



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1869

Date Filmed 4/17/85 Camera No. --- 3

Cameraman AS

85040521673

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1869
American Democratic Political)
Action Committee)
Lauren Battaglia, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 4, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1869:

1. Find no reason to believe that the American Democratic PAC and Lauren Battaglia, as treasurer, violated 2 U.S.C. § 438(a)(4).
2. Find no reason to believe that the American Democratic PAC and Lauren Battaglia, as treasurer, violated 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.14(b).
3. Approve and send the letters attached to the General Counsel's Report signed February 27, 1985.
4. Close the file.

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

Attest:

3-5-85
Date

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

Received in Office of Commission Secretary: 2-28-85, 10:00
Circulated on 48 hour tally basis: 2-28-85, 4:00

85040521675



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *cut*
DATE: February 28, 1985
SUBJECT: MUR 1869 - 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"/>		

8 5 0 4 0 5 2 1 6 7 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Democratic Political) MUR 1869
Action Committee)
Lauren Battaglia, as treasurer)

GENERAL COUNSEL'S REPORT

BACKGROUND

Complainant Americans for Democratic Action ("ADA") has filed a complaint against Respondents the American Democratic Political Action Committee ("ADPAC") and Lauren Battaglia, as treasurer, alleging violations of the Federal Election Campaign Act (the "Act") on two grounds, each of which are considered in turn.

First, Complainant alleges that ADPAC violated the Act's prohibition against the use "by any person" of reports filed with the Federal Election Commission "for the purpose of soliciting contributions...." 2 U.S.C. § 438(a)(4). Specifically, Complainant asserts that ADPAC obtained lists of the ADA's contributors from reports the latter organization filed with the Commission, and solicited contributions from persons whose names appeared on those lists. ADPAC, it is further alleged, stated in its solicitations that the recipients had previously contributed to that organization, whereas in fact the persons solicited had contributed to ADA, not ADPAC. The latter would have thus capitalized on the similarity of the names of the two organizations.

85040521677

In support of its allegations, ADA submitted affidavits and other evidence that seven of its contributors were solicited by ADPAC. ADA has also asserted that four of these solicitations referred to the recipients as "Past Contributors" to ADPAC. None of the four had in fact ever contributed to ADPAC (See Attachment 1).

Secondly, ADA alleges that ADPAC violated 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.4(b) by reporting in-kind contributions, in the form of polling services for Harriet Woods' 1982 campaign for a U.S. Senate seat from Missouri, that it had never made. The basis for this allegation is a letter, dated April 16, 1984, to the Reports Analysis Division of the FEC from Jody Newman, Chairman of Woods campaign, stating that the latter neither requested nor received polling services from ADPAC.

In their response, Respondents have denied obtaining any list of contributors from FEC records. This denial is supported by affidavits by Respondent Lauren Battaglia and by Eric White, assistant treasurer of ADPAC. The same affidavits assert that ADPAC did in fact make in-kind contributions, in the form of polling services, to the Woods Campaign in 1982, and that various meetings were held between ADPAC officials and Harriet Woods and her campaign officers in connection with that polling work. (See Attachment 2).

8 5 0 4 0 5 2 1 6 7 8

FACTUAL AND LEGAL ANALYSIS

SOLICITATION OF CONTRIBUTORS

The complaint in this case contends in essence that ADPAC's solicitation of ADA contributors requires an inference that ADPAC obtained the names of these contributors from lists filed by ADA with the FEC. Complainant proffers no direct evidence of ADPAC's use of such lists; nor is there any evidence or allegation concerning the solicitation of pseudonymous contributors. Our analysis must focus, therefore, on an inquiry whether the circumstances surrounding the seven solicitations in question compel the inference Complainant has suggested.

Three of the contributors, Mary Littauer, Nancy Stover, and Frank Karelson, Jr., gave money to both ADA and ADPAC. Because the two organizations support similar causes and candidates, suspicion does not automatically attach to their having some contributors in common. ADPAC asserts that it obtained the names of Ms. Lattauer and Ms. Stover from lists it had rented from various list management companies specified in the response. (See Attachment 2). Both individuals contributed to ADPAC on numerous occasions. The mere fact that they also contributed to ADA does not justify a deduction that ADPAC obtained their names from FEC reports.

With respect to Ms. Doris Grauman, complainant alleges that she received a solicitation letter addressing her as a past contributor to ADPAC, whereas she had contributed to ADA, but not ADPAC. In response, ADPAC submits a copy of a card stating that

85040521679

Ms. Grauman had pledged \$25 to ADPAC. Presumably she did not fulfill that pledge. Although Ms. Grauman evidently did not consider herself a past contributor to ADPAC (possibly she made the pledge unintentionally, due to the similarity of the names of ADA and ADPAC), it appears that ADPAC had legitimate reason for so addressing her. The prior pledge could have accounted for the solicitation, without reference to ADA's reports to the Commission.

Mr. Caswell Silver complained to Rep. Patricia Schroeder that he received a call from an ADPAC contributor who thanked him for a previous contribution, that he had not in fact made. Mr. Silver explained that "I have never made any contribution to this committee; my contributions have been to the Democratic party or its candidates." Mr. Silver does not say that he ever contributed to ADA; his statement indeed implied otherwise. ADA does not claim Mr. Silver as one of their contributors. Consequently, the ADPAC pitch, even if false, does not suggest that Mr. Silver's name was gleaned from ADA reports.

The Complaint also states that Mr. William G. Evans contacted ADA regarding an ADPAC solicitation. Mr. Evans' story resembles Mr. Silver's, except that ADA identifies Mr. Evans as one of their contributors. ADPAC denies that it was soliciting contributions during the week Mr. Evans allegedly received his call. In any event, assuming the truth of the allegation, no inference of wrongdoing arises. ADPAC claims that it purchased

85040521680

lists of likely contributors. Presumably such lists would have included names of those who had in the past supported liberal organizations or the Democratic party. From the facts available, therefore, it does not appear that ADPAC's solicitation of Mr. Evans suggests a violation of the Act.

Finally, Ms. Frederica Chiddick reported that an ADPAC solicitor telephoned her husband to thank him for his "contribution to ADA" and to request a contribution to ADPAC. In fact, Mr. Chiddick had contributed neither to ADA nor to ADPAC, but Ms. Chiddick had made a contribution to ADA. ADPAC followed up the conversation with a letter that asked the recipient to pledge a contribution to ADPAC, but did not refer to any previous contribution.

It is unclear how the ADPAC solicitor knew of the prior contribution to ADA by someone in the Chiddick household, or why he was in error as to which member of the family had made it. It is equally mystifying why a solicitor representing one organization would "thank" someone for a contribution to another organization. Perhaps the similarity of the names of the organizations confused the Chiddicks. At least it cannot be said that ADPAC tried to suggest to an ADA contributor that he or she had previously contributed to ADPAC. The solicitation letter itself, along with Ms. Chiddick's account of the telephone conversation, make plain that ADPAC was seeking to persuade Mr. Chiddick that he should contribute to ADPAC in the future, and

8 5 0 4 0 5 2 1 6 8 1

not that he had done so in the past. 1/

Significantly, Ms. Chiddick asserts that the ADPAC solicitor believed that Mr. Chiddick had made the contribution to ADA. No one who had learned of the contribution from FEC reports could have made such an error. ADA's October, 1982, Quarterly Report plainly lists Frederica Chiddick as the source of a \$250 contribution received September 28, 1982. One must infer that the ADPAC must have learned of the Chiddicks' past support of liberal causes from a source other than the ADA report.

In summary, the circumstances surrounding the ADPAC solicitations cited in the complaint do not require an inference that ADPAC perused ADA reports to the FEC in order to identify prospective contributors. Suspicions of this nature are almost inevitable when two distinct organizations have similar aims and similar names. For that reason, the Act provides for the use of pseudonyms as assurance for security in these matters, 11 C.F.R. § 104.3(e), a method Complainant has not relied upon in this instance.

IN-KIND CONTRIBUTIONS

Complainant alleges that ADPAC violated 2 U.S.C. § 434(b)(4) by reporting to the FEC in-kind contributions, in the form of polling services for the Woods campaign, that it had not made.

1/ In this regard, compare the form of the letter addressed to Mr. Chiddick, which begins "Dear Friend," with the letter addressed to Ms. Grauman, which begins "Dear Past Contributor."

85040521682

A letter from Woods' former campaign manager is cited in support of this allegation. But the Woods campaign's 1982 Post-general election report shows receipt of a \$1,575 in-kind contribution from ADPAC. This fact, along with affidavits from ADPAC officials documenting their work on behalf of the Woods campaign, suffices to refute this allegation.

In sum, ADA has not alleged any direct evidence that ADPAC obtained names of contributors from reports filed by ADA with the FEC. The circumstances surrounding ADPAC solicitation of seven ADA contributors do not require an inference that ADPAC obtained these names from FEC reports. Finally, the allegation that ADPAC did not make the in-kind contributions to the Woods campaign it reported is refuted by the Woods campaign's own reports.

RECOMMENDATIONS

1. Find no reason to believe that Respondents the American Democratic PAC and Lauren Battaglia, as treasurer, violated 2 U.S.C. § 438(a)(4) .
2. Find no reason to believe that Respondents the American Democratic PAC and Lauren Battaglia, as treasurer, violated 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.14(b).
3. Approve and send the attached letters.

85040521683

4. Close the file.

Charles N. Steele
General Counsel

Date

By:

Kenenth A. Gross
Associate General Counsel

Attachments

1. Complaint
2. Response
3. Proposed letter to Americans for Democratic Action PAC,
Per Jack Blum, Esq.
4. Proposed letter to American Democratic PAC and Lauren
Battaglia, as treasurer

85040521684



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Americans for Democratic Action
Per Jack Blum, Esquire
Blum, Nash & Railsback
1015 18th Street, N.W.
Washington, D.C. 20036

Re: MUR 1869

Dear Mr. Blum:

On _____, 1985, the Federal Election Commission reviewed the allegations of your complaint dated December 19, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents there is no reason to believe that a violation of [the Federal Election Campaign Act of 1971, as amended ("the Act")] has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

CWS

85040521685



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 6, 1985

Americans for Democratic Action
Per Jack Blum, Esquire
Blum, Nash & Railsback
1015 18th Street, N.W.
Washington, D.C. 20036

Re: MUR 1869

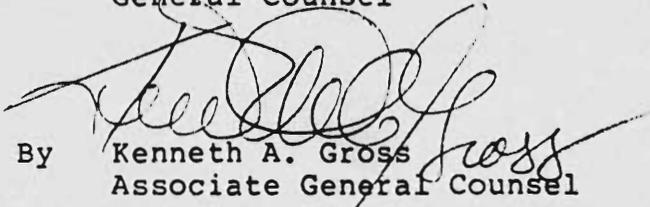
Dear Mr. Blum:

On March 4, 1985, the Federal Election Commission reviewed the allegations of your complaint dated December 19, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents there is no reason to believe that a violation of [the Federal Election Campaign Act of 1971, as amended ("the Act")] has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

85040521686

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Democratic Political) MUR 1869
Action Committee)
Lauren Battaglia, as treasurer)

GENERAL COUNSEL'S REPORT

BACKGROUND

Complainant Americans for Democratic Action ("ADA") has filed a complaint against Respondents the American Democratic Political Action Committee ("ADPAC") and Lauren Battaglia, as treasurer, alleging violations of the Federal Election Campaign Act (the "Act") on two grounds, each of which are considered in turn.

First, Complainant alleges that ADPAC violated the Act's prohibition against the use "by any person" of reports filed with the Federal Election Commission "for the purpose of soliciting contributions...." 2 U.S.C. § 438(a)(4). Specifically, Complainant asserts that ADPAC obtained lists of the ADA's contributors from reports the latter organization filed with the Commission, and solicited contributions from persons whose names appeared on those lists. ADPAC, it is further alleged, stated in its solicitations that the recipients had previously contributed to that organization, whereas in fact the persons solicited had contributed to ADA, not ADPAC. The latter would have thus capitalized on the similarity of the names of the two organizations.

85040521687

In support of its allegations, ADA submitted affidavits and other evidence that seven of its contributors were solicited by ADPAC. ADA has also asserted that four of these solicitations referred to the recipients as "Past Contributors" to ADPAC. None of the four had in fact ever contributed to ADPAC (See Attachment 1).

Secondly, ADA alleges that ADPAC violated 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.4(b) by reporting in-kind contributions, in the form of polling services for Harriet Woods' 1982 campaign for a U.S. Senate seat from Missouri, that it had never made. The basis for this allegation is a letter, dated April 16, 1984, to the Reports Analysis Division of the FEC from Jody Newman, Chairman of Woods campaign, stating that the latter neither requested nor received polling services from ADPAC.

In their response, Respondents have denied obtaining any list of contributors from FEC records. This denial is supported by affidavits by Respondent Lauren Battaglia and by Eric White, assistant treasurer of ADPAC. The same affidavits assert that ADPAC did in fact make in-kind contributions, in the form of polling services, to the Woods Campaign in 1982, and that various meetings were held between ADPAC officials and Harriet Woods and her campaign officers in connection with that polling work. (See Attachment 2).

85040521688

FACTUAL AND LEGAL ANALYSIS

SOLICITATION OF CONTRIBUTORS

The complaint in this case contends in essence that ADPAC's solicitation of ADA contributors requires an inference that ADPAC obtained the names of these contributors from lists filed by ADA with the FEC. Complainant proffers no direct evidence of ADPAC's use of such lists; nor is there any evidence or allegation concerning the solicitation of pseudonymous contributors. Our analysis must focus, therefore, on an inquiry whether the circumstances surrounding the seven solicitations in question compel the inference Complainant has suggested.

Three of the contributors, Mary Littauer, Nancy Stover, and Frank Karelson, Jr., gave money to both ADA and ADPAC. Because the two organizations support similar causes and candidates, suspicion does not automatically attach to their having some contributors in common. ADPAC asserts that it obtained the names of Ms. Lattauer and Ms. Stover from lists it had rented from various list management companies specified in the response. (See Attachment 2). Both individuals contributed to ADPAC on numerous occasions. The mere fact that they also contributed to ADA does not justify a deduction that ADPAC obtained their names from FEC reports.

With respect to Ms. Doris Grauman, complainant alleges that she received a solicitation letter addressing her as a past contributor to ADPAC, whereas she had contributed to ADA, but not ADPAC. In response, ADPAC submits a copy of a card stating that

85040521689

Ms. Grauman had pledged \$25 to ADPAC. Presumably she did not fulfill that pledge. Although Ms. Grauman evidently did not consider herself a past contributor to ADPAC (possibly she made the pledge unintentionally, due to the similarity of the names of ADA and ADPAC), it appears that ADPAC had legitimate reason for so addressing her. The prior pledge could have accounted for the solicitation, without reference to ADA's reports to the Commission.

Mr. Caswell Silver complained to Rep. Patricia Schroeder that he received a call from an ADPAC contributor who thanked him for a previous contribution, that he had not in fact made. Mr. Silver explained that "I have never made any contribution to this committee; my contributions have been to the Democratic party or its candidates." Mr. Silver does not say that he ever contributed to ADA; his statement indeed implied otherwise. ADA does not claim Mr. Silver as one of their contributors. Consequently, the ADPAC pitch, even if false, does not suggest that Mr. Silver's name was gleaned from ADA reports.

The Complaint also states that Mr. William G. Evans contacted ADA regarding an ADPAC solicitation. Mr. Evans' story resembles Mr. Silver's, except that ADA identifies Mr. Evans as one of their contributors. ADPAC denies that it was soliciting contributions during the week Mr. Evans allegedly received his call. In any event, assuming the truth of the allegation, no inference of wrongdoing arises. ADPAC claims that it purchased

85040521690

lists of likely contributors. Presumably such lists would have included names of those who had in the past supported liberal organizations or the Democratic party. From the facts available, therefore, it does not appear that ADPAC's solicitation of Mr. Evans suggests a violation of the Act.

Finally, Ms. Frederica Chiddick reported that an ADPAC solicitor telephoned her husband to thank him for his "contribution to ADA" and to request a contribution to ADPAC. In fact, Mr. Chiddick had contributed neither to ADA nor to ADPAC, but Ms. Chiddick had made a contribution to ADA. ADPAC followed up the conversation with a letter that asked the recipient to pledge a contribution to ADPAC, but did not refer to any previous contribution.

It is unclear how the ADPAC solicitor knew of the prior contribution to ADA by someone in the Chiddick household, or why he was in error as to which member of the family had made it. It is equally mystifying why a solicitor representing one organization would "thank" someone for a contribution to another organization. Perhaps the similarity of the names of the organizations confused the Chiddicks. At least it cannot be said that ADPAC tried to suggest to an ADA contributor that he or she had previously contributed to ADPAC. The solicitation letter itself, along with Ms. Chiddick's account of the telephone conversation, make plain that ADPAC was seeking to persuade Mr. Chiddick that he should contribute to ADPAC in the future, and

8 5 0 4 0 5 2 1 6 9 1

not that he had done so in the past. 1/

Significantly, Ms. Chiddick asserts that the ADPAC solicitor believed that Mr. Chiddick had made the contribution to ADA. No one who had learned of the contribution from FEC reports could have made such an error. ADA's October, 1982, Quarterly Report plainly lists Frederica Chiddick as the source of a \$250 contribution received September 28, 1982. One must infer that the ADPAC must have learned of the Chiddicks' past support of liberal causes from a source other than the ADA report.

In summary, the circumstances surrounding the ADPAC solicitations cited in the complaint do not require an inference that ADPAC perused ADA reports to the FEC in order to identify prospective contributors. Suspicions of this nature are almost inevitable when two distinct organizations have similar aims and similar names. For that reason, the Act provides for the use of pseudonyms as assurance for security in these matters, 11 C.F.R. § 104.3(e), a method Complainant has not relied upon in this instance.

IN-KIND CONTRIBUTIONS

Complainant alleges that ADPAC violated 2 U.S.C. § 434(b)(4) by reporting to the FEC in-kind contributions, in the form of polling services for the Woods campaign, that it had not made.

1/ In this regard, compare the form of the letter addressed to Mr. Chiddick, which begins "Dear Friend," with the letter addressed to Ms. Grauman, which begins "Dear Past Contributor."

85040521692

A letter from Woods' former campaign manager is cited in support of this allegation. But the Woods campaign's 1982 Post-general election report shows receipt of a \$1,575 in-kind contribution from ADPAC. This fact, along with affidavits from ADPAC officials documenting their work on behalf of the Woods campaign, suffices to refute this allegation.

In sum, ADA has not alleged any direct evidence that ADPAC obtained names of contributors from reports filed by ADA with the FEC. The circumstances surrounding ADPAC solicitation of seven ADA contributors do not require an inference that ADPAC obtained these names from FEC reports. Finally, the allegation that ADPAC did not make the in-kind contributions to the Woods campaign it reported is refuted by the Woods campaign's own reports.

RECOMMENDATIONS

1. Find no reason to believe that Respondents the American Democratic PAC and Lauren Battaglia, as treasurer, violated 2 U.S.C. § 438(a)(4) .
2. Find no reason to believe that Respondents the American Democratic PAC and Lauren Battaglia, as treasurer, violated 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.14(b).
3. Approve and send the attached letters.

85040521693

4. Close the file.

Charles N. Steele
General Counsel

Date

By:

Kenenth A. Gross
Associate General Counsel

Attachments

1. Complaint
2. Response
3. Proposed letter to Americans for Democratic Action PAC,
Per Jack Blum, Esq.
4. Proposed letter to American Democratic PAC and Lauren
Battaglia, as treasurer

85040521694



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1985

The American Democratic PAC
Lauren Battaglia, as treasurer
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Re: MUR 1869
The American Democratic PAC
Lauren Battaglia, as treasurer

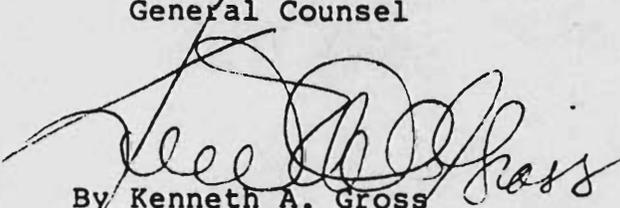
Dear Ms. Battaglia:

On January 5, 1985, the Commission notified the American Democratic PAC and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 4, 1985, determined that on the basis of the information in the complaint, and information provided by your committee, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

85040521695



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 6, 1985

Americans for Democratic Action
Per Jack Blum, Esquire
Blum, Nash & Railsback
1015 18th Street, N.W.
Washington, D.C. 20036

Re: MUR 1869

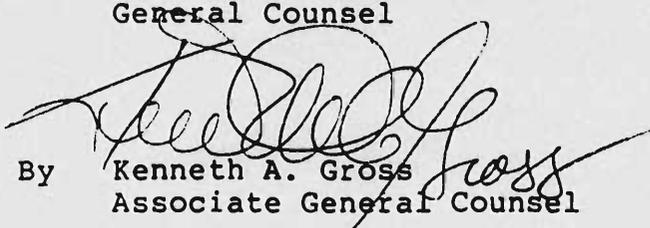
Dear Mr. Blum:

On March 4, 1985, the Federal Election Commission reviewed the allegations of your complaint dated December 19, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents there is no reason to believe that a violation of [the Federal Election Campaign Act of 1971, as amended ("the Act")] has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

85040521696

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Democratic Political) MUR 1869
Action Committee)
Lauren Battaglia, as treasurer)

GENERAL COUNSEL'S REPORT

BACKGROUND

Complainant Americans for Democratic Action ("ADA") has filed a complaint against Respondents the American Democratic Political Action Committee ("ADPAC") and Lauren Battaglia, as treasurer, alleging violations of the Federal Election Campaign Act (the "Act") on two grounds, each of which are considered in turn.

First, Complainant alleges that ADPAC violated the Act's prohibition against the use "by any person" of reports filed with the Federal Election Commission "for the purpose of soliciting contributions...." 2 U.S.C. § 438(a)(4). Specifically, Complainant asserts that ADPAC obtained lists of the ADA's contributors from reports the latter organization filed with the Commission, and solicited contributions from persons whose names appeared on those lists. ADPAC, it is further alleged, stated in its solicitations that the recipients had previously contributed to that organization, whereas in fact the persons solicited had contributed to ADA, not ADPAC. The latter would have thus capitalized on the similarity of the names of the two organizations.

85040521697

In support of its allegations, ADA submitted affidavits and other evidence that seven of its contributors were solicited by ADPAC. ADA has also asserted that four of these solicitations referred to the recipients as "Past Contributors" to ADPAC. None of the four had in fact ever contributed to ADPAC (See Attachment 1).

Secondly, ADA alleges that ADPAC violated 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.4(b) by reporting in-kind contributions, in the form of polling services for Harriet Woods' 1982 campaign for a U.S. Senate seat from Missouri, that it had never made. The basis for this allegation is a letter, dated April 16, 1984, to the Reports Analysis Division of the FEC from Jody Newman, Chairman of Woods campaign, stating that the latter neither requested nor received polling services from ADPAC.

In their response, Respondents have denied obtaining any list of contributors from FEC records. This denial is supported by affidavits by Respondent Lauren Battaglia and by Eric White, assistant treasurer of ADPAC. The same affidavits assert that ADPAC did in fact make in-kind contributions, in the form of polling services, to the Woods Campaign in 1982, and that various meetings were held between ADPAC officials and Harriet Woods and her campaign officers in connection with that polling work. (See Attachment 2).

85040521698

FACTUAL AND LEGAL ANALYSIS

SOLICITATION OF CONTRIBUTORS

The complaint in this case contends in essence that ADPAC's solicitation of ADA contributors requires an inference that ADPAC obtained the names of these contributors from lists filed by ADA with the FEC. Complainant proffers no direct evidence of ADPAC's use of such lists; nor is there any evidence or allegation concerning the solicitation of pseudonymous contributors. Our analysis must focus, therefore, on an inquiry whether the circumstances surrounding the seven solicitations in question compel the inference Complainant has suggested.

Three of the contributors, Mary Littauer, Nancy Stover, and Frank Karelson, Jr., gave money to both ADA and ADPAC. Because the two organizations support similar causes and candidates, suspicion does not automatically attach to their having some contributors in common. ADPAC asserts that it obtained the names of Ms. Lattauer and Ms. Stover from lists it had rented from various list management companies specified in the response. (See Attachment 2). Both individuals contributed to ADPAC on numerous occasions. The mere fact that they also contributed to ADA does not justify a deduction that ADPAC obtained their names from FEC reports.

With respect to Ms. Doris Grauman, complainant alleges that she received a solicitation letter addressing her as a past contributor to ADPAC, whereas she had contributed to ADA, but not ADPAC. In response, ADPAC submits a copy of a card stating that

85040521699

Ms. Grauman had pledged \$25 to ADPAC. Presumably she did not fulfill that pledge. Although Ms. Grauman evidently did not consider herself a past contributor to ADPAC (possibly she made the pledge unintentionally, due to the similarity of the names of ADA and ADPAC), it appears that ADPAC had legitimate reason for so addressing her. The prior pledge could have accounted for the solicitation, without reference to ADA's reports to the Commission.

Mr. Caswell Silver complained to Rep. Patricia Schroeder that he received a call from an ADPAC contributor who thanked him for a previous contribution, that he had not in fact made. Mr. Silver explained that "I have never made any contribution to this committee; my contributions have been to the Democratic party or its candidates." Mr. Silver does not say that he ever contributed to ADA; his statement indeed implied otherwise. ADA does not claim Mr. Silver as one of their contributors. Consequently, the ADPAC pitch, even if false, does not suggest that Mr. Silver's name was gleaned from ADA reports.

The Complaint also states that Mr. William G. Evans contacted ADA regarding an ADPAC solicitation. Mr. Evans' story resembles Mr. Silver's, except that ADA identifies Mr. Evans as one of their contributors. ADPAC denies that it was soliciting contributions during the week Mr. Evans allegedly received his call. In any event, assuming the truth of the allegation, no inference of wrongdoing arises. ADPAC claims that it purchased

85040521700

lists of likely contributors. Presumably such lists would have included names of those who had in the past supported liberal organizations or the Democratic party. From the facts available, therefore, it does not appear that ADPAC's solicitation of Mr. Evans suggests a violation of the Act.

Finally, Ms. Frederica Chiddick reported that an ADPAC solicitor telephoned her husband to thank him for his "contribution to ADA" and to request a contribution to ADPAC. In fact, Mr. Chiddick had contributed neither to ADA nor to ADPAC, but Ms. Chiddick had made a contribution to ADA. ADPAC followed up the conversation with a letter that asked the recipient to pledge a contribution to ADPAC, but did not refer to any previous contribution.

It is unclear how the ADPAC solicitor knew of the prior contribution to ADA by someone in the Chiddick household, or why he was in error as to which member of the family had made it. It is equally mystifying why a solicitor representing one organization would "thank" someone for a contribution to another organization. Perhaps the similarity of the names of the organizations confused the Chiddicks. At least it cannot be said that ADPAC tried to suggest to an ADA contributor that he or she had previously contributed to ADPAC. The solicitation letter itself, along with Ms. Chiddick's account of the telephone conversation, make plain that ADPAC was seeking to persuade Mr. Chiddick that he should contribute to ADPAC in the future, and

85040521701

not that he had done so in the past. 1/

Significantly, Ms. Chiddick asserts that the ADPAC solicitor believed that Mr. Chiddick had made the contribution to ADA. No one who had learned of the contribution from FEC reports could have made such an error. ADA's October, 1982, Quarterly Report plainly lists Frederica Chiddick as the source of a \$250 contribution received September 28, 1982. One must infer that the ADPAC must have learned of the Chiddicks' past support of liberal causes from a source other than the ADA report.

In summary, the circumstances surrounding the ADPAC solicitations cited in the complaint do not require an inference that ADPAC perused ADA reports to the FEC in order to identify prospective contributors. Suspicions of this nature are almost inevitable when two distinct organizations have similar aims and similar names. For that reason, the Act provides for the use of pseudonyms as assurance for security in these matters, 11 C.F.R. § 104.3(e), a method Complainant has not relied upon in this instance.

IN-KIND CONTRIBUTIONS

Complainant alleges that ADPAC violated 2 U.S.C. § 434(b)(4) by reporting to the FEC in-kind contributions, in the form of polling services for the Woods campaign, that it had not made.

1/ In this regard, compare the form of the letter addressed to Mr. Chiddick, which begins "Dear Friend," with the letter addressed to Ms. Grauman, which begins "Dear Past Contributor."

85040521702

A letter from Woods' former campaign manager is cited in support of this allegation. But the Woods campaign's 1982 Post-general election report shows receipt of a \$1,575 in-kind contribution from ADPAC. This fact, along with affidavits from ADPAC officials documenting their work on behalf of the Woods campaign, suffices to refute this allegation.

In sum, ADA has not alleged any direct evidence that ADPAC obtained names of contributors from reports filed by ADA with the FEC. The circumstances surrounding ADPAC solicitation of seven ADA contributors do not require an inference that ADPAC obtained these names from FEC reports. Finally, the allegation that ADPAC did not make the in-kind contributions to the Woods campaign it reported is refuted by the Woods campaign's own reports.

RECOMMENDATIONS

1. Find no reason to believe that Respondents the American Democratic PAC and Lauren Battaglia, as treasurer, violated 2 U.S.C. § 438(a)(4) .
2. Find no reason to believe that Respondents the American Democratic PAC and Lauren Battaglia, as treasurer, violated 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.14(b).
3. Approve and send the attached letters.

85040521703

SENSITIVE
BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

In the Matter of)
)
American Democratic Political)
Action Committee)
Lauren Battaglia, as treasurer)

05 FEB 28 AIO: 00
MUR 1869

GENERAL COUNSEL'S REPORT

BACKGROUND

Complainant Americans for Democratic Action ("ADA") has filed a complaint against Respondents the American Democratic Political Action Committee ("ADPAC") and Lauren Battaglia, as treasurer, alleging violations of the Federal Election Campaign Act (the "Act") on two grounds, each of which are considered in turn.

First, Complainant alleges that ADPAC violated the Act's prohibition against the use "by any person" of reports filed with the Federal Election Commission "for the purpose of soliciting contributions...." 2 U.S.C. § 438(a)(4). Specifically, Complainant asserts that ADPAC obtained lists of the ADA's contributors from reports the latter organization filed with the Commission, and solicited contributions from persons whose names appeared on those lists. ADPAC, it is further alleged, stated in its solicitations that the recipients had previously contributed to that organization, whereas in fact the persons solicited had contributed to ADA, not ADPAC. The latter would have thus capitalized on the similarity of the names of the two organizations.

85040521704

In support of its allegations, ADA submitted affidavits and other evidence that seven of its contributors were solicited by ADPAC. ADA has also asserted that four of these solicitations referred to the recipients as "Past Contributors" to ADPAC. None of the four had in fact ever contributed to ADPAC (See Attachment 1).

Secondly, ADA alleges that ADPAC violated 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.4(b) by reporting in-kind contributions, in the form of polling services for Harriet Woods' 1982 campaign for a U.S. Senate seat from Missouri, that it had never made. The basis for this allegation is a letter, dated April 16, 1984, to the Reports Analysis Division of the FEC from Jody Newman, Chairman of Woods campaign, stating that the latter neither requested nor received polling services from ADPAC.

In their response, Respondents have denied obtaining any list of contributors from FEC records. This denial is supported by affidavits by Respondent Lauren Battaglia and by Eric White, assistant treasurer of ADPAC. The same affidavits assert that ADPAC did in fact make in-kind contributions, in the form of polling services, to the Woods Campaign in 1982, and that various meetings were held between ADPAC officials and Harriet Woods and her campaign officers in connection with that polling work. (See Attachment 2).

85040521705

FACTUAL AND LEGAL ANALYSIS

SOLICITATION OF CONTRIBUTORS

The complaint in this case contends in essence that ADPAC's solicitation of ADA contributors requires an inference that ADPAC obtained the names of these contributors from lists filed by ADA with the FEC. Complainant proffers no direct evidence of ADPAC's use of such lists; nor is there any evidence or allegation concerning the solicitation of pseudonymous contributors. Our analysis must focus, therefore, on an inquiry whether the circumstances surrounding the seven solicitations in question compel the inference Complainant has suggested.

Three of the contributors, Mary Littauer, Nancy Stover, and Frank Karelson, Jr., gave money to both ADA and ADPAC. Because the two organizations support similar causes and candidates, suspicion does not automatically attach to their having some contributors in common. ADPAC asserts that it obtained the names of Ms. Lattauer and Ms. Stover from lists it had rented from various list management companies specified in the response. (See Attachment 2). Both individuals contributed to ADPAC on numerous occasions. The mere fact that they also contributed to ADA does not justify a deduction that ADPAC obtained their names from FEC reports.

With respect to Ms. Doris Grauman, complainant alleges that she received a solicitation letter addressing her as a past contributor to ADPAC, whereas she had contributed to ADA, but not ADPAC. In response, ADPAC submits a copy of a card stating that

85040521706

Ms. Grauman had pledged \$25 to ADPAC. Presumably she did not fulfill that pledge. Although Ms. Grauman evidently did not consider herself a past contributor to ADPAC (possibly she made the pledge unintentionally, due to the similarity of the names of ADA and ADPAC), it appears that ADPAC had legitimate reason for so addressing her. The prior pledge could have accounted for the solicitation, without reference to ADA's reports to the Commission.

Mr. Caswell Silver complained to Rep. Patricia Schroeder that he received a call from an ADPAC contributor who thanked him for a previous contribution, that he had not in fact made. Mr. Silver explained that "I have never made any contribution to this committee; my contributions have been to the Democratic party or its candidates." Mr. Silver does not say that he ever contributed to ADA; his statement indeed implied otherwise. ADA does not claim Mr. Silver as one of their contributors. Consequently, the ADPAC pitch, even if false, does not suggest that Mr. Silver's name was gleaned from ADA reports.

The Complaint also states that Mr. William G. Evans contacted ADA regarding an ADPAC solicitation. Mr. Evans' story resembles Mr. Silver's, except that ADA identifies Mr. Evans as one of their contributors. ADPAC denies that it was soliciting contributions during the week Mr. Evans allegedly received his call. In any event, assuming the truth of the allegation, no inference of wrongdoing arises. ADPAC claims that it purchased

85040521707

lists of likely contributors. Presumably such lists would have included names of those who had in the past supported liberal organizations or the Democratic party. From the facts available, therefore, it does not appear that ADPAC's solicitation of Mr. Evans suggests a violation of the Act.

Finally, Ms. Frederica Chiddick reported that an ADPAC solicitor telephoned her husband to thank him for his "contribution to ADA" and to request a contribution to ADPAC. In fact, Mr. Chiddick had contributed neither to ADA nor to ADPAC, but Ms. Chiddick had made a contribution to ADA. ADPAC followed up the conversation with a letter that asked the recipient to pledge a contribution to ADPAC, but did not refer to any previous contribution.

It is unclear how the ADPAC solicitor knew of the prior contribution to ADA by someone in the Chiddick household, or why he was in error as to which member of the family had made it. It is equally mystifying why a solicitor representing one organization would "thank" someone for a contribution to another organization. Perhaps the similarity of the names of the organizations confused the Chiddicks. At least it cannot be said that ADPAC tried to suggest to an ADA contributor that he or she had previously contributed to ADPAC. The solicitation letter itself, along with Ms. Chiddick's account of the telephone conversation, make plain that ADPAC was seeking to persuade Mr. Chiddick that he should contribute to ADPAC in the future, and

85040521708

not that he had done so in the past. 1/

Significantly, Ms. Chiddick asserts that the ADPAC solicitor believed that Mr. Chiddick had made the contribution to ADA. No one who had learned of the contribution from FEC reports could have made such an error. ADA's October, 1982, Quarterly Report plainly lists Frederica Chiddick as the source of a \$250 contribution received September 28, 1982. One must infer that the ADPAC must have learned of the Chiddicks' past support of liberal causes from a source other than the ADA report.

In summary, the circumstances surrounding the ADPAC solicitations cited in the complaint do not require an inference that ADPAC perused ADA reports to the FEC in order to identify prospective contributors. Suspicions of this nature are almost inevitable when two distinct organizations have similar aims and similar names. For that reason, the Act provides for the use of pseudonyms as assurance for security in these matters, 11 C.F.R. § 104.3(e), a method Complainant has not relied upon in this instance.

IN-KIND CONTRIBUTIONS

Complainant alleges that ADPAC violated 2 U.S.C. § 434(b)(4) by reporting to the FEC in-kind contributions, in the form of polling services for the Woods campaign, that it had not made.

1/ In this regard, compare the form of the letter addressed to Mr. Chiddick, which begins "Dear Friend," with the letter addressed to Ms. Grauman, which begins "Dear Past Contributor."

8
5
0
4
0
5
2
1
7
0
9

A letter from Woods' former campaign manager is cited in support of this allegation. But the Woods campaign's 1982 Post-general election report shows receipt of a \$1,575 in-kind contribution from ADPAC. This fact, along with affidavits from ADPAC officials documenting their work on behalf of the Woods campaign, suffices to refute this allegation.

In sum, ADA has not alleged any direct evidence that ADPAC obtained names of contributors from reports filed by ADA with the FEC. The circumstances surrounding ADPAC solicitation of seven ADA contributors do not require an inference that ADPAC obtained these names from FEC reports. Finally, the allegation that ADPAC did not make the in-kind contributions to the Woods campaign it reported is refuted by the Woods campaign's own reports.

RECOMMENDATIONS

1. Find no reason to believe that Respondents the American Democratic PAC and Lauren Battaglia, as treasurer, violated 2 U.S.C. § 438(a)(4) .
2. Find no reason to believe that Respondents the American Democratic PAC and Lauren Battaglia, as treasurer, violated 2 U.S.C. § 434(b)(4) and 11 C.F.R. § 106.14(b).
3. Approve and send the attached letters.

85040521710

4. Close the file.

Charles N. Steele
General Counsel

February 27, 1985
Date

By: *[Signature]*
Kenenth A. Gross
Associate General Counsel

Attachments

1. Complaint
2. Response
3. Proposed letter to Americans for Democratic Action PAC,
Per Jack Blum, Esq.
4. Proposed letter to American Democratic PAC and Lauren
Battaglia, as treasurer

85040521711

Attachment 1

DEC 25 AIO: 23

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

In the Matter of the
American Democratic
Political Action Committee

MUR 1869

COMPLAINT

Americans For Democratic Action files this Complaint, the affidavits of Leon Shull and Amy Issacs, and the attached exhibits, against the American Democratic Political Action Committee ("AD PAC") pursuant to 2 U.S.C. §437g(a). Complainant alleges that AD PAC is violating 2 U.S.C. §438(a)(4), prohibiting the use of information filed with the Federal Election Commission ("FEC") to solicit contributions or for commercial purposes, by soliciting contributions from individuals whose names were obtained from quarterly financial reports filed by Complainant with the FEC.

Complainant also seeks an investigation of AD PAC's "in-kind polling" contributions, to various political candidates, to determine if such contributions were made, or if AD PAC has filed false and erroneous information and is therefore subject to the penalties delineated in 2 U.S.C. §437g. Filing false information on this matter would also be a violation of 18 U.S.C. §1001, which provides criminal penalties for making false, fictitious or fraudulent statements in connection with any matter involving any department or agency of the United States; 2 U.S.C. §434(b)(4), which requires political committees to report all of their

85040521712

disbursements; and 11 C.F.R. §106.4, which regulates the allocation of polling expenses.

Factual Background

1. Americans for Democratic Action ("ADA") is a national political organization headquartered at 1411 K Street, N.W., Suite 850, Washington, D.C. 20005, telephone (202) 638-6447. Mr. Leon Shull is the National Director of ADA.

2. ADA has a political-action committee named Americans for Democratic Action Political Action Committee ("ADAPAC"). ADAPAC has been registered with the FEC since 1979. Leon Shull is Treasurer of this organization.

3. The American Democratic Political Action Committee is located at 207 Pennsylvania Avenue, S.E., Washington, D.C. 20003, telephone (202) 543-1500. Eric B. White is Treasurer of this organization.

4. In addition to its formal name, the American Democratic Political Action Committee also operates under the name "American Democratic PAC" or "AD PAC".

Violations

5. Complainant contends that AD PAC is violating 2 U.S.C. §438(a)(4) which states that information in FEC reports and statements "may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes . . ." This statute centers "on protecting the privacy of the 'very public spirited citizens' who make contributions to campaigns.

85040521713

The principal, if not sole, purpose of the provision was to protect contributor information and lists from being used for commercial purposes." Advisory Opinion 1980-78, Federal Election Campaign Finance Guide (CCH) Paragraph 5530 (August 12, 1980).

6. Complainant alleges that AD PAC is relying on quarterly financial reports filed by ADAPAC with the FEC to obtain the names of individuals who have contributed to ADAPAC. AD PAC is then soliciting funds from these individuals in direct violation of 2 U.S.C. §438(a)(4).

7. ADA maintains very careful control over its lists of contributors and there are no other public sources of information regarding its members. Yet, ADA is aware that the following persons, all of whom are ADAPAC contributors, have been contacted by AD PAC representatives for contributions:

(a) Mary Littauer of Split Rock Road, Syosset, New York 11791 is listed by AD PAC as a contributor. (See AD PAC Report of Receipts and Disbursements, July 31 Mid-Year Report, January 1, 1983 through June 30, 1983, at p. 3) Ms. Littauer was contacted by Amy Issacs, Deputy National Director of ADA, and she confirmed that she contributed funds to both organizations.

(b) Nancy Stover of 150 College Avenue, Poughkeepsie, N.Y., 12603 is listed by AD PAC as a contributor. (See AD PAC Report of Receipts and Disbursements, January 31 Year End Report, July 1, 1983 through December 31, 1983 at p. 3.) Ms. Stover was contacted by Amy Issacs, Deputy National Director of ADA, and she confirmed that she had been solicited by AD PAC.

85040521714

(c) Frank Karelson, Jr. of 1130 Park Avenue, New York, N.Y., 10028 is listed by AD PAC as a contributor. (See AD PAC Report of Receipts and Disbursements Quarterly Report, January 4, 1982 through March 31, 1982 at p. 3.) Although Mr. Karelson is deceased, his Secretary confirmed to Amy Issacs, of ADA, that he had been solicited by AD PAC.

8. Complainant contends that the similarity between the acronyms ADAPAC and AD PAC can, and has, created unnecessary confusion for potential contributors to ADAPAC. This similarity makes it highly probable that individuals who would otherwise contribute to ADAPAC may respond to solicitations from AD PAC due to the mistaken belief that the latter organization is affiliated with ADA or the Democratic Party.

9. Furthermore, complainant alleges that AD PAC is soliciting contributions in a manner that purposely causes further confusion for potential contributors, and is using information contained in FEC reports to carry out this scheme. AD PAC representatives are calling and/or corresponding with past ADAPAC contributors to ask them to renew their contributions to AD PAC, when, in fact, these individuals have no past association with AD PAC.

10. In support of this allegation, complainant submits the following:

(a) Ms. Frederica Chiddik, of 310 Wake Avenue, League City, Texas 77573, contacted ADA to inform them that her husband

85040521715

had been contacted by AD PAC and thanked for his previous contribution (See Exhibit A). In reality Mr. Chiddik has never made any contributions to AD PAC; rather Mrs. Chiddik is a past contributor to ADAPAC.

(b) Representative Patricia Schroeder contacted ADA about correspondence from one of her constituents, Caswell Silver, regarding AD PAC. Mr. Silver had also been contacted by AD PAC and thanked for a previous contribution that he never made. (See Exhibit B).

(c) ADA received correspondence from Ms. Doris Grauman, of 30 Gardiner Road, Brookline, Massachusetts, regarding AD PAC. She had also received correspondence from AD PAC indicating that she was a past contributor to AD PAC, when, in fact, she never contributed to the organization and is a contributor to ADA. (See Exhibit C).

(d) Mr. William G. Evans, of National City Bank Building, Room 819, Cleveland, Ohio 44114, contacted ADA regarding AD PAC. AD PAC had contacted him about a contribution and he believed there was so much similarity between the organizations that it could cause problems. When contacted on November 16, 1984 by ADA's attorney, Mr. Evans indicated that he had been contacted by AD PAC during the week of November 5th, 1984 and thanked for his previous contributions. Mr. Evans has never contributed to this organization, yet is a contributor to ADA.

85040521716

11. On November 5, 1982, ADA wrote to Mr. Eric B. White, treasurer of AD PAC, to request that AD PAC either cease using the name AD PAC, or indicate on all literature that they are not affiliated with ADA. A copy of this letter and Mr. White's response are attached as Exhibit D. To date, a satisfactory solution to the problem has not been reached.

12. Complainant further requests an investigation of AD PAC's "in-kind polling" contributions to determine if such contributions have really been made. 11.C.F.R. §106.4(b) provides that "The purchase of opinion poll results by a political committee or other person not authorized by a candidate to make expenditures and the subsequent acceptance of the poll results by a candidate or a candidate's authorized political committee or agent or by another unauthorized political committee is a contribution in kind by the purchaser to the candidate or other political committee . . ." The poll results are accepted by a candidate or other political committee if these entities (1) requested the poll results before their receipt; (2) use the poll results; or (3) do not notify the contributor that the results are refused. Id.

13. Complainant bases its request for an investigation upon AD PAC's assertion, in its 1983 July 3, Mid-Year Report of Receipts and Disbursements, at pp. 6, 11, and 13, that it contributed polling services to the 1982 Harriet Woods campaign for U.S. Senator from Missouri. However, information (attached as

85040521717

Exhibit E) received from Jody Newman, Chairman of the Harriet Woods 1982 election campaign, indicates that the Woods campaign never requested, solicited, or contracted for polling services from AD PAC and, in fact, its polling was conducted by Research Analysis of Boston. Furthermore, AD PAC never tendered any polling results to the campaign.

14. If polling services were not rendered, AD PAC's report strongly suggests that it is in violation of 11 C.F.R. §106.4. Filing false information is also a violation of 18 U.S.C. §1001, which provides criminal penalties for making false, fictitious or fraudulent statements in connection with any matter involving any department or agency of the United States; 2 U.S.C. §434(b)(4), which requires political committee's to report all disbursements and presumably to make accurate, lawful disclosures; and would subject AD PAC to the penalties delineated in 2 U.S.C. §437g.

PRAYER FOR RELIEF

15. Americans for Democratic Action hereby requests that the FEC investigate the fundraising practices of AD PAC, to determine if there have been any violations of Section 438(a)(4) or other provisions of the law, and thereby protect the privacy of ADAPAC contributors. ADA further requests an investigation of

85040521718

AD PAC's "in-kind polling" contributions to determine if such contributions were made as represented in AD PAC's FEC reports.

AMERICANS FOR DEMOCRATIC ACTION
By Counsel

Jack A. Blum
Jack Blum, Esq.
Blum, Nash & Railsback
1015 18th Street, N.W.
Washington, D.C. 20036
(202) 857-0220

Verification

The undersigned counsel for Americans for Democratic Action swears that the allegations and facts set forth in this Complaint are true to the best of his knowledge, information and belief.

Jack A. Blum
Counsel, Americans for Democratic Action

Subscribed and sworn before me this 19th day of December, 1984.

Phillip L. Zander
Notary Public

My Commission Expires: 1-31-88

85040521719

AFFIDAVIT

CITY OF WASHINGTON,
DISTRICT OF COLUMBIA

)
) SS:
)

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

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

2. I serve as Treasurer of the ADA Political Action Committee ("ADAPAC"), a political action committee established by ADA to support candidates for federal offices, and have responsibility for its fundraising activities. I also have responsibility for obtaining and preserving the records of ADAPAC contributors.

3. In September, 1983, ADA received correspondence from Ms. Frederica Chiddik, of League City, Texas indicating that her husband had been contacted by AD PAC, and thanked for his previous contribution to AD PAC. Although Mr. Chiddick has never contributed to ADA, Mrs. Chiddick has contributed to ADA and is listed in ADAPAC Federal Election Commission ("FEC") reports as a contributor.

4. In September, 1983, I received correspondence from Representative Patricia Schroeder, of Colorado, indicating that she had been contacted by one of her constituents about the possibility that AD PAC may be using FEC reports to obtain the names of potential contributors, and that this may cause confusion to past and potential contributions to ADAPAC and the Democratic party.

85040521720

5. On my behalf, my attorneys contacted the Treasurer of AD PAC, Mr. Mark B. White, in an effort to make them cease operating in a manner that might cause confusion between the two organizations. This effort did not resolve the dispute.

6. In April, 1984 I received correspondence from Jody Newman, Campaign Manager for the Harriet Woods 1982 election campaign for the United States Senate, indicating that the campaign never contracted with AD PAC to conduct polling services nor received polling results from AD PAC, contrary to AD PAC's FEC reports.



Leon Shull

Subscribed and sworn before me this 4TH day of DECEMBER, 1984.
~~NOVEMBER~~



Notary Public

My Commission Expires: FEBRUARY 28, 1989

85040521721

AFFIDAVIT

CITY OF WASHINGTON

DISTRICT OF COLUMBIA

)
)
)

SS:

I, Amy Issacs, of 2018 Pierce Mills Road, N.W., Washington, D.C. 20010 hereby attest and affirm as follows:

1. I am the Deputy National Director of Americans for Democratic Action, a national membership organization located at 1411 K Street, N.W., Washington, D.C. 20005.

2. In September, 1982, I telephoned Ms. Mary Littauer of Syosset, N.Y., who is listed as an ADAPAC contributor in ADA FEC reports. She confirmed that she had been solicited to make a contribution to AD PAC.

3. In September, 1982, I telephoned Ms. Nancy Stover of Poughkeepsie, New York, who is listed as an ADAPAC contributor in ADA FEC reports. She confirmed that she had been solicited to make a contribution to AD PAC.

4. In September, 1982, I telephoned Mr. Frank Karelson, Jr. of New York City, who is listed as an ADAPAC contributor in FEC reports. Mr. Karelson is now deceased, but his secretary confirmed that he had been solicited by AD PAC.

5. In April, 1984 I received correspondence from Mr. William G. Evans, an ADAPAC, contributor expressing his discomfort over the similarities between the organizations.

85040521722

6. In June, 1984, I received correspondence from Ms. Doris T. Grauman, also an ADAPAC contributor, regarding AD PAC. In AD PAC materials she was referred to as a past contributor to AD PAC, although she confirmed that she had never contributed to the organization.

Amy Isaacs
Amy Isaacs

Subscribed and sworn before me this 4TH day of DECEMBER, 1984.

Steven G. Holman
Notary Public

My Commission Expires: FEB. 28, 1989

85040521723

**the
AMERICAN
DEMOCRATIC
PAC**

The process to be...
this organization to which my husband gave
his contribution to ADP. (It is a direct contribution).
I wanted you to know that they miss your
name in this way. We are not responding
to their request. Sincerely, Fredericka Cindley
The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

EXHIBIT A March 1983

Dear Friend,

I want to thank you for taking the time to talk with one of my telephone representatives. I understand that you made a pledge of \$_____ (we agreed to leave the amount open so that you could fill in the amount privately after reviewing the literature).

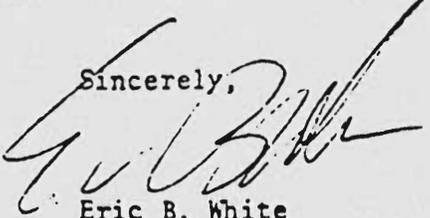
The American Democratic Political Action Committee is an independent committee that is determined to ensure a fair and equitable Federal budget. We are also trying to get a head start on the 1984 election.

8 5 0 4 0 5 2 1 7 2 4
We will support a budget proposal that assures American citizens that they can have a bright future. We want to eliminate high unemployment. We have given the Reagan-Conservatives too many chances; chances that have led us into the greatest recession since the 1930's.

The election in 1984 is the most crucial in decades. We have an opportunity to regain the majority in the Senate and to put an end to the Reagan Administration. We will have these opportunities but we are at a financial disadvantage. The Republicans out spent the Democrats seven to one in 1982 and we can't let them do that in 1984.

Therefore, your help is not only appreciated it is needed! Your contribution will help us send Congress a message concerning the budget and give us the head start we must have for a Democratic victory in 1984. Please fill out the pledge card to send along with your contribution. With your help we can achieve our goals so we can help put America back on the real course. Prosperity.

Sincerely,



Eric B. White
Executive Director

P.S. Please fill out the enclosed survey to send along with your contribution. Your comments will help us so that we can help you. A stamped envelope has been included for your convenience. We will achieve our goals with your help. Please send your pledge in today!

yn

September 9, 1983

Honorable Tony Coelho
 Chairman
 Democratic Congressional Campaign Committee
 400 North Capitol
 Washington, D.C. 20001

2 Dear Tony:

2 Caswell Silver, a supporter of mine in Colorado wrote me recently to com-
 7 plain about a telephone solicitation he received from a group called the
 1 American Democratic Political Action Committee.

2 ADPAC is, from what I can gather, an independent PAC not affiliated with the
 5 Democratic Party. ADPAC director Eric White told my office they purchase
 0 Democratic contributor lists from list brokers. He denied they comb FAX
 4 lists.

5 He also denied they mentioned a "contribution renewal" unless the contributor
 0 had previously given to ADPAC. He did, however, state that their phone
 4 solicitation would mention "your previous contribution to Democratic causes"
 5 in making the pitch for ADPAC.

8 I remain uneasy about ADPAC's solicitation—especially since their name is
 0 easily confused with the Democratic Party and Americans for Democratic Action.

Sincerely,

Patricia Schroeder
 Congresswoman

PS/dh

cc: Democratic National Committee
 Americans for Democratic Action ✓

August 18, 1983



The Honorable Patricia Schroeder
U.S. House of Representatives
Washington, D.C. 20515

Dear Pat:

In regard to the American Democratic Political Action Committee referenced in your letter of August 11, the pitch made to me was, as nearly as I can quote:

"This is the American Democratic Political Action Committee. First, I want to thank you for your previous contribution, [Pat, I have never made any contribution to this Committee; my contributions have been to the Democratic party or its candidates]; we are getting ready for an important campaign and we would like to ask you for a renewal of your contribution. Send it to the American Democratic Political Action Committee" [whose address I gave you in a previous letter].

Pat, this is obviously off of FEC records, and that's the reason I wrote to you. I think this group should be investigated.

Yours truly,

Caswell Silver

CS/pc

*Eric white
577-1500*

85040521726

EXHIBIT C

the
**AMERICAN
DEMOCRATIC
PAC**

The American Democratic
Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003

OPEN & RETURN IMMEDIATELY!
SURVEY ENCLOSED

GKMN 300 GAR
DORIS I. GRAUPAN
30 GARDNER RD
BROOKLINE, MA 02146

A D P C
[Handwritten signature]

WASHINGTON, DC 200
1 PM
13 JUN
1984

8 5 0 4 0 5 2 1 7 2 7



**AMERICAN
DEMOCRATIC
PAC**

The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

June 8, 1984

Dear Past Contributor:

I want to thank you for your past support and to let you know that your support has been crucial in enabling us to reach this point in the election year. We cannot stop now because we have reached this crucial point.

While the presidential race has gotten all the media attention and all of the funds we are way down in our financial projections for the year. Unless we can raise more funds we will not be able to help elect as many House and Senate candidates as we once thought. We can still reach those projections but not without your help.

We see the opportunity to regain control of the Senate and a good opportunity to strengthen our majority in the House. We will not be able to help unless we can come up with more funds than we have at this point. That is why I am sending you this urgent plea.

The American Democratic Political Action Committee wants to target as many House and Senate races as possible but we can only do that if you can help us.

Please send your donation in today. We will put your contribution right to work in helping a candidate such as Jim Hunt defeat the dangerous Senator Jesse Helms or help Tom Harkin defeat the just as dangerous Senator Roger Jepsen.

We have enclosed the American Opinion Poll which we hope you will take the time to fill out. We need this information for our effort. Next to the survey is a return form which you should include with your contribution.

Together, if we work hard enough, we can achieve our goals for a Democratic victory and a better and safer America.

Sincerely yours,

Eric B. White
Eric B. White
Finance Chairman

P.S. Please send you donation in today. Your continued support is crucial to our success. Again, please take the time to fill out the survey and send it in with your donation. Thank you once again for your help.

85040521728

BLUM & NASH
ATTORNEYS AT LAW

1015 EIGHTEENTH STREET, N. W.
WASHINGTON, D. C. 20036

(202) 857-0220
CABLE: "BLUPANA"

JACK A. BLUM
BERNARD NASH
RONALD L. PLESSER
EDWARD G. MODELL
JANIE A. KINNEY
GREGG P. SKALL
STEVEN H. LETTON
DANA G. BOYD

November 5, 1982

Mr. Eric B. White
Treasurer
The American Democratic Political
Action Committee
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Dear Mr. White:

This firm represents the Americans for Democratic Action, a national political organization headquartered in Washington, D.C.

The Americans for Democratic Action maintains a political action committee which it calls ADAPAC and has used that name continuously for at least six years.

We believe that your use of the name The American Democratic Political Action Committee will create unavoidable confusion with the ADA and its political action committee and that as a result of this confusion people who would have contributed to ADAPAC have responded to your solicitation in the mistaken belief that there is some relationship between the organizations.

We insist that you cease using the name forthwith or, alternatively, indicate on all of your literature that you are not affiliated with the Americans for Democratic Action.

Unless we hear from you within 15 days of receipt of this letter, we will be forced to avail ourselves of remedies under the Federal Trademark law as well as the common law.

I am looking forward to your response.

Sincerely,

Jack A. Blum
Jack A. Blum

cc: Leon Shull

85040521729

the
**AMERICAN
DEMOCRATIC
PAC**

The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

November 12, 1982

Mr. Jack A. Blum
Blum & Nash
Attorneys at Law
1015 Eighteenth Street, N.W.
Washington, D.C. 20036

Dear Mr. Blum:

This is in response to your letter of November 5, 1982 in behalf of the Americans for Democratic Action and its political action committee, ADAPAC.

In no way whatsoever has the American Democratic Political Action Committee, through its literature or solicitation, attempted to imply any formal or informal affiliation with the Americans for Democratic Action or its political action committee.

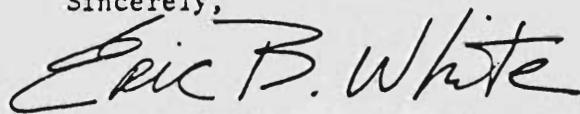
We have never received any indication that our potential contributors have confused our fundraising efforts with those of the Americans for Democratic Action or ADAPAC.

However, in an effort to avoid possible confusion we can accommodate your request by inscribing on all our literature, below the Federal Election Commission disclaimer, the phrase: The American Democratic PAC, an independent political action committee, is not affiliated with any other political organization.

We are most interested in resolving this matter to the satisfaction of both parties.

I look forward to your response.

Sincerely,



Eric B. White
Treasurer

April 16, 1984

Reports Analysis Division
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Dear Madam/Sir:

As campaign manager for Harriett Woods' 1982 election campaign, I noted with interest the reports filed by the American Democratic Political Action Committee. In several instances the report noted "contribution in kind" for "polling." No polling services were solicited, contracted for, or received from the American Democratic Political Action Committee. Our polling was conducted by Research Analysis of Boston, Massachusetts.

A member of the Woods' staff did, however, tell me recently that he was contacted by someone from ADPAC several weeks before the November 1982 election. The ADPAC person said the PAC was unable to contribute funds, but was interested in doing phoning to help the Woods campaign. The person called daily for about a week, saying he had a great many WATS phone lines available and wanted to help.

Our staff person sent ADPAC a telephone directory (a list of registered voters was not available) for a county where the campaign had not been able to set up a phone bank. He also sent instructions for doing voter I.D. and GOTV, and asked that ADPAC report to us with the results. However, we apparently never heard anything back from them.

Thank you for this opportunity to clarify the record.

Sincerely,

Jody Newman

Jody Newman
2201 Wisconsin Avenue, NW
Apartment 403
Washington, DC 20007

85040521731

February 8, 1985

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

RECEIVED
FEB 10 1985
FBI

RECEIVED
FEB 10 1985
FBI

Re: MUR 1869

Dear Mr. Steele:

The American Democratic Political Action Committee ("ADPAC") files this answer, including attached documentation, to the complaint filed by the Americans for Democratic Action ("ADA") and its affiliated Political Action Committee .

Stated simply, ADPAC can show, beyond refutation, that there is no merit whatsoever to ADA's allegations of violations of § 438 (a)(4) (prohibiting the use of information filed with the Federal Election Commission to solicit contributions from individuals) and § 434 (false or erroneous information regarding "in-kind" contributions by ADPAC to various candidates and other political committees).

At bottom, ADA's complaint is no more than a churlish attempt to claim, for its exclusive use, the words "Democratic" and "American" in the title of its organization. ADA can assert no legal basis for this claim--and certainly no basis under the provisions of the FECA. The ADA complaint must therefore be dismissed.

I. ADA'S ALLEGATION OF A VIOLATION OF § 438(a)(4) HAS NO BASIS IN FACT

A. Background

Since 1982, ADPAC, a multicandidate political committee, has contributed to many candidates and committees and currently has a contributor base of over 8,000 individual contributors nationwide. At no time has any officer or employee of ADPAC looked at, copied, or used for solicitation purposes any information filed by ADA with the FEC (see Exhibits "A" and "B," White and Battaglia affs., ¶s 2).

Since the ADPAC telephone bank was started in 1982, ADPAC has followed fundraising practices which are

85040521732

typical of the field--and completely lawful. ADPAC utilizes prospect lists, for the telephone bank and direct mail programs, which are rented from list managers and brokers who, in turn, rent and manage lists owned by candidates and organizations. In those rental arrangements, ADPAC is not provided with nor otherwise aware of the original owner's identity; lists are referred to solely as Active Liberal Donors, Democratic Activists, Democratic Donors to Liberal Causes, Carriage Trade Liberals and other generic terms.

Since 1982, as reflected in its filings with the Commission, ADPAC has rented 133,500 names from list management companies at a cost of \$8,958.66 (2.6% of total disbursements since 1982). ADPAC has rented lists from the following list management companies which also rent these lists to many other groups: From Working Names (11600 Bolling Brook Place, Rockville, Maryland), renting 75,000 at \$5,700.16; Capitol Hill List Brokers (422 First Street, S.E., Washington, D.C.), renting 21,000 names at \$1463.00; Research Projects Inc. (Executive Plaza, Hempstead, New York), renting 2,500 names at \$107.50; and Direct Response Products (3629 North East Expressway, Atlanta, Georgia), renting 35,000 names at \$1,688.00.

B. Nature of ADA "Complaint"

In its complaint, ADA builds its § 438(a)(4) "case" largely on the supposition that any contributor to both ADA and ADPAC must necessarily have been "purloined" by ADPAC off ADA filings at the FEC. It appears not to have occurred to ADA that these same contributors may have contributed to a range of organizations with similar goals, some of whose contributor lists have been acquired by ADPAC from list brokers.

In addition, ADA cites contributions from specific individuals to both ADPAC and ADA to support this circumstantial contention of wanton ADPAC use of ADA FEC filings for solicitation purposes.*/ This "evidence" can also be shown to be spurious.

*/Certain of these individual contributors were claimed to have "complained" about ADPAC's solicitation of them on the alleged basis of their ADA support.

85040521733

1. ADPAC Solicitation Practices

ADPAC solicits from two categories of contributors, past contributors and prospective contributors. Thus, two sets of "cards" are maintained with names and telephone numbers for phone bank solicitations. Two senior fundraisers call ADPAC past contributors three or four times per year in order to provide an update on its organization and to see if they would like to pledge again. As Mr. Steven Bergsbaken and Ms. Maureen Eldridge testify in their attached affidavits (Exhibits "C" and "D"), neither has ever misrepresented the identity of ADPAC in any way, nor do they have knowledge of any member of the staff doing so.

It is significant that, in only three years of operation, more than 80 individuals have made phone calls for ADPAC, dialing over 350,000 telephone calls, and ADPAC has received a very small number of complaints from potential contributors. On the few occasions that it has received a complaint, ADPAC has always acted promptly to address and resolve the problem.

2. Individual ADA "Complainants"

With this background and factual data, the Commission may wish to consider further the ADA allegations concerning specific individuals who, as ADA contributors, have apparently received ADPAC fundraising contacts. The facts will be seen to belie ADA's contentions.

(a) Ms. Mary Littauer of Syosset, New York has been a consistent contributor to ADPAC since Ms. Littauer's name was originally obtained from a prospect list ADPAC rented in 1982. Her name has, in fact, appeared on many of the subsequent lists ADPAC has rented. Since 1982, Ms. Littauer has given \$3,750 to ADPAC and remains an active contributor.

(b) Ms. Nancy Stover of Poughkeepsie, New York, has also contributed to ADPAC many times since 1982. Her name

8 5 0 4 0 5 2 1 7 3 4

and her husband Robert Stover's name have appeared on many of the lists ADPAC has rented from commercial sources.*/

(c) Mr. Calswell Silver of Denver, Colorado wrote to Rep. Pat Schroeder, presently one of ADA's Vice Presidents, about a phone call supposedly made by an ADPAC fundraiser. He then tried to write what the objectionable ADPAC "pitch" was. In fact, ADPAC phone bank script has never included the term "renewal," nor does ADPAC instruct contributors on how to send a contribution to its organization. A return card and envelope, a letter and other materials are sent to potential and past contributors.

(d) Ms. Doris Grauman of Brookline, Massachusetts is in fact a past contributor to ADPAC. As the attached ADPAC pledge card at Exhibit "E" reflects, Ms. Grauman gave a \$25 pledge in April 1983.

(e) Ms. Frederica Chiddick of League City, Texas and her husband are not past contributors of ADPAC. But nowhere in the letter sent to the Chiddicks is there any mention of a "previous contribution." In fact, information was sent to the Chiddicks as part of the effort to encourage them to become contributors.

(f) Mr. William Evans of Cleveland, Ohio claims he received a fundraising call from ADPAC during the week of November 5, 1984. It would not have been possible for Mr. Evans to receive a fundraising call during that time, since ADPAC stopped these solicitations before the election week and resumed them only on November 13, 1984.

(g) Mr. Frank Karelson, now deceased, was indeed an ADPAC contributor, and spoke on two separate occasions with Eric White of ADPAC whose identity could not, therefore, have been unclear to Mr. Karelson.

*/It is noted that ADPAC first received a contribution from Ms. Stover on October 7, 1982, which was reported in the post general election report filed with the FEC on December 2, 1982. In the affidavit of Ms. Amy Isaacs, accompanying the ADA complaint, she swears that she spoke to Ms. Stover in September 1982 and verified that Ms. Stover contributed to ADPAC. It is difficult to understand how Ms. Isaacs could have spoken to Ms. Stover in September 1982 about a contribution that was not reported to the FEC until December 2, 1982.

8 5 0 4 0 5 2 1 7 3 5

In conclusion, these items of "evidence" do not and cannot show that ADPAC has used information in ADA's FEC reports for purposes of soliciting individuals for ADPAC contributions. ADPAC has, simply, never engaged in the alleged fundraising practices.

II. ADA'S ALLEGATION OF VIOLATIONS OF § 434 HAS NO BASIS IN FACT

Since 1982, ADPAC has made contributions in-kind to candidates such as: Joe Merlino (NJ), Rep. Rick Boucher (VA), Gov. Jim Hunt (NC), Senator Tom Harkin (IA), Lt. Gov. Harriet Woods (MO), and Margie Hendrikson (OR). None of these contributions have been questioned. On the contrary, many campaigns have expressed appreciation for these efforts.

ADA's allegation that in-kind support for the Harriet Woods 1982 Senate campaign was fabricated in ADPAC FEC reports is wholly inaccurate. ADPAC did, in fact, make an in-kind contribution consisting of telephone bank workers calling voters in St. Louis area precincts in a get-out-the-vote effort. Using a script the Woods campaign provided, ADPAC callers polled the voters, using a three-number code, and asked whether they were planning to vote for Woods, her opponent Sen. John Danforth, or were undecided. The undecided voters were re-called after the first round of calls were completed (Exhibit "F").

In late September 1982, Lauren Battaglia and Eric White of ADPAC held a meeting with candidate Harriet Woods in Washington, D.C. (Exhibits "A" and "B"). During this meeting, the three discussed the Woods campaign and ways in which ADPAC could assist it. An in-kind contribution in the form of telephone bank work was one option discussed. The meeting concluded with an agreement that someone on the Woods staff would contact ADPAC soon to discuss the details. During the first week of October, Eric White of ADPAC spoke with Woods campaign staff members Rod Wright and Debby Kane; Wright advised that ADPAC might help with calls to a specific area outside St. Louis which the campaign itself would not be able to call before the election (Exhibit "A"). Therefore, Wright mailed a packet of material for the ADPAC telephone bank: a script and xerox copies of names and phone numbers of people to call. After the phone calls were completed, ADPAC reported its results to Wright.

8 5 0 4 0 5 2 1 7 3 6

Eric White notified Woods campaign manager Larry Raskin of the total amount of the contribution, which was reflected in Woods FEC reports as a phone-bank "contribution in-kind." ADPAC's 1983 Mid-Year FEC Report (July 31) also reflected this contribution as fully paid in 1983, with the amount unpaid in October and November of 1982 reported as a debt.*/

III. CONCLUSION

ADPAC deeply regrets that ADA has brought a grievance before the Federal Election Commission that has no relation to FECA concerns. ADA has chosen an incorrect forum to address an issue raised in its November 5, 1982 letter from counsel to ADPAC--its frustration over some "similarity" in the names of the two organizations (Exhibit "G"). In ADPAC's November 12, 1982 letter in response (Exhibit "H"), ADPAC attempted to open the door for discussion between both organizations. ADA counsel then answered only that he had forwarded ADPAC's letter to his client for further consideration (Exhibit "I"). While ADPAC heard nothing further from ADA, it acted to demonstrate good faith by including on all brochures and other fundraising material the following disclaimer: "The American Democratic Political Action Committee is an independent organization that is not affiliated with any other Democratic organization or candidate." (Exhibit "J".)

Since 1982, ADPAC has worked to establish itself as an organization of credibility and integrity. It has never tried to confuse or in any way mislead potential contributors. It has set high standards for its fundraising and has worked hard for its candidates and supporters. None of ADPAC's actions have violated the FEC rules, regulations or statutes.

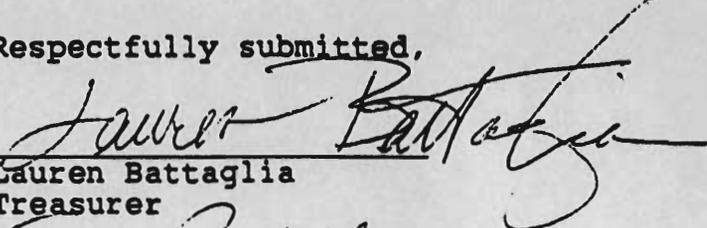
*/After examining its 1982 year-end FEC report and the 1983 mid-year report, ADPAC found that a C&P Telephone bill payment for a contribution in-kind to the Harriet Woods 1982 Senate campaign was mistakenly reported twice. An entry on 12/22/82 was correctly reported as a \$200 contribution in-kind. But, it was mistakenly reported again on 1/24/83 as a \$200 contribution in-kind, when it actually should be listed as a \$200 C&P office phone and phone-bank payment. ADPAC trusts that this will clarify this matter.

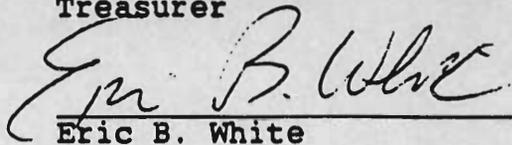
85040521737

Charles Steele, Esq.
February 8, 1985
Page 7

For the reasons set forth in its response, ADPAC requests that the Federal Election Commission dismiss the complaint in this matter.

Respectfully submitted,


Lauren Battaglia
Treasurer


Eric B. White
Assistant Treasurer

American Democratic Political
Action Committee
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003
(202) 543-1500

8 5 0 4 0 5 2 1 7 3 8

85040521739

EXHIBIT "A"

ADPAC then did the get-out-the-vote polling effort in October and early November 1982.

Eric B. White
Eric B. White

Subscribed and sworn to before me
this 9th day of February, 1985.

Cory H. Mahedy
Notary Public

My Commission Expires: Sept 30, 1988

85040521741

85040521742

EXHIBIT "B"

AFFIDAVIT

CITY OF WASHINGTON)
)
DISTRICT OF COLUMBIA) SS.

I, Ms. Lauren Battaglia of Washington, D.C., hereby attest and affirm as follows:

1. I am the Executive Director and Treasurer of the American Democratic Political Action Committee ("ADPAC"), a multi-candidate, nonconnected committee located at 207 Pennsylvania Avenue, S.E., Washington, D.C. 20003.

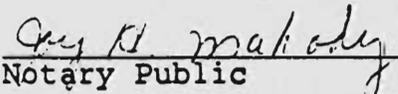
2. Neither I, nor anyone operating under my direction or control, used information or reports filed with the Federal Election Commission by the Americans for Democratic Action or related political action committees for soliciting contributions. Nor do I have knowledge of anyone making such use of the Americans for Democratic Action FEC filings.

3. In September of 1982, I spoke with Ms. Debbie Kane of the Woods Senate campaign to discuss ways in which ADPAC could help the Woods campaign.

4. In late September 1982, I met with Harriet Woods of Missouri at the American Cafe in Washington, D.C. to discuss contributing to her 1982 United States Senate campaign. The agreement reached at the end was that ADPAC would give an in-kind contribution in the form of a telephone bank get-out-the-vote polling effort. This work was performed in late October and early November 1982.


Lauren Battaglia

Subscribed and sworn to before me
this 8th day of February, 1985.


Notary Public

My Commission Expires: Sept 30, 1988

85040521743

85040521744

EXHIBIT "C"

February 5, 1985

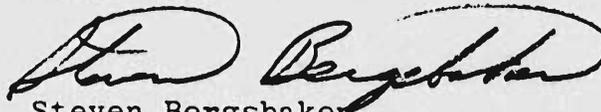
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Sir/Madam:

I am Steven Bergsbaken. I have been employed by the American Democratic Political Action Committee as a fundraiser since October of 1982. I raise funds by calling past contributors. I have always presented myself as a representative of the American Democratic Political Action Committee. I have never given out false information about the American Democratic Political Action Committee over the telephone. On the last three days before the election in 1982, I participated in a get-out-the-vote drive for Harriet Woods. I called residents of Jefferson County, Missouri, and urged them to vote for Harriet Woods. I recorded the respondent's voting preference on paper. In fact, the handwriting on the Woods' exhibit is mine.

I am, therefore, attesting the integrity of the American Democratic Political Action Committee.

Sincerely,



Steven Bergsbaken
635 G Street, S.E.
Washington, D.C. 20003

85040521745

85040521746

EXHIBIT "D"

February 5, 1985

Ms. Maureen Eldridge
3019 15th Street, N.W.
Washington, D.C. 20009

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

Dear Sir/Madam:

I have been employed by the American Democratic Political Action Committee since August of 1982. I started out as a telephone worker and I am now the Assistant Director in charge of the telephone bank.

During my time on the telephones I never misrepresented or knew of anyone else in the phone bank that misrepresented the American Democratic Political Action Committee. I made these phone calls until June of 1983. I also did not, nor was I aware of, anyone thanking someone for a previous contribution unless that person was actually a contributor to the American Democratic Political Action Committee.

I am currently the Assistant Director responsible for training and supervising the phone bank. I train each caller and that person is told to read from our designed scripts that we use in the phone bank. I also go over what the American Democratic PAC does and who we are contributing to. I also make sure that the person understands that we are an independent committee that is not affiliated with any other Democratic organization. I also have not been aware of anyone speaking to a non-contributor to the American Democratic PAC telling them they are a past contributor. We do have occasionally an overly aggressive phone worker but I am not aware of anyone that is or have been using that method. If they were to use that method I would speak to them and if it continued they would be fired.

Since I have been working with the American Democratic PAC I am not aware of anyone working with or associated with this organization using information from Federal Election Commission reports for fund raising purposes.

I also have supervised the in-kind contributions to candidates including Senator Tom Harkin, Rep. Rick Boucher, Margie Hendrikson and others.

I thank you for the opportunity to clear the records.

Sincerely,
Maureen Eldridge
Maureen Eldridge
Assistant Director

Subscribed and sworn before me this 5th day of February, 1985.

My Commission Expires: 12-14-85

Notary Public
Byron Hively
Notary District of Columbia

85040521747

85040521748

EXHIBIT "E"

8 5 0 4 0 5 2 1 7 4 9

13

the
AMERICAN
DEMOCRATIC
PAC

PLEDGE CARD

207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

- Yes, I did make a pledge for \$ 25
- Enclosed is my contribution for:
 - \$15 \$25 \$50 \$100 \$500 Other _____

The Federal Election Commission requires the following information:

Name Mrs. Doris T. Grauman Occupation none
 Address 20 Hammer road Firm none
 City, State, Zip Baltimore Md. 21146 Residence Tel. (410) 734-5561 Business Tel. (410) 734-5561

Make checks payable to The American Democratic PAC.

Paid for by the American Democratic PAC.
A copy of our report is on file with the Federal Election Commission, Washington, DC 20463

85040521750

EXHIBIT "F"

1. yes, voting For Harriet Woods
2. voting for John Danforth
3. undecided 1 et. 30

code	name	address	phone
1	Mr. Tim J. Bay	914 Glen Ave.	239-7561
1	Elmer D. Bayless	Lake Tekawitha	257-521
1	Lloyd Beaman	Rt. 1 Robertsville	257-253
1	Wheeler Beaman	Robertsville	257-237
1	Oliver Beas	909 W. 9	239-7208
2	Homer Bebout		
1	Russell Becherer	871 Landing	468-385
1	Clarence Bechtel	50 Cedar Lodge	257-482
3	Michael Beck	Rt. 3	257-4223
1	Alan Becker	705-A W. 2	239-402
2	Mrs. Becker		
1	George Becker	Rt. 3	257-4683
1	Rollin Becker	Rt. 4 Peritts	257-3662
1	Irving Bedner	1012 Roscoe	468-6193
1	Lee Roy Bedwell	1416 W. St. Louis	257-430
2			
1	W. F. Behm	317 N 1st	257-3152
1	Spencer Behringer	237 High St.	239-572
1	Mrs. B. Betew	318 N Main	237-0410
1	Mr. Ronald Betew	R. F. D. 1	468-6722
3	Earl D. Bell	R. F. D. 1	468-330
1	Shirley Bell	R. F. D. 1	468-821
3	Houston Bell	4 Elm	468-4602
1	Michael Bell	670 Linden Ln.	239-753
1	Mrs. Ethie Bell	411 Locust	239-57

85040521752

EXHIBIT "G"

BLUM & NASH

ATTORNEYS AT LAW

**1015 EIGHTEENTH STREET, N. W.
WASHINGTON, D. C. 20036**

**(202) 657-0820
CABLE: "BLUPANA"**

**JACK A. BLUM
BERNARD NASH
RONALD L. PLESSER
EDWARD G. NODELL
JANIE A. NINNEY
GREGG P. SKALL
STEVEN H. LEYTON
DANA G. BOYD**

November 5, 1962

**Mr. Eric B. White
Treasurer
The American Democratic Political
Action Committee
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003**

Dear Mr. White:

This firm represents the Americans for Democratic Action, a national political organization headquartered in Washington, D.C.

The Americans for Democratic Action maintains a political action committee which it calls ADAPAC and has used that name continuously for at least six years.

We believe that your use of the name The American Democratic Political Action Committee will create unavoidable confusion with the ADA and its political action committee and that as a result of this confusion people who would have contributed to ADAPAC have responded to your solicitation in the mistaken belief that there is some relationship between the organizations.

We insist that you cease using the name forthwith or, alternatively, indicate on all of your literature that you are not affiliated with the Americans for Democratic Action.

Unless we hear from you within 15 days of receipt of this letter, we will be forced to avail ourselves of remedies under the Federal Trademark law as well as the common law.

I am looking forward to your response.

Sincerely,

Jack A. Blum
Jack A. Blum

cc: Leon Shull

85040521753

85040521754

EXHIBIT "H"

8 5 0 4 0 5 2 1 7 5 6

EXHIBIT "I"

JACK A. BLUM
BERNARD NASH
RONALD L. PLESSER
EDWARD G. MODELL
JANIE A. KINNEY
GREGG P. SKALL
STEVEN H. LEYTON
DANA G. BOYD

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

(202) 857-0220
CABLE: "BLUPANA"

November 18, 1982

Mr. Eric B. White
Treasurer
The American Democratic PAC
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Dear Mr. White:

Thank you for your letter of November 12. I have forwarded your letter to our client and am awaiting a response.

Sincerely,

Jack A. Blum

Jack A. Blum

85040521757

85040521753

EXHIBIT "J"

**WHAT CANDIDATES ARE
SAYING ABOUT THE AMERICAN
DEMOCRATIC POLITICAL
ACTION COMMITTEE**

I want to thank the American Democratic Political Action Committee for all they have done and all they are continuing to do on behalf of my campaign for United States Senator ADPAC is helping my campaign and others to regain a Democratic majority in the Senate, which is extremely important to the future of this country.

Rep. Tom Harkin of Iowa
Member of Congress

The American Democratic Political Action Committee has been extremely helpful in my campaign against Senator Jesse Helms in North Carolina, and I sincerely appreciate their hard work on behalf of positive and progressive representation in the United States Senate.

Governor Jim Hunt of North Carolina
Candidate for the United States Senate

I'm pleased to say that your support has helped us to get off to an early start this year in what promises to be—as always in the 7th District—a difficult campaign. I thank you for your support and confidence in me, and for your help in my campaign.

Rep. Bob Edgar of Pennsylvania
Member of Congress

**THE AMERICAN DEMOCRATIC
POLITICAL ACTION COMMITTEE**

207 Pennsylvania Avenue S.E.
Washington, D.C. 20003
202/543-1500

Paid for by the American Democratic Political Action Committee an independent committee that is not affiliated with any other Democratic organization or candidate. A copy of our report is on file with the Federal Election Commission, Washington, D.C. 20463

85040521759



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Americans for Democratic Action
Per Jack Blum, Esquire
Blum, Nash & Railsback
1015 18th Street, N.W.
Washington, D.C. 20036

Re: MUR 1869

Dear Mr. Blum:

On _____, 1985, the Federal Election Commission reviewed the allegations of your complaint dated December 19, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents there is no reason to believe that a violation of [the Federal Election Campaign Act of 1971, as amended ("the Act")] has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

85040521760



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

The American Democratic PAC
Lauren Battaglia, as treasurer
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Re: MUR 1869
The American Democratic PAC
Lauren Battaglia, as treasurer

Dear Ms. Battaglia:

On January 5, 1985, the Commission notified the American Democratic PAC and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1985, determined that on the basis of the information in the complaint, and information provided by your committee, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

85040521761



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 12, 1985

Lauren Battaglia, Treasurer
The American Democratic PAC
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Re: MUR 1869
American Democratic PAC

Dear Ms. Battaglia:

This is in reference to your letter dated January 25, 1985, requesting an extension until February 19, 1985, to respond to the Commission's notification of the complaint.

Considering the Commission's responsibility to act expeditiously on matters under review, your request must be denied.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

85040521762



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lauren Battaglia, Treasurer
The American Democratic PAC
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Re: MUR 1869
American Democratic PAC

Dear Ms. Battaglia:

This is in reference to your letter dated January 25, 1985, requesting an extension until February 19, 1985, to respond to the Commission's notification of the complaint.

Considering the Commission's responsibility to act expeditiously on matters under review, your request must be denied.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

CAJ

85040521763

ACC# 6622

February 8, 1985

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

Re: MUR 1869

Dear Mr. Steele:

The American Democratic Political Action Committee ("ADPAC") files this answer, including attached documentation, to the complaint filed by the Americans for Democratic Action ("ADA") and its affiliated Political Action Committee .

Stated simply, ADPAC can show, beyond refutation, that there is no merit whatsoever to ADA's allegations of violations of § 438 (a)(4) (prohibiting the use of information filed with the Federal Election Commission to solicit contributions from individuals) and § 434 (false or erroneous information regarding "in-kind" contributions by ADPAC to various candidates and other political committees).

At bottom, ADA's complaint is no more than a churlish attempt to claim, for its exclusive use, the words "Democratic" and "American" in the title of its organization. ADA can assert no legal basis for this claim--and certainly no basis under the provisions of the FECA. The ADA complaint must therefore be dismissed.

I. ADA'S ALLEGATION OF A VIOLATION OF § 438(a)(4) HAS NO BASIS IN FACT

A. Background

Since 1982, ADPAC, a multicandidate political committee, has contributed to many candidates and committees and currently has a contributor base of over 8,000 individual contributors nationwide. At no time has any officer or employee of ADPAC looked at, copied, or used for solicitation purposes any information filed by ADA with the FEC (see Exhibits "A" and "B," White and Battaglia affs., ¶s 2).

Since the ADPAC telephone bank was started in 1982, ADPAC has followed fundraising practices which are

RECEIVED
FEB 11 1985
FEDERAL ELECTION COMMISSION

85040521765

Charles Steele, Esq.
February 8, 1985
Page 2

typical of the field--and completely lawful. ADPAC utilizes prospect lists, for the telephone bank and direct mail programs, which are rented from list managers and brokers who, in turn, rent and manage lists owned by candidates and organizations. In those rental arrangements, ADPAC is not provided with nor otherwise aware of the original owner's identity; lists are referred to solely as Active Liberal Donors, Democratic Activists, Democratic Donors to Liberal Causes, Carriage Trade Liberals and other generic terms.

Since 1982, as reflected in its filings with the Commission, ADPAC has rented 133,500 names from list management companies at a cost of \$8,958.66 (2.6% of total disbursements since 1982). ADPAC has rented lists from the following list management companies which also rent these lists to many other groups: From Working Names (11600 Bolling Brook Place, Rockville, Maryland), renting 75,000 at \$5,700.16; Capitol Hill List Brokers (422 First Street, S.E., Washington, D.C.), renting 21,000 names at \$1463.00; Research Projects Inc. (Executive Plaza, Hempstead, New York), renting 2,500 names at \$107.50; and Direct Response Products (3629 North East Expressway, Atlanta, Georgia), renting 35,000 names at \$1,688.00.

B. Nature of ADA "Complaint"

In its complaint, ADA builds its § 438(a)(4) "case" largely on the supposition that any contributor to both ADA and ADPAC must necessarily have been "purloined" by ADPAC off ADA filings at the FEC. It appears not to have occurred to ADA that these same contributors may have contributed to a range of organizations with similar goals, some of whose contributor lists have been acquired by ADPAC from list brokers.

In addition, ADA cites contributions from specific individuals to both ADPAC and ADA to support this circumstantial contention of wanton ADPAC use of ADA FEC filings for solicitation purposes.*/ This "evidence" can also be shown to be spurious.

*/Certain of these individual contributors were claimed to have "complained" about ADPAC's solicitation of them on the alleged basis of their ADA support.

85040521766

1. ADPAC Solicitation Practices

ADPAC solicits from two categories of contributors, past contributors and prospective contributors. Thus, two sets of "cards" are maintained with names and telephone numbers for phone bank solicitations. Two senior fundraisers call ADPAC past contributors three or four times per year in order to provide an update on its organization and to see if they would like to pledge again. As Mr. Steven Bergsbaken and Ms. Maureen Eldridge testify in their attached affidavits (Exhibits "C" and "D"), neither has ever misrepresented the identity of ADPAC in any way, nor do they have knowledge of any member of the staff doing so.

It is significant that, in only three years of operation, more than 80 individuals have made phone calls for ADPAC, dialing over 350,000 telephone calls, and ADPAC has received a very small number of complaints from potential contributors. On the few occasions that it has received a complaint, ADPAC has always acted promptly to address and resolve the problem.

2. Individual ADA "Complainants"

With this background and factual data, the Commission may wish to consider further the ADA allegations concerning specific individuals who, as ADA contributors, have apparently received ADPAC fundraising contacts. The facts will be seen to belie ADA's contentions.

(a) Ms. Mary Littauer of Syosset, New York has been a consistent contributor to ADPAC since Ms. Littauer's name was originally obtained from a prospect list ADPAC rented in 1982. Her name has, in fact, appeared on many of the subsequent lists ADPAC has rented. Since 1982, Ms. Littauer has given \$3,750 to ADPAC and remains an active contributor.

(b) Ms. Nancy Stover of Poughkeepsie, New York, has also contributed to ADPAC many times since 1982. Her name

85040521767

Charles Steele, Esq.
February 8, 1985
Page 4

and her husband Robert Stover's name have appeared on many of the lists ADPAC has rented from commercial sources.*/

(c) Mr. Calswell Silver of Denver, Colorado wrote to Rep. Pat Schroeder, presently one of ADA's Vice Presidents, about a phone call supposedly made by an ADPAC fundraiser. He then tried to write what the objectionable ADPAC "pitch" was. In fact, ADPAC phone bank script has never included the term "renewal," nor does ADPAC instruct contributors on how to send a contribution to its organization. A return card and envelope, a letter and other materials are sent to potential and past contributors.

(d) Ms. Doris Grauman of Brookline, Massachusetts is in fact a past contributor to ADPAC. As the attached ADPAC pledge card at Exhibit "E" reflects, Ms. Grauman gave a \$25 pledge in April 1983.

(e) Ms. Frederica Chiddick of League City, Texas and her husband are not past contributors of ADPAC. But nowhere in the letter sent to the Chiddicks is there any mention of a "previous contribution." In fact, information was sent to the Chiddicks as part of the effort to encourage them to become contributors.

(f) Mr. William Evans of Cleveland, Ohio claims he received a fundraising call from ADPAC during the week of November 5, 1984. It would not have been possible for Mr. Evans to receive a fundraising call during that time, since ADPAC stopped these solicitations before the election week and resumed them only on November 13, 1984.

(g) Mr. Frank Karelson, now deceased, was indeed an ADPAC contributor, and spoke on two separate occasions with Eric White of ADPAC whose identity could not, therefore, have been unclear to Mr. Karelson.

*/It is noted that ADPAC first received a contribution from Ms. Stover on October 7, 1982, which was reported in the post general election report filed with the FEC on December 2, 1982. In the affidavit of Ms. Amy Isaacs, accompanying the ADA complaint, she swears that she spoke to Ms. Stover in September 1982 and verified that Ms. Stover contributed to ADPAC. It is difficult to understand how Ms. Isaacs could have spoken to Ms. Stover in September 1982 about a contribution that was not reported to the FEC until December 2, 1982.

8 5 0 4 0 5 2 1 7 6 8

Charles Steele, Esq.
February 8, 1985
Page 5

In conclusion, these items of "evidence" do not and cannot show that ADPAC has used information in ADA's FEC reports for purposes of soliciting individuals for ADPAC contributions. ADPAC has, simply, never engaged in the alleged fundraising practices.

II. ADA'S ALLEGATION OF VIOLATIONS OF § 434 HAS NO BASIS IN FACT

Since 1982, ADPAC has made contributions in-kind to candidates such as: Joe Merlino (NJ), Rep. Rick Boucher (VA), Gov. Jim Hunt (NC), Senator Tom Harkin (IA), Lt. Gov. Harriet Woods (MO), and Margie Hendrikson (OR). None of these contributions have been questioned. On the contrary, many campaigns have expressed appreciation for these efforts.

ADA's allegation that in-kind support for the Harriet Woods 1982 Senate campaign was fabricated in ADPAC FEC reports is wholly inaccurate. ADPAC did, in fact, make an in-kind contribution consisting of telephone bank workers calling voters in St. Louis area precincts in a get-out-the-vote effort. Using a script the Woods campaign provided, ADPAC callers polled the voters, using a three-number code, and asked whether they were planning to vote for Woods, her opponent Sen. John Danforth, or were undecided. The undecided voters were re-called after the first round of calls were completed (Exhibit "F").

In late September 1982, Lauren Battaglia and Eric White of ADPAC held a meeting with candidate Harriet Woods in Washington, D.C. (Exhibits "A" and "B"). During this meeting, the three discussed the Woods campaign and ways in which ADPAC could assist it. An in-kind contribution in the form of telephone bank work was one option discussed. The meeting concluded with an agreement that someone on the Woods staff would contact ADPAC soon to discuss the details. During the first week of October, Eric White of ADPAC spoke with Woods campaign staff members Rod Wright and Debby Kane; Wright advised that ADPAC might help with calls to a specific area outside St. Louis which the campaign itself would not be able to call before the election (Exhibit "A"). Therefore, Wright mailed a packet of material for the ADPAC telephone bank: a script and xerox copies of names and phone numbers of people to call. After the phone calls were completed, ADPAC reported its results to Wright.

85040521769

Charles Steele, Esq.
February 8, 1985
Page 6

Eric White notified Woods campaign manager Larry Raskin of the total amount of the contribution, which was reflected in Woods FEC reports as a phone-bank "contribution in-kind." ADPAC's 1983 Mid-Year FEC Report (July 31) also reflected this contribution as fully paid in 1983, with the amount unpaid in October and November of 1982 reported as a debt.*/

III. CONCLUSION

ADPAC deeply regrets that ADA has brought a grievance before the Federal Election Commission that has no relation to FECA concerns. ADA has chosen an incorrect forum to address an issue raised in its November 5, 1982 letter from counsel to ADPAC--its frustration over some "similarity" in the names of the two organizations (Exhibit "G"). In ADPAC's November 12, 1982 letter in response (Exhibit "H"), ADPAC attempted to open the door for discussion between both organizations. ADA counsel then answered only that he had forwarded ADPAC's letter to his client for further consideration (Exhibit "I"). While ADPAC heard nothing further from ADA, it acted to demonstrate good faith by including on all brochures and other fundraising material the following disclaimer: "The American Democratic Political Action Committee is an independent organization that is not affiliated with any other Democratic organization or candidate." (Exhibit "J".)

Since 1982, ADPAC has worked to establish itself as an organization of credibility and integrity. It has never tried to confuse or in any way mislead potential contributors. It has set high standards for its fundraising and has worked hard for its candidates and supporters. None of ADPAC's actions have violated the FEC rules, regulations or statutes.

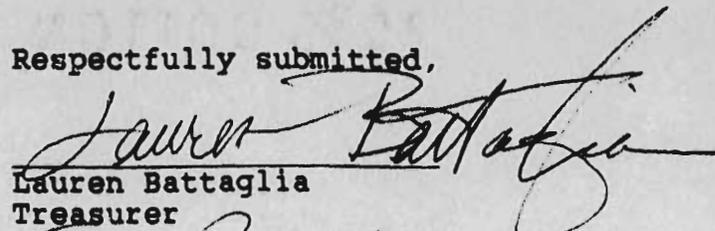
*/After examining its 1982 year-end FEC report and the 1983 mid-year report, ADPAC found that a C&P Telephone bill payment for a contribution in-kind to the Harriet Woods 1982 Senate campaign was mistakenly reported twice. An entry on 12/22/82 was correctly reported as a \$200 contribution in-kind. But, it was mistakenly reported again on 1/24/83 as a \$200 contribution in-kind, when it actually should be listed as a \$200 C&P office phone and phone-bank payment. ADPAC trusts that this will clarify this matter.

85040521770

Charles Steele, Esq.
February 8, 1985
Page 7

For the reasons set forth in its response, ADPAC requests that the Federal Election Commission dismiss the complaint in this matter.

Respectfully submitted,


Lauren Battaglia
Treasurer


Eric B. White
Assistant Treasurer

American Democratic Political
Action Committee
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003
(202) 543-1500

85040521771

85040521772

EXHIBIT "A"

AFFIDAVIT

CITY OF WASHINGTON,)
) ss.
DISTRICT OF COLUMBIA)

I, Mr. Eric B. White of Washington, D.C., hereby attest and affirm as follows:

1. I am the Chairman of the American Democratic Political Action Committee ("ADPAC"), a multi-candidate, nonconnected committee located at 207 Pennsylvania Avenue, S.E., Washington, D.C. 20003. I also serve currently as the Assistant Treasurer. I have responsibility for maintaining our contributor lists, all fundraising activities and maintaining the daily operation of ADPAC.

2. Since the organization of ADPAC in 1982, neither I, nor anyone operating under my direction or control, used information or reports filed with the Federal Election Commission by the Americans for Democratic Action or related political action committees for soliciting contributions. Nor do I have knowledge of anyone making such use of the Americans for Democratic Action FEC filings.

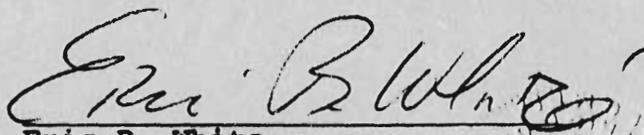
3. In September 1982, I met with Harriet Woods of Missouri at American Cafe in Washington, D.C. to discuss ADPAC support for her 1982 United States Senate campaign. The result of the meeting was an agreement that ADPAC would make an in-kind contribution in the form of voter calls to determine their candidate preference; to persuade them, if they were undecided, to vote for Ms. Woods; and to keep a record of the conversations.

4. In October and November of 1982, I spoke with Mr. Rod Wright and Ms. Debbie Kane at least ten times about the work ADPAC was to do for the Harriet Woods campaign.

5. ADPAC received a script, telephone numbers and information from the Harriet Woods campaign office in October 1982, to be used for the get-out-the-vote polling effort.

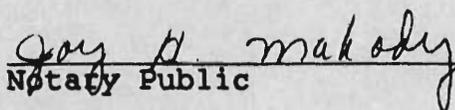
85040521773

ADPAC then did the get-out-the-vote polling effort in October and early November 1982.


Eric B. White



Subscribed and sworn to before me
this 8th day of February, 1985.


Notary Public

My Commission Expires: Sept 30, 1988

85040521774

85040521775

EXHIBIT "B"

AFFIDAVIT

CITY OF WASHINGTON)
) ss.
DISTRICT OF COLUMBIA)

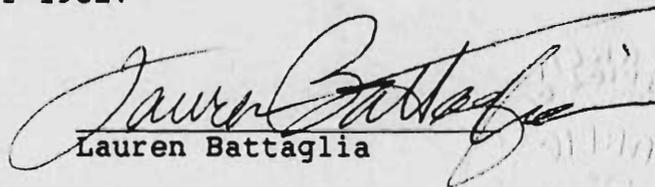
I, Ms. Lauren Battaglia of Washington, D.C., hereby attest and affirm as follows:

1. I am the Executive Director and Treasurer of the American Democratic Political Action Committee ("ADPAC"), a multi-candidate, nonconnected committee located at 207 Pennsylvania Avenue, S.E., Washington, D.C. 20003.

2. Neither I, nor anyone operating under my direction or control, used information or reports filed with the Federal Election Commission by the Americans for Democratic Action or related political action committees for soliciting contributions. Nor do I have knowledge of anyone making such use of the Americans for Democratic Action FEC filings.

3. In September of 1982, I spoke with Ms. Debbie Kane of the Woods Senate campaign to discuss ways in which ADPAC could help the Woods campaign.

4. In late September 1982, I met with Harriet Woods of Missouri at the American Cafe in Washington, D.C. to discuss contributing to her 1982 United States Senate campaign. The agreement reached at the end was that ADPAC would give an in-kind contribution in the form of a telephone bank get-out-the-vote polling effort. This work was performed in late October and early November 1982.


Lauren Battaglia

Subscribed and sworn to before me
this 8th day of February, 1985.


Notary Public

My Commission Expires: Sept 30, 1988

85040521776

85040521777

EXHIBIT "C"

February 5, 1985

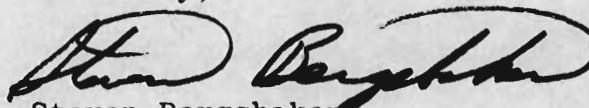
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Sir/Madam:

I am Steven Bergsbaken. I have been employed by the American Democratic Political Action Committee as a fundraiser since October of 1982. I raise funds by calling past contributors. I have always presented myself as a representative of the American Democratic Political Action Committee. I have never given out false information about the American Democratic Political Action Committee over the telephone. On the last three days before the election in 1982, I participated in a get-out-the-vote drive for Harriet Woods. I called residents of Jefferson County, Missouri, and urged them to vote for Harriet Woods. I recorded the respondent's voting preference on paper. In fact, the handwriting on the Woods' exhibit is mine.

I am, therefore, attesting the integrity of the American Democratic Political Action Committee.

Sincerely,



Steven Bergsbaken
635 G Street, S.E.
Washington, D.C. 20003

85040521778

85040521779

EXHIBIT "D"

February 5, 1985

Ms. Maureen Eldridge
3019 15th Street, N.W.
Washington, D.C. 20009

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

Dear Sir/Madam:

I have been employed by the American Democratic Political Action Committee since August of 1982. I started out as a telephone worker and I am now the Assistant Director in charge of the telephone bank.

During my time on the telephones I never misrepresented or knew of anyone else in the phone bank that misrepresented the American Democratic Political Action Committee. I made these phone calls until June of 1983. I also did not, nor was I aware of, anyone thanking someone for a previous contribution unless that person was actually a contributor to the American Democratic Political Action Committee.

I am currently the Assistant Director responsible for training and supervising the phone bank. I train each caller and that person is told to read from our designed scripts that we use in the phone bank. I also go over what the American Democratic PAC does and who we are contributing to. I also make sure that the person understands that we are an independent committee that is not affiliated with any other Democratic organization. I also have not been aware of anyone speaking to a non-contributor to the American Democratic PAC telling them they are a past contributor. We do have occasionally an overly aggressive phone worker but I am not aware of anyone that is or have been using that method. If they were to use that method I would speak to them and if it continued they would be fired.

Since I have been working with the American Democratic PAC I am not aware of anyone working with or associated with this organization using information from Federal Election Commission reports for fund raising purposes.

I also have supervised the in-kind contributions to candidates including Senator Tom Harkin, Rep. Rick Boucher, Margie Hendrikson and others.

I thank you for the opportunity to clear the records.

Sincerely,
Maureen Eldridge
Maureen Eldridge
Assistant Director

Subscribed and sworn before me this 5th day of February, 1985.

My Commission Expires: 12-14-85

Notary Public
Byronne Howell
Notary, District of Columbia

85040521780

85040521781

EXHIBIT "E"

85040521782

13

**the
AMERICAN
DEMOCRATIC
PAC**

PLEDGE CARD

207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

- Yes, I did make a pledge for \$ 25
- Enclosed is my contribution for:
 - \$15 \$25 \$50 \$100 \$500 Other _____

The Federal Election Commission requires the following information:

Name Ms. Doris T. Grauman Occupation none

Address 20 Gardner road Firm none

City, State, Zip Brockton Ma 02146 Residence Tel. (617) 737-556 Business Tel. (none)

Make checks payable to **The American Democratic PAC.**

Paid for by the American Democratic PAC.
A copy of our report is on file with the Federal Election Commission, Washington, DC 20463

85040521783

EXHIBIT "F"

1. yes, voting
2. voting for
3. undecided

For Harriet Woods
John Danforth
1 et. 30

code	name	address	phone
1	Mr. Tim J. Bay	914 Glen Ave.	239-7561
1	Elmer D. Bayless	Lake Tekawitha	257-521
1	Lloyd Beaman	Rt. 1 Robertsville	257-253
1	Wheeler Beaman	Robertsville	257-237
1	Oliver Beas	909 W. 9	239-7200
2	Homer Bebout		
1	Russell Becherer	871 Landing	468-385
1	Clarence Bechtel	50 Cedar Lodge	257-482
3	Michael Beck	Rt. 3	257-4223
1	Alan Becker	705-A W. 2	239-402
2	Mrs. Becker		
1	George Becker	Rt. 3	257-4683
1	Rollin Becker	Rt. 4 Peattie	257-3662
1	Irving Bedner	1012 Roscoe	468-6193
1	Lee Roy Bedwell	1416 W. St. Louis	257-43
2			
1	W. F. Behm	317 N 1st	257-3152
1	Spencer Behringer	237 High St.	239-572
1	Mrs. B. Betew	318 N Main	627-0414
1	Mr. Ronald Betew	R.F.D. 1	468-6726
3	Earl D. Bell	R.F.D. 1	468-330
1	Shirley Bell	R.F.D. 1	468-821
3	Houston Bell	4 Elm	468-4602
1	Michael Bell	670 Linden Ln	239-753
1	Mrs. Ethie Bell	415 Locust	239-57

85040521784

85040521785

EXHIBIT "G"

BLUM & NASH

ATTORNEYS AT LAW

**1015 EIGHTEENTH STREET, N. W.
WASHINGTON, D. C. 20036**

**(202) 857-0880
CABLE: "BLUPANA"**

JACK A. BLUM
BERNARD NASH
RONALD L. PLESSER
EDWARD G. MODELL
JANIE A. KINNEY
GREGG P. SKALL
STEVEN H. LEYTON
DANA G. BOYD

November 5, 1982

Mr. Eric B. White
Treasurer
The American Democratic Political
Action Committee
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Dear Mr. White:

This firm represents the Americans for Democratic Action, a national political organization headquartered in Washington, D.C.

The Americans for Democratic Action maintains a political action committee which it calls ADAPAC and has used that name continuously for at least six years.

We believe that your use of the name The American Democratic Political Action Committee will create unavoidable confusion with the ADA and its political action committee and that as a result of this confusion people who would have contributed to ADAPAC have responded to your solicitation in the mistaken belief that there is some relationship between the organizations.

We insist that you cease using the name forthwith or, alternatively, indicate on all of your literature that you are not affiliated with the Americans for Democratic Action.

Unless we hear from you within 15 days of receipt of this letter, we will be forced to avail ourselves of remedies under the Federal Trademark law as well as the common law.

I am looking forward to your response.

Sincerely,

Jack A. Blum
Jack A. Blum

cc: Leon Shull

85040521786

85040521787

EXHIBIT "H"

the
**AMERICAN
DEMOCRATIC
PAC**

The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

November 12, 1982

Mr. Jack A. Blum
Blum & Nash
Attorneys at Law
1015 Eighteenth Street, N.W.
Washington, D.C. 20036

Dear Mr. Blum:

This is in response to your letter of November 5, 1982 in behalf of the Americans for Democratic Action and its political action committee, ADAPAC.

In no way whatsoever has the American Democratic Political Action Committee, through its literature or solicitation, attempted to imply any formal or informal affiliation with the Americans for Democratic Action or its political action committee.

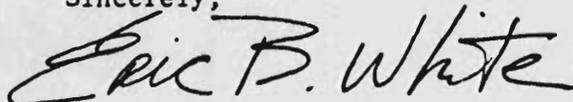
We have never received any indication that our potential contributors have confused our fundraising efforts with those of the Americans for Democratic Action or ADAPAC.

However, in an effort to avoid possible confusion we can accomodate your request by inscribing on all our literature, below the Federal Election Commission disclaimer, the phrase: The American Democratic PAC, an independent political action committee, is not affiliated with any other political organization.

We are most interested in resolving this matter to the satisfaction of both parties.

I look forward to your response.

Sincerely,



Eric B. White
Treasurer

85040521789

EXHIBIT "I"

BLUM & NASH

ATTORNEYS AT LAW

**1015 EIGHTEENTH STREET, N. W.
WASHINGTON, D. C. 20036**

(202) 857-0220

CABLE: "BLUPANA"

**JACK A. BLUM
BERNARD NASH
RONALD L. PLESSE
EDWARD G. MODELL
JANIE A. KINNEY
GREGG P. SKALL
STEVEN H. LEYTON
DANA G. BOYD**

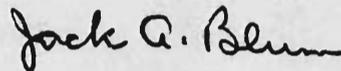
November 18, 1982

Mr. Eric B. White
Treasurer
The American Democratic PAC
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Dear Mr. White:

Thank you for your letter of November 12. I have forwarded your letter to our client and am awaiting a response.

Sincerely,



Jack A. Blum

85040521790

85040521791

EXHIBIT "J"

**WHAT CANDIDATES ARE
SAYING ABOUT THE AMERICAN
DEMOCRATIC POLITICAL
ACTION COMMITTEE**

I want to thank the American Democratic Political Action Committee for all they have done and all they are continuing to do on behalf of my campaign for United States Senator. ADPAC is helping my campaign and others to regain a Democratic majority in the Senate, which is extremely important to the future of this country.

Rep. Tom Harkin of Iowa
Member of Congress

The American Democratic Political Action Committee has been extremely helpful in my campaign against Senator Jesse Helms in North Carolina, and I sincerely appreciate their hard work on behalf of positive and progressive representation in the United States Senate.

Governor Jim Hunt of North Carolina
Candidate for the United States Senate

I'm pleased to say that your support has helped us to get off to an early start this year in what promises to be—as always in the 7th District—a difficult campaign. I thank you for your support and confidence in me, and for your help in my campaign.

Rep. Bob Edgar of Pennsylvania
Member of Congress

**THE AMERICAN DEMOCRATIC
POLITICAL ACTION COMMITTEE**

207 Pennsylvania Avenue S.E.
Washington, D.C. 20003
202/543-1500

Paid for by the American Democratic Political Action Committee, an independent committee that is not affiliated with any other Democratic organization or candidate. A copy of our report is on file with the Federal Election Commission, Washington, DC 20463.

8 5 0 4 0 5 2 1 7 9 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 1869
The American Democratic)	
Political Action Committee)	
Lauren Battaglia, treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 8, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1869:

1. Deny the request for an extension by respondents American Democratic Political Action Committee and Lauren Battaglia, as treasurer.
2. Approve and send the letter attached to the General Counsel's Report signed February 4, 1985.

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

Attest:

2-11-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	2-6-85, 12:59
Circulated on 48 hour tally basis:	2-6-85, 4:00

89040521793

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
THE FEC
COMMISSION SECRETARY

In the Matter of)
)
The American Democratic)
Political Action Committee)
Lauren Battaglia, as treasurer)

05 FEB 6 12:59
MUR 1869

GENERAL COUNSEL'S REPORT

SENSITIVE

BACKGROUND

Americans for Democratic Action ("ADA") filed a complaint on December 26, 1984, against the American Democratic Political Action Committee ("ADPAC") and its treasurer alleging that Respondents violated the Federal Election Campaign Act ("the Act"). The grounds for the complaint were that ADPAC allegedly made use of lists of contributors filed by ADA with the Federal Election Commission in order to solicit contributions from persons named on those lists, and that ADPAC allegedly reported in-kind contributions it had not in fact made.

FACTUAL AND LEGAL ANALYSIS

Respondents received notification of the complaint on January 9, 1985 and thus had until January 24, 1985, to respond. On January 10, 1985, Respondents requested a 15 day extension in order to retain and consult counsel. (Attachment 1) This request was granted, and the deadline extended to February 8, 1985. On January 25, Respondent requested a second extension until February 19, 1985, "to compile all the material necessary to answer said complaint." (Attachment 2).

85040521794

Respondents have not as yet designated counsel, although their request for time in which to retain an attorney was the reason for granting the original extension. Thus, the present request cannot relate to any unforeseen difficulties that might have come to their attention due to the advice of retained counsel. Nor have Respondents cited any specific hardships that would prevent them from meeting the already extended deadline. Because Respondents have not shown circumstances justifying further delay, this Office recommends that Respondents' request be denied.

RECOMMENDATIONS

1. Deny the request for an extension by Respondents American Democratic Political Action Committee and Lauren Battaglia, as treasurer.
2. Approve and send the attached letter.

Charles N. Steele
General Counsel

February 4, 1985
Date

By: *Kenneth A. Gross*
Kenneth A. Gross
Associate General Counsel

Attachments

1. Letter from Lauren Battaglia, January 10, 1985
2. Letter from Eric White, January 25, 1985
3. Letter to American Democratic PAC and Lauren Battaglia

85040521795

the
**AMERICAN
DEMOCRATIC
PAC**

ATTACHMENT 1

MUR 1869
SO, du.

RECEIVED AT THE FEC
GCC # 6418
85 JAN 14 P 2: 04

The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

January 10, 1985

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1869

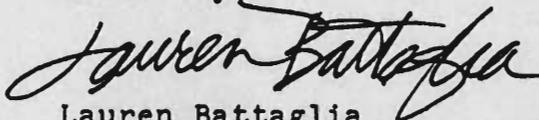
RECEIVED
OFFICE OF THE
GENERAL COUNSEL
FEC
85 JAN 14 P 2: 36

Dear Mr. Steele:

We are requesting a 15 day extension of time to answer complaint MUR 1869, that we received on January 9, 1985. We request the time in order to seek counsel regarding said complaint.

Please let me know the outcome of this request as soon as possible.

Sincerely,



Lauren Battaglia
Treasurer

8 5 0 4 0 5 2 1 7 9 6

the
**AMERICAN
DEMOCRATIC
PAC**

Attachment 2

RECEIVED AT THE FEC

85 JAN 29 8:47

The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

January 25, 1985

Mr. Charles Snyder, Esq.
Federal Election Commission
Washington, D.C. 20463

MUR 1869
Snyder

11:20

Re: MUR 1869

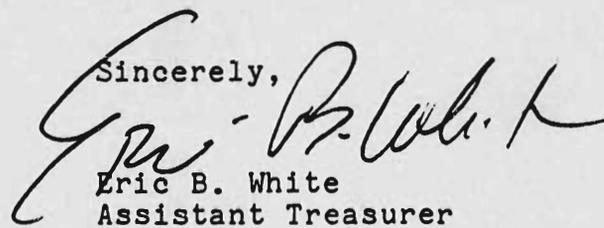
Dear Mr. Snyder:

We are requesting an extension of time in order to file the answer to complaint MUR 1869.

We need the time in order to compile all the material necessary to answer said complaint. We are requesting to file the answer on February 19, 1985.

Please inform us as soon as possible regarding your answer to this request.

Sincerely,



Eric B. White
Assistant Treasurer

85040521797



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lauren Battaglia, Treasurer
The American Democratic PAC
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Re: MUR 1869
American Democratic PAC

Dear Ms. Battaglia:

This is in reference to your letter dated January 25, 1985, requesting an extension until February 19, 1985, to respond to the Commission's notification of the complaint.

Considering the Commission's responsibility to act expeditiously on matters under review, your request must be denied.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

85040521798



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

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

DATE: JANUARY 30, 1985

SUBJECT: MUR 1869 - First General Counsel's
Report signed January 28, 1985

The above-captioned matter was circulated to the Commission on a 24 hour no-objection basis at 4:00, January 29, 1985.

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

85040521799



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cot*
DATE: January 29, 1985
SUBJECT: MUR 1869 - First General Counsel's Report

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

85040521800

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	[]		

SENSITIVE

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

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

05 JAN 29 A 9: 57

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION

1/29/85
9:55

MUR 1869

DATE COMPLAINT

RECEIVED BY OGC

December 26, 1984

DATE OF NOTIFICATION

TO RESPONDENT January 4,

1985

STAFF MEMBER

Charles Snyder

COMPLAINANTS' NAMES:

Americans for Democratic Action,
per Jack Blum, Esq.

RESPONDENTS' NAMES:

American Democratic Political
Action Committee and
Lauren Battaglia, as treasurer

RELEVANT STATUTES:

2 U.S.C. §§ 438(a)(4), 434(b)(4);
11 C.F.R. § 106.4(b)

INTERNAL REPORTS CHECKED:

ADPAC REPORTS

FEDERAL AGENCIES CHECKED:

None

SUMMARY OF ALLEGATIONS

Americans for Democratic Action ("ADA") filed a complaint on December 26, 1984 against the American Democratic Political Action Committee ("ADPAC") and its treasurer */ alleging that Respondent violated the Federal Election Campaign Act (the "Act") on two grounds. Each of these grounds will now be considered in turn.

*/ Complainant named Eric B. White as treasurer of ADPAC. Although Mr. White did formerly hold that office, and indeed did so during the period of the alleged violations, the Statement of Organization of ADPAC now lists Ms. Lauren Battaglia as treasurer of the committee.

85040521801

8 5 0 4 0 5 2 1 8 0 2

First, complainant alleges that ADPAC violated the Act's prohibition of the use "by any person" of reports filed with the Federal Election Commission "for the purpose of soliciting contributions...." 2 U.S.C. § 438(a)(4). Specifically, complainant asserts that ADPAC obtained lists of the ADA's contributors from reports the latter organization filed with the Commission, and solicited contributions from persons whose names appeared on those lists. ADPAC, it is further alleged, stated in its solicitations that the recipients had previously contributed to that organization, whereas in fact the persons solicited had contributed to ADA, not ADPAC. The latter would have thus capitalized on the similarity of the names of the two organizations.

In support of its allegations, ADA submitted affidavits or other evidence that seven of its contributors were solicited by ADPAC. ADA has also shown that four of these solicitations referred to the recipients as "Past Contributors" to ADPAC. None of the four had in fact ever contributed to ADPAC.

Secondly, ADA alleges that ADPAC violated 2 U.S.C. §434(b)(4) by reporting in-kind contributions, in the form of polling services for Harriet Woods' 1982 Campaign for a U.S. Senate Seat from Missouri, that in fact it had never made. According to a letter dated April 16, 1984 to the Reports Analysis Division of the FEC from Jody Newman, Chairman of the

Woods campaign, the latter never requested or received polling services from ADPAC.

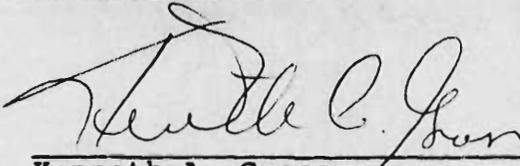
FACTUAL AND LEGAL ANALYSIS

ADPAC's response to the complaint was originally due on January 24, 1985. Because Respondents needed to engage legal counsel, they requested an extension of fifteen days. This Office granted that extension, making the response now due on February 8, 1985. This Office will report to the Commission with appropriate recommendations at that time.

Charles N. Steele
General Counsel

January 28, 1985
Date

By:


Kenneth A. Gross
Associate General Counsel

85040521803

**the
AMERICAN
DEMOCRATIC
PAC**

The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

January 25, 1985

Mr. Charles Snyder, Esq.
Federal Election Commission
Washington, D.C. 20463

MUR 1869
Snyder
AID: 20

Re: MUR 1869

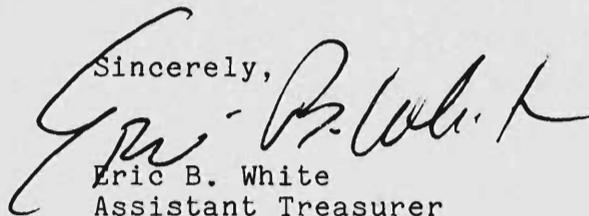
Dear Mr. Snyder:

We are requesting an extension of time in order to file the answer to complaint MUR 1869.

We need the time in order to compile all the material necessary to answer said complaint. We are requesting to file the answer on February 19, 1985.

Please inform us as soon as possible regarding your answer to this request.

Sincerely,


Eric B. White
Assistant Treasurer

85040521804

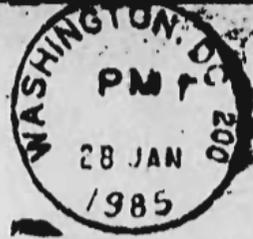
MCC# 6542
RECEIVED AT THE FEC
85 JAN 29 48:47

**AMERICAN
DEMOCRATIC
8 5 0 PAC**

5
The American Democratic
Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003

Mr. Charles Snyder, Esq.
Federal Election Commission
Washington, D.C. 20463



95 JAN 29 8:47

THE FEC

DEMOCRATIC
PAC

The American Democratic
Political Action Committee

85040521806
207 Pennsylvania Avenue, S.E., Washington, D.C. 20003

CERTIFIED

P 633 844 574

MAIL

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463



85 JAN 14 P 2: 04

RECEIVED
FEC



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 22, 1985

Lauren Battaglia, Treasurer
The American Democratic PAC
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Re: MUR 1869
American Democratic PAC

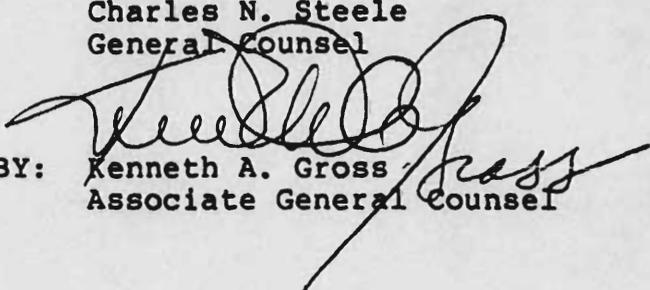
Dear Mr. Battaglia:

This is in reference to your letter dated January 10, 1985, requesting an extension of 15 days to respond to the Commission's notification of the complaint. After considering the circumstances presented in your letter, the Commission has determined to grant you your requested extension. Accordingly, your response will be due on February 8, 1985.

If you have any questions, please contact Charles W. Snyder, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

85040521807

**the
AMERICAN
DEMOCRATIC
PAC**

The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

January 10, 1985

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

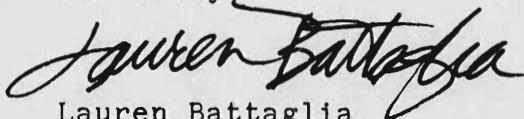
Re: MUR 1869

Dear Mr. Steele:

We are requesting a 15 day extension of time to answer complaint MUR 1869, that we received on January 9, 1985. We request the time in order to seek counsel regarding said complaint.

Please let me know the outcome of this request as soon as possible.

Sincerely,



Lauren Battaglia
Treasurer

*MUR 1869
Snyder*

RECEIVED AT THE FEC
GCC # 6413
85 JAN 14 P 2: 04

RECEIVED
GENERAL COUNSEL
15 JAN 14 P 2: 36

8 5 0 4 0 5 2 1 8 0 3



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 4, 1985

Americans for Democratic Action
c/o Jack Blum, Esquire
Blum, Nash & Railsback
1015 18th Street, N.W.
Washington, D.C. 20036

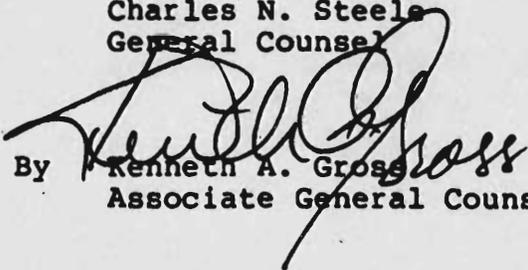
Dear Mr. Blum:

This letter is to acknowledge receipt of the complaint of your client, Americans for Democratic Action, which we received on December 26, 1984, against American Democratic Political Action Committee and Eric B. White, 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

85040521809



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 4, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eric B. White
Treasurer
American Democratic
Political Action Committee
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Re: MUR 1869

Dear Mr. White:

This letter is to notify you that on December 26, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, as treasurer may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1869. Please refer to this number in all future correspondence.

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

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

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

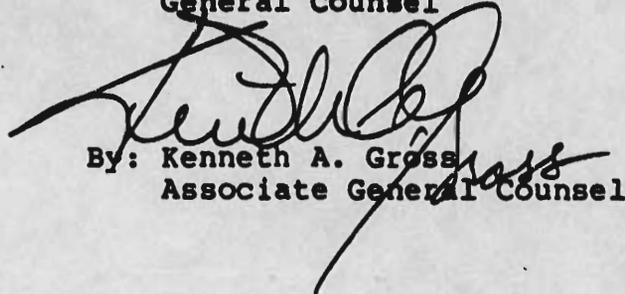
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040521810

If you have any questions, please contact Charles Snyder, 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

85040521811

RECEIVED AT THE FEC

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

84 DEC 26 AM: 08
GCC# 6095

TELEPHONE: (202) 857-0820
TELECOPY: (202) 857-0829
TELEX: (260) 701-861

JACK A. BLUM
BERNARD NASH
THOMAS F. RAILSBACK
RONALD L. PLESSER
EDWARD G. MODELL
JANIE A. KINNEY
DONALD ZARIN
ALAN R. SCHWARTZ
DANA G. BOYD
RUTH E. GORDON

December 20, 1984

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

DEC 20 1984
P12:10

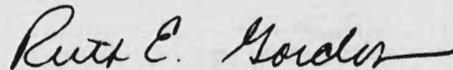
Dear Sir:

Enclosed please find the original and two copies of a Complaint by Americans For Democratic Action against American Democratic Political Action Committee, pursuant to 2 U.S.C. Section 437g(a), for filing with the Federal Election Commission.

Also enclosed is a postage prepaid self-addressed envelope for your convenience in forwarding a date stamped copy of the Complaint to us.

Thank you in advance for your cooperation.

Sincerely,



Ruth E. Gordon

Enclosures (3)

CERTIFIED MAIL NO. P28 0994970
RETURN RECEIPT REQUESTED

85040521812

84 DEC 26 AIO: 23

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

In the Matter of the
American Democratic
Political Action Committee

)
)
)
)

MUR 1869

COMPLAINT

Americans For Democratic Action files this Complaint, the affidavits of Leon Shull and Amy Issacs, and the attached exhibits, against the American Democratic Political Action Committee ("AD PAC") pursuant to 2 U.S.C. §437g(a). Complainant alleges that AD PAC is violating 2 U.S.C. §438(a)(4), prohibiting the use of information filed with the Federal Election Commission ("FEC") to solicit contributions or for commercial purposes, by soliciting contributions from individuals whose names were obtained from quarterly financial reports filed by Complainant with the FEC.

Complainant also seeks an investigation of AD PAC's "in-kind polling" contributions, to various political candidates, to determine if such contributions were made, or if AD PAC has filed false and erroneous information and is therefore subject to the penalties delineated in 2 U.S.C. §437g. Filing false information on this matter would also be a violation of 18 U.S.C. §1001, which provides criminal penalties for making false, fictitious or fraudulent statements in connection with any matter involving any department or agency of the United States; 2 U.S.C. §434(b)(4), which requires political committees to report all of their

85040521813

disbursements; and 11 C.F.R. §106.4, which regulates the allocation of polling expenses.

Factual Background

1. Americans for Democratic Action ("ADA") is a national political organization headquartered at 1411 K Street, N.W., Suite 850, Washington, D.C. 20005, telephone (202) 638-6447. Mr. Leon Shull is the National Director of ADA.

2. ADA has a political action committee named Americans for Democratic Action Political Action Committee ("ADAPAC"). ADAPAC has been registered with the FEC since 1979. Leon Shull is Treasurer of this organization.

3. The American Democratic Political Action Committee is located at 207 Pennsylvania Avenue, S.E., Washington, D.C. 20003, telephone (202) 543-1500. Eric B. White is Treasurer of this organization.

4. In addition to its formal name, the American Democratic Political Action Committee also operates under the name "American Democratic PAC" or "AD PAC".

Violations

5. Complainant contends that AD PAC is violating 2 U.S.C. §438(a)(4) which states that information in FEC reports and statements "may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes . . ." This statute centers "on protecting the privacy of the 'very public spirited citizens' who make contributions to campaigns.

85040521814

The principal, if not sole, purpose of the provision was to protect contributor information and lists from being used for commercial purposes." Advisory Opinion 1980-78, Federal Election Campaign Finance Guide (CCH) Paragraph 5530 (August 12, 1980).

6. Complainant alleges that AD PAC is relying on quarterly financial reports filed by ADAPAC with the FEC to obtain the names of individuals who have contributed to ADAPAC. AD PAC is then soliciting funds from these individuals in direct violation of 2 U.S.C. §438(a)(4).

7. ADA maintains very careful control over its lists of contributors and there are no other public sources of information regarding its members. Yet, ADA is aware that the following persons, all of whom are ADAPAC contributors, have been contacted by AD PAC representatives for contributions:

(a) Mary Littauer of Split Rock Road, Syossett, New York 11791 is listed by AD PAC as a contributor. (See AD PAC Report of Receipts and Disbursements, July 31 Mid-Year Report, January 1, 1983 through June 30, 1983, at p. 3) Ms. Littauer was contacted by Amy Issacs, Deputy National Director of ADA, and she confirmed that she contributed funds to both organizations.

(b) Nancy Stover of 150 College Avenue, Poughkeepsie, N.Y., 12603 is listed by AD PAC as a contributor. (See AD PAC Report of Receipts and Disbursements, January 31 Year End Report, July 1, 1983 through December 31, 1983 at p. 3.) Ms. Stover was contacted by Amy Issacs, Deputy National Director of ADA, and she confirmed that she had been solicited by AD PAC.

85040521815

(c) Frank Karelson, Jr. of 1130 Park Avenue, New York, N.Y., 10028 is listed by AD PAC as a contributor. (See AD PAC Report of Receipts and Disbursements Quarterly Report, January 4, 1982 through March 31, 1982 at p. 3.) Although Mr. Karelson is deceased, his Secretary confirmed to Amy Issacs, of ADA, that he had been solicited by AD PAC.

8. Complainant contends that the similarity between the acronyms ADAPAC and AD PAC can, and has, created unnecessary confusion for potential contributors to ADAPAC. This similarity makes it highly probable that individuals who would otherwise contribute to ADAPAC may respond to solicitations from AD PAC due to the mistaken belief that the latter organization is affiliated with ADA or the Democratic Party.

9. Furthermore, complainant alleges that AD PAC is soliciting contributions in a manner that purposely causes further confusion for potential contributors, and is using information contained in FEC reports to carry out this scheme. AD PAC representatives are calling and/or corresponding with past ADAPAC contributors to ask them to renew their contributions to AD PAC, when, in fact, these individuals have no past association with AD PAC.

10. In support of this allegation, complainant submits the following:

(a) Ms. Frederica Chiddik, of 310 Wake Avenue, League City, Texas 77573, contacted ADA to inform them that her husband

85040521816

had been contacted by AD PAC and thanked for his previous contribution (See Exhibit A). In reality Mr. Chiddik has never made any contributions to AD PAC; rather Mrs. Chiddik is a past contributor to ADAPAC.

(b) Representative Patricia Schroeder contacted ADA about correspondence from one of her constituents, Caswell Silver, regarding AD PAC. Mr. Silver had also been contacted by AD PAC and thanked for a previous contribution that he never made. (See Exhibit B).

(c) ADA received correspondence from Ms. Doris Grauman, of 30 Gardiner Road, Brookline, Massachusetts, regarding AD PAC. She had also received correspondence from AD PAC indicating that she was a past contributor to AD PAC, when, in fact, she never contributed to the organization and is a contributor to ADA. (See Exhibit C).

(d) Mr. William G. Evans, of National City Bank Building, Room 819, Cleveland, Ohio 44114, contacted ADA regarding AD PAC. AD PAC had contacted him about a contribution and he believed there was so much similarity between the organizations that it could cause problems. When contacted on November 16, 1984 by ADA's attorney, Mr. Evans indicated that he had been contacted by AD PAC during the week of November 5th, 1984 and thanked for his previous contributions. Mr. Evans has never contributed to this organization, yet is a contributor to ADA.

85040521817

11. On November 5, 1982, ADA wrote to Mr. Eric B. White, treasurer of AD PAC, to request that AD PAC either cease using the name AD PAC, or indicate on all literature that they are not affiliated with ADA. A copy of this letter and Mr. White's response are attached as Exhibit D. To date, a satisfactory solution to the problem has not been reached.

12. Complainant further requests an investigation of AD PAC's "in-kind polling" contributions to determine if such contributions have really been made. 11 C.F.R. §106.4(b) provides that "The purchase of opinion poll results by a political committee or other person not authorized by a candidate to make expenditures and the subsequent acceptance of the poll results by a candidate or a candidate's authorized political committee or agent or by another unauthorized political committee is a contribution in kind by the purchaser to the candidate or other political committee . . ." The poll results are accepted by a candidate or other political committee if these entities (1) requested the poll results before their receipt; (2) use the poll results; or (3) do not notify the contributor that the results are refused. Id.

13. Complainant bases its request for an investigation upon AD PAC's assertion, in its 1983 July 3, Mid-Year Report of Receipts and Disbursements, at pp. 6, 11, and 13, that it contributed polling services to the 1982 Harriet Woods campaign for U.S. Senator from Missouri. However, information (attached as

85040521813

Exhibit E) received from Jody Newman, Chairman of the Harriet Woods 1982 election campaign, indicates that the Woods campaign never requested, solicited, or contracted for polling services from AD PAC and, in fact, its polling was conducted by Research Analysis of Boston. Furthermore, AD PAC never tendered any polling results to the campaign.

14. If polling services were not rendered, AD PAC's report strongly suggests that it is in violation of 11 C.F.R. §106.4. Filing false information is also a violation of 18 U.S.C. §1001, which provides criminal penalties for making false, fictitious or fraudulent statements in connection with any matter involving any department or agency of the United States; 2 U.S.C. §434(b)(4), which requires political committee's to report all disbursements and presumably to make accurate, lawful disclosures; and would subject AD PAC to the penalties delineated in 2 U.S.C. §437g.

PRAYER FOR RELIEF

15. Americans for Democratic Action hereby requests that the FEC investigate the fundraising practices of AD PAC, to determine if there have been any violations of Section 438(a)(4) or other provisions of the law, and thereby protect the privacy of ADAPAC contributors. ADA further requests an investigation of

85040521819

AD PAC's "in-kind polling" contributions to determine if such contributions were made as represented in AD PAC's FEC reports.

AMERICANS FOR DEMOCRATIC ACTION
By Counsel

Jack A. Blum
Jack Blum, Esq.
Blum, Nash & Railsback
1015 18th Street, N.W.
Washington, D.C. 20036
(202) 857-0220

Verification

The undersigned counsel for Americans for Democratic Action swears that the allegations and facts set forth in this Complaint are true to the best of his knowledge, information and belief.

Jack A. Blum
Counsel, Americans for Democratic Action

Subscribed and sworn before me this 19th day of December, 1984.

Phillip L. Zuander
Notary Public

My Commission Expires: 1-31-88

85040521820

AFFIDAVIT

CITY OF WASHINGTON,
DISTRICT OF COLUMBIA

)
) SS:
)

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

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

2. I serve as Treasurer of the ADA Political Action Committee ("ADAPAC"), a political action committee established by ADA to support candidates for federal offices, and have responsibility for its fundraising activities. I also have responsibility for obtaining and preserving the records of ADAPAC contributors.

3. In September, 1983, ADA received correspondence from Ms. Frederica Chiddik, of League City, Texas indicating that her husband had been contacted by AD PAC, and thanked for his previous contribution to AD PAC. Although Mr. Chiddick has never contributed to ADA, Mrs. Chiddick has contributed to ADA and is listed in ADAPAC Federal Election Commission ("FEC") reports as a contributor.

4. In September, 1983, I received correspondence from Representative Patricia Schroeder, of Colorado, indicating that she had been contacted by one of her constituents about the possibility that AD PAC may be using FEC reports to obtain the names of potential contributors, and that this may cause confusion to past and potential contributions to ADAPAC and the Democratic party.

85040521821

5. On my behalf, my attorneys contacted the Treasurer of AD PAC, Mr. Mark B. White, in an effort to make them cease operating in a manner that might cause confusion between the two organizations. This effort did not resolve the dispute.

6. In April, 1984 I received correspondence from Jody Newman, Campaign Manager for the Harriet Woods 1982 election campaign for the United States Senate, indicating that the campaign never contracted with AD PAC to conduct polling services nor received polling results from AD PAC, contrary to AD PAC's FEC reports.

Leon Shull
Leon Shull

Subscribed and sworn before me this 4TH day of DECEMBER, 1984.

Howard J. Helman
Notary Public

My Commission Expires: FEBRUARY 28, 1989

85040521822

AFFIDAVIT

CITY OF WASHINGTON
DISTRICT OF COLUMBIA

)
)
) SS:

I, Amy Issacs, of 2018 Pierce Mills Road, N.W., Washington, D.C. 20010 hereby attest and affirm as follows:

1. I am the Deputy National Director of Americans for Democratic Action, a national membership organization located at 1411 K Street, N.W., Washington, D.C. 20005.

2. In September, 1982, I telephoned Ms. Mary Littauer of Syosset, N.Y., who is listed as an ADAPAC contributor in ADA FEC reports. She confirmed that she had been solicited to make a contribution to AD PAC.

3. In September, 1982, I telephoned Ms. Nancy Stover, of Poughkeepsie, New York, who is listed as an ADAPAC contributor in ADA FEC reports. She confirmed that she had been solicited to make a contribution to AD PAC.

4. In September, 1982, I telephoned Mr. Frank Karelson, Jr. of New York City, who is listed as an ADAPAC contributor in FEC reports. Mr. Karelson is now deceased, but his secretary confirmed that he had been solicited by AD PAC.

5. In April, 1984 I received correspondence from Mr. William G. Evans, an ADAPAC, contributor expressing his discomfort over the similarities between the organizations.

85040521823

6. In June, 1984, I received correspondence from Ms. Doris T. Grauman, also an ADAPAC contributor, regarding AD PAC. In AD PAC materials she was referred to as a past contributor to AD PAC, although she confirmed that she had never contributed to the organization.

Amy Isaacs
Amy Isaacs

Subscribed and sworn before me this 4TH day of DECEMBER, 1984.

Howard J. Holman
Notary Public

My Commission Expires: FEB. 28, 1989

85040521824

**the
AMERICAN
DEMOCRATIC
PAC**

The person who made the phone call from
this organization thanked my husband for
his contribution to ADA. (It is a direct contribution).
I wanted you to know that they used your
name in this way. We are not responding
to their request. Sincerely, Fredericka Chubb
The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

EXHIBIT A

March 1983

Dear Friend,

I want to thank you for taking the time to talk with one of my telephone representatives. I understand that you made a pledge of \$_____ (we agreed to leave the amount open so that you could fill in the amount privately after reviewing the literature).

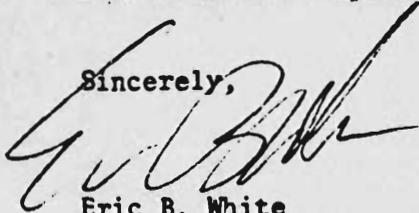
The American Democratic Political Action Committee is an independent committee that is determined to ensure a fair and equitable Federal budget. We are also trying to get a head start on the 1984 election.

We will support a budget proposal that assures American citizens that they can have a bright future. We want to eliminate high unemployment. We have given the Reagan-Conservatives too many chances; chances that have led us into the greatest recession since the 1930's.

The election in 1984 is the most crucial in decades. We have an opportunity to regain the majority in the Senate and to put an end to the Reagan Administration. We will have these opportunities but we are at a financial disadvantage. The Republicans out spent the Democrats seven to one in 1982 and we can't let them do that in 1984.

Therefore, your help is not only appreciated it is needed! Your contribution will help us send Congress a message concerning the budget and give us the head start we must have for a Democratic victory in 1984. Please fill out the pledge card to send along with your contribution. With your help we can achieve our goals so we can help put America back on the real course. Prosperity.

Sincerely,



Eric B. White
Executive Director

P.S. Please fill out the enclosed survey to send along with your contribution. Your comments will help us so that we can help you. A stamped envelope has been included for your convenience. We will achieve our goals with your help. Please send your pledge in today!

yn

EXHIBIT B

September 9, 1983

Honorable Tony Coelho
Chairman
Democratic Congressional Campaign Committee
400 North Capitol
Washington, D.C. 20001

Dear Tony:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

Caswell Silver, a supporter of mine in Colorado wrote me recently to complain about a telephone solicitation he received from a group called the American Democratic Political Action Committee.

ADPAC is, from what I can gather, an independent PAC not affiliated with the Democratic Party. ADPAC director Eric White told my office they purchase Democratic contributor lists from list brokers. He denied they comb PIX lists.

He also denied they mentioned a "contribution renewal" unless the contributor had previously given to ADPAC. He did, however, state that their phone solicitation would mention "your previous contribution to Democratic causes" in making the pitch for ADPAC.

I remain uneasy about ADPAC's solicitation—especially since their name is easily confused with the Democratic Party and Americans for Democratic Action.

Sincerely,

Patricia Schroeder
Congresswoman

PS/dt.

cc: Democratic National Committee
Americans for Democratic Action ✓

SUNDANCE OIL COMPANY

August 19, 1983

The Honorable Patricia Schroeder
U.S. House of Representatives
Washington, D.C. 20515



Dear Pat:

In regard to the American Democratic Political Action Committee referenced in your letter of August 11, the pitch made to me was, as nearly as I can quote:

"This is the American Democratic Political Action Committee. First, I want to thank you for your previous contribution, [Pat, I have never made any contribution to this Committee; my contributions have been to the Democratic party or its candidates]; we are getting ready for an important campaign and we would like to ask you for a renewal of your contribution. Send it to the American Democratic Political Action Committee" [whose address I gave you in a previous letter].

Pat, this is obviously off of FEC records, and that's the reason I wrote to you. I think this group should be investigated.

Yours truly,

Caswell Silver

CS/pc

*Eric white
543-1500*

8.5040521827

EXHIBIT C

**the
AMERICAN
DEMOCRATIC
PAC**

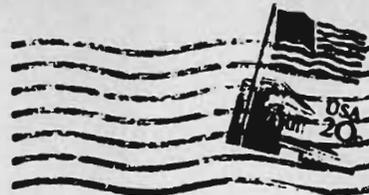
The American Democratic
Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003

**OPEN & RETURN IMMEDIATELY
SURVEY ENCLOSED**

GKMN.30DGAR
DORIS T. GRAUFAN
30 GARDNER RD
BROOKLINE, MA 02146

*AOPAC
for*



8 5 0 4 0 5 2 1 8 2 8

the
**AMERICAN
DEMOCRATIC
PAC**

The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

June 8, 1984

Dear Past Contributor:

I want to thank you for your past support and to let you know that your support has been crucial in enabling us to reach this point in the election year. We cannot stop now because we have reached this crucial point.

While the presidential race has gotten all the media attention and all of the funds we are way down in our financial projections for the year. Unless we can raise more funds we will not be able to help elect as many House and Senate candidates as we once thought. We can still reach those projections but not without your help.

We see the opportunity to regain control of the Senate and a good opportunity to strengthen our majority in the House. We will not be able to help unless we can come up with more funds than we have at this point. That is why I am sending you this urgent plea.

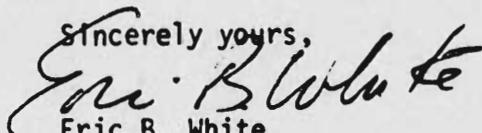
The American Democratic Political Action Committee wants to target as many House and Senate races as possible but we can only do that if you can help us.

Please send your donation in today. We will put your contribution right to work in helping a candidate such as Jim Hunt defeat the dangerous Senator Jesse Helms or help Tom Harkin defeat the just as dangerous Senator Roger Jepsen.

We have enclosed the American Opinion Poll which we hope you will take the time to fill out. We need this information for our effort. Next to the survey is a return form which you should include with your contribution.

Together, if we work hard enough, we can achieve our goals for a Democratic victory and a better and safer America.

Sincerely yours,



Eric B. White
Finance Chairman

P.S. Please send you donation in today. Your continued support is crucial to our success. Again, please take the time to fill out the survey and send it in with your donation. Thank you once again for your help.

85040521829

EXHIBIT D

BLUM & NASH

ATTORNEYS AT LAW

**1015 EIGHTEENTH STREET, N. W.
WASHINGTON, D. C. 20036**

**(202) 857-0820
CABLE: "BLUPANA"**

**JACK A. BLUM
BERNARD NASH
DONALD L. FLESSER
EDWARD G. MODELL
JANIE A. BINNEY
GREGG P. SKALL
STEVEN H. LETTON
DANA G. BOYD**

November 5, 1982

**Mr. Eric B. White
Treasurer
The American Democratic Political
Action Committee
207 Pennsylvania Avenue, S.E.
Washington, D.C. 20003**

Dear Mr. White:

This firm represents the Americans for Democratic Action, a national political organization headquartered in Washington, D.C.

The Americans for Democratic Action maintains a political action committee which it calls ADAPAC and has used that name continuously for at least six years.

We believe that your use of the name The American Democratic Political Action Committee will create unavoidable confusion with the ADA and its political action committee and that as a result of this confusion people who would have contributed to ADAPAC have responded to your solicitation in the mistaken belief that there is some relationship between the organizations.

We insist that you cease using the name forthwith or, alternatively, indicate on all of your literature that you are not affiliated with the Americans for Democratic Action.

Unless we hear from you within 15 days of receipt of this letter, we will be forced to avail ourselves of remedies under the Federal Trademark law as well as the common law.

I am looking forward to your response.

Sincerely,

Jack A. Blum
Jack A. Blum

cc: Leon Shull

85040521830

the
**AMERICAN
DEMOCRATIC
PAC**

The American Democratic Political Action Committee

207 Pennsylvania Avenue, S.E. • Washington, D.C. 20003 • 202-543-1500

November 12, 1982

Mr. Jack A. Blum
Blum & Nash
Attorneys at Law
1015 Eighteenth Street, N.W.
Washington, D.C. 20036

Dear Mr. Blum:

This is in response to your letter of November 5, 1982 in behalf of the Americans for Democratic Action and its political action committee, ADAPAC.

In no way whatsoever has the American Democratic Political Action Committee, through its literature or solicitation, attempted to imply any formal or informal affiliation with the Americans for Democratic Action or its political action committee.

We have never received any indication that our potential contributors have confused our fundraising efforts with those of the Americans for Democratic Action or ADAPAC.

However, in an effort to avoid possible confusion we can accomodate your request by inscribing on all our literature, below the Federal Election Commission disclaimer, the phrase: The American Democratic PAC, an independent political action committee, is not affiliated with any other political organization.

We are most interested in resolving this matter to the satisfaction of both parties.

I look forward to your response.

Sincerely,

Eric B. White
Treasurer

8 5 0 4 0 5 2 1 8 3 1

EXHIBIT E

April 16, 1984

Reports Analysis Division
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Dear Madam/Sir:

As campaign manager for Harriett Woods' 1982 election campaign, I noted with interest the reports filed by the American Democratic Political Action Committee. In several instances the report noted "contribution in kind" for "polling." No polling services were solicited, contracted for, or received from the American Democratic Political Action Committee. Our polling was conducted by Research Analysis of Boston, Massachusetts.

A member of the Woods' staff did, however, tell me recently that he was contacted by someone from ADPAC several weeks before the November 1982 election. The ADPAC person said the PAC was unable to contribute funds, but was interested in doing phoning to help the Woods campaign. The person called daily for about a week, saying he had a great many WATS phone lines available and wanted to help.

Our staff person sent ADPAC a telephone directory (a list of registered voters was not available) for a county where the campaign had not been able to set up a phone bank. He also sent instructions for doing voter I.D. and GOTV, and asked that ADPAC report to us with the results. However, we apparently never heard anything back from them.

Thank you for this opportunity to clarify the record.

Sincerely,

Jody Newman

Jody Newman
2201 Wisconsin Avenue, NW
Apartment 403
Washington, DC 20007

8
5
0
4
0
5
2
1
8
3
2



FEDERAL ELECTION COMMISSION

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

85040521833

THIS IS THE BEGINNING OF MUR # 1869

Date Filmed 4/17/85 Camera No. --- 3

Cameraman AS