an individual. Respondent appears to try to claim an exemption for the above mentioned activity under the Act. However, Respondent's contention is an incorrect interpretation of the Act.

It appears that perhaps Respondent had in mind 2 U.S.C. § 431(9)(B)(iv). 2 U.S.C. § 431(9)(B)(9)(iv) excepts from the definition of expenditure,

The payment by a state or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising; (emphasis added)

Here it is not clear whether the Rappahannock Committee is a state or local party committee. But even if Respondent was a

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subordinate party committee, the political advertisement would not fall within the parameters of the exemption because it was published in the county newspaper and publication in a newspaper is activity expressly excepted from the exemption under 2 U.S.C. § 431(9)(B)(iv). Consequently, Respondents publication of the ballot does not fall within the exemption and constitutes an expenditure under the Act.

Therefore, the Office of General Counsel recommends that the Commission find reason to believe Rappahannock Committee violated 2 U.S.C. § 441d by failing to place the requisite disclaimer on the political advertisement.*/

RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. Find reason to believe the Rappahannock County, Virginia Democratic Committee violated 2 U.S.C. § 441(d); and

*/ In the event it is determined in the investigation of this matter that expenditures by the Respondent exceeded the threshold for achieving political committee status, further recommendations can be made to the Commission.

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2. Approve attached letter and interrogatories.

Charles N. Steele
General Counsel

April 11, 1985
Date

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments

- I. Complaint
- II. Response of Rappahannock Committee
- III. Letter and Interrogatories to Respondent

85040544410



1

THE UNITED STATES OF AMERICA: FEDERAL ELECTION COMMISSION

Attachment I)

IN RE: RAPPAHANNOCK COUNTY, VIR-)
GINIA DEMOCRATIC COMMITTEE)
LEE BIRD, CHAIR)
ROUTE 1, BOX 3020)
WASHINGTON, VIRGINIA 22747)

COMPLAINT

mur 1865

Pursuant to Section 111.4 of Title 11 of the Regulations promul-
gated by the Federal Election Commission pursuant to the Federal Election
Campaign Act of 1971, as amended, [2 U.S.C. 431, et. seq.] and pursuant
to 2 U.S.C. 437g(a)(1), the Republican Party of Rappahannock County,
Virginia hereby files the following complaint against the Rappahannock
County, Virginia Democratic Committee, as follows, to-wit:

(1) The name and address of the complainant is:

Republican Party of Rappahannock County, Virginia
c/o Jesse E. Pond, Chairman
P.O. Box 205
Sperryville, Virginia 22740

(2) The name and address of the respondents are:

(a) Rappahannock County, Virginia Democratic Committee
c/o Lee Bird, Chair
Route 1, Box 3020
Washington, Virginia 22747

(b) Benjamin Lee Bird
Route 1, Box 3020
Washington, Virginia 22747

(3) On or about November 1, 1984, the respondents caused a poli-
tical advertisement to be published in the Rappahannock News, a news-
paper published in and having general circulation in the County of
Rappahannock, State of Virginia. A copy of said advertisement is
hereunto attached as "Exhibit A." As indicated in said Exhibit A, the

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advertisement contains specific and direct references to Walter F. ("Fritz") Mondale, the nominee of the Democratic Party of the United States for the office of President of the United States of America; Geraldine ("Gerry") Ferraro, the nominee of the Democratic Party of the United States for the office of Vice-President of the United States of America; Edythe ("Edie") C. Harrison, the nominee of the Democratic Party of Virginia for the office of United States Senator from Virginia; and Lewis ("Lew") M. Costello, the nominee of the Seventh District Democratic Party for the office of Member of the House of Representatives of the United States of America from the Seventh Congressional District of Virginia. As is further indicated in said Exhibit A, said political advertisement was published by authority of respondent, Benjamin Lee Bird, on behalf of respondent, the Rappahannock County, Virginia Democratic Committee and without the authority of any of the aforementioned candidates for said federal offices.

(4) Your complainant believes that the publication of the aforesaid advertisement without the knowledge, prior approval, consent or published statement of authority from each of the respective candidates for federal office or their respective official campaign committees constitutes a violation of the Federal Election Campaign Act of 1971, as amended [2 U.S.C. §431 et. seq.].

WHEREFORE, your complainant requests the Federal Election Commission to investigate this complaint and to impose appropriate sanctions upon the respondents or such of them as the Commission may see fit.

REPUBLICAN PARTY OF RAPPAHANNOCK COUNTY, VIRGINIA

By: Jesse E. Pond, Jr.
 Jesse E. Pond, Jr., Chairman

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3

COMMONWEALTH OF VIRGINIA

)

COUNTY OF RAPPAHANNOCK

)

ss:

)

Before me, the undersigned Notary Public in and for the State of Virginia at Large, this day personally appeared JESSE E. POND, JR., who, upon being duly sworn by me, deposes and says that he is the duly elected chairman of the Republican Party of Rappahannock County, Virginia and that all of the facts contained in the foregoing Complaint are true and correct to the best of his personal knowledge and belief.

Signed, sworn to and acknowledged before me in my jurisdiction aforesaid this 10th day of December, 1984.

Ruthellen Cutler
NOTARY PUBLIC

My Commission Expires:

February 6, 1987

85040544413

ON ELECTION DAY

GO TO THE POLLS

and

VOTE THE STRAIGHT DEMOCRATIC TICKET

— LIKE THIS —

SAMPLE BALLOT

GENERAL ELECTION

Tuesday, November 6, 1984

President

and

Vice President

REPUBLICAN PARTY

(Do not mark this box. It's not in your interest to do so, unless your income is more than \$70,000, and you own part of the Military-Industrial Complex.)

DEMOCRATIC PARTY

(Mark this one with your X. This is a vote for Fritz Mondale and Gerry Ferraro - for fairness, fiscal responsibility, and decency;

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...ness, local responsibility, and decency,
for a strong America that keeps the interests
of you and America's future in mind.)

SAMPLE BALLOT

GENERAL ELECTION

Tuesday, November 6, 1984

5

Member
United States Senate

John W. Warner

(Do not put any mark in this one. This guy represents the OTHER PARTY, and holds no views of his own.)

Edythe C. "Edie" Harrison

(Here's where your X should go. Edie is articulate, competent and independent. She represents a choice, not an echo.)

Member
House of Representatives
Seventh District

D. French Slaughter, Jr.

(Pass this one up. He's merely another echo of the OTHER PARTY'S candidate for President.)

Lewis M. Costello

(This is where your well considered X goes. A hard working, articulate, and independent candidate, Lew will listen to you. This is your best chance in years to gain representation in the House from our own Seventh District.)

By authority of Lee Bird, Chair
Rappahannock Democratic Committee

LAW OFFICES
DOUGLAS K. BAUMGARDNER
ATTORNEY AT LAW
THE MILLER BUILDING
PORTER AND MAIN STREETS
P. O. BOX 235
WASHINGTON, VIRGINIA 22747

2-11-85
85 JAN 18 AM 8:5
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MUR 1865
Curry

TELEPHONE: (703) 675-3617

Attachment II

January 15, 1985

60:09

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

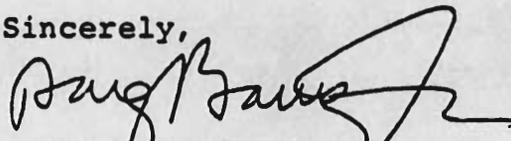
RE: MUR 1865

Dear Ms. Curry:

Enclosed please find the original of the Answer to Complaint in the matter of Rappahannock County, Virginia Democratic Committee. I have also enclosed the Statement of Designation of Counsel signed by Mr. Bird.

With kindest regards, I am

Sincerely,


Douglas K. Baumgardner

DKB/dsw
enclosures
cc: Benjamin Lee Bird

8504054416

THE UNITED STATES OF AMERICA: FEDERAL ELECTION COMMISSION

7

IN RE: RAPPAHANNOCK COUNTY, VIRGINIA)
DEMOCRATIC COMMITTEE)
LEE BIRD, CHAIR)
ROUTE 1, BOX 3020)
WASHINGTON, VIRGINIA 22747)

MUR 1865

ANSWER TO COMPLAINT

COME NOW the Respondents, Rappahannock County, Virginia Democratic Committee and Benjamin Lee Bird, and for their response to the complaint of the Republican Party of Rappahannock County, Virginia heretofore filed say the following, to-wit:

1. That they admit the allegation contained in paragraph one (1) of the Complaint.
2. That they admit the allegation contained in paragraph two (2) of the Complaint.
3. That they admit the allegations contained in paragraph three (3) of the Complaint.
4. Paragraph four (4) does not require a response inasmuch as same states a conclusion of law and Respondents have no knowledge of Complainant's beliefs. Respondents affirmatively allege, however, that prior to causing the advertisement that is the subject of this Complaint to be published in the Rappahannock News, they had been informally advised that mention by name of all candidates for federal office in one advertisement, where the emphasis is on the party ticket rather than on one individual candidate, does not constitute a violation of the Federal Election Campaign Act of 1971, as amended, whether the same be technical or otherwise. At all times, Respondents acted in good faith as to the foregoing and with a sincerely held belief that their

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actions were in accordance with the provisions of the Federal Election Campaign Act of 1971.

WHEREFORE, your Respondents request that the Federal Election Commission dismiss the Complaint of the Republican Party of Rappahannock County, Virginia.

RAPPAHANNOCK COUNTY, VIRGINIA
DEMOCRATIC COMMITTEE

By Benjamin Lee Bird, Chair
Chair

Benjamin Lee Bird
Benjamin Lee Bird

Douglas K. Baumgardner

Douglas K. Baumgardner
Porter and Main Streets
P.O. Box 235
Washington, Virginia 22747
Counsel for Rappahannock County, Virginia
Democratic Committee and Benjamin Lee Bird, Chair

STATE OF VIRGINIA,

COUNTY OF RAPPAHANNOCK, to-wit:

The foregoing instrument was subscribed and sworn to before me by Benjamin Lee Bird, Chair of the Rappahannock County, Virginia Democratic Committee and Benjamin Lee Bird, on this the 15th day of January, 1985.

My commission expires June 30, 1986.

Donna A. Walker
Notary Public

8504054418



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Attachment III

Douglas K. Baumgardner, Esquire
P.O. Box 235
Washington, Virginia 22747

RE: MUR 1865
Rappahannock County, Virginia
Democratic Committee,
Lee Bird, Chair

Dear Mr. Baumgardner:

The Federal Election Commission notified your client on December 27, 1984, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time. We acknowledge receipt of your client's explanation of this matter which was dated January 15, 1985.

Upon further review of the allegations contained in the complaint and information supplied by your client, the Commission, on , 1985, determined that there is reason to believe that Rappahannock County, Virginia Democratic Committee, Lee Bird, Chair violated 2 U.S.C. § 441a(d), a provision of the Act with regard to an advertisement placed in the Rappahannock News in November of 1984. Please have your client submit answers to the interrogatories within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your client, 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 your client wishes the matter to

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Douglas K. Baumgardner, Esquire
Page 2

11

be made public. If you have any questions, please contact
Deborah Curry, the attorney assigned to this matter, at
(202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Procedures
Interrogatories

85040544421

Interrogatories

Rappahannock County
Virginia Democratic
Committee, Lee Bird Chair

12

Please answer the following questions.

1. What is the organizational purpose of the Rappahannock County, Virginia Democratic Committee (hereinafter "Rappahannock Committee").

2. Please answer the following questions with regard to the political advertisement, that is an issue in this matter, placed by the Rappahannock Committee in the Rappahannock News.
 - a. Who paid for the advertisement? Please list names and amounts.

 - b. Was the advertisement authorized by any of the candidates mentioned in the advertisement.

 - c. Were any of the candidates consulted prior to the publication of the advertisement.

 - d. Was the advertisement authorized by the national or Virginia State Democratic Party committees prior to its publication?

 - e. What was the cost of the advertisement?

85040544422



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 1985

Douglas K. Baumgardner, Esquire
P.O. Box 235
Washington, Virginia 22747

RE: MUR 1865
Rappahannock County, Virginia
Democratic Committee,
Lee Bird, Chair

Dear Mr. Baumgardner:

The Federal Election Commission notified your client on December 27, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time. We acknowledge receipt of your client's explanation of this matter which was dated January 15, 1985.

Upon further review of the allegations contained in the complaint and information supplied by your client, the Commission, on April 17, 1985, determined that there is reason to believe that Rappahannock County, Virginia Democratic Committee, Lee Bird, Chair violated 2 U.S.C. § 441(d), a provision of the Act with regard to an advertisement placed in the Rappahannock News in November of 1984. Please have your client submit answers to the interrogatories within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your client, 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 your client wishes the matter to

8504054423

Douglas K. Baumgardner, Esquire
Page 2

be made public. If you have any questions, please contact
Deborah Curry, the attorney assigned to this matter, at
(202)523-4000.

Sincerely,


John Warren McGarry
Chairman

Enclosures
Procedures
Interrogatories

85040544424



LAW OFFICES
DOUGLAS K. BAUMGARDNER
ATTORNEY AT LAW
THE MILLER BUILDING
PORTER AND MAIN STREETS
P. O. BOX 235
WASHINGTON, VIRGINIA 22747
TELEPHONE: (703) 675-3617

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January 15, 1985

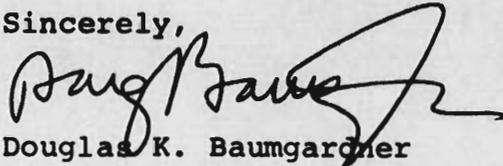
Ms. Deborah Curry
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1865

Dear Ms. Curry:

Enclosed please find the original of the Answer to Complaint in the matter of Rappahannock County, Virginia Democratic Committee. I have also enclosed the Statement of Designation of Counsel signed by Mr. Bird.

With kindest regards, I am

Sincerely,

Douglas K. Baumgardner

DKB/dsw
enclosures
cc: Benjamin Lee Bird

85040544425

THE UNITED STATES OF AMERICA: FEDERAL ELECTION COMMISSION

IN RE: RAPPAHANNOCK COUNTY, VIRGINIA)
DEMOCRATIC COMMITTEE)
LEE BIRD, CHAIR) MUR 1865
ROUTE 1, BOX 3020)
WASHINGTON, VIRGINIA 22747)

RECEIVED
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ANSWER TO COMPLAINT

COME NOW the Respondents, Rappahannock County, Virginia Democratic Committee and Benjamin Lee Bird, and for their response to the complaint of the Republican Party of Rappahannock County, Virginia heretofore filed say the following, to-wit:

1. That they admit the allegation contained in paragraph one (1) of the Complaint.
2. That they admit the allegation contained in paragraph two (2) of the Complaint.
3. That they admit the allegations contained in paragraph three (3) of the Complaint.
4. Paragraph four (4) does not require a response inasmuch as same states a conclusion of law and Respondents have no knowledge of Complainant's beliefs. Respondents affirmatively allege, however, that prior to causing the advertisement that is the subject of this Complaint to be published in the Rappahannock News, they had been informally advised that mention by name of all candidates for federal office in one advertisement, where the emphasis is on the party ticket rather than on one individual candidate, does not constitute a violation of the Federal Election Campaign Act of 1971, as amended, whether the same be technical or otherwise. At all times, Respondents acted in good faith as to the foregoing and with a sincerely held belief that their

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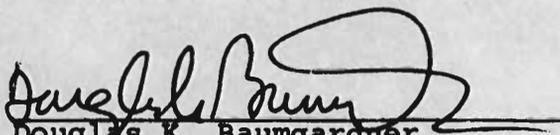
actions were in accordance with the provisions of the Federal Election Campaign Act of 1971.

WHEREFORE, your Respondents request that the Federal Election Commission dismiss the Complaint of the Republican Party of Rappahannock County, Virginia.

RAPPAHANNOCK COUNTY, VIRGINIA
DEMOCRATIC COMMITTEE

BY Benjamin Lee Bird, Chair
Chair

Benjamin Lee Bird
Benjamin Lee Bird



Douglas K. Baumgardner
Porter and Main Streets
P.O. Box 235
Washington, Virginia 22747
Counsel for Rappahannock County, Virginia
Democratic Committee and Benjamin Lee Bird, Chair

STATE OF VIRGINIA,

COUNTY OF RAPPAHANNOCK, to-wit:

The foregoing instrument was subscribed and sworn to before me by Benjamin Lee Bird, Chair of the Rappahannock County, Virginia Democratic Committee and Benjamin Lee Bird, on this the 15th day of January, 1985.

My commission expires June 30, 1986.

Donna A. Walker
Notary Public

8504054427

STATEMENT OF DESIGNATION OF COUNSEL

5 JAN 18 AM 10
OFFICE COUNSEL

MUR 1865

NAME OF COUNSEL: Douglas K. Baumgardner

ADDRESS: Porter and Main Streets

P.O. Box 235

Washington, Virginia 22747

TELEPHONE: (703) 675-3617

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.

January 15, 1985
Date

Benjamin Lee Bird
Signature

RESPONDENT'S NAME: Rappahannock County, Virginia, Democratic Committee

ADDRESS: c/o Benjamin Lee Bird, Chair

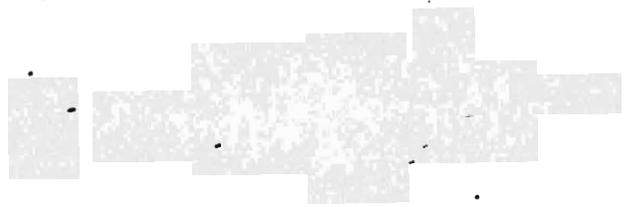
Route 1, Box 3020

Washington, Virginia 22747

HOME PHONE: (703) 675-3263

BUSINESS PHONE: _____

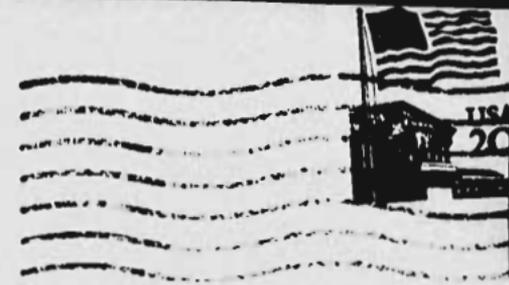
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ICES
UMGARDNER
AT LAW
BUILDING
AIN STREETS
K 235
RGINIA 22747

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



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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 27, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Benjamin Lee Bird
Route 1, Box 3020
Washington, Virginia 22747

Re: MUR 1865

Dear Mr. Bird:

This letter is to notify you that on December 14, 1984 the Federal Election Commission received a complaint which alleges that you 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 1865. Please refer to this number in all future correspondence.

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

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

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

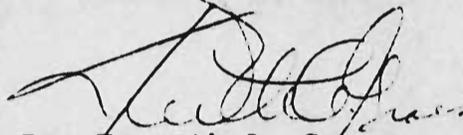
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

8504054430

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

Sincerely,

Charles N. Steele
General Counsel



By: Kenneth A. Gross
Associate General Counsel

Enclosures

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

85040544431



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 27, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Rappahannock County, Virginia
Democratic Committee
c/o Lee Bird, Chair
Route 1 Box 3020
Washington, Virginia 22747

Re: MUR 1865

Dear Mr. Bird:

This letter is to notify you that on December 14, 1984 the Federal Election Commission received a complaint which alleges that the Rappahannock County, Virginia Democratic 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 1865. 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 Rappahannock County, Virginia Democratic 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.

8504054432

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

Sincerely,

Charles N. Steele
General Counsel



By: Kenneth A. Gross
Associate General Counsel

Enclosures

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

85040544433



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 27, 1984

Jesse E. Pond
Chairman
Republican Party of Rappahannock
County, Virginia
P.O. Box 205
Sperryville, Virginia 22740

Dear Mr. Pond:

This letter is to acknowledge receipt of your complaint which we received on December 14, 1984, against Rappahannock County, Virginia Democratic Committee and Benjamin Lee Bird, 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

8504054434

60075957
84 DEC 11 11:14

P.O. Box 205
Sperryville, VA 22740

December 11, 1984

Federal Election Commission
Office of General Counsel
1325 K Street N W
Washington, DC 20463

MUR
1865

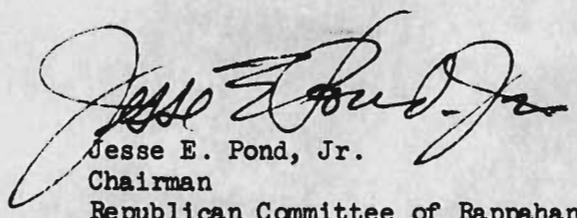
GENERAL COUNSEL
11:14

Gentlemen:

In response to the letter dated December 3, 1984 from your Mr. Kenneth A. Gross the enclosed documents are submitted for your action and/or consideration.

Thank you for your attention to this complaint.

Very truly yours,



Jesse E. Pond, Jr.
Chairman
Republican Committee of Rappahannock
County, Virginia.

Office hour 'phone: 703/987-8515

85040544435

THE UNITED STATES OF AMERICA: FEDERAL ELECTION COMMISSION

IN RE: RAPPAHANNOCK COUNTY, VIR-
GINIA DEMOCRATIC COMMITTEE)
LEE BIRD, CHAIR)
ROUTE 1, BOX 3020)
WASHINGTON, VIRGINIA 22747)

COMPLAINT

MUR
1865

Pursuant to Section 111.4 of Title 11 of the Regulations promul-
gated by the Federal Election Commission pursuant to the Federal Election
Campaign Act of 1971, as amended, [2 U.S.C. 431, et. seq.] and pursuant
to 2 U.S.C. 437g(a)(1), the Republican Party of Rappahannock County,
Virginia hereby files the following complaint against the Rappahannock
County, Virginia Democratic Committee, as follows, to-wit:

(1) The name and address of the complainant is:

Republican Party of Rappahannock County, Virginia
c/o Jesse E. Pond, Chairman
P.O. Box 205
Sperryville, Virginia 22740

(2) The name and address of the respondents are:

(a) Rappahannock County, Virginia Democratic Committee
c/o Lee Bird, Chair
Route 1, Box 3020
Washington, Virginia 22747

(b) Benjamin Lee Bird
Route 1, Box 3020
Washington, Virginia 22747

(3) On or about November 1, 1984, the respondents caused a poli-
tical advertisement to be published in the Rappahannock News, a news-
paper published in and having general circulation in the County of
Rappahannock, State of Virginia. A copy of said advertisement is
hereunto attached as "Exhibit A." As indicated in said Exhibit A, the

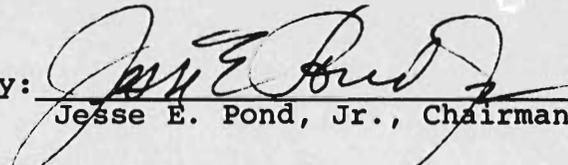
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advertisement contains specific and direct references to Walter F. ("Fritz") Mondale, the nominee of the Democratic Party of the United States for the office of President of the United States of America; Geraldine ("Gerry") Ferraro, the nominee of the Democratic Party of the United States for the office of Vice-President of the United States of America; Edythe ("Edie") C. Harrison, the nominee of the Democratic Party of Virginia for the office of United States Senator from Virginia; and Lewis ("Lew") M. Costello, the nominee of the Seventh District Democratic Party for the office of Member of the House of Representatives of the United States of America from the Seventh Congressional District of Virginia. As is further indicated in said Exhibit A, said political advertisement was published by authority of respondent, Benjamin Lee Bird, on behalf of respondent, the Rappahannock County, Virginia Democratic Committee and without the authority of any of the aforementioned candidates for said federal offices.

(4) Your complainant believes that the publication of the aforesaid advertisement without the knowledge, prior approval, consent or published statement of authority from each of the respective candidates for federal office or their respective official campaign committees constitutes a violation of the Federal Election Campaign Act of 1971, as amended [2 U.S.C. §431 et. seq.].

WHEREFORE, your complainant requests the Federal Election Commission to investigate this complaint and to impose appropriate sanctions upon the respondents or such of them as the Commission may see fit.

REPUBLICAN PARTY OF RAPPAHANNOCK
COUNTY, VIRGINIA

By: 
Jesse E. Pond, Jr., Chairman

COMMONWEALTH OF VIRGINIA
COUNTY OF RAPPAHANNOCK

)
) SS:
)

Before me, the undersigned Notary Public in and for the State of Virginia at Large, this day personally appeared JESSE E. POND, JR., who, upon being duly sworn by me, deposes and says that he is the duly elected chairman of the Republican Party of Rappahannock County, Virginia and that all of the facts contained in the foregoing Complaint are true and correct to the best of his personal knowledge and belief.

Signed, sworn to and acknowledged before me in my jurisdiction aforesaid this 10th day of December, 1984.

Ruth Ellen Tuley
NOTARY PUBLIC

My Commission Expires:
February 6, 1987



85040544438

1981," he said.

• **Agriculture:** Small farmers need help, corporate farmers don't, Frazier said. To protect family farms, Frazier would "insure corporations cannot produce food at a loss for the benefit of tax relief." He said the corporate farms that don't care if they make a profit or not force family farms into bankruptcy.

• **School Prayer:** A "Southern Baptist," Frazier called silent prayer in schools an "ideal solution." His main objection to the issue: "The fact that they've said we can't."

• **"Star Wars:"** He supports the president's proposal for defense weapons deployed in space to destroy enemy missiles fired at the U.S. "I would favor the research. If it looks like it's feasible to develop the very effective defense mechanism, I'm in favor of it — if it's economically and technologically feasible . . . If this defense is largely effective against incoming missiles, the defense may have an advantage. That's good for the chances of peace and a far greater deterrent to the beginning of nuclear war than we now have."

• **The Arms Race:** "I'm just as concerned as anyone is about the problem of nuclear arms in the world . . . We ought to stay in touch with the Soviets to see what might be practical grounds for talks. I believe normal diplomatic channels are the most effective. You can talk about meetings (between heads of state), but meetings in themselves may not do any good. That's all very visible, but the main thing is to use whatever means are most practical."

• **Nuclear Freeze:** He opposes a "freeze" in the development of nuclear weapons. "I think we would be the only one to freeze anything." Slaughter said the Soviets have never, in previous negotiations, agreed to satisfactory verification. "Is it verifiable? Could we have on-site inspections? What would happen if there were a violation? What sanctions would there be for enforcement?"

• **The Middle East:** "Israel is a valued friend . . . in a region that is important for its location and mineral wealth. We've suffered grievous casualties there . . . We should always be willing to lend a hand, but the problems in the Middle East are so com-

ON ELECTION DAY

GO TO THE POLLS

and

VOTE THE STRAIGHT DEMOCRATIC TICKET

— LIKE THIS —

SAMPLE BALLOT

GENERAL ELECTION

Tuesday, November 6, 1984

President
and
Vice President



REPUBLICAN PARTY

(Do not mark this box. It's not in your interest to do so, unless your income is more than \$70,000, and you own part of the Military-Industrial Complex.)



DEMOCRATIC PARTY

(Mark this one with your X. This is a vote for Fritz Mondale and Gerry Ferraro - for fairness, fiscal responsibility, and decency; for a strong America that keeps the interests

...doubt if the United States can influence events in Lebanon to any substantial degree . . . We need to watch the situation closely, but I basically don't see that deployment of U.S. armed forces in the Middle East is going to be helpful."

• **Central America:** "It is certainly appropriate" for the U.S. to send economic aid, weapons and military supplies and military advisors to Central American nations which "want to stay free of communist domination," he said.

• **Agriculture:** "Agriculture needs free markets and a drop in interest rates. Basically I think what most farmers want and what would be best would be the free market determining prices. Agriculture is different from so many other businesses in so many ways. A single farmer has no influence on the market . . . Once people leave the farm not many go back. We've already gotten below where we should be in the number of people involved in farming."

• **Abortion:** "I am opposed to abortion except in cases of rape, incest, a malformed fetus or serious danger to the mother's life. I am opposed to federal funding for abortion except in these cases. I would favor a constitutional amendment to remove federal courts from jurisdiction in abortion cases, leaving the decision to the states, as was the case before the Supreme Court decision," legalizing abortion in 1973.

• **Equal Rights Amendment:** "I don't like the proposed constitutional amendment . . . I have always been very supportive of equal pay for equal work." Slaughter said he opposes ERA because it has the potential to require drafting women for combat duty. "I don't think the constitution should prohibit Congress from drafting men only."

• **A Balanced Budget Amendment:** He supports it. "I think Congress needs that kind of restraint."

• **Prayer in Schools:** "I support a constitutional amendment to permit it . . . The decision of when and how would be determined by local school officials . . . The amendment I support simply says it's not unconstitutional to have voluntary prayer in public schools. It's not offensive to anyone."

• **Taxes:** "Tax increases should be a matter of last resort . . . Mr. Mondale is wrong when he says tax increases are needed to balance the budget." Slaughter supports some form of "tax simplification," which would retain a progressive scale but would make compliance simpler. "Some people say it can't be done. I say it can . . . If a congressman sees this rising tide of public sentiment, he should pitch in and do the best he can."

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GENERAL ELECTION

Tuesday, November 6, 1984

Member
United States Senate

John W. Warner

(Do not put any mark in this one. This guy represents the OTHER PARTY, and holds no views of his own.)

Edythe C. "Edie" Harrison

(Here's where your X should go. Edie is articulate, competent and independent. She represents a choice, not an echo.)

Member
House of Representatives
Seventh District

D. French Slaughter, Jr.

(Pass this one up. He's merely another echo of the OTHER PARTY'S candidate for President.)

Lewis M. Costello

(This is where your well considered X goes. A hard working, articulate, and independent candidate, Lew will listen to you. This is your best chance in years to gain representation in the House from our own Seventh District.)

By authority of Lee Bird, Chair
Rappahannock Democratic Committee

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Rappahannock Democratic Committee

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FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

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THIS IS THE BEGINNING OF MUR # 1865

Date Filmed 8/23/85 Camera No. --- 3

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