



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 2050

Date Filmed 11/14/85 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

(1) Routing slips (2) internal memoranda

(3) 12 Day Reports & Comment sheets

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

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

Signed: Eric Stuenkel
date: 11-13-85



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1985

Muriel F. Siebert
435 East 52nd Street
New York, New York 10028

Re: MUR 2050

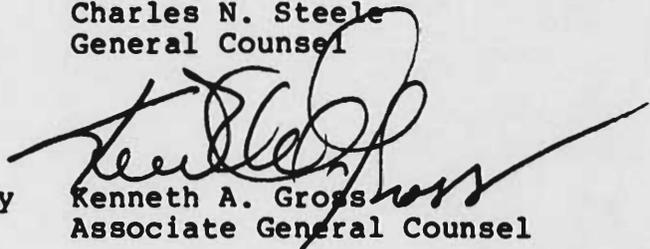
Dear Ms. Siebert:

The Federal Election Commission has reviewed the allegations of your complaint and on October 16, 1985, 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

35040560853



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 22, 1985

Christopher T. Ragucci, Esquire
Windels, Marx, Davies & Ives
51 West 51st Street
New York, New York 10019

RE: MUR 2050
Michael R. Long

Dear Mr. Ragucci:

On September 9, 1985, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on October 16, 1985, determined that on the basis of the information in the complaint, 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

A handwritten signature in cursive script, appearing to read "Kenneth A. Gross".

By Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1985

Joseph M. Sussillo, treasurer
437 Bay Ridge Parkway
Brooklyn, New York 11209

RE: MUR 2050
Sullivan for Senate
Committee and Joseph M.
Sussillo, as treasurer

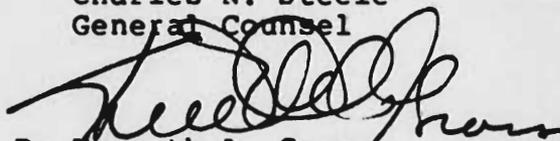
Dear Mr. Sussillo:

On July 31, 1985, the Commission notified the Sullivan for Senate Committee 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 October 16, 1985, determined that on the basis of the information in the complaint, 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1985

Whitney North Seymour, Jr.
100 Park Avenue, Room 2606
New York, New York 10017

Re: MUR 2050

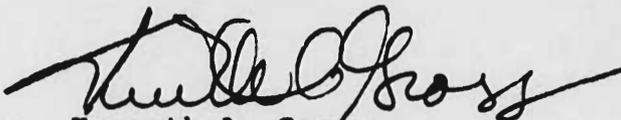
Dear Mr. Seymour:

The Federal Election Commission has reviewed the allegations of your complaint and on October 16, 1985, 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1985

Frank Trotta Jr, Esquire
Twenty Four North Avenue
New Rochelle, New York 10805

RE: MUR 2050
Lewis E. Lehrman and
Yorkers for Lew Lehrman

Dear Mr. Trotta:

On September 9, 1985, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on October 16, 1985, determined that on the basis of the information in the complaint, and information provided by your client, 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Frank Trotta Jr, Esquire
Twenty Four North Avenue
New Rochelle, New York 10805

EIC
10/13
RE: MUR 2050
Lewis E. Lehrman and
Yorkers for Lew Lehrman

Dear Mr. Trotta:

On September 9, 1985, the Commission notified your client 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 client, 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Christopher T. Ragucci, Esquire
Windels, Marx, Davies & Ives
51 West 51st Street
New York, New York 10019

RE: MUR 2050
Michael R. Long

EK 10/15

Dear Mr. Ragucci:

On September 9, 1985, the Commission notified your client 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, 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph M. Sussillo, treasurer
437 Bay Ridge Parkway
Brooklyn, New York 11209

RE: MUR 2050 *EX 10/18*
Sullivan for Senate
Committee and Joseph M.
Sussillo, as treasurer

Dear Mr. Sussillo:

On July 31, 1985, the Commission notified the Sullivan for Senate Committee 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, 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Whitney North Seymour, Jr.
100 Park Avenue, Room 2606
New York, New York 10017

Re: MUR 2050

Dear Mr. Seymour:

EX 10/18

The Federal Election Commission has reviewed the allegations of your complaint and on , 1985, 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

85040560866



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Muriel F. Siebert
435 East 52nd Street
New York, New York 10028

Re: MUR 2050

Dear Ms. Siebert:

EK 10/15

The Federal Election Commission has reviewed the allegations of your complaint and on _____, 1985, 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

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BEFORE THE FEDERAL ELECTION COMMISSION

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Not mine -
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In the Matter of)	
Lewis E. Lehrman)	
New Yorkers for Lew Lehrman)	MUR 2050
Michael R. Long)	
Sullivan for Senate)	
Joseph M. Sussillo, treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 16, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 2050:

1. Find no reason to believe that Lewis E. Lehrman or New Yorkers for Lew Lehrman violated 2 U.S.C. § 441a(a) (1) (A).
2. Find no reason to believe that Michael R. Long violated 2 U.S.C. § 441a(a) (1) (A).
3. Find no reason to believe that the Sullivan for Senate Committee and Joseph M. Sussillo, as treasurer, violated 2 U.S.C. § 441a(f).
4. Find no reason to believe that New Yorkers for Lew Lehrman violated 2 U.S.C. § 433(a) and § 434(a).
5. Find no reason to believe that the Sullivan for Senate Committee and Joseph M. Sussillo, as treasurer violated 2 U.S.C. § 434(b)

(continued)

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6. Close the file.
7. Approve the letter attached to the General Counsel's Report signed October 9, 1985.

Commissioners Aikens, Elliott, Josefiak, Harris and McDonald voted affirmatively for this decision. Commissioner McGarry did not cast a vote.

Attest:

10-16-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Fri., 10-11-85, 9:14
Circulated on 48 hour tally basis: Fri., 10-11-85, 2:00
Deadline for vote: Wed., 10-16-85, 4:00

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● SENSITIVE ●

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
Lewis E. Lehrman)	
New Yorkers for Lew Lehrman)	MUR 2050
Michael R. Long)	
Sullivan for Senate)	
Joseph M. Sussillo, treasurer)	

RECEIVED
 OFFICE OF THE
 FEDERAL ELECTION
 COMMISSION SECRETARY
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GENERAL COUNSEL'S REPORT

I. INTRODUCTION

Complainants Muriel F. Siebert and Whitney North Seymour, Jr., allege that Lewis E. Lehrman and New Yorkers for Lew Lehrman made an excessive in-kind contribution of mailing labels through or with the knowledge of Michael R. Long, Vice-Chairman of the New York State Conservative Party State Committee, to the Sullivan for Senate Committee ("Sullivan Committee").

II. STATEMENT OF THE CASE

The Office of General Counsel received a complaint from Muriel F. Siebert and Whitney North Seymour, Jr., two unsuccessful candidates for the New York Republican Senatorial nomination in 1982, against Lewis E. Lehrman, New Yorkers for Lew Lehrman (Mr. Lehrman's 1982 gubernatorial campaign committee), the Sullivan for Senate Committee and Michael R. Long, Vice-Chairman of the New York State Conservative Party State Committee. The complaint centers around an allegation that mailing labels used for a mailing on behalf of candidate Florence Sullivan were an "in-kind contribution from respondents LEWIS E. LEHRMAN and NEW YORKERS FOR LEW LEHRMAN, made through or with the

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knowledge of respondent MICHAEL LONG, and knowingly accepted by respondent SULLIVAN FOR SENATE." (Emphasis in original).

Complainants allege that "[s]uch a contribution would constitute a plain violation of the contribution limits and reporting requirements of the statute and regulations."

Complainants also enclosed documents which they allege support their claims. These documents include (1) a copy of the Sullivan pre-primary direct mail piece; (2) a copy of the U.S. Postal Service record purportedly reflecting the Sullivan mailing; (3) answers to complainant's interrogatories in Siebert v. Conservative Party by respondent Michael Long, denying knowledge of the source of the mailing labels; (4) two newspaper articles referring to the mailing; and (5) a "Lehrman Governor Campaign Report" describing efforts by Lehrman volunteers to complete a statewide voter list.

Notification of complaint letters were sent by certified mail, return receipt requested, to respondents on July 31, 1985. After expiration of the statutory response period and having received no communications from respondents nor the return of any certified mail cards, it became apparent that respondents may not have received notification of the complaint, and the letters were resent on September 9, 1985. As of the date of this report, responses have been received from the Sullivan Committee, Lewis Lehrman and New Yorkers for Lew Lehrman. Michael Long has yet to respond.

Joseph M. Sussillo, treasurer of the Sullivan Committee, responded with a general denial of the allegations of the Complaint. However, the Sullivan Committee's response contained

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no substantive discussion of the factual or legal issues of this matter.

Counsel for Lewis E. Lehrman and New Yorkers for Lew Lehrman responded in writing by discussing the allegations contained in the complaint and by addressing the issue of the probative value of each exhibit submitted by complainants. Counsel states that Lewis E. Lehrman "had no personal possession of any [mailing] labels." Counsel further states that respondent New Yorkers for Lew Lehrman "may have had ownership of a list of voters who voted in Republican primaries, but made no contribution of any such list or of labels reflective of such list directly or indirectly to the Sullivan campaign." This claim is also made in a sworn affidavit by the former treasurer of New Yorkers for Lew Lehrman and which was attached to the response in this matter. Counsel states that his clients have no knowledge or information as to the existence of the mailing made on behalf of Florence Sullivan's candidacy or as to the value of any mailing labels that may have been used in connection with such a mailing. Finally, counsel concludes that the complaint in this matter is based on "conjecture," since "[n]o in-kind contribution -- legal or otherwise -- was made by either Respondent "Lehrman" or "New Yorkers" [sic] to the Sullivan campaign."

Counsel proceeds to analyze each of complainants' exhibits chronologically. Counsel first discusses the New Yorkers for Lew Lehrman newsletter, which he contends demonstrates merely that Lehrman volunteers were compiling a list of Republican primary voters. Counsel states, "[i]t does not show the existence of any

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labels... [nor] a contribution in any way, shape or form." Counsel discusses the newspaper article exhibits, stating they have no bearing on, and fail to support, complainants' allegation that the Sullivan Committee received mailing labels from Mr. Lehrman or New Yorkers for Lew Lehrman.

Counsel points out that the postal record submitted by complainants fails to indicate the content, nature or composition of the mailing reflected therein and fails to demonstrate any link between the postal cost and respondents Mr. Lehrman or New Yorkers for Lew Lehrman. As to the document which is purportedly a copy of the Sullivan mailing, counsel reiterates that there is no link between it and and his clients.

Finally, counsel discusses the sworn answers to interrogatories by respondent Michael Long, submitted as an exhibit with the complaint, in which Mr. Long denies under oath any knowledge of the source of the mailing labels. Counsel contends that this denial is sufficient to exonerate Mr. Long and that complainants' allegation that Mr. Long himself was the source of the labels is a "thinly veiled attempt...to use the Commission as rod, hook and bait in a fishing expedition."

III. LEGAL ANALYSIS

By alleging that Lewis E. Lehrman, New Yorkers for Lew Lehrman and/or Michael Long contributed mailing labels valued at \$47,291 to the Sullivan Committee, complainants are asserting that Mr. Lehrman, New Yorkers for Lew Lehrman and/or Michael Long violated 2 U.S.C. § 441a(a)(1)(A) which prohibits a person from contributing over \$1000 per election to a candidate or his or her

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committee. The definition of person at 2 U.S.C. § 431(11) includes any committee or other group of persons. The definition of contribution at 2 U.S.C. § 431(8) includes "anything of value," a term which itself by definition specifically includes all in-kind contributions. 11 C.F.R. § 100.7(a)(1)(iii)(A).

The complainants also assert that the Sullivan Committee violated 2 U.S.C. § 441a(f) which prohibits the knowing acceptance of contributions made in violation of the provisions of 2 U.S.C. § 441a.

Complainants allegations additionally apply to the registration and reporting requirements of the Federal Election Campaign Act of 1971, as amended ("Act"). The definition of political committee at 2 U.S.C. § 431(4) includes any committee which makes an expenditure in excess of \$1000 during a calendar year. All such organizations must register with the Commission within 10 days after becoming a political committee, 2 U.S.C. § 433(a), and must report its receipts and disbursements, 2 U.S.C. § 434(a). New Yorkers for Lew Lehrman, by making a contribution in excess of \$1000 would be required to register and report as a political committee, and its failure to do so would be a violation of 2 U.S.C. § 433(a) and § 434(a).

Finally, 2 U.S.C. § 434(b) requires all political committees to disclose in-kind contributions received. The Sullivan Committee's reports do not reflect the receipt of an in-kind contribution from Lewis Lehrman, New Yorkers for Lew Lehrman and/or Michael Long, and the failure to report this contribution, if such was made, would violate 2 U.S.C. § 434(b).

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A review of the complaint, the exhibits attached thereto, and the responses received to the complaint indicates that there is no convincing evidence of the contribution described by complainants. The exhibits submitted by complainants fail to support their allegations. Complainants have constructed a scenario involving an excessive in-kind contribution of mailing labels from several newspaper articles, a postal record and the fact that volunteers on behalf of New Yorkers for Lew Lehrman compiled a statewide list of Republican primary voters.

The newspaper articles and the Lehrman newsletter reveal that both the Sullivan campaign and the Lehrman campaign possessed voter lists. However, nothing contained in the articles or newsletter indicates that the Sullivan Committee received mailing labels from the Lehrman campaign. The postal record submitted by complainants shows a record of a mailing by the Conservative Party State Committee under permit number 734, but again provides no evidence that labels were obtained by the Sullivan Committee from the Lehrman campaign. Finally, the answers to the interrogatories sworn to by respondent Michael Long (candidate Sullivan's campaign manager), although providing evidence of the mailing by the Conservative Party State Committee, fail to demonstrate that the Lehrman campaign was the source of the Sullivan mailing labels.

This matter is substantially similar to the complaint filed in MUR 1868 by the same complainants alleging that Lewis Lehrman and New Yorkers for Lew Lehrman made an excessive in-kind

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contribution of mailing labels to the Sullivan Committee through a committee called Citizens for the Republic. On March 22, 1985 the Commission determined there was no reason to believe that any of the respondents in MUR 1868 violated the Act.

The complaint in this matter appears to be a follow-up attempt by complainants to allege a violation of the Act by Mr. Lehrman and New Yorkers for Lew Lehrman, based on the same facts as in MUR 1868. Although complainants have supplied the Commission with different documentation in the present matter, none of it demonstrates that a contribution of mailing labels was made by Lew Lehrman, New Yorkers for Lew Lehrman and/or Michael Long. Complainants seek to have the Commission draw an inference that because New Yorkers for Lew Lehrman possessed a statewide voter list, that list must have ended up in the hands of the Sullivan Committee as mailing labels. While complainants supply no evidence to support such a conclusion, respondent New Yorkers for Lew Lehrman deny under oath making any contribution, direct or indirect, to the Sullivan Committee. The mere endorsement of Senatorial candidate Sullivan by gubernatorial candidate Lehrman is insufficient from which to draw an inference that a contribution was made.

In light of the foregoing analysis plus the response submitted by respondents Lewis Lehrman and New Yorkers for Lew Lehrman, the Office of the General Counsel recommends that the Commission find no reason to believe that any provision of the Act or Regulations was violated.

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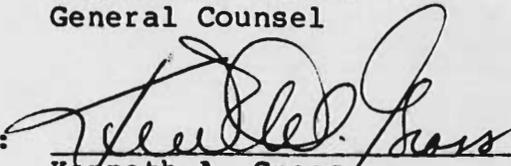
IV. RECOMMENDATIONS

The Office of the General Counsel recommends that the Commission:

1. Find no reason to believe that Lewis E. Lehrman or New Yorkers for Lew Lehrman violated 2 U.S.C § 441a(a)(1)(A).
2. Find no reason to believe that Michael R. Long violated 2 U.S.C. § 441a(a)(1)(A).
3. Find no reason to believe that the Sullivan for Senate Committee and Joseph M. Sussillo, as treasurer, violated 2 U.S.C. § 441a(f).
4. Find no reason to believe that New Yorkers for Lew Lehrman violated 2 U.S.C. § 433(a) and § 434(a).
5. Find no reason to believe that the Sullivan for Sente Committee and Joseph M. Sussillo, as treasurer, violated 2 U.S.C. § 434(b).
6. Close the file
7. Approve the attached letters.

Charles N. Steele
General Counsel

October 9, 1985
Date

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. Response from Sullivan for Senate
2. Response from Lewis E. Lehrman
3. Proposed letters to respondents
4. Proposed letters to complainants

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ATTACHMENTS

FEC

85 SEP 11 1:16

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

Attention: Ms. Deborah Curry

----- X
Siebert, et al

Complainants.

J. Daniel Mahoney et al

Respondents.
----- X

INDEX NO. MUR 1866

RESPONSE

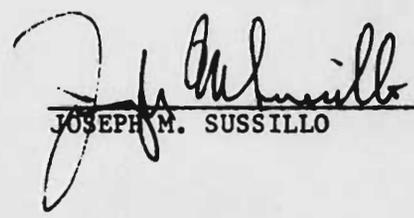
85 SEP 12 1:53

JOSEPH M. SUSSILLO, as Treasurer of the Sullivan for Senate Committee and for said Committee responding to the within complaints alleges on information and belief:

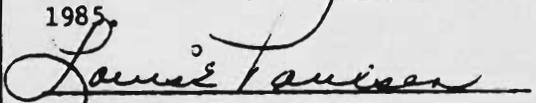
Denies any knowledge or information sufficient to have a belief as to the truth of the allegations contained in Paragraphs of the complaint designed as "1", "2", "3", "4", "5" "6".

That Item C appears to be a statement of complainant's belief based on inconclusive, irrelevant information contained in Exhibits "A", "B", "C", "D", "E" and "F" which fails to support the belief stated.

That the subject matter of this complaint is substantially like or similar to allegations of the complainant's in FEC Index No. MUR 1868 which on March 22, 1985 resulted in a determination that the Commission found ".....no reason to believe that a violation of any statute within its jurisdiction has been committed."


JOSEPH M. SUSSILLO

Sworn to before me
this 15th day of August
1985.



CC: Muriel F. Siebert
Whitney North Seymour, Jr.
J. Daniel Mahoney
Michael R. Long
Seraphim R. Maltese
James E.O'Doherty

LOUISE PAULSEN
Commissioner of Deeds
City of New York No. 20997
Certificate Filed in Kings County
Commission Expires Feb. 1, 1987

8 5 0 4 0 5 6 0 8 7 3

G.C.C.# 8439

85 SEP 3 12:58

Frank Trotta, Jr.
ATTORNEY - AT - LAW

TWENTY-FOUR NORTH AVENUE
NEW ROCHELLE, NEW YORK 10805
TELEPHONE: (914) NE 2-7069

August 28, 1985

Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
Attention: Eric Kleinfeld, Esq.

RE: MUR 2050

(Complaint of Muriel F. Siebert and Whitney N. Seymour, Jr.)

Ladies and Gentlemen:

This letter is in response to your letter and enclosures in the above-captioned matter. [Please note that Respondents Lewis E. Lehrman ("Lehrman") and New Yorkers for Lew Lehrman ("New Yorkers") are not located at the address indicated on the complaint. All future correspondence should be sent to my attention at the above address.] I am the attorney representing Mr. Lewis Lehrman and his authorized gubernatorial campaign committee "New Yorkers for Lew Lehrman" in this matter. However, my appearance herein in no way waives any rights of the Respondents relating to jurisdiction or other procedural matters.

The complaint in the above-captioned matter is a mere recapitulation of the complaint in MUR 1868, which the Federal Election Commission dismissed (i.e., found "no reason to believe" a violation occurred) on March 22, 1985. My clients stand-by their affidavit and response-submission in MUR 1868.

The current complaint, like the complaint in MUR 1868, alleges that Respondents "knowingly and willfully violated the contribution restrictions and limits" set forth in the Federal Election Campaign Act, "in relation to the Primary Election in New York State for Republican Party Nomination for United States Senator, held on September 23, 1982." My clients unequivocally deny this allegation.

Further, we urge that the complaint be dismissed for failing to comply substantially with the requirements of the Federal Election Commission's Regulations, inasmuch as complaint fails to identify any source of information which gives rise to Complainants' belief in the truth of the allegations made against my clients. The exhibits offered in substantiation of these allegations are clearly irrelevant and do not relate to "the source of information" which gave rise to any of the allegations set forth against Mr. Lehrman and his committee, nor do they give any indication of any violation of the law, allegedly committed by said Respondents.

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Argument of Respondent "Lehrman" and "New Yorkers"

The entire thrust of Complainants' complaint against Respondents "Lehrman" and "New Yorkers" is that: (a) Complainants believe "Lehrman" and "New Yorkers" had access to a list of Republican Primary Voters; and, (b) Complainants believe that the candidate who beat both Complainants in the Republican Federal Primary in 1982 mailed to a list of Republican Primary Voters; therefore, (c) Respondents "Lehrman" and "New Yorkers" must have intentionally violated federal criminal statutes by surreptitiously smuggling the list to the Complainants' Primary opponent as an illicit contribution. Obviously, there is absolutely no grounds for such a conclusion.

Respondent "Lehrman" was a candidate for Governor of New York in 1982. Respondent "New Yorkers" was his authorized campaign committee. Both were under the exclusive jurisdiction of the New York State Board of Elections, and accordingly were required to, and did in fact, file extensive campaign financial disclosure statements under penalty of perjury.

Under New York Law (Article 14 of New York's Election Law), a candidate and his or her Committee is required to disclose to the Board of Elections all expenditures made in relation to the Election, as well as all transfers to other political committees. A detailed examination of these verified records shows no such transactions. If the Federal Election Commission finds it helpful, Respondents "Lehrman" and "New Yorkers" are willing to attempt to obtain from the New York State Board of Elections, a certified copy of these sworn financial disclosure statements for the time period in question, (assuming such dated records are presently retained by the State Board of Elections).

Further, a careful review of the internal records of each Respondent herein reflects no such contribution. Respondent "Lehrman" has had no personal possession of any such labels. Respondent "New Yorkers" may have had ownership of a list of voters who voted in Republican primaries, but made no contribution of any such list or of labels reflective of such list directly or indirectly to the Sullivan campaign. This is substantiated by affirmation of Respondent Timothy S. Carey, Treasurer of New Yorkers for Lew Lehrman, which was submitted to the FEC in MUR 1868 and which is also annexed hereto and made a part hereof.

Quite simply, there is no connection in fact between the mailing in question and any labels supplied by Respondent "Lehrman" or "New Yorkers." Indeed, the complaint fails to demonstrate any nexus whatsoever, other than simply conjecturing that it is the case. The conjecture is incorrect in every respect. No in-kind contribution -- legal or otherwise -- was made by either Respondent "Lehrman" or "New Yorkers" to the Sullivan campaign.

The FEC should find "no reason to believe" Respondents "Lehrman" or "New Yorkers" violated any provision of the FECA relating to this non-existent in-kind contribution.

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Response to Complainants' "Recitation of Facts"

The Complainants recite certain facts; Respondents "Lehrman" and "New Yorkers" respond as follows:

1. Complainants state, based on personal knowledge, that "on September 17, 1982, respondent SULLIVAN FOR SENATE caused 360,799 direct mail pieces supporting the candidacy of Florence M. Sullivan to be mailed to 1980 Republican Party primary voters...". Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief as to the existence and/or transmittal of said mailing.

2. Complainants state, based on personal knowledge, that "no expenditure or contribution was reported by respondent SULLIVAN FOR SENATE committee accounting for the mailing labels used to address such mailing pieces...". Again, Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief about said allegation. However, the Commission should note that this allegation directly contradicts Complainants' allegation in MUR-1868, which claimed that the expenditure for the labels was indeed reflected as an expenditure to a committee known as "Citizens For the Republic."

3. Complainants next allege that they "attempted to obtain a mailing list of such primary voters without success; learned that no such list was available from commercial sources; and that the only way the list could be obtained was by copying the list of primary voters from the election records in each of New York State's counties." Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief about said allegations. However, the Commission should take judicial notice of the fact that Complainants' own Exhibit B in MUR 1868 purports to be a price list from a label and list vendor, dated May 1982 — several months prior to the alleged mailing — showing the cost of purchasing a "Prime Voters List" in that month.

4. Complainants allege, upon information and belief, that "the only statewide list of Republican primary voters available in September 1982 was a list that had been compiled by respondent 'New Yorkers.'" Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief as to the existence of statewide lists of Republican primary voters available in September other than the list that volunteers for Respondent "New Yorkers" had compiled or were in the process of compiling at that point in time. However, we again direct the Commission's attention to Complainant's Exhibit B in MUR 1868 which seems to indicate the commercial availability of such a list as early as May 1982.

5. Complainants next allege, on information and belief, that "respondent Michael Long, campaign manager for Florence M. Sullivan, stated to the news media that no other Senate candidate 'has the list that we do.'" Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief about whether or not said statement was in fact made.

Complainants also state that Respondent Long "was active in the primary campaigns (sic)" of respondents "Lehrman" and "New Yorkers" and "was Vice Chairman of the New York State Conservative Party State Committee which supported the candidacies of both Mr. Lehrman and Mrs. Sullivan." Respondents "Lehrman" and "New Yorkers" admit, based on personal knowledge, that the New York State Conservative Party State Committee supported the candidacy of Mr. Lehrman for Governor of New York but only on the Conservative Party ballot line in the General Election. Respondents "Lehrman" and "New Yorkers" also admit, based on information and belief, that Mr. Long was Vice Chairman of the New York State Conservative Party State Committee.

Respondents "Lehrman" and "New Yorkers" deny that Mr. Long "was active in the primary campaigns (sic) of respondents Lewis E. Lehrman and New Yorkers for Lehrman." Candidate Lehrman had only one Primary Election in his race for Governor in 1982; it was a Republican Party primary. Mr. Lehrman had no Conservative Party primary. Mr. Long, an enrolled Conservative Party member, was not involved in support of Mr. Lehrman's Republican primary efforts. Indeed, because party-line vote strength in general election balloting in gubernatorial elections, under New Yorker law is used to determine a political parties' ballot position for the next four-years, it was in the interest of the New York Conservative Party and its officers to have voters vote for Mr. Lehrman on their party's line, rather than the Republican line. Further it is foolhardy to believe that, if in fact Mr. Long was campaign manager in another statewide race for a Federal office, that he would have had sufficient time to be actively involved in a second statewide primary.

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6. Complainants allege that "the economic value of the mailing labels was an estimated \$100 per thousand for hand copying and \$31 per thousand for keypunching..." Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief about said allegation.

Complainant's Documentation

Complainants' Exhibits provide no reasonable grounds for the alleged violation. Each of complainants' exhibits is discussed at length below. The majority of these exhibits were submitted and discussed at length in MUR 1868. For the sake of logic, the exhibits are discussed below in chronological rather than alphabetical order.

EXHIBIT E

The first exhibit, chronologically, is Exhibit E. It is a copy of an excerpt from a New Yorkers for Lew Lehrman newsletter, dated July 1, 1982. The article reports that at that point in time "New Yorkers", through the manpower of its volunteers, had compiled approximately three-fourths of a statewide Republican primary voters list. The list was to be used in Lew Lehrman's Republican primary for Governor of New York State, which was held on the same date as the Sullivan Primary for Senate. Respondents have no reason to believe that the newsletter is inaccurate. However, the excerpt demonstrates merely the probable existence of three-quarters of a Republican primary voters list being compiled by Lehrman volunteers in the Summer of 1982. It does not show the existence of any labels. It does not show a contribution in any way, shape or form. Moreover, it does not show anything of relevance to the alleged violation of the FECA, for certainly using volunteer manpower to develop a list for potential use in a Gubernatorial Primary violated no statute, Federal or State. This exhibit was submitted to the Commission previously (in MUR 1868).

EXHIBIT D

Complainants' Exhibit D is a copy of a newspaper article dated September 7, 1982. The article states in pertinent part, that the manager for Sullivan campaign declared that "No candidate running against Florence Sullivan has the list we do." Respondents have no knowledge or information sufficient to form a belief as to the existence or content of the list mentioned in said article. This exhibit too was submitted to the Commission previously (in MUR 1868).

The list mentioned may well have been labels purchased from Citizens For the Republic, apparently disclosed to the Federal Election Commission some 18 days before the article in question, as evidenced by Complainants' Exhibit J in MUR 1868, which Complainants' fail to include in their current complaint.

The September 7th article also states that "the Sullivan campaign is banking heavily on a statewide mailing to likely primary voters." From this one sentence and the campaign manager's quote, Complainants would have the Commission conclude that the list mentioned in the article was one surreptitiously supplied in the form of labels originating with the Respondents "Lehrman" and "New Yorkers" and ultimately used to steal the New York Federal Primary election from the Complainants. It should be noted, incidentally, that all of these alleged machinations were supposed to have occurred during a period when Respondents "Lehrman" and "New Yorkers" were embroiled in their own Statewide Primary for the Republican nomination for Governor.

EXHIBIT B

Complainants' Exhibit B purports to be a copy of United States Postal Service records reflecting "the foregoing mailing" on September 17, 1982. The Respondents "Lehrman" and "New Yorkers" deny information or knowledge as to the existence or accuracy of said postal record. However, an examination of the exhibit demonstrates merely that postage was subtracted from a postal account number 734 in the name of the Conservative Party State Committee, on September 17, 1982. There is no indication, whatsoever, as to the content, nature or composition of the mailing. In short, there is no evidence linking the postal cost reflected in Exhibit B with the mailing in question. Further, there is absolutely no nexus shown between said postal cost and Respondents "Lehrman" or "New Yorkers" and no evidence of any illegal contribution.

EXHIBIT F

The next Complainants' exhibit chronologically is exhibit F, a copy of a September 24, 1982 (post-Primary) article headlined "Sullivan victory confirms GOP's shift to right."

Complainants point to a sentence in said article stating that "Sullivan's aides attributed her victory to a mailing that went out over the past week to more than 427,000 [sic] Republicans around the state." Complainants contend that said quote is significant and in some way relevant to the allegations in their complaint. Once again this is an exhibit which has no apparent bearing on the source of information upon which Complainants' allegations are made. Respondents deny knowledge or information sufficient to determine the reason for the Sullivan victory; although even the headline of article labeled Complainants' Exhibit F suggests an alternative reason for the Sullivan victory.

Further, the fact that in Complainants' Exhibit B, they allege that the mailing in question was 360,799 pieces, and in the mailing mentioned in Exhibit F is 427,000 pieces, is evidence of the possibility that these are two different mailings. Exhibit F in this MUR also was submitted to the Commission previously (in MUR 1868).

EXHIBIT C

Exhibit C is a copy of sworn answers to interrogations dated February 4, 1983, by Respondent Long admitting that a Sullivan mailing was done by the Conservative Party but denying that he knew the source of the mailing labels used in the mailing. Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to determine existence or accuracy of said answer. It must be pointed out, however, that Mr. Long states, under oath, that he has no knowledge of the source of the labels. However, Complainants in this MUR allege or imply that Mr. Long himself is the source of the labels. Either Mr. Long's sworn statement must be taken at face value and this MUR must be dismissed, or Mr. Long's statement is false in which case perjury prosecution, not an FEC complaint, is the appropriate remedy. Obviously, there are no grounds whatsoever for a perjury prosecution, because Mr. Long was telling the truth. This MUR is a thinly-veiled attempt by the Complainants to use the Commission as

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rod, hook and bait in a fishing expedition. The FEC refused to be used for such purposes in MUR-1868. This MUR is merely a recapitulation of MUR-1868, and the Commission should again reject this attempted abuse by the Complainant.

EXHIBIT A

Exhibit A is an undated document which purports to be a copy of "the Sullivan pre-Primary direct mail piece, which was sent out in the name of the New York State Conservative Party State Committee under its Non-Profit Organization bulk rate permit." Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief as to the existence, accuracy, or distribution of the flyer. Here again, there is absolutely no nexus shown, or even intimated, between this exhibit and Respondents "Lehrman" and "New Yorkers." Once again, this exhibit was previously submitted to the Commission (in MUR-1868).

CONCLUSION

In summary, Respondents "Lehrman" and "New Yorkers" contend that the complaint is without merit, and fails in form, in addition to failing substance. Respondents "Lehrman" and "New Yorkers" deny any wrong-doing alleged by Complainants, and urge that the Commission dismiss this complaint as it relates to both of the Respondents herein.

Respectfully submitted,



FRANK P. TROTTA, JR.

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Before the Federal Election Commission

MURIEL F. SIEBERT and WHITNEY NORTH SEYMOUR, JR.
Complainants,

- against -

MUR: 1868

NEW YORKERS FOR LEW LEHRMAN; TIMOTHY S. CAREY as
Treasurer of NEW YORKERS FOR LEHRMAN and
individually; and LEWIS LEHRMAN
Respondents.

RESPONDENT'S
AFFIRMATION

I, Timothy S. Carey, Respondent herein, being duly sworn depose and affirm:

1. That I reside in the Town of Cortlandt, County of Westchester, State of New York.

2. That at all times since its inception, I was and am the Treasurer of a New York State political committee, known as "New Yorkers for Lew Lehman."

3. That said committee is duly registered with the New York State Board of Elections and has been authorized to support the 1982 candidacy of Lew Lehman for Governor of the State of New York.

4. That I make this affirmation in support of Respondents' answer to Complainants' complaint filed on or about December 20, 1984, and in support of Respondents' request for dismissal of said complaint.

5. That, as Treasurer of New Yorkers for Lew Lehman, I have complied fully with New York's Election Law, and accordingly, have regularly disclosed to the New York State Board of Elections, all expenditures and transfers made by said committee, under penalties of perjury.

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6. That, upon information and belief, no expenditures or transfers have ever been made by New Yorkers for Lew Lehman in support of or in opposition to the candidacy of any candidate for Federal office.

7. That I have neither made nor caused to be made, either personally or in my capacity as Treasurer of New Yorkers for Lew Lehman, any transfers or contributions in-kind or in cash to United States Senate candidate Florence Sullivan or to her authorized campaign committee at any time in 1982.

8. That I have neither made nor caused to be made, either personally or in my capacity as Treasurer of New Yorkers for Lew Lehman, any transfers or contributions in-kind or in cash to an organization known as "Citizens For the Republic" at any time in 1982.

9. That, upon information and belief, Respondent "New Yorkers for Lew Lehman" has made no transfers or contributions in-kind or in cash to United States Senate candidate Florence Sullivan or to her authorized campaign committee at any time in 1982.

10. That, upon information and belief, Respondent "New Yorkers for Lew Lehman" has made no transfers or contributions in-kind or in cash to an organization known as "Citizens For the Republic" at any time in 1982.

11. That, upon information and belief, Respondent Lewis E. Lehman made no transfers or contributions in-kind or in cash to United States Senate candidate Florence Sullivan or to her authorized campaign committee at any time in 1982.

12. That, upon information and belief, Respondent Lewis E. Lehman made no transfers or contributions in-kind or in cash to an organization known as "Citizens For the Republic" at any time in 1982.

13. That at no time have I ever possessed a set of "approximately 361,000 mailing labels addressed to 427,000 Republican Primary Voters in New York State."

14. That at no time did I ever cause any such set of labels "to be made available for use in a direct mail campaign in support of the candidacy of Florence M. Sullivan for the Republican nomination for United States Senator in New York in the Primary Election held on September 23, 1982."

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15. That at no time did I ever authorize any agent of New Yorkers for Lew Lehman to cause any such set of labels "to be made available for use in a direct mail campaign in support of the candidacy of Florence M. Sullivan for the Republican nomination for United States Senator in New York in the Primary Election held on September 23, 1982."

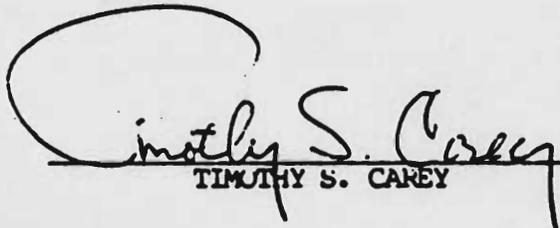
16. That, upon information and belief, at no time was any agent of New Yorkers for Lew Lehman ever authorized to cause any such set of labels "to be made available for use in a direct mail campaign in support of the candidacy of Florence M. Sullivan for the Republican nomination for United States Senator in New York in the Primary Election held on September 23, 1982."

17. That, upon information and belief, at no time did any agent of New Yorkers for Lew Lehman ever cause any such set of labels "to be made available for use in a direct mail campaign in support of the candidacy of Florence M. Sullivan for the Republican nomination for United States Senator in New York in the Primary Election held on September 23, 1982."

18. That, I never attempted to conceal or caused anyone to attempt to conceal the true source and value of any contribution to any Federal candidate.

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)

ss.:


TIMOTHY S. CAREY

Dated: January 26, 1985

Sworn to before me this 26th day
of January, 1985.


FRANK P. TROTTA, JR.
Notary Public, State of New York
Qualified in Westchester County
Commission Expires March 30, 1986

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph M. Sussillo, treasurer
437 Bay Ridge Parkway
Brooklyn, New York 11209

RE: MUR 2050
Sullivan for Senate
Committee and Joseph M.
Sussillo, as treasurer

Dear Mr. Sussillo:

On July 31, 1985, the Commission notified the Sullivan for Senate Committee 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, 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

35040560837



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Frank Trotta Jr, Esquire
Twenty Four North Avenue
New Rochelle, New York 10805

RE: MUR 2050
Lewis E. Lehrman and
Yorkers for Lew Lehrman

Dear Mr. Trotta:

On September 9, 1985, the Commission notified your client 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 client, 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

85040560890

(74)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Christopher T. Ragucci, Esquire
Windels, Marx, Davies & Ives
51 West 51st Street
New York, New York 10019

RE: MUR 2050
Michael R. Long

Dear Mr. Ragucci:

On September 9, 1985, the Commission notified your client 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, 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

85040560891



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Whitney North Seymour, Jr.
100 Park Avenue, Room 2606
New York, New York 10017

Re: MUR 2050

Dear Mr. Seymour:

The Federal Election Commission has reviewed the allegations of your complaint and on _____, 1985, 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

35040560892



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Muriel F. Siebert
435 East 52nd Street
New York, New York 10028

Re: MUR 2050

Dear Ms. Siebert:

35040560892

The Federal Election Commission has reviewed the allegations of your complaint and on _____, 1985, 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

WINDELS, MARX, DAVIES & IVES
51 WEST 51ST STREET
NEW YORK, N. Y. 10019

RECEIVED AT THE FEC
CC#8668
85 OCT 4 48:44

CABLE: WINMARLAW
TELEX
DOMESTIC: 126959 (WU)
INTERNATIONAL: 66103 (WUI)
& 126959 (WU)
TELECOPIER: (212) 977-9583

(212) 977-9600

WASHINGTON OFFICE
1701 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006
(202) 775-5980
TELECOPIER (202) 775-0099

October 1, 1985

Eric Kleinfeld, Esq.
Office of the General
Counsel
Federal Election Commission
Washington, D.C. 20463

Re: New York State Conservative Party
MUR 2050

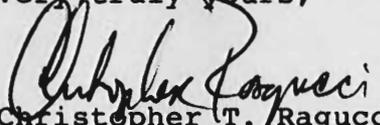
Dear Mr. Kleinfeld:

Further to my letter of September 6, 1985, for the reasons therein set forth, my preparation of a response to the complaint in this matter remains incomplete. As I indicated to you on the telephone today, I am endeavoring to complete a response as soon as possible and expect to provide you with it shortly.

I would appreciate a short extension of time so that I may provide you with a substantive response prior to your forwarding your report to the Commission.

Thank you for your cooperation in this matter.

Very truly yours,


Christopher T. Ragucci

CTR: jlp

35040560894

RECEIVED
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
15 OCT 4 9:12

WINDELS, MARX, DAVIES & IVES
51 WEST 51ST STREET
NEW YORK, N. Y. 10019



Eric Kleinfeld, Esq.
Office of the General
Counsel
Federal Election Commission
Washington, D.C. 20463

5040560397

85 OCT 4 48:41

LEWIS E. LEHRMAN

THE FEC
G.C.#8565
85 SEP 18 A7:52

September 11, 1985

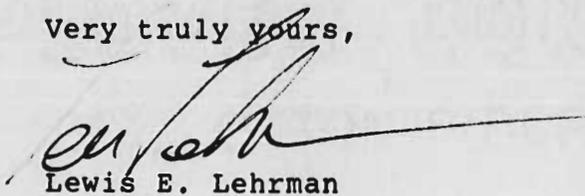
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

5 SEP 18 A9:08

Dear Madam or Sir:

This is to notify you that Frank P. Trotta is representing me and my authorized gubernatorial campaign committee "New Yorkers for Lew Lehrman" before your commission in MUR #2050.

Very truly yours,



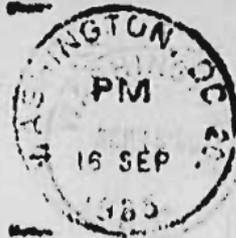
Lewis E. Lehrman

LEL/tp

35040560896

5040560897

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



05 SEP 1985

A 7: 00

Frank Trotta, Jr.
ATTORNEY AT LAW

RECEIVED AT THE FEC
GCC# 8568
85 SEP 18 A 8: 01

TWENTY-FOUR NORTH AVENUE
NEW ROCHELLE, NEW YORK 10805
TELEPHONE: (914) NE 2-7069

September 11, 1985

Eric Kleinfeld, Esq.
General Counsel's Office
Federal Election Commission
1329 K Street, N.W.
Washington, D.C. 20463

SEP 18
A 9: 07

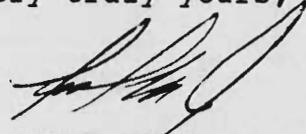
RE: MUR-2050

Dear Mr. Kleinfeld:

Per our recent conversation, I enclose Lew Lehrman's signed notice of counsel in MUR-2050. I serve as Treasurer of New Yorkers for Lew Lehrman, another respondent in MUR-2050 and in said capacity authorizes me to serve also as the Committee's counsel in MUR-2050.

Finally, I enclose a copy of my letter to the head of the New York State Board of Elections requesting a certified copy of the financial disclosure reports you requested for use in MUR-2050. If there is any other information you need from me, please do not hesitate to call me at the above telephone number, or on Wednesdays in Washington at 202/543-7555.

Very truly yours,



Frank Trotta

FT/sa
Enclosure

85040560899

TWENTY-FOUR NORTH AVENUE
NEW ROCHELLE, NEW YORK 10804

September 9, 1985

PRIVILEGED AND CONFIDENTIAL

The Honorable Thomas Wallace, Jr.
Executive Director
New York State Board of Elections
99 Washington Avenue
Albany, New York 12225

Dear Tom:

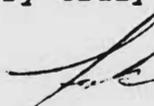
As you know I have been Counsel to New Yorkers for Lew Lehrman, the authorized campaign committee for 1982 Gubernatorial candidate Lew Lehrman, since the committee's inception. Recently, I became Treasurer of the committee. It is in those capacities that I herewith request and hereby authorize the State Board of Elections to transmit to the Federal Election Committees a certified copy of all of our committee's financial disclosure statements, for the 1982 campaign (i.e., from inception through the 30-day post election filing). This is for the FEC's use in relation to their Matter Under Review (MUR) 2050.

Since MUR-2050 is a pending matter which the FEC deems confidential, I ask that your office also treat this request confidentially.

Also, I have advised the FEC that I was not certain if the State Board of Elections retained records from as long ago as 1981 and 1982. If your office is not able to provide the FEC with a certified copy of the reports mentioned, please send me a letter to that effect.

If you have any questions please give me a call. I can be reached at 914/632-7069 or 202/543-7555. Thank you for your anticipated cooperation in this matter.

Very truly yours,



Frank Trotta, Jr.

FT/sa

cc: Eric Kleinfeld, Staff Counsel

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LEWIS E. LEHRMAN

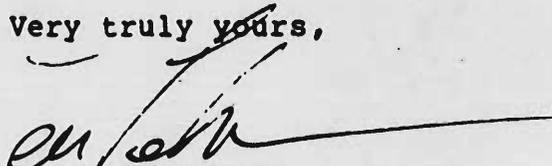
September 11, 1985

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

Dear Madam or Sir:

This is to notify you that Frank P. Trotta is representing me and my authorized gubernatorial campaign committee "New Yorkers for Lew Lehrman" before your commission in MUR #2050.

Very truly yours,


Lewis E. Lehrman

LEL/tp

85040560900

Frank Trotta
Twenty-Four North Avenue
New Rochelle, New York 10805



5040560901

Eric Kleinfeld, Esq.
General Counsel's Office
Federal Election Commission
1329 K Street, N.W.
Washington, D.C. 20463

00:AV 2175R

WINDELS, MARX, DAVIES & IVES
51 WEST 51ST STREET
NEW YORK, N. Y. 10019

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85 SEP 10 49:07

CABLE: WINMARLAW
TELEX
DOMESTIC: 126959 (WU)
INTERNATIONAL: 66103 (WUI)
& 126959 (WU)
TELECOPIER: (212) 977-9583

(212) 977-9600

WASHINGTON OFFICE
1701 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006
(202) 775-5980
TELECOPIER (202) 775-0099

September 6, 1985

Eric Kleinfeld, Esq.
Office of the General
Counsel
Federal Election Commission
Washington, D.C. 20463

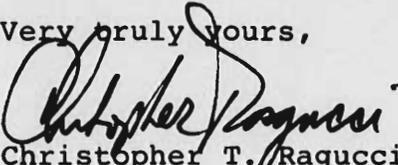
Re: New York State Conservative Party
MUR 2050

Dear Mr. Kleinfeld:

In accordance with our telephone conversation of September 6, 1985, I write to confirm that I am presently preparing a written response on behalf of Michael R. Long and the New York State Conservative Party to the complaint which has been received by your office with respect to the above-captioned matter. As we discussed, I will submit the response to your office no later than September 20, 1985.

In our conversation I indicated to you that I am in the process of assembling and reviewing the relevant materials from my client's files and from the files of the former counsel to the Party, who has recently resigned. I appreciate your indulgence in this matter and thank you for your cooperation. If you have any questions, please do not hesitate to call.

Very truly yours,


Christopher T. Ragucci

CTR: jlp

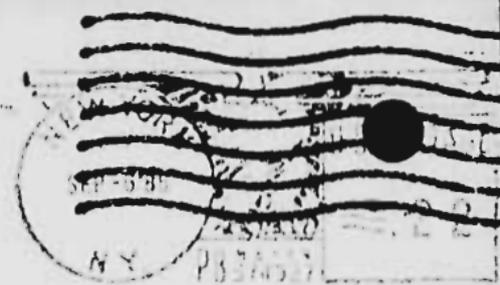
cc: Mr. Michael R. Long

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GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

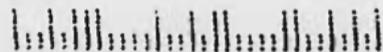
CTR
WINDELS, MARX, DAVIES & IVES
51 WEST 51ST STREET
NEW YORK, N. Y. 10019



Eric Kleinfeld, Esq.
Office of the General
Counsel
Federal Election Commission
Washington, D.C. 20463

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 5, 1985

Lewis E. Lehrman
641 Lexington Avenue
New York, New York 10022

Re: MUR 2050

Dear Mr. Lehrman:

On July 31, 1985, you were notified by certified mail, return receipt requested that on June 24, 1985, the Federal Election Commission received a complaint alleging that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Because no response has been received from you, we have enclosed another copy of the complaint.

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

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

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

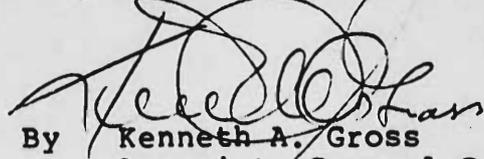
If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

185040560904

If you have any questions, please contact Eric Kleinfeld, 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

185040560905



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 5, 1985

Timothy S. Carey, treasurer
New Yorkers for Lew Lehrman
641 Lexington Avenue
New York, New York 10022

Re: MUR 2050

Dear Mr. Carey:

On July 31, 1985, you were notified by certified mail, return receipt requested that on June 24, 1985, the Federal Election Commission received a complaint alleging that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Because no response has been received from you, we have enclosed another copy of the complaint.

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

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

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

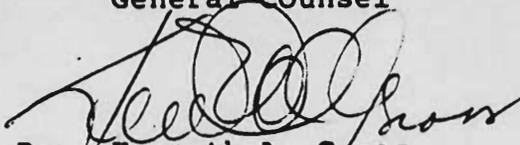
If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

185040560906

If you have any questions, please contact Eric Kleinfeld, 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

185040560907



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 5, 1985

Michael R. Long, Vice-Chairman
NYS Conservative Party State Committee
45 East 29th Street
New York, New York 10016

Re: MUR 2050

Dear Mr. Long:

On July 31, 1985, you were notified by certified mail, return receipt requested that on June 24, 1985, the Federal Election Commission received a complaint alleging that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Because no response has been received from you, we have enclosed another copy of the complaint.

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

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

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

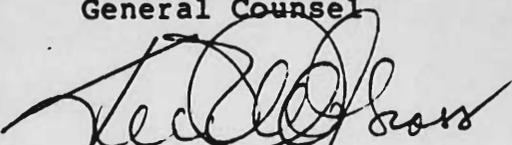
If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

185040560903

If you have any questions, please contact Eric Kleinfeld, 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

185040560909

STATEMENT OF DESIGNATION OF COUNSEL

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MUR 2050

NAME OF COUNSEL: CHARLES T RAGUCCI

ADDRESS: Windels & MARKS ETC
51 West 51 ST
NEW YORK N.Y. 10019

TELEPHONE: 212 - 977 9600

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

Aug 28, 1985
Date

Michael R Long
Signature

RESPONDENT'S NAME: MICHAEL R LONG

ADDRESS: 537 76 ST
BROOKLYN N.Y. 11209

HOME PHONE: _____

BUSINESS PHONE: 212 MU 98400

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LONG
37 76 St
Brooklyn N.Y.
11209



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Federal Election Commission
1325 K Street NW
Washington D.C.

85 SEP 3 PM 121

2046

Attn. Kenneth Gross
General Counsel

Frank Trotta, Jr.
ATTORNEY - AT - LAW

RECEIVED AT THE FEC
GCC# 8439
85 SEP 3 12:58

TWENTY-FOUR NORTH AVENUE
NEW ROCHELLE, NEW YORK 10805
TELEPHONE: (914) NE 2-7069

August 28, 1985

Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
Attention: Eric Kleinfeld, Esq.

RE: MUR 2050

(Complaint of Muriel F. Siebert and Whitney N. Seymour, Jr.)

Ladies and Gentlemen:

This letter is in response to your letter and enclosures in the above-captioned matter. [Please note that Respondents Lewis E. Lehrman ("Lehrman") and New Yorkers for Lew Lehrman ("New Yorkers") are not located at the address indicated on the complaint. All future correspondence should be sent to my attention at the above address.] I am the attorney representing Mr. Lewis Lehrman and his authorized gubernatorial campaign committee "New Yorkers for Lew Lehrman" in this matter. However, my appearance herein in no way waives any rights of the Respondents relating to jurisdiction or other procedural matters.

The complaint in the above-captioned matter is a mere recapitulation of the complaint in MUR 1868, which the Federal Election Commission dismissed (i.e., found "no reason to believe" a violation occurred) on March 22, 1985. My clients stand-by their affidavit and response-submission in MUR 1868.

The current complaint, like the complaint in MUR 1868, alleges that Respondents "knowingly and willfully violated the contribution restrictions and limits" set forth in the Federal Election Campaign Act, "in relation to the Primary Election in New York State for Republican Party Nomination for United States Senator, held on September 23, 1982." My clients unequivocally deny this allegation.

Further, we urge that the complaint be dismissed for failing to comply substantially with the requirements of the Federal Election Commission's Regulations, inasmuch as complaint fails to identify any source of information which gives rise to Complainants' belief in the truth of the allegations made against my clients. The exhibits offered in substantiation of these allegations are clearly irrelevant and do not relate to "the source of information" which gave rise to any of the allegations set forth against Mr. Lehrman and his committee, nor do they give any indication of any violation of the law, allegedly committed by said Respondents.

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Argument of Respondent "Lehrman" and "New Yorkers"

The entire thrust of Complainants' complaint against Respondents "Lehrman" and "New Yorkers" is that: (a) Complainants believe "Lehrman" and "New Yorkers" had access to a list of Republican Primary Voters; and, (b) Complainants believe that the candidate who beat both Complainants in the Republican Federal Primary in 1982 mailed to a list of Republican Primary Voters; therefore, (c) Respondents "Lehrman" and "New Yorkers" must have intentionally violated federal criminal statutes by surreptitiously smuggling the list to the Complainants' Primary opponent as an illicit contribution. Obviously, there is absolutely no grounds for such a conclusion.

Respondent "Lehrman" was a candidate for Governor of New York in 1982. Respondent "New Yorkers" was his authorized campaign committee. Both were under the exclusive jurisdiction of the New York State Board of Elections, and accordingly were required to, and did in fact, file extensive campaign financial disclosure statements under penalty of perjury.

Under New York Law (Article 14 of New York's Election Law), a candidate and his or her Committee is required to disclose to the Board of Elections all expenditures made in relation to the Election, as well as all transfers to other political committees. A detailed examination of these verified records shows no such transactions. If the Federal Election Commission finds it helpful, Respondents "Lehrman" and "New Yorkers" are willing to attempt to obtain from the New York State Board of Elections, a certified copy of these sworn financial disclosure statements for the time period in question, (assuming such dated records are presently retained by the State Board of Elections).

Further, a careful review of the internal records of each Respondent herein reflects no such contribution. Respondent "Lehrman" has had no personal possession of any such labels. Respondent "New Yorkers" may have had ownership of a list of voters who voted in Republican primaries, but made no contribution of any such list or of labels reflective of such list directly or indirectly to the Sullivan campaign. This is substantiated by affirmation of Respondent Timothy S. Carey, Treasurer of New Yorkers for Lew Lehrman, which was submitted to the FEC in MUR 1868 and which is also annexed hereto and made a part hereof.

Quite simply, there is no connection in fact between the mailing in question and any labels supplied by Respondent "Lehrman" or "New Yorkers." Indeed, the complaint fails to demonstrate any nexus whatsoever, other than simply conjecturing that it is the case. The conjecture is incorrect in every respect. No in-kind contribution -- legal or otherwise -- was made by either Respondent "Lehrman" or "New Yorkers" to the Sullivan campaign.

The FEC should find "no reason to believe" Respondents "Lehrman" or "New Yorkers" violated any provision of the FECA relating to this non-existent in-kind contribution.

Response to Complainants' "Recitation of Facts"

The Complainants recite certain facts; Respondents "Lehrman" and "New Yorkers" respond as follows:

1. Complainants state, based on personal knowledge, that "on September 17, 1982, respondent SULLIVAN FOR SENATE caused 360,799 direct mail pieces supporting the candidacy of Florence M. Sullivan to be mailed to 1980 Republican Party primary voters...". Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief as to the existence and/or transmittal of said mailing.

2. Complainants state, based on personal knowledge, that "no expenditure or contribution was reported by respondent SULLIVAN FOR SENATE committee accounting for the mailing labels used to address such mailing pieces...". Again, Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief about said allegation. However, the Commission should note that this allegation directly contradicts Complainants' allegation in MUR-1868, which claimed that the expenditure for the labels was indeed reflected as an expenditure to a committee known as "Citizens For the Republic."

3. Complainants next allege that they "attempted to obtain a mailing list of such primary voters without success; learned that no such list was available from commercial sources; and that the only way the list could be obtained was by copying the list of primary voters from the election records in each of New York State's counties." Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief about said allegations. However, the Commission should take judicial notice of the fact that Complainants' own Exhibit B in MUR 1868 purports to be a price list from a label and list vendor, dated May 1982 -- several months prior to the alleged mailing -- showing the cost of purchasing a "Prime Voters List" in that month.

4. Complainants allege, upon information and belief, that "the only statewide list of Republican primary voters available in September 1982 was a list that had been compiled by respondent 'New Yorkers.'" Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief as to the existence of statewide lists of Republican primary voters available in September other than the list that volunteers for Respondent "New Yorkers" had compiled or were in the process of compiling at that point in time. However, we again direct the Commission's attention to Complainant's Exhibit B in MUR 1868 which seems to indicate the commercial availability of such a list as early as May 1982.

5. Complainants next allege, on information and belief, that "respondent Michael Long, campaign manager for Florence M. Sullivan, stated to the news media that no other Senate candidate 'has the list that we do.'" Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief about whether or not said statement was in fact made.

Complainants also state that Respondent Long "was active in the primary campaigns (sic)" of respondents "Lehrman" and "New Yorkers" and "was Vice Chairman of the New York State Conservative Party State Committee which supported the candidacies of both Mr. Lehrman and Mrs. Sullivan." Respondents "Lehrman" and "New Yorkers" admit, based on personal knowledge, that the New York State Conservative Party State Committee supported the candidacy of Mr. Lehrman for Governor of New York but only on the Conservative Party ballot line in the General Election. Respondents "Lehrman" and "New Yorkers" also admit, based on information and belief, that Mr. Long was Vice Chairman of the New York State Conservative Party State Committee.

Respondents "Lehrman" and "New Yorkers" deny that Mr. Long "was active in the primary campaigns (sic) of respondents Lewis E. Lehrman and New Yorkers for Lehrman." Candidate Lehrman had only one Primary Election in his race for Governor in 1982; it was a Republican Party primary. Mr. Lehrman had no Conservative Party primary. Mr. Long, an enrolled Conservative Party member, was not involved in support of Mr. Lehrman's Republican primary efforts. Indeed, because party-line vote strength in general election balloting in gubernatorial elections, under New Yorker law is used to determine a political parties' ballot position for the next four-years, it was in the interest of the New York Conservative Party and its officers to have voters vote for Mr. Lehrman on their party's line, rather than the Republican line. Further it is foolhardy to believe that, if in fact Mr. Long was campaign manager in another statewide race for a Federal office, that he would have had sufficient time to be actively involved in a second statewide primary.

6. Complainants allege that "the economic value of the mailing labels was an estimated \$100 per thousand for hand copying and \$31 per thousand for keypunching..." Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief about said allegation.

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Complainant's Documentation

Complainants' Exhibits provide no reasonable grounds for the alleged violation. Each of complainants' exhibits is discussed at length below. The majority of these exhibits were submitted and discussed at length in MUR 1868. For the sake of logic, the exhibits are discussed below in chronological rather than alphabetical order.

EXHIBIT E

The first exhibit, chronologically, is Exhibit E. It is a copy of an excerpt from a New Yorkers for Lew Lehrman newsletter, dated July 1, 1982. The article reports that at that point in time "New Yorkers", through the manpower of its volunteers, had compiled approximately three-fourths of a statewide Republican primary voters list. The list was to be used in Lew Lehrman's Republican primary for Governor of New York State, which was held on the same date as the Sullivan Primary for Senate. Respondents have no reason to believe that the newsletter is inaccurate. However, the excerpt demonstrates merely the probable existence of three-quarters of a Republican primary voters list being compiled by Lehrman volunteers in the Summer of 1982. It does not show the existence of any labels. It does not show a contribution in any way, shape or form. Moreover, it does not show anything of relevance to the alleged violation of the FECA, for certainly using volunteer manpower to develop a list for potential use in a Gubernatorial Primary violated no statute, Federal or State. This exhibit was submitted to the Commission previously (in MUR 1868).

EXHIBIT D

Complainants' Exhibit D is a copy of a newspaper article dated September 7, 1982. The article states in pertinent part, that the manager for Sullivan campaign declared that "No candidate running against Florence Sullivan has the list we do." Respondents have no knowledge or information sufficient to form a belief as to the existence or content of the list mentioned in said article. This exhibit too was submitted to the Commission previously (in MUR 1868).

The list mentioned may well have been labels purchased from Citizens For the Republic, apparently disclosed to the Federal Election Commission some 18 days before the article in question, as evidenced by Complainants' Exhibit J in MUR 1868, which Complainants' fail to include in their current complaint.

The September 7th article also states that "the Sullivan campaign is banking heavily on a statewide mailing to likely primary voters." From this one sentence and the campaign manager's quote, Complainants would have the Commission conclude that the list mentioned in the article was one surreptitiously supplied in the form of labels originating with the Respondents "Lehrman" and "New Yorkers" and ultimately used to steal the New York Federal Primary election from the Complainants. It should be noted, incidentally, that all of these alleged machinations were supposed to have occurred during a period when Respondents "Lehrman" and "New Yorkers" were embroiled in their own Statewide Primary for the Republican nomination for Governor.

EXHIBIT B

Complainants' Exhibit B purports to be a copy of United States Postal Service records reflecting "the foregoing mailing" on September 17, 1982. The Respondents "Lehrman" and "New Yorkers" deny information or knowledge as to the existence or accuracy of said postal record. However, an examination of the exhibit demonstrates merely that postage was subtracted from a postal account number 734 in the name of the Conservative Party State Committee, on September 17, 1982. There is no indication, whatsoever, as to the content, nature or composition of the mailing. In short, there is no evidence linking the postal cost reflected in Exhibit B with the mailing in question. Further, there is absolutely no nexus shown between said postal cost and Respondents "Lehrman" or "New Yorkers" and no evidence of any illegal contribution.

EXHIBIT F

The next Complainants' exhibit chronologically is exhibit F, a copy of a September 24, 1982 (post-Primary) article headlined "Sullivan victory confirms GOP's shift to right."

Complainants point to a sentence in said article stating that "Sullivan's aides attributed her victory to a mailing that went out over the past week to more than 427,000 [sic] Republicans around the state." Complainants contend that said quote is significant and in some way relevant to the allegations in their complaint. Once again this is an exhibit which has no apparent bearing on the source of information upon which Complainants' allegations are made. Respondents deny knowledge or information sufficient to determine the reason for the Sullivan victory; although even the headline of article labeled Complainants' Exhibit F suggests an alternative reason for the Sullivan victory.

Further, the fact that in Complainants' Exhibit B, they allege that the mailing in question was 360,799 pieces, and in the mailing mentioned in Exhibit F is 427,000 pieces, is evidence of the possibility that these are two different mailings. Exhibit F in this MUR also was submitted to the Commission previously (in MUR 1868).

EXHIBIT C

Exhibit C is a copy of sworn answers to interrogations dated February 4, 1983, by Respondent Long admitting that a Sullivan mailing was done by the Conservative Party but denying that he knew the source of the mailing labels used in the mailing. Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to determine existence or accuracy of said answer. It must be pointed out, however, that Mr. Long states, under oath, that he has no knowledge of the source of the labels. However, Complainants in this MUR allege or imply that Mr. Long himself is the source of the labels. Either Mr. Long's sworn statement must be taken at face value and this MUR must be dismissed, or Mr. Long's statement is false in which case perjury prosecution, not an FEC complaint, is the appropriate remedy. Obviously, there are no grounds whatsoever for a perjury prosecution, because Mr. Long was telling the truth. This MUR is a thinly-veiled attempt by the Complainants to use the Commission as

rod, hook and bait in a fishing expedition. The FEC refused to be used for such purposes in MUR-1868. This MUR is merely a recapitulation of MUR-1868, and the Commission should again reject this attempted abuse by the Complainant.

EXHIBIT A

Exhibit A is an undated document which purports to be a copy of "the Sullivan pre-Primary direct mail piece, which was sent out in the name of the New York State Conservative Party State Committee under its Non-Profit Organization bulk rate permit." Respondents "Lehrman" and "New Yorkers" deny knowledge or information sufficient to form a belief as to the existence, accuracy, or distribution of the flyer. Here again, there is absolutely no nexus shown, or even intimated, between this exhibit and Respondents "Lehrman" and "New Yorkers." Once again, this exhibit was previously submitted to the Commission (in MUR-1868).

CONCLUSION

In summary, Respondents "Lehrman" and "New Yorkers" contend that the complaint is without merit, and fails in form, in addition to failing substance. Respondents "Lehrman" and "New Yorkers" deny any wrong-doing alleged by Complainants, and urge that the Commission dismiss this complaint as it relates to both of the Respondents herein.

Respectfully submitted,



FRANK P. TROTTA, JR.

35040560913

Before the Federal Election Commission

MURIEL F. SIEBERT and WHITNEY NORTH SEYMOUR, JR.
Complainants,

- against -

MUR: 1868

NEW YORKERS FOR LEW LEHRMAN; TIMOTHY S. CAREY as
Treasurer of NEW YORKERS FOR LEW LEHRMAN and
individually; and LEWIS LEHRMAN
Respondents.

RESPONDENT'S
AFFIRMATION

I, Timothy S. Carey, Respondent herein, being duly sworn depose and affirm:

1. That I reside in the Town of Cortlandt, County of Westchester, State of New York.
2. That at all times since its inception, I was and am the Treasurer of a New York State political committee, known as "New Yorkers for Lew Lehman."
3. That said committee is duly registered with the New York State Board of Elections and has been authorized to support the 1982 candidacy of Lew Lehman for Governor of the State of New York.
4. That I make this affirmation in support of Respondents' answer to Complainants' complaint filed on or about December 20, 1984, and in support of Respondents' request for dismissal of said complaint.
5. That, as Treasurer of New Yorkers for Lew Lehman, I have complied fully with New York's Election Law, and accordingly, have regularly disclosed to the New York State Board of Elections, all expenditures and transfers made by said committee, under penalties of perjury.

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6. That, upon information and belief, no expenditures or transfers have ever been made by New Yorkers for Lew Lehman in support of or in opposition to the candidacy of any candidate for Federal office.

7. That I have neither made nor caused to be made, either personally or in my capacity as Treasurer of New Yorkers for Lew Lehman, any transfers or contributions in-kind or in cash to United States Senate candidate Florence Sullivan or to her authorized campaign committee at any time in 1982.

8. That I have neither made nor caused to be made, either personally or in my capacity as Treasurer of New Yorkers for Lew Lehman, any transfers or contributions in-kind or in cash to an organization known as "Citizens For the Republic" at any time in 1982.

9. That, upon information and belief, Respondent "New Yorkers for Lew Lehman" has made no transfers or contributions in-kind or in cash to United States Senate candidate Florence Sullivan or to her authorized campaign committee at any time in 1982.

10. That, upon information and belief, Respondent "New Yorkers for Lew Lehman" has made no transfers or contributions in-kind or in cash to an organization known as "Citizens For the Republic" at any time in 1982.

11. That, upon information and belief, Respondent Lewis E. Lehman made no transfers or contributions in-kind or in cash to United States Senate candidate Florence Sullivan or to her authorized campaign committee at any time in 1982.

12. That, upon information and belief, Respondent Lewis E. Lehman made no transfers or contributions in-kind or in cash to an organization known as "Citizens For the Republic" at any time in 1982.

13. That at no time have I ever possessed a set of "approximately 361,000 mailing labels addressed to 427,000 Republican Primary Voters in New York State."

14. That at no time did I ever cause any such set of labels "to be made available for use in a direct mail campaign in support of the candidacy of Florence M. Sullivan for the Republican nomination for United States Senator in New York in the Primary Election held on September 23, 1982."

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15. That at no time did I ever authorize any agent of New Yorkers for Lew Lehman to cause any such set of labels "to be made available for use in a direct mail campaign in support of the candidacy of Florence M. Sullivan for the Republican nomination for United States Senator in New York in the Primary Election held on September 23, 1982."

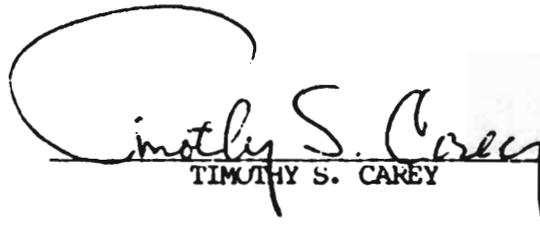
16. That, upon information and belief, at no time was any agent of New Yorkers for Lew Lehman ever authorized to cause any such set of labels "to be made available for use in a direct mail campaign in support of the candidacy of Florence M. Sullivan for the Republican nomination for United States Senator in New York in the Primary Election held on September 23, 1982."

17. That, upon information and belief, at no time did any agent of New Yorkers for Lew Lehman ever cause any such set of labels "to be made available for use in a direct mail campaign in support of the candidacy of Florence M. Sullivan for the Republican nomination for United States Senator in New York in the Primary Election held on September 23, 1982."

18. That, I never attempted to conceal or caused anyone to attempt to conceal the true source and value of any contribution to any Federal candidate.

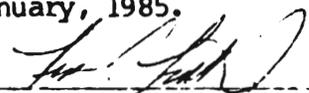
STATE OF NEW YORK)
COUNTY OF WESTCHESTER)

ss.:


TIMOTHY S. CAREY

Dated: January 26, 1985

Sworn to before me this 26th day
of January, 1985.


FRANK P. TRUTTA, JR.

Notary Public, State of New York
Qualified in Westchester County
Commission Expires March 30, 1986

35040560921

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL _____ MUR# 2050
BY OGC TO THE COMMISSION _____ DATE COMPLAINT RECEIVED
BY OGC June 24, 1985
DATE OF NOTIFICATION TO
RESPONDENT July 31, 1985
STAFF MEMBER Eric Kleinfeld

COMPLAINANTS' NAMES:

Muriel F. Siebert
Whitney North Seymour, Jr.

RESPONDENTS' NAMES:

Sullivan for Senate
Joseph M. Sussillo, treasurer
New Yorkers for Lew Lehrman
Timothy S. Carey, treasurer
Lewis E. Lehrman
Michael R. Long, Vice Chairman,
NYS Conservative Party
State Committee

RELEVANT STATUTES:

2 U.S.C. § 434
2 U.S.C. § 441a(a) (1) (A)
2 U.S.C. § 441a(f)

INTERNAL REPORTS CHECKED:

Committee Reports

FEDERAL AGENCIES CHECKED:

None

SUMMARY OF ALLEGATIONS

On June 24, 1985, the Office of General Counsel received a signed, sworn and notarized complaint from Muriel F. Siebert and Whitney North Seymour, Jr. (hereinafter "complainants") alleging violations of the Federal Election Campaign Act of 1971, as amended, (hereinafter the "Act"), by the Sullivan for Senate Committee (hereinafter the "Sullivan Committee") and Joseph M. Sussillo, as treasurer, New Yorkers for Lew Lehrman and Timothy S. Carey, as treasurer, Lewis E. Lehrman, and Michael R. Long,

85040560922

Vice Chairman, New York State Conservative Party State Committee,
(all hereinafter "Respondents").

Complainants allege that the Sullivan Committee and Joseph M. Sussillo, as treasurer, accepted an excessive in-kind contribution consisting of mailing labels worth approximately \$14,000 from New Yorkers for Lew Lehrman, Lewis E. Lehrman and/or Michael R. Long, in violation of 2 U.S.C. § 441a(f) and failed to report the same, in violation of 2 U.S.C. § 434.

FACTUAL AND LEGAL ANALYSIS

The statutory response period of fifteen days, afforded to all responses pursuant to 11 C.F.R. § 111.6(a) so that they may demonstrate that no action should be taken on the basis of the complaint submitted in this matter, has not yet expired as of the date of the report. Upon expiration of this period or receipt of written responses from respondents, the Office of General Counsel will prepare and submit to the Commission a General Counsel's Report on the factual and legal issues of this matter with recommendations.

Charles N. Steele
General Counsel

Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments
1 Complaint

85040560923

85 SEP 11 P 1: 46

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

Attention: Ms. Deborah Curry

----- X

Siebert, et al

Complainants.

INDEX NO. MUR 1866

J. Daniel Mahoney et al

RESPONSE

Respondents.

----- X

85 SEP 12 P 1: 53

JOSEPH M. SUSSILLO, as Treasurer of the Sullivan for Senate Committee and for said Committee responding to the within complaints alleges on information and belief:

Denies any knowledge or information sufficient to have a belief as to the truth of the allegations contained in Paragraphs of the complaint designed as "1", "2", "3", "4", "5" "6".

That Item C appears to be a statement of complainant's belief based on inconclusive, irrelevant information contained in Exhibits "A", "B", "C", "D", "E" and "F" which fails to support the belief stated.

That the subject matter of this complaint is substantially like or similar to allegations of the complainant's in FEC Index No. MUR 1868 which on March 22, 1985 resulted in a determination that the Commission found ".....no reason to believe that a violation of any statute within its jurisdiction has been committed."

Joseph M. Sussillo

JOSEPH M. SUSSILLO

Sworn to before me
this 15th day of August
1985.

Louise Paulsen

CC: Muriel F. Siebert
Whitney North Seymour, Jr.
J. Daniel Mahoney
Michael R. Long
Seraphim R. Maltese
James E. O'Doherty

LOUISE PAULSEN
Commissioner of Deeds
City of New York No. 2097
Certificate Filed in Kings County
Commission Expires Feb. 1, 1987

35040560924



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sullivan for Senate
Joseph M. Sussilo, Treasurer
437 Bay Ridge Parkway
Brooklyn, New York 11204

Re: MUR 2050

Dear Mr. Sussilo:

This letter is to notify you that on June 24, 1985, the Federal Election Commission received a complaint which alleges that Sullivan for Senate, 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 2050. 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 Sullivan for Senate 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.

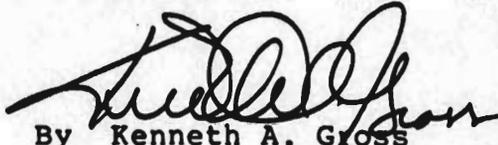
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040560925

If you have any questions, please contact Eric Kleinfeld, 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

65040560925

Enclosures

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

cc: Florence M. Sullivan
229 Ovington Avenue
N.Y., N.Y. 11209



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 31 1985

New Yorkers for Lew Lehrman
Timothy S. Carey, Treasurer
641 Lexington Avenue
New York, N.Y. 10022

Re: MUR 2050

Dear Mr. Carey:

This letter is to notify you that on June 24, 1985, the Federal Election Commission received a complaint which alleges that New Yorkers for Lew Lehrman, 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 2050. 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 New York for Lew Lehrman 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.

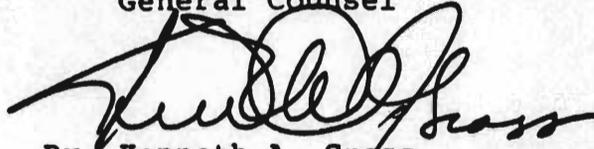
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

35040560927

If you have any questions, please contact Eric Kleinfeld, 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

85040560923



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31 1985

Lewis E. Lehrman
641 Lexington Avenue
New York, N.Y. 10022

Re: MUR 2050

Dear Mr. Lehrman:

This letter is to notify you that on June 24, 1985, the Federal Election Commission received a complaint which alleges that you, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2050. Please refer to this number in all future correspondence.

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

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

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

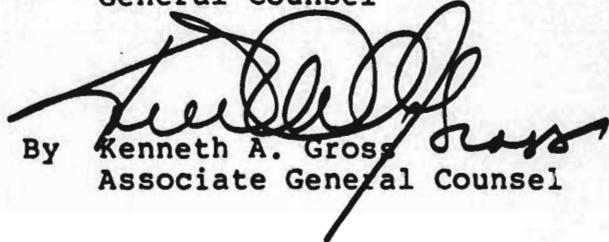
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040560929

If you have any questions, please contact Eric Kleinfeld, 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

85040560930



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 31 1985

Michael R. Long, Vice-Chairman
NYS Conservative Party State Committee
45 East 29 Street
New York, N.Y. 10016

Re: MUR 2050

Dear Mr. Long:

This letter is to notify you that on June 24, 1985, the Federal Election Commission received a complaint which alleges that NYS Conservative Party State Committee, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2050. Please refer to this number in all future correspondence.

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

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

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

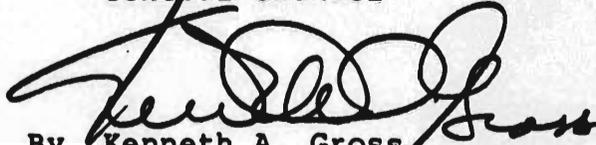
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040560931

If you have any questions, please contact Eric Kleinfeld 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

85040560952



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31 1985

Whitney North Seymour, Jr.
100 Park Avenue
Room 2606
New York, New York 10017

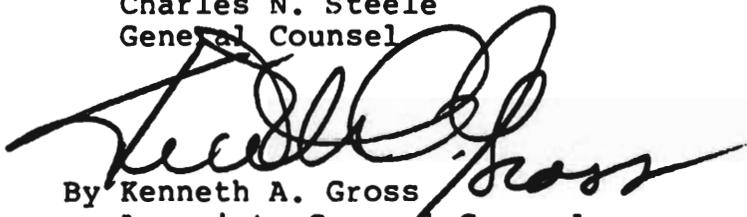
Dear Mr. Seymour:

This letter is to acknowledge receipt of your complaint which we received on June 24, 1985, against the Sullivan for Senate Committee which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents 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 Stuart McHardy at (202) 523-4075.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosure

85040560935



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31 1985

Muriel F. Siebert
435 East 52nd Street
New York, New York 10028

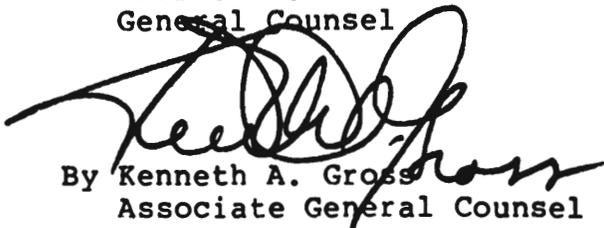
Dear Ms. Siebert:

This letter is to acknowledge receipt of your complaint which we received on June 24, 1985, against the Sullivan for Senate Committee which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents 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 Stuart McHardy at (202) 523-4075.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosure

85040560934

57 48: 52

Before the Federal Election Commission

AMENDED COMPLAINT

(Pursuant to Title 2, U.S.C. § 4379 and Title 11, CFR Part 110)

TO: GENERAL COUNSEL
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20464

RECEIVED
GENERAL COUNSEL
15 JUN 24 11:38

COMPLAINANTS:

MURIEL F. SIEBERT
435 East 52nd Street
New York, New York 10028

WHITNEY NORTH SEYMOUR, JR.
100 Park Avenue, Room 2606
New York, New York 10017

RESPONDENTS:

LEWIS E. LEHRMAN
641 Lexington Avenue
New York, New York 10022

NEW YORKERS FOR LEW LEHRMAN
Timothy S. Carey, Treasurer
641 Lexington Avenue
New York, New York 10022

SULLIVAN FOR SENATE
Joseph M. Sussilo, Treasurer
437 Bay Ridge Parkway
Brooklyn, New York 11209

MICHAEL R. LONG
Vice Chairman, NYS Conservative Party State Committee
45 East 29 Street
New York, New York 10016

85040560935

VIOLATION ALLEGED:

Knowing and wilfull violation of contribution restrictions and limits under Title 2, United States Code, Section 441a, and Title 11, CFR Part 110, in relation to the Primary Election in New York State for Republican Party Nomination for United States Senator, held on September 23, 1982.

A. Recitation of Facts

Complainants MURIEL F. SIEBERT and WHITNEY NORTH SEYMOUR, JR., state under oath on personal knowledge as to paragraphs 1, 2 and 3 and on information and belief as to paragraphs 4, 5 and 6:

1. On September 17, 1982, respondent SULLIVAN FOR SENATE caused 360,799 direct mail pieces supporting the candidacy of Florence M. Sullivan to be mailed to 1980 Republican party primary voters in New York State under the non-profit bulk rate permit of the New York State Conservative Party State Committee.

2. No expenditure or contribution was reported by respondent SULLIVAN FOR SENATE committee accounting for the mailing labels used to address such mailing pieces, either by gift or purchase.

3. Complainants each attempted to obtain a mailing list of such primary voters without success; learned that no such list was available from commercial sources; and that the only way the list could be obtained was by copying

85040560936

the list of primary voters from the election records in each of New York State's counties.

4. The only statewide list of Republican primary voters available in September 1982 was a list that had been compiled by respondent NEW YORKERS FOR LEHRMAN.

5. On September 7, 1982, respondent MICHAEL LONG, campaign manager for Florence M. Sullivan, stated to the news media that no other Senate candidate (i.e. the complainants) "has the list that we do." At that time, in addition to being campaign manager for Mrs. Sullivan, MICHAEL LONG was active in the primary campaigns of respondents LEWIS E. LEHRMAN and NEW YORKERS FOR LEHRMAN and was Vice Chairman of the New York State Conservative Party State Committee which supported the candidacies of both Mr. Lehrman and Mrs. Sullivan.

6. The economic value of the mailing labels was an estimated \$100 per thousand for hand copying and \$31 per thousand for key punching, or \$47,291 for 360,799 labels.

B. Documentation

Annexed hereto are the following documents supporting the foregoing recitation of facts:

Exhibit A: A copy of the Sullivan pre-Primary direct mail piece, which was sent out in the name of the New

York State Conservative Party State Committee under its Non-Profit Organization bulk rate permit.

Exhibit B: A copy of the U.S. Postal Service record (obtained through an FOIA request) reflecting the foregoing mailing on September 17, 1982, for a total postage charge of \$14,475.15. Dividing this total postage by the per-piece rates shown reveals that the mailing consisted of 360,799 mailing pieces.

Exhibit C: Answers to plaintiff's interrogatories in Siebert v Conservative Party, sworn to by respondent MICHAEL LONG, admitting that the Sullivan mailing was made through the New York State Conservative Party State Committee; that the postage was paid by respondent SULLIVAN FOR SENATE; but denying that he knew the source of the mailing labels used on the Sullivan mailing piece.

Exhibit D: An Ithaca Journal news story of September 7, 1982, stating that the Sullivan campaign "is banking heavily on a statewide mailing to likely primary voters" and quoting Respondent MICHAEL LONG as stating: "No senate candidate running against Florence Sullivan has the list we do."

35040560973

Exhibit E: Excerpt from a "Lehrman Governor Campaign Report" newsletter issued by Respondent NEW YORKERS FOR LEHRMAN under date of July 1, 1982, describing efforts of Lehrman volunteers and coordinators to complete a "Prime Voters List" for all 62 counties of New York State by July 15.

Exhibit F: A Poughkeepsie Journal news story of September 24, 1982 (the day after the Primary Election) stated that "Sullivan's aides attributed her victory to a mailing that went out over the past week to more than 427,000 Republicans around the state."

C. Conclusion

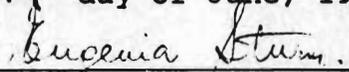
The allegations of this Complaint and the circumstantial evidence contained in the documents establish compelling reason to believe that the mailing labels used for the Sullivan mailing were an in-kind contribution from respondents LEWIS E. LEHRMAN and NEW YORKERS FOR LEHRMAN, made through or with the knowledge of respondent MICHAEL LONG, and knowingly accepted by respondent SULLIVAN FOR SENATE. Such a contribution would constitute a plain violation of the contribution limits and reporting requirements of the statute and regulations. A full investigation by the Commission should be undertaken,

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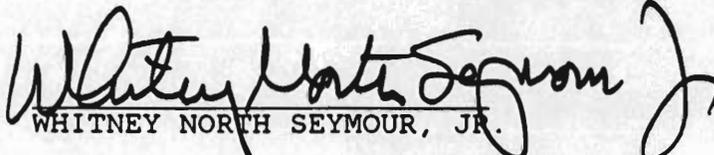
including the issuance of subpoenas for relevant documents and the taking of oral testimony, following which the Commission should make appropriate findings as to violations of law that have occurred.


MURIEL F. SIEBERT

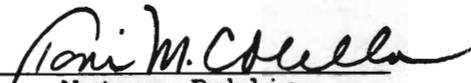
Sworn to before me this
14 day of June, 1985


Notary Public

EUGENIA STURMS
NOTARY PUBLIC, State of New York
No. 03-9233525
Qualified in Bronx County
Commission Expires March 30, 1987


WHITNEY NORTH SEYMOUR, JR.

Sworn to before me this
20 day of June, 1985


Notary Public

TONI M. COLELLA
Notary Public, State of New York
No. 24-4777122
Qualified in Kings County
Commission Expires March 30, 1986

35040560940

THEY ARE TWO LIBERALS
AND ONE REAGAN REPUBLICAN RUNNING FOR
UNITED STATES SENATOR.
THE REAGAN REPUBLICAN IS...

NON-PROFIT ORG
U.S. POSTAGE
PAID
PERMIT NO. 734
NEW YORK, N.Y.

New York State Conservative Party State Committee
1982 Victory Fund
45 East 29th Street
New York, New York 10016



FLORENCE SULLIVAN
IS THE ONLY
SENATE CANDIDATE
TO ENDORSE
LEW LEHRMAN
FOR GOVERNOR.

ELECT ANOTHER
REAGAN REPUBLICAN
TO THE U.S. SENATE.

VOTE FOR FLORENCE SULLIVAN ON SEPTEMBER 23rd.

**ASSEMBLYWOMAN FLORENCE
SULLIVAN HAS BEEN ENDORSED BY
THESE REPUBLICAN OFFICIALS:**

- Congressman Guy V. Molinari
- Congressman Gerald B. Solomon
- Senator Christopher Mega
- Senator Frank Padavan
- Senator Richard E. Schemmehorn
- Assemblyman John L. Behan
- Assemblyman Gordon W. Burrows
- Assemblyman William Bush
- Assemblyman Anthony J. Casale
- Assemblyman John Cocchiare
- Assemblyman Armand D. Amato
- Assemblyman Robert A. D'Andrea
- Assemblyman John A. Esposito
- Assemblyman John T. Flack
- Assemblyman John Flanagan
- Assemblywoman Joan P. Haque
- Assemblyman Thomas Hanna
- Assemblyman Michael J. Hoblock, Jr.
- Assemblyman Raymond Kaiser
- Assemblyman Neil Kelleher
- Assemblyman Richard L. Kennedy
- Assemblyman Clarence Lane
- Assemblyman William J. Larkin, Jr.
- Assemblyman Eugene Levy
- Assemblyman John G. Lopresto
- Assemblyman Thomas P. Morahan
- Assemblyman James Nagle
- Assemblyman John G. A. O'Neil
- Assemblyman John M. Perone
- Assemblyman Douglas W. Prescott
- Assemblywoman Antonia P. Ritaliata
- Assemblyman Stephen Saland
- Assemblywoman Carol A. Suwak
- Assemblyman Nicholas A. Spano
- Assemblyman Frank G. Talomei, Sr.
- Assemblyman Guy J. Vellela
- Assemblyman Glen Warren

AND BY
**FUND FOR A CONSERVATIVE
MAJORITY**
**CITIZENS FOR THE REPUBLIC
(THE POLITICAL ACTION COMMITTEE
FOUNDED BY RONALD REAGAN IN
1977)**
THE EAST SIDE CONSERVATIVE CLUB

EXHIBIT "A"

REPRODUCTION OF THIS BROCHURE IS PAID FOR BY THE STATE COMMITTEE OF
THE NEW YORK STATE CONSERVATIVE PARTY 1982 VICTORY FUND
AUTHORIZED BY SULLIVAN ON STATE

8 5 0 4 0 5 6 0 9 4 1

ASSEMBLYWOMAN FLORENCE SULLIVAN

SHE IS THE ONLY CANDIDATE WHO SUPPORTS PRESIDENT REAGAN ON ALL THESE ISSUES:

- Tax reductions for working Americans.
- A criminal justice system that does not let the John Hinckleys free, and protects law abiding citizens from street criminals.
- United States Military Forces second to none.
- To deny the Soviet Union access to vital American technology.
- Tuition Tax Credits for parents sending their children to private and parochial schools.



Florence Sullivan understands the problems we are all facing. She is the widow of a Korean War veteran, who raised three children, taught Math and English, supported herself through St. John's Law School, served as an Assistant District Attorney and has represented the middle-class community of Bay Ridge for two terms in the New York State Legislature.

"FLORENCE SULLIVAN IS A LIFELONG CONSERVATIVE REPUBLICAN. HER LIBERAL OPPONENTS HAVE FOUGHT AGAINST THE CONSERVATIVE POLICIES OF RONALD REAGAN, AL D'AMATO AND JACK KEMP."

MICHAEL R. LONG
COUNCILMAN-AT-LARGE

Whitney North Seymour, Jr. has described himself as "A John Lindsay Republican."

While serving in the State Senate he voted to weaken the Death Penalty and opposed stiffer penalties for murderers, rapists, and other violent criminals.

Moreover, he opposes President Reagan on tuition tax credits, the Balanced Budget Amendment, voluntary prayers in public places, and improving our defense forces.

Muriel Siebert, Hugh Carey's Superintendent of Banks, contributed to the campaigns of Senator Moynihan and Hugh Carey (her latest contribution was \$1,000 to Carey in December of 1981). During this race Siebert has called herself a "raving liberal" on social issues, she has called for the legalization of illegal drugs, and she has called for reductions in the defense budget.

"FLORENCE SULLIVAN OFFERS REFRESHING OPPOSITION TO LEFT-LEANING REPUBLICAN OPPONENTS LIKE SEYMOUR AND SIEBERT. SHE IS CERTAINLY OUR BEST BET AGAINST MOYNIHAN IN NOVEMBER."

RICHARD E. SCHERMERHORN, SENATOR

"FLORENCE SULLIVAN IS THE ONLY ONE WHO CAN BEAT THE LIBERAL DANIEL MOYNIHAN."

ROBERT HECKMAN
EXECUTIVE DIRECTOR
FUND FOR A CONSERVATIVE MAJORITY

"MOYNIHAN'S LIBERALISM IS NOT WHAT NEW YORKERS WANT OR NEED."

FLORENCE SULLIVAN
ASSEMBLYWOMAN



While Florence Sullivan has repeatedly voted for the Death Penalty, Moynihan twice voted against it in the United States Senate.

While Florence Sullivan believes in the importance of education in neighborhood schools, Moynihan has voted for the busing of school children.

While Florence Sullivan has voted for tax cuts, Moynihan voted against tax reductions for people earning \$25,000 and less.

While Florence Sullivan is a staunch supporter of President Reagan, Moynihan supported Jimmy Carter 75% of the time.

Vote Sullivan on September 23.

RECORDS OF MAILING (3609)

PERMIT NO: 734
 NAME: THE CONSERVATIVE PARTY STATE COMMITTEE
 LOCATION: GPO

DATE: 10/21/02
 TYPE: 2

STARTING BALANCE	DATE	CLASS	RATE	POSTAGE	DEPOSITS	ENDING BALANCE	REMARKS
123.50	06/07/02	60	0.057	401.74			
					405.00		
						124.76	
124.76	07/17/02	60	0.047	235.15			
		61	0.040	11200.00			
		61	0.040	3040.12			
					10500.00		
						4151.47	

EXHIBIT "B"

850405090943

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
MURIEL SIEBERT, et al., :
 :
 Plaintiffs : DEFENDANTS' ANSWERS TO
 : PLAINTIFFS' INTERROGATORIES
 -against- :
 :
 THE CONSERVATIVE PARTY OF : 82 Civ. 7419 (HFW)
 NEW YORK STATE, et al., :
 :
 Defendants :
-----x

Defendants answer plaintiffs' interrogatories herein
as follows:

1. Q. Identify all persons who participated in (a) the preparation, (b) printing, (c) addressing, and (d) mailing of the Sullivan mailing piece and (e) payment of the costs relating thereto; and state as to each such person the role he or she played.

A. (a) The circular was prepared in draft form by Allen Roth, 135 West 29th Street, New York, New York 10001, and Robert Ryan, 135 West 29th Street, New York, New York 10001. Defendant Mahoney reviewed the circular and approved the final copy. John P. Dellera commented on certain legal aspects.

(b) Design Distributors, Inc.
45 East Industry Court
Deer Park, New York 11729

(c) Do not know.

EXHIBIT " C "

35040560944

(d) The State Committee of the New York State Conservative Party.

(e) The State Committee of the New York State Conservative Party, 1982 Victory Fund, has paid a total of \$2,000 toward the cost of printing the brochure and is obligated to make a further payment of \$2,980. Upon information and belief, all other costs were paid by Sullivan for Senate, the principal campaign committee of Florence M. Sullivan.

2. Q. State the amounts paid or incurred for (a) the preparation, (b) printing, (c) addressing and (d) mailing of the Sullivan mailing piece, and identify all sources of the funds for each such payment, including all intermediate transfers of funds from original donors to the ultimate payee.

A. (a) Do not know.

(b) \$4,980

(c) Do not know.

(d) Postal receipts showing amounts paid will be made available for inspection and copying in accordance with Rule 33(c), Fed. R. Civ. P.

The sum of \$2,000 has been paid from contributions received by the 1982 Victory Fund in accordance with the Federal Election Campaign Act.

3. Q. State (a) the source of all mailing labels used to send out the Sullivan mailing piece; (b) by whom and the manner in which the names and addresses were compiled and computerized; and (c) all costs associated with their (1) compilation, (2) computerization, and (3) print out of mailing labels.

A. (a) Do not know.

(b) Do not know.

(c) Do not know.

4. Q. State whether the State Committee of the New York State Conservative Party, or any of its members, approved the contents of the Sullivan mailing piece and authorized its mailing under the Committee's non-profit mail permit. If so, describe the time, place, circumstances and persons involved in such approval and authorization.

A. Defendant Mahoney, on behalf of the State Committee of the Conservative Party, approved the mailing piece and authorized the mailing in question in or about September, 1982 in New York City and Maine during the course of meetings or telephone conversations with Allen Roth and Robert Ryan.

5. Q. With respect to each of the elected public officials listed in the Sullivan mailing piece, state whether it

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is claimed that he or she did in fact endorse Mrs. Sullivan over her two primary opponents, Muriel Siebert and Whitney North Seymour, Jr., and if so, when, to whom, and by what manner each one communicated such endorsement to the person or persons who prepared the copy for the Sullivan mailing piece.

A. Upon information and belief, yes. Endorsements contained in letters or press releases will be made available for inspection and copying in accordance with Rule 33(c), Fed. R. Civ. P. Upon information and belief, other endorsements were communicated in person or by telephone to Allen Roth or Robert Ryan by Gerard Kassar, 927 80th Street, Brooklyn, New York.

6. Q. Identify the person or persons who authorized the publication of the Seymour mailing piece on behalf of Sullivan for Senate, and the time, place and circumstances of the communication of such authorization to defendants or any of them.

A. Robert Ryan, in or about September, 1982, in telephone conversations and meetings with defendant Mahoney.

7. Q. (a) Identify the "State Committee of the New York State Conservative Party 1982 Victory Fund", the depository in which such Victory Fund is or was maintained, and the person authorized to withdraw monies from such Victory Fund depository. (b) Describe all payments made out of such Victory

Fund in relation to the Sullivan mailing piece, including the date, amount, payee, what person authorized such payment.

(c) Identify the source or sources of all payments in excess of \$1,000 into the Victory Fund against which the payments in relation to the Sullivan mailing piece were drawn.

A. (a) The 1982 Victory Fund is a separate segregated account of the State Committee of the New York State Conservative Party and is registered as a multi-candidate committee with the Federal Election Commission. Its funds are maintained at Manufacturers Hanover Trust Company, Lexington Avenue at 43rd Street, New York, New York 10017. The person authorized to withdraw funds from such depository is defendant O'Doherty.

(b) See answer to Interrogatory No. 2(b). Amounts paid were authorized by defendants Mahoney, Maltese, and O'Doherty. The sum of \$2,000 was paid on September 21, 1982 to Design Distributors, Inc.

(c) None.

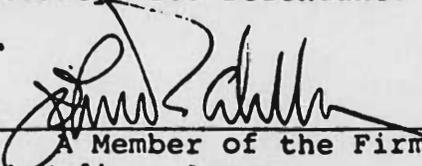
8. Q. Identify (or attach copies of) all documents, invoices, correspondence, memoes, research materials, notes, drafts or other papers or writings in the custody or control of the defendants or any of them, relating to the answers to such of the foregoing interrogatories.

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A. Objection is made to this interrogatory on the ground that documents requested are not identified with reasonable particularity. Documents known to the defendants include an invoice for printing, cancelled check for the payment described in answer 7(b), financial reports to the Federal Election Commission of the 1982 Victory Fund and Sullivan for Senate, postal receipts for the mailing, post office receipt for postage, letters of endorsement of Florence Sullivan, press release, newspaper clippings, campaign financial reports of Hugh L. Carey, correspondence and campaign literature of Whitney North Seymour, Jr., a draft of the circular and the final version thereof (Exhibit A to the complaint).

Dated: New York, New York
February 4, 1983

BAKER, NELSON & WILLIAMS
Attorneys for Defendants

By 

A Member of the Firm
444 Madison Avenue
New York, New York 10022
Tel. No. (212) 754-1300

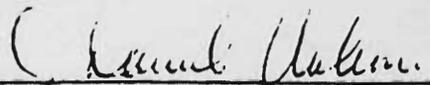
TO: OBERMAIER, MORVILLO & ABRAMOWITZ, P.C.
Attorneys for Plaintiffs
1290 Avenue of the Americas
New York, New York 10019
Tel. No. (212) 489-1500

AFFIDAVIT

State of New York, ss.

County of New York

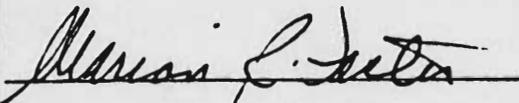
J. DANIEL MAHONEY, being duly sworn deposes and says that he is a defendant in this action; that he has read the foregoing Answers to Plaintiffs' Interrogatories; that the answers to Interrogatories 1(a), 1(c), 1(d), 2(a), 2(c), 3, 4, 6 and 7(a) (to the extent of identifying the 1982 Victory Fund) are true; that the answers to the remaining interrogatories are true upon information and belief.



J. Daniel Mahoney

Sworn to before me this

4th day of February, 1983



MARION R. FOSTER
Notary Public, State of New York
No. 4600092
Qualified in _____ County
Comm. Expires _____ 83

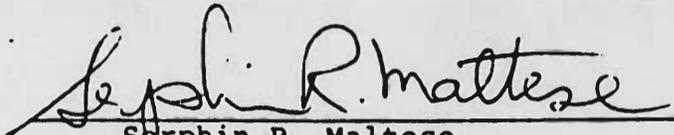
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AFFIDAVIT

State of New York, ss.

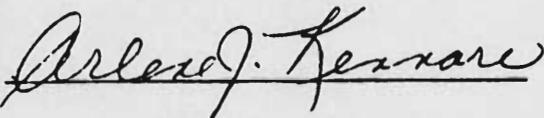
County of New York

SERPHEIN R. MALTESE, being duly sworn, deposes and says that he is a defendant in this action; that he has read the foregoing Answers to Plaintiffs' Interrogatories; that the answers to Interrogatories 1(b), 1(c), 2(a), 2(c), 3 and 7(a) are true; that the answers to the remaining interrogatories are true upon information and belief.


Serphin R. Maltese

Sworn to before me this

4th day of February, 1983



ARLENE J. KENNARE
Notary Public, State of New York
No. 52-4744801
Qualified in Suffolk County
Commission Expires March 30, 1983

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AFFIDAVIT

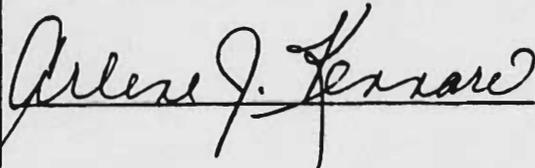
State of New York, ss.

County of New York

MICHAEL R. LONG, being duly sworn, deposes and says that he is a defendant in this action; that he has read the foregoing Answers to Plaintiffs' Interrogatories; that the answers to Interrogatories 1(c), 2(a), 2(c), 3 and 7(a) (to the extent of identifying the 1982 Victory Fund) are true; that the answers to the remaining interrogatories are true upon information and belief.


Michael R. Long

Sworn to before me this
4th day of February, 1983



ARLENE J. KENMARE
Notary Public, State of New York
No. 82-4744001
Qualified in Suffolk County
Commission Expires March 30, 1983

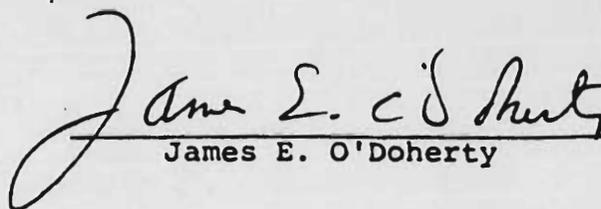
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AFFIDAVIT

State of New York, ss.

County of New York

JAMES E. O'DOHERTY, being duly sworn, deposes and says that he is a defendant in this action; that he has read the foregoing Answers to Plaintiffs' Interrogatories; that the answers to Interrogatories 1(b), 1(c), 1(e), 2(a), 2(b), 2(c), 2 (to the extent of the source of funds), 3 and 7 are true; that the answers to the remaining interrogatories are true upon information and belief.


James E. O'Doherty

Sworn to before me this

7th day of February, 1983


Arlene J. Kennare

ARLENE J. KENNARE
Notary Public, State of New York
No. 52-4744601
Qualified in Suffolk County
Commission Expires March 30, 1983

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GOP Senate hopefuls try to sharpen images while battling apathy

By LOUIS PECK

Gannett News Service

SYRACUSE — It was the monthly meeting of the North Republican Club here, and Florence Sullivan — the Archie Bunker candidate in this year's race for the U.S. Senate — was making her pitch.

"I'm from a little community known as Bay Ridge in Brooklyn," she said, her nasal twang clearly identifying her home base. "I'm paying off a mortgage. I'm paying off a student loan."

As the audience warmed up, Sullivan — currently a state assemblywoman — went on the attack against the man she hopes to topple in November, Democratic incumbent Daniel Patrick Moynihan.

"He's in an ivory tower," she charged of the former Harvard professor. "He's too busy communicat-

ing with the intellectual elitists."

But, to have a viable chance against Moynihan, Sullivan must first get through the Sept. 23 primary — where she faces former U.S. attorney Whitney North Seymour and former state banking superintendent Muriel Siebert. And Sullivan's rhetoric was as much aimed at them as at Moynihan.

Sullivan, with her unpolished speaking style and occasional malapropisms, is attempting to cast herself as the candidate of the rank-and-file against two Manhattan-based opponents who have spent much of their careers on Wall Street.

With less than three weeks to go until the primary, Seymour and Siebert are also busily attempting to construct a clear public image of themselves. But the three GOP senatorial hopefuls are battling more than each other.

They are also fighting for the spotlight in a gubernatorial race that has pre-empted most of the voting public's attention span. And, finally, Siebert, Seymour and Sullivan are battling public apathy — stemming from a widespread belief that Moynihan is simply not beatable this year.

In coming weeks, television

viewers will see an ad in which Whitney North Seymour will be shown carrying his six-foot, six-inch frame across the imposing rotunda of the New York County Courthouse. The purpose of the ad is unmistakable: to portray Seymour as a man of stature and distinction.

Indeed, it is Seymour's resume — state senator, U.S. attorney, president of the New York State Bar Association — that he emphasizes in interviews. If Sullivan is trying to identify with the rank-and-file, Seymour is hoping to impress them.

"I've done all the things the others have done, and a lot more besides," he said. Like Siebert, he has worked on Wall Street. Like Sullivan, he has been a state legislator and a prosecutor.

But the TV ad with Seymour walking across the courthouse rotunda has another aim as well: to show him as a candidate concerned about crime. It is one of several efforts Seymour is making to play down his past as a Republican liberal — and to rebut charges from Siebert and Sullivan that he is too far to the left of the current Republican mainstream.

Seymour is well aware that the word "liberal" does not have positive connotations these days, particularly among Republicans. "I define liberal as (former Virginia Senator) Carter Glass did — someone who likes to spend other people's money," he said with a chuckle.

"The word 'moderate' is really most accurate for me," he continued. "I certainly don't claim to be a right-wing conservative."

On a wide variety of issues, the 58-year-old Seymour would clearly feel at home with moderate-to-liberal Democrats — should he reach the U.S. Senate. He favors cutting federal spending by cutting the defense budget, questioning the need for "big ticket" items. He is against tuition tax in schools, and in support of Medicaid funding for abortions.

But Seymour quickly responds that he also favors the death penalty — and that he is against gun control. Instead, he favors a federal statute that would provide mandatory prison sentences for crimes committed with a gun. He noted such a proposal is favored by the National Rifle Association.

"I'm opposed to the continuing internecine warfare between the pro-gun control people and the NRA," he declared. "That's a position I don't think liberal Democrats have the guts to take."

Muriel Siebert is the one of the three candidates who has never bought office before. She has been a politician since May 25, she said

with a smile, referring to the day she announced for the senatorial nomination.

Siebert feels there is an advantage to portraying herself as the non-politician in a race against two veteran elected officials. "People have disdain for politicians," she said, adding, "I've never spent one day in the clubhouse. When (State GOP Chairman) George Clark said, 'Send your information to the county chairman,' I said, 'What is a county chairman?'"

Such seeming "naivete" can be charming. But it has also opened Siebert up to questions about her political pedigree, particularly because her last five years were spent as the banking superintendent in the administration of Democratic Gov. Hugh Carey.

"She never let it be known to anyone she was a Republican," charged Florence Sullivan. "Her own friends asked her if she has changed parties. At heart she is a Democrat."

To counter this, Siebert, 53, has hired a campaign staff heavily loaded with veterans of the 1980 Reagan presidential campaign in New York. She also is prepared to spend about \$350,000 in the coming weeks on a television advertising campaign (Seymour's campaigners say they can't afford to spend more than \$100,000 on television before the primary). The Siebert ads will dwell heavily on crime. She has released a statement in favor of the death penalty.

In an attempt to stake out a position to the right of Seymour and the left of Sullivan, Siebert had endorsed tuition tax credit and voluntary prayer in public schools — but is adamantly against a ban on abortions. "I just don't think that's any of the government's business," she said, in what amounts to an appeal for the 'women's vote' in the primary.

Siebert, a millionaire stockholder who was the first woman admitted to the New York Stock Exchange, emphasizes her financial background — something she says her opponents lack. But she still appears to be getting her sea legs on a variety of other issues.

At a Rochester press conference, Siebert termed the death penalty "an effective deterrent to capital crime." But she quickly backed off the statement under questioning. "I don't know what it will accomplish until we try it," she said.

Florence Sullivan — former teacher, former assistant district attorney, currently a state legislator — believes she's the only "real

Republican" in the race.

"In primaries, people do vote on an ideological basis," she said. "I'm the only one who really represents the Republican philosophy," said Sullivan. Siebert, she noted, contributed to Gov. Carey's re-election fund as recently as December 1981. Seymour, Sullivan added, once called himself a "Lindsay Republican."

"I lost my affiliation with John Lindsay many years ago," Seymour snapped when asked about the controversial former New York City mayor. "When he let opportunities get in the way of good judgment, he lost my support."

With the exception of the recent \$98.3 billion tax increase, Sullivan is a down-the-line supporter of Reagan administration policies. Unlike Siebert and Seymour, she favors the large increase in defense spending that Reagan has sought. On social issues, Sullivan is an archconservative, favoring tuition tax credits and voluntary prayer in the schools, opposing abortions even in the case of rape.

Conservatives do vote in disproportionately high numbers in a Republican primary, and this would

normally work to Sullivan's advantage. Her problem is that she lacks the money to enhance her current name identification around the state.

Siebert expects to spend about \$500,000 before the Sept. 23 primary, and Seymour will spend about \$250,000. The Sullivan campaign hopes to raise \$200,000, and that figure appears to be highly optimistic.

"There is no money for TV or radio, and the Sullivan campaign is banking heavily on a statewide mailing to likely primary voters. 'No senate candidate running against Florence Sullivan has the list we do,'" declared Sullivan's campaign manager, Michael Long.

Long also is the Brooklyn chairman of the Conservative Party, which is providing that list. Sullivan is the Senate nominee of the Conservative and Right-to-Life parties and plans to actively remain in the race even if she loses the Republican nomination.

But, few think she can repeat James Buckley's 1970 feat of winning on the Conservative line. "I just don't think the circumstances are there this year," said one Conservative Party leader.

Koch jeered at parade

NEW YORK (AP) — When Mayor Edward Koch strolled up Fifth Avenue in the annual Labor Day parade, he asked a favorite question: "How'm I doin'?" Twice he was answered, "Terrible!"

But Koch said he was not daunted even though his opponent for the Democratic gubernatorial nomination, Lt. Gov. Mario Cuomo, was cheered consistently.

Koch believes he did better than in the parade last year, when he was running for mayor against Assemblyman Frank Barbaro, who, like Cuomo, had the endorsement of labor groups.

Cuomo, who was endorsed by the state AFL-CIO, walked up Fifth Avenue with Michael Mann, regional director of the AFL-CIO, and Harry Van Arsdale Jr., president of the New York City Central Labor Council.

Koch stepped off about a half hour later, marching with the Uniformed Fire Officers Union after leapfrogging some units to get away from a group of pro-Cuomo seafarers.

Spectators applauded politely and called out "Mario" when Cuomo walked by.

There was one strong group of boos for Koch: from people sitting on the steps of St. Patrick's Cathedral,

shouted greetings to the mayor.

"I think there were more cheers on the sidelines than boos," Koch said after the march Monday.

He said the boos were "part of the drama of New York. I know they love me and I love them."

He complained of rudeness by his opponents for yelling "denunciations against me." The group of marchers directly ahead of him shouted "shame on Koch." They were from Actor's Equity and protested the city's decision to allow three Broadway theaters to be torn down to be replaced by the Portman Hotel.

When somebody shouted out, "We want Mario," Koch replied with a laugh, "You can have him."

Cuomo was greeted with warm applause at the reviewing stand when he issued a proclamation naming this "Shop Stewards Week" and promised an administration of "jobs and justice."

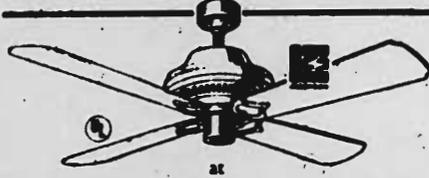
Republican Paul J. Curran, who also was endorsed in the party's primary for governor, marched up the avenue with the buildings trades workers.

His opponent, businessman Lewis Lehrman, campaigned at beer and

"EVHIRT"

NEED AFFORDABLE LEGAL SERVICE? CONTACT ITHACA LEGAL CLINIC of Gottlieb, DeL DuChetto and Fleckenstein 272-5344

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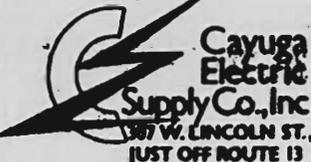


at CAYUGA ELECTRIC SUPPLY'S Chromalox Heater Sale

For every \$100.00 of Chromalox Heaters purchased, you get a chance to win a Chromalox 36" fan!

Wall Heaters - Baseboard Heaters - Unit Heaters 45% to 50% off list price!

Prices limited to stock items only Drawing October 4th.



Cayuga Electric Supply Co., Inc. 1307 W. LINCOLN ST. JUST OFF ROUTE 13

Legenic candidate with a genius for publicity. The forces of former federal prosecutor Curran hastily gathered over the last three weeks, Curran was confused, ill-prepared, stunned by Lehman's third-ballot sweep to the designation, and finding a candidate who is widely respected in professional politics but not well known to the public and whom they saw fit to hide in a hotel room for most of the three days.

But wait, the story's not over yet. "Why should I pull out?" Curran replied to a questioner's rude reference to his opponent's 67-31% third ballot designation (you need 51% or better). "Lehrman

vacuum of tough, moneyed Republican co-leaders to succeed Hugh Carey, a vacuum that Lehrman spent a couple of years and \$3 million hoping to fill. He wrapped up Conservative support before going after the Republicans and then, once again to the fury and frustration of more centrist party members, the Conservatives are picking the candidate, or helping to, as they did with U.S. Sen. Al D'Amico.

"Don't underestimate Curran," counseled Margolin, a man somewhat hamstrung by a federal conviction for extortion, which he is appealing, but whose counsel only the foolhardy would dismiss out of

Lehrman, whose ex-brother in law claims he was really brains behind the A&E Aid fortune, will have to deal with that one by September. He will have a lot of trouble coming up with the money. Or attention. Grabbing delegates' hands in a highly unusual personal pitch while the roll calls went on, flashing his television blue shirt and red suspenders at the devouring television cameras, reworking tried but true phrases from his announcement — "If you are not safe in the House of God, where are you safe?" — he gave evidence that the Republican primary for governor will be a very lively one indeed.

APPEARANCES:

JUNE 23:
Hempstead, Long Island
Forum Breakfast

JUNE 24:
Buffalo, Buffalo Area
Chamber of Commerce
Luncheon

JUNE 25:
Manhattan, National His-
panic Assembly Dance

JUNE 29:
Guilderland, Breakfast
with Capital District
Volunteers

JUNE 29:
Rochester, Meeting with
Boards of Trustees of Area
Colleges

JUNE 30:
Staten Island, Staten
Island Chamber of Commerce

JULY 1:
Brooklyn, Douglas
MacArthur Republican Club,
39th AD Republican Club,
46th AD Republican Club

JULY 6:
Manhattan, New York Times
Republican Candidates
Debate

UPCOMING APPEARANCES:

JULY 13:
Grossingers, NYS Broad-
casters Republican Can-
didates Debate

JULY 15:
Manhattan, Leaders For Lew
Lehrman Breakfast

JULY 21:
Albany, NYS Chiefs of
Police Annual Meeting

JULY 21:
Saratoga, Saratoga Area
Friends of Lew Lehrman
Reception

**CAMPAIGN INTERN PROGRAM
ATTRACTS YOUNG PEOPLE**

The Lehrman Campaign's intern program has attracted a group of outstanding young people. Among their many responsibilities, interns make press runs and work on the prime voters list.

We would like to welcome the following interns to the campaign and to thank them for their tremendous effort at the convention:

- Christine Corey
- Heidi Davidson
- Tyler Ingham
- Eric Leeds
- Phil Lipper
- Ray Merritt
- Christopher Potter
- Marco Sulpizi
- Ed Unneland

Anyone interested in the campaign's intern program should call Susan Yu at 212-759-8534.

**LEHRMAN
GOVERNOR
CAMPAIGN REPORT**

**SPOTLIGHT ON CAMPAIGN
INTERN PHIL LIPPER**

A senior at Eisenhower College in Seneca Falls, New York, Philip Lipper joined the campaign in June as a summer intern. Phil will assist John Steele in all phases of technical operations. A Public Policy major and also chairman of the Eisenhower College Republican Club, Phil heard Lew's Commencement Address at Eisenhower College in May and met him afterwards. He commenced working on the campaign shortly thereafter, where he's been addressing mail (and people) ever since.

**LEHRMAN VOLUNTEERS WRAPPING
UP PRIME VOTERS LIST
PROJECT**

With extraordinary zeal and dedication, Lehrman volunteers throughout the state have completed the prime voters list in 47 of 62 counties. The remaining counties are currently wrapping up their PVL's. We expect virtually all 62 counties to be completed by July 15.

The tremendous volunteer effort on this project shows the size and scope of Lew's support throughout the state.

To everyone who has worked on the PVL project, our heartfelt thanks. We are especially proud of our PVL coordinators and urge anyone interested in getting involved in the campaign to contact them directly. You can obtain phone numbers by calling Jerry Weil at 212-759-8534.



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SEP 24 1982

Sullivan victory confirms GOP's shift to right

By Louis Peck
Common News Service

NEW YORK — In a further indication of the N.Y. Republican Party's drift to the right, GOP voters Thursday selected Brooklyn Assemblywoman Florence Sullivan as the GOP candidate for the U.S. Senate.

Sullivan, a virtual political unknown who spent less than \$50,000 in the primary race, easily defeated two more moderate opponents — former U.S. Attorney Whitney North Seymour and former state banking superintendent Marjorie Siebert — in a race that attracted little public attention.

The Brooklyn assemblywoman, who already has the nomination of the state's Conservative and Right To Life parties, will face a decidedly uphill race against Democratic incumbent Daniel Patrick Moynihan in November.

Moynihan easily defeated Melvin Klenetsky, a perennial candidate, to win the nomination to a second term in the Senate. He already has the designation of the state's Liberal Party.

Sullivan's aides attributed her victory to a mailing that went out over the past week to more than 427,000 Republicans around the state.

"That's what did it," said Sullivan's press secretary Robert Ryan.

U.S. Senate primary/analysis

Cullivan, who claimed that she was the only "real Republican" in the race for the GOP nomination is expected to campaign in the general election on her hard-line support of the Reagan administration's policies.

Moynihan, meanwhile, is likely to try to preempt the political center by attempting to tie Sullivan to the New Right, from whom she has received some financial support.

From the time they entered the race for the GOP senatorial nomination, in late spring, Seymour, Siebert and Sullivan found themselves competing against far more than each other.

They had to fight for attention with the gubernatorial candidates — who included the colorful, controversial mayor of New York City and a millionaire businessman who spent \$7 million in an effort to make himself a household word. And they had to constantly battle the perception that they were seeking a hollow crown: the right to run against a seemingly unbeatable Moynihan.

The result was that Seymour, Siebert and Sullivan — all of whom lacked statewide identification — had a difficult time just getting their names before the public.

let alone making the voters aware of their qualifications and philosophy.

Adding to their problems was a lack of money. Siebert, a millionaire stockbroker, did put in \$250,000 of her own funds — and had managed to raise \$350,000 by the beginning of this month. Seymour had spent barely \$100,000 by that time, and Sullivan had come up with less than \$50,000.

As recently as March, none could have even guessed that they would be running for the Senate this year.

Former U.S. Rep. Bruce Caputo was the acknowledged Republican candidate at that time. Party leaders had conceded him the designation in return for his decision to abandon his senatorial aspirations in 1980 — the year in which Alfonso D'Amato upset incumbent Jacob Javits in the GOP primary, and went on to win the general election.

But Caputo's candidacy began to unravel in late winter, when it turned out that he had lied about his military record. Republican and Conservative Party leaders withdrew their support, and he proceeded to abandon his

ambitions to be U.S. Senator for a second — and certainly final — time.

Seymour quickly announced his interest, spurred on by a group of like-minded Republicans from the Rockefeller era who felt that the Republican Party had slid too far rightward in recent years.

Siebert, after five years in the administration of Democratic Gov. Hugh Carey, thought her financial background would qualify her as state comptroller. But State Comptroller Edward Regan, after a short stint as a gubernatorial candidate, decided to run for re-election after all. Siebert, hit by the electoral bug, decided to run for the senatorial nomination.

Sullivan, the most conservative candidate in the race, was the last one in — announcing her bid after it had become clear that her Brooklyn Assembly seat had become a victim of reapportionment. At times, even she found it hard to believe that she was suddenly running for what has been called the most exclusive club in the world.

Campaigning at the New York State Fair in August, she approached a voter with the greeting: "Hi, Florence Sullivan running for State Senate."

"UNITED States Senate, Florence," whispered a harried aide following in her wake. "UNITED States Senate!"

EXHIBIT "E"

BROWN & SEYMOUR
100 PARK AVENUE
NEW YORK, NEW YORK 10017

212 599-1630

ROOM 2606

To

GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20464



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

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