



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 1957

Date Filmed 10/18/85 Camera No. --- 3

Cameraman AS

850405153507

1987

Routing cards

Conciliation-related documents

Duplicates

Pre-brief report and responses

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

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

Michael
10/9/85

Signed Line G. Weisenborn
date 10/4/85



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 5, 1985

Lynda S. Mounts, Esquire
Cadwalader, Wickersham and Taft
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1957
Committee for the Future
of America
Curtis A. Wiley, as
treasurer

Dear Ms. Mounts:

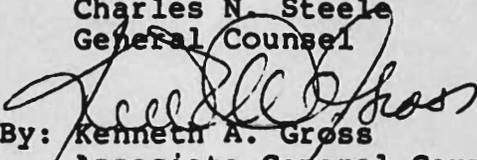
On August 26, 1985, the Commission accepted the conciliation agreement signed on behalf of your clients and a civil penalty in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days.

2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

85040553509



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lynda S. Mounts, Esquire
Cadwalader, Wickersham and Taft
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1957
Committee for the Future
of America
Curtis A. Wiley, as
treasurer

Dear Ms. Mounts:

On August 26, 1985, the Commission accepted the conciliation agreement signed on behalf of your clients and a civil penalty in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days.

2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

KAG
8/29/85

85040553510

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1957
Committee for the Future)
of America)
Curtis A. Wiley, as treasurer)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 26, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1957:

1. Accept the agreement attached to the General Counsel's Report signed August 20, 1985.
2. Close the file.

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

Attest:

8-26-85

Date

Jody C. Ransom

for Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Wed., 8-21-85, 3:45
Circulated on 48 hour tally basis: Thurs., 8-22-85, 11:00
Deadline for votes: Mon., 8-26-85, 11:00

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee for the Future of America) MUR 1957
Curtis A. Wiley, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that the Committee for the Future of America and Curtis A. Wiley, as treasurer, ("Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(9) by filing the Committee's 1984 October Quarterly Report on December 6, 1984, fifty-two (52) days late.

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

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

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

III. Respondent enters voluntarily into this agreement with the Commission.

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

1. The Respondent committee is an unauthorized political committee which has elected to file quarterly reports with the Commission pursuant to 2 U.S.C. § 434(a)(4)(A) and 11 C.F.R.

§ 104.5(c)(1). Respondent Wiley is named in this agreement only in his capacity as Treasurer.

2. 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R.

§104.5(c)(1)(i) require that unauthorized committees which elect to file quarterly reports must file those reports no later than the 15th day following the close of the immediately preceding quarter.

3. In 1984 the October Quarterly Report was due on October 15, 1984.

4. Respondents filed the Committee's 1984 October Quarterly Report on December 6, 1984, or 52 days late.

5. Shortly after the Commission advised the Committee that it had failed to file its October Quarterly Report, the Committee advised the Reports Analysis Division that it had not been active since early 1983, except for activity necessary to winding down the Committee. The Committee had no employees after March, 1983. A volunteer prepared the October Quarterly Report, but inadvertantly failed to file it. After notice from the Commission, the volunteer obtained the signature of the Committee's then treasurer, who worked outside the Washington, D.C. area, and filed the report. CFA contends that the failure to file on time was inadvertant and was corrected as soon as possible.

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V. By filing the above cited quarterly report 52 days after the date it was due, Respondents violated 2 U.S.C. § 434(a)(4)(A)(i).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred and Fifty Dollars (\$150), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no

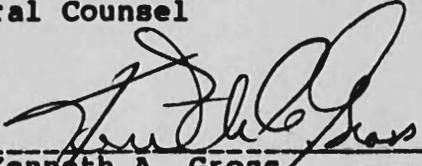
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other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

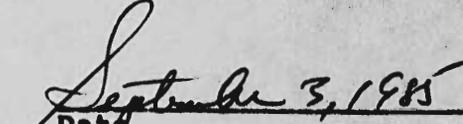
FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY:

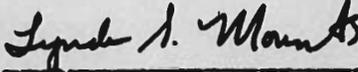


Kenneth A. Gross
Associate General Counsel

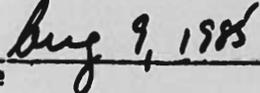


Date

FOR THE RESPONDENT:



Lynda S. Mounts
General Counsel
Committee for the
Future of America, Inc.



Date

85040553515



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel *RMB*

DATE: August 21, 1985

SUBJECT: MUR 1957 - General Counsel's Report

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

Open Session _____

Closed Session _____

CIRCULATIONS

DISTRIBUTION

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []

Compliance [X]
Audit Matters []

24 Hour No Objection []
Sensitive []
Non-Sensitive []

Litigation []
Closed MUR Letters []

Information []
Sensitive []
Non-Sensitive []

Status Sheets []
Advisory Opinions []

Other []

Other (see distribution below) []

85040553516

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARY

In the Matter of
Committee for the Future of America
Curtis A. Wiley, as treasurer

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MURKIN
AUG 21 P 3:45

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

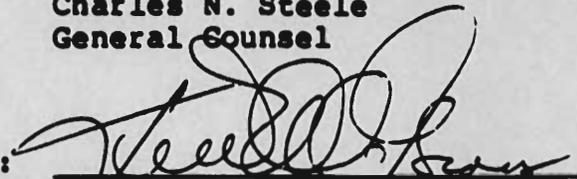
Attached is a conciliation agreement which has been signed by counsel for the Committee for the Future of America.

II. RECOMMENDATION

The Office of General Counsel recommends the acceptance of this agreement and the closing of the file.

Charles N. Steele
General Counsel

August 20, 1985
Date

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments
Conciliation Agreement
Letter to respondents

AW #1

85040553517



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 22, 1985

Lynda S. Mounts, Esquire
Cadwalader, Wickersham and Taft
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1957
Committee for the Future of
America
Curtis A. Wiley, as
treasurer

Dear Ms. Mounts:

On July 9, 1985, the Commission found probable cause to believe that the Committee for the Future of America ("CFA") and Curtis A. Wiley, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended, by failing to file its 1984 October Quarterly Report in a timely manner.

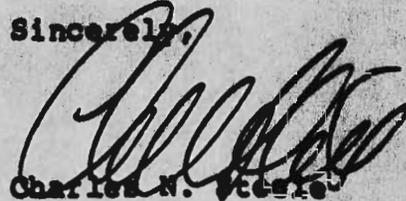
The Commission has a duty to attempt to correct such a violation for a period of thirty days to ninety days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute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

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

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If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

85040553519



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Lynda S. Mounts, Esquire
Cadwalader, Wickersham and Taft
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1957
Committee for the Future of
America
Curtis A. Wiley, as
treasurer

Dear Ms. Mounts:

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

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

AW
7/17/85

05520

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

85040553521

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee for the Future of America) MUR 1957
Curtis A. Wiley, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 9, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1957:

1. Find probable cause to believe that the Committee for the Future of America and Curtis A. Wiley, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
2. Approve the proposed conciliation agreement attached to the General Counsel's report dated June 19, 1985, subject to amendment to show the name of the treasurer as Curtis A. Wiley.
3. Approve and send the lettter attached to the General Counsel's report dated June 19, 1985.

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

Attest:

7-11-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel
DATE: June 19, 1985
SUBJECT: MUR 1957 - General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of July 9, 1985
Open Session
Closed Session XX

Table with 2 columns: CIRCULATIONS and DISTRIBUTION. Rows include 48 Hour Tally Vote, 24 Hour No Objection, Information, and Other.

SENSITIVE

CIRCULATE ON BLUE PAPER

ON AGENDA 7-9-85

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then reiterates the assertedly mitigating facts raised earlier in response to the Commission's finding of reason to believe, and notes that CFA has changed treasurers in order to avoid problems which arose from having a treasurer outside Washington, D.C.

2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i) require that unauthorized committees which elect to file quarterly reports must file those reports no later than the 15th day following the close of the immediately preceding quarter. In 1984 the October quarterly report was due on October 15, 1984. CFA filed this report on December 6, 1984, or 52 days late.

The respondents in this matter do not deny that a violation of the Act occurred. It is therefore the recommendation of this Office that the Commission find probable cause to believe that CFA and its treasurer have violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file its 1984 October Quarterly Report in a timely manner, with the allegedly mitigating factors raised by counsel to be more appropriately addressed during the conciliation process.

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IV. RECOMMENDATIONS

1. Find probable cause to believe that the Committee for the Future of America and Curtis A. Wiley, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
2. Approve the attached proposed conciliation agreement.
3. Approve and send the attached letter.

19 June 1965
Date



Charles N. Steele
General Counsel

Attachments

1. Respondents' Brief
2. Proposed conciliation agreement
3. Letter to respondents

85040553526

BEFORE THE
FEDERAL ELECTION COMMISSION

W. W. W. W. W.
MAY 20 5:03

In the Matter of)
Committee for the Future) MUR 1957
of America, Inc.)

BRIEF OF THE
COMMITTEE FOR THE FUTURE OF AMERICA

On March 23, 1985, the Committee for the Future of America, Inc. (CFA) received notification that the Federal Election Commission (FEC) determined that there is reason to believe that CFA violated 2 U.S.C. § 434(a)(4)(A)(i). That section of the Federal Election Campaign Act requires political committees to file quarterly reports in a general election year no later than the fifteenth day after the last day of each calendar quarter. The General Counsel's brief recites that CFA was required to file its October 1984 quarterly report no later than October 15, 1984, but did not file that report until December 6, 1984 -- 52 days late. The General Counsel recommends a finding of probable cause to believe because of CFA's failure to comply with the reporting requirements in a timely manner.

This brief, filed on behalf of CFA, demonstrates that the FEC should take no further action in this matter. While the General Counsel's recitation of the facts is correct, there are relevant mitigating facts on record with the Commission that should preclude a finding of violation.

The facts are as follows. The FEC, in a letter dated November 6, 1984, advised CFA that it had failed to file its October quarterly report. Shortly thereafter, counsel for CFA advised Ms. Alva Smith

Attachment 1

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(Reports Analysis Division) that CFA has had no activity since early 1983, except for activity necessary to wind-down the committee. It has not had any employees since March, 1983; volunteers have handled winding-down activities. A volunteer prepared the October quarterly report but inadvertently failed to submit it. She was in the process of obtaining the signature of CFA's then treasurer, who worked outside the Washington area. CFA's counsel subsequently confirmed this information in writing in a letter to Ms. Smith dated November 30, 1984. The letter is attached to this response. In the letter, CFA's counsel also indicated that the report would be submitted to the FEC within the week. CFA's report was received by the FEC, according to the General Counsel's brief, on December 6, 1984.

CFA's activities -- other than winding-down -- ended over two years ago. It has not made contributions to candidates since 1982. Under the Commission's regulations, CFA has been in a position to close for some time. If it had closed, it would not have had any reporting obligations. At the beginning of 1985, because of difficulties in preparing reports under the existing circumstances, CFA's counsel informally raised the issue of closing CFA with the General Counsel's office. CFA's counsel was advised that it was unlikely that the FEC would permit CFA to close while a MUR is pending against it (see MUR 1741).

In short, CFA's failure to file on time was inadvertent and was corrected as soon as possible. Moreover, to avoid the problems associated with having a treasurer who works outside of Washington, CFA has changed its treasurer. Because of the mitigating circum-

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stances described above, CFA requests that the FEC take no further action in this matter.

Respectfully submitted,

Lynda S. Mounts

Lynda S. Mounts
General Counsel
Committee for the Future
of America, Inc.

850405535529

Cadwalader, Wickersham & Taft

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1533 New Hampshire Ave., N.W.

Washington, D.C. 20036

Telephone: (202) 293-6300

TWR: 710-822-1834

RAPIFAK: (202) 293-6290

XEROX: (202) 387-1417

November 30, 1984

240 ROYAL PALM WAY
PALM BEACH, FLA. 33410
(305) 833-4500
TWR: 810-822-7650

ALL STAFF
NEW YORK, N.Y. 10008
202-700-7000
L: LABELLUM
202-462-4400

Ms. Alva Smith
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

ID No. C00140079

Re: October Quarterly Report (7/1/84-9/30/84)

Dear Ms. Smith:

As I advised you in our recent telephone conversation on the above-referenced matter, the Committee For the Future of America, Inc. has had no activity since early 1983 except for activity necessary to close down the Committee. A volunteer prepared the October quarterly report but inadvertently failed to submit it. She is now in the process of obtaining the signature of the Committee's treasurer, who works outside of Washington, D.C. I expect that you will have the report within a week.

During our conversation, you asked if Frances Kidd is still the Committee's treasurer. I advised you that David Phelps is the Committee's treasurer. He has held that position since February 1983.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Lynda S. Mounts

Lynda S. Mounts
General Counsel
Committee For the
Future of America, Inc.

LSM:ph

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(4)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lynda S. Mounts, Esquire
Cadwalader, Wickersham and Taft
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1957
Committee for the Future of
America
Curtis A. Wiley, as
treasurer

Dear Ms. Mounts:

On _____, 1985, the Commission found probable cause to believe that the Committee for the Future of America ("CFA") and Curtis A. Wiley, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended, by failing to file its 1984 October Quarterly Report in a timely manner.

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

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

Attachment 3

8

8504055331

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE
FEDERAL ELECTION COMMISSION

RECEIVED
GENERAL COUNSEL
MAY 11 1985

In the Matter of)
Committee for the Future) MUR 1957
of America, Inc.)

BRIEF OF THE
COMMITTEE FOR THE FUTURE OF AMERICA

On March 28, 1985, the Committee for the Future of America, Inc. (CFA) received notification that the Federal Election Commission (FEC) determined that there is reason to believe that CFA violated 2 U.S.C. § 434(a)(4)(A)(i). That section of the Federal Election Campaign Act requires political committees to file quarterly reports in a general election year no later than the fifteenth day after the last day of each calendar quarter. The General Counsel's brief recites that CFA was required to file its October 1984 quarterly report no later than October 15, 1984, but did not file that report until December 6, 1984 -- 52 days late. The General Counsel recommends a finding of probable cause to believe because of CFA's failure to comply with the reporting requirements in a timely manner.

This brief, filed on behalf of CFA, demonstrates that the FEC should take no further action in this matter. While the General Counsel's recitation of the facts is correct, there are relevant mitigating facts on record with the Commission that should preclude a finding of violation.

The facts are as follows. The FEC, in a letter dated November 6, 1984, advised CFA that it had failed to file its October quarterly report. Shortly thereafter, counsel for CFA advised Ms. Alva Smith

8504055333

(Reports Analysis Division) that CFA has had no activity since early 1983, except for activity necessary to wind-down the committee. It has not had any employees since March, 1983; volunteers have handled winding-down activities. A volunteer prepared the October quarterly report but inadvertently failed to submit it. She was in the process of obtaining the signature of CFA's then treasurer, who worked outside the Washington area. CFA's counsel subsequently confirmed this information in writing in a letter to Ms. Smith dated November 30, 1984. The letter is attached to this response. In the letter, CFA's counsel also indicated that the report would be submitted to the FEC within the week. CFA's report was received by the FEC, according to the General Counsel's brief, on December 6, 1984.

CFA's activities -- other than winding-down -- ended over two years ago. It has not made contributions to candidates since 1982. Under the Commission's regulations, CFA has been in a position to close for some time. If it had closed, it would not have had any reporting obligations. At the beginning of 1985, because of difficulties in preparing reports under the existing circumstances, CFA's counsel informally raised the issue of closing CFA with the General Counsel's office. CFA's counsel was advised that it was unlikely that the FEC would permit CFA to close while a MUR is pending against it (see MUR 1741).

In short, CFA's failure to file on time was inadvertent and was corrected as soon as possible. Moreover, to avoid the problems associated with having a treasurer who works outside of Washington, CFA has changed its treasurer. Because of the mitigating circum-

8504055334

stances described above, CFA requests that the FEC take no further action in this matter.

Respectfully submitted,

Lynda S. Mounts

Lynda S. Mounts
General Counsel
Committee for the Future
of America, Inc.

8504055335

Cadwalader, Wickersham & Taft

A PARTNERSHIP INCLUDING THE FIRM OF COWI, INCORPORATED

1333 New Hampshire Ave., N.W.

Washington, D.C. 20036

Telex: (202) 293-6300

ONE WALL STREET
NEW YORK, N. Y. 10005
(212) 505-7000
CABLE: LAGELUM
TELEX: 100140/007000

500 CAPITAL BLDG SW
FALLS CHURCH, VA. 22040
(703) 505-2000
TELEX: 505-000-1000

TW: 710-000-1000

RAPIDAX (202) 202-0000

HEROZ (202) 207-1417

November 30, 1984

Ms. Alva Smith
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

ID No. C00140079

Re: October Quarterly Report (7/1/84-9/30/84)

Dear Ms. Smith:

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During our conversation, you asked if Frances Kidd is still the Committee's treasurer. I advised you that David Phelps is the Committee's treasurer. He has held that position since February 1983.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Lynda S. Mounts

Lynda S. Mounts
General Counsel
Committee For the
Future of America, Inc.

LSM:ph

850405536



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
 FROM: Office of General Counsel *GC*
 DATE: May 9, 1985
 SUBJECT: MUR 1957 - Memorandum and GC's Brief

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

CIRCULATIONS

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

Other []

DISTRIBUTION

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

8504055337



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

REC
CLERK
MAY 9 10:26
May 9, 1985

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele *CS*
General Counsel

SUBJECT: MUR #1957

SENSITIVE

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on May 9, 1985. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondents

850405338



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 9, 1985

Lynda S. Mounts, Esquire
Cadwalader, Wilkersham and Taft
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1957
Committee for the Future
of America
David C. Phelps,
as treasurer

Dear Ms. Mounts:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you on behalf of your clients the Federal Election Commission, on March 22, 1985, found reason to believe that your clients violated 2 U.S.C. § 434(a)(4)(A)(1) and 11 C.F.R. § 104.5(c)(3)(ii), and instituted an investigation in this matter.

After considering all evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

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

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

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

8504055339

Lynda S. Mounts, Esquire
Page 2

Should you have any questions, please contact Anne A. Weissenborn, the attorney assigned to handle this matter, at (202) 523-4000.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

85040553540

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee for the Future of America) MUR 1957
David C. Phelps, as treasurer)

GENERAL COUNSEL'S BRIEF

I. Statement of Case

On March 22, 1985, the Commission found reason to believe that the Committee for the Future of America ("CFA"), and David C. Phelps, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file its 1984 October Quarterly Report by October 15, 1984. The report was filed on December 6, 1984, 52 days late.

II. Legal Analysis

CFA is an unauthorized committee which has elected to file quarterly reports. 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i) requires that unauthorized committees which elect to file on a quarterly basis must file its quarterly reports no later than the 15th day following the close of the immediately preceding quarter.

The 1984 October Quarterly Report was due on October 15. On September 21, 1984, all quarterly unauthorized committees were sent a reminder by the Reports Analysis Division that these reports were due on the above cited date. On November 6, 1984, a Non-Filer Notice was sent to CFA regarding the October Quarterly report. The Committee did not file its 1984 October Quarterly Report until December 6, 1984, or 52 days late.

Respondents were notified of the Commission's reason to believe finding on March 27, 1985.

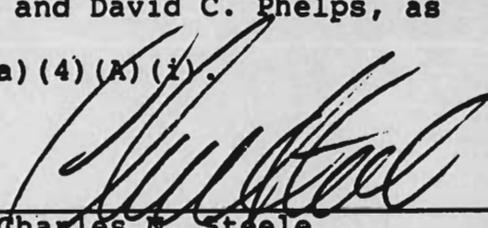
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On April 12, 1985, the Commission received a response from counsel to the Committee which cites certain mitigating facts and which asks that the Commission take no further action in this matter. Counsel states that the Committee has had no activity since early 1983 except for winding down activity. It assertedly has had no employees since March, 1983, and has relied upon volunteers, including the one who prepared the 1984 October Quarterly report, but "inadvertently failed to file it." (See Attachment 1). Counsel further states that the Committee has been in a position to close "for some time," but has not attempted to do so because of a pending matter under review.

III. General Counsel's Recommendation

It is the recommendation of the Office of General Counsel that the Commission find probable cause to believe that the Committee for the Future of America and David C. Phelps, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

8 May 1985
Date



Charles N. Steele
General Counsel

85040553342

Acc # 7150
Weissenborn

Cadwalader, Wickersham & Taft
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1333 New Hampshire Ave., N.W.

Washington, D.C. 20036

Telephone: (202) 293-6300

100 MAIDEN LANE
NEW YORK, N. Y. 10038
(212) 804-8000
CABLE: LABELLUM
TELEX: 128148/887488

246 ROYAL PALM WAY
PALM BEACH, FLA. 33480
(305) 853-9800
TWX 810-988-7828

TWX: 710-822-1934
RAPIFAX: (202) 293-6290
XEROX: (202) 367-1417

April 12, 1985

RECEIVED
GENERAL COUNSEL
APR 12 8 31 AM '85

Mr. John Warren McGarry
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1957

Dear Mr. McGarry:

On March 28, 1985, the Committee for the Future of America, Inc. (CFA) received notification that the Federal Election Commission (FEC) has determined that there is reason to believe that CFA violated 2 U.S.C. § 434(a)(4)(A)(i). That section of the Federal Election Campaign Act requires political committees to file quarterly reports in a general election year no later than the fifteenth day after the last day of each calendar quarter. The General Counsel's report recites that CFA was required to file its October 1984 quarterly report no later than October 15, 1984, but did not file that report until December 6, 1984 -- 52 days late. The General Counsel recommended a finding of reason to believe because of CFA's failure to comply with the reporting requirements in a timely manner.

This response, filed on behalf of CFA, demonstrates that the FEC should take no further action in this matter. While the General Counsel's recitation of the facts is correct, the General Counsel's report failed to include relevant mitigating facts on record with the Commission. For the reasons discussed below, the Commission should take no further action.

The facts are as follows. The FEC, in a letter dated November 6, 1984, advised CFA that it had failed to file its October quarterly report. Shortly thereafter, counsel for CFA advised Ms. Alva Smith (Reports Analysis Division) that CFA has had no activity since early 1983, except for activity necessary to wind-down the committee.

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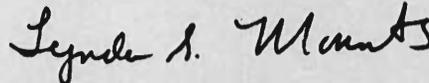
Mr. John Warren McGarry
Page Two
April 12, 1985

It has not had any employees since March, 1983; volunteers have handled winding-down activities. A volunteer prepared the October quarterly report but inadvertently failed to submit it. She was in the process of obtaining the signature of CFA's treasurer, who works outside of the Washington area. CFA's counsel subsequently confirmed this information in writing in a letter to Ms. Smith dated November 30, 1984. The letter is attached to this response. In the letter, CFA's counsel also indicated that the report would be submitted to the FEC within the week. CFA's report was received by the FEC, according to the General Counsel's report, on December 6, 1984.

CFA's activities -- other than winding-down -- ended over two years ago. It has not made contributions to candidates since 1982. Under the Commission's regulations, CFA has been in a position to close for some time. If it had closed, it would not have had any reporting obligations. At the beginning of 1985, because of difficulties in preparing reports under the existing circumstances, CFA's counsel informally raised the issue of closing CFA with the General Counsel's office. CFA's counsel was advised that it was unlikely that the FEC would permit CFA to close while a MUR is pending against it (see MUR 1741).

In short, CFA's failure to file on time was inadvertent and was corrected as soon as possible. Because of the mitigating circumstances described above, CFA requests that the FEC take no further action in this matter.

Respectfully submitted,



Lynda S. Mounts
General Counsel
Committee for the Future
of America, Inc.

Enclosure

LSM:bds

85040553544

Cadwalader, Wickersham & Taft

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1333 New Hampshire Ave. N.W.

Washington, D.C. 20036

Telephone: (202) 393-6300

TWX: 710-622-1934

RAPIFAX: (202) 393-6290

XEROX: (202) 397-1417

November 30, 1984

ONE WALL STREET
NEW YORK, N. Y. 10008
(212) 606-7000
CABLE: LABELLUM
TELEX: 180148/007408

240 ROYAL PALM WAY
PALM BEACH, FLA. 33408
(305) 855-9900
TWX: 910-052-7028

Ms. Alva Smith
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

ID No. C00140079

Re: October Quarterly Report (7/1/84-9/30/84)

Dear Ms. Smith:

As I advised you in our recent telephone conversation on the above-referenced matter, the Committee For the Future of America, Inc. has had no activity since early 1983 except for activity necessary to close down the Committee. A volunteer prepared the October quarterly report but inadvertently failed to submit it. She is now in the process of obtaining the signature of the Committee's treasurer, who works outside of Washington, D.C. I expect that you will have the report within a week.

During our conversation, you asked if Frances Kidd is still the Committee's treasurer. I advised you that David Phelps is the Committee's treasurer. He has held that position since February 1983.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Lynda S. Mounts

Lynda S. Mounts
General Counsel
Committee For the
Future of America, Inc.

LSM:ph

85040553545



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 27, 1985

David C. Phelps, Treasurer
Committee for the Future of
America
c/o Lynda S. Mounts, Esquire
Cadwalader, Wickersham and Taft
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1957

Dear Mr. Phelps:

On March 22, 1985, the Commission determined that there is reason to believe that the Committee for the Future of America and you, as treasurer, have violated 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against the committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe, if so desired. See 11 C.F.R. § 111.18(d).

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 any such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A),

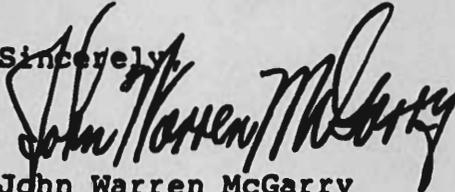
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David C. Phelps, Treasurer
Page 2

unless you notify the Commission in writing that you wish the investigation to be made public.

For your information we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,



John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

85040553547

GENERAL COUNSEL'S LEGAL AND FACTUAL ANALYSIS

RESPONDENT: Committee for the Future of America MUR NO. 1957

SUMMARY OF ALLEGATIONS

The Committee is an unauthorized committee which has elected to file quarterly reports and which is therefore subject to the provisions of 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i) requiring the filing of quarterly reports due no later than the 15th day following the close of the immediately preceding quarter. The October quarterly report is due on October 15. On September 21, 1984, all monthly unauthorized committees were sent a reminder by the Reports Analysis Division that such reports were due on the date cited above.

The Committee did not file its 1984 October Quarterly Report until December 6, 1984. The report itself was dated November 28. On November 6, 1984, a Non-Filer Notice was sent to the Committee.

FACTUAL BASIS AND LEGAL ANALYSIS

The Committee was required to file its 1984 October Quarterly Report no later than October 15, 1984, but did not in fact file the report until December 6, 1984, 52 days late. The Committee's failure to comply with the reporting requirements in a timely manner is a violation of 2 U.S.C. § 434(a)(4)(A)(i) and of 11 C.F.R. § 104.5(c)(1)(i). Hence, it is the recommendation of the General Counsel that the Commission open a matter under review and find reason to believe that the Committee violated 2 U.S.C. § 434(a)(4)(A)(i).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David C. Phelps, Treasurer
Committee for the Future of
America
c/o Lynda S. Mounts, Esquire
Cadwalader, Wickersham and Taft
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1957

Dear Mr. Phelps:

On March 22, 1985, the Commission determined that there is reason to believe that the Committee for the Future of America and you, as treasurer, have violated 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against the committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe, if so desired. See 11 C.F.R. § 111.18(d).

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 any such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A),

AW
3/25/85

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David C. Phelps, Treasurer
Page 2

unless you notify the Commission in writing that you wish the investigation to be made public.

For your information we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

85040553550



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
COMMISSIONER OF THE FEC
SECRETARY

25 MAR 26 P 4: 31

March 26, 1985

MEMORANDUM TO: The Commission

SENSITIVE

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

SUBJECT: RAD Referral 85NF-57

On March 22, 1985 the Commission approved the recommendation that RAD Referral 85NF-57 should become a MUR. Therefore, all documents which had previously been contained in RAD Referral 85NF-57 should now become MUR 1957.

Attachment
Copy of Certification

85040553551

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Committee for the Future of America) RAD Referral 85NF-57
David C. Phelps)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 22, 1985, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral 85NF-57:

1. Open a MUR.
2. Find reason to believe that the Committee for the Future of America and David C. Phelps, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Approve the letter and legal and factual analysis attached to the First General Counsel's Report signed March 19, 1985.

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

Attest:

3-25-85

Date

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

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

3-20-85, 12:53
3-20-85, 4:00

85040553552



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
 FROM: Office of General Counsel *Cot*
 DATE: March 20, 1985
 SUBJECT: RAD 85NF-57: First General Counsel's Report

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

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
Sensitive	<input checked="" type="checkbox"/>	Audit Matters	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Litigation	<input type="checkbox"/>
24 Hour No Objection	<input type="checkbox"/>	Closed MUR Letters	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>	Status Sheets	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Advisory Opinions	<input type="checkbox"/>
Information	<input type="checkbox"/>	Other (see distribution below)	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>		
Non-Sensitive	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

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SENSITIVE

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

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT 20 P12: 53

DATE AND TIME OF TRANSMITTAL BY
OGC TO THE COMMISSION 12:40 - 3/20/85

85-NF-57
STAFF MEMBER:
Anne Weissenborn

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS NAME: Committee for the Future of America
David C. Phelps

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(i)
11 C.F.R. § 104.5(c)(1)(i)

INTERNAL REPORTS
CHECKED: FEC Disclosure Documents

FEDERAL AGENCIES
CHECKED: None

GENERATION OF MATTER

The Committee for the Future of America ("the Committee") was referred to the Office of General Counsel by the Reports Analysis Division for failing to file its 1984 October Quarterly Report by October 15, 1984.

SUMMARY OF ALLEGATIONS

The Committee is an unauthorized committee which has elected to file quarterly reports and which is therefore subject to the provisions of 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i) requiring the filing of quarterly reports due no later than the 15th day following the close of the immediately preceding quarter. The October quarterly report is due on October 15. On September 21, 1984, all monthly unauthorized committees were sent a reminder by the Reports Analysis Division that such reports were due on the date cited above.

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The Committee did not file its 1984 October Quarterly Report until December 6, 1984. The report itself was dated November 28. On November 6, 1984, a Non-Filer Notice was sent to the Committee.

FACTUAL AND LEGAL ANALYSIS

The Committee was required to file its 1984 October Quarterly Report no later than October 15, 1984, but did not in fact file the report until December 6, 1984, 52 days late. The Committee's failure to comply with the reporting requirements in a timely manner is a violation of 2 U.S.C. § 434(a)(4)(A)(i) and of 11 C.F.R. § 104.5(c)(1)(i). Hence, it is the recommendation of the General Counsel that the Commission open a matter under review and find reason to believe that the Committee violated 2 U.S.C. § 434(a)(4)(A)(i).

RECOMMENDATION

1. Open a matter under review.
2. Find reason to believe that the Committee for the Future of America and David C. Phelps, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Approve the attached letter and legal and factual analysis.

Charles N. Steele
General Counsel

March 19, 1985
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments
Referral
Letter and Analysis

850405535

GENERAL COUNSEL'S LEGAL AND FACTUAL ANALYSIS

RESPONDENT: Committee for the Future of America MUR NO. _____

SUMMARY OF ALLEGATIONS

The Committee is an unauthorized committee which has elected to file quarterly reports and which is therefore subject to the provisions of 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i) requiring the filing of quarterly reports due no later than the 15th day following the close of the immediately preceding quarter. The October quarterly report is due on October 15. On September 21, 1984, all monthly unauthorized committees were sent a reminder by the Reports Analysis Division that such reports were due on the date cited above.

The Committee did not file its 1984 October Quarterly Report until December 6, 1984. The report itself was dated November 28. On November 6, 1984, a Non-Filer Notice was sent to the Committee.

FACTUAL BASIS AND LEGAL ANALYSIS

The Committee was required to file its 1984 October Quarterly Report no later than October 15, 1984, but did not in fact file the report until December 6, 1984, 52 days late. The Committee's failure to comply with the reporting requirements in a timely manner is a violation of 2 U.S.C. § 434(a)(4)(A)(i) and of 11 C.F.R. § 104.5(c)(1)(i). Hence, it is the recommendation of the General Counsel that the Commission open a matter under review and find reason to believe that the Committee violated 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i).

85040553556



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

David C. Phelps, Treasurer
Committee for the Future of
America
c/o Lynda S. Mounts, Esquire
Cadwalader, Wickersham and Taft
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Re: MUR

Dear Mr. Phelps:

On _____, 1985, the Commission determined that there is reason to believe that the Committee for the Future of America and you, as treasurer, have violated 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.5(c)(1)(i). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against the committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe, if so desired. See 11 C.F.R. § 111.18(d).

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 any such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A),

85040553557

David C. Phelps, Treasurer
Page 2

unless you notify the Commission in writing that you wish the investigation to be made public.

For your information we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

8
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3



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

20 February 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF THE COMMITTEE FOR THE FUTURE OF AMERICA,
INC.

This a referral of the Committee for the Future of America, Inc. ("CFA") for failing to file the 1984 October Quarterly Report as of Election Day, November 6, 1984. According to the RAD Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

If you have any questions, please contact Alva E. Smith at 523-4048.

Attachment

85040553559

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 20 February 1985

ANALYST: Alva Smith

I. COMMITTEE: Committee for the Future of America, Inc.
(C00140079)
David Phelps, Treasurer
c/o Lynda S. Mounts, Esquire
1333 New Hampshire Avenue, NW
Suite 700
Washington, DC 20036

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(i)
11 CFR 104.5(c)(1)(i)(A)

III. BACKGROUND:

Non-Filing of the 1984 October Quarterly Report

The Committee for the Future of America, Inc. ("CFA") failed to file the 1984 October Quarterly Report of Receipts and Disbursements as of Election Day, November 6, 1984. CFA was notified on September 21, 1984, that the report was due on October 15, 1984 (Attachment 3).

On November 6, 1984, a Non-Filer Notice was sent to CFA for its failure to file the 1984 October Quarterly Report (Attachment 3).

On November 14, 1984, Lynda Mounts, a CFA attorney, stated during a telephone conversation with a Reports Analysis Division ("RAD") analyst, that the October Quarterly Report was prepared even though CFA has not had any activity since 1983. Ms. Mounts also explained that CFA was in the process of terminating and that the report would be submitted as soon as possible (Attachment 4).

CFA submitted a letter of explanation on December 3, 1984 which reiterated the telephone conversation of November 14, 1984 (Attachment 5).

On December 3, 1984, the RAD analyst informed Ms. Mounts, by telephone, that the October Quarterly Report had not been received. Ms. Mounts explained that the report would be submitted as soon as the committee officials completed their review of the report (Attachment 6).

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**COMMITTEE FOR THE FUTURE OF AMERICA, INC.
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

On December 6, 1984, Liz Brittain, a committee representative, left a note indicating that she had attempted to hand deliver the 1984 October Quarterly Report to the RAD analyst (Attachment 7). Although the RAD analyst was not available, the 1984 October Quarterly Report was nevertheless accepted and hand delivered on December 6, 1984 (Attachment 8).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

85040553561

FEDERAL ELECTION COMMISSION
 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)

DATE 14FEB85
 PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
COMMITTEE FOR THE FUTURE OF AMERICA INC CONNECTED ORGANIZATION: NONE				NON-PARTY QUALIFIED		ID #C00140079
1983	MISCELLANEOUS REPORT			7FEB83 TO FEC	2	83FEC/266/0732
	MID-YEAR REPORT	283,820	303,275	1JAN83 -30JUN83	39	83FEC/276/3403
	MID-YEAR REPORT - AMENDMENT	283,820	303,275	1JAN83 -30JUN83	42	83FEC/281/2346
	MID-YEAR REPORT - AMENDMENT	283,820	303,275	1JAN83 -30JUN83	41	84FEC/315/5387
	REQUEST FOR ADDITIONAL INFORMATION			1JAN83 -30JUN83	1	84FEC/299/2568
	REQUEST FOR ADDITIONAL INFORMATION			1JAN83 -30JUN83	2	84FEC/299/2570
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN83 -30JUN83	5	84FEC/311/2990
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN83 -30JUN83	1	84FEC/311/5286
	YEAR-END	10,711	11,361	1JUL83 -31DEC83	10	84FEC/295/3470
	YEAR-END - AMENDMENT	-	-	1JUL83 -31DEC83	1	84FEC/315/5448
	REQUEST FOR ADDITIONAL INFORMATION			1JUL83 -31DEC83	1	84FEC/295/2566
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL83 -31DEC83	1	84FEC/311/5287
1984	STATEMENT OF ORGANIZATION - AMENDMENT			31MAY84	1	84FEC/315/5447
	STATEMENT OF ORGANIZATION - AMENDMENT			3DEC84	2	84FEC/356/8204
	APRIL QUARTERLY	2,195	1,389	1JAN84 -31MAR84	6	84FEC/310/4173
	1'ST LETTER INFORMATIONAL NOTICE			1JAN84 -31MAR84	2	84FEC/320/2344
	JULY QUARTERLY	8,000	5,405	1APR84 -30JUN84	7	84FEC/320/1916
	OCTOBER QUARTERLY	7,190	9,632	1JUL84 -30SEP84	7	84FEC/352/4603
	OCTOBER QUARTERLY - AMENDMENT	7,190	9,632	1JUL84 -30SEP84	3	85FEC/365/1734
	NOTICE OF FAILURE TO FILE			1JUL84 -30SEP84	1	84FEC/348/2061
	REQUEST FOR ADDITIONAL INFORMATION			1JUL84 -30SEP84	1	85FEC/358/4524
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL84 -30SEP84	2	85FEC/363/2209
	POST-GENERAL	-	-	1OCT84 -26NOV84	4	84FEC/352/4598
	POST-GENERAL - AMENDMENT	-	-	1OCT84 -26NOV84	5	85FEC/365/1729
	REQUEST FOR ADDITIONAL INFORMATION			1OCT84 -26NOV84	1	85FEC/360/0512
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT84 -26NOV84	2	85FEC/365/2220
	TOTAL	311,916	0 331,062	0	190	TOTAL PAGES

ATTACHMENT #1

All reports have been reviewed.

Ending Cash-on-Hand (11/26/84) = \$821

Debts owed by the committee = \$6,378



FEDERAL ELECTION COMMISSION
 WASHINGTON, D.C. 20463

September 21, 1984

OCTOBER REPORTING NOTICE FOR UNAUTHORIZED COMMITTEES

WHO MUST FILE

ALL unauthorized political committees, except those that file monthly, must file a quarterly report by October 15, 1984. (See Monthly Filers below.)

WHAT MUST BE REPORTED

All financial activity must be disclosed from the last report filed through September 30, 1984. Political committees which have not previously filed a financial disclosure report should report all financial activity from the date of registration,* through September 30, 1984.

WHEN TO FILE

Reports sent by registered or certified mail must be postmarked no later than October 15, 1984. Reports hand delivered or mailed first class must be received no later than close of business October 15, 1984.

WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC Form 3X for details.

MONTHLY FILERS

Committees that file on a monthly schedule must file their next report by October 20, 1984, and disclose all financial activity of their committee from September 1 through September 30, 1984. Monthly reports are due by the twentieth of each month and should cover all financial activity of the previous month.

COMPLIANCE

Political committees are fully liable for failure to file any report required under the Act. Failure to file in a timely fashion is a serious violation. Committees are subject to enforcement action for late filing. Illegible reports which can not be clearly reproduced and reports submitted on non-FEC forms will not be accepted. Committees filing such documents will be required to refile.

*The first report filed by a committee shall include all amounts received or disbursed prior to becoming a political committee, even if such amounts were not received during the current reporting period. See 11 CFR 104.3(a) and (b).

-over-

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A R E M I N D E R

All committees that have made contributions or expenditures (including independent expenditures) in connection with an election, which have not previously been disclosed, must file a pre-election report for that election. (Although some committees may not be required to file pre-election reports, all committees, are required to file a post-general election report.)

**FOR INFORMATION CALL: Office of Public Communications
800/424-9530 or 202/523-4068**

85040553564



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

EQ-7

November 6, 1984

Frances Kidd, Treasurer
Committee for the Future
of America, Inc.
c/o Lynda S. Mounts, Esq.
1333 New Hampshire Ave., N.W.
Washington, DC 20036

Identification Number: C00140079

Reference: OCTOBER QUARTERLY REPORT (7/1/84-9/30/84)

Dear Mr. Kidd:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 1325 K Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR 108.2, 108.3, 108.4).

The failure to file this report may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Alva Smith on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

John D. Gibson
John D. Gibson
Assistant Staff Director
Reports Analysis Division

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

ANALYST: A. Smith

CONVERSATION WITH: Linda Mounts 466-1260

COMMITTEE: Committee for the Future of America

DATE: 11/14/84

SUBJECT(S): Q3 non-filer

Ms. Mounts called in response to a October Quarterly non-filer notice. She explained that the committee has had no activity since 1983. She stated that the report was prepared, but not sent. She will submit the report as soon as possible. Ms. Mounts also stated that the committee will soon terminate and David Phelps is the treasurer of the committee.

85040553566

Goodwin, Richardson & Tapp
A CORPORATION ORGANIZED UNDER THE LAWS OF THE DISTRICT OF COLUMBIA

94 DEC 3 4 00

1335 New Hampshire Ave. N.W.

Washington, D.C. 20036

Telex: 1000 200-2000

TELE: 700-200-1000

CABLE: 1000 200-2000

WIRE: 1000 200-2000

November 30, 1984

ONE WALL STREET
NEW YORK, N. Y. 10005
TELE 200-7000
CABLE LANGUAGE
WIRE 200-7000

ONE WALL STREET
NEW YORK, N. Y. 10005
TELE 200-7000
WIRE 200-7000

Ms. Alva Smith
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

ID No. C00140079

Re: October Quarterly Report (7/1/84-9/30/84)

Dear Ms. Smith:

As I advised you in our recent telephone conversation on the above-referenced matter, the Committee For the Future of America, Inc. has had no activity since early 1983 except for activity necessary to close down the Committee. A volunteer prepared the October quarterly report but inadvertently failed to submit it. She is now in the process of obtaining the signature of the Committee's treasurer, who works outside of Washington, D.C. I expect that you will have the report within a week.

During our conversation, you asked if Frances Kidd is still the Committee's treasurer. I advised you that David Phelps is the Committee's treasurer. He has held that position since February 1983.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Lynda S. Mounts

Lynda S. Mounts
General Counsel
Committee For the
Future of America, Inc.

LSM:ph

85040553567

84033705204

ANALYST: A. Smith

CONVERSATION WITH: Lynda Mounts

COMMITTEE: Committee for the Future of America

DATE: 12/3/84

SUBJECT(S): Q3 non-filer

I informed Ms. Mounts that the October Quarterly Report has not been received. She explained that the report is being reviewed by committee officials and will be hand delivered as soon as possible.

85040553568

Ms. Smith - 12/6
Lynda Mounts
told me to deliver
CFA's reports
directly to you.
Unfortunately I
got here too late,
so will have them
stamped in on
the fifth floor.
Sorry -
Liz Brittain
(C.F.A.)

85040553569

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

ATTACHMENT 8 (Page 1 of 2)
RECEIVED AT THE FEC

(Summary Page)

NOT RECORDED

ALIAS AREA

1. Name of Committee (in Full)
COMMITTEE FOR THE FUTURE OF AMERICA, INC

Address (Number and Street)
**40 Lynda S. MOUNTS
SUITE 700
1833 NEW HAMPSHIRE AVE, NW**

City, State and ZIP Code
WASHINGTON, DC 20036

Check here if address is different than previously reported.

2. FEC Identification Number
C00140079

3. This committee qualified as a multicandidate committee during this Reporting Period on _____

4. TYPE OF REPORT (Check appropriate boxes)

(a) April 15 Quarterly Report October 15 Quarterly Report
 July 15 Quarterly Report January 31 Year End Report
 July 31 Mid Year Report (Non-Election Year Only)
 Monthly Report for _____
 Tenth day report preceding _____ (April Election) election on _____ in the State of _____
 Thirtieth day report following the General Election on _____ in the State of _____
 Termination Report

(b) Is this Report an Amendment?
 YES NO

85040553570
7:33:24

SUMMARY		COLUMN A This Period	COLUMN B Cal. Year-to-Date
6. Covering Period	<u>7/1/04</u> through <u>9/30/04</u>		
6 (a) Cash on hand January 1, 19 <u>04</u>			(135.80)
(b) Cash on Hand at Beginning of Reporting Period		9,263.39	
(c) Total Receipts (from Line 18)		7,190.32	17,885.82
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		10,453.71	17,249.52
7 Total Disbursements (from Line 28)		9,632.28	16,428.09
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		821.43	821.43
9. Debts and Obligations Owed TO The Committee (itemize all on Schedule C or Schedule D)			
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C or Schedule D)		5878.95	

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

David C. Phelps
Type or Print Name of Treasurer

David C. Phelps
SIGNATURE OF TREASURER

11/28/04
Date

For further information contact
Federal Election Commission
Toll Free 800-426-6830
Local 202-435-4839

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 USC § 437c.

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

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FEC FORM 3X (3/01)

Name of Committee in Full	Report Covering the Period		
	From	To	
Committee For The Future of America, Inc.	7/1/84	7/30/84	
	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
L. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees	7,000.00	17,195.00	11(a)
(b) Political Party Committees			11(b)
(c) Other Political Committees			11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))	7,000.00	17,195.00	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			12
13. ALL LOANS RECEIVED			13
14. LOAN REPAYMENTS RECEIVED			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	190.82	190.82	15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17. OTHER RECEIPTS (Dividends, Interest, etc.)			17
18. TOTAL RECEIPTS (Add 11(a), 12, 13, 14, 15, 16 and 17)	7,190.82	17,385.82	18
M. DISBURSEMENTS			
19. OPERATING EXPENDITURES	9,632.28	16,428.09	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			21
22. INDEPENDENT EXPENDITURES (see Schedule E)			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 6441 old) (Use Schedule F)			23
24. LOAN REPAYMENTS MADE			24
25. LOANS MADE			25
26. REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees			26(a)
(b) Political Party Committees			26(b)
(c) Other Political Committees			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))			26(d)
27. OTHER DISBURSEMENTS			27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	9,632.28	16,428.09	28
NI. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	7,000.00	17,195.00	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)			30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	7,000.00	17,195.00	31
32. TOTAL OPERATING EXPENDITURES from Line 19	9,632.28	16,428.09	32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	190.82	190.82	33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	9,441.46	16,237.27	34

850405535791



FEDERAL ELECTION COMMISSION

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

85040553572

THIS IS THE BEGINNING OF MUR # 1957

Date Filmed 10/18/85 Camera No. ---3

Cameraman AS



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 1957 .

86040394491

800# 8840
RECEIVED AT THE FEC

Cadwalader, Wickersham & Taft

85 OCT 31 48:26

1333 New Hampshire Ave., N.W.

Weissenborn

Washington, D.C. 20036

249 ROYAL PALM WAY
PALM BEACH, FLA. 33480
(308) 688-8800
TWX: 510-982-7628

100 MAIDEN LANE
NEW YORK, N. Y. 10038
(212) 504-6000
CABLE: LABELLUM
TELEX: 129146/667468

Telephone: (202) 293-6300

TWX: 710-822-1934

RAPIFAX: (202) 293-6290

XEROX: (202) 387 1417

October 25, 1985

NOV 1 49:43
GENERAL COUNSEL

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

Re: MUR 1957

Dear Ms. Weissenborn:

On behalf of the Committee For The Future of America, I am enclosing a check for \$150.00 to conclude the above-referenced matter.

Very truly yours,
Lynda S. Mounts

Lynda S. Mounts
General Counsel
Committee For The Future of
America

86040574492

NAME Committee For The Future of America 3111
 ACCT. NO. 2661136
 FOR EMERGENCY USE ONLY
 PAY TO THE ORDER OF TREASURER OF THE UNITED STATES \$ 150.00
ONE HUNDRED + FIFTY DOLLARS DOLLARS
 DC National Bank DISTRICT OF COLUMBIA NATIONAL BANK
 Main Office 1001 K Street, N.W. Washington, D.C. 20000
 FOR _____
 :054001204:

CCCH 8840

MEMORANDUM

TO: RETHA DIXON TO: JOAN HARRIS
 FROM: JOAN HARRIS FROM: RETHA DIXON
 CHECK NO. 3111 (a copy of which is attached) RELATING
 TO MUR 1957 AND NAME Committee for the Future of America
 WAS RECEIVED ON November 1, 1985. PLEASE INDICATE THE ACCOUNT INTO
 WHICH IT SHOULD BE DEPOSITED:

- / / BUDGET CLEARING ACCOUNT (#95F3875.16)
- / * / CIVIL PENALTIES ACCOUNT (#95-1099.160)
- / / OTHER _____

SIGNATURE Robyn M Bishop DATE Nov 1, 1985